



Chapitre de livre

2021

Published version

Open Access

This is the published version of the publication, made available in accordance with the publisher's policy.

---

## Children's Rights and Women's Rights: Convergence and Complementarity

---

Lakatos, Ozlem; Jaffé, Philip

### How to cite

LAKATOS, Ozlem, JAFFÉ, Philip. Children's Rights and Women's Rights: Convergence and Complementarity. In: Women's Rights and Children's Rights : towards an integrated approach in development cooperation. Borda Carulla, Susana et Lakatos, Ozlem (Ed.). Genève / Sion : Enfants du Monde / Centre for Children's Rights Studies of the University of Geneva, 2021. p. 12-25.

This publication URL: <https://archive-ouverte.unige.ch/unige:176055>

# Children's Rights and Women's Rights: Convergence and Complementarity

Özlem Lakatos and Philip D. Jaffé,  
Centre for Children's Rights Studies of the University of Geneva

## INTRODUCTION

Within the conceptual field of human rights, certain principles are deeply rooted. Thus, the universal consensus is that, in order to respect and protect the dignity of human beings, these rights are inalienable, indivisible and interdependent, and apply to every person equally and without discrimination. At the same time, it is obvious that, on the one hand, certain categories of people do not currently feel that they are represented in the respect and implementation of their human rights in their daily lives and, on the other hand, that history is punctuated by sometimes extreme disharmonies in the exercise of the human rights of certain groups of people. In recent decades, there have been many attempts to redress these inequalities in order to realise the vision that Martin Luther King Jr. expressed with unparalleled poetic intensity: "*The arc of the moral universe is long, but it bends toward justice*". In this chapter, we focus on women's rights and children's rights, two categories of people whose human rights advances are recent and dramatic, but also often achieved in parallel. From our perspective on children's rights, we will particularly question some of the effects that the emergence of the field of children's rights, symbolised by the UN Convention on the Rights of the Child have exercised on the rights of women. Without claiming to be exhaustive, we will selectively address parts of recent history and highlight points of tension and convergence between children's rights and women's rights.

## WOMEN AND CHILDREN: A COMMON HISTORY?

Throughout human history, the statutory starting point for women and children is much the same; both were survivors in the often oppressive, if not persecutory, orbit of men regardless of the social, clan or family organisation. The patriarchal primacy of families in most societies has led to women and children being closely associated, historically and traditionally, as groups without independent social legal status. Almost exclusively relegated to the private sphere until the industrial revolution and urbanisation, women and children were then integrated into the world of work and exploited in shockingly arduous labour... and, for women, their reproductive function was most important.

The low status of women and children has long persisted in most legal systems, with Goonesekere (1992) pointing out, for example, that in Roman, Anglo-American and Islamic law, women and children were placed under the control and protective power of a man, or that similar guardianship conditions for women and children have marked

legal systems on the Indian subcontinent, in Asia and in Africa. The same author describes that more favourable conditions for women in some societies (e.g., Sri Lanka, Kerala in India) were erased by European, mainly Dutch and British, colonisation.

Both women and children have long been considered as the property of men, first the father and later, for girls and women, the husband. Traces, not particularly ancient, in societies that have adopted the *common law* are to be found in the ancient doctrine of *coverture*, according to which the legal existence of the wife is incorporated and integrated into that of her husband. But the indisputable expression of the possession of women and children by men is the violence that has been inflicted on them with impunity and which, to a large extent, continues.

The case of Sweden, in many ways a country at the forefront of women's rights and children's rights, provides a striking illustration. Hindberg (2001: 10-11) traced the socio-legal evolution, recalling that in the old days husbands and fathers could freely beat wives and children. Women were almost imperceptibly better off than children, with a law dating from 1734 stating that beating a child to death was less serious than the same action against a woman. Domestic violence against women, including marital and private violence, was prohibited and the legal framework progressively tightened throughout the 20th century and in 1979, Sweden became the first country in the world to adopt an explicit legal ban on all corporal punishment of children. Despite this, the prevalence of domestic violence and, beyond that, all forms of gender violence remain high, so much so that the situation is referred to as emblematic of a 'Nordic paradox' (Gracia, Martin-Fernández, Lila, Merlo, & Ivert, 2019).

This is by no means the only paradox. Indeed, in a male-dominated world, if there is one characteristic that is almost universally attributed to women and children, it is their 'vulnerability'. However, codes of conduct to ensure their protection have been late in coming. For example, all the Victorian ambiguity about women and children is contained in the *Birkenhead Drill*, the gallant code of conduct that required women and children to be the first to be rescued in the event of naval disaster. This code is not binding and has not been incorporated into maritime law, and a retrospective study of many shipwrecks by Elinder and Erixson (2012) eloquently indicates that survival rates remain much higher for men than for women and children.

*In a male-dominated world, if there is one characteristic that is almost universally attributed to women and children, it is their 'vulnerability'.*

In the same vein, the notion that women and children have priority for codified protection in the context of armed conflict is belied by humanitarian law, which as late as 1949 generated the *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, a preponderant proportion of whom are women and children. However, it should be

noted that the text restrictively provides that only children under fifteen years of age and women who are pregnant or whose child is under seven years of age explicitly benefit from all protections. Indeed, in practice, alternative explanations (e.g., Carpenter, 2016) argue that, in situations of armed conflict, women and children, but especially girls, are seen as property to be appropriated by combatants recalling the episode of the abduction of the Sabine women in Roman times. Even recent and tragic attempts at ethnic cleansing reserve the genocidal aspect for men; the use of mass rape of women to annex the reproductive function and remove women from their group of origin through the imposition of a gestation marked by the genetic heritage of the aggressor.

While our aim is not to proliferate examples of the subjugation of women and children in past and recent social, family and relationship structures, we would like to emphasize the history, extent and severity of human rights violations against them in common and demonstrate the obstacle that needed to be overcome in order to claim, have recognised, codify and progress towards the respect of the human rights inherent to each individual.

## ACTIVISM AND INTERNATIONAL INSTRUMENTS

The recent history of women's rights and children's rights has seen distinct legal developments and significant variations between countries. Progress has been spectacular overall, but far from linear and constant, and the long march towards the recognition and respect of the rights of all categories of people, including men, is still urgently needed. The adoption by the United Nations General Assembly of two fundamental conventions in the supranational legal architecture of human rights, the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* in 1979 and, barely ten years later, the *Convention on the Rights of the Child (CRC)* in 1989, is by no means an end in itself, but a crucial step in the codified formulation of the rights of these groups of people in order to curb the persistent violations against them. These two conventions are the result of an activism and a struggle that history will remember as being essentially female, with some notable male support. In other words, CEDAW and the CRC came into being thanks to many exceptional heroines and a few heroes. But there is also an obvious commonality: the precursor movements for women's rights and children's rights were clearly an adult affair and children's participation was only peripherally on the agenda.

*CEDAW and the CRC came into being thanks to many exceptional heroines and a few heroes. But there is also an obvious commonality: the precursor movements for women's rights and children's rights were clearly an adult affair and children's participation was only peripherally on the agenda.*

In its presentation of Florence Rochefort's book, *Histoire mondiale des féminismes*<sup>1</sup>, Avdela (2019: 139) recalls that progressive movements were intertwined, marked by "major trends and important figures, women's gains and losses according to socio-political circumstances, references to the Western world and other regions of the world, and so on, thus taking into account resistances and oppositions, steps forward and backward, contradictions and missteps". Nevertheless, we recognise that the distant foundations of the CEDAW and the CRC are born out of at least three main converging movements: a charitable and protective concern for women and children, a pacifist and humanitarian impulse that will lead to the codification of children's and women's human rights in supranational legal instruments, all against the backdrop of what is now referred to as the first wave of feminist activism. The latter, the long march of women to vote on an equal footing with men, an important dimension of which was well documented and popularised by the British *suffragette* movement from the late 19th century onwards, only reached its goal in Britain in 1928 after the upheavals of the First World War.<sup>2</sup>

In addition to this early political struggle, many bourgeois and noble women were also involved in combating the deplorable treatment of women and children during the intense industrialisation of Europe. Various charities were formed to combat prostitution and the abuse of children and women, including, among many others, the *Society for the Rescue of Young Women and Children* in 1853<sup>3</sup> or the *Society for the Protection of Women and Children*<sup>4</sup>. From this concern for protection, a few decades later, at the beginning of the 20th century, there emerged the feminist figures who created the professional field of social work and campaigned internationally for peace and women's rights. Among the well-known representatives are often cited Jane Addams, who founded the *Women's International League for Peace and Freedom*, or Sophonisba<sup>5</sup> Breckinridge of the *Women's Peace Party*, who was particularly active in movements in favour of deprived children (Kosher, Ben-Arieh, Hendelsman, 2016).

But history particularly remembers the British Eglantyne Jebb who campaigned for women's rights, founded the *Save the Children Fund* in 1919 and, based on her charitable experience and observation of the devastation of armed conflict, transformed her empathy for the plight of children in the defeated countries of the First World War, the innocent victims of an unprecedented humanitarian tragedy, into a pioneering vision for the field of children's rights. Nicknamed the "White Flame", passionate, convincing and obstinate, Eglantyne Jebb, who lived in Geneva at the end of the Great War, drafted

1 Florence Rochefort (2018). *Histoire mondiale des f.minismes*. Paris : PUF, coll. Que sais-je ? 128 pages

2 In Switzerland, where both authors of this chapter live and work, women's right to vote dates only from 1971. And in 1945 for neighbouring France, the country of "human rights".

3 [www.ucl.ac.uk/bloomsbury-project/institutions/society\\_rescue\\_women\\_children.htm](http://www.ucl.ac.uk/bloomsbury-project/institutions/society_rescue_women_children.htm)

4 Source British Library <https://blogs.bl.uk/untoldlives/2018/11/a-case-for-the-society-for-the-protection-of-women-and-children-.html>.

5 Sophonisba, a name that is unusual to say the least and, in a way, harmoniously in tune with Breckinridge's powerful convictions, is inherited from a Carthaginian heroine who chose to commit suicide rather than suffer the humiliation of the Roman conquerors.

the first Declaration of the Rights of the Child, surrounded herself with male notables from the International Committee of the Red Cross, and succeeded in having this text adopted by the League of Nations on 26 September 1924. The Declaration of the Rights of the Child, known as the Declaration of Geneva, was arguably the first international treaty on the rights of the child and generated considerable momentum until European tensions led to the conflagration of the Second World War.<sup>6</sup>

Women's rights would have to wait until the end of the Second World War for this cause to be integrated into the international agenda, notably following Eleanor Roosevelt's appeal (1946) during the inaugural and constituent sessions of the United Nations: *"To this end, we call on the Governments of the world to encourage women everywhere to take a more active part in national and international affairs, and on women who are conscious of their opportunities to come forward and share in the work of peace and reconstruction as they did in war and resistance"*.

In terms of international law, advances in women's rights and children's rights will follow broadly similar paths but staggered in time. They will be the product of the step-by-step work of new UN institutions, blending multilateral efforts, confrontations and inter-state collaborations that have resulted in the modern supranational human rights architecture of the Office of the High Commissioner for Human Rights (OHCHR), with the pressure of social realism and the relentless, forward-looking work of a multitude of non-governmental organisations.<sup>7</sup> The key steps are convergent:

- the adoption by the UN General Assembly in 1959 of a Declaration on the Rights of the Child and in 1967 of a Declaration on the Elimination of Discrimination against Women,
- the celebration in 1975 of International Women's Year and in 1979 of International Children's Year, and
- finally, the promulgation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the United Nations General Assembly in 1979 and the Convention on the Rights of the Child (CRC) in 1989. These two treaties are markers of notable progress because of their binding scope for States Parties and the high rates of ratification, i.e., out of 197 countries, 114 for the CEDAW and 196 for the CRC.

---

6 For the sake of completeness, it is worth noting the immense work and influence of the Polish doctor, educator and author Janusz Korczak (1878-1942, real name Henryk Goldszmit) who, to this day, rivals Eglantyne Jebb in terms of parenting the modern field of children's rights.

7 The historical highlights are very aptly traced by UN Women (2019) for women's rights and by Cantwell (2019) for children's rights.

## BEYOND THE COMMON EXPERIENCE

Women and children have shared – and still share – a common experience of the oppression by the patriarchy and paternalistic attitudes. This is compounded by the traditional dichotomy between the private and public spheres in law, which has reinforced situations of vulnerability and discrimination for women and children (Chanock, 2000; Charlesworth, Chinkin and Wright, 1991, cited in Todres, 2016). On this point, Bond (quoted in de Silva de Alwis, 2009: 304) argues that it was the feminist critique of human rights that allowed for the gradual erosion of this dichotomy between the two spheres and thus allowed the state to protect women and children in the private sphere. De Silvia de Alwis (2009) points out that the CEDAW is a revolution in this respect, as it condemns traditional and cultural practices against girls and women which, for the most part, are committed in private spaces.

*Women and children have shared – and still share – a common experience of the oppression by the patriarchy and paternalistic attitudes.*

Thus, while it is true that historically, women's rights and children's rights movements share the desire to challenge the patriarchal organisation of the family and even of society, one may wonder whether, in addition to these similarities in the sources of oppression, there are points of convergence in the effective implementation of their reciprocal rights. In this respect, without excluding the importance of national law, we will focus on the two UN conventions that have marked a fundamental turning point on the international scene, both in the field of women's rights and in the field of children's rights.

## CONVENTIONS OF THE SAME ESSENCE, BASED ON CATEGORY EXCLUSIVITY

CEDAW and the CRC are binding treaties based on the human rights principles and standards of the Universal Declaration of Human Rights (1948). Like the other eight UN human rights treaties, these conventions have created committees to monitor the implementation of their provisions by States Parties. They are also based on common values such as non-discrimination, equality, the inherent dignity of each person and the rights to self-determination, peace and security (Goonesejere and de Silva de Alwis, 2005).

However, the two conventions differ. CEDAW aims to eliminate discrimination against women, thus creating an enabling environment for women and girls. The CRC addresses the unique needs of children, recognising their evolving capacities as subjects of rights (not as objects of protection or benefits). Thus, according to an initial analysis, both CEDAW and the CRC are concerned with the specific category of people they relate to, almost to the exclusion of the other, whereas, throughout history, the vicissitudes experienced by women and children were inseparable. A reading of the CRC, which

quantitatively identifies certain terms and language, shows the explicit absence of a gender perspective. This is precisely the starting point of our analysis before examining the spirit of the convergences between the two conventions and some of the tensions they create.

The Convention on the Rights of the Child has a lot to say about children. Throughout its 54 articles, the word *child* is cited 173 times, while the words *girl* and *boy* do not appear once, as if the generic child took precedence over gender reality. The “neutrality” of the CRC thus amounts to denying the realities of children, which differ profoundly according to their gender, and which have a definite impact on the application and respect of their rights (notably to education and health). For example, in 2018, girls were still the main victims of inequalities in access to education.<sup>8</sup>

*A reading of the CRC, which quantitatively identifies certain terms and language, shows the explicit absence of a gender perspective.*

What about the word *woman* in the CRC? Only once mentioned and only in the Preamble, the non-binding section of a convention, with a reminder of the importance of the Declaration on the Protection of Women and Children in Emergency and Armed Conflict. Finally, for completeness, the word *father* is mentioned 4 times and the word *mother* 5 times. This difference captures a significant gender inequality. The only time the word *mother* is mentioned without being in the phrase *father and mother* is in Art. 24 which covers the right of the child to enjoy the highest attainable standard of health. In Art. 24 (2) under small d) it is stated: “*States Parties shall endeavour to take appropriate measures to ensure appropriate prenatal and post-natal care for mothers*”. This formulation unquestionably introduces the notion of birth as the particular link between mother and motherhood. However, throughout the CRC, distinctions between *fathers* and *mothers* are blurred in favour of *parents*. Art. 5 clearly states that: “*States Parties shall respect the responsibilities, rights and duties of parents [...] to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention*”.

<sup>8</sup> <https://www.plan-international.fr/info/actualites/news/2016-09-23-causes-et-consequences-des-inegalites-des-filles-face-leducation>.

## CRC AND CEDAW: FROM MUTUAL REINFORCEMENT TO OVERLAP

Indirectly, women's rights and children's rights are mutually reinforcing, as the implementation of these two conventions encourages equality from an early age, and thus prevents future inequalities (in the workplace, at home). Furthermore, since it remains true that in most of the world it is still women who are primarily responsible for raising children, if women's rights are respected, the situation of children can only be improved (Todres, 2003: 2016). Furthermore, children's rights can help to promote women's rights, since if these are fully realised, they provide a foundation that can enable young women to realise their rights (Cohen, 1997). In this sense, UNICEF and UNFPA (2011) recognise in their working papers that CEDAW and CRC are complementary and mutually reinforcing, as reading both documents allows for a gendered approach to children's rights and a smooth transition from girlhood to womanhood. Finally, CEDAW aims to protect women and girls from discrimination and therefore operates directly on these two issues. Thus, the overlap of women's rights and children's rights is illustrated with the rights of girls and their intersectional position. In sum, *“the two sets of rights are interrelated both because they implicate the same population (arguably at different stages in the life continuum) and because of the connections between women and children in many families, communities, and nations”* (Todres, 2016: 22).

*If women's rights are respected, the situation of children can only be improved. Furthermore, children's rights can help to promote women's rights.*

Thus, despite the categorical approach that emerges on the surface, these two conventions are mutually reinforcing in the context of a defence and promotion of human rights that fits into a holistic architecture of all human rights treaties and their monitoring bodies.

## “WOMEN AND CHILDREN”: A SYMBIOTIC RELATIONSHIP

The relationship between women's rights and children's rights could be summarised as 'symbiotic' (Todres, 2003). This term, which comes from the natural sciences, has three dimensions: mutualism, commensalism and parasitism. Mutualism means that both groups benefit from the situation. Commensalism, where one group benefits from the relationship but does not harm or favour the other. In the third dimension, parasitism, which has not been explored by the author himself, one group benefits at the expense of the other. Thus, while it is commonly accepted on the international scene that this relationship is complementary, and thus has dimensions of mutualism and commensalism, we would like to address here the third dimension of a symbiotic relationship: that of “parasitism”. This is a dimension that few researchers have ventured to address. The debates around this dimension emanate mostly from the feminist women's rights movements and researchers, and could be summarised in two dominant paradigms orienting the discourses on the relationship the relationship between women's rights and children's rights, what Erica Burman (2008) calls “*Womenandchildren*” and “*Women vs. children*”.

## “WOMENANDCHILDREN” OR THE FEAR OF ESSENTIALISM

This paradigm paternalistically positions children and women as a single entity (Sylvester 1998 cited in Burman, 2008; De Graeve, 2015). This single entity thus carries the assumption that these two groups are on the one hand “vulnerable” and on the other hand have similar characteristics and interests. This last point is of concern as the causes of vulnerability for each may be different, as may be the respective responses to it. It is therefore preferable to recognise vulnerability “to” (a situation, a phenomenon, a person, etc.) and not to assume an intrinsic vulnerability that would be unfavourable to the empowerment and agency of these two respective groups. In this sense, Carpentier (2016) details how women and children, perceived as the same group in situations of armed conflict, are wrongly considered to always be victims and innocent. The author denounces a gendered and Manichean view of the world, in which some are passive victims and others are aggressors. Moreover, this simplistic view does a disservice to the victims in that it takes away some of their autonomy.

*It is preferable to recognise vulnerability “to” and not to assume an intrinsic vulnerability that would be unfavourable to the empowerment and agency.*

Thus, this categorisation into the one group contributes to the essentialisation of women and children, and to the infantilisation of women (Fröden and Quennerstedt, 2020). According to Burman (2008) this essentialises the role and position of women as mothers, while fixing the position of children as incomplete, immature and deficient. The fear of essentialism is certainly the greatest fear of feminist women’s rights movements and researchers with regard to children. In this sense, it should be recalled that the CEDAW took shape in a context where radical feminist theories produced analyses in which the institution of the family is described as oppressive and primarily responsible for the denial of women’s rights. So, there is still some mistrust in linking women’s rights to children’s rights. A fear is that this could weaken women’s rights by relegating them to the role of mother, *caretaker* of children and housewife (Todres, 2003: 604).

For feminist researchers, such as Oakley (2002), the child is seen more as an “object” that participates in the construction of gender rather than as a gendered being. Indeed, the fields of education, care and healthcare of children tend to consider children as objects of *care*. Objects that participate in the construction of gender insofar as they are usually considered by some to be more the responsibility of mothers than fathers, citing a “feminine” or even “biological” nature as justification. This inequality in unpaid *care* work is an issue central to many debates on gender relations. The question of children (the care of children) thus turns out to be at the centre of feminist struggles, since it is ultimately a question of division of labour.

In addition to the debate on the division of labour within the family, we believe that the *care* relationship between parents and children certainly needs to be rethought. In this

sense, Cockburn (2005) indicates that parent-child care relationships as currently conceived are associated with a certain paternalism and that the child is not only a recipient of care. It is also necessary to recognise children as active agents in this relationship but also to recognise the care they take of themselves (Qvortrup, 1985; Cockbrun, 2005).

*The care relationship between parents and children certainly needs to be rethought.*

However, according to Burman (2008: 180) this model does have its advantages: “it does somehow assert the indivisibility of the relationship between women and children, the interconnectedness of their conditions and positions and, beyond this, the impossibility of separating an intervention for one from that for the other”.

### “WOMEN VS. CHILDREN”

This second paradigm tends to see the positions and interests of women and children as diametrically opposed. This opposition can lead to situations where their rights compete. The examples that have become “mythical” and illustrate this paradigm at its peak are the voluntary interruption of pregnancy (abortion), which opens up the debate between “the right to life vs. the right to abortion”, and the tension between “the right to give birth anonymously vs. the right to know one’s origins”, as illustrated by the controversial practices of childbirth under X in France and the use of baby boxes in certain cantons in Switzerland.

UNICEF and UNFPA (2011: 171-172) broadly identify two points of tension: women’s personal development and the best interests of the child; and child protection and women’s *disempowerment*. These two areas of tension are linked in particular to the labour market. The latter has traditionally limited access to women because of concerns about the welfare of children, but this has also resulted in a loss of autonomy and *empowerment* for women (Taefi, 2009, cited in Froden and Quennesrsted, 2020). Burman (2008: 181) tells us that women are not oppressed by their children but by the institution of motherhood, i.e., the way their roles as mothers are configured in our societies.

*Women are not oppressed by their children but by the institution of motherhood.*

## THE “BEST INTERESTS OF THE CHILD” AND WOMEN’S RIGHTS: A SOURCE OF TENSION?

*“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”* (Convention on the rights of the Child, Art. 3 section 1).

“Best interests” is a complex concept with general theoretical definitions, but with specific meanings *in concreto*, i.e., in contextual situations involving the child as an individual or children as a social group. First, it should be noted that the French translation of *best interests* can be confusing insofar as, in French, the formula implies that there is a single interest to be taken into account, whereas in English there are several. Furthermore, the adjective “superior” suggests a hierarchy between the interests of the child and the rights of others with which they may compete. However, for Eudes (2013: 6), this actually means that *“any decision with a potential impact on a child must be assessed in the light of his or her interests, without this interest systematically prevailing over all others, whether those of his or her parents, in particular his or her mother, or those of society as a whole”*. Thus, although the CRC enshrines the idea of the primacy of the rights of the child, and the idea that parents are seen to be “in the service of the child”, the best interests of the child does not mean that the interests of the child must be prioritised in all situations.

*The best interests of the child does not mean that the interests of the child must be prioritised in all situations.*

In this sense, the Committee on the Rights of the Child’s General Comment No. 14 (2013), in its paragraph 46, provides clarification on this notion. It states that *“the best interests of the child is a right, a principle and a procedural rule based on an assessment of all the elements constituting the interests of a child or children in a particular situation”* and that a process must be envisaged to assess and determine it. As Eudes (2003) points out, the best interests of the child is in fact a *“methodological obligation on the part of the competent authorities”*.<sup>9</sup>

<sup>9</sup> It should be noted that the notion of “best interests” exists in CEDAW, which ostensibly sets a higher standard than the CRC, since “the best interests of the child” is no longer “a primary consideration” (Art. 3 CRC), but “the interests of the child are the paramount consideration in all cases” (Art. 5, CEDAW). It should be noted, however, that caution should be exercised given the linguistic variations: in the CEDAW, the interest is not characterised as “superior” and it is the children as a class that are referred to and not the child as such.

## CONCLUSION

Despite the advances in human rights, a huge gap remains between what is theoretically guaranteed and what women and children experience around the world on a daily basis. These two groups remain most often disadvantaged and in situations of poverty and vulnerability that are more substantial than those of men.

In awareness of these challenges affecting women and children, the CRC and CEDAW Committees collaborated in the early 2000s on the co-authorship of a document that came to fruition in 2014: *The general Recommendation/ Joint General Comment no 31 of the Committee on the Elimination of Discrimination against Women and no 18 of the Committee on the Rights of the Child on harmful practices affecting girls.*

We therefore take the position that we would like to see more joint work between these two committees to promote an inclusive approach to human rights that emphasises the natural convergence and complementarity of women's rights and children's rights. And on the way to the recognition, respect, promotion and defence of these rights, we propose an alliance and participation of human rights defenders from all sides.

*We therefore take the position that we would like to see more joint work between these two committees to promote an inclusive approach to human rights that emphasises the natural convergence and complementarity of women's rights and children's rights.*

**BIBLIOGRAPHY**

- Avdela, E. (2019). Florence Rochefort: Histoire mondiale des féminismes. *Nouvelles Questions Feministes*, 38(2), 138-141.
- Burman, E., & Stacey, J. (2010). The child and childhood in feminist theory. *Feminist Theory*, 11(3), 227-240.
- Burman, E. (2008). Beyond 'women vs. children' or 'womenandchildren': Engendering childhood and reformulating motherhood. *The international journal of children's rights*, 16(2), 177-194.
- Cantwell, N. (2019). The CRC from start to... finish? In J. Zermatten, J. & Ph.D. Jaffé (Ed.) (2019). *30 years of children's rights: A new impetus for humanity!* 315 pages. Association 30 years of children's rights: Sion, Valais, 26-34.
- Carpenter, R. C. (2016). *'Innocent Women and Children': Gender, Norms and the Protection of Civilians*. Routledge.
- Cockburn, T. (2005). Children and the feminist ethic of care. *Childhood*, 12(1), 71-89.
- Cohen, C. P. (1997). The United Nations convention on the rights of the child: A feminist landmark. *Wm. & Mary J. Women & L.*, 3, 29.
- Committee on the Rights of the Child and Committee on the Elimination of All Forms of Discrimination against Women (2014). CEDAW General Recommendation/ Joint General Comment No. 31 and CRC General Recommendation No. 18 on harmful practices. CEDAW/C/GC/31/CRC/C/GC/18.
- Committee on the Rights of the Child (2013). General comment No. 14 on the right of the child to have his or her best interests be a primary consideration (art. 3, para. 1). CRC/C/GC/14.
- de Silva de Alwis, R. (2009). Mining the intersections: advancing the rights of women and children with disabilities within an interrelated web of human rights. *Pacific Rim Law & Policy Journal*, 18(1), 293-323.
- De Graeve, K. (2015). Children's rights from a gender studies perspective: Gender, intersectionality and the ethics of care. In *Routledge International Handbook of Children's Rights Studies*, Routledge, 163-179.
- Elinder, M., & Erixson, O. (2012). Gender, social norms, and survival in maritime disasters. *Proceedings of the National Academy of Sciences*, 109(33), 13220-13224.

- Eudes, M. (2013). La convention sur les droits de l'enfant, texte emblématique reconnaissant l'intérêt de l'enfant... et passant sous silence les droits des femmes? *La Revue des droits de l'homme. Revue du Centre de recherches et d'études sur les droits fondamentaux*, (3).
- Frödén, S., & Quennerstedt, A. (2020). The child as a gendered rights holder. *Childhood*, 27(2), 143-157.
- Goonesekere, S. (1992). *Women's rights and children's rights*. New York: UNICEF.
- Goonesekere, S., & De Silva-de Alwis, R. (2005). Women's and children's rights in a human rights-based approach to development. *New York: UNICEF*.
- Gracia, E., Martín-Fernández, M., Lila, M., Merlo, J., & Ivert, A. K. (2019). Prevalence of intimate partner violence against women in Sweden and Spain: A psychometric study of the Nordic paradox'. *Plos one*, 14(5), e0217015.
- Hindberg, B. (2001). *Ending corporal punishment - Swedish experience of efforts to prevent all forms of violence against children - and the results*. Stockholm: Ministry of Health and Social Affairs, Regeringskansliet.
- Kosher, H., Ben-Arieh, A., & Hendelsman, Y. (2016). The history of children's rights. In *Children's Rights and Social Work*. Springer, Cham, 9-18.
- United Nations (1989). Convention on the Rights of the Child. A/44/25.
- United Nations (1979). Convention on the Elimination of All Forms of Discrimination against Women.
- Oakley, A. (2002). Women and children first and last: Parallels and differences between children's and women's studies. In *Children's Childhoods*. Routledge, 19-38.
- Todres, J. (2016). Children's Rights and Women's Rights. *Handbook of Children's Rights: Global and Multidisciplinary Perspectives*, 21.
- Todres, J. (2003). Women's Rights and Children's Rights: A Partnership with Benefits for Both. *Cardozo Women's LJ*, 10, 603.
- UNICEF & UNPA (2011). CRC and CEDAW: making the connection between women's and children's rights. *New York: UNICEF, UNFPA*.