

Master of Laws: Advanced Studies in International Children's Rights



**Universiteit
Leiden**
The Netherlands

**Invisible Girl-Child: Analysing the CRC's Approach to Addressing
Gender-Based Violence Against Girls**

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Declaration statement



Date: 1 July 2024


Location: Leiden, The Netherlands

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Acknowledgement

I want to express my gratitude to all the lecturers and the programme coordinator of the Advanced LL.M. in International Children's Rights for their dedication, support, and guidance. Their commitment has been invaluable in shaping my academic journey.

I would also like to thank my thesis supervisor, [REDACTED], for her guidance and insightful feedback throughout the thesis writing process. I am incredibly grateful for her genuine interest in my research topic, which has been a significant source of motivation.

I am thankful to all my Master's classmates, who have become dear friends. It was special to spend this time with them as we learned together. It is a privilege to share my Master's programme journey with such a unique and passionate group of individuals from around the world.

A special thank you goes to my family for their unwavering support, particularly my mom, whose encouragement has been a constant source of strength.

I am deeply grateful to Jochem and his parents for their support and kindness, which have been greatly appreciated during this time.

Additionally, this work is an effort to raise awareness about the challenges faced by girls around the world and to call for an end to the violence against them.

“On average, more than five girls or women are killed every hour by someone in their own family.”

- *UN Women*

Executive Summary

This thesis aims to put girls at the center of the discussion and acknowledge that the problem of Gender-Based Violence (GBV) critically affects them worldwide. Despite the belief that girls are protected by important international instruments such as the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), it is essential to study whether this recognition is sufficient to address their vulnerabilities and ensure the broadest protection against GBV, in particular to tackle femicide/feminicide, which refers to the intentional killing of girls with a gender-related motivation.¹

The second chapter analyses the status of the girl child within international legal conventions, such as the CRC and the CEDAW. Additionally, it describes the international legal framework, including both binding legal instruments and non-binding guidelines, which are crucial in combating GBV and identifying relevant articles addressed to girls.

The third chapter provides an overview of GBV against girls, emphasising the need for multifaceted strategies that extend beyond legal measures. Specifically, the chapter focuses on femicide as the most extreme form of GBV against girls due to its lethal consequences. It further discusses international efforts to address GBV and highlights initiatives led by the CEDAW and CRC Committees. These include General Comments (GC) and General Recommendations (GR) issued by the CRC and CEDAW Committees.

The fourth chapter outlines strategies for GBV against girls, illustrating legal measures implemented in Europe and Latin America concerning femicide/feminicide. It highlights the significance of an intersectional approach to tackle girls' issues effectively and ensure their protection. Furthermore, the chapter highlights international commitments, including Agenda 2030, aimed at safeguarding the rights of the girl child.

The final chapter acknowledges the gap between legal aspirations and practical outcomes, highlighting that relying solely on legal frameworks does not guarantee effective implementation in safeguarding girls' rights, especially concerning GBV and femicide. It calls for intensified efforts to protect girls, proposing measures such as establishing a Special Rapporteur for the Girl Child and promoting an intersectional approach integrating girls' perspectives into human rights laws. The chapter underscores the significance of international cooperation in addressing GBV against girls globally, emphasising the need for coordinated and impactful actions across borders to protect them and combat violence effectively.

Consequently, the research aims to assess whether the safeguards in the CEDAW sufficiently enhance the CRC's protection for girls. Additionally, it calls out to make the girl child visible to reduce GBV and implement appropriate measures to protect them against femicide/feminicide. It is crucial to recognise girls as distinct members of society and provide them with the special protection they need. Finally, the research underscores that while efforts to tackle GBV have been made, they often fall short in stemming the rising tide of violence.

¹ UN Women, Five essential facts to know about femicide, (2023). Available at (<https://www.unwomen.org/en/news-stories/feature-story/2022/11/five-essential-facts-to-know-about-femicide>), last visited (30-05-2024).

Overview of main findings

The research findings highlight several critical aspects concerning the girl child and the GBV against them globally. This thesis underscores the importance of focusing specifically on girls, recognising their unique challenges and vulnerabilities. While there have been legal frameworks in place, the study found that simply having these laws and guidelines does not ensure their effective implementation or the protection of girls' rights. Girls have often been grouped under broad categories, neglecting their unique challenges and circumstances, which make them vulnerable to violence.

The thesis argues that while boys also suffer from GBV, there is a notable disparity in the attention and resources allocated to addressing the specific vulnerabilities of girls. Termed "invisible girls" in the study, these young females often do not receive adequate protection or recognition in broader discussions and policy frameworks concerning GBV. A significant finding is that the girl child remains invisible in the text of the essential conventions aimed at protecting them. Another finding is that when the CEDAW and CRC were created in different contexts a long time ago, they did not include critical references specific to addressing GBV and protecting girls, such as GBV.

Both the CEDAW and the CRC Committees have released documents aimed at protecting not just women and children but specifically girls as well. Their recent texts have incorporated a gender perspective, expanding the focus on protecting girls. Moreover, essential documents such as the Declaration Against Violence and the Beijing Platform of Action have played significant roles in recognising and safeguarding girls. However, analysis of homicide data indicates that GBV has been a historical problem, affecting girls at different stages of their lives, and remains a persistent issue across all regions, deeply ingrained in patriarchal societies. When states fail to implement special measures to protect them, GBV continues to escalate.

The research emphasises the severe consequences of GBV, with femicide being one of its most extreme manifestations, tragically ending the lives of countless girls. This terrible act starkly illustrates the urgent need for targeted interventions to protect girls, a group that has been seen as part of a vulnerable and marginalised group. Moreover, like GBV, femicide/feminicide is a global issue. Even in countries considered the best for girls and women, we still see the killings of girls for gender reasons. The role of the CEDAW and CRC Committees has been relevant yet insufficient to protect girls fully. While there have been updates and joint comments to raise concerns about violence against girls, the research emphasises that more actions are necessary.

This thesis does not call for a new convention specifically for girls, as existing strong binding conventions can be interpreted with an intersectional and girl-focused perspective. However, it calls for specific measures, such as appointing a Special Rapporteur for the Girl Child, to protect girls. There is an ongoing need for intensified action and sustained commitment at all levels of society and governance to achieve meaningful progress in safeguarding girls from GBV.

To address GBV, it's essential to implement various strategies beyond just legal measures. Effective interventions must incorporate culturally sensitive and gender-specific approaches to challenge and change harmful norms and practices. Collaborative efforts among UN committees have been identified as potential catalysts for bringing about transformative change in addressing GBV. By working together, these approaches can improve global accountability and ensure that the voices and needs of girls are at the forefront of shaping effective policies and interventions. It's time to bring attention to the invisible and empower girls to play an active role in making decisions and policies for a safer future free from violence. Historically, girls have been invisible, treated alongside boys or women, but it is time to recognise them as a unique group with their own issues and demands for protection.

Keywords:

Gender-Based Violence – Girls – Femicide – CRC – CEDAW

i. Acronyms

ACUNS	Academic Council on the United Nations System
BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CEFMU	Child, Early, and Forced Marriages and Unions
CEPAL	Economic Commission for Latin America and the Caribbean
CO	Concluding Observations
CoE	Council of Europe
CRC	Convention on the Rights of the Child
DEVAW	Declaration on the Elimination of Violence against Women
EIGE	European Institute for Gender Equality
EC	European Commission
ECtHR	European Court of Human Rights
EU	European Union
FGM	Female Genital Mutilation
GBD	Gender-Based Discrimination
GBV	Gender-Based Violence
GC	General Comment
GR	General Recommendation
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
ICCPR	International Covenant on Civil and Political Rights
NGO	Non-Governmental Organisation
OAS	Organization of American States
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
SDGs	Sustainable Development Goals
SRVAW	Special Rapporteur on Violence Against Women
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNGA	United Nations General Assembly
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
VAW	Violence Against Women
WHO	World Health Organization

1. Introduction

1.1. The context of the problem

Girls and boys are integral members of society. In 2024, an estimated 2 billion children between the ages of zero and 14 live worldwide². Despite international efforts to recognise and respect their rights, significant disparities still make guaranteeing their protection difficult. These inequalities intensify when focusing specifically on the girl child, who represented one-fourth of the world's population under 15 in 2022.³ Furthermore, this disparity becomes even more pronounced when discussing Gender-Based Violence (GBV) against girls.

During this research, we will refer to the 'girl child,' meaning female children aged 0–18. This term provides special recognition to girls, not as part of the broader categories of children or women, but as a distinct group. This definition aligns with Article 1 of the Convention on the Rights of the Child (CRC), which states that a child is any human being below the age of eighteen years unless, under the applicable law, the majority is attained earlier.⁴ The term 'girl child'⁵ is essential for the visibility and recognition of girls within the Convention and the international law.

This thesis acknowledges that both boys and girls face difficulties; however, girls still encounter specific challenges related to their rights being obscured under the broad categories of 'women' or the gender-neutral terms 'children,' 'adolescents,' or 'youth.'⁶

Violence is an issue present throughout women's lives, with data showing that 1 in 3 females have experienced violence during their lifetimes.⁷ Violence can manifest in many forms, and we shall distinguish five interrelated types: physical violence, verbal violence (including hate speech), psychological violence, sexual violence, and socio-economic violence. Additionally, there are two other categories of violence: domestic violence and (sexual) harassment. In reality, multiple forms of violence can often be present simultaneously. All forms can occur both in the private sphere (within families and intimate relationships) and in the public sphere, perpetrated by unknown individuals in public spaces or by organisations, institutions, and states.⁸

² World Population Review, Children in the World by Country 2024, (2024). Available at (<https://worldpopulationreview.com/country-rankings/children-in-the-world-by-country>), last visited (26-05-2024).

³ Statista, Global population from 2000 to 2022, by gender, (2023). Available at (<https://www.statista.com/statistics/1328107/global-population-2024gender/#:~:text=Over%20the%20past%2022%20years,and%203.95%20billion%20were%20women>), last visited (26-05-2024).

⁴ CRC, Article 1.

⁵ The authors Cynthia P. Cohen and Nura Taefi have used the term 'girl child,' as established in the Vienna Declaration and Programme of Action, to refer to female children aged 0-18.

⁶ Plan International. Girls' rights are human rights. (2017). Available at (<https://plan-international.org/uploads/2022/01/girlsrightsarehumanrights-en-web.pdf>), last visited (29-05-2024).

⁷ The World Bank. Gender-Based Violence (Violence Against Women and Girls), (2019). Available at (<https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls>), last visited (03-06-2024).

⁸ Council of Europe, Types of gender-based violence, (n.d.). Available at: (<https://www.coe.int/en/web/gender-matters/types-of-gender-based-violence>), last visited (21-06-2024).

However, among the forms of violence, some types are the most extreme as they result in the murder of the victim, such as femicide, which refers to the killing of girls and women for gender reasons. In 2022, around 48,800 girls and women worldwide were killed by their intimate partners or other family members. This results that, on average, more than five women or girls are killed every hour by someone in their own family.⁹

The previous statistics offer only a glimpse into the problematic situation that girls face regarding GBV. Both binding and non-binding international instruments have been established globally to protect children's rights. This thesis aims to identify the primary challenges and barriers to reducing GBV against the girl child, with a specific focus on femicide/feminicide as a form of GBV. Furthermore, it seeks to explore whether the CRC's protections for girls are sufficiently strengthened by the safeguards outlined in CEDAW.

1.2. The Research Question and Sub-questions

This research aims to study the extent to which the CRC, CEDAW, and other legal instruments address the unique needs and vulnerabilities of girls and mitigate violence against them. Specifically, it investigates whether girls are adequately protected from GBV under the CRC and their legal recognition within its scope. Furthermore, it examines whether the protection provided by the CRC is sufficiently complemented by the safeguards for girls in CEDAW, identifying potential gaps and areas for improvement in protecting girls' rights.

The research questions this thesis seeks to answer are: To what extent can the CRC protect girls from GBV?

- **Sub-question 1:** What are the key challenges and barriers to reducing GBV and, specifically, femicide/feminicide against girls under the CRC?
- **Sub-question 2:** Is the protection afforded to girls by the CRC adequately supplemented by the safeguards outlined in the CEDAW?

1.3. Aims and Methodology

This study aims to prioritise citations from female experts in the field, emphasising their significant contributions and unique perspectives. By centring research and studies conducted by women scholars, this work endeavours to underscore the value of their insights, fostering a more inclusive and thorough understanding of the subject.

This research predominantly relies on desk-based research. Its principal source is hard international law, particularly the CRC while considering other pertinent legal frameworks, such as the CEDAW. The methodology of this thesis revolves around two primary objectives:

- To spotlight the girl child within the international children's rights framework and establish a legal and policy framework under the CRC aimed at promoting their protection and eradicating GBV, particularly femicide/feminicide against them.

⁹ UN Women, Facts and figures: Ending violence against women, (2023). Available at: (<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#83917>), last visited (09-05-2024).

- To further scrutinise existing legal references to girls within international instruments, pinpoint gaps, and strive for enhancements.

This thesis takes a multidisciplinary approach to addressing the complex issue of GBV. It draws from legal sources and insights from academic fields such as international relations, governance, and public policy. The research also integrates GC and GR from the CRC and CEDAW Committees, acknowledging the impact of soft law guidance on law and policy reform.

Lastly, various academic literature, journals, reports, and news articles will be consulted. Data sources will include reports, published journal articles, textbooks, newspapers, and internet materials related to the protection of girls.

1.4. Glossary

- **Affirmative action:** Extraordinary measures that actively nullify some of the adverse effects of unjust, discriminatory conditions that hinder members of marginalised groups from equally enjoying rights and freedoms in the concrete contexts that prevent them from partaking of equal footing in mainstream institutions.¹⁰
- **Female genital mutilation:** All procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.¹¹
- **Femicide:** Intentional killing with a gender-related motivation. Femicide may be driven by stereotyped gender roles, discrimination towards girls and women, unequal power relations between women and men, or harmful social norms.¹²
- **Gender:** Social and cultural construction which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women.¹³
- **Gender Perspective:** Perspective which considers gender-based differences when examining any social phenomenon, policy, or process.¹⁴
- **Gender-Based Discrimination:** Unequal or disadvantageous treatment based on gender but not necessarily in a sexual nature. This includes harassment/discrimination based on sex, gender identity, or gender expression.¹⁵
- **Gender-Based Violence (GBV):** Violence directed against a person because of that person's gender or violence that affects persons of a particular gender disproportionately.¹⁶
- **Gender equality:** Concept that women and men, girls and boys have equal conditions, treatment and opportunities for realising their full potential, human rights and dignity, and contributing to (and benefitting from) economic, social, cultural and political development.¹⁷
- **Girl-Child:** Female children aged 0–18.¹⁸
- **Infanticide:** Crime of killing a child.¹⁹

¹⁰ Losleben, L. K., & Musubika, S, *Intersectionality*, Routledge, (2023), at 240.

¹¹ WHO, Female genital mutilation, (2024). Available at (<https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation#:~:text=Overview,organs%20for%20non%2Dmedical%20reasons>), last visited (30-05-2024).

¹² See UN Women, *supra* note 1.

¹³ UNICEF. Glossary of Terms and Concepts, (2017). Available at (<https://www.unicef.org/rosa/media/1761/file/Genderglossarytermsandconcepts.pdf>), last visited (30-05-2024).

¹⁴ EIGE, Gender Perspective, (2016), Available at (https://eige.europa.eu/publications-resources/thesaurus/terms/1257?language_content_entity=en), last visited (30-05-2024).

¹⁵ Stanford University, Gender Discrimination, (n.d). Available at: (<https://share.stanford.edu/education-and-outreach/learn-topics/gender-discrimination>), last visited (30-05-2024).

¹⁶ EC, What is gender-based violence? (n.d.). Available at: [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en#:~:text=gender%2Dbased%20violence-,Gender%2Dbased%20violence%20\(GBV\)%20by%20definition,of%20a%20particular%20gender%20disproportionately](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en#:~:text=gender%2Dbased%20violence-,Gender%2Dbased%20violence%20(GBV)%20by%20definition,of%20a%20particular%20gender%20disproportionately), last visited (30-05-2024).

¹⁷ See UNICEF, *supra* note 13.

¹⁸ CRC, Article 1.

¹⁹ Cambridge Dictionary, Infanticide, (2024). Available at (<https://dictionary.cambridge.org/dictionary/english/infanticide>), last seen (30-05-2024).

- **Intersectionality:** Concept for analysing social differences (and sameness) and the multiple ways discriminations affect subjects along race, gender, sexuality, social class, socioeconomic status, nationality, geographical position, and other lines of difference.²⁰
- **Patriarchy:** Institutionalised domination of women and children by men.²¹

²⁰ See Losleben, L. K., & Musubika, *supra* note 10, at 80.

²¹ Welty, G., Patriarchy. In *The SAGE Encyclopedia of Political Behavior*, (2017), at 585–587.

2. International Legal Framework

2.1. General Overview

The International Bill of Human Rights comprises crucial articles for girls. For instance, the ICCPR explicitly states that every child is entitled to protective measures required by their status as a minor, without discrimination based on race, colour, sex, language, religion, national or social origin, property, or birth. These protections should be provided by the child's family, society, and the state.²²

On the one hand, acknowledging girls' and women's rights in the UN Charter and the UDHR marked initial progress. Still, substantive advancements were limited until the second feminist wave in the 1960s and 1970s. The International Women's Year 1975 led to significant developments through events such as the World Conference in Mexico, the UN Decade for Women, and the CEDAW.²³ On the other hand, the CRC represented a fundamental step towards recognising children's rights and has been the most rapidly ratified human rights treaty in history.²⁴

This paper will address the instruments that have been significant and have represented an advancement in the protection of girls' rights and the eradication of GBV.

2.2. The CEDAW and the Status of the Girl Child

December 18, 1979, marks a significant date for girls, as the UNGA adopted the CEDAW on this day. Following its ratification by the twentieth country, it came into force as an international treaty on September 3, 1981. By the tenth anniversary of its adoption in 1989, nearly one hundred nations had committed to abiding by its principles and provisions.²⁵ International legal advancements have focused on girls, with the 1979 CEDAW being the most significant. This treaty, along with its monitoring body, the CEDAW Committee, compels state parties to dismantle social, religious, and cultural frameworks that perpetuate the subordination of women.²⁶

The CEDAW arises historically to discuss girls' rights and their societal role. From its preamble, CEDAW acknowledges that discrimination against girls and women is an ongoing issue that persists despite various international instruments. It states that such discrimination violates equality and human dignity principles, hindering women's equal participation in political, social, economic, and cultural life.²⁷

²² ICCPR, Article 24.

²³ Dan Plesch, & Rebecca Adami, *Women and the UN: A New History of Women's International Human Rights* (1st ed., Vol. 1). Routledge, (2022), at 88.

²⁴ UNICEF, Frequently asked questions on the Convention on the Rights of the Child, (n.d). Available at (<https://www.unicef.org/child-rights-convention/frequently-asked-questions#:~:text=The%20Convention%20on%20the%20Rights%20of%20the%20Child%20is%20the,human%20rights%20treaty%20in%20history>), last seen (01-06-2024).

²⁵ OHCHR, *Convention on the Elimination of All Forms of Discrimination against Women* New York, (18 December 1979). Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>, last visited (01-06-2024).

²⁶ Mudgway, C., Can International Human Rights Law Smash the Patriarchy? A Review of 'Patriarchy' According to United Nations Treaty Bodies and Special Procedures. *Feminist Legal Studies*, 29(1), (2021), at 67–105.

²⁷ CEDAW, Preamble.

The text of the CEDAW consistently emphasises achieving equal rights for girls and women. It expresses concern that despite the existence of various instruments, extensive discrimination against girls and women persists, impeding the full development of their potential in serving their countries and humanity. Additionally, it underscores that in situations of poverty, girls and women face the most significant challenges in accessing essential resources such as food, health, education, training, employment opportunities, and other basic needs. In this research, we will explore the relevance of CEDAW to protecting the girl-child.²⁸

The paper will then discuss articles of CEDAW that indirectly or directly benefit the girl child by promoting gender equality and protections from GBV. Firstly, Article 1 of CEDAW defines ‘discrimination against women’ as any distinction, exclusion, or restriction based on sex that impairs or nullifies women’s human rights and fundamental freedoms.²⁹ Importantly, it emphasises that discrimination can occur regardless of a woman’s marital status and aims to ensure equality between men and women in various aspects of life.

From Article 1, it is inferred that the instrument does not explicitly define who it considers to be a ‘woman,’ whether it refers only to women over eighteen or includes underage girls. Therefore, no article clarifies whether the term ‘woman’ encompasses girls, adolescents, and adult women. Additionally, the text mentions the term ‘marital status,’ which raises questions about whether it pertains only to adult women who can be in a marital union or also includes girls in early marriages. This lack of clarity leaves uncertain whether the term encompasses the girl child.

Another significant article for this analysis is Article 2 of CEDAW, which mandates state parties to take proactive measures to eliminate discrimination against women and promote gender equality. It emphasises modifying social and cultural patterns that perpetuate gender stereotypes³⁰. Alongside Article 5, it dictates the modification of social norms to promote gender equality and shared parental responsibility. These articles address complex issues such as social and cultural patterns³¹—an essential step in ending patriarchal societal norms.

Moreover, Article 6 of CEDAW addresses the suppression of all forms of trafficking in women and the exploitation of women in prostitution.³² Article 12 imposes measures to eliminate discrimination against women in healthcare.³³ These articles are crucial in addressing an issue that disproportionately affects girls, as they tend to suffer a heavier impact because they are often trafficked for sexual and economic exploitation, including prostitution, forced labour in agriculture and domestic work, forced marriages, and recruitment for conflict-related roles such as sexual services and domestic duties in conflict zones.³⁴

Furthermore, Article 16 of CEDAW focuses on marriage and family life equality, highlighting equal rights and responsibilities between spouses. This includes the right to choose a spouse, enter marriage with free and full consent, and dissolve marriage. It also covers parental authority, guardianship, and

²⁸ CEDAW, Preamble.

²⁹ CEDAW, Article 1.

³⁰ CEDAW, Article 2(f).

³¹ CEDAW, Article 5(a).

³² CEDAW, Article 6.

³³ CEDAW, Article 12(1).

³⁴ EIGE, Trafficking in women and girls. (n.d.). Available at: https://eige.europa.eu/publications-resources/thesaurus/terms/1448?language_content_entity=en, last visited (06-06-2024).

adoption, ensuring gender equality within the family unit. That, in some way, seeks to protect women from arranged marriages.³⁵ This article addresses a significant issue related to GBV, like child marriage, which impacts girls disproportionately compared to boys worldwide. It deprives girls of their childhood, endangers their well-being, and heightens their risk of domestic violence. Girls married before 18 are less likely to continue their education and experience poorer economic and health outcomes than their unmarried peers. This perpetuates cycles of poverty and strains a country's capacity to deliver quality health and education services.³⁶

Article 16 of CEDAW outlines the need to eliminate discrimination against women in all areas related to marriage and family. However, in countries like Niger, family law is influenced by the Civil Code, customs, and international legal agreements. While the Civil Code specifies that the minimum marriage age is 18 for boys and 15 for girls, most marriages are conducted according to customary law. Raising the minimum age for girls to 18 would be a step in the right direction, but more comprehensive measures are required to bring about real change. Furthermore, there are no penalties for underage marriages, which means that judges are unable to annul such marriages even if they are legally challenged. This example highlights how girls are subjected to discriminatory practices such as underage marriage due to gender-specific legal disparities and cultural norms.³⁷

Finally, having a binding Convention whose principal aim is to recognise and protect girls and women requires that countries adopt and implement the mandates expressly mentioned by the Convention. Plan International's report highlights an important issue concerning the ratification and adoption of the CEDAW, which is significant reservations to treaty articles, mainly targeting sexual and reproductive health and rights, citing religious or cultural differences. Despite almost 40 years since CEDAW's adoption, 48 of the 189 ratifying states still hold reservations, mainly objecting to Article 2 and Article 16, hindering efforts to address issues like forced sex, early pregnancy, child marriage, and access to contraception and sexuality education.³⁸

A specific feature of CEDAW is that it mentions the term 'girls' only once in subparagraph (f) of Article 10. This provision addresses equal rights with men in education. It expressly states: "The reduction of female **student** drop-out rates and the organisation of programmes for girls and women who have left school prematurely".³⁹ The question raised here is whether we can assume that the sole article mentioning 'girls' is also the only article referring to underage females.

While the Convention primarily addresses the rights and empowerment of women as a whole, it does contain provisions that indirectly benefit girls by promoting gender equality in areas such as education and health care. However, these provisions may not explicitly target girls as a distinct group. The question arises: Does the CEDAW explicitly aim to eliminate discrimination against females of all ages or solely those over 18? Therefore, it's essential to consider the broader context and objectives of the convention when discussing its coverage of issues related to girls.

³⁵ CEDAW, Article 16(a)(b)(c)(d)(f)

³⁶ UNICEF, Child marriage, (July, 2023). Available at: (<https://www.unicef.org/protection/child-marriage>), last visited (21-06-2024).

³⁷ Save The Children UK, Child marriage in Niger. (2017). Available at: (<https://www.savethechildren.org.uk/content/dam/global/reports/advocacy/child-marriage-niger.pdf>), last visited (21-06-2024).

³⁸ See Plan International, *supra* note 6, at 3.

³⁹ CEDAW, Article 10(f)

The above does not mean that CEDAW is not an effective instrument for the protection of girls. Having a binding international instrument explicitly created for discrimination against women led to the formal recognition of girls' rights. This urged the acceptance of the indivisibility of human rights for girls and women and led to the creation of separate enforcement mechanisms, such as the Optional Protocol to CEDAW, which adds an individual right of petition (Article 7(4)).⁴⁰

2.3. The CRC and the Status of the Girl Child

The most relevant international instrument for children's rights is the CRC, adopted by the UNGA through Resolution 44/25 on 20 November 1989, which marked the culmination of a process that originated during the preparations for the 1979 International Year of the Child. During this pivotal year, discussions commenced on a preliminary draft Convention submitted by the Government of Poland. This historical progression underscores the international community's long-standing commitment to addressing children's rights and welfare, culminating in the comprehensive framework provided by the CRC.⁴¹ The CRC is a cornerstone document of this analysis and research. Widely ratified internationally, it serves as a foundational instrument dedicated to safeguarding children's rights globally.

Examining the girl-child's status, visibility, and recognition under the CRC is crucial for this research. This examination begins with Article 1 of the CRC, which defines a child as any individual under the age of eighteen, except when the law applicable to the child specifies an earlier age for reaching adulthood.⁴²

The previous article shows that the Convention deliberately avoids explicitly referencing gender-specific terms such as 'boy' or 'girl,' maintaining intentionally broad language. It also does not provide different terms for children depending on their stage of development and age. It only uses 'child' to refer to girls and boys under eighteen. Hence, the term 'girl' or 'girl-child' is never mentioned. Consequently, the CRC conceptualises children as equal individuals irrespective of gender by employing neutral terminology. As the author Cynthia P. Cohen mentioned, one of the most significant aspects of the CRC is that it does not become a girls' rights treaty merely by removing masculine singular possessive pronouns. Instead, it treats girls and boys as equals, recognising the human dignity of both. This ensures that no young girl will question whether the treaty's provisions apply to her.⁴³

Moreover, Article 2 of the CRC mandates that state parties must respect and ensure the rights outlined in the Convention for every child within their jurisdiction without discrimination. The text provides examples of discrimination without mentioning any reference to gender. Therefore, if we speak of GBD, Article 2 anticipates it in a general sense; however, not explicitly within the text. The term 'gender' is not mentioned once in the Convention.

One crucial element of this work is Article 19, which mandates that states parties must enact comprehensive legislative, administrative, social, and educational measures to protect children from all forms of physical and mental violence, abuse, neglect, maltreatment, and exploitation, including sexual

⁴⁰ Taefi, N., *The Synthesis of Age and Gender: Intersectionality, International Human Rights Law and the Marginalisation of the Girl-Child*. In *Children's Rights: Progress and Perspectives*. Leiden, The Netherlands: Brill | Nijhoff. (2011), at 140-141.

⁴¹ OHCHR, *Background to the Convention*. Committee on the Rights of the Child. Available at (<https://www.ohchr.org/en/treaty-bodies/crc/background-convention>), last visited (01-06-2024).

⁴² CRC, Article 1.

⁴³ C. Price Cohen, *The United Nations Convention of the Rights of the Child: A Feminist Landmark*, 3 Wm. & Mary J. Women & L. 29 (1997), at 45-48.

abuse, by parents, legal guardians, or any caregivers. This article includes the right of girls and boys to protection against violence. Although there is no specific reference to GBV, this provision implicitly comprises it. In the context of GBV, sexual violence can be inferred from this article.

Article 24 recognises the child's right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health⁴⁴. Paragraph 3 of this article indicates: "State parties shall take all effective and appropriate measures to abolish traditional practices prejudicial to children's health." Regarding this, paragraph 3 emphasises the obligation of state parties to take all effective and appropriate measures to abolish traditional practices prejudicial to the health of children, stating, "This was the first time that an international treaty labelled female genital mutilation as incompatible with human rights."⁴⁵ This is relevant when the facts show that, tragically, 200 million women have undergone female genital mutilation/cutting, highlighting the pervasive nature of this issue.⁴⁶

Other articles addressing GBV include Article 34, which establishes protection for children against sexual exploitation and sexual abuse.⁴⁷ We also find this protection in Article 6 of CEDAW. Article 35 establishes measures to prevent the abduction, sale, or trafficking of children for any purpose or in any form⁴⁸, and Article 39 outlines measures to promote the physical and psychological recovery and social reintegration of a child victim of neglect, exploitation, abuse, torture, or armed conflicts.⁴⁹

Children have the right to be safeguarded from all types of sexual exploitation and abuse. Nonetheless, sexual abuse of children can be deemed 'legal' when it occurs within the context of marriage, thereby remaining concealed from public scrutiny. Dr Ouis propose that any form of marriage involving children—whether forced, temporary, or tourist marriages—constitutes sexual abuse and violates these provisions of the CRC.⁵⁰ In addition to the sexual violence, child marriage brings further rights violations that affect both girls and boys, though it is more common among girls. For girls, it often compromises their development by leading to early pregnancy and social isolation, interrupting their education, limiting career and vocational opportunities, and increasing the risk of domestic violence.⁵¹

2.4. Other Relevant International and Regional Instruments

2.4.1. Vienna Declaration and Programme of Action (1993)

In 1993, Vienna hosted the World Conference on Human Rights, which was crucial in advancing global human rights efforts. The conference resulted in the Vienna Declaration and Programme of Action, a comprehensive strategy to enhance human rights initiatives worldwide that introduced innovative

⁴⁴ CRC, Article 24(1)

⁴⁵ See D. Plesch, & R. Adami, *supra* note 23, at 133.

⁴⁶ See The World Bank, *supra* note 7.

⁴⁷ CRC, Article 34.

⁴⁸ CRC, Article 35.

⁴⁹ CRC, Article 39.

⁵⁰ Ouis, P., Gender-Based Sexual Violence Against Teenage Girls in the Middle-East, Save the Children Sweden, (2006), at 14.

⁵¹ UNICEF, Child marriage, (June 2024). Available at (<https://data.unicef.org/topic/child-protection/child-marriage/>), last visited (03-06-2024).

measures to advance the rights of women, children, and indigenous peoples, focusing on each group's specific needs and challenges.⁵²

One of the key elements to highlight is the use of the term 'girl child' to refer to girls under the age of 18. With this, the Vienna Declaration and Programme of Action text acknowledged that girl children were not sufficiently visible, neither fully integrated into the category of women nor solely considered as children. Unlike CEDAW and the CRC, this represents a first step towards acknowledging the need for a 'girl-specific approach.'⁵³ Paragraph 18 states: "The human rights of women and the girl-child are an inalienable, integral, and indivisible part of universal human rights."⁵⁴ This paragraph states the distinction between women and girls, recognising them individually with their specific circumstances and characteristics.

This document calls upon governments, institutions, and intergovernmental and non-governmental organisations to intensify their efforts for the protection and promotion of the human rights of women and the girl child. It urges the universal ratification of the CRC and its practical implementation by state parties through the adoption of all necessary legislative, administrative, and other measures, along with the allocation to the maximum extent of available resources. Non-discrimination and the child's best interests should be primary considerations in all actions concerning children, and due weight should be given to the child's views. National and international mechanisms and programs should be strengthened for the defence and protection of children, particularly the girl-child.⁵⁵

Consequently, the Vienna Declaration and Programme of Action provided an opportunity to urge states to repeal existing laws and regulations and remove customs and practices that discriminate against and cause harm to the girl-child.⁵⁶

2.4.2. Declaration on the Elimination of Violence Against Women (1993)

In the same year as the Vienna Declaration and Programme of Action (1993) and in the same city, Vienna, the UNGA adopted the Declaration on the Elimination of Violence against Women (DEVAW). This was the first international instrument explicitly addressing violence against women, providing a framework for national and global action.⁵⁷

In its preamble, the Declaration acknowledges that violence against women stems from historically unequal power dynamics between men and women, resulting in male dominance and discrimination that hinder women's progress. Additionally, it highlights that certain groups of women, including minorities, indigenous women, refugees, migrants, rural residents, impoverished women, institutionalised or detained women, female children, women with disabilities, older people, and those in conflict zones, are particularly vulnerable to such violence.⁵⁸

⁵² OHCHR, Women's Rights are Human Rights, United Nations, HR/PUB/14/2, (2014), at 5.

⁵³ See Taefi, N., *supra* note 39, at 140-141.

⁵⁴ Vienna Declaration and Programme of Action, para. 18.

⁵⁵ Vienna Declaration and Programme of Action, para. 21.

⁵⁶ Vienna Declaration and Programme of Action, para. 49.

⁵⁷ OECD, *Eliminating Gender-based Violence: Governance and Survivor/Victim-centred Approaches*, OECD Publishing, Paris, (2021), at 73.

⁵⁸ DEVAW, Preamble.

It is noteworthy that this Declaration refers predominantly to women and, when mentioning the girl child, uses a different term than the Vienna Declaration and Programme of Action, specifically 'female children.' Article 1 defines violence against women as:

[...]any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.⁵⁹

Article 2 defines violence against women to include physical, sexual, and psychological violence in various contexts. This includes domestic violence such as battering, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation, harmful traditional practices, non-spousal violence, and exploitation-related violence. It also covers community-based violence, including rape, sexual abuse, sexual harassment and intimidation at work and educational institutions, trafficking, and forced prostitution. Additionally, it encompasses violence perpetrated or condoned by the state in any setting.⁶⁰

Another significant contribution of the Declaration is that it outlines a list of rights and freedoms nullified GBV, including (a) the right to life, (b) the right not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment; (c) the right to equal protection according to humanitarian norms in times of international or internal armed conflict; (d) the right to liberty and security of person; (e) the right to equal protection under the law; (f) the right to equality in the family; (g) the right to the highest attainable standard of physical and mental health; and (h) the right to just and favourable conditions of work.⁶¹

Article 4 urges states to condemn and eliminate violence against women without invoking customs, traditions, or religious excuses. States should ratify relevant conventions, prevent and punish violence, develop legal sanctions, and ensure access to justice for victims. They should also promote education to eliminate gender stereotypes, support women's movements and NGOs, and cooperate with intergovernmental organisations.⁶² It also outlines specific measures for preventing violence, protecting victims, and prosecuting perpetrators, thereby setting a global standard for efforts to eliminate violence against women and promoting accountability for countries to uphold women's rights.⁶³

In 1993, there were some notions of the need to mention the girl child; however, within the text of DEVAW, there were still some inconsistencies, and the most general reference was directed towards women in general, without specifically emphasising the girls.

2.4.3. Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Bélem do Pará Convention, 1994)

In 1994, the Organization of American States adopted the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, commonly called the Bélem do Pará

⁵⁹ DEVAW, Article 1.

⁶⁰ DEVAW, Article 2.

⁶¹ DEVAW, Article 3.

⁶² DEVAW, Article 4.

⁶³ DEVAW, Articles 5-6.

Convention.⁶⁴ The Belém do Pará Convention recognises that violence against women pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age, or religion and strikes at its very foundations. Convinced that the elimination of violence against women is essential for their individual and social development and their full and equal participation in all walks of life.⁶⁵

The Belém do Pará Convention emerged as an effort to address the severe crisis of violence against girls in Latin America. Article 1 defines violence against women as gender-based, causing death or physical, sexual, or psychological harm or suffering to women.⁶⁶

Article 4 of the Convention of Belém do Pará affirms that every woman has the right to recognise, enjoy, exercise, and protect all human rights and freedoms outlined in regional and international human rights instruments. These rights include the right to have her life, physical, mental, and moral integrity respected, personal liberty and security, freedom from torture, dignity respected, equal protection before the law, recourse to a competent court for protection, freedom of association and religion, and equal access to public services and participation in public affairs.⁶⁷

The Convention of Belém do Pará does not define who it considers to be a 'woman,' unlike the Maputo Protocol of 2003. Throughout the text of the Convention, the phrase 'every woman' is repeated, which can be interpreted as including girls as part of the whole. Upon identifying the references of the Convention regarding girls, there is no specific mention. Finally, there is only one reference to 'children' in Article 8 regarding the custody of affected children subjected to violence.⁶⁸

The Belém do Pará Convention holds significant implications for both state parties and society in Latin America. For state parties, it means a commitment to prevent, punish, and eradicate violence against girls. The convention signifies a collective effort to address and combat GBV for society.

2.4.4. Beijing Declaration and Platform for Action (1995)

The Beijing Platform for Action (BPfA), adopted at the Fourth World Conference on Women in Beijing from September 4 to 15, 1995, is a comprehensive agenda designed to empower women. It outlines priority actions across twelve critical areas, with a key focus on addressing violence against women. The strategic objectives include implementing comprehensive measures to prevent and eliminate violence, researching its causes and consequences, assessing the effectiveness of preventive strategies, and eradicating trafficking in women while providing support to victims of prostitution and trafficking.⁶⁹

Explicit references to the girl child are found in the text of this document. Paragraph 29 clearly establishes the prevention and elimination of all forms of violence against women and girls.

⁶⁴ See OHCHR, *supra* note 51, at 5.

⁶⁵ Convention of Belém do Pará, Preamble.

⁶⁶ Convention of Belém do Pará, Article 1.

⁶⁷ Convention of Belém do Pará, Article 4.

⁶⁸ Convention of Belém do Pará, Article 8(d).

⁶⁹ See OECD, *supra* note 56, at 70.

2.4.6. Protocol on the Rights of Women in Africa (Maputo Protocol, 2003)

The African Charter on Human and Peoples' Rights, adopted in 1981 by the Organization of African Unity, is one such instrument. This Charter was further strengthened by embracing the Protocol on Women's Rights in Africa, also known as the Maputo Protocol, in 2003.⁷⁶

Article 1 of this Protocol contains definitions for key terms used throughout the document. It's worth noting that, unlike most legal instruments we have studied, this protocol defines women as "persons of the female gender, including girls."⁷⁷

Another essential aspect is that the Maputo Protocol uses the term 'girl child' when it deems it necessary to mention special protection for girls, recognising the importance of addressing their needs. For example, Article 11⁷⁸ addresses the safety of women in armed conflicts, emphasising that state parties should take necessary measures to ensure that no child, 'particularly' girls under 18 years of age, is directly involved in hostilities or recruited as a soldier. Similarly, Article 12 focuses on the right to education and training to safeguard women, 'especially' the girl-child, from all forms of abuse⁷⁹. Another example is Article 13, which pertains to economic and social welfare rights, stressing the need to combat and punish all forms of exploitation of children, with a particular emphasis on the girl-child.⁸⁰

Therefore, at the regional level, the Maputo Protocol has proven to be a relevant instrument for protecting girls in Africa. However, the protocol's effectiveness ultimately depends on its implementation by member states, including enforcing its provisions and allocating resources to address the specific needs of girls.

2.5. Concluding remarks

At the international and regional levels, efforts have been made to bring visibility to the violence faced by girls and protect them from it. This has led to the adoption of international agreements to enhance their protection against GBV. Various essential international instruments anchor the international legal framework for recognising and protecting girls' rights. The CEDAW, adopted in 1979, is a cornerstone document for girls advocating for gender equality and addressing discrimination against them. The CRC, adopted in 1989, represents a significant step towards the international community's commitment to children's rights.

Other significant international and regional instruments have further advanced the protection of women and girls from violence. The Vienna Declaration and Programme of Action (1993) and the Declaration on the Elimination of Violence Against Women (1993) were instrumental in recognising the specific needs and rights of women and girls, emphasising the need for a 'girl-specific approach.' The Beijing Platform for Action (1995) highlighted the necessity of empowering women and girls, addressing violence, and ensuring equal opportunities. Regional instruments like the Maputo Protocol, the Bélem do Pará Convention, and the Istanbul Convention have also played crucial roles in protecting girls' rights, emphasising the need for tailored measures to address the specific challenges they face, particularly in contexts of violence and discrimination. Beyond these regions, other political organisations such as the

⁷⁶ See OECD, *supra* note 56, at 74.

⁷⁷ Maputo Protocol, Article 1(f).

⁷⁸ Maputo Protocol, Article 11(4).

⁷⁹ Maputo Protocol, Article 12, p.1(a)(b), and p.2(c).

⁸⁰ Maputo Protocol, Article 13(g).

Association of Southeast Asian Nations, the South Asian Association for Regional Cooperation, the Economic Community of West African States, and the Southern African Development Community have also adopted protocols, resolutions, and declarations to advance and protect women's human rights.⁸¹

The existence of these instruments has been gradual, addressing the demands of girls and women to be protected against violence and recognised as subjects of rights and protection. On the one hand, the explicit mention of the girl child was not included when the most important instruments were created. Instead, girls' recognition has developed over time. It is important to remember that both CEDAW and the CRC are instruments from several decades ago, placing them in a different context regarding GBV. For instance, in the case of CEDAW, the text does not even include the word 'violence.' If we were to create CEDAW adapted to current times, an article addressing GBV against girls might be placed among the first five articles due to its importance in protecting girls.

Despite this, authors like Cynthia P. Cohen have highlighted that one of the most significant aspects of the CRC is that it does not become a girls' rights treaty merely by removing masculine singular possessive pronouns. Instead, it treats girls and boys as equals, recognising their human dignity to ensure that no young girl will question whether the treaty's provisions apply to her.⁸² We find that this gender-neutral approach has also caused some scholars to argue that the interpretation given to it is predominantly biased towards boys while disregarding the distinct discrimination faced by girls.⁸³ In addition to its gender-neutral terminology, which underscores the principle of equality, the CRC has been criticised for not explicitly addressing the unique needs of girls, thus potentially marginalising them. Critical articles within the CRC, such as Article 19 on protection against violence and Article 24 on health standards, implicitly cover GBV but lack explicit reference to the term 'girl.' This broad, inclusive language may inadvertently hide girls' unique challenges, making examining their status under the CRC crucial to ensure their rights are comprehensively protected and promoted.

These two main binding instruments give the impression that girls are largely invisible in both conventions.⁸⁴ With the omission of specific references to girls, they face marginalisation both as females within the category of children and as minors within the category of women. The consequence is that individuals experiencing multiple layers of marginalisation should be addressed.⁸⁵

Cynthia P. Cohen states that the CRC should be regarded as a precursor to the Women's Convention because it provides the foundation and some of the building blocks needed to ensure the eventual universal implementation of the Women's Convention. Moreover, she mentions that the relationship between the two treaties would be more appropriately characterised as 'sequential' instead of 'complementary' because even if it accepted that there are some rights in the women's convention which apply to girls, the rights given to girls by the CRC are more comprehensive and are exercised by girls before the time that they can exercise their rights as women. It can be argued that if a girl learns how to assert her rights while she is still a child, she is more likely to successfully exercise her rights as a

⁸¹ See OHCHR, *supra* note 51, at 5.

⁸² See C. Price Cohen, *supra* note 42, at 45-48.

⁸³ See Plan International, *supra* note 6, at 3.

⁸⁴ *id.*

⁸⁵ See Taefi, N., *supra* note 39, at 118-119.

woman.⁸⁶ Plan International's analysis reveals significant resistance among several countries to core principles in CEDAW and CRC that are crucial for girls' rights.⁸⁷

⁸⁶ See C. Price Cohen, *supra* note 42, at 73-74.

⁸⁷ See Plan International, *supra* note 6.

3. Understanding Gender-Based Violence: Femicide Against Girls

3.1. Overview of Gender-Based Violence Against Girls

Despite the existence of international and regional legal instruments aimed at eradicating Gender-Based Violence (GBV), girls are still not adequately protected. This research paper will provide an overview of GBV and its everyday manifestations, focusing mainly on femicide.

To understand GBV, it is essential to distinguish it from domestic violence and violence against women and girls. GBV encompasses any violence directed at individuals based on their gender, rooted in inequality, power abuse, and harmful norms. It constitutes a human rights violation with significant health and security impacts. Manifesting in various forms, including physical, sexual, emotional, and psychological abuse, GBV includes intimate partner violence and extreme acts such as honour killings. Additionally, victims face sexual exploitation, trafficking, child marriage, and online harassment.⁸⁸

The findings of the thesis underscore that GBV profoundly impacts girls' lives across various domains such as education, employment, housing, healthcare, and justice.⁸⁹ While some countries exhibit positive statistics regarding gender equality and low levels of GBV, these numbers often do not accurately reflect the lived reality. Even in countries considered role models in gender equity and respect for women and girls' rights, significant challenges with GBV persist. Iceland provides a notable example with its 'Nordic Paradox.' For the past 11 years, Iceland has ranked first on the World Economic Forum's Gender Gap Index, earning the reputation as "the best place in the world to be a woman." The country boasts robust laws on workplace equality and equal pay, with exceptional outcomes for women in health, education, economic opportunities, and political representation.⁹⁰

However, data from the *University of Iceland* reveals a stark reality: 1 in 4 women have experienced rape or sexual violence, and the same percentage have faced physical violence. This stark reality contrasts with Iceland's reputation as an advantageous place for women. Advances in gender equality may inadvertently exacerbate the prevalence of violence. One theory explaining this 'Nordic paradox' suggests that increased gender equality could potentially fuel male resentment, leading to frustrations that manifest in physical violence. This phenomenon poses a significant challenge for governments in effectively addressing these issues.⁹¹

As a result, GBV occurs worldwide. Although both girls and boys experience GBV, girls often face circumstances that make them more vulnerable. These include disproportionate disadvantages in education, health, employment, and familial circumstances, especially in impoverished nations. Intersecting factors such as poverty, ethnicity, disability, and gender stereotypes further exacerbate these disadvantages.⁹²

⁸⁸ Plan International, Gender-based violence, (n.d.). Available at: (<https://plan-international.org/protection-from-violence/gbv-gender-based-violence/>), last visited (12-06-2024).

⁸⁹ See OECD, *supra* note 56, at 9.

⁹⁰ Foreign Policy, The Misogynist Violence of Iceland's Feminist Paradise, (July 15, 2020), Available at (<https://foreignpolicy.com/2020/07/15/the-misogynist-violence-of-icelands-feminist-paradise/>), last visited (26-06-2024).

⁹¹ University of Iceland, One in four women has been raped or sexually assaulted. (16/11/2018), Available at (<https://english.hi.is/news/one-in-four-women-has-been-raped-or-sexually-assaulted>), last visited (25-06-24).

⁹² See Plan International, *supra* note 6, at 2.

Moreover, cultural and historical backgrounds can promote normalising violence and reinforce rigid gender roles. Victims often face blame, shame, and stigma, which must be eradicated, as responsibility lies solely with the perpetrator. Vulnerability to violence is acute among certain groups, including impoverished, rural, or Indigenous communities, LGBTQIA+ individuals, those with disabilities, and those advocating against gender inequality.⁹³ By highlighting the limited perspectives and redefining sexual crimes GBV as public and political issues, the feminist movement has enhanced public awareness of the gendered nature of sexual violence and the necessity for both public and political responses.⁹⁴

Legally binding and non-binding international and regional instruments promote the protection of girls. However, GBV encompasses many types and manifestations. In this chapter, the research will focus on femicide/femicide, which is “the gravest form of GBV”⁹⁵, which daily claims the lives of girls around the world.

In this regard, we must acknowledge that similar to GBV, ‘no country is free from femicide/femicide, which represents the tip of the iceberg in male violence against women and girls.’⁹⁶ This paper will delve deeper into femicide as a manifestation of GBV against girls.

3.2. Femicide/Femicide Against Girls

Addressing femicide/femicide means confronting one of the most critical expressions of GBV against girls. This form of violence involves ending girls' lives solely because of their gender. In other words, it refers to the murder of girls simply because they are girls. These murders have prompted societies to take notice and seek ways to stop the violence, with women and girls urging international organisations and governments to take action against these killings.

This research will use both terms to refer to the killing of women based on their gender. Mexican anthropologist Marcela Lagarde introduced ‘*femicide*’ as a response to ‘*femicide*,’ arguing it better captures the gendered motive in crimes against women, which ‘*femicide*’ lacks when translated from English to Spanish.⁹⁷

To understand femicide/femicide, it is essential to acknowledge that there are different types. Komnas Perempuan categorises femicide into nine distinct types: 1. Intimate Femicide 2. Cultural Femicide, which includes Honour Femicide, Dowry Femicide, Racial and Ethnic Femicide, Witchcraft Accusation Femicide, Femicide associated with Female Genital Mutilation and Cutting (FGM/C), and infant femicide (abortion, infanticide, killing of toddlers under three and under five) 3. Femicide in the Context of Armed Social Conflict and War 4. Femicide related to the Commercial Sex Industry 5. Femicide of Women with

⁹³ See Plan International, *supra* note 87.

⁹⁴ Keenan, M., & E. Zinsstag, Introduction: Exploring restorative justice in cases of sexual violence', *Sexual Violence and Restorative Justice* (Oxford, 2022; online ed, Oxford Academic, 15 Dec. 2022), at 4.

⁹⁵ Wilson Center, What Is Gender-Based Violence?, (n.d.). Available at: <https://www.wilsoncenter.org/what-gender-based-violence#:~:text=Femicide%20is%20the%20killing%20of, Crimes%20Against%20Women%20in%20Brussels>, last visited (16-06-24).

⁹⁶ See Dawson, M., & Mobayed Vega, S., *supra* note 70, at 1.

⁹⁷ Y De Los Ríos, M., Preface: Feminist Keys for Understanding Femicide: Theoretical, Political, and Legal Construction. In R. Fregoso & C. Bejarano (Ed.), *Terrorizing Women: Femicide in the Americas*. New York, USA: Duke University Press, (2010), at xv.

Disabilities 6. Femicide based on Sexual Orientation and Gender Identity 7. Femicide in Prison, involving murders of female prisoners within prison or similar detention facilities 8. Non-Intimate Femicide (Systematic Murder) 9. Femicide of Women Human Rights Defenders.⁹⁸ Femicide is linked to many factors, such as culture, tradition, religion, economic situation, age, sexual orientation, profession, and wars. All these types of femicide are intrinsically related to gender, and a significant portion involves girl children.

Femicide, like all forms of GBV against girls, is a global problem. According to a report, in 2022, Africa recorded the largest absolute number of female intimate partner and family-related killings, followed by Asia, the Americas, Europe, and Oceania.⁹⁹ The alarming numbers of femicides represent only a fraction of the actual incidences globally. Nearly 89,000 women and girls were intentionally killed in 2022, with approximately 55% killed by intimate partners or other family members, indicating that home is not a safe place for many. Despite these figures, the true scale of femicide may be higher due to inconsistencies in definitions and criteria among countries.¹⁰⁰

Femicide/Feminicide victims include girls under 18, highlighting the need to understand the perpetrator's intent and the relationship between the perpetrator and the victim. In most cases, the perpetrator is someone the victim knows and trusts. Femicide stems from entrenched patriarchy, with motives related to ownership and power over women and girls. Additionally, it is still a term not widely known among the general population, and there are doubts about its meaning and implications.

3.3. International Responses to Femicide/Feminicide

At the international level, efforts have been made to protect girls from GBV. Regionally, across different parts of the world, ongoing efforts are being made to combat femicide/feminicide through various strategies that involve legal changes and policies. However, while legal advancements are occurring in some regions, the outcomes have not always been as positive as expected. This highlights the necessity for further exploration into the factors surrounding femicide/feminicide.

In 2006, Paulo Sérgio Pinheiro, Independent Expert for the United Nations, authored the Secretary-General's Study on Violence against Children: World Report on Violence against Children. This extensive report aimed to be the first comprehensive global attempt to describe the scale of all forms of violence against children and its impact.¹⁰¹

This report asserts that no violence against children is justifiable and that all forms of violence are preventable. The commitments made at international and national levels, along with the accumulated knowledge described in this report, provide us with the necessary tools to protect children from violence, prevent it from happening in the first place, and mitigate its consequences. This report is particularly relevant as it provides critical data on GBV. It highlights that girls suffer significantly more sexual violence than boys, and their greater vulnerability in many settings largely stems from gender-based power

⁹⁸ UN Women, International Conference on Ending Gender-Based Killings of Women and Girls, UN Women Centre of Excellence for Gender Equality & UNODC-KOSTAT Centre of Excellence for Statistics on Crime and Criminal Justice in Asia and Pacific, (2024), at 7.

⁹⁹ See UN Women, *supra* note 1.

¹⁰⁰ UNODC & UN Women, Gender-Related Killings of Women and Girls (Femicide/Feminicide). Global estimates of female intimate partner/family-related homicides in 2022, UNODC Research, (2023), at 30.

¹⁰¹ Pinheiro, P. S., World Report on Violence Against Children. United Nations Publishing Services (UN Geneva), (2006), at 3.

dynamics within society. Conversely, boys are more likely to be victims of homicide, particularly involving weapons.

It is essential to recognise that the sexual violence girls experience is intrinsically linked to their gender, driven by sexual desire and a perceived entitlement to their bodies. In contrast, the violence boys face, such as homicide, is not necessarily due to their gender but can result from various factors, such as involvement in gang violence, recruitment into criminal organisations, or being targeted in conflicts. This statement is not only necessary as a means to emphasise that girls experience more violence than boys but also to highlight and demand broader protection for girls living in situations of inequality.

The Vienna Declaration on Femicide was signed on 26 November 2012 at a symposium by the ACUNS, marking over 40 years since feminist Diana Russell introduced the term 'femicide' to highlight violence against women by men. Initially defined in 1990 as the murder of women by men motivated by hatred, contempt, pleasure, or ownership, the term evolved. By 2001, Russell included all forms of male sexism, defining femicide as the killing of females by males for being female. This broader terminology emphasises that GBV affects females of all ages, not just adult women.¹⁰²

The Declaration stresses the need for comprehensive societal efforts to eliminate femicide, urging member states to fulfil their international obligations by preventing and prosecuting femicide effectively. It calls for implementing strategies that remove obstacles to women and girls enjoying their rights thoroughly and encourages global support for combating femicide. Additionally, the declaration promotes increased cooperation among international bodies and proposes creating a platform for sharing expertise to address femicide more effectively worldwide.¹⁰³

Furthermore, the increasing awareness of femicide as a manifestation of GBV has prompted significant actions by the UN and member states. The UN's initiative in 2015, led by the Special Rapporteur on Violence against Women and Girls, urged states parties to the CEDAW to establish Femicide Watches/Observatories, leading to the creation of such observatories in multiple countries. These observatories play a crucial role in systematically collecting, analysing, and publishing data on femicide, thereby enhancing governmental efforts to combat violence against women and girls.¹⁰⁴

The UNODC has been instrumental in defining the criminalisation of femicide, while the UNGA's 2018 resolution emphasised the urgent need to end impunity for crimes against girls and women. This resolution called on member states to take comprehensive measures to prevent, investigate, and punish acts of violence against female individuals, provide remedies and compensation to victims, and strengthen the criminal justice response.¹⁰⁵

Despite these efforts, significant gaps remain within the criminal justice system, as highlighted by the *Routledge International Handbook on Femicide and Feminicide*. Issues such as ineffective policing, biased court proceedings, and inconsistent quality of police responses continue to impede justice for victims and survivors of GBV.¹⁰⁶

¹⁰² See Dawson, M., & Mobayed Vega, S., *supra* note 70 at 5.

¹⁰³ Vienna Declaration on Femicide, Preamble.

¹⁰⁴ See UNODC & UN Women, *supra* note 98, at 4.

¹⁰⁵ *id.*

¹⁰⁶ See Dawson, M., & Mobayed Vega, S., *supra* note 70 at 339.

3.4. Legal Responses to Gender-Based Violence from the CEDAW and CRC Committees

3.4.1. CEDAW Committee's Actions

The CEDAW Committee is a group of independent experts responsible for overseeing the implementation of the CEDAW. It consists of 23 experts on women's rights from around the world. The Committee has issued important General Recommendations on the protection of girls from GBV. Unlike the CRC, which explicitly addresses violence against children in Article 19, the CEDAW does not have a specific article to address violence. It is believed that this omission occurred because at the time the CEDAW was being drafted, comprehensive discussions about violence against women were not yet part of the human rights discourse.¹⁰⁷

Consequently, the Committee worked on General Recommendations regarding violence against children. These comments aim to enhance children's protection against GBV and urge state parties to take more robust actions in this regard. Therefore, in this part of the research, the relevant General Comments of the CRC that were considered pertinent to the objective of this work will be presented.

- General Recommendation No. 12 (1989): Violence against Women.

In its eighth session in 1989, the CEDAW Committee issued GR No. 12, emphasising the need for states parties to protect women against all forms of violence, whether in the family, workplace, or social life, as required by articles 2, 5, 11, 12, and 16 of the Convention.¹⁰⁸ The CEDAW Committee recommended that states include in their periodic reports information on existing legislation to protect women from violence, measures adopted to eradicate such violence, support services for victims, and statistical data on the incidence and victims of violence against women.¹⁰⁹

The main achievement of GR 12 is that before its adoption, 14 states reported violence against women to the CEDAW Committee. After its adoption, 24 states, making up 51% of all parties, began reporting on this issue. This suggests that many states did not recognise violence against women under CEDAW until GR 12 explicitly addressed it.¹¹⁰ Although it does not directly mention GBV or special protection for girls, it is recognised that it was necessary to have this document to acknowledge the existing violence against women.

- 1992 - CEDAW General Recommendation No. 19: Violence against Women.

In GR No. 19, the CEDAW Committee concludes that many state party reports did not sufficiently highlight the vital link between discrimination against women, GBV, and violations of human rights and fundamental freedoms. The CEDAW Committee emphasises that fully implementing the Convention requires states to take proactive measures to eliminate all forms of violence against women.¹¹¹

¹⁰⁷ McQuigg, R.J.A., Is it time for a UN Treaty on Violence against Women? *The International Journal of Human Rights*, 22(3), (2018), at 5.

¹⁰⁸ *id.*

¹⁰⁹ CEDAW, General recommendation No. 12: Violence against women (1989), Paras. 1-4.

¹¹⁰ *Supra* note 7, at 5.

¹¹¹ CEDAW, General Recommendation No. 19: Violence against Women, (1992), para. 4.

The definition of discrimination includes GBV, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. GBV may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.¹¹²

This general recommendation is relevant because it provides 22 specific recommendations for states parties to take appropriate and effective measures to overcome all forms of GBV.

Two paragraphs directly mention girls. The first one relates to the fact that poverty and unemployment force many women, including young girls, into prostitution¹¹³. The second one pertains to rural women, stating that girls from rural communities are especially at risk of violence and sexual exploitation when they leave their rural communities to seek employment in towns.¹¹⁴ In these recommendations focused on violence against women, it is very relevant to see paragraphs that are already directed towards girls and not just the general term 'women'.

It is essential to highlight that in the Specific recommendations, the GR indicates that state parties should identify the nature and extent of attitudes, customs, and practices that perpetuate violence against women and the kinds of violence that result from them in their reports. They should also report on the measures they have undertaken to overcome violence and the effect of those measures.¹¹⁵ This is relevant because GBV is linked to many factors related to attitudes, customs, and practices.

Another significant contribution is that it provides a list of rights and freedoms that GBV nullifies. These include (a) The right to life; (b) The right not to be subjected to torture or cruel, inhuman, or degrading treatment or punishment; (c) The right to equal protection according to humanitarian norms in times of international or internal armed conflict; (d) The right to liberty and security of person; (e) The right to equal protection under the law; (f) The right to equality in the family; (g) The right to the highest attainable standard of physical and mental health; and (h) The right to just and favourable conditions of work.¹¹⁶

Based on the contributions mentioned, this work considers GR No. 12 as a significant contribution to the field of violence against women and protection for girls and a crucial framework. The list provided underscores the fundamental rights GBV undermines, emphasising the importance of addressing attitudes, customs, and practices perpetuating such violence.

- 2017 - CEDAW General Recommendation 35 on Gender-Based Violence against Women, updating general recommendation No. 19.

After 25 years, the update to Recommendation No. 19 (1992) arises from the recognition that the prohibition of GBV against women has evolved into a principle of customary international law.¹¹⁷

¹¹² CEDAW, General Recommendation No. 19: Violence against Women, (1992), para. 6.

¹¹³ CEDAW, General Recommendation No. 19: Violence against Women, (1992), para. 15.

¹¹⁴ CEDAW, General Recommendation No. 19: Violence against Women, (1992), para. 21.

¹¹⁵ CEDAW, General Recommendation No. 19: Violence against Women, (1992), para. 24(e).

¹¹⁶ CEDAW, General Recommendation No. 19: Violence against Women, (1992), para. 7.

¹¹⁷ Bencomo, C., Battistini, E., & MCGovern, T. (2022). Gender-Based Violence Is a Human Rights Violation: Are Donors Responding Adequately? What a Decade of Donor Interventions in Colombia, Kenya, and Uganda Reveals. *Health and Human Rights*, 24(2), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9790938/>, at 31.

Regarding de GR 19, there are notable differences. The 1992 document was concise, spanning just six pages and featuring a straightforward structure. It briefly covered the background and provided general comments on GBV. General Recommendation 35 is a detailed 19-page document that provides a structured approach to addressing GBV against women. It outlines state and non-state actors' accountability, due diligence obligations, and recommendations covering legislative measures, prevention, protection, prosecution, reparations, coordination, monitoring, and international cooperation.

In the case of GR 35, we have a more complex document, including an introduction, scope, and state party obligations about GBV against women, and it divides this title into two parts: the responsibility for acts or omissions of state actors and the responsibility for acts or omissions of non-state actors. This is further divided into acts or omissions by non-state actors attributable to the state and due diligence obligations for acts or omissions of non-state actors at the legislative, executive, and judicial levels. Additionally, it has a list of recommendations divided into seven parts, ranging from general legislative measures, prevention, protection, prosecution and punishment, reparations, coordination, monitoring and data collection, and international cooperation, making it a more extensive and comprehensive document.

One of the points emphasised with GR 19 is that one of its paragraphs explicitly states that GBV affects women across their entire life cycle. Consequently, references to women in this document also encompass girls.¹¹⁸ This explicit reference clarifies the scope of protection provided by this instrument. In contrast, other documents do not clearly define who is considered a woman or whether girls are included in that definition.

The General Recommendation of 1992 needed more details and updates to meet the demands of the current times. Therefore, it was important for the CEDAW Committee to realise this and work on a new version that reflects the concern of addressing such a relevant issue as GBV.

3.4.2. CRC Committee's Actions

The CRC Committee is a body of 18 experts in children's rights established by the UN to oversee the implementation of the CRC by its state parties. This Committee issues General Comments on various subjects, interpreting and analysing specific CRC articles to provide guidance for states and address broader issues related to children's rights. In this section, we will examine the General Comments about GBV against children, with a particular focus on girls.¹¹⁹

The CRC Committee recognises that violence is a significant issue requiring more profound attention than what is provided in Article 19 of the CRC. Consequently, the Committee issued General Comments to guide states regarding violence against children. These comments aim to enhance the protection against GBV for children and urge state parties to take more robust actions in this regard. Therefore, in this part of the research, the relevant General Comments of the CRC that were considered pertinent to the objective of this work will be presented.

- General Comment No. 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

¹¹⁸ CEDAW, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, (2017), para. 14.

¹¹⁹OHCHR, Committee on the Rights of the Child, (n.d). Available at (<https://www.ohchr.org/en/treaty-bodies/crc>), last visited (22-06-2024).

After two days of general discussions on violence against children in 2000 and 2001, the CRC Committee decided to issue a series of General Comments (GCs) aimed at eliminating violence against children, starting with GC No. 8 in 2006.¹²⁰ It took the CRC Committee more than five years to finally present this GC, highlighting the complexity of interpreting the CRC articles.

In this GC, the CRC Committee addresses the issue of violence associated with corporal punishment, emphasising the importance of protecting children through the examination of state parties' reports. The GC did not mention the term 'GBV' in the text, nor did it make any specific reference to corporal punishment directed at girls. It does not include references to female genital mutilation or any other form of corporal punishment or cruel and degrading treatment against girls solely because of their gender.

We can see from GC No. 8 that it only addresses situations directly related to corporal punishment. There is no reference to the gender of the child nor any mention of femicide. Notably, the GC's text is even permissive, allowing for 'exceptional circumstances' where teachers and others working with children can use punishments that justify the use of reasonable control.¹²¹

Therefore, we can consider GC No. 8 relevant for addressing a topic that the CRC Committee did not previously address at that time. However, its content is narrow and, to some extent, conservative in allowing corporal punishment in certain instances, which ultimately constitutes violence against children.

- General Comment No. 13 (2011): The right of the child to freedom from all forms of violence

In 2011, the CRC Committee issued CG 13, which relates to Article 19 of the CRC. This GC defines violence, describes types of harm, and refers to state parties and their obligations to acknowledge and address violence in children's lives. With this GC, the CRC Committee recognises and seeks to delve into the violence experienced by children, which is significant for this work as it explicitly mentions GBV.

The CRC Committee begins by acknowledging that the majority of violence takes place within the context of families and refers to the obligation of state parties to ensure policies that address risks faced by girls and boys across various settings regarding the gender dimensions of violence.¹²² This includes combating gender discrimination, stereotypes, and power imbalances to prevent violence in homes, schools, communities, workplaces, and society at large. Encouraging men, boys, women, and girls to respect each other and combat gender discrimination is crucial.¹²³

The GC 13 states that "both girls and boys are at risk of all forms of violence, but violence often has a gender component." While explaining the 'gender component', the CRC Committee provided an example to clarify the term, as follows:

"For example, girls may experience more sexual violence at home than boys, whereas boys may be more likely to encounter – and experience violence within – the criminal justice system. (See also para. 72 (b) on the gender dimensions of violence)."

¹²⁰ CRC, General Comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts. 19; 28, para. 2; and 37, inter alia), para. 1.

¹²¹ *id* at para. 15.

¹²² CRC, General Comment No. 13 (2011), para. 3(h).

¹²³ CRC, General Comment No. 13 (2011), para. 72(b).

Regarding the previous example, it can be observed that the CRC Committee seeks to demonstrate that the gender component affects the violence that both girls and boys face without denoting differences. However, the CRC Committee could have used this GC to recognise the severe and predominant implications that girls have due to GBV. However, as mentioned before, this research paper states that girls face violence to a greater extent that gets worse in challenging and marginalised contexts.

The GC 13 revisited recommendations outlined in the 2006 report of the independent expert for the UN study on violence against children (A/61/299) and urged states parties to promptly put those recommendations into practice.¹²⁴

3.4.3. Joint General Recommendation CRC and CEDAW Committees

The Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices is significant for this research work because it represents the collaborative effort between the two most essential committees tasked with protecting girls. This collaboration demonstrates a commitment to addressing current issues in the world.

Both the CRC and CEDAW contain legally binding obligations to eliminate harmful practices affecting girls under eighteen based on gender stereotypes and prejudices rooted in patriarchy. The goal is to clarify the normative content of specific rights provided by the treaties they oversee or particular themes relevant to these treaties and to provide guidance on practical implementation measures. The harmful practices addressed in this General Recommendation/Comment include traditional or emerging practices dictated by social norms, often deeply rooted in culture. Practices such as female genital mutilation, early marriage, and forced marriage frequently come before the Committees. This JGR will use these practices as key illustrative examples and recommend state party actions applicable to all harmful practices falling within its scope.¹²⁵

For organisations like Plan International, this JGR represented an opportunity to condemn child, early, and forced marriage and unions as a human rights violation and a harmful practice, often constituting GBV. Efforts should prioritise including young people from marginalised groups, providing them with adequate support, training, flexible funding for advocacy, activism, and robust safeguarding measures.¹²⁶

JGR 18 represented a collaborative effort to acknowledge and raise awareness about the vulnerable situation faced by girls worldwide. It recognised in its text that there are practices affecting women and children, but especially girls, such as female genital mutilation, child and forced marriage, polygamy, and crimes committed in the name of so-called honour.¹²⁷ Joint General Recommendation (JGR) No. 31 demonstrates that coordinated work between the CRC and CEDAW is essential to address the issues that most harm girls.

¹²⁴ CRC, General comment No. 13 (2011), The right of the child to freedom from all forms of violence, para. 6.

¹²⁵ CEDAW & CRC, Joint general recommendation No. 31 of the CEDAW/general comment No. 18 of the CRC on harmful practices (2019), para. 7.

¹²⁶ Plan International, Child, early and forced marriage and unions, Global Hub, United Kingdom, (October 2020), at 1.

¹²⁷ CEDAW & CRC, Joint general recommendation No. 31 of the CEDAW/general comment No. 18 of the CRC on harmful practices (2019), paras. 6-8.

3.5. Concluding remarks

In conclusion, it is crucial to revisit the notion that no country is immune to GBV, particularly femicide/feminicide, which exemplifies the most extreme manifestation of violence against girls by males. Despite apparent progress in recognising girls' rights, significant challenges persist globally. GBV stems from rooted gender inequalities, harmful social norms, and the misuse of power driven by privilege and entitlement, often tolerated within societies. Girls are especially vulnerable and require targeted protective measures. Efforts to combat GBV have included specific actions to address femicide, such as initiatives like the Vienna Declaration on Femicide.

The CEDAW and CRC Committees bear significant responsibility for safeguarding girls' rights. Their mandate includes leveraging international conventions to enhance protection and formulate general recommendations. They are tasked with increasing protection for girls through an intersectional approach. Furthermore, both Committees must function as both legal entities and political bodies, engaging in negotiations with representatives of the state parties to achieve their goals.

International collaboration is critical, urging nations to ratify and implement conventions and optional protocols that enhance existing treaties. These protocols, though rigorous, are essential for a comprehensive approach to combating femicide and ensuring justice for victims.

4. Strategies to Address Gender-Based Violence Against Girls

4.1. Examples of Legal Strategies to address Femicide/Feminicide

4.1.1. Europe

Despite its significant scale and advocacy from the UN special rapporteur on violence against women, data on femicide was not systematically collected within the EU and broader Europe until recently, and there was a lack of transnational tools for studying femicide.¹²⁸ In 2020, the estimation of femicide showed around 2,600 women and girls were killed by intimate partners or other family members in Europe.¹²⁹

It was not until 2013 that a group of academics and practitioners launched a four-year project funded by the European Cooperation in Science and Technology (COST) Action IS1206 on 'Femicide across Europe' (2013–2017). Although there had been previous initiatives on gender issues and violence against women, it wasn't until the establishment of COST Action 'Femicide across Europe' that European agencies recognised femicide as a distinct act.¹³⁰ This project led to the creation of the European Observatory on Femicide (EOF), the first European coalition of experts on femicide, which aims to advance scientific knowledge, collect data, and suggest guidelines and interventions to policy-makers and practitioners to improve women's lives and safety in Europe.¹³¹

Currently, the EU-27 lacks legal definitions of femicide, classifying the killings of women as intentional homicide, non-intentional homicide, or manslaughter. Some member states have introduced aggravated circumstances to identify better femicide, including hatred, contempt, or hostility based on sex, GBV, sexism, intimate partner homicide, and sexual violence. The EIGE has recommended measures for member states to gather standardised and comparable data that reveal the gender dimension of these killings. These measures include establishing a comparable working definition of femicide, a minimum dataset, data governance and coordination, and a protocol for femicide.¹³²

Consequently, we find that the European region still has pending tasks regarding femicide/feminicide. It calls on member states to ratify the Istanbul Convention, promote the elimination of gender stereotypes, implement national strategies and policies to combat feminicide, provide mandatory regular training for police officers, and enhance inter-institutional coordination on the issue.

¹²⁸ Global Rights for Women (2017). Time for a Change. Available at: https://globalrightsforwomen.org/wp-content/uploads/2020/02/Time_for_a_Change-2.pdf, last visited 14 June 2024, at 1.

¹²⁹ European Instituto for Gender Equality (2023). Femicide: shedding light on the 'invisible' victims. Available at: <https://eige.europa.eu/publications-resources/publications/femicide-shedding-light-invisible-victims>), last visited 12 June 2024.

¹³⁰ See Dawson, M., & Mobayed Vega, S., *supra* note 70, at 170.

¹³¹ Naudi, M., Schröttle, M., Kofou, E., Magalhães, M. J., & Kouta, C., Femicide in Europe. In *The Routledge International Handbook on Femicide and Feminicide* (1st ed). Routledge, (2023), at 80.

¹³² EIGE, Measuring femicide in the EU and internationally: an assessment, (2021). Available at: (https://eige.europa.eu/gender-based-violence/femicide?language_content_entity=en), last visited (12-06-2024).

The European example is vital in this research because it shows us that countries known for promoting and protecting the rights of women and children still lag in safeguarding girls from femicide, and more importantly, it shows there is much to be done in Europe regarding femicide.

4.1.2. Latin America

Another regional example is Latin America, which provides a significant case study for understanding femicide/feminicide within the challenging context. As a region characterised by a pervasive culture of machismo, misogyny, and violence against women, Latin America has witnessed a range of legal, administrative, and social responses aimed at addressing this critical issue. These responses are intertwined with numerous factors, such as challenging living conditions, deeply entrenched patriarchal norms, and limited access to enhanced educational opportunities.

In 2022, data from 26 countries in Latin America and the Caribbean revealed that Honduras had the highest rates of femicides or GBV deaths against women (6.0 per 100,000 women), followed by the Dominican Republic (2.9), El Salvador, and Uruguay (both at 1.6). The lowest rates (less than one victim per 100,000 women) were observed in Puerto Rico, Peru, Colombia, Costa Rica, Nicaragua, Chile, and Cuba, with Cuba having the lowest rate at 0.3 cases per 100,000 women.¹³³

In this regard, we have El Salvador, Guatemala, Honduras, Costa Rica, and Nicaragua as strategic cases to analyse femicide laws. Latin America, as a region, has some of the highest levels of femicide worldwide. For instance, ten countries in Latin America are among the top 25 countries with the highest levels of femicide in the world.¹³⁴

In Latin America, the idea of transforming countries into disciplinary societies has been pursued. The development of a disciplinary society in Latin America has been significant, and this is evident in the establishment and growth of institutions like prisons, hospitals, asylums, and schools. There is a clear trend towards increased exposure to such coercive modernity, as indicated by rising prison populations. However, this only partially encapsulates the entire societal context; hence, the transformation is partial and nuanced.¹³⁵

Consequently, the legal response of countries in Latin America consisted of criminalised feminicide. The idea behind including femicide as a criminal offence is to impose more severe penalties on perpetrators, thereby preventing and ultimately eradicating the continued killing of women. Distinguishing gender-based murders from other types of homicides is crucial in addressing the specific circumstances related to gender. Some countries have amended their criminal codes to enforce stricter penalties. As a result, by 2023, eighteen countries in this region have criminalized gender-based killings of women, either as independent offences or as an aggravating factor in homicide cases. National legislation uses the term "femicide" or "feminicide" interchangeably.¹³⁶

In addition to amending Penal Codes to enforce harsher punishments, these countries have enacted Comprehensive Laws on Violence Against Women and laws promoting a Life Free of Violence for

¹³³ CEPAL, Femicide or feminicide (n.d.). Available at (<https://oig.cepal.org/en/indicators/femicide-or-feminicide>), last visited (05-06-2024).

¹³⁴ See Dawson, M., & Mobayed Vega, S., *supra* note 70, at 455.

¹³⁵ Salvatore, R., Aguirre, C. & Joseph, G., *Crime and Punishment in Latin America: Law and Society Since Late Colonial Times*. New York, USA: Duke University Press, (2001) at 16-17.

¹³⁶ See Dawson, M., & Mobayed Vega, S., *supra* note 70, at 460.

Women. They have also established protocols and procedures and restructured national agencies to enhance the protection of women's lives.

Furthermore, another aspect of the response involved administrative tactics. Alongside enacting legislation, states addressed international and domestic pressures through specialised initiatives, such as establishing agencies dedicated to safeguarding women, gender-focused units, and prosecuting perpetrators of gender-based crimes.¹³⁷

Lastly, the social response has had to do with the actions coming from women's organisations in Nicaragua and El Salvador, along with foreign NGOs like *Las Dignas* and *Colectiva Feminista*, who have collaborated to advocate for women's rights. In Nicaragua, the femicide law was enacted despite national opposition, thanks to international pressures. These efforts have significantly reduced intimate partner violence over the years.¹³⁸

Despite the ratifications of the CRC, CEDAW, and the Convention of Belem do Pará by the five mentioned countries, the killings of girls as a form of GBV persist. Even with the efforts to implement stricter penalties to address femicide, these measures have not proven sufficient.

According to standard interpretations, Latin American countries—with only a few partial exceptions—have not been able to establish solid, effective, and universal legal systems. This line of reasoning contends that political turmoil, economic shortages, and authoritarian cultures have historically combined to thwart the establishment of cohesive and reliable legal frameworks. If anything, this perspective maintains, the law in Latin America has been the source of much more injustice than fairness, has been more often manipulated than revered, and has created—in some countries more than others—a scenario of legal fiction that conceals the injustices of the *país real*.¹³⁹

4.2. Intersectionality in Addressing Girls' Challenges

As discussed previously in this research, intersectionality examines the various ways discrimination impacts girls across categories such as race, gender, sexuality, social class, economic status, nationality, geographic location, and other forms of difference. This work affirms that while discussing girls' rights, it's crucial to address intersectionality.

Based on the above, conventions that generally protect women, girls, and boys leave the girl child unprotected. Girls face disadvantageous situations due to specific conditions each encounter, and the conventions do not account for intersectionality in determining the necessary protection for each case.

At this point in the study, we find that the concept of equality given by a gender-neutral reference in the CRC has an effect opposite to that intended regarding promoting equity, placing the girl child at a disadvantage compared to the boy. The CRC provides some clear examples of this.

The first example refers to violations that typically affect boys (e.g., child soldiers) being covered in Article 38 but not those predominantly affecting girls (e.g., child marriage).¹⁴⁰ Globally, nearly 1 in 5 girls are married before age 18, often leading to early pregnancies. Complications during pregnancy and

¹³⁷ *id.*

¹³⁸ *id.*, at 458.

¹³⁹ See Salvatore, R., Aguirre, C. & Joseph, G, *supra* note 134, at 15.

¹⁴⁰ See Plan International, *supra* 6 at 3.

childbirth are the leading cause of death for girls aged 15 to 19. If current trends continue, more than 150 million additional girls will marry before their 18th birthday by 2030.¹⁴¹ In the end, Article 38 of the CRC focuses solely on child soldiers without acknowledging that girls face high levels of GBV in war contexts.

Another example involves articles 19 and 34 regarding the protection of children from sexual violence. In this case, sexual violence typically affects girls at a higher level because the consequences extend beyond severe physical and psychological violence caused by this violence; for girls, it involves the risk of early pregnancy, together with exposure to other forms of violence such as obstetric violence, discrimination, and even endangerment of life. Moreover, Sexual violence is a broad term encompassing various legally and culturally defined sexual acts. These include, but are not limited to, contact and non-contact child sexual abuse, sexual assault, rape, sex trafficking, historical sexual violence, wartime sexual violence, and sexual violence perpetrated through communication technology.¹⁴²

For instance, applying an intersectional approach could reveal how socio-economic factors and cultural practices intersect to perpetuate sexual violence against girls. This understanding can guide the development of targeted interventions that address the legal aspects, underlying social norms, and economic conditions. Intersectionality helps ensure that policies and programs are inclusive and effective, considering the needs and circumstances of the most vulnerable girls, thereby leading to more equitable and impactful outcomes.

The affirmation that sexual violence has a gendered nature first requires us to identify who is the most affected group by sexual violence and, subsequently, to provide broader protection directed at this sector of the population, particularly girls. However, not emphasising the urgency of special protection for girls against sexual violence means addressing it in a general manner to protect women and children when the topic needs urgent, specific attention directed towards girls. This specificity is necessary to create targeted policies, strategies, and protections for girls worldwide. The importance lies in explicitly mentioning girls with an intersectional protection approach that considers gender a key protection element.

Another example is the right to education, a fundamental right for child development, as Article 28 of the CRC outlines. While this article applies to both girls and boys, statistical evidence shows that girls face significantly more obstacles in accessing education, highlighting the need for focused attention on their educational needs. *UNICEF* reports that 129 million girls worldwide are out of school, including 32 million at the primary level, 30 million at lower secondary, and 67 million at upper secondary. In conflict-affected nations, girls are more than twice as likely to be out of school compared to boys in non-affected areas.¹⁴³ An intersectional approach to girls' rights will emphasise preventing girls from dropping out of school, recognising that factors such as cultural backgrounds, gender roles and expectations, and early marriage are more likely to prevent them from attending classes.

The author Nura Taefi argues that CRC and CEDAW reveal how girls' rights are often overlooked due to their division between women and children. To address this, she indicates a need to interpret human rights documents in a way that prioritises girls. Adopting an intersectional approach is crucial, which

¹⁴¹ Plan International, Child Marriage, (n.d.). Available at: (<https://plancanada.ca/our-work/why-we-focus-on-girls/child-marriage#:~:text=Globally%2C%20nearly%201%20in%205,their%2018th%20birthday%20by%202030>), last visited (10-06-2024).

¹⁴² See Keenan, M., & Zinsstag, E, *supra* 93, at 5.

¹⁴³ UNICEF, Girls' education: Gender Equality Benefits Every Child. (n.d.). Available at: (<https://www.unicef.org/education/girls-education>), last visited (10-06-2024).

involves redefining children's and women's rights as interconnected and fostering dialogue between women's and children's movements to integrate girls' identities.¹⁴⁴

Moreover, she argues that the intersectionality theory elucidates why efforts to articulate girls' rights in international human rights law have fallen short. This is because it has fragmented girls' identities into distinct categories, making it challenging to capture the lived experience of their multiple oppressions. The fragmentation inherent in the legal frameworks of CRC and CEDAW further complicates this issue, as it needs to adequately address the complex realities faced by girls worldwide, perpetuating their marginalisation and exclusion from adequate protection and support mechanisms.¹⁴⁵

This means that even though there are significant international instruments, they will never be enough to lift girls out of marginalisation if they do not recognise the complex and overlapping nature of the challenges faced by girls and if they do not recognise them as subjects with a specific identity who face oppression based on their gender, sex, race, class, and age. Therefore, adopting a more nuanced and comprehensive approach that considers the intersectional experiences of girls' lives is necessary to address their rights and needs better. Intersectionality can play a significant role in addressing the challenges experienced by the girl child. By examining how overlapping identities—such as age, gender, socio-economic status, ethnicity, and cultural practices—contribute to unique experiences of discrimination and disadvantage, intersectionality helps understand and address these issues effectively.

4.3. Other responses to address Gender-Based Violence

4.3.1. International Conferences

The UN addresses its many issues by holding thematic conferences to help people better understand the problem. Each conference sets actions that will be taken after the meeting.¹⁴⁶ International conferences, such as the one held in Seoul in 2023 on Ending Gender-Related Killings of Women and Girls, further highlight the global commitment to ending gender-related killings. Experts advocate for standardised statistical frameworks and multidisciplinary approaches, improve crime statistics, and enhance coordination mechanisms to harmonise data collection on GBV, including femicide.¹⁴⁷

This conference was organised as part of several initiatives by UNODC and UN Women to raise awareness and introduce tools to tackle the lack of data on gender-based violence.¹⁴⁸ Organising global conferences is a strategic approach that promotes awareness and encourages countries to participate in change. Significant progress has often emerged from these conferences, where countries acknowledge the issues and demands and collaborate to find solutions.

¹⁴⁴ See Taefi, N., *supra* note 39, at 119.

¹⁴⁵ *id.*

¹⁴⁶ UN, Conferences. (n.d.). Available at (<https://www.un.org/en/conferences>), last visited (22-06-2024).

¹⁴⁷ UN, Women International Conference on Ending Gender-Based Killings of Women and Girls, (2024). Available at (https://asiapacific.unwomen.org/sites/default/files/2024-03/coe-c739-femicide-in-brief_final.pdf), last visited (11-06-2024).

¹⁴⁸ UNODC, "Cohosting the International Conference on Ending Gender-Related Killings of Women and Girls", Available at: <https://coekostat.unodc.org/coekostat/en/news/international-conference-on-ending-gender-related-killings-of-women-and-girls.html#:~:text=Seoul%2C%20Republic%20of%20Korea%20%E2%80%93%2025.organized%20the%20International%20Conference%20on>, last visited (28-06-2024).

4.3.2. The 2030 Agenda for Sustainable Development

The international commitments now represent an opportunity for countries to seek to transform their societies and implement the necessary measures to benefit girls worldwide.

In 2015, all UN member states adopted the 2030 Agenda for Sustainable Development and its Goals (SDGs), including Goal 5, which focuses on gender equality and women's empowerment, specifically targeting the elimination of violence against women and harmful practices like child marriage and female genital mutilation. The High-level Political Forum on Sustainable Development (HLPF), meeting annually under the UN Economic and Social Council and every four years under the UN General Assembly, oversees the global implementation of the 2030 Agenda. Member states are encouraged to conduct regular reviews of their progress, which are then incorporated into the HLPF's evaluations.¹⁴⁹

The 2030 Agenda for Sustainable Development and its 17 SDGs provide a comprehensive roadmap for progress that aims to leave no one behind. Achieving gender equality and women's empowerment is crucial to the success of all 17 goals. Ensuring women's and girls' rights is essential for fostering justice, inclusion, and economies that benefit everyone and sustaining our shared environment for current and future generations.

According to this research, the 17 SDGs attempt to address issues related to girls both directly and indirectly, with Goal 5 being the primary focus in this context. However, other goals also address fundamental issues essential for girls' development. This comprehensive approach is crucial for combating GBV, specifically femicide, as it ensures a holistic strategy that targets the root causes and broader social factors contributing to these issues.

¹⁴⁹ See OECD, *supra* note 56, at 74.

5. Conclusion and recommendations

5.1. Conclusion

The thesis focuses on evaluating the extent to which the CRC can protect girls from GBV. While the CRC serves as a crucial international instrument safeguarding children's rights, including girls, it alone cannot fully address the specific vulnerabilities girls face. Therefore, having the CRC does not ensure its effective implementation or the protection of girls' rights. Girls have often been grouped under broad categories, neglecting their unique challenges and circumstances, which make them vulnerable to violence.

GBV is not a recent phenomenon but a longstanding issue pervasive across all regions, reflecting entrenched patriarchy in societies. There is a notable disparity in the attention and resources allocated to addressing the specific vulnerabilities of girls. Initially, as girls remain invisible, so does the violence against them. The CRC did not explicitly address GBV against girls, resulting in a lack of targeted measures to combat issues like femicide/feminicide, where girls are intentionally killed due to gender-related motivations. This gap highlights a disconnect between legal intentions and practical outcomes.

Femicide, being one of its most extreme manifestations of GBV, tragically ends the lives of countless girls globally. Girls are targeted because they are seen as part of a vulnerable and marginalised group. Another critical challenge is underreporting of GBV, including femicide/feminicide, due to stigma, fear of reprisal, and mistrust in authorities. Inconsistent data collection methods further obscure the true scale of the problem, hampering effective policy development and resource allocation. Intersectional vulnerabilities compound risks for marginalised girls, such as those living in poverty, with disabilities, or from ethnic minorities, amplifying their vulnerability to violence.

To address GBV, it's crucial to implement various strategies beyond just legal measures. Cultural, traditional, and religious factors greatly influence attitudes and behaviours that contribute to violence against girls. Effective interventions must incorporate culturally sensitive and gender-specific approaches to challenge and change harmful norms and practices. Collaborative efforts among the CRC and the CEDAW committees have been identified as potential catalysts for bringing about transformative change in addressing GBV. By working together, these approaches can improve global accountability and ensure that the voices and needs of girls are at the forefront of shaping effective policies and interventions. It's time to bring attention to the invisible and empower girls to play an active role in making decisions and policies for a safer future free from violence.

The CEDAW is an essential instrument for protecting girls. It was created before the CRC to address discrimination against women and recognise the need for protection. Like the CRC, the CEDAW has been relevant in addressing girls' issues, yet it is insufficient to safeguard them.

However, critics argue that the CRC and CEDAW conventions, created decades ago, may now be perceived as outdated and inadequate in addressing contemporary issues girls face. The gender-neutral language of the CRC, while intended to promote equality, sometimes overlooks the unique vulnerabilities of girls, resulting in insufficient protection against GBV, which disproportionately affects them. Moreover, this approach fails to adequately confront entrenched patriarchal norms that perpetuate discrimination and limit girls' rights from an early age. For example, CEDAW does not mention the term "violence" at all, does not specify that its scope covers women under 18, and mentions the term 'girls' only once. The girl child remains invisible in the text of this essential convention aimed at protecting them, meaning their unique challenges are addressed along with other issues children face.

Both the CEDAW and the CRC Committees have released documents aimed at protecting not just women and children but specifically girls as well. Their recent articles' interpretations have incorporated a gender perspective, leading to an expanded focus on protecting girls. Important documents such as the Declaration Against Violence and the Beijing Platform of Action have played significant roles in recognising and safeguarding girls. However, despite these advancements, gaps remain in fully addressing intersectional discrimination and violence experienced by girls, and there is still insufficient protection for girls.

Questions about whether CRC protections are supplemented adequately by CEDAW safeguards highlight the complex interaction between two pivotal international instruments to safeguard women's and children's rights. While the CRC emphasises equal rights for all children regardless of gender, the CEDAW initially focused on eliminating discrimination against women without explicit references to violence against girls. However, the study finds that the mere existence of these legal instruments does not guarantee effective implementation or protection of girls' rights, pointing to significant gaps between policy intent and practical outcomes. There is a need for more concerted actions and legal frameworks that specifically address challenges facing girls, recognising their unique vulnerabilities and the persistent issue of GBV.

Efforts to address GBV often lack coordination between government sectors, civil society organisations, and international bodies, leading to fragmented strategies that diminish the overall impact. Inconsistent implementation and enforcement of legal frameworks, including the CRC and the CEDAW, create gaps in protection, allowing perpetrators to act with impunity. Inadequate education and awareness about girls' rights and the harms of GBV perpetuate cycles of violence, leaving girls uninformed and unprotected.

The frameworks provided by the CRC and CEDAW are foundational for advancing global girls' rights. However, ensuring these instruments evolve alongside societal norms and challenges requires ongoing advocacy, research, and policy development. Bridging gaps between these frameworks demands sustained commitment at national and international levels to empower girls to thrive free from violence.

Historically, girls have been treated alongside boys or women, but it is time to recognise them as a unique group with their own issues and demands for protection. It is crucial to identify girls as distinct members of society and provide them with the special protection they need. This thesis does not call for a new convention specifically for girls, as existing strong binding conventions can be interpreted with an intersectional and girl-focused perspective. Measures such as appointing a Special Rapporteur for the Girl Child could be considered. The research underscores that while efforts to tackle GBV have been made, they often fall short in stemming the rising tide of violence. There is an ongoing need for intensified action and sustained commitment at all levels of society and governance to achieve meaningful progress in safeguarding girls from GBV.

Revising CRC provisions and improving implementation to address GBV comprehensively is crucial. Strengthening the CRC's protective capacity requires enhanced, targeted interventions, international cooperation, and recognition of girls' vulnerabilities. Effectively addressing GBV depends on implementing and enforcing CEDAW and CRC provisions, which require progressive interpretations and proactive measures from member states, particularly in corruption, impunity, poverty, and limited educational access. Closing legal and policy gaps is essential to align national frameworks with international standards, ensuring tangible protections for girls against GBV and femicide.

The recognition of the girl child has been gradual, yet the efforts of the CEDAW and CRC Committees to include girls in their general comments and recommendations are crucial. While both conventions

provide a significant legal framework for protecting girls, their effectiveness depends on member states' willingness to adapt national laws to address the specific challenges girls face, considering intersectional factors like age, gender, socioeconomic status, and cultural contexts.

In conclusion, addressing these challenges requires ongoing efforts to eliminate stereotypes, promote education on children's rights, and foster respect and equality between genders. Legal instruments and international committees must collaborate effectively to uphold girls' rights, protect them from all forms of violence, and ensure that their voices are heard, and their rights respected worldwide.

5.2. Recommendations

The research findings emphasize several important recommendations to address GBV and improve protection for girls worldwide. Firstly, it is essential to explicitly include 'girls' or 'girl child' in international instruments to ensure their specific vulnerabilities and rights are recognized and addressed.

Currently, the existence of a Special Rapporteur on violence against women and girls underscores the integration of women's issues into the UN human rights framework.¹⁵⁰ The recommendation is to establish a mandate for a Special Rapporteur for the Girl Child, promoting an intersectional approach that integrates girls' perspectives into human rights law, bridging the gap between children's and women's rights.¹⁵¹

An intersectional approach is essential to address the various forms of discrimination and violence faced by girls based on factors such as gender, age, and ethnicity. This approach tailors policies and interventions to the specific needs and risks identified in different contexts. Encouraging the joint work of the CRC and CEDAW Committees to prioritise girls' issues, advocate for comprehensive data collection, and enforce strong protections under human rights conventions.

Advancing education, preventing girls from dropping out of school, and supporting their continued participation through government initiatives are essential to ensure quality education and uphold their right to participate fully in society.

Promoting the adoption and ratification of international Conventions and Optional Protocols by countries and effective implementation into domestic laws safeguards girls' rights globally. This requires state parties to focus more on prevention strategies rather than punitive measures after incidents of femicide occur. Structured education and awareness campaigns are essential to educate communities about equality, rights, and obligations under the CRC and CEDAW conventions.

Supporting girls at all levels, including providing psychological and legal support when needed, enhances their ability to access justice and participate in decision-making processes that affect them. International cooperation is crucial in addressing GBV globally, ensuring that efforts to protect girls and combat violence are coordinated and effective across borders.

¹⁵⁰ OHCHR, Special Rapporteur on Violence Against Women and Girls. (n.d.). Available at: ([https://www.ohchr.org/en/special-procedures/sr-violence-against-women#:~:text=Reem%20Alsaalem%20\(Jordan\)%20is%20the,and%20consequences%2C%20since%20August%202021\),last%20visited%20\(13-06-2024\).](https://www.ohchr.org/en/special-procedures/sr-violence-against-women#:~:text=Reem%20Alsaalem%20(Jordan)%20is%20the,and%20consequences%2C%20since%20August%202021),last%20visited%20(13-06-2024).))

¹⁵¹ See Taefi, N., *supra* note 39, at 119.

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[questions#:~:text=The%20Convention%20on%20the%20Rights%20of%20the%20Child%20is%20the, human%20rights%20treaty%20in%20history](#)

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