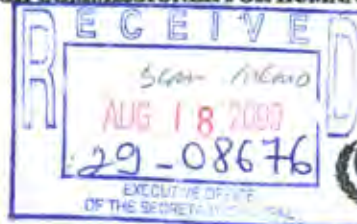




ACTION
COPY

MEMORANDUM



TO: Mr. Vijay Nambiar
Chef de Cabinet, EOSG

REF: MR/MK

DE/FROM: Ms. Marcia V.J. Kran, Director
Officer-in-charge, OHCHR

DATE: 14 August 2009

OBJET: For Information - Report of the Secretary-General on the girl child to the 64th
SUBJECT: session of the General Assembly

1. Please find attached, for your information, the report of the Secretary-General to the General Assembly on the girl child, submitted pursuant to General Assembly resolution 62/140.
2. The present report contains a brief overview of international obligations and global commitments with respect to the girl child, stemming from human rights treaties and international conferences. It also addresses progress and challenges with respect to discrimination against the girl child, including in the areas of poverty, the right to education, health and adequate food, HIV, violence and exploitation and has an emphasis on activities undertaken to end female genital mutilation.
3. While OHCHR has received the responsibility of drafting the report, given the nature of the resolution and the report, this has been a joint endeavour between OHCHR and UNICEF, the intention being that UNICEF would try to take the lead in the next reporting round. The draft has gone through senior approval within UNICEF.
4. The report does not contain any controversial information and is therefore submitted to the Executive Office of the Secretary-General for information only.



**General Assembly**

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Sixty-fourth session

Item..... of the provisional agenda*

Promotion and protection of the rights of children**Slot No.****The girl child****Report of the Secretary-General***Summary*

The present report is submitted pursuant to General Assembly resolution 62/140. It contains a brief overview of international obligations and global commitments with respect to the girl child, stemming from human rights treaties and international conferences, as well as legal and policy development. The report addresses progress and challenges with respect to discrimination against the girl child, including in the areas of poverty, the right to education, health and adequate food, HIV, violence and exploitation and has an emphasis on activities undertaken to end female genital mutilation.

* A/64/150

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- I. INTRODUCTION**
- II. LEGAL/NORMATIVE FRAMEWORK AND GLOBAL COMMITMENTS**
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- IV. EFFORTS TO SUPPORT THE ABANDONMENT OF FEMALE GENITAL MUTILATION/CUTTING**

I. Introduction

1. The present report is submitted in accordance with General Assembly resolution 62/140 in which the Secretary-General was requested to submit a report at its sixty-fourth session on its implementation, including an emphasis on ending female genital mutilation, with a view to assessing the impact of the resolution on the well-being of the girl child. For the purpose of its preparation note verbales requesting relevant information on the implementation of resolution 62/140 were sent to Member States¹ and United Nations agencies, programmes and departments.

2. This current report follows up on that submitted by the Secretary-General for the sixty-second session of the General Assembly² which focused on activities and normative developments stemming from the human rights system, and aims at conveying problems and legislative principles, but also progress and challenges. Section II of this report provides an overview of the existing international and regional legal framework with respect to the rights of girl child and key obligations and commitments of States in this regard. Section III addresses progress and obstacles with respect to areas raised in resolution 62/140 and Section IV focuses in further detail on female genital mutilation.

II. Legal/normative framework and global commitments

A. Human rights treaties and other international conventions

3. There is today a long-standing comprehensive international legal framework establishing obligations on States on the human rights of the girl child. In addition to the Convention on the

¹ The following States have submitted information: Bulgaria, Cyprus, Finland, Japan, Latvia, Lebanon, Mexico, Moldova, Spain, Suriname and Switzerland. Contributions have informed the content of this report.

² UN doc. A/62/297

Rights of the Child, which provides that its comprehensive set of rights are to be enjoyed “without discrimination of any kind”, including on the grounds of sex, all fundamental human rights treaties include provisions confirming the principle of non-discrimination and equality between men and women, boys and girls. Of particular importance in this regard is the Convention on the Elimination of All Forms of Discrimination against Women, and while focusing on women, the implementation of the Convention has a direct bearing on the situation and well-being of the girl child.

4. Adding to the fundamental human rights treaties, legal obligations stem from legally binding labour law instruments, including the 1973 Minimum Age Convention (No. 138) and the 1999 Worst Forms of Child Labour Convention (No. 182). This comprehensive legal framework for the children’s rights in general and the girl child’s in particular is further strengthened by regional human rights instruments, such as the 2005 Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.

5. Since the previous report of the Secretary-General, it should be noted that the most recent human rights treaty, i.e. the Convention on the Rights of Persons with Disabilities which entered into force in December 2008, includes specific language not only with respect to children in general in article 7, but the girl child in particular. In its article 6, the Convention provides that “States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms”.

6. Normative developments during the reporting period include the adoption in 2009 by the Committee on the Rights of the Child of its *General Comment no. 12 on the Right of the Child to be Heard*, elaborating on the interpretation and contents of Article 12 of the Convention on the Rights of the Child. The General Comment explicitly in paragraph 75 recalls the inherent right to non-discrimination as guaranteed by all human rights instruments and that “States parties shall take adequate measures to assure to every child the right to freely express his or her views and to have

those views duly taken into account without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” In paragraph 77, the Committee specifically “urges States parties to pay special attention to the right of the girl child to be heard, to receive support, if needed, to voice her view and her view be given due weight, as gender stereotypes and patriarchal values undermine and place severe limitations on girls in the enjoyment of the right set forth in article 12.”

7. The Committee on Economic, Social and Cultural Rights in its 2009 *General Comment no. 20 on Non-Discrimination in Economic, Social and Cultural Rights* (art. 2, para. 2), specifically refer to the girl child with respect to obligations for States parties to ensure non-discrimination both formally and substantively in the context of enjoyment of rights under the Covenant, stating in paragraph 8 (b) that “States parties must [...] immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or *de facto* discrimination. For example, ensuring that all individuals have equal access to adequate housing, water and sanitation will help overcome discrimination against women and girl children and persons living in informal settlements and rural areas.”

B. International conferences, inter-governmental bodies and related commitments

8. In addition to international legally binding instruments ratified by States, Member States have also made far-reaching commitments to eliminate discrimination against the girl child in the context of world conferences and other international fora. The United Nations Fourth World Conference on Women held in Beijing in 1995 was the first to include a specific segment on the girl child, with a specific chapter in its subsequent Platform for Action³ including strategic objectives to a range of issues from the elimination of all forms of discrimination against the girl child and negative cultural attitudes and practices against girls, to the promotion and protection of the rights of the girl child, such as related to education, health and nutrition, child labour, violence and participation in social, economic and political life.

³ *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chapter I, resolution I, annex II.

9. As reaffirmed by General Assembly resolution 62/140 other outcomes of major United Nations summits and conferences relevant to the girl child include the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”,⁴ the Programme of Action of the International Conference on Population and Development;⁵ the Programme of Action of the World Summit for Social Development⁶, and the Dakar Framework for Action, adopted at the World Education Forum in 2000⁷. These documents include additional commitments made by States to end discrimination and for the well-being of the girl child.

10. As per the Secretary-General’s previous report, as a follow-up to the twenty-seventh special session of the General Assembly on children, at which it was recognized that achieving the development goals for children, particularly girls, was contingent upon, *inter alia*, women’s empowerment, the Commission on the Status of Women (CSW) decided to consider “the elimination of all forms of discrimination and violence against the girl child” as the priority theme at its fifty-first session, within its Agreed Programme of Work for 2007-2009.⁸ The Secretary-General submitted two reports to the fifty-first session of the Commission, i.e. the report of the Secretary-General on the elimination of all forms of discrimination and violence against the girl child (E/CN.6/2007/2) and the report of the Secretary-General on progress in mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes, with a particular focus on the elimination of all forms of discrimination and violence against the girl child (E/CN.6/2007/3). In view of the above, the Commission on the Status of Women at its fifty-first session, adopted its resolutions 51/1 on Women, the girl child and HIV/AIDS; 51/2 on Ending female genital mutilation, and; 51/3 on

⁴ Resolution S-23/2, annex, and resolution S-23/3, annex

⁵ *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chapter I, resolution I, annex.

⁶ *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chapter I, resolution I, annex II.

⁷ See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

⁸ See Economic and Social Council resolution 2006/9, para. 23 (a).

Forced marriage of the girl child, calling upon all States and organizations of the United Nations system to strengthen advocacy and other measures to address all forms of violence and other forms of discrimination against the girl child.

III. Persisting discrimination and efforts made to improve the situation of the girl child

A. Poverty and the impact of crises

i. Global economic crisis

11. Poverty hits children the hardest, threatening their survival and development, their right to health, adequate food and nutrition, and education. It also impacts negatively on their right to participation and protection from violence, harm and exploitation. Economic crises can exacerbate the impacts of poverty on the lives of children, particularly girls, who are highly vulnerable to their negative effects.

12. In previous financial and economic crises, including in Asia and Latin America during the 1980s and 1990s, child mortality rates rose and school enrolment dropped. Past crises have also witnessed higher levels of crime and violence, child labour and other forms of hazardous work, including sex work, and infants being placed in institutions. Already limited legal benefits and protection, lack of decision-making authority and limited control over financial resources are likely to leave girls and women even more vulnerable to the impact of crisis than boys and men.⁹

13. In her recent report to the Human Rights Council, the Special Rapporteur on violence against women, its causes and consequences¹⁰ elaborates in-depth on how “the current political

⁹ See also press statement by the Committee on the Elimination of All Forms of Discrimination against Women, released on 9 February 2009, “UN committee concerned by impact of financial crisis on rights of women and girls”, at www.ohchr.org

¹⁰ UN doc. A/HRC/11/6

economic order, too often neglected in the analyses of women's human rights, profoundly affects both the prevalence of violence against women and efforts to eliminate it". She highlights, with reference to the economic crisis, that "under such conditions marked by insecurity and unemployment, men may become dispossessed and dislocated, conditions under which masculinities and power relations get altered. This may heighten aggression against women and children in the home and in public spaces, compensating for the loss of control", affecting the girl child.

14. There are already indications that the current global economic crisis is causing increases in poverty and malnutrition.¹¹ However, the full impacts of the global slowdown on children and girls may yet to be fully felt, as they are only beginning to unfold, severely threatening progress in girls' enjoyment of their right to health, education and adequate food, potentially leaving them with the long-term mental and physical repercussions of malnutrition in developing countries. As government expenditures to ensure the enjoyment of the rights to health and education fall, the burden is often shifted to households, and particularly to women and girls. And as household incomes fall, women can often be forced to take on low-status and temporary jobs, in addition to their other responsibilities.

15. There have been successful examples of special measures taken to mitigate the impact of economic crises on women and girls, including maintaining necessary social sector expenditures and implementing social protection policies to ensure their rights to healthcare, education and maternal health services. In Argentina, for example, government health expenditures were maintained and infant mortality did not increase during the financial crisis of the late 1990s. In response to the Indonesian financial crisis of 1998, the Government put in place scholarships for poor children, which prevented service use from falling as much among recipient households as it did among non-recipient households. Primary school enrolments in Ghana rose after user fees were abolished in 2005 as part of a broader programme to dampen the economic effects of fuel price reform. Even prior to the current crisis, cash transfers to poor

¹¹ World Bank Global Monitoring Report (2009), UN World Economic Situation and Prospects (Mid-2009 Update)

households and improvements in formulating, implementing and monitoring national budgets for gender equality in Mexico has helped protect women and **children** and reduce infant mortality.

16. A gender-sensitive response to the current economic crisis is essential. National commitments which support and protect girls' rights through basic health care and nutrition, clean water, basic education child protection services and aid flows must be upheld and, where possible, expanded. Responses, including in the form of special measures, focused on the most marginalized and vulnerable should be introduced, when appropriate, to ensure the enjoyment and protection of the rights of children and other highly affected groups in society. For long-term sustainability, widespread and entrenched discrimination and inequality needs to be fundamentally addressed as these constitutes obstacles for the inclusion of women in the formulation of relevant policies, which therefore tend to neglect the rights and needs of women and girls.

17. Investing in and ensuring human rights for girls and women is not only a legal and moral obligation, but it is also likely to prevent inter-generational cycles of poverty, and yield high economic and societal returns. Maintaining national commitments to children and women and enhancing social protection will not only help to ensure a more rapid recovery from the crisis, but will also build a foundation for equitable growth and sustained progress towards the Millennium Development Goals (MDGs).

ii. Food crisis

18. The impacts of the global economic crisis have been compounded by food and fuel price instability. As food prices across the world rose sharply over the past two years, young girls and boys living in developing countries faced growing vulnerability to food and nutrition insecurity, with potential negative long term consequences for the enjoyment of human rights and related survival, growth and development. Young girls whose growth is stunted before the age of two are at increased risk of giving birth to low birth weight babies in the future,

perpetuating the impact of nutrition deprivation across generations. Adolescent girls are at higher risk of anaemia and future related complications during pregnancy and childbirth.

19. Specific information on the impact of the food crisis on is still being collected and analyzed. The United Nations Children's Fund (UNICEF) estimates that approximately 150 million girls and boys under the age of five in the developing world are underweight and the growth of approximately 170 million is stunted. These indicators exhibit negligible differences as a whole between boys and girls aged under five. In addition, where sex-disaggregated coverage/practice data for selected nutrition programmes (such as Vitamin A supplementation and exclusive breastfeeding) exist, there do not appear to be differences between girls and boys.

20. However, further disaggregation of data from some countries shows that there may be differences in the feeding and care of girls compared with boys. Power relations and social norms that perpetuate discriminatory attitudes and practices may lead to different feeding practices between young girls and young boys, with data in some countries pointing to the possible effects, such as boys being significantly taller relative to their age than girls.

21. In responding to the food crisis, several UN and non-governmental organizations, including UNICEF, the World Food Programme (WFP) and Médecins Sans Frontières (MSF), contributed to meeting the immediate needs and protection of the most vulnerable – primarily young girls and boys and pregnant and lactating women – in more than 30 highest risk countries. These actions built upon ongoing priority nutrition programmes and are increasingly incorporating context-specific measures to address inequalities between girls and boys in the enjoyment of the right to adequate food.

22. There is a need to translate findings into specific programme responses adapted to local contexts and to ensure that a gender perspective is integrated. Information and awareness efforts towards behaviour and social change on nutrition should be tailored to address gender

issues affecting feeding, care and access to health services. This will help to ensure equal potential for girls and boys to benefit from the interventions.

B. Preventing Abuse, Exploitation and Violence

23. Despite progress, abuse, exploitation and violence continue to affect millions of girls. The Secretary-General's Study on Violence against Children estimates that 150 million girls and 73 million boys under 18 have experienced forced sexual intercourse or other forms of sexual violence involving physical contact. Staggering numbers of children worldwide – an estimated 90 per cent of whom are girls – work as household servants. More than one-third of young women aged 20–24 in developing countries reported that they were married or in union by age 18, mainly in South Asia and sub-Saharan Africa.

24. Girls are trafficked mainly for commercial sexual exploitation and domestic service, the hidden natures of which put them at greater risk of violence. Furthermore, when detained, girls are often mixed with adult populations, rendering them particularly vulnerable to abuse. As victims and witnesses to a crime, girls require specific consideration throughout the judicial procedures, as is reflected in the United Nations Economic and Social Council (ECOSOC) Resolution 2005/20 on “Guidelines on Justice Matters Involving Child Victims and Witnesses of a Crime”.

25. Institutionalization of children poses a particular risk for their developmental outcomes, such as physical, emotional and cognitive development. Children with disabilities are more likely to be institutionalized and are uniquely at risk of human rights violations, including through violence, abuse, exploitation and neglect as they may have difficulty defending themselves and their rights or reporting an abuse. Violence against disabled children occurs at annual rates at least 1.7 times greater than their non-disabled peers. Importantly, in some societies, there are also gender differences, with disabled girl infants and girl children more likely to die through ‘mercy killings’ than are boy children of the same age with comparable disabling conditions.

26. The Study on Violence against Children also highlighted that the persistent social acceptance of violence against children is a major factor in its perpetuation in almost every State. Female infanticide, pre-natal sex selection and female genital mutilation/cutting¹² directly affect girls, while child marriage, rape, domestic violence, commercial sexual exploitation and child pornography affect girls more than boys. Acceptance of these forms of violence against girls and the corresponding lack of accountability and impunity reflect discriminatory norms that reinforce the **lower** status of girls in society. The role of social norms in both the persistence of human rights violations and their abandonment has recently been elucidated by analysis of household survey data from Demographic and Health Surveys and Multiple Indicator Cluster Surveys, analyses of programme interventions, and developments in social science.

27. Following the adoption of the Resolution Concerning Statistics of Child Labour by the 18th International Conference of Labour Statisticians in 2008, household chores are now included in the new statistical definition of child labour. This redresses the absence of girls in child labour statistics and, consequently, development responses and planning. While household surveys provide valuable data regarding some forms of violence against girls, collecting reliable data on the number of girls affected by armed conflict, sexual exploitation, domestic violence, human trafficking and child labour remains difficult owing to the illegality and social acceptance in many instances of these forms of violence.

28. State actions supporting the growth and development of the girl child must include legislative measures addressing all forms of discrimination against girls and women, including ensuring their human rights related to health, education and social services. The need for a network of support and protection based on an integrated system of laws, policies, regulations

¹² The terminology female genital mutilation/cutting is used in this report to reflect the importance of using non-judgmental language in social contexts where it is deemed to be a necessary part of a girl's upbringing, while retaining the word "mutilation" that emphasizes the gravity of the act.

and services is reflected in the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008). This is a recent example of governmental commitment to specific, time-bound goals to prevent and respond to the abuse and exploitation of children and adolescents. The system, while protecting all children, must also consider those at particular risk and should be sensitive to the situation of the girl child. The systemic approach should also recognize that a girl child may be exposed to more than one source of risk within public and private spheres.

29. To be effective, State action must, in addition to legal measures, acknowledge the persistent social acceptance of practices that violate the rights of girls. It must include measures that promote dialogue and social change with appropriate budget allocations. An example is the Sudanese campaign launched by the First Lady in March 2008, "Every girl is born Saleema". It stresses the value of girls, encouraging individuals, families and communities to support their full development by adding their signature to a long list of supporters. In Egypt, the national plan of action includes a campaign promoting the rights of girls and a holistic community-level programme that promotes discussion of positive conceptions of the status of girls and empowers communities to challenge discriminatory social norms.

C. Protecting Girls in Conflict Situations and Humanitarian Crises

30. Over 1 billion children live in areas in conflict or emerging from war, with an estimated 18 million refugees or internally displaced.¹³ Girls and boys are victims of grave human rights violations, such as in the context of recruitment and use by armed forces and armed groups. Children living in war-affected contexts are less likely to be in school or have access to clean water and basic sanitation, and are at increased risk of **hunger** and disease.

31. The negative impacts of wars, natural disasters and related crises situations are highly gendered. For example: in armed conflict, boys and girls are forcibly recruited into armed

¹³ *Children and Conflict in a Changing World - Machel Study 10-year Strategic Review*. UNICEF. April 2009: 19.

groups, boys may be forced to commit atrocities, girls may become “bush” wives. It remains difficult, however, to systematically identify girls associated with armed forces and armed groups. Both boys and girls are at risk of rape and forced prostitution, but the girl child is more likely to be targeted. Forced pregnancy and sexual slavery are often the consequences of conflict.

32. Challenges to protecting the rights of the girl child in pre-conflict, conflict and post-conflict environments stem from a combination of pre-existing inequalities between women, men, girls and boys, and weaknesses of child protection systems. Impunity for crimes against women and girls are widespread in many conflict situations, as gender-based crimes fail to be prosecuted. In times of conflict, girls are more likely to face limited access to basic rights and services, such as health and education. Women and girls also have more difficulties accessing justice and legal remedies for crimes committed against them in times of war, not least due to inequality and discrimination in the economic and social spheres.¹⁴

33. The international response to protecting women, men, girls and boys affected by armed conflict has improved. Security Council Resolution 1325 (2000) on women and peace-building and Resolution 1820 (2008) on sexual violence in armed conflict, specifically address issues of gender in emergencies. Security Council Resolution 1612 (2005) on children affected by armed conflict introduced for the first time a monitoring and reporting mechanism to monitor grave violations against children and to produce sex-disaggregated data. In 2006, the Inter-Agency Standing Committee (IASC) introduced a gender handbook for humanitarian action which provides practical guidance to programmers. Furthermore, in 2008, UNICEF launched a Global Initiative to promote gender equality across all sectors of humanitarian action.

34. Efforts to put an end to exploitation and abuse by UN personnel at the policy level have included a “Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN

¹⁴ See Expert Legal Position Papers: “The Prosecution of Sexual Violence in Conflict: the Importance of Human Rights as Means of Interpretation” by Patricia Visser Sellers and “The Protection of Economic, Social and Cultural Rights Post-Conflict” by Professor Christine Chinkin, December 2008, available at www2.ohchr.org/English/issues/women/papers_access_to_justice.htm

and Non-UN Personnel” and General Assembly Resolution 62/214 (2007) which outlines a comprehensive strategy for the provision of assistance to victims of sexual violence and exploitation by UN staff.

35. While progress has been made in the development of normative frameworks and standards, further efforts are needed to make them increasingly gender sensitive, to ensure compliance, to fight impunity, and to protect the rights of and improve the lives of girls affected by armed conflict. Gender equality programming must be explicitly incorporated in and accounted for in each phase of an emergency – in preparedness, response and post-crisis recovery – and should cut across sectoral areas. There is a need for more gender-sensitive peace agreements and recovery frameworks and the participation of women in their negotiation and elaboration, to address both the violation of rights and the needs of girls and women. In order to ensure that the rights of the girl child are realized, it is important that national capacity development initiatives enhance knowledge and practice of gender equality and human rights in legal and judicial systems.

D. Promoting Girls' Education

36. Girls' education is critical to the attainment of all Millennium Development Goals, having cascading benefits that impact upon reducing poverty, improving maternal and child health, halting the spread of deadly diseases, **promoting** environmental sustainability and empowering women. Educating girls is also an important preventive strategy against violence, exploitation, abuse and harmful traditional practices including. Nevertheless, of the 101 million children world-wide of primary school age that UNICEF estimates were not in school in 2007, over half were girls, the majority from sub-Saharan Africa and South Asia.

37. Significant strides have been made at country level through a combination of approaches, including strong **national** leadership and political will, the development of comprehensive national education policies and plans, and the effective mobilization of resources. The UN

Girls' Education Initiative (UNGEI), launched in 2000 at the World Education Forum, has proven effective in galvanizing support around these approaches. As a partnership that embraces governments, civil society organizations, the private sector and the United Nations system, UNGEI assists governments to fulfil their obligations to ensure the right to free and compulsory education, and gender equality.

38. In 2008, UNGEI partnerships were formally recognized in 41 out of 147 reporting developing countries. Innovative interventions from UNGEI country-level partnerships focused on research studies (Madagascar and Viet Nam), policy development (Burundi and Rwanda), policy advocacy (Nepal), campaigns to build national consensus around social change in favour of girls' education (Yemen), gender audits (Bosnia, Cambodia, Georgia, Malawi, Serbia, Turkey, Uganda, Uzbekistan and Zimbabwe), mentoring and peer support initiatives (Madagascar), and incentives for high-performing students (Sierra Leone).

39. In addition to UNGEI, results have also been achieved through a wide range of other mechanisms. For example, in Nigeria and Pakistan, interventions were implemented in multilateral partnerships among the Government, the United Kingdom Department for International Development (DFID) and UNICEF. Bilateral assistance has been an effective mechanism for support; for instance, Japan identifies assistance for girls' education as a priority area in its Basic Education for Growth Initiative announced in 2002.

40. Girls' education should be made affordable through eliminating fees, providing scholarships, and ensuring access to health and nutrition programmes. It is also important that gender analysis be conducted for transformative change, and that schools are more girl-friendly, with the provision of separate toilets, the elimination of gender stereotypes in the curriculum and materials, and the recruitment of female teachers. Situating schools close to home, with community involvement and flexible schedules, makes schools more accessible for girls.

E. Promoting Human Rights Education

41. Human rights education has the potential to improve the situation of the girl child, but in many countries has not been given adequate attention. Such education needs to be conducted within the human rights-based approach framework to, and within education. This necessitates access to education, quality of education and respect in the learning environment. In this regard, human rights education should also be addressed within the broader efforts of life-skills-based learning programmes, which enhance participation, promote the agency of both girls and boys and recognize them as active contributors to their learning.

42. Initiatives are being undertaken to incorporate a human rights-based approach within education policies and programmes. In Egypt, for example, UNICEF partners with the Ministry of Education on a community school project which aims to increase access and improve quality of learning for girls in underserved areas, raise community awareness and improve attitudes towards educating children, especially girls.

F. Improved Water, Sanitation and Hygiene

43. Water, sanitation and hygiene (WASH) affect girls in many aspects of their lives. Women and girls are the main carriers of water and are therefore most affected when there is lack of access. Time spent fetching water is time away from school, play, rest, relaxation and a fulfilling childhood. Carrying heavy loads of water over long distances can also cause problems to physical development over time. Furthermore, the personal security of girls is put at risk when walking far from home to fetch water.

44. In her recent report to the Human Rights Council, the independent expert on the issue of human rights obligations related to safe drinking water and sanitation¹⁵ underlined that the disproportionate impact of lack of access to sanitation on girls and women includes increased school drop-out rates for girls when their menstruation begins due to frequent lack of

¹⁵ UN doc. A/HRC/12/24

appropriate school sanitation facilities or, that women and girls, per defined gender roles, are often the ones to stay home and care for relatives with sanitation-related diseases.¹⁶

45. Over 2.5 billion people still lack access to improved sanitation facilities and of these, 1.2 billion do not have any facility at all. The lack of access to safe and private toilets is particularly problematic for girls resulting in their having to go to unsafe places at night to avoid being seen. The difficulties faced by girls due to poor access to water supply and sanitation are exacerbated during emergencies, when access can become even more of a challenge, health is at greater risk and personal security for girls is highly compromised.

46. The state of water supply and sanitation facilities at school has a significant impact on educational achievements of girls. According to a survey carried out by UNICEF in 60 countries, fewer than half of primary schools have an adequate water supply and almost two-thirds lack adequate toilets. Many schools do not have separate toilets for girls and boys, which can lead to girls feeling unsafe and being harassed or sexually abused and girls who miss one week a month during menstruation may drop out permanently.

47. Because of wide-spread and entrenched discrimination, girls and women are often left out of the decision-making processes in general, including for water and sanitation, despite the fact that they are the primary users. As a result, elaborated policies and facilities installed often do not meet their rights and requirements.

48. Initiatives to improve water and sanitation facilities in homes, communities and schools, and to improve girls' knowledge and understanding of hygiene issues have positive outcomes in terms of girls' health, educational achievement and empowerment. Ensuring good hygiene education in schools helps girls be better prepared to look after their own health and the health of their families in the future. It is an effective investment for reducing child mortality on a long-term basis. Experience has shown that girls who have been involved in community WASH

¹⁶ Ibid, para. 51

initiatives have been motivated to **tackle** other social issues, including early marriage, child abuse, substance abuse and HIV/AIDS. Opportunities for increased participation of girls in WASH projects have been made through initiatives such as the creation of school WASH clubs and encouraging girls to act as community advocates for hygiene improvement.

G. Combating HIV/AIDS

49. HIV affects girls and women disproportionately: Of 5.5 million young people living with HIV between the ages of 15 and 24 years in 2007, 3.4 million were female and the bulk of those infections were among young women in sub-Saharan Africa. With an estimated 370,000 new infections among people below the age of 15 in 2007, many girls are living and caring for other family members with AIDS. Women and girls currently account for as much as 90 per cent of all caregivers for people living with HIV in Africa^{17, 18}.

50. Eighty per cent of countries now specifically address women as a component of their national HIV strategy, and 83 per cent of countries report having a policy to ensure equal access for women and men to HIV services, though only about half of countries report budget allocations devoted to HIV-related programmes for women and girls.¹⁹ The gender and social welfare ministries that address the needs of the child and young woman also tend to be the most poorly financed.

51. Bringing treatment costs within the reach of households improves access to treatment. Innovative drug purchasing mechanisms like UNITAID, working alongside the Clinton Foundation HIV/AIDS Initiative, have recently brought down the price of the most affordable generic second-line drug regimen to US\$ 590 annually from US\$ 700 in 2008.²⁰ Integrating

¹⁷ Secretary-General's Task Force, 2004

¹⁸ Southern Africa Partnership Programme 2005: Impact of Home Based Care on Women & Girls in Southern Africa, p. 6.

¹⁹ United Nations General Assembly Special Session on AIDS Country Progress Reports, 2008

²⁰ "UNITAID and the Clinton HIV/AIDS Initiative Announce New Price Reductions for key drugs," 17 April 2009

<http://www.unitaid.eu/en/20090417198/News/UNITAID-and-the-Clinton-HIV/AIDS-Initiative-Announce-New-Price-Reductions-for-key-drugs.html>

primary prevention services into prevention of mother-to-child transmission of HIV services increases access to testing and care and uptake of services.

52. To achieve equal access to education, a protective factor against HIV, the elimination of school fees is a must. This policy has been adopted in Ghana, Ethiopia, Kenya, Malawi, and Mozambique. Schools that transform into 'Learning Plus' centres, including the delivery of age- and sex-appropriate life skills-based education, have a stronger chance of reaching girls with the information they need to make safer choices in life. As of 2007, under one-fifth of females aged 15 to 24 in developing countries had comprehensive and correct knowledge about HIV. Prevention programmes need to address the greater HIV risks to girls of multiple concurrent partnerships, intergenerational sex, transactional sex and violence against women and girls.

53. Nutrition support, alongside treatment, enables the young girl living with HIV to achieve her potential. Points of testing and treatment delivery provide ideal links for identifying those in need of intensive nutritional support. Alleviating dire poverty by instituting unconditional cash transfer programmes improves the family's ability to meet basic daily nutritional requirements and other basic needs. One example is the Mchinji Social Cash Transfer Pilot Scheme in Malawi, associated with a reduction of under-nutrition by 10.5 percentage points between March 2007 and April 2008.²¹ Strengthening broader social protection systems can also help identify and protect girls most at risk, bolstering the resilience of the extended family and reducing the strains of caregiving, improving school enrolment among girls, and promoting birth registration and inheritance rights for women and girls.

54. Until such time equitable access to education, health services and treatment, nutrition and protection are available, essential ingredients for the promotion of girls' health and well-being, HIV will continue to change the course of girls' lives for the worse.

²¹ Save the Children UK, 2009: "Lasting Benefits: the role of cash transfers in tackling child mortality."

H. Girls' Participation

55. There have been increased efforts to institutionalize and sustain the meaningful participation of children in policy and practice. Governments have promoted children's participation through the establishment of children's parliaments, councils, associations and projects. In addition, girls and boys took part in equal numbers in the two recent UN studies: the UN Secretary-General's Study on Violence against Children and the Machel Study 10-year Strategic Review, sharing their experiences and recommendations.

56. Despite this increased focus on children's participation, respect for children's views within the family, school, communities and institutions continues "to be impeded by many long-standing practices and attitudes, as well as political and economic barriers", as noted by the Committee on the Rights of the Child in General Comment No. 12 (2009) on the right of the child to be heard (CRC/C/GC/12). This remains a significant challenge as participation is also a means for securing all other children's rights to survival, protection and development. More specifically, the equitable participation of girls has not been achieved in many countries due to negative patriarchal attitudes and behaviours and rigid forms of gender socialization.²²

57. A growing number of participatory programmes are using a gender approach, recognizing the specific realities facing girls and engaging both boys and girls in questioning rigid and discriminatory gender socialization and norms. This involves creating an environment conducive to meaningful girls' participation through sensitization and education of parents and communities. In Malawi, for example, the Ministry of Education launched the *Sisters to Sisters* project focusing on girls aged 15 to 17 and involving older sisters as a credible source of reproductive health information and providing a life skills education package. An adolescent girls' project in Bangladesh empowers adolescent girls to participate in decisions that affect their lives particularly in combating the traditions of early marriage and dowry. There has also been a greater focus on engaging vulnerable and marginalized groups of boys

²² See also para. 7 above.

and girls including children living with disabilities, children belonging to ethnic minorities, and children exposed to or at risk of sexual exploitation.

I. Improving the Health Status of the Girl Child

58. Girls figure disproportionately in the global burden of maternal mortality and HIV, tuberculosis and malaria (MDGs 5 and 6, respectively). A key determinant of the health status of the girl child is gender inequality and discrimination, which influences her access to nutrition and healthcare from a very early age and is at the root of harmful practices such as female genital mutilation/cutting (FGM/C), early marriage, and adolescent pregnancy, linked to related complications that impact the health and well being of the girl child throughout the life cycle.

59. Progress has been made in the establishment of global initiatives to support countries in strengthening the capacity of national health systems to achieve the health MDGs, including the mobilization of the required resources to improve maternal and child health, especially that of the girl child, and to provide equitable access to care. These include advocacy for gender mainstreaming in health programming, support for the abandonment of FGM/C and initiatives for the prevention and treatment of obstetric fistula, HIV prevention in adolescents and the prevention of mother-to-child transmission of HIV. Global initiatives increasingly supporting these efforts include the Global Alliance for Vaccines and Immunization (GAVI) and the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) Health Systems Strengthening investments, the High Level Taskforce on Innovative International Financing for Health Systems, the UNFPA Thematic Funds for Maternal Health, Obstetric Fistula, Commodity Security and Human Resources for Health.

60. Recognizing the need for increased action to achieve the MDGs, UNICEF, the United Nations Population Fund (UNFPA), the World Health Organization (WHO) and the World Bank have jointly pledged harmonized support to countries to accelerate progress in achieving the health-related MDGs. This support is targeted at 60 countries, with 25 countries having the

highest burden of maternal and child mortality as immediate priorities. Efforts are ongoing to support these countries to review the essential actions needed to accelerate progress in achieving the MDGs and to identify the specific support required.

61. Health systems have a critical role to play in addressing the inequities that affect girls. Strong health systems can facilitate access to necessary care by **providing** essential services for women and girls including family planning, antenatal, skilled and emergency obstetric care at birth and postpartum care, and community-based health promotion and behaviour change communication interventions that are adolescent-friendly and gender-sensitive. They can also ensure a continuum of care through childhood, adolescence and adulthood, and from the household through community to facility levels.

J. UN Collaboration in Support of the Girl Child

62. UN agencies have undertaken a number of initiatives, including joint programmes targeted at the girl child, as outlined in the thematic sections of the report. In addition, in 2007, six UN agencies established an Inter-Agency Task Force on Adolescent Girls with the aim of supporting the UN system and governments to reach marginalized adolescent girls by reorienting existing youth programmes and enhancing UN collaboration. Co-chaired by UNFPA and UNICEF, the Task Force includes the International Labour Organization (ILO), the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the United Nations Development Fund for Women (UNIFEM), and WHO. The Task Force supports collaboration at country level with government ministries, NGOs and women's and girls' networks to identify marginalized adolescent girls in selected communities and to implement programmes aimed at enabling adolescent girls to claim their full rights and access to social services, particularly education, health care, employment and human development. To guide these joint initiatives, the Task Force produced a *Joint UN Programming Framework for Marginalized Adolescent Girls* that was launched during the 53rd Session of the Commission on the Status of Women in 2009.

IV. Efforts to support the abandonment of female genital mutilation/cutting²³

63. Female genital mutilation/cutting is widely recognized as a harmful practice and a violation of the human rights of girls and women. The Special Rapporteur on violence against women, causes and consequences has continuously addressed the issue²⁴, including in her dialogue with governments. Due to the powerlessness and suffering involved, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has recently stated that FGM/C also falls within his mandate.²⁵ The practice is perpetrated without a primary intention of violence but is *de facto* violent in nature. It refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. It reflects deeply rooted discrimination against girls and women which is profoundly entrenched in social, economic and political structures.

64. Communities practice female genital mutilation/cutting in the belief that it will ensure a girl's proper marriage, chastity, beauty or family honour. The practice is upheld by a social norm that is so powerful that families have their daughters cut even when they are aware of the harm it can cause. From their perspective, not conforming to this obligation would bring greater harm to the girl and the entire family because of shame and social exclusion.

65. In 2007, WHO published an estimate that 91.5 million girls above nine years of age live in Africa with the consequences of the practice. In 2005, UNICEF published an estimate that 3 million girls in Africa are at risk of being cut each year. This is significantly higher than the previous often quoted estimate of 2 million girls per year. Both estimates derive from the analysis of data from nationally representative household surveys. Estimates of prevalence are difficult to obtain for girls and women who have been subjected to the practice in countries of immigration in Europe, North America and Australia or for some East and South Asian countries where there is documented evidence that the practice exists.

²³ This section is informed in part by the deliberations of the Expert Meeting on Human Rights and the Abandonment of Female Genital Mutilation/Cutting in countries of prevalence and immigrant communities, 2-3 July 2009, Geneva, Switzerland.

²⁴ UN doc. E/CN.4/2002/83

²⁵ UN doc. A/HRC/7/3, paras. 50-55

66. Subnational level data indicate that prevalence of female genital mutilation/cutting varies more by ethnicity than by any other variable. Within a country with low national prevalence there may be some ethnic communities with very high prevalence whilst in the majority of other communities it is not practiced. Data also indicate that national level prevalence has declined somewhat during the past decades although the speed of decline varies significantly among countries. It further indicates that in many places the support for the practice has decreased even though its prevalence remains high. This suggests that changes in individual attitudes are not sufficient for producing behavioural change.

67. Ending female genital mutilation/cutting will contribute to the achievement of several MDG including MDG 3 on promoting gender equality and empowerment of women, MDG 4 on reducing child mortality, and MDG 5 on improving maternal health. It will also contribute to the implementation of the Convention on the Rights of the Child and of the Convention on the Elimination of All Forms of Discrimination against Women and will respond to the recommendations of the UN Study on Violence against Children.

68. Over the last five years, academic research and findings from field experiences have yielded important insights on the social dynamics of female genital mutilation/cutting. It is now widely acknowledged that it functions as a self-enforcing social convention or social norm. In societies where it is practiced it is a socially upheld behavioural rule. Families and individuals uphold the practice because they believe that their group/society expects them to do so. Abandonment of the practice requires a process of social change that results in new expectations on families.

69. In-depth analysis of wide-scale abandonment of the practice has also pointed to the role of human rights discourse in fuelling positive social change. Within practicing communities, the fundamental moral norm of doing the best for one's children motivates a parent's decision to perform the procedure since failure to comply risks the daughter's marriageability and brings

shame to her and her family. It is this same moral norm that motivates parents to stop cutting, once the possibility of coordinating on a better alternative is introduced by credible figures in a credible manner in the community. When community members discuss and debate alternative perspectives, this moral norm becomes explicit. When integrated with principles of human rights and social justice, the process is transformative. Communities recognise the rights of girls and they are empowered to together review, deliberate and change existing discriminatory practices to make them more consistent with the fulfilment of human rights.

70. When human rights education is based on the appreciation of local culture, it expands the capacity of communities to pursue their own basic values and aspirations more coherently. Since these values and ideals tend to be consistent with universal human rights principles, the process does not undermine traditional values but rather adds new dimensions to the discussion. The discussion does not focus on the “eradication” of “bad” traditions, but instead focuses on building a positive vision of girls and women – encouraging their active role in society and enabling them to maintain their traditional values without being subjected to FGM/C. Individuals are not rejecting the bad, but are embracing the good. When the value based discourse is associated with public commitments that encompass appropriate social networks, it can leverage massive collective change.

71. Because of the specific dynamics which characterize the emergence and disappearance of social norms, female genital mutilation/cutting could disappear rapidly if strategies that are consistent with this understanding are defined and consistently applied.

72. The recognition that female genital mutilation/cutting functions as a self-enforcing social convention or social norm has led to innovative programming efforts. In-depth evaluations and studies of experiences in Burkina Faso, Egypt, Ethiopia and Senegal provide significant evidence that community-led, rapid social change does take place and can be effectively promoted. Specifically, evidence shows that concepts of human rights and social justice may

offer an overarching framework to put in motion local dynamics which are contextually sound and culturally respectful. Innovative programmes have also led to declared abandonment by communities in the Gambia, Guinea, Kenya, Mali, Niger and Sudan.

73. The social norms perspective is providing insights into the specific challenges of promoting abandonment in communities of immigration. It highlights the challenges faced by families as they try to adjust to a completely different environment and culture, while at the same time trying to preserve essential elements of their own culture. It also highlights the importance of facilitating linkages between communities of immigration and their communities of origin so that positive social change can be built on broad consensus within the larger group.

74. Innovative processes of legal reform are taking into consideration the degree of social acceptance of the practice, aware that if support for the practice is high legal measures that are solely punitive cannot be enforced. In countries of prevalence as well as in countries of immigration there are now examples of legislation that complement punitive measures with educational activities designed to promote a process of consensus toward abandonment and to provide appropriate services for those affected by the practice. In countries of immigration they include training for health and social workers who may come into contact with women that have been subjected to the practice or girls at risk. Examples can be drawn from Finland, Italy, the Netherlands, Spain and Switzerland. There is also increasing attention to ensuring consistency and complementarity between domestic measures and international cooperation policies.

75. At global level, in February 2008, the Deputy Secretary-General launched the UN Interagency Statement on Female Genital Mutilation. It reflects the consensus position of 10 UN organizations, based on evidence, and sets out the elements of the programming approach to support abandonment. The UNFPA-UNICEF Joint Programme “*Female Genital Mutilation/Cutting: Accelerating Change*” is serving to operationalize the common programmatic approach outlined in the Interagency Statement. Launched in 2007, it is currently

supporting action in 12 countries in Africa (The Gambia, Guinea, Guinea Bissau, Senegal, Burkina Faso, Djibouti, Ethiopia, Kenya, Somalia, Sudan, Egypt, and Uganda) and, if resources become available, will expand to cover five additional countries to achieve its objectives by 2012.

76. The World Fit for Children goal of ending female genital mutilation/cutting by 2010 will be unmet. However, the global goal outlined in the Interagency Statement – overall abandonment of female genital mutilation/cutting in one generation, with demonstrated success in many countries by 2015 – can be reached if support and collaboration is strengthened in line with the latest evidence.