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**PANEL: WOMEN AND CHILDREN
From International Law to National Realities**

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Madame Chairperson, distinguished delegates, ladies and gentlemen

It is my honour and privilege to participate in this panel as a representative of the Committee on the Elimination of Discrimination against Women, which is entrusted with the task of supervising the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

I shall concentrate on the issue of women's rights and their complementarity with children's rights because they are strictly linked. Discrimination against women whether it regards education, or health, or employment, or full participation in social and political life has decisive effects on children, on their life and on their future. On the other hand, promotion and protection of the human rights of women means that there will be better conditions for the promotion and protection of the human rights of children.

We all know that access of women to quality education is an asset for women themselves, but also for their families, particularly the children; that women enjoying good health conditions have better prospects for healthier children and a higher quality of life for all; that autonomous and assertive women will help bring these characteristics into the world and the views of their children; that women who actively participate in social and public life with no discrimination and recognition of their contribution have a better chance to bring children's rights and children's interests into the political and social agenda at different levels.

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979 and is the most comprehensive treaty on the human rights of women. It entered into force in 1981 and, although the Fourth World Conference on Women (Beijing, 1995) called for universal ratification by the year 2000, this aim was not achieved and only 169 States, from all regions of the world, most recently the Solomon Islands are party to the Convention.

Global in scope, the Convention takes into account not only direct, overt discrimination, but also indirect discrimination, and enunciates all the areas, in which such discrimination exists and must be eliminated: in education and employment, regarding health and health services, in political and public life, in economic and social life, in family life and family relations, regarding bestowal of nationality, the specific situation of rural women, regarding traffic in women and exploitation of prostitution, etc.

Considered as the Charter of Women's Rights, it makes important legal advances, namely the combination of civil and political rights with economic, social and cultural rights and the recognition of the need to go beyond elimination of discrimination and to establish gender equality, both in public and in private life. To achieve such aim it considers, in its article 4.1, the possibility of adoption of positive measures – special temporary measures, that cannot be considered discriminatory - in order to accelerate the process of de facto equality.

Until the entry into force of the Optional Protocol to the Convention in 2000, the reporting process was the only means of ensuring implementation of the Convention's provisions. The adoption of an Optional Protocol on the right to petition was one of the commitments at the World Conference on Human Rights (Vienna, 1993) and at the Fourth World Conference on Women (Beijing, 1995). Much as the result of the pressure of women's groups, these commitments were translated into reality, through the adoption of the Protocol in 1999, thus opening up new avenues for action in regard to the implementation of the provisions of the Convention. It has now been signed by 74 States parties to the Convention and ratified or acceded to by 38.

The provisions of the Convention offer legal protection to children, particularly girl children, all of them addressing children's issues in an indirect way, and some having also a direct incidence on their situation and on their rights.

Examples of these are the provisions contained in:

- article 6 on suppression of trafficking and exploitation of prostitution, a matter that applies to women in general, particularly young women and girl children as privileged targets of such activities;

- article 9 on the issue of nationality, as it establishes equal rights of men and women in regard to the nationality of their children running counter to a tradition of father only transmission;

- article 10 on education, which requires equal opportunities for women and men, boys and girls, at all levels of the educational system, namely regarding curricula and teaching materials, teaching requirements, conditions at school, access to grants and scholarships, participation in sports and physical education and the elimination of stereotyped concepts of men and women, as well as specific measures addressed at avoiding female drop-outs and creating programs for girls and women leaving school prematurely;

- article 12 on health and health services, which addresses the issue of women's health in general, but also focuses on reproductive health and services related to pregnancy, confinement and the post natal period;

- article 16 on family life and family relations, which provides for equal rights of both parents in matters relating to their children, as well as equal rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, clearly stating that the interests of children are always paramount. The same article also considers betrothal and marriage of a child as having no legal effect and requires definition of a minimum age for marriage.

Of a particular interest for the promotion of children's rights are the provisions under article 5, that address issues of "social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and other practices, which are based on the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women". It is a fundamental provision for children's rights, as the questions that are at stake here are at the origin of extremely negative situations affecting particularly women and girl-children: practices like female genital mutilation, child marriage or son preference with consequences for female children at the levels of mortality, malnutrition, neglect, lower enrolment at school, etc.

The Convention makes it an obligation for Governments to eliminate such harmful customary practices as they are based on an alleged inferiority of the female sex. On the other hand, the same article establishes that family education must counteract such an attitude, recognising a "common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the child is the primordial consideration in all cases".

All the other articles, however, as they foster equality for women in all areas and require that women's civil, political, economic, social and cultural rights be safeguarded, address children's interests too. As they allow for the human rights of women, they also provide better conditions to guarantee the human rights of children.

However, and notwithstanding the high number of ratifications of the two Conventions, information from reporting States to the CEDAW Committee shows that both for women and for children and for the enjoyment of their human rights, linked as they are to one another, there is still a long way to go.

In regard to women we can say that there are long-standing discriminatory factors, common to many countries, that affect them and affect children in general, and particularly girl children. Acknowledged in reports of States parties, we can mention some of them:

- 1)- the traditionally disadvantaged situation in the labour market, even when women have better qualifications, with a total lack of correlation between educational achievement and status in employment - lower status, lower salaries, and naturally lower pensions, etc. Long-lasting consequences fall upon women and the members of their families, particularly children, one of them being the phenomenon of feminisation of poverty, occurring in our time;

2)- the marginalisation of women from political and public life and from decision-making, implying that decisions that concern all the members of a given society, women and children too, are taken by men only or mostly, not allowing for a full use of human resources, including women's historical experience and specific views;

3)- the widespread phenomenon of violence against women under many different forms – domestic violence, sexual abuse, exploitation of prostitution, trafficking for purposes of economic or sexual exploitation, violence related to harmful traditional practices, etc.;

4)- the widespread use of negative stereotypes regarding the image of women and women's roles, which affect society as a whole and particularly affect children in their developing years and in the building of concepts and values;

All these forms of denial of the human rights of women have direct and serious consequences upon children, even if such acts are not always directly practised upon them. From reports of States parties, evidence shows that laws, policies and practices that discriminate against women and promote stereotypical views of women's value and women's roles are also at the root of discrimination against girls, as well as of the exploitation of children in general, and at the root of violent forms of behaviour against them, particularly girl children.

Among the various forms of denial of children's rights, some seem to be particularly evident:

1)- children, and especially girls, are often deprived of access to basic rights, like education, health or nutrition, on the basis of entrenched gender discrimination in the family or in the community;

2)- children are still denied the nationality of their mother in several countries, on the basis of discrimination against women in nationality laws;

3)- children are frequently the object of economic and sexual exploitation, both in their families and in society, namely through trafficking with such purposes;

4)- children, particularly girls, are still deeply affected by customs that allow for early marriage, prenatal sex selection, female genital mutilation, the so called crimes of honour and other forms of violence that place them particularly at risk;

5)- children are particularly vulnerable in situations of poverty or under development, as well as in situations of war or conflict, where girls are often subject to rape and abuse.

There are also positive developments occurring in our time; there is growing awareness of the existence of discrimination based on sex and of its consequences for women and children; there is growing awareness regarding protection and promotion of human rights for all persons. In spite of these, however, such situations still come out as real in the information submitted to the Committee.

It is important, therefore, to be aware of the possibilities presented by the provisions of the Convention on the Elimination of all Forms of Discrimination against Women, which, like the Convention on the Rights of the Child, must be used to counteract such situations. It is true that, like CRC, CEDAW is subject to a number of reservations that hinder its implementation, as they are often very significant and very substantive. General reservations, namely regarding incompatibility with Sharia law, reservations on the commitment to eradicate discrimination, on citizenship, on legal capacity, on provisions on marriage and family, among others are an obstacle to the achievement of the human rights of women and children, particularly girl children. Some of the articles with a large number of reservations are particularly relevant for children's rights, namely those that deal with the private sphere of life, particularly family life.

However, the broad acceptance of both these treaties and their protocols by the international community points to almost universal endorsement of the principles they contain. Together CRC and CEDAW reflect a single vision of the autonomy, dignity, citizenship and humanity of women and girls vis à vis their families, the community and the state. Both treaties reflect an ideal of universal, indivisible and interdependent rights, which include civil and political rights, as well as economic, social and cultural rights. The core norm of gender equality is found in both Conventions, and both require the elimination of *de facto* as well as *de jure* inequality.

Both recognize the obligation of States parties to ensure full enjoyment of human rights in the public and private spheres, including the family. Both contemplate a family in which women and men enjoy equal rights and responsibilities, and where girls have equal access to opportunities with their male siblings. Both call for the eradication of gender-based violence, and have provisions on women's reproductive health and on the right to support for working women with childcare responsibilities.

Together CEDAW and CRC constitute a formidable code of rights for women and children and for their empowerment through participatory rights; together they are also a means to confront the reality of the disempowerment of women and children, particularly in the context of low economic growth and increasing poverty.

Madame Chairperson,

Inequality and discrimination against women in gender relations impact in all societies on the status and rights of both women and children. Neither the rights of children, nor the rights of women can be realized in an environment of structural discrimination in gender relations, or in one of entrenched stereotyping of women's and men's roles that determines the aspirations and the future of boys and girls. We must work together, in order that each child's future be determined, not by sex stereotypes or prejudices, but by each one's capacities, hopes and aspirations in a context of full realization of their human rights. It is in this way, that we all stand to gain.

Thank you.