

GIRLS' RIGHTS FACTSHEET

WHAT ARE GIRLS' RIGHTS?

Girls' rights are human rights. Yet, millions of girls continue to struggle to claim their rights. Rarely are girls mentioned as a specific demographic in international law and where they are, there is a failure to fully reflect the particular barriers they face. In order to remedy this, States, UN Agencies and civil society must identify the realisation of girls' rights as an objective in itself and attach greater importance to empowering girls throughout their life-cycles.

Girls are 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 in education, health, work and family life that are directly related to this double discrimination. When factors like poverty, ethnicity or disability intersect and where gender stereotyping and uneven 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.¹ This new research is part of Plan International's work at every level to achieve equality for all girls.

The mutually reinforcing women's and children's rights conventions form the cornerstone of girls' rights.

WHAT ARE GIRLS' RIGHTS?

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). CEDAW promotes women's and girls' rights and requires countries to eliminate discrimination based on gender. The CRC on the other hand, guarantees the rights of all children without discrimination in any form. It obliges States parties to ensure that each child – boy or

girl – within their jurisdiction has all the rights recognised in the Convention. Girls' rights are also addressed in many regional instruments, most notably the African counterpart of the CRC, the African Charter on the Rights and Welfare of the Child (ACRWC).

In addition to human rights treaties, girls' rights are promoted in soft-law documents. These are quasi-legal instruments that do not have any legally binding force, but are authoritative standards, which strengthen commitment to existing agreements and reaffirm international norms. The biggest overlap with regard to topics addressed by the different international soft law documents on women, children, or girls focus on the issues of violence, discrimination, harmful practices, trafficking, development, and HIV/AIDS.

REPORT FINDINGS: GIRLS IN THE SHADOWS OF WOMEN'S AND CHILDREN'S RIGHTS

Through analysing more than 1,300 international documents underpinning girls' rights, Plan International has revealed the extent to which girls are rendered invisible in international law. The majority of international policy documents are gender- or age-neutral and often corral girls into the generic categories of 'children', 'adolescents', 'youth' or 'women' – therefore relegating girls' rights to the margins of children's or women's rights.

Despite the existence of the CRC and CEDAW, international law overlooks girls, effectively rendering them invisible. Rarely are girls mentioned as a specific demographic and where they are, there is a failure to fully reflect the challenges and barriers they face.

While the CRC and the CEDAW constitute an important framework for the promotion and protection of girls' rights, the particular challenges girls face are often overlooked in both conventions.

Although the CRC was designed to be gender-neutral, scholars argue that the interpretation given to it is biased

¹ The **Girls' Rights are Human Rights** report analyses existing references to girls and their rights in international law documents, covering a period of 87 years from 1930 to 2017. It can be found on Plan International's [Girls' Rights Platform](#), along with the human rights database, training tools for girls' rights advocates, and a UN debate tracker to hold States to account.

predominantly towards boys, while disregarding the distinct discrimination faced by girls.² For example, violations that typically affect boys (e.g. child soldiers) are covered, but not those predominantly affecting girls (e.g. child marriage). What is supposed to be a core protection for children, is therefore less effective for girls than hoped.

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. For instance, General Comment 14 – a soft law document that elaborates on the obligations of States bound by CEDAW regarding female circumcision – fails to mention ‘girls’ once, even though girls are more commonly subjected to the practice than women. Such oversights signify a lack of sensitivity to the wide range of human rights violations suffered by girls, and at worst a desire to safeguard the precarious space occupied by women’s rights.

The political agendas of States involved in drafting, negotiating, and adopting of international standards is the main reason that international law has failed to consistently address the discrimination faced by girls.

Although girls feature more prominently in international soft law documents than in legally binding instruments, their presence has been quite intermittent. The political agendas of States involved in drafting, negotiating and adopting international standards is the main reason that international law has failed to consistently address the discrimination faced by girls. This has also meant that certain topics considered to be controversial, like girls’ sexual and reproductive rights, receive far less attention in soft law than politically neutral issues such as education. As a consequence, the protection of a girl’s right to decide what happens to her body, or whom to marry, is inconsistent at best.

The politicisation of girls’ rights has often also resulted in reservations, (caveats in international law which allow States to waive their obligations under certain treaty provisions of their choice), as well as refusals to ratify

conventions altogether. While reservations are an important tool used to encourage ratification, they also throw States’ commitment to girls’ rights into serious doubt. Not only is CEDAW the human rights convention with the largest number of reservations, States have also lodged reservations to the CRC and many other international agreements. In doing so, they have taken deliberate steps to weaken their obligations towards girls in international law. To learn more about how reservations in international law affect girls’ rights, please read our factsheet “Reservations in International Law”.

Finally, Plan International’s research reveals the importance of consistently employing the most progressive agreed language. The availability of weak language, means that States can pick and choose the terminology they want to draw on when developing new international law documents. This opens up negotiations to bargaining tactics and results in roll-backs on some girls’ rights.

HOW CAN WE REAFFIRM GIRLS’ RIGHTS AS HUMAN RIGHTS?

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 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 the double burden of discrimination faced by girls, and recognise the realisation of girls’ rights as an objective in itself. To succeed in doing so, Plan International has suggested a number of recommendations in the final chapter of its Girls’ Rights are Human Rights report.

² See for example: L. Askari, *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 (1998), p. 124.

KEY RECOMMENDATIONS:

- **States should consistently use the most progressive agreed language available when drafting, negotiating and adopting international norms.** CSOs should raise awareness of Plan International’s new database and encourage policy makers to utilise it in identifying and extracting the strongest agreed language available.
- **Differentiate girls’ rights from women’s and children’s rights if in reality they are differently and disproportionality affected.** CSOs should influence governments to intentionally and explicitly address the situation of girls in international, national, and regional policies and programmes, including through developing gender sensitisation training programmes and advocating for investment in gender- and age- disaggregated data.
- **Urge States to comply with international standards that advance girls’ rights.** CSOs should advocate for the withdrawal of reservations and the ratification of all relevant instruments related to securing girls’ rights either directly to the government in question, or through influencing other governments to advocate for withdrawal and ratification.