



To: CEDAW-CRC @ Office of the High Commission for Human Rights

From: The Working Group on Girls (www.girlsrights.org)

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Subject: CRC & CEDAW Joint General Recommendation/Comment on Harmful Practices Affecting Girls

Introduction

The double burden of being both young and female relegates millions of girls to the margins of society where their safety is denied and their human rights are routinely disregarded. Addressing gender discrimination and violence faced by adolescent girls across the globe is crucial to their development and to the realization of their human rights. Although progress is being made in many parts of the world, and many more girls are receiving a basic education than they did in the past, they are all too often denied the same basic opportunities as their male peers, socialized to have low self-esteem, and treated as inferior. At each and every stage of their development, girls confront a host of disadvantages, although the cultural rules and social norms that influence the behaviour of females and males are most acutely felt as she strives to develop into adulthood.¹ At the onset of puberty, or even before, some girls are pulled out of school and forced into early marriage and pregnancy. Others become victims of harmful practices – such as female genital mutilation/cutting, dowry-related violence or ‘honour’ killings. Others are forced into exploitative labour as a means of survival, and discriminatory inheritance laws and practices condemn many to poverty.²

CRC and CEDAW: Areas of Overlap

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), through the conventions themselves as well as their treaty bodies, can be effectively used to safeguard the rights of girls. Both conventions share a number of basic principles in relation to protecting the rights of girls including, accountability for obligations and responsibilities, universality, indivisibility (e.g., all rights have equal status and are independent), non-discrimination (i.e., regardless of race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status), and meaningful participation in fulfillment of their rights.³

Both conventions are also mutually reinforcing (e.g., in calling for the eradication of gender-based abuse and neglect and of harmful practices; in seeking to empower girls through participatory rights; and in requiring equal access by girls to both education and health-care information and services). Furthermore, since CEDAW is not age-specific, its provisions apply to females throughout the life cycle from infancy to old age; it also recognizes the differing needs of girls at various stages of their lives and the various patterns of discrimination that affect their day to day reality.

In addition to these areas of overlap, there are a number of instances where one convention addresses an issue of concern to girls and the other does not.⁴ CEDAW, for example, explicitly encourages affirmative action to right historical wrongs with regard to inequality and discrimination, while the CRC does not. Also,

¹ UNICEF (2011). The state of the world's children 2011: Adolescence-An age of opportunity. www.unicef.org/sowc2011/fullreport.php

² Plan International. (2009). Because I am a girl: The state of the world's girls. (p. 201). <http://plan-international.org/files/global/publications/campaigns/BIAAG%202009.pdf>

³ UNICEF & UNFPA (2011). Women's and Children's Rights: Making the Connection. www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Women-Children_final.pdf

⁴ UNICEF & UNFPA (2011). Women's and Children's Rights: Making the Connection. www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Women-Children_final.pdf

in contrast to the CRC, which explores discrimination from a number of different perspectives, CEDAW examines human rights through the lens of gender.⁵

Linking CEDAW and CRC

There are a number of benefits of linking CRC and CEDAW to promote and fulfill the rights of girls. According to a 2011 report by UNFPA and UNICEF, they include (a) emphasizing a holistic approach (e.g., holistic and integrated programs can enable girls to develop their full capacities – physical, psychological, spiritual, social, emotional, cognitive and cultural – within a safe and positive environment that guarantees fulfillment of their human rights); (b) protecting human rights in the private sphere (e.g., against sexual abuse and other acts of violence in the home); and (c) abolishing harmful practices. With regard to harmful practices, both conventions contain legally binding obligations in relation to their elimination; both also recognize the role of discrimination, prejudice, and gender stereotypes emanating from the socially constructed inferior/superior dichotomy between males and females. For example, according to Article 24 of the CRC, “*States parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.*” Similarly, Article 5 of CEDAW asks governments to abolish traditions and practices that are discriminatory to women and girls and to modify social and cultural practices based on the notion of female inferiority. In addition, the United Nations CEDAW Committee implemented General Recommendation No 14 “*Female Circumcision-FGM-Female Genital Mutilation*” during the ninth session in 1990,⁶ and called on States parties to “*take appropriate and effective measures with a view to eradicating the practice of female circumcision.*”

Despite the safeguards provided in the CEDAW and the CRC, as well as decades of promises made to the girl child, a number of countries that have ratified CEDAW and the CRC have not yet domesticated them into national law, and caution us to be cognizant of the fact that that laws or policies do not guarantee implementation. Consequently, girls are routinely denied their political, economic, social and cultural rights and subjected to cultural and legally sanctioned behaviours, including discrimination and blatant violence that present a grave risk to their physical, psychological, spiritual, social and emotional development.⁷ The following section highlights a number of social, cultural and traditional practices that are based on the notion of female inferiority and are having a detrimental impact on the well-being of the girl child.

Harmful Practices and the Girl Child

Although some cultural practices are progressive, culture is also used as an excuse to continue various forms of abuse that are harmful to girls. These practices not only relegate girls and women to inferior positions with respect to property, inheritance, marriage and decision making, they also perpetuate abuse, and promote sexual, physical and psychological harm.⁸ Although it is not a comprehensive list of such practices, each of the harmful practices identified in the United Nation’s Secretary-General’s report on violence against women directly affect girls: (a) female infanticide and prenatal sex selection; (b) female genital mutilation/cutting; (c) early and forced marriage; (d) dowry-related violence; (e) crimes in the name of honour; and (f) maltreatment of widows.⁹ They are briefly discussed below.

(a) Female infanticide and prenatal sex selection. Practices of son preference as a consequence of deeply embedded discrimination against girls, and expressed in manifestations of female infanticide, prenatal sex selection, and systematic neglect of girls, have resulted in adverse male-female sex ratios and high rates of

⁵ UNICEF & UNFPA (2011). Women’s and Children’s Rights: Making the Connection. www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Women-Children_final.pdf

⁶ www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom14

⁷ (a) UNICEF & UNFPA (2011). Women’s and Children’s Rights: Making the Connection. www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Women-Children_final.pdf; (b) Manjoo, R. (2011, June). Special Rapporteur Violence against Women Report to the UN 2011 – Structural Analysis on Violence against Women. www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf

⁸ (a) The Campaign demands an end to violence against women justified in the name of 'culture', 'religion' or 'tradition'. www.stop-stoning.org; (b) Shaheed, F. (March, 2010). Concluding remarks by Farida Shaheed, Independent Expert on Cultural Rights, at the Presentation of her First Annual Report to the Human Rights Council. www.stop-stoning.org/node/1073

⁹ United Nations (2006, July 6). ‘In-depth Study of All Forms of Violence against Women: Report of the Secretary-General’, UN document A/61/122/Add.1. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>

female infant mortality in South and East Asia, North, Africa, and the Middle East.¹⁰ A recent report, released by key United Nations agencies describes some of the key social norms that have promoted the higher social status of boys and men and highlights the key issues, concerns, and challenges facing evidence-based policies and actions to address the practice of gender-biased sex selection.¹¹ They note, for example, that sex ratio rates as high as 130 males per 100 females have been observed in some South Asian, East Asian, and Central Asian countries. Finally, a recent expose of infant girls undergoing sex change operations in Indore, India warrants a thorough investigation to assess its credibility. This newspaper report indicates that parents with money who are desperate for a son are being “converted” into boys in sex-change operations bought for thousands of dollars.¹²

(b) Female genital mutilation/cutting (FGM/C). FGM/C might be traditional in some cultures, but it is not required by any religion in the world. Nonetheless, it is prevalent across much of Africa, primarily in 28 African states, as well as in some countries in the Middle East, and in some areas of Asia, as well as in regions with large numbers of immigrants such as Australia, North America and Europe.¹³ Approximately 100 to 140 million girls and women in the world have experienced FGM/C, with more than three million girls in Africa annually at risk of the practice.¹⁴ In some countries, this cultural tradition for keeping girls chaste and lowering their sex drive has been inflicted on more than 70% of all women. Most victims are young girls between the ages of 4 and 12, although in some places FGM/C is performed on newborn babies or young women. FGM/C poses a grave threat to the achievement of the MDGs, poses severe risk to the health and well-being of the girl child, and constitutes a major violation of their human rights.¹⁵ Higher levels of education among females, greater access to and control over economic resources, ethnicity and women’s own female genital mutilation/cutting status are significantly associated with attitudes toward FGM/C.¹⁶

(c) Early and forced marriage.¹⁷ Early and forced marriage entraps young girls into relationships that deprive them of their basic human rights. Many young girls are forced to leave the homes of their parents and take on the adult role of wife when they are still children themselves.¹⁸ In some cases, girls are trafficked for forced marriage. Over 60 million girls worldwide are child brides, married before the age of 18, primarily in South Asia (31.1 million) and Sub-Saharan Africa (14.1 million).¹⁹ In these two regions, more than 30% of girls aged 15 to 19 are married,²⁰ although high rates have also been identified in Latin America and the Caribbean.²¹ More recent data from 31 countries in South Asia and sub-Saharan Africa show that most adolescent marriages take place between the ages of 15 and 18. In three countries – Bangladesh, Chad and the Niger – around one third of women aged 20–24 were married by the age of 15. In nine countries, at least half of women ages 20 to 24 were married by age 18 (Niger 75%; Chad 72%; Mali 71%; Bangladesh 66%; Guinea 63%; Central African Republic 61%; Mozambique 52%; Nepal 51%; Malawi 50%). And in the poorest regions of the world, the proportion is more than 35%, with levels ranging from 45% in South

¹⁰ Krantz, G., & Garcia -Moreno, C. (2005). Violence against women, *Journal of Epidemiology and Community Health*, 58, 818-821.

¹¹ (a) World Health Organization. (2011). Preventing gender-biased sex selection: An interagency statement OHCHR, UNFPA, UNICEF, UN Women and WHO. www.dawnnet.org/uploads/documents/Interagency%20Statement_2011-Apr-29.pdf; (b) Sen, A. (2009). Gender Biased Sex Selection: Key Issues for Action *Briefing Paper for WHO*, Geneva. www.dawnnet.org/uploads/documents/Sex%20Selection%20GS%20draft%2008062009_2011-Mar-8.pdf

¹² Baby girls turned into ‘boys’ in sex swap operations. <http://oneclick.indiatimes.com/article/05UFauAd585bY?q=New+Delhi>

¹³ UNFPA (2008, January). Global Consultation on Female Genital Mutilation/Cutting.

www.unfpa.org/webdav/site/global/shared/documents/publications/2008/fgm_2008.pdf

¹⁴ (a) World Health Organization. (2008, May). Female Genital Mutilation”, *Fact Sheet No. 241*. www.who.int/mediacentre/factsheets/fs241/en; (b) Feldman-Jacobs, C., & Clifton, D. (2008). *Female Genital Mutilation/Cutting: Data and Trends*, Washington DC, Population Reference Bureau.

www.prb.org/Publications/Datasheets/2008/fgm2008.aspx (updated in 2010: www.prb.org/Publications/Datasheets/2010/fgm2010.aspx); (c) UNFPA “Gender Equality-Harmful Practices” webpage: www.unfpa.org/gender/practices1.htm; and (d) WHO. (2008). *Eliminating female genital mutilation: An interagency statement UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCHR, UNHCR, UNICEF, UNIFEM, WHO*. http://whqlibdoc.who.int/publications/2008/9789241596442_eng.pdf

¹⁵ (a) UNICEF & UNFPA (2011). Women’s and Children’s Rights: Making the Connection.

www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Women-Children_final.pdf; (b) UNFPA. (2011) Global consultation on female genital mutilation/cutting:

www.unfpa.org/webdav/site/global/shared/documents/publications/2008/fgm_2008.pdf

¹⁶ UNICEF (2005). (a) *Female genital mutilation/Cutting: A statistical exploration* (New York, UNICEF, 2005) UNICEF, *Female genital mutilation/Cutting: A statistical exploration*; www.unicef.org/publications/files/FGM-C_final_10_October.pdf; (b) UNICEF (2005). *Changing a harmful social convention: female genital mutilation/cutting*, UNICEF Innocenti Digest. www.polisci.ucsd.edu/~gmackie/documents/ChangingHarmfulSocialConvention.pdf

¹⁷ Quattara, M., Sen, P., & Thomson, M. (1998). Forced marriage, forced sex: The perils of childhood for girls. *Social Science and Medicine*, 59, 2372 – 2385.

¹⁸ IDEA, Population Reference Bureau (2011, May). Fact Sheet: “Who speaks for me? Ending Child Marriage” www.prb.org/pdf11/child-marriage-fact-sheet.pdf

¹⁹ Figure represents data for 2006 from UNICEF global databases based on MICS, DHS and other national surveys, 1987–2006. UNICEF, 2008. *ChildInfo: Statistics by Area: Child Protection*. UNICEF, New York: www.childinfo.org/marriage.html; See also www.childinfo.org/marriage_countrydata.php

²⁰ See (a) Mathur, S., Greene, M., & Malhotra, A. (2003). *Too young to wed: The lives, rights, and health of young married girls*. Washington, DC: International Center for Research on Women, www.icrw.org/publications/too-young-wed-0; (b) United Nations (2006, July 6). ‘In-depth Study of All Forms of Violence against Women: Report of the Secretary-General’, UN document A/61/122/Add.1. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>

²¹ (a) UNICEF, (2005). *Early marriage: A harmful traditional practice: A statistical exploration*. www.unicef.org/publications/files/Early_Marriage_12_lo.pdf; (b) United Nations (2006, July 6). In-depth Study of All Forms of Violence against Women: Report of the Secretary-General, UN document A/61/122/Add.1. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>

Central Asia to nearly 40% in sub-Saharan Africa, to 25% in Latin America and the Caribbean.²² In Nepal, 7% of girls are married by age 10, and 40% by age 15; in Mali, Bangladesh, and parts of India, one in five girls is married by age 15.²³ It has been estimated that by 2012 around 100 million girls will have been forced into marriage.²⁴

Early and forced marriage poses serious consequences to the health and psychosocial development of girls, including increased risk for HIV infection, obstetric fistula, complications of pregnancy, and disabling injury or death during childbirth.²⁵ But, with early marriage comes early pregnancy. Sadly, childbirth complications for girls whose bodies are not fully developed are the leading cause of maternal mortality for girls 15 to 19 in developing countries.²⁶ Adolescent mothers are more likely to suffer obstructed delivery and other severe childbirth- and pregnancy-related complications than adult women.²⁷ Infants born to teenage mothers are more likely to suffer low birth weight and premature birth and are more likely to die. Children of young mothers also are more likely to be malnourished.²⁸ In addition, early and forced marriage has been associated with lower levels of education, and restricted economic autonomy/opportunities.²⁹ Girls are often socially isolated and powerless within the household of their husband's family, with no clear access to friends of the same age or other sources of support.³⁰ This powerlessness means they are more vulnerable to abuse and may also have to bear an excessive burden of domestic work. In some cases, child brides become victims of slave labor and/or commercial sexual exploitation.³¹ Higher levels of education are associated with lower rates of early and forced marriage.³²

(d) Dowry-related violence. In some countries, the bride's family is required to make a payment of cash or goods to the groom's family. Dowry demands have also been linked with femicide --- identified as playing an important role in women being punished by violence and often death at the hands of their own husbands or in-laws.³³ In India, 22 women were killed each day in dowry-related murders in 2007.³⁴

(e) Crimes in the name of 'honour'. Honour killings are collective and premeditated murders intended to restore the social position and family honour. They are practiced across religious communities and are not limited to one group only. "Honour" killings are defined by the Human Rights Watch as "*acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonor upon the family.*"³⁵ The vast majority of honour killings take place in the Indian subcontinent.

The United Nations Population Fund (UNFPA) estimates that perhaps as many as 5,000 women and girls a year are murdered by family members each year in "honour killings" around the world.³⁶ Many women's groups in the Middle East and Southwest Asia suspect the victims are at least four times more.³⁷ Most of the

²² Population Reference Bureau. (2011). *The World's women and girls 2011 data sheet* (p. 4). www.prb.org/Publications/Datasheets/2011/worlds-women-and-girls.aspx

²³ IDEA, Population Reference Bureau (2011, May). *Who speaks for me? Ending Child Marriage Fact Sheet*. www.prb.org/pdf11/child-marriage-fact-sheet.pdf; (b) UNICEF (2011). The state of the world's children 2011: Adolescence-An age of opportunity. www.unicef.org/sowc2011/fullreport.php

²⁴ See (a) Mathur, S., Greene, M., & Malhotra, A. (2003). *Too young to wed: The lives, rights, and health of young married girls*. Washington, DC: International Center for Research on Women, www.icrw.org/publications/too-young-wed-0

²⁵ (a) UNAIDS/UNFPA/UNIFEM. (2004). Women and HIV/AIDS: Confronting the Crisis. www.unfpa.org/hiv/women/docs/women_aids.pdf; (b) UNICEF & UNFPA. (2011). Women's and Children's Rights: Making the Connection. www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Women-Children_final.pdf

²⁶ IDEA, Population Reference Bureau (2011, May). Fact Sheet: "*Who speaks for me? Ending Child Marriage*" www.prb.org/pdf11/child-marriage-fact-sheet.pdf

²⁷ Mayor, S. (2004). Pregnancy and childbirth are leading causes of death in teenage girls in developing countries. *British Medical Journal*, 328, 1152.

²⁸ Mayor, S. (2004). Pregnancy and childbirth are leading causes of death in teenage girls in developing countries. *British Medical Journal*, 328, 1152.

²⁹ <http://www.bmj.com/content/328/7449/1152.2.full.pdf>

³⁰ Mayor, S. (2004). Pregnancy and childbirth are leading causes of death in teenage girls in developing countries. *British Medical Journal*, 328, 1152.

³¹ <http://www.bmj.com/content/328/7449/1152.2.full.pdf>

³² United Nations (2006, July 6). In-depth Study of All Forms of Violence against Women: Report of the Secretary-General, UN document A/61/122/Add.1. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>

³³ UNICEF (2011). Early marriage: Child spouses. Innocenti Digest No. 7. Florence: Innocenti Research Center www.unicef-irc.org/publications/pdf/digest7e.pdf

³⁴ UNICEF (2011). The state of the world's children 2011: Adolescence-An age of opportunity (p. 33). www.unicef.org/sowc2011/fullreport.php

³⁵ IDEA, Population Reference Bureau (2011, May). Fact Sheet: "*Who speaks for me? Ending Child Marriage*" www.prb.org/pdf11/child-marriage-fact-sheet.pdf

³⁶ (a) Mohanty, M. K., Panigrahi, M. K., Mohanty, S., & Das, S. K. (2004). Victimologic study of female homicide. *Legal Issues in Medicine*, 6(3), 151-156; (b) United Nations (2006, July 6). 'In-depth Study of All Forms of Violence against Women: Report of the Secretary-General', UN document A/61/122/Add.1. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>

³⁷ National Crime Records Bureau. (2008). Crime against Women. *Crime in India 2007*. Ministry of Home Affairs, New Delhi: 2. For a discussion of dowry-related deaths, see Garcia-Moreno, C. (2009). Gender inequality and fire-related deaths in India. *The Lancet*, Vol. 373 (9671), 1230 – 1231.

[www.thelancet.com/journals/lancet/article/PIIS0140-6736\(09\)60706-6/fulltext#bib1](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(09)60706-6/fulltext#bib1)

³⁸ http://stopvaw.org/Honor_Killings.html

³⁹ (a) UNFPA. (2000). *State of World Population 2000*, NY: Kogacioglu, D., (2004). The tradition effect: Framing honor crimes in Turkey, *Differences: A Journal of Feminist Cultural Studies*, 15(2), 119-151; (b) Nafis Sadik (2007). *Ending Violence Against Women and Girls*, United Nations Population Fund Report (pp. 25-30).

<http://womennetwork.net/2011/06/15/site-dignity-honor-violence/>

⁴⁰ Robert Fisk (7 September 2010). "*Robert Fisk: The crimewave that shames the world*". London: The Independent.

www.independent.co.uk/opinion/commentators/fisk/the-crimewave-that-shames-the-world-2072201.html

victims are young; many are teenagers, slaughtered under a vile tradition that goes back hundreds of years but which now spans half the globe. The details of the murders – of the women beheaded, burned to death, stoned to death, stabbed, electrocuted, strangled and buried alive for the "honour" of their families – are as barbaric as they are shameful.

Girls and women can become targets of honour based violence for exercising their right to choose their own life partner, career or even how they dress.³⁸ Many are killed because they step outside their society's 'cultural norm' for making personal choices that don't match the limits placed on them by their families and local society. Motives for "honor" killings have included: suspicion of adultery, premarital sex, or some other relationship between a male and female; being a victim of rape or sexual assault; refusing to enter an arranged marriage; seeking divorce or trying to escape marital violence; and falling in love with someone who is unacceptable to the victim's family.³⁹

(f) Maltreatment of widows.

Other cultural practices, such as marriage to a deceased husband's brother and sexual cleansing, in which a newly widowed female must have sexual intercourse with one of her husband's male relatives in order to "exorcise" his spirit, not only deprive girls of their human rights, but they also increase the risk of contracting HIV. In some cases, girls and women are referred to traditional counsellors to be disciplined at the request of their husbands, where they are subjected to physical and psychological abuse.⁴⁰

Discussion and Conclusions

Although human rights apply equally to males and females, many girls and women enjoy fewer of their human rights than boys and men. The particular vulnerabilities of girls, however, are also related to the fact that, in many settings around the world, children are not accorded their full rights and entitlements. The discrimination and violence they routinely confront is fundamentally related to the same social norms that perpetuate cultural and harmful practices and grant males more control, resources and power than females.

The harmful practices discussed above, which highlight data on those practices outlined in the Secretary General's Report, are all related to social practices and cultural norms that unfairly discriminate against the girl child. But, there are other harmful cultural and traditional practices that are less often discussed. They include for example, a Chaupadi Custom in Nepal that requires isolation during menstruation and after giving birth,⁴¹ dedication of young girls to temples, bride burning, restrictions on a second daughter's right to marry, foot binding, domestic and sexual violence, commercial sexual exploitation, sexual harassment and violence in educational settings, involuntary sterilization of girls with disabilities, and grave violations committed against children in armed conflict, in particular the recruitment and use of children, the killing and maiming of children, rape and other sexual violence against children, the abduction of children, attacks on schools and hospitals, and the denial of humanitarian access to children by parties to armed conflict in contravention of applicable international law...."⁴² In addition, girls and women continue to suffer in silence as they are taught that it is culturally inappropriate to divulge matrimonial issues.

Not surprisingly, the perpetuation of harmful social norms, fuelled by socio-cultural traditions, is having a detrimental impact on the girl child. The discrimination they suffer can have irreparable consequences. For example, the increasing number of young women being infected with HIV/AIDS indicates a clear demonstration of the long-recognized linkages between gender inequalities and the risk of infection -- only

³⁸ Hallevy, G. (2010). Culture-based crimes against women in societies absorbing immigrants – reject the mistake of law defense and imposing harsher sentencing. *Cardozo Journal of Law and Women*, 16, 439 – 467. www.cardozolawandgender.com/uploads/2/7/7/6/2776881/16-3_hallevy.pdf

³⁹ The Global Campaign to Stop Killing and Stoning Women: www.stop-stoning.org/

⁴⁰ <http://www.worldywca.org/YWCA-News/World-YWCA-and-Member-Associations-News/A-call-from-the-YWCA-of-Zambia>

⁴¹ <http://video.unfpa.org/video/0-68364216001-Chaupadi-A-Sexist-Custom>

⁴² (a) UN Secretary-General Special Representative for Children in Armed Conflict. (2011, April 23). A/65/820-S/2011/250

www.un.org/Docs/journal/asp/ws.asp?m=s/2011/250; (b) Amnesty International (2011) has reported that women who seek to join the Egyptian army are required to undergo forced "virginity tests." <http://www.amnesty.org/en/news-and-updates/egypt-military-pledges-stop-forced-%E2%80%98virginity-tests%E2%80%99-2011-06-27>; <http://edition.cnn.com/2011/WORLD/meast/05/30/egypt.virginity.tests/index.html>

40% of young women around the world are well informed about HIV/AIDS and how the disease is transmitted.⁴³

We believe that the human rights-based approach is pivotal in the struggle against the unrelenting discrimination and violence suffered by the girl child, including harmful practices. This strategy for development uses human rights instruments, such as CEDAW and CRC, to guide development work, assess impact, and hold States parties accountable. Ensuring the right of girls to health, education and protection from violence and abuse, including harmful traditional practices, is the best way to ensure that they achieve their physical, emotional and social potential, and go on to become empowered women. For example, empowered women who enjoy the same rights as their partners are important role models and are more likely to safeguard their daughter's rights (economic, social and cultural subordination within the family inhibits many women from claiming their most basic civil and political rights).⁴⁴

The WGG is pleased to learn that the CEDAW and the CRC will elaborate a joint General Recommendation/Comment on harmful practices with the aim to provide the authoritative interpretation of the actions required to fulfill these obligations. We sincerely hope, however, that the necessary action to ensure compliance follows the development of the written General Recommendation/Comment. As noted by the United Nations Special Rapporteur on Violence Against Women, for example, a holistic approach to conceptualizing and addressing gender-based discrimination and violence requires the following components: (a) consider human rights as universal, interdependent and indivisible; (b) situate gender-based violence on a continuum; (c) acknowledge the structural aspects and factors of discrimination, which include structural and institutional inequalities; and (d) analyze social and/or economic hierarchies between women and men and also among women.⁴⁵ The following recommendations highlight the importance of working with policy-makers at the national and local levels so that they may partner with communities to safeguard the girl child, take immediate action to curtail harmful practices and to support the well-being of affected children.

Recommendations

Build Capacity Through Collaboration and Communication: We call on UN Women, UNICEF, and other UN systems to support efforts by States, international and national organizations, civil society and communities to actively and effectively address the multiple manifestation of discrimination and violence against the girls child, including harmful practices, and to ensure that the rights of women and those of children are no longer promoted in isolation from each other through laws, policies, programmes and practices. We encourage collaboration and communication with local governments and traditional leaders, provincial and national government leaders, research institutions, foundations, lawyers, medical professionals, religious scholars, development partners, NGOs, and a support network of women and girls.⁴⁶

Raise Awareness and Promote Community Involvement: Policy makers and community members must be educated and engaged to facilitate social change and protect human rights. In particular, the traditions and customs surrounding harmful practices must be questioned. The involvement of government officials and civil society is vital to the eradication of harmful cultural practices. States parties and others must implement strategies to raise community awareness and to engage their support. In particular, discussions need to focus on the negative impact of these practices on the girl child. This will require not only coordination and communication between partners as well as adequate resources to support local initiatives designed to strengthen and expand consensus around the concept of the equal value of girls and boys.

⁴³ (a) UNAIDS. (2010). Global report. www.unaids.org/globalreport/documents/20101123_GlobalReport_full_en.pdf; (b) <http://www.un.org/apps/news/story.asp?NewsID=38210&Cr=hiv&Cr1=aids>; (c) UN Women (2011, June 7). HIV/AIDS - Challenges & Impact of AIDS on Women. www.unwomen.org/2011/06/un-women-spotlights-persistent-challenges-and-impact-of-aids-on-women; (d) UNAIDS. (2010). Global report (Ch. 5: Human Rights and Gender HIV/AIDS). www.unaids.org/globalreport/documents/20101123_GlobalReport_full_en.pdf

⁴⁴ UNICEF & UNFPA (2011). Women's and Children's Rights: Making the Connection. http://www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Women-Children_final.pdf

⁴⁵ Manjoo, R. (2011, June). Special Rapporteur Violence Against Women Report to the UN 2011 – Structural Analysis on Violence Against Women. <http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-26.pdf>

⁴⁶ UNFPA. (2011) Global consultation on female genital mutilation/cutting Link to Full 112-Page Report: http://www.unfpa.org/webdav/site/global/shared/documents/publications/2008/fgm_2008.pdf

Prevention Through Social Protection:⁴⁷ Since vulnerability is rooted not only in gender inequalities, but also in social disparities based on race, class, ethnicity, age, and other factors, the marginalization that makes girls vulnerable must be addressed. Laws and policies that reflect a commitment to gender equality and human rights are sorely needed.

Mobilize Resources: Adequate resources must be provided to address the intersection between discrimination and violence against the girl child and harmful practices. Renewed efforts are sorely needed by governments and civil society to address the deeply rooted gender discrimination against girls that lies at the heart of harmful practices.

Criminalize Offenses and Close Gaps in Law Enforcement: Member States that have not yet made FGM/C and other harmful practices a criminal offense should be encouraged to do so. Legislation alone, however, is not sufficient to address the deeply rooted traditions and social foundations of harmful practices. Laws must be enforced for compliance and wide ranging educational measures aimed at changing behavior patterns must also be implemented. We note, for example, that as far back as 1981, the African Charter on Human and Peoples' Rights (The Banjul Charter) was adopted and ratified by most African states. It is based on the international agreements banning FGM. Later, the 1991 African Charter on the Rights and Welfare of the Child, which has also been adopted by most African states, specifically provides for children to be protected from painful practices that are hazardous to their health.⁴⁸

Collect Data and Support Research: National and global data is urgently needed to further our understanding and their trends. Data must be collected and disseminated on the magnitude of harmful practices, on the health and social consequences for girls, on the impact of interventions, and as a means of holding policy makers accountable. Such data is vital in order to identify and evaluate effective strategies for addressing harmful practices, to document the lessons learned, and to provide a sound evidence base for carefully planned and coordinated policy development and action.

Identify and Share Best Practices: States parties, in collaboration with others, should identify, promote, and share effective policies and practices where gender sensitive and human rights-based approaches are used to tackle gender-based violence and harmful practices. For example, the innovative grass-roots initiatives by local women working to accelerate the abandonment process must be highlighted (e.g., in Senegal, Ghana, Egypt and other countries).⁴⁹ These example might exemplify innovative approaches to involve community groups to change harmful gender norms, and share the proactive roles of all community members in ending the pandemic and developing communities in which harmful practices are no longer tolerated and girls are supported to live productive lives. Research indicates that schools play a major role in socializing children into the adult gender roles that will carry out both in the family and the economy.⁵⁰ The extent to which education can contribute to development and increased gender equity must be explored. In addition, research indicates that the media plays a major role in socializing children into the adult gender roles they will carry out both in the family and the economy.⁵¹ Media strategies that have been developed to implement change should also be widely disseminated in order to increase awareness of this cultural form of torture against the girl child (e.g., "*Africa Rising*"⁵²).

Empower the Girl Child: We must develop tools to help girls deal with violence, raise their self-esteem, advocate for their rights, and embrace their heritage. The cycle of silence surrounding the plight of girls needs to be broken. Girls must be empowered to raise their voices and exercise their rights. Effective empowerment of the girl child will also require that they are provided with the necessary services to improve

⁴⁷ UNIFEM (2011). Gender Justice: Key to achieving the millennium development goals. <http://www.unifem.org/progress/pdfs/MDGBrief-English.pdf>

⁴⁸ Baumgarten, I., & Erdelmann, A. (2003). Ending violence against women and girls: Reduction and prevention of gender-based violence as a contribution to the protection of human rights and to development, Germany: Deutsche Gesellschaft für. <http://www2.gtz.de/dokumente/bib/02-0473.pdf>

⁴⁹ UNFPA (2011). Global consultation on female genital mutilation/cutting. http://www.unfpa.org/webdav/site/global/shared/documents/publications/2008/fgm_2008.pdf

⁵⁰ Gordon, R. (1998). Girls cannot think as boys do': Socialising children through the Zimbabwean school system. *Gender and Development*, 6(2), 53-58; Chick, K. A., Heilman-Houser, R. A., & Hunter, M. W. (2002). The impact of child care on gender role development and gender stereotypes. *Early Childhood Education Journal*, 29 (3), 149-154.

⁵¹ Ward, L. M., & Harrison, K. (2005). *The impact of media use on girls' beliefs about gender roles, their bodies, and sexual relationships: A research synthesis*. In E. Cole and J. Henderson (Eds). *Featuring females: Feminist analyses of media*, Psychology of women book series (pp. 3 – 23). Washington, DC: American Psychological Association.

⁵² Link to Film Segment: <http://www.youtube.com/watch?v=HflMxeGeUOA>

their security, including improved access to information, the services that they need, including access to formal and non-formal education, training in various life skills, and health and mental health care.

Education is a Human Rights Imperative:⁵³ The Committee on the Elimination of Discrimination against Women has repeatedly expressed concern in its concluding observations at the low level of education of girls and women, and the prevailing obstacles to their access to education at all levels, especially the secondary and tertiary levels. For example, 100 million primary-school-aged children were out of school in 2008; more than 75 million were out of school in South Asia and sub-Saharan Africa; worldwide, 84% of primary-school-aged children attend school, but only half of secondary-school-aged children attend. Also, compared with those that have made gains in reducing gender gaps in primary schooling, far fewer countries have achieved gender parity in secondary education.⁵⁴

Create Safe Spaces for Girls: In order to address harmful cultural practices, safe spaces must be created in schools and communities where girls and young women can gather and discuss the issues that affect them. Successful practices that foster community participation provide opportunities for girls have a say in matters that affect their lives and thus result in empowerment.

Conclusions

The WGG looks forward to receiving a *First Draft of the General Comment on Harmful Practices.*” Please address all correspondence to Yvonne Rafferty, Ph.D., Chair, WGG Research and Writing Task Force (YRafferty@Pace.edu)

The activities of the WGG and the INFg support the following aims:

- * Ensure that national governments implement, through policy statements, program development, and resource allocation the commitments to girls’ rights made through international agreements;
- * Advocate for the ongoing inclusion and development of girls’ rights in the work of the United Nation systems and structures and in international agreements;
- * Promote the active participation of girls as agents of change in their own lives, families, communities and societies

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⁵³ <http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-29.pdf>

⁵⁴ (a) The 2010 UNICEF Progress for Children: Achieving the MDGs with Equity www.unicef.org/publications/index_55740.html; (b) UNAIDS. (2010). Global report (Ch. 5: Human Rights and Gender HIV/AIDS). www.unaids.org/globalreport/documents/20101123_GlobalReport_full_en.pdf