

Protection, Provision and Participation: Addressing the Intersection of Children’s Rights and Gender-Based Violence in India, Malawi, and Uganda

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Abstract

This paper explores the intersection of gender-based violence and children’s rights, and the vulnerabilities they experience on account of their gender and age. In particular, this paper examines the extent to which states and international bodies work to protect the rights of girls through the lens of the Convention on the Rights of the Child and the main pillars of protection, provision and participation. Using a methodological approach grounded in documented analysis of institutional publications, numerical reports and academic literature, this research evaluates the legal, international, and institutional responses to rights violations of girls, namely sexual gender-based violence, female foeticide, and child marriage. Through the exploration of academic journals, numerical data sets, and institutional publications, this paper argues the imperative need for critical structural policy reforms that ensure the protection of girls and their ability to live a safe and dignified life.

Keywords: Children’s Rights, Women’s Rights, Protection, Provision, Participation, UNCRC, United Nations, International, Asia, Africa, India, Malawi, Uganda

Introduction

In 2008, Kofi Annan, the seventh Secretary General to the United Nations, said, “it is among people like these that the heroes and heroines of our age are to be found. It is our job to furnish them with hope” (as cited in Wanak, 2008, p. 123). Annan (2008) speaks to the resilience of children and the necessity of governments and policy-makers to protect them, so that they may flourish into the people of tomorrow. The rights of children may share similarities with the universal human rights awarded to all peoples; however, they bring with them the caveat of additional protections due to their vulnerabilities. This vulnerability increases for young girls across the globe, who face additional discrimination and violence based on their gender. Therefore, the girl child continues to get left behind in human rights rhetoric, swept under a rug and forgotten about as their needs fail to be met, because of prevailing patriarchy within legal structures, policies, and even in human-serving systems.

The United Nations Convention on the Rights of the Child (UNCRC, 1989) outlines universal rights for those under 18, structured around protection, provision and participation. Despite its adoption in 1989, continued acts of gender-based violence prevail and present unique concerns for young girls globally. Women continue to be victims of gender-based crimes throughout the world (UN Women, 2025), and children continue to face challenges to their human rights. However, the female child experiences gender-based violence in tandem with these rights violations and requires intentional intervention aimed at enhancing the girl child's life. This intersection of gender-based violence and children's rights reveals structural gaps that undermine the rights of children, particularly girls, worldwide. To what extent do international frameworks such as the UNCRC address these intersectional vulnerabilities? Only when these

gaps are addressed and states commit to enacting legislation to protect these vulnerable populations can the safety and well-being of all children be ensured.

This paper seeks to examine the effectiveness of the UNCRC in safeguarding young women across the globe, identify areas for improvement and offer recommendations to strengthen legal and policy responses. The research is split into three sections: the first explores the right to protection with a focus on India's ongoing female foeticide concerns. The second discusses the right to provisions, exploring a case study on the impact of child marriage on educational attainment in Malawi. Third, this paper discusses the right to participation and the barriers that girl survivors face in engaging in society and advocacy. Following these sections, recommendations are provided for governments and institutions to safeguard girls' rights.

Background and Rationale

This paper intends to humanize the research analysis and call attention to the ongoing injustices that plague young girls in countries across Africa and Asia. Importantly, research into this unique intersection is devastatingly neglected.

India and Malawi were selected as case study examples as they provide distinct regional and socioeconomic contexts, where gender-based violence and child rights intersect in complex ways. India offers insight into how cultural and structural factors such as son preference and dowry practices perpetuate violence against girls, whilst Malawi illustrates the entanglement of poverty and early marriage within the context of the Global South. These contexts provide a comparative understanding of how policy, culture, and economic factors shape the realization of children's rights.

Current institutional and legal frameworks leave gaps far too wide, gravely failing to protect the rights of girls. As a researcher and a human rights advocate, my perspective is informed by my professional and advocacy work, as well as academic study. My personal standpoint shapes the research focus and highlights the need for international organizations as well as governments to address the structural gaps and systemic discrimination. I have sought to balance empirical evidence and the lived experience of girls, providing an informed analysis. To frame this analysis, this research situates gender-based violence within the social structures of power hierarchies, patriarchy, and economic marginalization and employs an intersectional feminist perspective. In this way, the audience can form a nuanced understanding of how overlapping forms of oppression affect girls' rights and their access to the pillars of the Convention on the Rights of the Child: protection, provision and participation.

Methodologies

This study approaches this thesis with a theoretical analysis, consisting of a case study on the article "Education, Child Marriage, and Work Outcomes Among Young People in Rural Malawi" (Soler-Hampejsek et al., 2021), which proposes a correlation between high rates of child marriage and barriers to girls obtaining education.

Additionally, data analysis of numerical reports gathered from international bodies such as the United Nations Development Program (UNDP) and the Public Health Foundation of India (PHFI) provides qualitative insight into the effects of protective laws being implemented, and current trends in gender-based violence towards girls, particularly citing data regarding female infanticide in South Asia, and the current birth rates of states with the highest infanticide

concerns. Additionally, I seek to reintroduce humanity into the discussion of the rights of children and girls by highlighting anecdotal accounts of children's rights violations and gender-based violence towards girls. This serves to provide a bottom-up perspective of the rights of girls, centring on the lived experiences of those with complex human rights violations. Grounded in quantitative analysis, the following section explores the CRC's pillar of protection and legal responses to gender-based rights violations. This study also utilizes existing quantitative data from international organizations and published reports, informing this analysis rather than firsthand data collection.

Part I: Protections

Article 6 of the Convention on the Rights of the Child guarantees every child the right to life, survival and development, and protection from violence and abuse under Article 19 (United Nations General Assembly, 1989). In addition to these children's rights guidelines, Article 24(3) calls for eradicating harmful traditional practices. Still, millions of girls continue to be denied these basic protections through the harmful practice of female infanticide and prenatal sex-based selective abortions (UN Women, 2025). These acts constitute continued violent and systemic discrimination against girls that are normalized and validated by culturally embedded gender norms and son preferences. Oftentimes, the girl child is not allowed the right to life on account of her chromosomal makeup in the womb.

Although these violations occur in many places in the world, India experiences some of the most concerning infanticide and sex-selective abortion rates across the globe (Kulkarni, 2007, p. 1). A 2019 investigation in the Uttarakshi district revealed a mere 200 births in 132

villages over three months, and not a single girl among them (Kuchay, 2019), further highlighting the severity of the gender-based violence against girls.

India's Ministry of Women and Child Development released a government publication (Press Information Bureau, 2022) which presented data from birth and death records in selected urban and rural blocks throughout the country. Analyzing sex ratios at birth between 2012 and 2019, the report revealed a nationwide average of 899.4 female births per 1000 male births over the seven years. In Uttarakhand between those years, women were found to have birthed only 816 girls per 1000 boys— a mere 0.81 ratio. These findings are consistently well below the World Health Organization's (2022) biological normal sex ratio, ranging from "102 to 106 males per 100 females" (p. V). This data set demonstrates the numerical representations of gender gaps in births as a result of gender-based abortions, and the failure to adhere to the CRC's right to life and the UDHR's freedom from discrimination Articles.

Families may also rid themselves of their baby daughters through post-natal elimination, or infanticide. Kumar (2023) states that "one in three infant girls' deaths occur at birth (p. 107). This further demonstrates the son preference embedded in culture and society, underscoring that even if she is carried to term, she may still be denied the right to life ([CRC], Art. 6) solely because of her assigned sex. These practices in India are rooted in cultural beliefs that view the girl as an economic "burden" as they are seen as costly because of the dowry system (Reshma, 2015, p. 99). In contrast, the male child is seen as an economic asset, as they are the breadwinners and can support their families. These driving factors for the harmful practices can also be viewed on a global scale, as Kumar (2023) cites the United Nations Population Fund's

2020 report that 117 million girls are missing due to infanticide and sex-selective abortions, revealing the impact of structural violence worldwide (p. 106). These practices not only violate the CRC, but Article 2 of the Universal Declaration of Human Rights (1989) which states “everyone is entitled to all rights and freedoms... without distinction of any kind, such as... sex” among other attributes (2).

In response to the gender-based violence against infant girls, the Indian government passed the Preconception and Prenatal Diagnostic Techniques (PCPNDT) Act in 1994, as an attempt to target these Child Sex Ratios (CSR), criminalize sex-selective abortions and the use of prenatal testing. However, as described in the Press Information Bureau’s (2022) data set throughout the 21st century, skewed sex birth ratios are sustained. Although the government has stated their concerns and has enacted laws to prevent these practices, the lack of enforcement has allowed for the continued gender-based violence against infant girls throughout the country.

Despite prolonged concerns about the issue, a problematic gap persists in accessible research regarding documented cases of convictions. Existing data can be found within fragmented sources, within news stories, government publications and international organizations. These suggest that conviction rates regarding the Pre-Conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) may be low in comparison to the skewed child sex rates. The Public Health Foundation of India’s (2010) stated that “the total number of convictions using the Act is roughly 20”. Here lie additional concerns for accessible public information regarding acts as serious as female infanticide, as they continue that “documentation of such data is not freely available in the public domain” (Public Health Foundation of India, 2010, p. 10). A

lack of quantitative data available to the public is troublesome, as it prevents the public from analyzing the legislation's effectiveness in preventing infanticide and sex-selective abortion. The inability to criticize the government's effectiveness in violence prevention does not allow for a clear picture of the steps the government is taking in protecting the lives of women and girls in the region.

Furthermore, the PHFI found that the Act is often inadequately utilized when filing cases in court. Of the 196 cases filed under the "non-registration" offence, the majority were identified as administrative violations, versus the 126 cases determined to be substantive. They also cite concerns regarding the absence of a serious deterrent, the lack of awareness of the act, and a lack of witnesses and insufficient evidence, directly leading to low conviction rates (Public Health Foundation of India, 2010, p. 14).

The lack of numerical data available regarding the ongoing concerns of female foeticide and violence toward girls in India is alarming. As the birth rates continue to present gaps in sex, India's government is not doing enough. Despite India ratifying the Convention for the Rights of the Child in 1992, their adherence to protecting the girl child should raise concerns. Continued acts of sex-based selective abortions and female infanticide directly contradict Articles 6 and 19 of the Convention. Furthermore, India must enact legal reforms to improve enforcement of the PCPNDT Act and engage with communities to put an end to harmful traditional practices, such as female infanticide, to align with Article 24(3) of the CRC.

Part II: Provisions

The United Nations Population Fund (UNFPA) (2010) cites “child, early, and forced marriages” as one of the most harmful practices among girls, noting that this is from a stark power imbalance, disadvantaging women and girls. It hinders their ability to access education and is linked to higher fertility levels. It confines the girl to the household and perpetuates the cycle of poverty by “undercutting the development of a productive, skilled workforce” (UNFPA 2010, pp. 8-12). Moreover, the United Nations Convention on the Rights of the Child outlines in Articles 27 and 28, underscoring the necessity of universally accessible education and the right to safe, sustainable housing and access to food, healthcare and shelter. This information builds a foundational understanding of the rights violations associated with child marriage to explore the harms and burdens it brings to the societies within which it occurs.

Case Study: Child Marriage and Access to Education in Rural Malawi

The persistence of gender norms continues to sustain inequalities among girls, ultimately undermining the goals of the Convention on the Rights of the Child. These expectations normalize early marriage, which prevails in many nations across the world, with particularly alarming rates in Malawi. Soler-Hampejsek et al. (2021) explore the relationship between this act and its effects on the community by analyzing survey data from the Malawi Schooling and Adolescent Study (MSAS) (Hewett & Mensch, 2008, as cited in Soler-Hampejsek et al. (2021)). Their work highlights the impact of child marriage on long-term economic outcomes and labour force participation for women and girls within the region. The authors also identify certain societal factors that contribute to the child marriage cycle, and subsequently, the perpetuation of

poverty among them. Soler-Hampejsek et al.'s (2021) longitudinal study employs multiple survey collection methods and explores the complex case of employment among women and girls. Despite the declining gap between men's and women's rates of educational achievement, a gap persists in employment opportunities. More specifically, Soler-Hampejsek et al.'s research question explores the MSAS participants' access to employment, identifying which youth were engaged in paid work versus unpaid work, using a fixed-effects model. Soler-Hampejsek et al. (2021) define paid work as: "a binary variable that is equal to one if the respondent was working for pay." On the other hand, unpaid work is defined as "a binary variable that is equal to one if the respondent was engaged in work without pay other than household chores" Soler-Hampejsek et al. 2021, p. S59). This model allowed for the control of unchanging characteristics, such as participant background and gender, and illustrates a clear understanding of the structural barriers to meaningful economic participation that girls in Malawi face.

This research identifies that nearly one-third of the women married as children were under the age of sixteen, with over half of the girls' sample experiencing child marriage (Soler-Hampejsek et al. 2021, p. S59). Moreover, further findings revealed that the attainment of an education not past grade six increased the probability of unpaid work by nearly sixteen per cent among female respondents married as children. Their findings concluded a negative relationship between unpaid work and schooling attainment for the female respondents who experienced child marriage. They reiterate that "the potential positive effects of education are further undermined by persistently high levels of child and young adult marriage," making note of the disruptions this causes not only to education attainment, but limitations on their ability to translate their education to economic opportunities (p. S63).

These findings illustrate how child marriage and low school quality combine to entrench economic marginalization among girls in Malawi, specifically, the difficulties in translating their education into paid earnings to support themselves and their families. Inextricably linked are the rights to education and the right to a standard of living that is adequate for a child's development, meaning access to housing, food and healthcare. The Convention on the Rights of the Child's (1989 Article 27 ensures the right to these fundamental needs to live a life of dignity and well-being. Without employment opportunities available to secure these necessities, the rights of girls are inaccessible. Additionally, Article 28 calls for universal access to education "on the basis of equal opportunity" (CRC, Art. 28, 1989). As identified in their research, this opportunity is imbalanced regarding young child brides and their male, unmarried counterparts.

The UNCRC was ratified by Malawi in 1991; despite this, persistent rights violations persist. Gender expectations, low educational quality, and a lack of enforced legal policies for prevention contribute to these violations. Therefore, this study underscores the ways that gender norms are embedded in the structures that perpetuate poverty in the absence of enforcement, ultimately undermining their commitment to upholding girls' rights.

Part III: Participation

In the words of Evelyn Amony, "I was forced to become one of his 27 'wives'. I gave birth to three children in captivity" (UN Women, 2014). Evelyn was abducted by the Lord's Resistance Army (LRA) at only 12 years old and forced into sexual captivity by the soldiers. For eleven years, she remained in captivity until she escaped with her surviving children. Sexual

violence is frequently used as a violent tool in conflict that girls are predisposed to on account of their gender.

The rights of civilians in conflict zones are often overlooked, which gives way for war crimes and human rights violations to be committed, with little criticism or penalties. Girls face unique discrimination during times of conflict as a result of the vulnerability of their age and gender, and are more likely to be victimized, especially by the use of sexual gender-based violence (SGBV). UN Women (2025) cites that conflict-related sexual violence can range between 18 and 40 per cent among women and girls. In violation of Article 19 of the CRC, sexual violence and rape in conflict is used as a tool of terror, to harm both the individual girl and the wider population. The Luxembourg Guidelines (2016) cited in Cody et al.'s (2024) discussion article define sexual violence against children as encompassing “sexual exploitation and sexual abuse of children... with regard to acts of commission and omission and associated to physical and psychological violence” (p. 1). This provides a foundational understanding of the impact of sexual violence and the ways that it is used.

Among the three foundational pillars of the Convention is participation: the right for children to have their views and experiences heard, and to engage with society in meaningful ways. Cody et al. (2024) argue that collective participation by children through advocacy and decision-making should be central to moving forward in policy-making to protect children's rights (p. 2). For survivors of SGBV, this is often denied. In addition to the extreme violations they've endured, they may face exclusion from public discourse and community reintegration.

Evelyn's story illustrates the brutality of gender-based violence in war and the resilient struggle to regain a sense of agency and community.

Following the trauma that survivors endure in these conditions, the journey of healing may be difficult to navigate without the opportunity to participate in and engage with their communities. Rape survivors are frequently stigmatized upon returning to their communities, with suspicion of having HIV (Zraly & Nyirazinyoye, 2010, p. 1657). In tandem with mental health distress, it can be difficult to reintegrate into society. Evelyn reflects on similar experiences, noting that “formerly abducted women and their children born in captivity face a lot of stigma and discrimination” upon returning to their homes (UN Women, 2014).

The opportunity for girls to participate in calls to action and advocacy for their rights is fundamental in rights advocacy, as those who have experienced wrongdoings deserve to be at the forefront of demands for change. However, this desire to engage with communities and have their voices heard comes with concerns for their safety. Cody et al. (2024) discuss the tension between the pillars of Protection and Participation, with reference to varying interpretations of Article 3's focus on the child's best interest. The argument is made that one's best interest may be to engage with all their rights, including the right to participate (Cody et al., 2024, p. 2). However, the psychological and physical well-being of survivors must be at the forefront of the work they engage in. The lack of tangible resources and continued gender-based discriminations creates barriers to safe and meaningful participation in the community and advocacy. The responsibility to protect a child's wellbeing may not be feasible if adequate supports are not put in place and therefore may prevent her from obtaining engagement opportunities.

While many survivors may be silenced, some, like Evelyn, find strength in collaboration with other survivors to reclaim their narratives and advocate for change. Upon her return to Atiak, Evelyn, joining with other women who endured similar situations, sought reconciliation for their communities. Through sustained advocacy work, Evelyn has grown into the chair of the Women's Advocacy Network, where she and other survivors have regularly raised concerns about ongoing rights violations and paths forward for survivors of SGBV and says "As the Chair of the Women's Advocacy Network, I now have the confidence to continue to speak out and move on" (UN Women, 2014). Evelyn's story demonstrates the importance of participation in collective healing, resilience and community change.

Pathways Forward

The path forward requires immediate structural reforms that address the dangers that uniquely affect girls. This analysis of the Convention on the Rights of the Child, presented across the pillars of Protection, Provision and Participation, reveals that girls' rights are at risk in multiple ways. Across the globe, inconsistent enforcement and accountability measures, patriarchal norms, and a lack of survivor-centred policy reforms perpetuate these gaps in care for the intersecting identities of the girl child.

It is imperative that India's government commit to strengthening legal enforcement for the Preconception and Prenatal Diagnostic Technologies Act. This requires improved accountability measures and stronger penalties for proponents of prohibited technologies with the intent to harm infant girls and sex-selective abortions. Additionally, both state and non-state

actors must increase public accountability regarding information and data accessibility to review the effectiveness of the Act.

Similar accountability challenges are present throughout Africa, which suggests the need for transnational policy coordination under the CRC framework and stronger implementation of the Convention. Institutionally, investment in effective curricula that provide girls equal opportunities to learn and translate their learning into paid work is crucial. The ability to enter the workforce is central to exiting the cycle of poverty, while reducing the likelihood of child marriage or early childbearing (Wanak, 2008, p. 110).

Institutions must also invest in community-based, trauma-informed education for the reintegration of SGBV survivors of war, allowing for community-based healing that promotes resiliency among survivors and fosters a safe community where they can continue to grow.

Finally, centring the voices of girl survivors is vital and must be prioritized. By safeguarding their right to participate in their community and speak out, governments and institutions provide a space for survivors to remain safe and on their healing journey.

Despite the promises of the Convention on the Rights of the Child on the principles of Protection, Provision and Participation, the lived realities of girls remain compromised by patriarchal traditional norms, female infanticide, and low access to education, all while being silenced. Thus, safeguarding the intersectional identity of the girl requires international collaborative measures to ensure that girls everywhere are protected, supported, and welcome to participate in their local and global communities. This analysis underscores the policy reforms and cross-sector collaboration required to fulfil the Convention's promises and ascend from

passive to active protection. In the words of UN Women (2014): “Every voice matters. We can all contribute as women at the grassroots are playing our part in overcoming the challenges we continue to face.” Ultimately, the global community must create and sustain conditions where girls’ rights are respected and protected, ensuring their voices are amplified, and participation is truly realized.

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