

**and boys have learnt or end up playing in their family, community and in society at large. These gender specific roles are socially constructed and therefore changeable as they depend on historical, cultural, political and social contexts.**

This report is not just about girls as victims of abuse and discrimination. It shows how in many places, given support, girls and young women – sometimes in conjunction with boys and men – defend their rights and fight the age-old traditions and attitudes that harm them. Girls and young women are the best defenders of their rights, but they need support and encouragement to speak out, and role models to show them how it is done.

As one British girl aged 15 put it: “We can show [everyone] what girls can achieve if they put their minds to it: we can, somehow, lift the notion that girls are a burden! We have to let the females of the... world have a voice! A voice that can be heard across the globe, a voice that will be listened to by those good people of our society, a voice that will bring change into their lives.”<sup>10</sup>

Plan has worked with an advisory panel and a group of partners – UN agencies, international NGOs, organisations made up of girls, and other organisations working to secure girls’ and women’s rights – to develop this report, and to gather the latest data and information on girls’ rights from around the world. In compiling this report it has become clear to us that girls and young women need to be given the opportunity to secure their human rights. While they are marginalised, they will have little capacity, courage, and confidence to participate in decisions about their lives and about the society in which they live. This report gives us a chance to learn about how girls across the world can change their own world.

#### **Plan International and girls**

Founded 70 years ago, Plan is one of the largest child-centred community development organisations in the world. Plan works in 66 countries on programmes and initiatives that address the causes of poverty and its consequences for children’s rights and their lives.

This means working in partnership with children, their families and communities, and at national and international levels, to bring about sustainable change. At a local level, we work directly with all groups in a community to identify the priority issues affecting children. We actively encourage girls and boys to analyse their own situations and raise their awareness of the fundamental rights to which they are entitled. We then support the community to build the skills and access the resources it needs to implement programmes that will lead to positive change in children’s lives.

Plan campaigns for both girls and boys to achieve their rights, and we work at national and international levels to influence policy decisions that will lead to improved resources for children and their communities. In this way, we create and maximise all opportunities for children to speak out on their own behalf and participate in decision-making that affects their own development.

Plan believes that we cannot realise our vision for the rights of girls and boys without working towards gender equality. We believe that gender inequality is a key obstacle to the achievement of children’s rights and that it is therefore central to achieving Plan’s mission and vision.<sup>11</sup> The process of compiling the data for this report has helped us to examine our own practices, for example, routinely disaggregating data by gender. Just as Plan has learnt from others through the process of this research, we will be working in partnership with UN agencies, other international NGOs, national governments, local organisations and communities, girls and boys towards this goal.

## **Legal Opinion: Governments’ obligations to girls**

### **The Status and Effects of Article 2 of the Convention on the Rights of the Child 1989**

The Convention on the Rights of the Child is a gender responsive treaty, so that its provisions are to be dynamically applied to enhance the entitlements of the girl without stereotyping or marginalising either gender. Although the Convention omits the word girl this does not mean that the treaty is gender neutral as this implies that concealed in the treaty’s text is the philosophy that gender is irrelevant. It is important to dispel such an erroneous conclusion, which risks robbing girls of the potential of a powerful treaty designed to combat sex discrimination against the girl.

In article 2 the Convention prohibits in the strongest terms sex discrimination and implies that girls as well as boys should enjoy all of the rights provided for in the Convention on an equal basis and in their totality. This is necessary because eradicating stereotypes of the boy contributes to the raising of the status of the girl.

Article 2 has been described as one of the four general principles of the Convention.<sup>1</sup> Although the United Nations Committee on the Rights of the Child has not issued a General Comment defining discrimination, the definition of sex discrimination appropriate to girls can be developed by building upon the definition in the Convention on the Elimination of All Forms of Discrimination Against Women 1979.<sup>2</sup> Sex discrimination is discrimination, which offends the human dignity of the girl and includes any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose, whether hidden or overt, of impairing or nullifying the recognition, enjoyment or exercise of children’s rights by girls irrespective of their status, on a basis of equality of boys and girls. Thus article 2 enshrines the tripartite goals of seeking to achieve formal equality, equality of opportunity and equality of results.

The areas in which girls suffer sex discrimination can be classified into five grounds. Firstly invisibility, and this includes pre-birth gender selection, lack of birth registration and public environments, which are unsafe for girls, marginalising them and discouraging their visibility. Secondly capacity which affects the full ability of girls to benefit from all of their Convention rights. Impaired capacity is contributed to, for example, by educational curricula, which reinforce negative gender stereotyping, and by preferential access to nutrition within families for boys. Thirdly, physical and mental discrimination, which includes gender based violence and trafficking, temporary marriages, and judgemental attitudes to sexual activity of girls, limiting their access to preventative measures and other health services including HIV/AIDS. The fourth ground is in the area of family and household

responsibilities. This includes discrimination caused by lower minimum ages of marriage for girls and the sexual and economic exploitation of girls as domestic workers. The fifth form of sex discrimination is local and national customs and traditions including embedded religious, judicial and secular traditions, which allow for the creation of status offences discriminating against girls in the legal system and inequality in inheritance.

The obligation enshrined in article 2 (1) is to ‘respect and ensure’ that all the Convention rights are enjoyed without the barrier of sex discrimination, whether direct or indirect. Direct discrimination is where a difference in treatment is explicitly based on sex and which cannot be objectively justified. Indirect discrimination occurs where a law, policy or programme may not appear at first sight to be discriminatory but has a discriminatory effect when implemented.

The legal duty to ‘respect’ requires States parties to refrain from discriminatory actions which result in the denial for girls of their enjoyment of children’s rights. Respecting requires the repealing of laws and policies, which do not conform to the equality principle. In particular it requires States parties to consider whether the effect of apparently gender-neutral laws and policies could result in a negative impact on the ability of the girls to enjoy children’s rights on the basis of equality.

The obligation to ensure is the highest duty placed upon States parties and implies that States parties should take all necessary steps including the removal of obstacles to the equal enjoyment of Convention rights, the education of the population, the training of state officials and the reforming of domestic legislation. The State party must not only adopt measures to protect the girl against discrimination but must introduce positive measures to empower girls and to respect their evolving capacities. To do this States parties are required to acquire necessary information regarding the role of girls in society to ascertain which measures, in addition to legislation, need to be implemented.

The obligation to ‘ensure’ extends to the public and the private sectors and applies in peace-time and in internal and external armed conflicts, where the vulnerability of girls is often overlooked. States parties are also obligated to implement national policies to provide for the establishment of effective children’s rights mechanisms and institutions to investigate and address sex discrimination of the girl. This includes the gathering of disaggregated statistics within specified time frames.

The obligation to protect against sex discrimination is inter-generational as article 2(2) obliges States parties to ensure that the girl ‘is protected’ against all forms of discrimination and punishment on the basis of the status of the girl’s parents, guardians or family members. The obligation to protect requires the States parties to take steps directly to eliminate prejudices that perpetuate the notion of inferiority from mother to daughter.

The obligation to prevent sex discrimination also obliges States parties to identify groups of girls, including girls with disabilities and refugees who may be compoundly disadvantaged and whose rights may demand permanent or temporary special measures.<sup>3</sup>

The most significant formal limiting factor on the potential of the Convention on the Rights of the Child to achieve equality for girls is a number of wide-ranging reservations which some states have attached on agreement to the Convention. Reservations which are too broad and which in effect place national law, whether secular or religious, above international law undermine the object and purpose of the Convention and are open to challenge.<sup>4</sup>

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