



Harmful Practices and Human Rights

International Seminar

Organized by

The International Institute for the Rights of the Child (IDE)

Program

Course Director: Ms Justice Renate Winter, Judge, former President of the UN Appeal Chamber and of the Special Court for Sierra Leone

Dates: From October 10th to 13th, 2010

Location: Institut international des Droits de l'Enfant
c/o Institut Universitaire Kurt Bösch
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Languages: French and English with simultaneous translation throughout the plenary sessions

ARGUMENT

Every year, millions of children are victims of so-called “Harmful Traditional Practices” (HTPs) which have different consequences, in the fields of health, education, survival and development, which are often violent, and which may cause severe injuries, and sometimes death.

What is the definition of “Harmful Traditional Practices”? There is no clear and comprehensive definition in the international instruments, although these instruments explicitly mention the HTPs. The two main Treaty bodies concerned by this phenomenon are the CRC and the CEDAW Committees; and both have a consistent practice to address the issue of HTPs, and a “jurisprudence”. The CEDAW has issued: the General recommendation No. 14 on female circumcision, and the General Recommendation No. 19 on Violence against Women, which sets out Female Genital Mutilations (FGM) and child/early and forced marriage as human rights violations and forms of violence against women; as for the CRC, it principally addresses HTPs under art. 24 (3) “...traditional practices prejudicial to the health...” and made a reference in its General Comment no 7 on early childhood (para 10, litt b, i), related to the discrimination suffered by young girls, including through HTPs, such as FGM or child marriages.

For both Committees, as for international law in general, there are no justification of such practices, that are clear human rights violations and hence State parties have a corresponding obligation. But the fact is that there are many forms of HTPS in the world, and a high prevalence of certain forms. We can mention: female genital mutilations (FGM), early or child marriages, forced marriages, honor killings, children’s witchcraft, scarification, infants giraffes, lip plates, force-feeding... Some people also do consider corporal punishment as a harmful traditional practice.

In order to answer the numerous questions regarding the HTPs, the IDE, in collaboration with UNICEF and UNFPA, organizes an international seminar on these issues.

What are the common elements of these HTPs? A very strong belief in the value of tradition, a cultural attachment to the practice and the persistent social pressure on the family (social expectations); or religious and customary rules?

How to put an end to these violations? It seems clear that legislation has a key role to play in eradicating HTPs; but is criminalization alone sufficient? Experiences show that in countries having prohibited HTPS, the law is not fully or not at all implemented. How to gain a strong support from the population?

Training, information and awareness-raising of individuals and communities on the negative aspects of the practice are needed, not only for concerned communities but for host countries, as well. As a matter of fact, due to migration, HTPS are an issue in asylum countries, which hesitate about actions to take, due to ignorance and lack of knowledge. Yet, as important as the programs based on these pillars are, we can be in doubt about the potential of improvement of such initiatives, unless they are anchored in a participative and culturally respective method.

Might we need another approach, more based on ***promoting abandonment***, rather than engaging in a fight to eradicate a practice? Different models exist. Are they effective?

These are some of the questions the seminar will tackle. Others will be raised by the experts, participants and human rights advocates.

The seminar will also offer the opportunity for the CRC and CEDAW Committees’ Members to confront their experience and knowledge with other experts and to think along with the participants in a joint General Comment on HTPs.

OBJECTIVES

By confronting theory/practice, legal frame/field reality, the Seminar aims at:

- *giving a clear view on the problems*: definition of HTPs and their content, knowledge of main international standards, respectively of treaty provisions and treaty body jurisprudence notably the General Recommendations and General Comment, presentation of the reality experienced by children victims of HTPs, especially girls,
- *bringing up* especially blatant situations and identifying causes;
- *singling out best practices*, by exchanges of experiences between international organizations, NGOs, professionals concerned, State officials, field workers...;
- *identifying possible synergies* and partnerships between the various stakeholders ;
- *reaching a conclusion allowing for strong and concerted international action*;
- *preparing* the material for a joint General Comment / Recommendation for the CRC and CEDAW Committees.

TARGET AUDIENCE

Members of both CRC and CEDAW Committees, members of NGOs active in the field, professionals in charge of HTPs issues, doctors, lawyers, teachers (any level), heads of institutions, psychologists, sociologists, traditional and religious leaders, social workers, the media, and politicians; researchers and final-year students are also welcome. And anyone else concerned.

PROGRAMME

Sunday October 10th 2010

Session chairperson: Mr Jean Zermatten, IDE Director

05:30 p.m. Registration and distribution of documents at the IDE

06:00 p.m. Opening Ceremony
Mr Jean-François Copt, Chair of Cantonal Parliament, Switzerland

Presentation of short films: ***Mutilated Women, Never More*** (French and English) ***Forced Marriage: Never More*** (French) and ***Walking the Path of Unity*** (English)
General discussion

08:00 p.m. Welcome Cocktail

Monday October 11th 2010

Session chairperson: Mr Jean Zermatten, IDE Director

Harmful practices and human rights instruments

09:00 a.m. Opening Speeches

Ms Ruth Dreifuss, Former Member of Parliament (*solicited*)

Mr Christophe Darbellay, Member of Parliament, IDE Foundation President, Sion

Ms Agnes Akosua Aidoo, Vice-Chairperson of the CRC Committee

Ms Violeta Neubauer, Member of the CEDAW Committee

09:45 a.m.	Evolution and Definition of the Concept of Harmful Traditional Practices, (HTPs)	Ms Jane Connors , Chief of the Special Procedures Branch, OHCHR
10:30 a.m.	<i>Break</i>	
11:00 a.m.	Reality experienced by CRC (approach, practice and jurisprudence of the Committee)	Ms Marta Mauras Perez , Member of the CRC Committee
11:30 a.m.	Reality experienced by CEDAW (approach, practice, jurisprudence and individual complaint of the Committee)	Ms Dubravka Simonovic , Member of the CEDAW Committee
12:00 a.m.	HTPs and justiciability	Ms Christiane Brisson , Jurist, CEDH, Strasbourg
12:30 p.m.	Discussion in plenary	
01:00 p.m.	<i>Lunch on the spot</i>	
02:15 p.m.	Working groups to discuss CEDAW and CRC Committee experience on harmful practices strengths and weaknesses of position to date in promoting HR objectives	
05:30 p.m.	End of the day	
07:30 p.m.	<i>Valaisan Evening</i>	

Tuesday October 12th 2010

Session chairperson: Ms Jane Connors, OHCHR

Current perspectives on HTPS

09:00 am	Panel introduced and animated by - Ms Prof. Pierrette Herzberger-Fofana , University of Erlangen-Nürnberg With the inputs and interaction of: - Ms Berhane Ras-Work , IAC Executive Director, Inter-African Committee (IAC) on Traditional Practices affecting the Health of Women and Children - Prof. Abdoulaye Doro Sow , Research teacher in social sciences, University of Nouakchott, Mauritania - Mr Kamel Filali , Lawyer, Professor in International Law and Vice-Chairperson of the CRC Committee, Algeria - Ms Elise Johansen , Technical Officer, WHO	
11:00 a.m.	<i>Break</i>	
11:30 a.m.	Current programmatic experience across 12 African countries	Ms Nafissatou Diop , Coordinator, UNFPA-UNICEF Joint Program on FGM

- 12:15 p.m. Discussion in plenary
- 12:45 p.m. *Lunch on the spot*
- 02:00 p.m. **Working groups to discuss regional and country evidence of the application of different perspectives and of ways to combine them to promote greatest progress towards abandonment of harmful practices and promotion of human rights**
- 05:45 p.m. End of the day

Wednesday October 13th 2010

Session chairperson: Ms Renate Winter, Course Director

Current perspectives on HTPS cont'd

- 09:00 a.m. Panel introduced and animated by:
- **Ms Archana Mehendale**, Child Rights Researcher, India
- With the inputs and interaction of:
- **Ms Sylvia Lopez-Ekra**, Gender Officer, International Organization for Migration
 - **Mr El Hadji Gorgui Wade Ndoye**, Publication Director, Continent Premier Magazine
 - **Ms Mareyem Aslan**, Senior Advisor, UN Trust Fund to end violence against women
 - **Mr Mustafa Hassan**, Program Advisor, Terre des Hommes – child relief, Sri-Lanka
 - **Dr Richard Beddock**, Gynecologist, Gynécologues sans frontières
- 11:00 a.m. *Break*
- 11:30 a.m. Discussion in plenary
- 12:15 p.m. *Lunch on the spot*
- 01:30 p.m. Interactive presentation on latest understanding on HTPs and the social norms/social change perspective
- Ms Francesca Moneti**, Senior Child Protection Specialist, UNICEF
- 03:30 p.m. Short work group session to determine 1 major recommendation to make to plenary
- Session chairperson: UNFPA/ UNICEF*
- 04:30 p.m. 1 major recommendations from each working group (max. 5 min. each); comments and discussion
- Reporters of each group**
- 05:00 pm Plenary closing
- Ms Renate Winter**, Course Director

WORKING GROUPS

Monday October 11th 2010 - 02:15 p.m. to 05:30 p.m. (discussion)

Discussion of CEDAW and CRC Committee experience on harmful practices strengths and weaknesses of position to date in promoting HR objectives

Group 1

- **Ms Marta Mauras Perez**, Member of the CRC Committee
- **Ms Amina Benkais**, Chief of Project, Terre des Femmes Suisse

Group 2

- **Ms Agnes Akosua Aidoo**, Vice-Chairperson of the CRC Committee
- **Mr Emmanuel Kabengele Mpinga**, PhD, MHA, MPH, Medicine and Community Health Dept, Faculty of Medicine, Geneva University & Swiss School of Public Health, Zurich

Group 3

- **Mr Kamel Filali**, Lawyer, Professor in International Law and Vice-Chairperson of the CRC Committee, Algeria
- **Ms Judi Aabel**, Sociologist and lead of the Grandmother Project

Group 4

- **Ms Dubravka Simonovic**, Member of the CEDAW Committee
- **Ms Elise Johansen**, Technical Officer, WHO

Group 5

- **Ms Violeta Neubauer**, Member of the CEDAW Committee
- **Ms Fabienne Bugnon**, Director, Head of the Human Rights Office, Geneva

Tuesday October 12th 2010 - 02:15 p.m. to 05:30 p.m. (discussion)

Working groups to discuss regional and country evidence of the application of different perspectives and of ways to combine them to promote greatest progress towards abandonment of harmful practices and promotion of human rights

Group 1

- **Ms Berhane Ras-Work**, Executive Director, IAC
- **Ms Molly Melching**, Executive Director, Tostan

Group 2

- **Ms Prof. Pierrette Herzberger-Fofana**, University of Erlangen-Nuremberg
- **Mr Emmanuel Kabengele Mpinga**, PhD, MHA, MPH, Medicine and Community Health Department, Faculty of Medicine, Geneva University & Swiss School of Public Health, Zurich

Group 3

- **Ms Sylvia Lopez-Ekra**, Gender Officer, International Organization for Migration
- **Ms Judi Aabel**, Sociologist and lead of the Grandmother Project

Group 4

- **Dr Richard Beddock**, Gynecologist, Gynécologues sans frontières
- **Ms Elise Johansen**, Technical Officer, WHO

Group 5

- **Mr El Hadji Gorgui Wade Ndoeye**, Journalist and Publication Director, Continent Premier Magazine
- **Ms Fabienne Bugnon**, Director, Head of the Human Rights Office, Geneva

Wednesday October 13th 2010 - 3:30 p.m. to 4:30 p.m.
(summary and recommendations)

Elaboration of the single most important recommendation that will be made to plenary

Group 1

- **Ms Marta Mauras Perez**, Member of the CRC Committee

Group 2

- **Ms Agnes Akosua Aidoo**, Vice-Chairperson of the CRC Committee

Group 3

- **Mr Kamel Filali**, Lawyer, Professor in International Law and Vice-Chairperson of the CRC Committee, Algeria

Group 4

- **Ms Dubravka Simonovic**, Member of the CEDAW Committee

Group 5

- **Ms Violeta Neubauer**, Member of the CEDAW Committee

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