



GIRLS' RIGHTS ARE HUMAN RIGHTS

EXECUTIVE SUMMARY

KEY TOOLS TO REINFORCE PROGRESS FOR GIRLS



Girls' Rights are Human Rights is an in-depth study into the status of girls in international law. It analyses existing references to girls and their rights in more than 1,300 international policy documents, covering a period of 87 years from 1930 to 2017. It sheds light on gaps and trends related to girls' rights in key planks of human rights law – prompting the question: does the international human rights framework adequately protect girls from discrimination? The report answers this and makes recommendations to strengthen and advance girls' rights.

Access the report here:
girlsrightsplatform.org



The Girls' Rights Platform hosts the full report and other valuable online tools. These include the world's most comprehensive, searchable human rights database of more than 1,300 international policy documents, training tools for girls' rights advocates and a UN debate tracker to hold States to account. As well as being a rich policy resource, the database will facilitate access to more robust terminology on girls' rights that has somewhat fallen out of use but which could help advance the case.

Access the Girls' Rights Platform here:
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By making these powerful resources available, Plan International hopes to increase the visibility of girls' rights, build a wider movement in support of them, and push back regressive trends that have stifled progress for girls.

GIRLS' RIGHTS ARE HUMAN RIGHTS

Girls continue to be the largest excluded group in the world. They face discrimination and abuse simply for being young and female. At all stages of their early lives up to adulthood, girls face distinct disadvantages that are directly related to this double discrimination.

Progress on achieving girls' rights has stalled over the past decade. New research from Plan International reveals the extent to which international law overlooks girls' rights, effectively rendering girls invisible. Rarely are girls mentioned as a specific demographic in international law and where they are, there is a failure to fully reflect the barriers that they face.

Too often girls are falling between the dominant agendas of women's and children's rights. Gender-neutral and age-neutral approaches are shaping international law-making, shifting attention away from girls.

Plan International recognises that millions of girls are disproportionately disadvantaged in education, health, work and family life – particularly in the world's poorest countries. When factors like poverty, ethnicity or disability intersect and where gender stereotyping and unequal power relations prevail, girls' disadvantage is magnified.

Our major new report **Girls' Rights are Human Rights** and wide-ranging online resource and legal database, the **Girls' Rights Platform** aim to strengthen girls' position in international law and to highlight their challenges. This new research is part of our broader global campaign to achieve equality for all girls.

HARSH REALITIES FOR MANY GIRLS

32 million primary-school aged girls worldwide do not attend school

(Source: UNFPA)



41,000 girls are forced into marriage every day

(Source: Girls Not Brides)



Half of all sexual assaults are committed against girls under 16 years old

(Source: Plan International)



UNDIFFERENTIATED AND OBSCURED:

REPORT'S FINDINGS ON GIRLS' RIGHTS

To identify girls' rights and determine how these are being addressed in international law, the report surveys legally binding and non-binding instruments, international and regional conventions, as well as negotiated and non-negotiated international soft law. The report audits the provisions where girls' rights are mentioned and where they aren't, and analyses when and why States opt out of particular provisions.

Although international law safeguards the rights of all human beings, very few provisions in human rights treaties mention or attribute rights to girls specifically.

LEGALLY BINDING LAWS AND TREATIES

Girls are often invisible in core conventions – their rights, and the particular challenges they face, are concealed either under the ageless category of “women”, or the gender-neutral category of “children”, “adolescents”, or “youth”.

Two mutually reinforcing conventions on women's and children's rights form the cornerstone for protecting and promoting girls' rights in law – the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

Yet girls are largely invisible in both conventions. The CRC was designed to be gender neutral, but scholars argue that the interpretation given to it is biased predominantly towards boys, while disregarding the distinct discrimination faced by girls.¹ For example, violations that typically affect boys (e.g. child soldiers) are covered in Article 38 but not those predominantly affecting girls (e.g. child marriage).

‘Girl’ in our report refers to all girls – from birth until they reach the age of 18.

CEDAW theoretically applies to women of all ages. However, girls seldom feature within it as

rights-bearing individuals: it only refers to girls once in the context of education and female student drop-out rates. It also has surprising omissions: General Recommendation 14 on female circumcision fails to mention “girls” once even though girls (as opposed to women) are more commonly subjected to the practice.

All other human rights treaties – regional and international – offer girls additional, albeit general, protection. However, only some specifically acknowledge girls' particular needs and vulnerabilities. Girls are predominantly referred to regarding violence, education and discrimination. Regional conventions widen this scope with references to property rights, employment, health care, sexual and reproductive health. Additionally, where girls are referred to in international law, there is a tendency to frame them as victims of violations rather than recognising and supporting their capacity to be active agents of change.

Other factors are making international conventions less effective for girls than originally hoped. These include ambiguous terminology such as the CRC's “best interest of the child” principle²; and States using reservations to avoid committing fully to all aspects of treaties, or refusing to be bound by them altogether.

INTERNATIONAL SOFT LAW

Girls are more prominent in international soft law but many references to girls are often merely an add-on to the term “women”, who are the main focus for human rights protections.

International soft laws are quasi-legal instruments with no legally binding force. They act as authoritative standards, strengthening commitment to agreements, reaffirming international norms, and establishing a legal foundation for subsequent treaties. The 1993 Vienna Declaration and Programme of Action, for example, was pivotal for describing girls' rights as “an inalienable, integral, and indivisible part of universal human rights” and for urging States to defend them for the first time in history.

Failure to consistently use progressive language is opening up negotiations on key areas and risking a roll-back on some girls' rights.

Analysis of soft law reveals the importance of the language used in securing advances for girls' rights. In recent years, there has been a noted roll-back on some girls' rights due in part to a failure to consistently use progressive language. This failure creates room for bargaining tactics during negotiations and results in weaker protection for girls. In addition, certain areas receive far less attention in soft law due to political sensitivities. Girls' reproductive and sexual rights are highly controversial issues compared to a girl's right to education, for instance, or her right to be free from violence.

Consequently, a girl's rights to decide what happens to her own body, and over whom to marry, to own property or inherit, are not consistently expressed throughout international law – meaning that protection against violations is patchy at best.

Finally, girls are often simply added on to provisions aimed at women. Girls' rights become framed in soft law as a first step towards the main goal of empowering adult women politically, socially and economically – rather than realising the rights of girls during childhood and adolescence.

RESERVATIONS AND GAPS

Multiple reservations to treaties concern sexual and reproductive health rights in particular – eroding girls' autonomy over their bodies.

The report reveals a pattern of reservations to key treaties and conventions – the provisions they target, on what grounds and by which countries.

Reservations are caveats to international agreements that allow States to choose not to be bound by a particular provision. Allowing States to have reservations makes it more likely that a convention will be ratified. But the reservations effectively then weaken attempts to set norms and undermine commitment to equal rights for girls. Plan International's analysis of reservations highlights clear resistance among several countries to core principles in CEDAW and CRC that are key to girls' rights.

The main focus of reservations is sexual and reproductive health and rights, followed by related areas such as equality in marriage and family life. Most are made by States who

justify their reservations on the grounds of religious or cultural differences.

Nearly 40 years after CEDAW was first adopted, there are still 48 States among the 189 that ratified it that have reservations. Many object to Article 2, which condemns discrimination against women, and Article 16, which sets out that women and girls have the same rights as men and boys in family life and marriage, and stipulates that child marriage has no legal effect.

These opt-outs show States' reluctance to tackle discrimination when this clashes with religious or cultural views. They undermine the universality of human rights and allow a limited interpretation of girls' rights. In practice, they have direct consequences for action on forced sex/rape, early pregnancy, access to contraception and services for sexual and reproductive health, as well as child marriage, economic empowerment and comprehensive sexuality education.

More recently, the Sustainable Development Goals and their targets relating to those areas attracted the highest numbers of reservations, particularly any mention of abortion, "gender", "the family", and comprehensive sexuality education.

CEDAW has the highest rate of reservations among human rights treaties – notably over equality in marriage and family life.

1. See for example, L. Askari (1998) *The Convention on the Rights of the Child: The Necessity of Adding a Provision to Ban Child Marriage*, *ILSA Journal of International and Comparative Law* Vol. 5 No. 123; N. Taefi (2009) "The Synthesis of Age and Gender: Intersectionality, International Human Rights Law and the Marginalisation of the Girl Child", *International Journal of Children's Rights* 17; and L. Askari (1998) "Girls' Rights Under International Law: An Argument for Establishing Gender Equality as *Jus Cogens*", *Southern California Review of Law and Women's Studies* Vol. 8 No. 3.

2. See the full report, *Girls' Rights are Human Rights*, p.14 for a longer explanation of this.

REALISING GIRLS' RIGHTS

RECOMMENDATIONS

Despite milestone agreements and promises to tackle gender equality, millions of girls worldwide still cannot claim their rights as set out in international law. The way that international rights instruments are currently being interpreted and applied does not stop girls from being marginalised – let alone help them to thrive.

It's time to act to change this.

Plan International is calling on the international community to single out girls – to articulate their rights and needs in a way that has never been done before. Girls require targeted actions to reflect the particular and intersecting challenges of gender- and age-based inequality. States should intentionally and explicitly address this double burden of discrimination faced by girls, and recognise the realisation of girls' rights as an objective in itself.

PLAN INTERNATIONAL URGES THE INTERNATIONAL COMMUNITY TO IMPLEMENT THE FOLLOWING RECOMMENDATIONS:

1. Address girls' double burden of gender- and age-based discrimination and commit to the realisation of girls' rights.

- a. Differentiate girls' human rights from women's rights to acknowledge that girls face challenges that are different from those facing women;
- b. Ensure the use of gender-specific language rather than gender-neutral language, if in reality girls are differently and disproportionately affected compared to boys.

2. Take measures to bridge the gap between women's and children's rights that currently render girls invisible:

- a. Appoint a Special Rapporteur on the Rights of the Girl;
- b. Increase interaction between the CRC and CEDAW Committees, and strengthen the focus on girls, including by developing a joint General Comment/Recommendation that clearly outlines the human rights of girls;
- c. UN Women and UNICEF should expand their focus on girls; differentiate them from "women" or "children"; and strengthen inter-agency cooperation to prioritise girls;
- d. Strengthen the individual complaints procedures under CEDAW and CRC to ensure promotion, respect, fulfilment and protection of girls' rights;
- e. Introduce a specific sub-item to the UN General Assembly (GA) and Human Rights Council's (HRC) agendas on girls' human rights, giving girls due attention and prominence; encourage and enhance consistency and complementarity between GA and HRC resolutions;
- f. Strengthen the systematic integration of a gender analysis, with specific reference to girls, in the work of UN Special Procedures' mandates.



3. Ensure that norms and frameworks for producing future international policy and agreements better reflect the challenges that girls face:

- a. Better articulate girls' specific needs, particularly in relation to the challenges and discrimination they face, when developing new international norms;
- b. Consider girls' intersecting identities and cultural context when developing international standards, to help prevent marginalisation;
- c. Stop politicising issues relating to girls, and consistently use the strongest and most progressive agreed language available that enables the advancement of girls' rights;
- d. Listen to girls to strengthen international norms and to enable their meaningful participation;
- e. Train negotiators of international standards on girls' rights and needs.

4. Urge States to comply with international standards that advance girls' rights:

- a. States should ratify all relevant instruments related to securing political, economic, social and cultural rights for girls – especially CEDAW and CRC; strengthen the implementation of such instruments at national and local levels; report in a timely way to treaty bodies on the progress of such implementation;
- b. States should withdraw all reservations to CEDAW, CRC, the SDGs, ICPD, Beijing and other international agreements that provide protections for girls;
- c. States should invest in age-, sex- and gender-related disaggregated data to adequately reflect girls' realities in policies.

MILESTONES IN ACHIEVING GIRLS' RIGHTS

This timeline demonstrates how the concept of girls' rights has gained ground over time – particularly during the 1990s. However, our research underlines how politics, biased interpretation of international law, vague treaty terminology and States' reservations and refusals to ratify conventions can curtail the effectiveness of these milestone developments.

1979

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted by UN.

- UNESCO proclaims 1979 as the International Year of the Child.

1989

- UN Convention on the Rights of the Child (CRC) adopted.

1990

- World Summit for Children declaration asserts that “girls must be given equal treatment and opportunities from the very beginning”.

- UNICEF's board recommends its strategy and programmes for next decade explicitly address the status and needs of girls.

- UN proclaims 1990 'The Year of the Girl Child'; the South Asian Association for Regional Cooperation (SAARC) makes the 1990s 'The Decade of the Girl Child'.

- CEDAW General Recommendation 14 on female circumcision adopted, although fails to mention “girls” once.

1992

- CEDAW General Rec. No. 19 on gender-based violence adopted (updated in 2017).

1993

- Vienna Declaration and Programme of Action clarifies that “the human rights of women and of the girl-child are an inalienable, integral, and indivisible part of universal human rights”; urges governments to step up efforts to protect these.



1994

- ICPD Programme of Action adopted, with reproductive health rights, women's empowerment, gender equality seen as key to population and development.

- Mandate of the UN Special Rapporteur on Violence against Women established.

1995

- 4th World Conference on Women in Beijing results in the Beijing Platform for Action, of which the plight of girls was a key topic area.

1998

- Commission on the Status of Women's (CSW) Agreed Conclusions prioritise girls: includes promotion and protection of girls' human rights; girls' education and empowerment; improving their health needs, situation in armed conflict, combating trafficking, eliminating child labour.

1999

- CEDAW's General Rec. No. 24 on women and health notes that girls constitute a vulnerable, disadvantaged group, making them especially susceptible to sexual abuse and, inter alia, disadvantages their access to information on sexual health.

2000

- Millennium Development Goals include the "ratio of girls to boys in primary, secondary, and tertiary education" as a Goal 3 indicator.

- UN Security Council Resolution 1325 on Women, Peace and Security adopted, recognising the impact of conflict on women and girls.



2002

- 27th special session of the General Assembly on Children recognise that the achievement of development goals for children, particularly girls, contingent upon, inter alia, women's empowerment.

2005

- World Summit reaffirms girls' human rights; calls for elimination of discrimination and violence against girls and for efforts to improve girls' education, including secondary and higher education, vocational and technical training.

2006

- UN DESA Division for the Advancement of Women (DAW) expert group meeting concludes girls at particular risk of marginalisation in international system, noting a rights formulation is key to ending discrimination and violence against them.

2007

- CSW's Agreed Conclusions again themed around the 'Elimination of All Forms of Discrimination and Violence Against the Girl Child'.
- The Special Rapporteur on Slavery recognises child, early and forced marriage as slavery-like practices in its report to the HRC.

2008

- In report to the HRC, the UN Special Rapporteur on Torture explicitly recognises that female genital mutilation (FGM) can amount to torture.



2011

- UN Women established as a 'global champion for gender equality'.
- Third Optional Protocol to the CRC establishes an individual communications procedure, allowing children to lodge complaints to CRC Committee.

2012

- UN General Assembly adopts a resolution demonstrating the international community's political will to eliminate FGM.
- First celebration of International Day of the Girl, established by UN resolution.

2014

- CRC and CEDAW Committees' joint General Rec./Comment on harmful practices.
- UN General Assembly's landmark resolution calling for a ban on child marriage.

2015

- 2030 Sustainable Development Agenda adopted by 193 UN Member States. Goal 5 requires governments worldwide to "achieve gender equality and empower all women and girls" by 2030.

2016

- New Urban Agenda, shaping future development of cities, adopted by UN Member States, specifically recognised the rights and needs of girls in urban areas.
- In report to HRC, the UN Special Rapporteur on Torture considers harmful practices such as FGM, child and forced marriage and honour-based violence as forms of gender-based violence that constitute ill treatment and torture.



About Plan International

We strive to advance children's rights and equality for girls all over the world. We recognise the power and potential of every single child. But this is often suppressed by poverty, violence, exclusion and discrimination. And it's girls who are most affected. As an independent development and humanitarian organisation, we work alongside children, young people, our supporters and partners to tackle the root causes of the challenges facing girls and all vulnerable children. We support children's rights from birth until they reach adulthood, and enable children to prepare for and respond to crises and adversity. We drive changes in practice and policy at local, national and global levels using our reach, experience and knowledge. For over 75 years we have been building powerful partnerships for children, and we are active in over 70 countries.

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Published in 2017. Text © Plan International. Cover photo: Chonda (15) from Bangladesh wants to finish her studies and become a teacher, but her parents want her to get married. She knows her rights and is working to end child marriage in her community. © Plan International / Erik Thallaug

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