

# EQUALITY NOW

## Discrimination against Women in Law

A report drawing from the  
Concluding Observations of the Committee on the Elimination  
of Discrimination against Women



May 2011

On the occasion of the establishment of the United Nations Working Group on  
Discrimination Against Women in Law and Practice

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Equality Now wishes to acknowledge the tremendous contribution of Maeve O’Rourke, Claire Dupuy, Maryam Kazeem and Tina Milburn in compiling this report.

# Introduction

Equality Now is delighted to welcome the creation of a new United Nations Working Group on discrimination against women in law and practice. We anticipate that the Working Group will contribute significantly to the promotion of women's substantive equality throughout the world, including by building on the considerable work of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in order to accelerate the pace of positive change in advancing women's rights.

The Working Group's mandate is broad, requiring a focus not just on explicit discrimination in law, but also on the discriminatory implementation of law and any discriminatory impact of the law, among other things. With this in mind, Equality Now has extracted and reviewed the Concluding Observations of the CEDAW Committee from reviews of states parties to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) as these Concluding Observations relate to law or the absence of law and has attempted to categorise these to reflect patterns of discrimination prevalent across the world.

This analysis does not claim to give an exact picture of the issues which most affect women – it is a simple review of written comments only and could not incorporate the contextual discussion nor cover issues which were not raised by the CEDAW Committee nor brought to its attention. The categories themselves are not always discrete, particularly in the area of violence against women where the CEDAW Committee discussed violence generally, as well as domestic violence, rape, sexual violence and other forms of violence against women. This report has simply kept those references, wishing to stay true to the discussion of the CEDAW Committee, based on its considerable experience and expertise.

The graphs and charts below, particularly when read with the extracted Concluding Observations, show that legal discrimination of one form or another exists in all of the countries referenced in this report. They give a revealing picture, both of the extent of discrimination around the world and also of the similarities of abuse everywhere. As the Working Group is also tasked with undertaking a study to help promote ways and means to eliminate discrimination as well as making suggestions to promote best practice, Equality Now hopes that, by highlighting these patterns, this report might act as a helpful tool to accelerate change in a number of areas.

## Content of the Report

This report compiles and analyses the CEDAW Concluding Observations which have referenced discrimination against women in law in 137 countries since 2005. Where countries submitted two reports in that period, Equality Now has focused on the later submission as being more current. It is noteworthy that the CEDAW Committee had cause to repeat its observations on several occasions, lamenting the slow pace of change. It is hoped that the Working Group can complement the role of the CEDAW Committee by assisting governments to find ways to address this persisting discrimination. Equality Now is pleased to note that positive changes have occurred in legislative reform since these Observations were made, but from our own study in this area, we believe the general picture remains largely unchanged.

The graphs in Sections 1 - 4 give a global (non-country specific) picture, as gathered by the CEDAW Committee, of discrimination against women related to law. The graphs are divided into four categories:

“Explicit discrimination in law” refers to laws that are explicitly discriminatory in their wording, for example providing for different ages of marriage of women and men, or requiring a husband’s consent for access to reproductive health services.

“Discriminatory impact of law” includes laws which appear gender-neutral, but have a disproportionately adverse effect on women and girls because they take insufficient account of the realities of women’s lives and existing sex discrimination. For example, certain immigration regulations fail to afford adequate protection to victims of domestic violence or sex trafficking, who are predominantly women.

“Discriminatory implementation of law” refers to inadequate enforcement or implementation of laws, resulting in continued discrimination against women. A common example shown in the Concluding Observations is lack of enforcement of equal pay laws. Also included in this category are instances where Equality Now inferred from the context that some law, either general or specific, exists which could be effectively implemented to counteract a certain discriminatory practice, although this might not be the case.

“Discriminatory absence of law” describes instances raised by the CEDAW Committee where the absence of a specific law allows discrimination against women to continue without specific redress. This category includes, for example, the lack of a specific law against sexual harassment or to protect the rights of domestic workers, most of whom are women.

Division of issues into these four categories was not always straightforward without a broader context of information. In analysing the Concluding Observations, categorisations had to be made which may or may not comprehensively describe each particular problem. For example, an issue described as a discriminatory absence of law, such as the absence of labour

protections for domestic workers, might equally have been described as an issue of discriminatory impact of the country's labour law regime. Similarly, the discriminatory impact of a country's divorce law might in some circumstances have been categorised as the absence of an equitable law on marital property.

That said, every issue of discrimination in law noted from the CEDAW Concluding Observations is described in some way in this report and it quickly becomes apparent that the same areas of law tend to discriminate against women, whether the discrimination is explicit in law or implicit in the impact, implementation or absence of law. Ultimately, regardless of what category was finally chosen, the problem remains clear: all countries have a long way to go to understand fully and to address discrimination against women through the law and law enforcement. A great deal of work remains to be done.

Section 5 is a summary table which lists each country along with its specific areas of discrimination in law, as highlighted by the CEDAW Committee in its Concluding Observations. The relevant Concluding Observations are reproduced in the Appendix to this report.

The Concluding Observations frequently mention discrimination in a country's Commercial, Penal, Civil, Family or other Code. Reference has been left to these in the Appendix and in Section 5, but these general characterisations have not been included in the graphs in Sections 1-4 as they are not specific enough to shed any new light on the patterns already indicated. However, the patterns are already showing significant common areas of discrimination across numerous countries, including in law governing employment; land or property rights; inheritance; nationality or citizenship; access to healthcare; marriage; and violence against women, particularly sexual violence.

The Concluding Observations themselves also indicate some of the many layers of abuse which affect women. These in turn provide an indication of the many obstacles to be overcome in order for equality for women to be achieved, not least for rural women or migrant women and others similarly situated who sometimes have more difficulty accessing their rights.

## **Equality and non-discrimination guarantees; customary and religious law**

Two fundamental issues of discrimination against women in law are included in the text of the Concluding Observations but not reflected in the graphs or table below.

Firstly, the CEDAW Committee repeatedly stressed its concern over the absence in the legislation of the State party of a definition of discrimination in accordance with article 1 of the Convention and/or provisions on equal rights of women in line with article 2 of the Convention. According to the Concluding Observations since 2005, at least 76 countries do not have a

domestic law which corresponds to article 1 of CEDAW, and at least 33 countries' laws do not comply with article 2 of CEDAW.

Secondly, the CEDAW Committee, while recognising the rich culture and tradition from which plural legal systems derive in many countries, nevertheless regretted that customary and/or religious laws which discriminate against women are allowed to persist and sometimes prevail over civil laws which should otherwise protect the human rights of women. The CEDAW Committee urged States parties to harmonise civil, religious and/or customary law with provisions of CEDAW and to ensure that women are fully and equally involved in the law reform process.

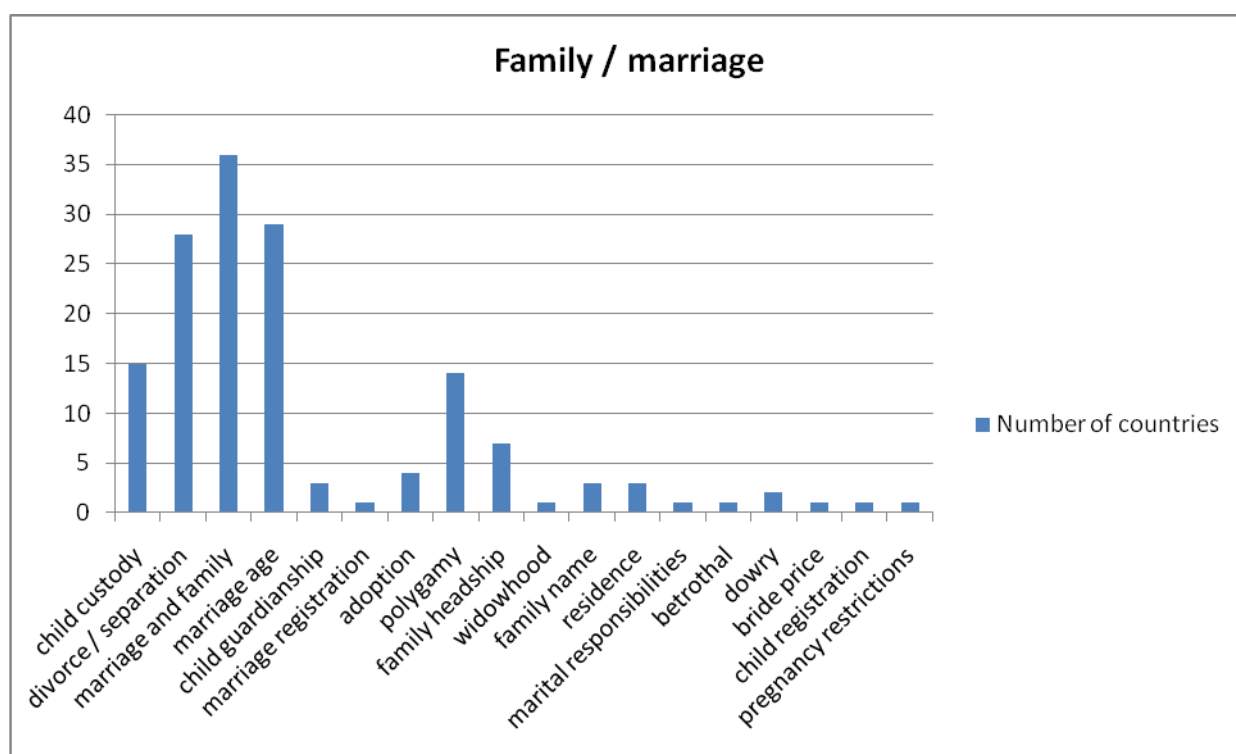
## **Conclusion**

Law is the fundamental expression of government policy. Governments which allow discrimination to persist endorse and promote inequality. The enactment and enforcement of laws which guarantee women substantive equality are essential to achieving equality and access to justice for all women.

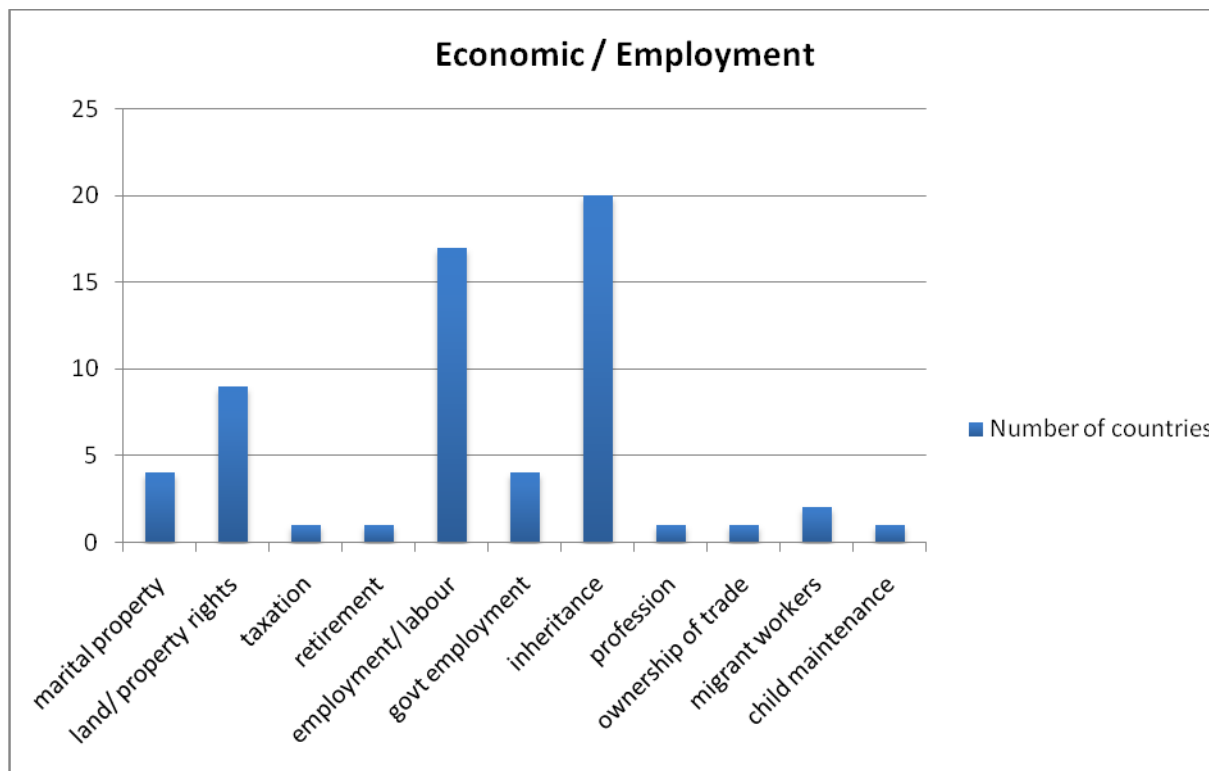
As mentioned above, this report only deals with information on legal discrimination incorporated into the Concluding Observations of CEDAW since 2005. Additionally, the discussion of the CEDAW Committee was in itself necessarily limited to information brought to the Committee's attention. As such, this is by no means an exhaustive list of issues. However, the patterns appear sufficiently strong to perhaps allow a focus on those significant areas of overlap in order to analyse the obstacles which hinder women's full access to justice as well as to propose some good models to overcome these obstacles, in line with the mandate of the Working Group.

Equality Now hopes this document will be useful to the Working Group and we look forward to supporting the activities of the Working Group in any way we can.

## Section 1: Explicit Discrimination in Law

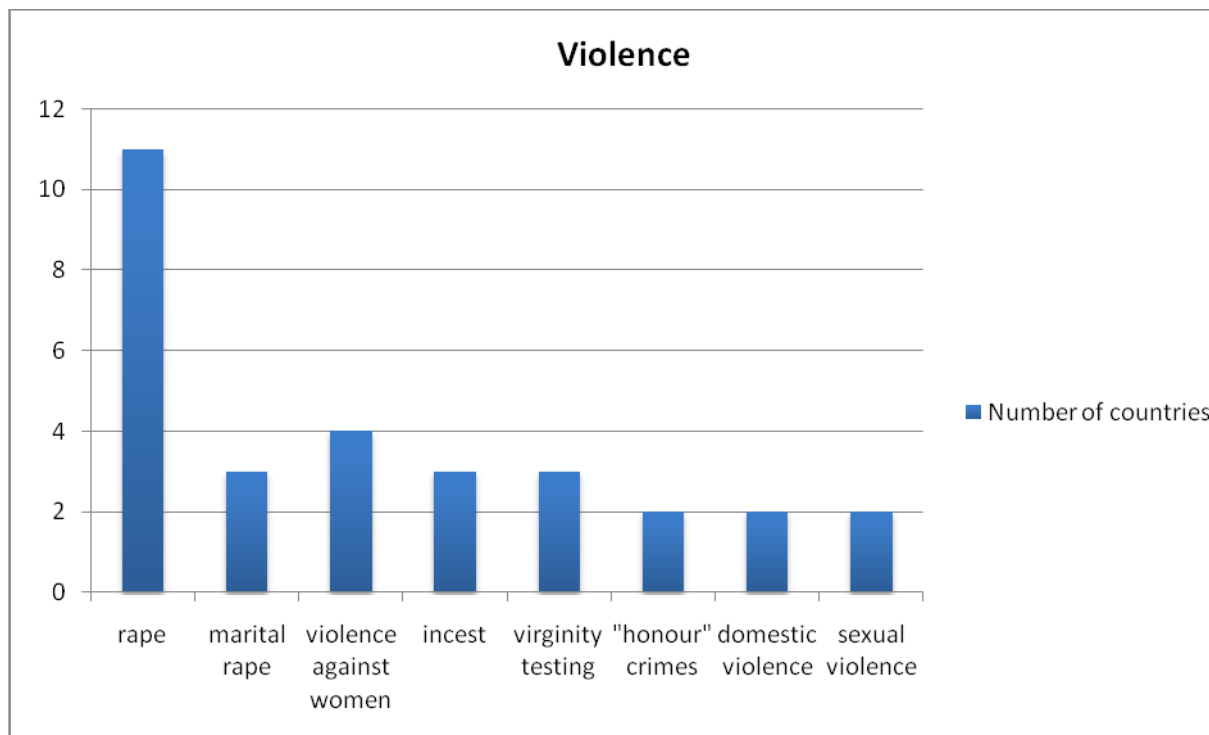


<b>child custody</b>	Algeria, Bangladesh, Egypt, Gabon, Guinea, Jordan, Libyan Arab Jamahiriya, Morocco, Saudi Arabia, Syrian Arab Republic, Tunisia, Tuvalu, United Arab Emirates, United Republic of Tanzania, Yemen
<b>divorce / separation</b>	Algeria, Bangladesh, Bolivia, Botswana, Egypt, Gabon, Gambia, Israel, Japan, Jordan, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Pakistan, Saudi Arabia, Sierra Leone, Singapore, Syrian Arab Republic, Thailand, Timor-Leste, Turkey, Tuvalu, United Arab Emirates, Uruguay, Yemen
<b>marriage and family</b>	Algeria, Bangladesh, Botswana, Democratic Republic of the Congo, Egypt, Eritrea, Gabon, Gambia, Guinea-Bissau, Honduras, Japan, Jordan, Liberia, Libyan Arab Jamahiriya, Maldives, Mali, Mauritius, Myanmar, Pakistan, Panama, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Sierra Leone, Singapore, South Africa, Syrian Arab Republic, Thailand, Timor-Leste, Tunisia, Tuvalu, United Arab Emirates, United Republic of Tanzania, Uruguay, Yemen
<b>marriage age</b>	Azerbaijan, Bahrain, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cuba, Democratic People's Republic of Korea, Gabon, Guinea, Indonesia, Jordan, Mali, Nigeria, Panama, Papua New Guinea, Philippines, Republic of Korea, Republic of Moldova, Samoa, Sri Lanka, Timor-Leste, Ukraine, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Viet Nam
<b>child guardianship</b>	Bangladesh, Morocco, Tunisia
<b>marriage registration</b>	Botswana
<b>adoption</b>	Botswana, Gambia, Mauritius, Tuvalu
<b>polygamy</b>	Burkina Faso, Cameroon, Egypt, Gabon, Indonesia, Jordan, Libyan Arab Jamahiriya, Mauritania, Morocco, Philippines, Sri Lanka, Togo, United Republic of Tanzania, Yemen
<b>family headship</b>	Burundi, Cameroon, Ecuador, Guinea, Indonesia, Sri Lanka, Tunisia
<b>widowhood</b>	Cameroon
<b>family name</b>	France, Japan, Turkey
<b>residence</b>	Gabon, Guinea, Timor-Leste
<b>marital responsibilities</b>	Guinea
<b>betrothal</b>	Thailand
<b>dowry</b>	Tunisia, United Arab Emirates,
<b>bride price</b>	United Republic of Tanzania
<b>child registration</b>	Japan
<b>pregnancy restrictions</b>	Myanmar

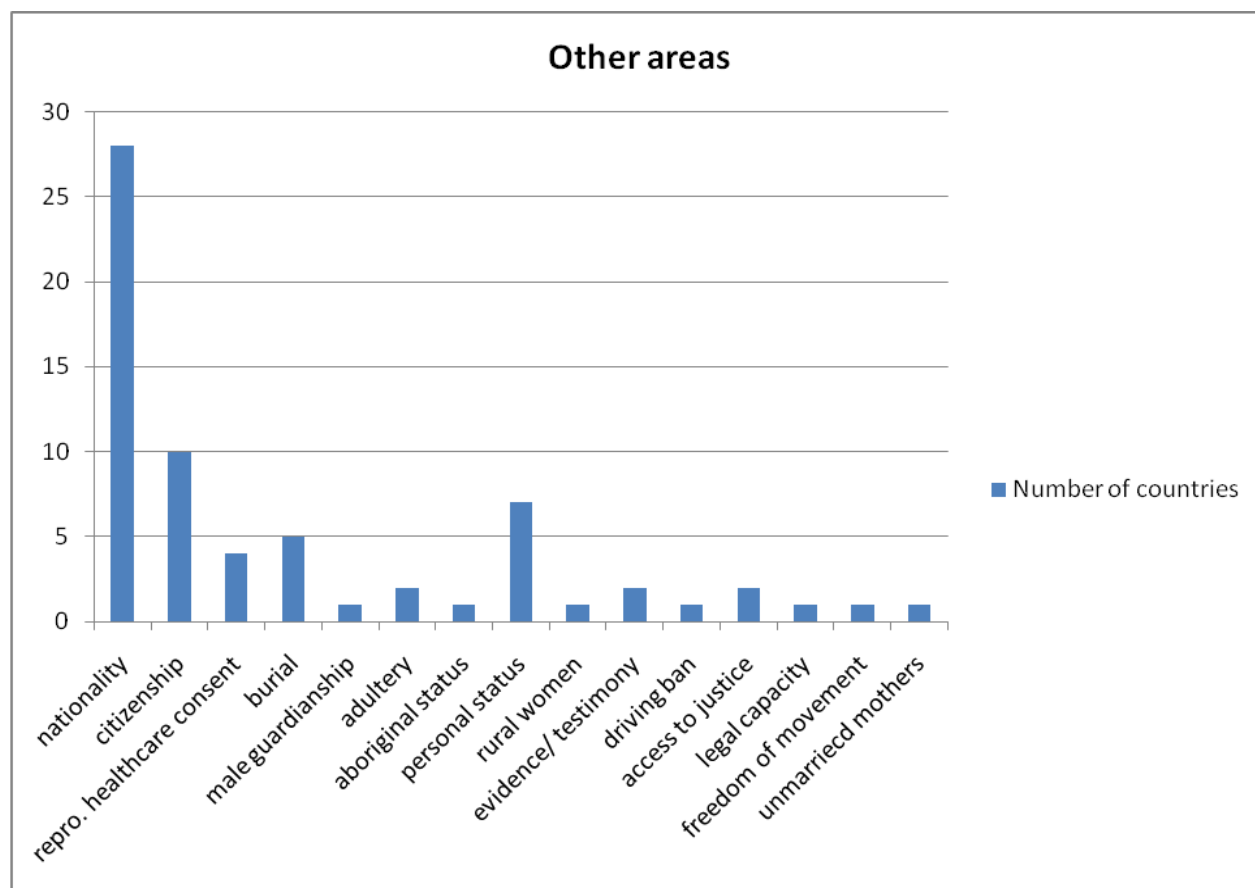


<b>marital property</b>	Cameroon, Canada, Morocco, United Arab Emirates,
<b>land/ property rights</b>	Bangladesh, Botswana, Liberia, Mali, Mauritania, Sri Lanka, Timor-Leste, Tuvalu, Yemen
<b>taxation</b>	Lebanon
<b>retirement</b>	Poland
<b>employment/ labour</b>	Cameroon, Democratic Republic of the Congo, Guatemala, Honduras, Indonesia, Jamaica, Jordan, Malaysia, Mexico, Mongolia, Niger, Nigeria, Republic of Moldova, Samoa, Serbia, Turkmenistan, Tuvalu
<b>govt employment</b>	Eritrea, Myanmar, Niger, Suriname
<b>inheritance</b>	Botswana, Cameroon, Egypt, Gabon, Gambia, Kenya, Libyan Arab Jamahiriya, Mauritius, Morocco, Mozambique, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Syrian Arab Republic, Timor-Leste, Tunisia, United Arab Emirates, United Republic of Tanzania, Yemen
<b>profession</b>	Gabon
<b>ownership of trade</b>	Cameroon
<b>migrant workers</b>	Israel, Italy
<b>child maintenance</b>	Cook Islands



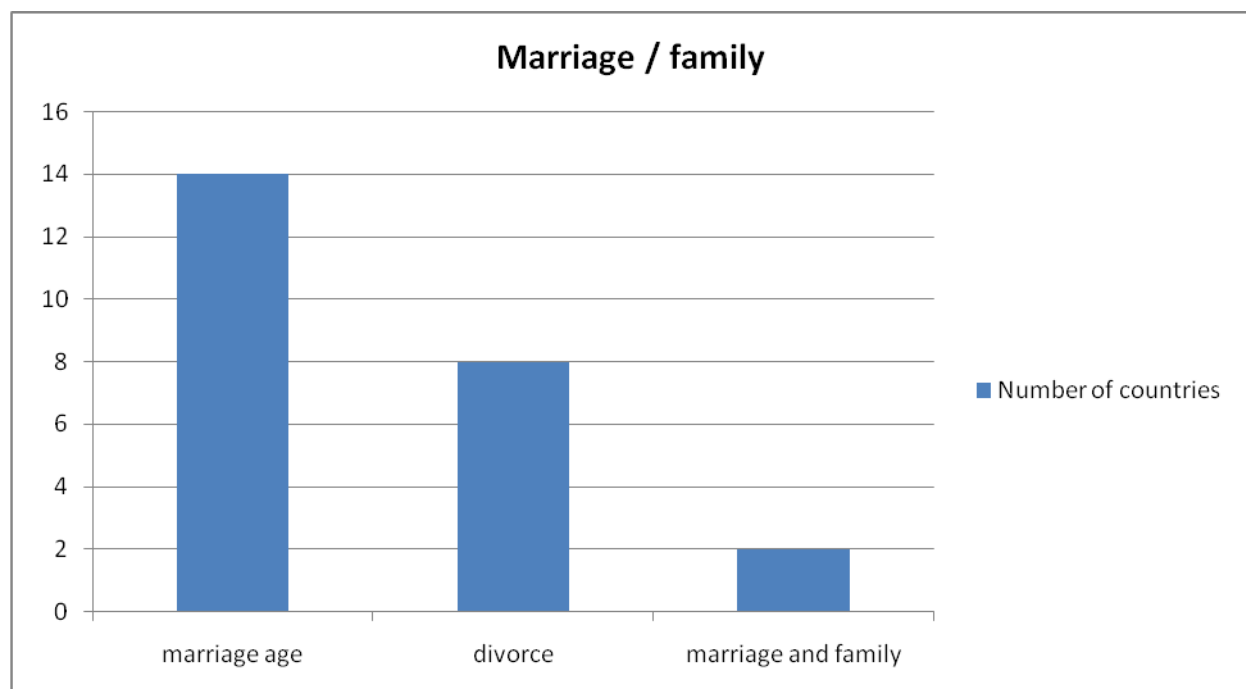


<b>rape</b>	Bahrain, Belize, Bolivia, Eritrea, Jordan, Lebanon, Pakistan, Russian Federation, Syrian Arab Republic, Thailand, Tunisia
<b>marital rape</b>	Ghana, Lebanon, Thailand
<b>violence against women</b>	Egypt, Jamaica, Samoa, Syrian Arab Republic
<b>incest</b>	Guyana, Jamaica, Tuvalu
<b>virginity testing</b>	Jordan, South Africa, Turkey
<b>"honour" crimes</b>	Lebanon, Syrian Arab Republic
<b>domestic violence</b>	Nigeria, Sierra Leone
<b>sexual violence</b>	Nigeria, Uruguay



<b>nationality</b>	Algeria, Bangladesh, Burundi, Cameroon, Democratic Republic of the Congo, Egypt, Guinea, Jordan, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Saint Lucia, Saudi Arabia, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, Yemen
<b>citizenship</b>	Bangladesh, Bhutan, Democratic People's Republic of Korea, Ghana, Indonesia, Myanmar, Tuvalu, United Arab Emirates, United Republic of Tanzania, Vanuatu
<b>reproductive healthcare consent</b>	Bahrain, Benin, Cook Islands, Indonesia
<b>burial</b>	Botswana, Gambia, Mauritius, Sierra Leone, Tuvalu
<b>male guardianship</b>	Yemen
<b>adultery</b>	Burundi, Cameroon
<b>aboriginal status</b>	Canada
<b>personal status</b>	Egypt, Gambia, Libyan Arab Jamahiriya, Sri Lanka, Syrian Arab Republic, Tunisia, Yemen
<b>rural women</b>	Liberia
<b>evidence/ testimony</b>	Pakistan, Yemen
<b>driving ban</b>	Saudi Arabia
<b>access to justice</b>	Sri Lanka, United Arab Emirates
<b>legal capacity</b>	United Arab Emirates
<b>freedom of movement</b>	United Arab Emirates
<b>unmarried mothers</b>	Uruguay

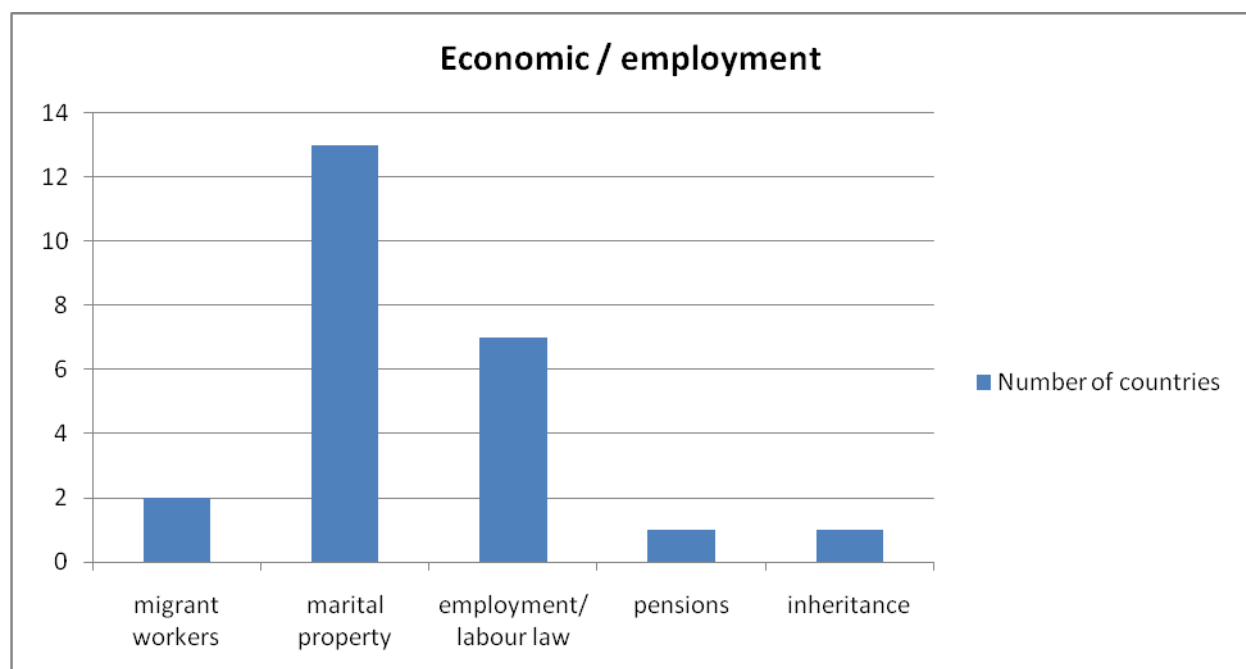
## Section 2: Discriminatory Impact of Law



**marriage age** Belize, Bolivia, Chile, Cook Islands, Estonia, Hungary, Israel, Jamaica, Norway, Paraguay, Peru, Tajikistan, Turkmenistan, Tuvalu

**divorce** Germany, Israel, Lao People's Democratic Republic, Luxembourg, Malta, Netherlands, Saint Lucia, Samoa

**marriage and family** Kenya, Nigeria



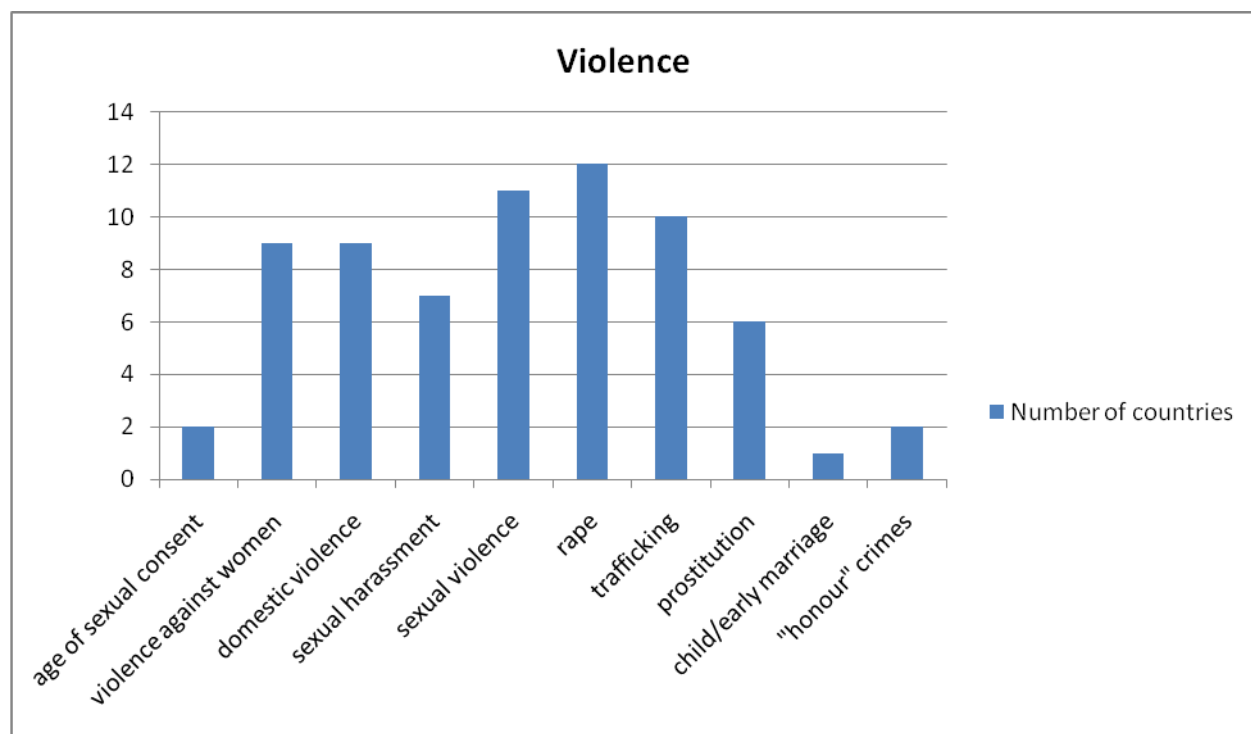
**migrant workers** Kenya, Nigeria

**marital property** Armenia, Germany, Guyana, Kenya, Lao People's Democratic Republic, Panama, Republic of Korea, Slovakia, Sweden, Switzerland, Tunisia, Turkey, Ukraine

**employment/ labour law** Georgia, Germany, Indonesia, Japan, Lebanon, Singapore, United Arab Emirates

**pensions** Germany

**inheritance** Kenya



**age of sexual consent**  
**violence against women**

Guyana, Hungary  
Egypt, Ghana, Lao People's Democratic Republic, Liechtenstein, Madagascar, Malta, Pakistan, Syrian Arab Republic, Tunisia

**domestic violence**

Bolivia, Cambodia, Germany, Greece, Liechtenstein, Netherlands, Paraguay, Serbia, Tunisia

**sexual harassment**

Albania, Belarus, France, Japan, Russian Federation, Tunisia, Uganda

**sexual violence**

Belgium, Bolivia, Czech Republic, Hungary, Iceland, Japan, Liechtenstein, Myanmar, Paraguay, Republic of Korea, Tuvalu

**rape**

Azerbaijan, Belarus, Bolivia, Cameroon, Czech Republic, Hungary, Iceland, India, Japan, Lao People's Democratic Republic, Malta, Philippines

**trafficking**

Belgium, Bosnia and Herzegovina, Cambodia, Denmark, France, Guatemala, Italy, Pakistan, Singapore, Syrian Arab Republic

**prostitution**

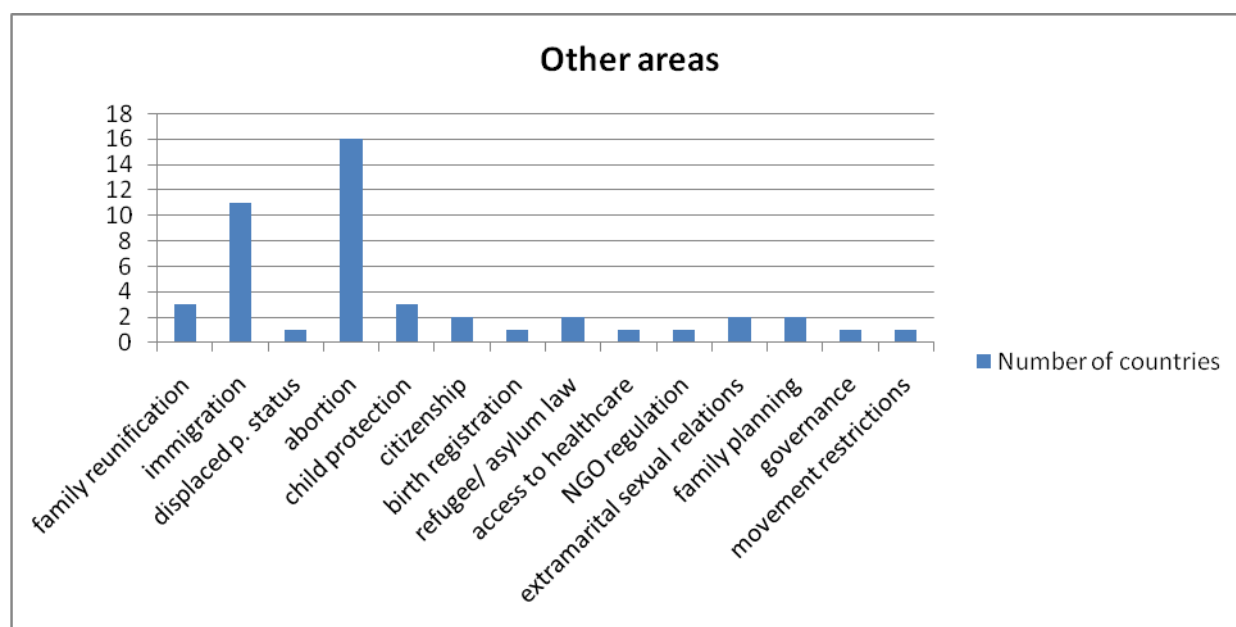
Burundi, China, Cook Islands, Egypt, Kenya, Republic of Korea

**child/early marriage**

India

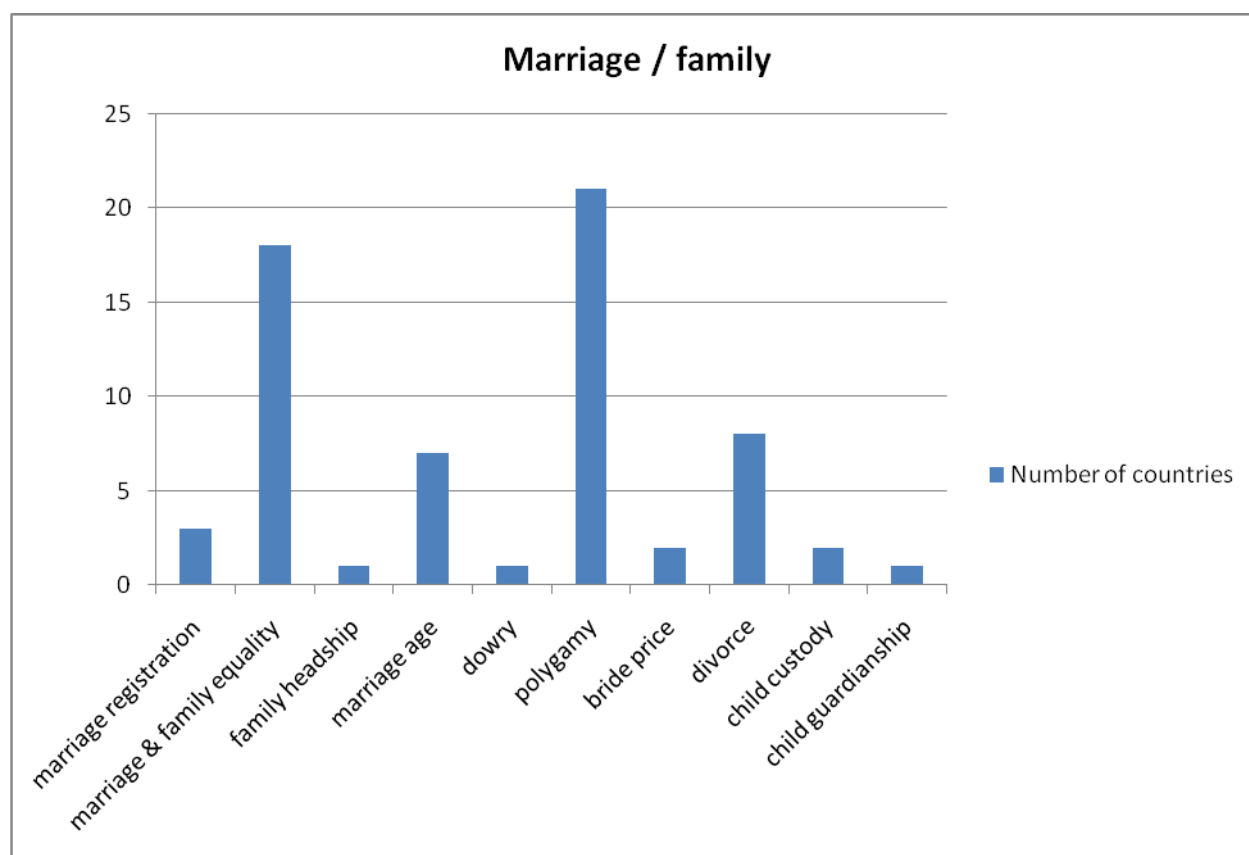
**"honour" crimes**

Jordan, Turkey



<b>family reunification</b>	Denmark, France, Netherlands
<b>immigration</b>	Czech Republic, Denmark, France, Lebanon, Liechtenstein, Malaysia, Saudi Arabia, Singapore, Sweden, United Kingdom of Great Britain and Northern Ireland, Uzbekistan
<b>displaced p. status</b>	Cyprus
<b>abortion</b>	Belize, Brazil, Chile, Ireland, Japan, Jordan, Liechtenstein, Malta, Nicaragua, Pakistan, Peru, Philippines, Rwanda, Sri Lanka, Suriname, United Kingdom of Great Britain and Northern Ireland
<b>child protection</b>	Belarus, Canada, Germany
<b>citizenship</b>	Indonesia, Thailand
<b>birth registration</b>	Indonesia
<b>refugee/ asylum law</b>	Israel, Netherlands
<b>access to healthcare</b>	Israel
<b>NGO regulation</b>	Jordan
<b>extramarital sexual relations</b>	Libyan Arab Jamahiriya, Maldives
<b>family planning</b>	Maldives, Suriname
<b>governance</b>	Myanmar
<b>movement restrictions</b>	Myanmar

## Section 3: Discriminatory / Inadequate Implementation of Law



**marriage registration**  
**marriage & family equality**

Burkina Faso, Tajikistan, Yemen  
Botswana, Burundi, Cambodia, Greece, Kenya, Lebanon, Madagascar, Malaysia, Mozambique, Myanmar, New Zealand, Nigeria, Papua New Guinea, Sierra Leone, South Africa, Sri Lanka, United Republic of Tanzania, Vanuatu

**family headship**

Burkina Faso

**marriage age**

Benin, Bhutan, Cape Verde, Eritrea, Jordan, Malawi, Morocco

**dowry**

India

**polygamy**

Benin, Cape Verde, Greece, Guinea-Bissau, Israel, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Madagascar, Malawi, Maldives, Mauritania, Papua New Guinea, Russian Federation, Sierra Leone, South Africa, Tajikistan, Turkmenistan, United Republic of Tanzania, Uzbekistan, Vanuatu

**bride price**

Kenya, United Republic of Tanzania

**divorce**

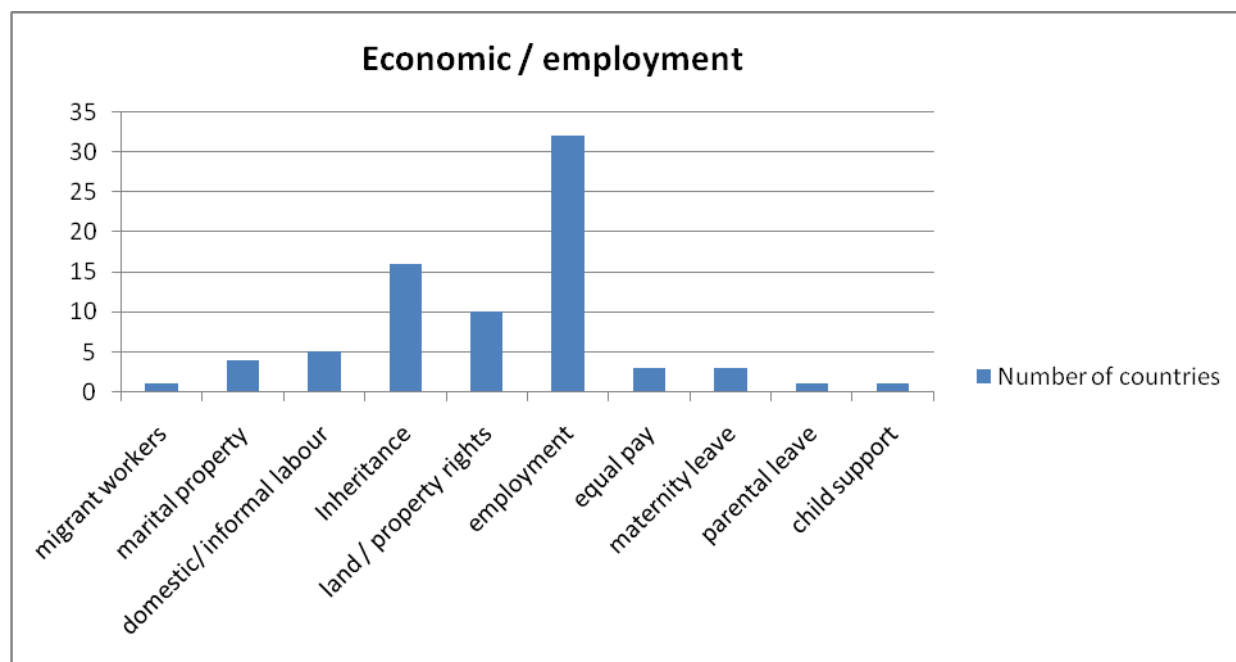
Myanmar, Niger, Nigeria, Papua New Guinea, Sierra Leone, Sri Lanka, Tuvalu, Vanuatu

**child custody**

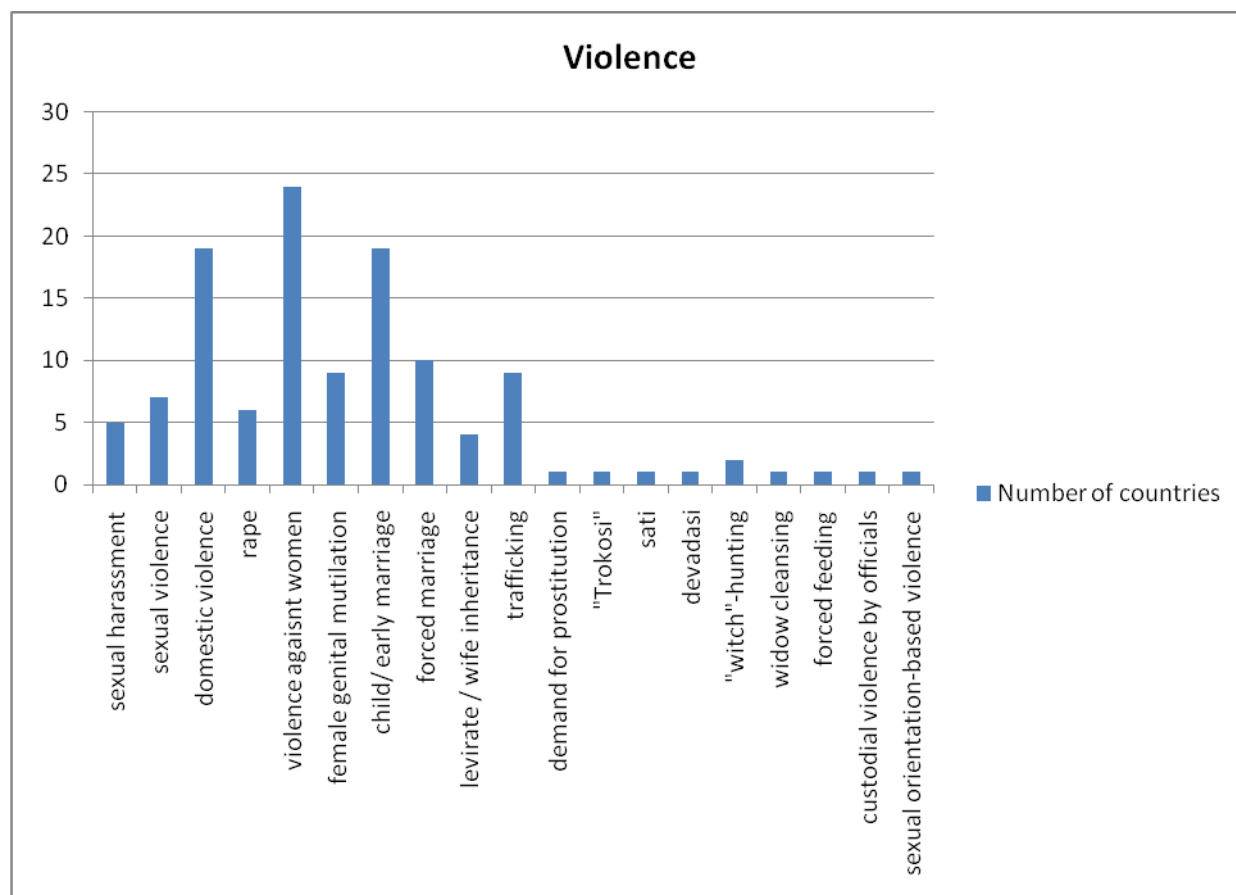
Niger, Nigeria

**child guardianship**

Sierra Leone



<b>migrant workers</b>	United Arab Emirates
<b>marital property</b>	Burundi, Eritrea, Malawi, Sri Lanka
<b>domestic/ informal labour</b>	Ireland, Jamaica, Jordan, Paraguay, Singapore
<b>inheritance</b>	Bangladesh, Benin, Burkina Faso, Burundi, Ghana, Greece, Kenya, Myanmar, Niger, Nigeria, Papua New Guinea, Sierra Leone, South Africa, Sri Lanka, Uganda, Vanuatu
<b>land / property rights</b>	Bangladesh, Burkina Faso, Kenya, Lao People's Democratic Republic, Namibia, South Africa, Tuvalu, Uganda, United Republic of Tanzania, Vanuatu
<b>employment</b>	Armenia, Belize, Bosnia and Herzegovina, Cambodia, China, Croatia, El Salvador, Ghana, Honduras, Indonesia, Japan, Jordan, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, New Zealand, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Poland, Republic of Korea, Rwanda, Saudi Arabia, Switzerland, Togo, United Republic of Tanzania
<b>equal pay</b>	Brazil, New Zealand, Uganda
<b>maternity leave</b>	Maldives, Mongolia, Uganda
<b>parental leave</b>	New Zealand
<b>child support</b>	Cook Islands



**sexual harassment**

**sexual violence**

**domestic violence**

**rape**

**violence against women**

**female genital mutilation**

**child/ early marriage**

**forced marriage**

**levirate / wife inheritance**

**trafficking**

**demand for prostitution**

**"Trokosi"**

**sati**

**devadasi**

**"witch"-hunting**

**widow cleansing**

**forced feeding**

**custodial violence by officials**

**sexual orientation-based violence**

Armenia, Australia, Belize, China, Democratic Republic of the Congo

Bolivia, Burundi, Czech Republic, Iceland, Kenya, Madagascar, South Africa

Bolivia, Bosnia and Herzegovina, Cambodia, Canada, Czech Republic, Guyana, Lao People's Democratic Republic, Madagascar, Malta, Panama, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Ukraine, United Republic of Tanzania, Venezuela

Burundi, Iceland, Kenya, Libyan Arab Jamahiriya, South Africa, United Republic of Tanzania

Bangladesh, Cambodia, China, Italy, Jamaica, Lao People's Democratic Republic, Madagascar, Mauritania, Myanmar, New Zealand, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Slovakia, Sri Lanka, United Republic of Tanzania, Uzbekistan, Venezuela, Yemen

Benin, Egypt, Ghana, Guinea, Kenya, Mauritania, South Africa, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania

Bangladesh, Burkina Faso, Ghana, Greece, Guinea-Bissau, India, Israel, Kyrgyzstan, Lebanon, Malawi, Maldives, Mauritania, Namibia, Pakistan, Papua New Guinea, Philippines, Russian Federation, Uzbekistan, Viet Nam

Cambodia, Eritrea, Guinea-Bissau, Kyrgyzstan, Lebanon, Malawi, Pakistan, Papua New Guinea, South Africa, Uzbekistan

Benin, Guinea-Bissau, Kenya, United Republic of Tanzania

Cambodia, China, Former Yugoslav Republic of Macedonia, Kenya, Lao People's Democratic Republic, Liechtenstein, Morocco, Serbia, Switzerland

Gambia

Ghana

India

India

India, South Africa

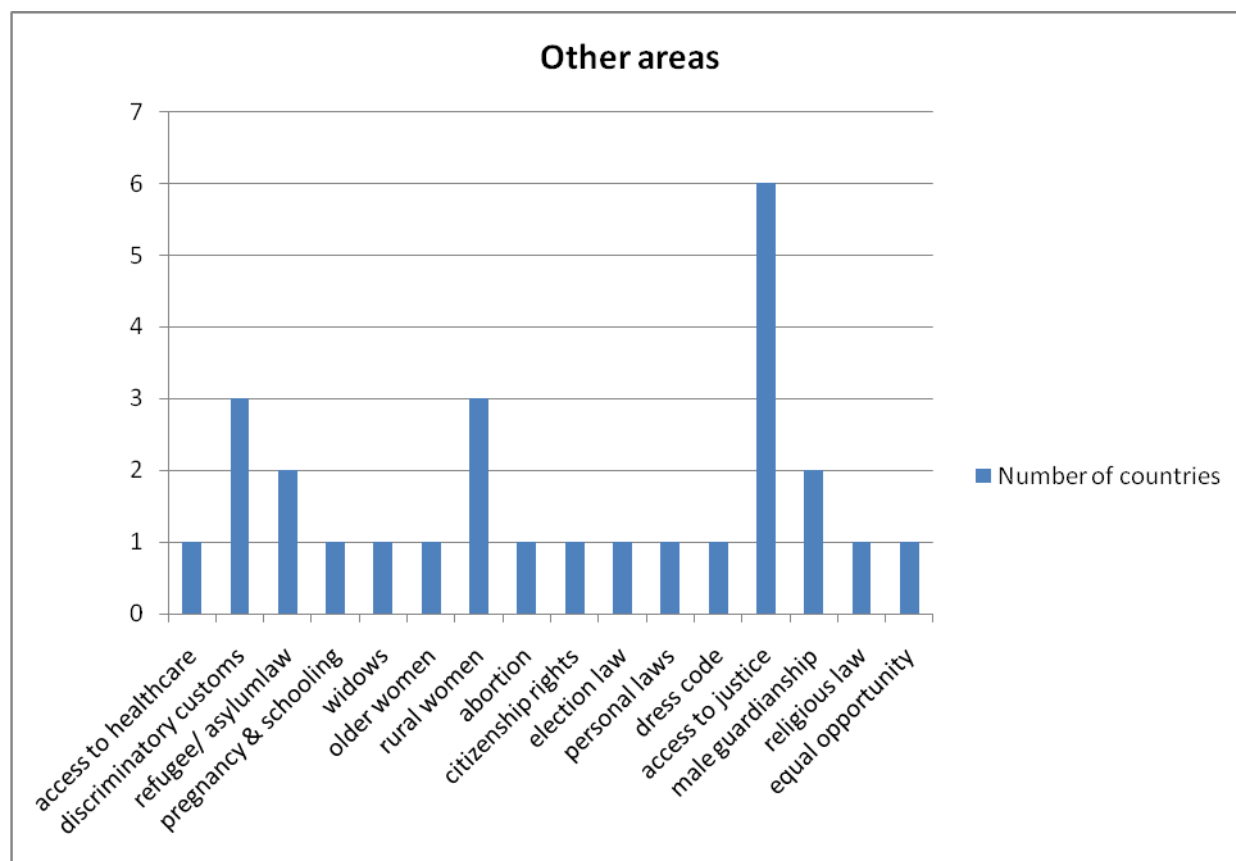
United Republic of Tanzania

Mauritania

Papua New Guinea

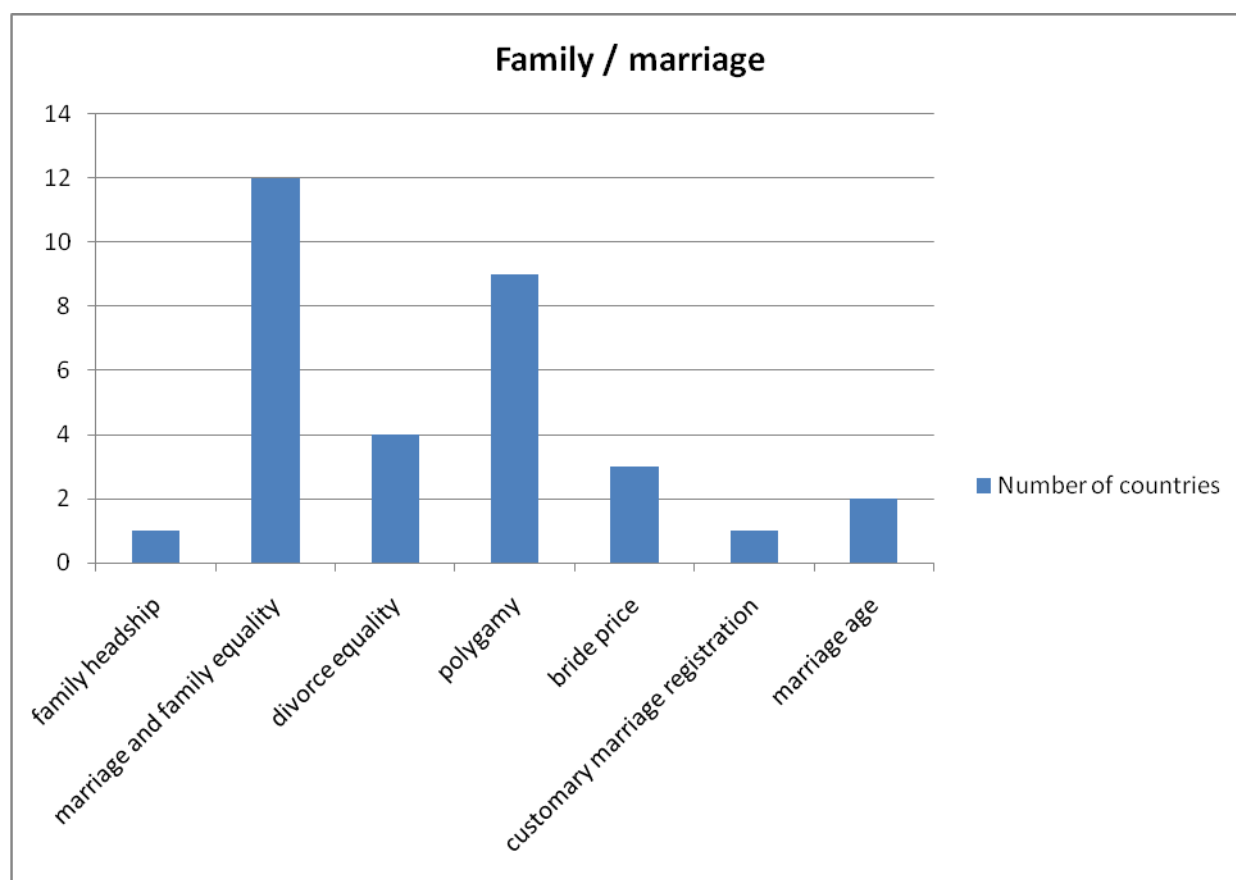
South Africa





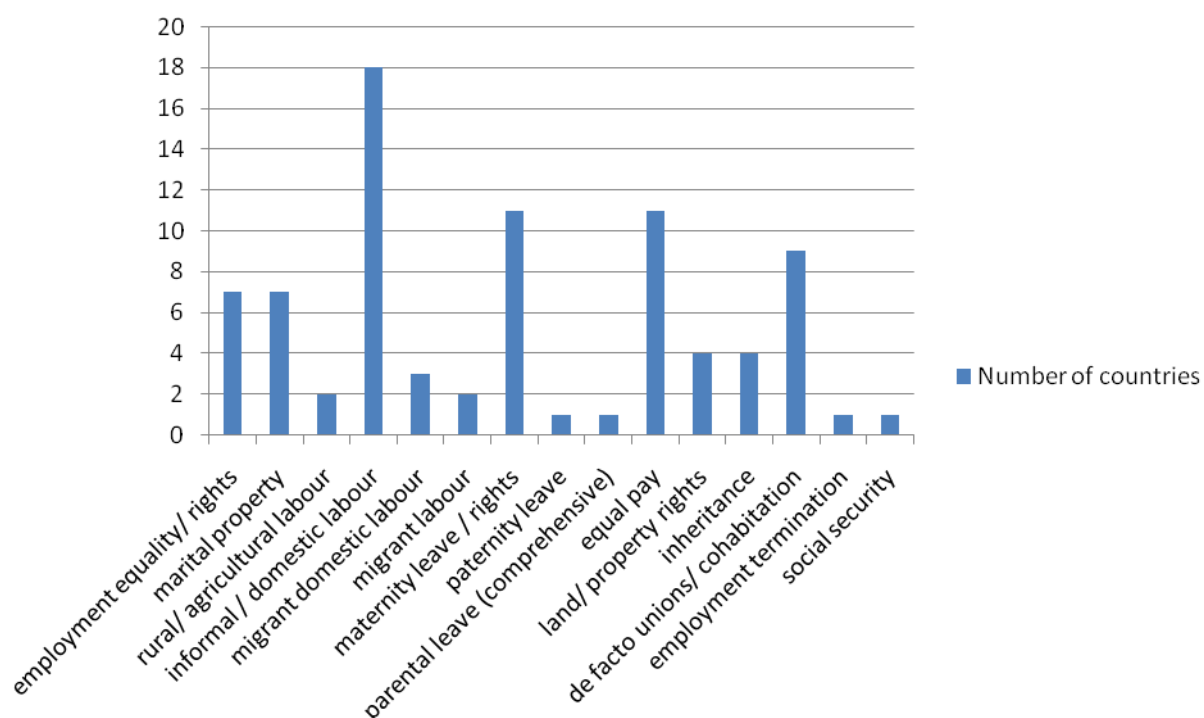
access to healthcare	Saudi Arabia
discriminatory customs	Ghana, Namibia, Uganda
refugee/ asylum law	Argentina, Liechtenstein
pregnancy & schooling	Belize
widows	Burundi
older women	Burkina Faso
rural women	Lao People's Democratic Republic, Switzerland, Uganda
abortion	Bolivia
citizenship rights	Croatia
election law	Democratic Republic of the Congo
personal laws	India
dress code	Indonesia
access to justice	Lebanon, Papua New Guinea, Sierra Leone, South Africa, Tuvalu, Vanuatu
male guardianship	Libyan Arab Jamahiriya, Saudi Arabia
religious law	Maldives
equal opportunity	Republic of Moldova

## Section 4: Discriminatory Absence of Law

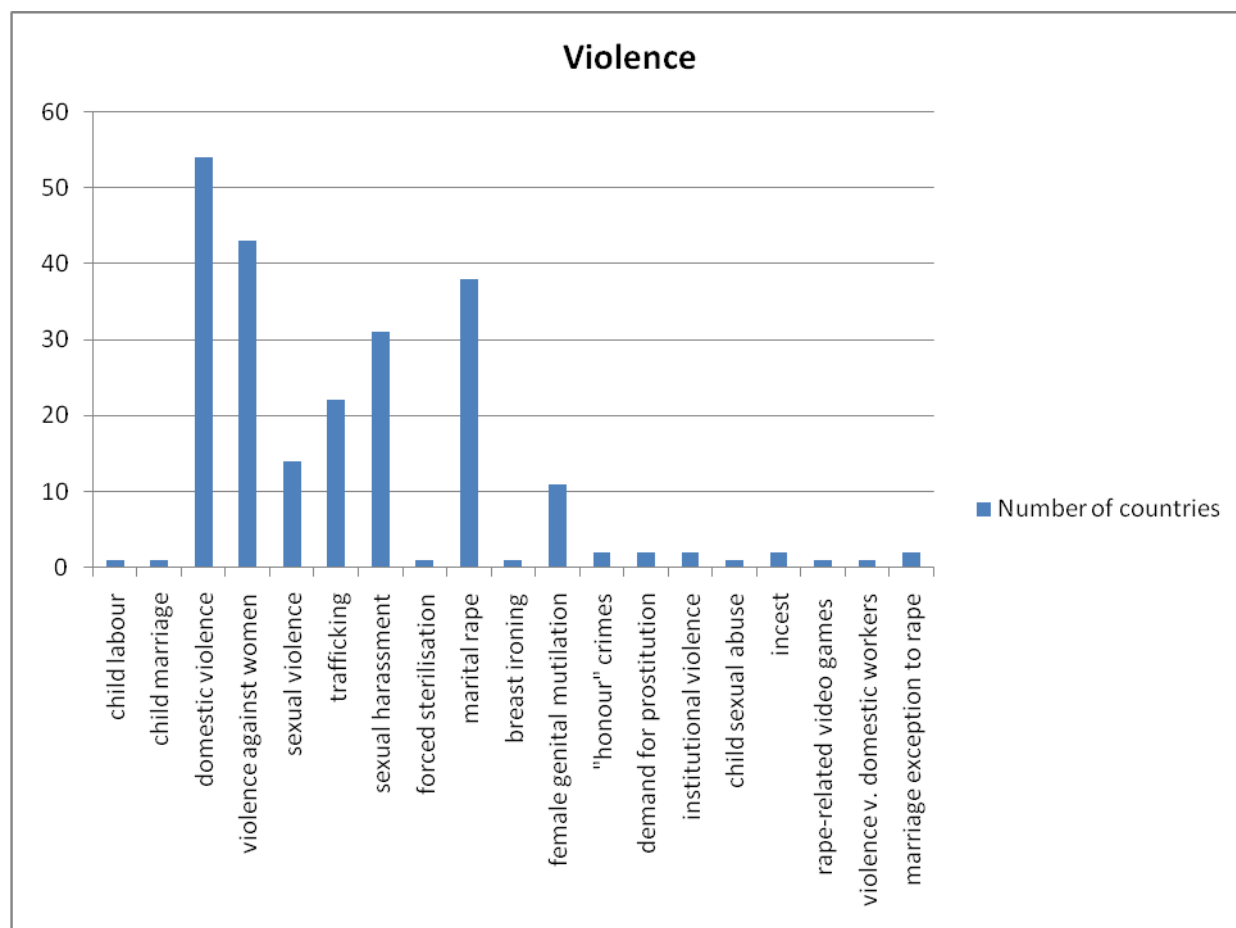


<b>family headship</b>	Mali
<b>marriage and family equality</b>	Bahrain, Bangladesh, Burundi, Cameroon, Kenya, Malawi, Nicaragua, Niger, South Africa, Sri Lanka, Uganda, Yemen
<b>divorce equality</b>	Luxembourg, Malta, Philippines, Uganda
<b>polygamy</b>	Algeria, Ghana, Kenya, Mali, Myanmar, Papua New Guinea, Syrian Arab Republic, Uganda, United Republic of Tanzania
<b>bride price</b>	Madagascar, Uganda, United Republic of Tanzania
<b>customary marriage registration</b>	Namibia
<b>marriage age</b>	Saudi Arabia, Sri Lanka

## Economic / employment

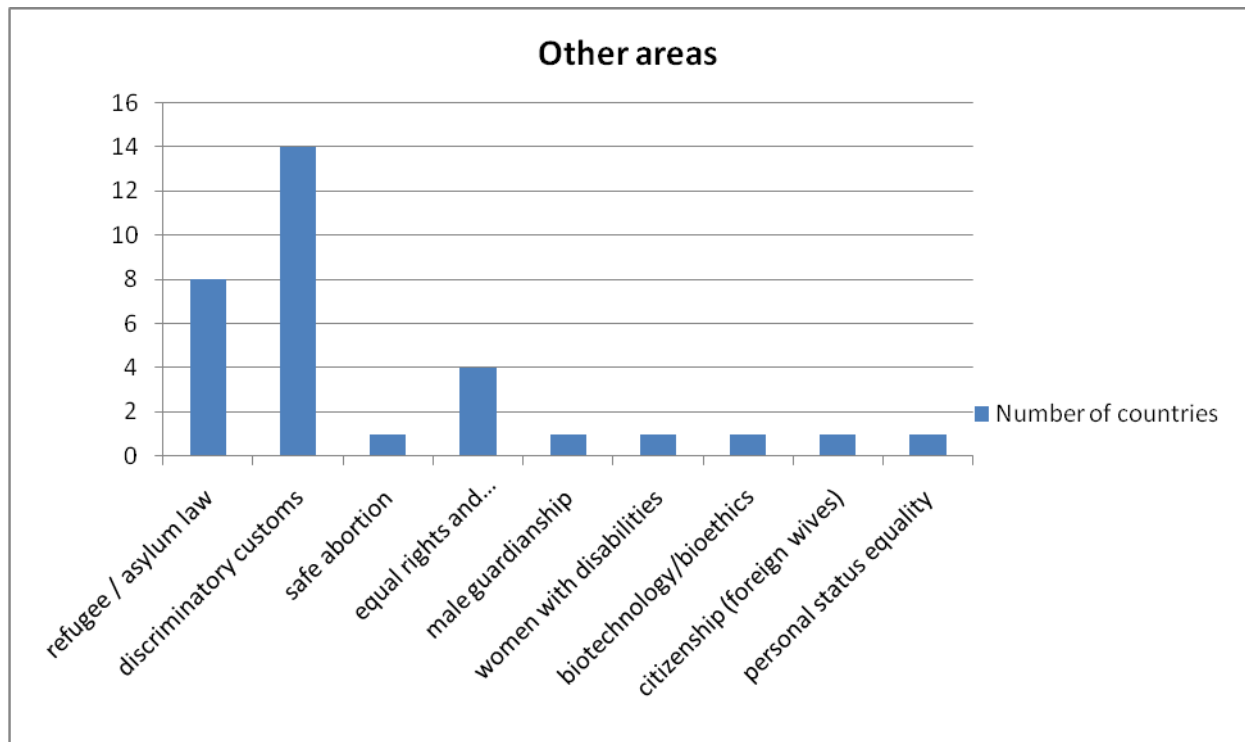


<b>employment equality/ rights</b>	Ecuador, Jordan, Russian Federation, Saint Lucia, Suriname, United Arab Emirates, Uzbekistan
<b>marital property</b>	Egypt, India, Kenya, Lebanon, Samoa, Slovakia, Sri Lanka
<b>rural/ agricultural labour</b>	El Salvador, Lebanon
<b>informal / domestic labour</b>	Bangladesh, Brazil, Egypt, El Salvador, Fiji, Honduras, Indonesia, Jordan, Lebanon, Mali, Morocco, Nicaragua, Pakistan, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Uganda, United Republic of Tanzania
<b>migrant domestic labour</b>	Ireland, Israel, Singapore
<b>migrant labour</b>	Malaysia, United Arab Emirates
<b>maternity leave / rights</b>	Belize, Botswana, Cook Islands, Mauritius, Panama, Samoa, Saudi Arabia, Singapore, South Africa, Suriname, United Republic of Tanzania
<b>paternity leave</b>	Mauritius
<b>parental leave (comprehensive)</b>	New Zealand
<b>equal pay</b>	Botswana, China, Georgia, Indonesia, Japan, Mongolia, Panama, Samoa, Singapore, Sri Lanka, United Arab Emirates
<b>land/ property rights</b>	Chile, Kenya, Lebanon, Tuvalu
<b>inheritance</b>	Cook Islands, Kenya, Malawi, United Republic of Tanzania
<b>de facto unions/ cohabitation</b>	Cook Islands, Estonia, Madagascar, Malta, Mozambique, Norway, Russian Federation, Saint Lucia, Switzerland
<b>employment termination</b>	Germany
<b>social security</b>	Venezuela



<b>child labour</b>	Honduras
<b>child marriage</b>	Syrian Arab Republic
<b>domestic Violence</b>	Albania, Algeria, Armenia, Australia, Azerbaijan, Bahrain, Belarus, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Canada, Democratic People's Republic of Korea, Denmark, Egypt, Eritrea, Estonia, Fiji, Gabon, Gambia, Ghana, Guinea, Hungary, Jordan, Kazakhstan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Maldives, Mali, Morocco, Mozambique, Myanmar, Netherlands, Nigeria, Pakistan, Republic of Moldova, Russian Federation, Saudi Arabia, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, Viet Nam, Yemen
<b>violence against women</b>	Algeria, Armenia, Australia, Bahrain, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Egypt, Fiji, Gabon, Gambia, Jordan, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Maldives, Morocco, Myanmar, Nigeria, Papua New Guinea, Russian Federation, Samoa, Saudi Arabia, Slovakia, Sri Lanka, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Yemen
<b>sexual violence</b>	Benin, Botswana, Cameroon, Cook Islands, Egypt, Eritrea, Fiji, Guinea, India, Mozambique, Myanmar, Togo, Tunisia, Yemen
<b>trafficking</b>	Bangladesh, Belarus, Benin, Chile, Egypt, Gabon, Gambia, Guatemala, Ireland, Lebanon, Malawi, Malaysia, Maldives, Mali, Netherlands, Niger, Papua New Guinea, Paraguay, Russian Federation, Saudi Arabia, Syrian Arab Republic, Ukraine
<b>sexual harassment</b>	Bangladesh, Belarus, Botswana, Cameroon, China, Cook Islands, Egypt, Fiji, Georgia, Indonesia, Jamaica, Jordan, Kazakhstan, Maldives, Mali, Mauritania, Mozambique, Nicaragua, Nigeria, Panama, Russian Federation, Rwanda, Saint Lucia, Samoa, Serbia, Singapore, Sri Lanka, Syrian Arab Republic, Togo, United Arab Emirates, Uzbekistan
<b>forced sterilisation</b>	Australia
<b>marital rape</b>	Albania, Belarus, Benin, Botswana, Cameroon, Cook Islands, Egypt, Eritrea, Fiji, Georgia, Guinea, India, Japan, Kazakhstan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Mauritius, Morocco, Mozambique, Myanmar, Republic of Korea, Republic of Moldova, Russian Federation, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, Tuvalu, United Republic of Tanzania, Uruguay, Yemen
<b>breast ironing</b>	Cameroon
<b>female genital mutilation</b>	Cameroon, Eritrea, Gambia, Indonesia, Kenya, Liberia, Mali, Nigeria, Sierra Leone, United Republic of Tanzania, Yemen

<b>"honour" crimes</b>	Egypt, Russian Federation
<b>demand for prostitution</b>	Egypt, Kenya
<b>institutional violence</b>	Fiji, Russian Federation
<b>child sexual abuse</b>	India
<b>incest</b>	Japan, Peru
<b>rape-related video games</b>	Japan
<b>violence v. domestic workers</b>	Morocco
<b>marriage exception to rape</b>	Lebanon, Morocco



<b>refugee / asylum law</b>	China, India, Italy, Lebanon, Malaysia, Morocco, Thailand, Uzbekistan
<b>discriminatory customs</b>	Cook Islands, Egypt, Eritrea, Gabon, Ghana, Guinea-Bissau, Liberia, Nigeria, Papua New Guinea, South Africa, Tuvalu, Uganda, United Republic of Tanzania, Uzbekistan
<b>safe abortion</b>	Jordan
<b>equal rights and opportunities</b>	Kenya, Malawi, Nicaragua, Philippines
<b>male guardianship</b>	Algeria
<b>women with disabilities</b>	Mali
<b>biotechnology/bioethics</b>	Republic of Korea
<b>citizenship (foreign wives)</b>	Singapore
<b>personal status equality</b>	Yemen

## **Section 5: Table of Countries**

Country	Explicit Discrimination: Family / marriage	Explicit Discrimination: Economic / employment	Explicit Discrimination: Violence	Explicit Discrimination: Other	Discriminatory Impact	Discriminatory/ Inadequate Implementation	Absence of legislation
Albania					Sexual harassment		Marital rape; DV
Algeria	Child custody; divorce; marriage			Nationality			Polygamy; Male guardianship; Family Code VAW; DV
Argentina						Refugee law	
Armenia	Marriage age				Marital property	Employment; sexual harassment	VAW; DV
Australia						Sexual harassment	VAW; DV; Forced sterilisation
Azerbaijan	Marriage age				Rape		Domestic violence
Bahrain	Marriage age		Rape	Spousal consent for reproductive healthcare; nationality			VAW; DV; Family Code
Bangladesh	Marriage; divorce; guardianship; custody	Land rights		Nationality; Citizenship		VAW; Inheritance; Land rights; Child marriage	Trafficking; Informal labour; sexual harassment; Family Code
Belarus					Rape; Sexual harassment; Child		DV; Marital rape; Trafficking; Sexual

					protection		harassment
<b>Belgium</b>	Family name				Sexual violence; Trafficking		
<b>Belize</b>			Rape		Marriage age; Abortion	Labour law (private sector); Sexual harassment; Pregnancy & education	Maternity leave
<b>Benin</b>				Spousal consent for contraception & family planning		FGM; Polygamy; Levirate / wife inheritance; Inheritance; Marriage age	Sexual violence; Marital rape; DV; Trafficking
<b>Bhutan</b>				Citizenship		Marriage age	DV, VAW
<b>Bolivia</b>	Divorce		Rape		Rape; DV; Sexual violence; Marriage age	Sexual violence; DV; Abortion	
<b>Bosnia &amp; Herzegovina</b>					Trafficking	DV; Employment	
<b>Botswana</b>	Adoption; Marriage; Divorce & separation; Marriage age; Marriage registration	Land rights; Inheritance		Burial		Marriage & family equality	VAW; DV; Marital rape; Sexual violence; Sexual harassment; Equal pay; Maternity leave (private sector)



<b>Brazil</b>					Abortion	Equal pay	Domestic labour
<b>Burkina Faso</b>	Marriage age; Polygamy					Inheritance; Family headship; Marriage registration; Land rights; Violence against older women; Child marriage	DV; VAW
<b>Burundi</b>	Marriage age; Family headship;			Nationality; Adultery	Prostitution	Widows; Inheritance; Marriage; Marital property Rape; Sexual violence	DV; Family Code; VAW
<b>Cambodia</b>	Marriage age				DV; Trafficking	DV; VAW; Trafficking; Employment; Marriage and family; Forced marriage	
<b>Cameroon</b>	Marriage age; Family headship; Polygamy; Widowhood	Ownership of trade; Employment; Inheritance; Marital property		Nationality; Adultery	Rape		DV; Marital rape; VAW; Sexual violence; FGM; Breast ironing; Sexual harassment; Family Code
<b>Canada</b>		Marital property		Aboriginal status	Child protection	DV	DV

Cape Verde						Polygamy; Marriage age	
Chile					Marriage age; Abortion		Equal property rights; Trafficking
China					Prostitution	Employment; Trafficking; Sexual harassment; VAW	VAW; Equal pay & social benefits; Sexual harassment; Refugee & asylum law
Cook Islands		Child maintenance		Spousal consent for reproductive health services	Prostitution; Marriage age	Child support	Discriminatory customs; Marital rape; Maternity rights; Sexual violence; Sexual harassment; Inheritance; De facto marriages (division of property)
Croatia						Employment; Roma women's citizenship rights	
Cuba	Marriage age						
Cyprus					Displaced person status		
Czech Republic					Sexual violence; Rape; Immigration	Sexual violence; Domestic violence	

<b>Democratic People's Republic of Korea</b>	Marriage age			Citizenship			DV; VAW
<b>Democratic Republic of Congo</b>	Family Code	Labour Code		Nationality; Penal Code		Sexual harassment; Election law	VAW
<b>Denmark</b>					Immigration; Trafficking; Family reunification		DV; VAW
<b>Ecuador</b>	Family headship						Employment equality
<b>Egypt</b>	Polygamy; Child custody; Marriage; Divorce	Inheritance	VAW	Personal status law; Penal Code; Nationality	VAW; Prostitution	FGM	Discriminatory customs; VAW; DV; Marital rape; Sexual violence; Sexual harassment; "Honour" crimes; Trafficking; Domestic labour; Marital property; Demand for prostitution
<b>El Salvador</b>						Employment	Informal & rural labour
<b>Eritrea</b>	Marriage and family	National service	Rape			Marriage age; Forced marriage; Marital property	DV; Marital rape; FGM; Sexual violence; Discriminatory customs

<b>Estonia</b>					Marriage age		DV; Cohabitation
<b>Fiji</b>							VAW; DV; Marital rape; Sexual violence; Sexual harassment; Institutional violence; Informal labour
<b>FYR Macedonia</b>						Trafficking	
<b>France</b>	Family name				Trafficking; Immigration (residence permits); Family reunification; Sexual harassment		
<b>Gabon</b>	Polygamy; Marriage and family; Marriage age; Separation and divorce; Child custody; Residence	Profession; Inheritance		Penal Code			VAW; DV; Trafficking; Discriminatory customs
<b>Gambia</b>	Adoption; Marriage; Divorce	Inheritance		Personal status; Burial		Demand for prostitution	VAW; DV; FGM; Trafficking
<b>Georgia</b>					Labour code		Marital rape; Equal pay; Sexual harassment

<b>Germany</b>					Labour law; Pensions; DV; Divorce; Marital property; Child protection		Employment termination
<b>Ghana</b>			Marital rape	Citizenship	VAW	Discriminatory customs; Employment; Child marriage; FGM; “Trokosi”; Inheritance	Discriminatory customs; DV; Polygamy
<b>Greece</b>					DV	Marriage; inheritance; Polygamy; Early marriage	
<b>Guatemala</b>		Labour Code		Criminal Code; Civil Code	Trafficking		Trafficking
<b>Guinea</b>	Family headship; Custody; Residence; Marital responsibilities; Marriage age			Nationality		FGM	DV; Marital rape; Sexual violence
<b>Guinea- Bissau</b>	Marriage and family			Civil Code		Early marriage; Forced marriage; Polygamy; Levirate wife inheritance	Discriminatory customs

<b>Guyana</b>			Incest		Marital property; Age of sexual consent	DV	
<b>Honduras</b>	Family	Labour Code				Labour Code	Informal and domestic labour; Child labour
<b>Hungary</b>					Sexual violence; Rape; Age of sexual consent; Marriage age		DV
<b>Iceland</b>					Sexual violence; Rape	Sexual violence; Rape	
<b>India</b>					Rape; Child marriage; Early marriage	Early marriage; Personal laws; dowry; sati; devadasi; witch- hunting	Marital rape; Sexual violence; Child sexual abuse; Asylum & refugee law; Marital property
<b>Indonesia</b>	Family headship; Polygamy; Marriage age	Employment		Spousal consent for reproductive health services; Citizenship	Citizenship; Migrant workers; Labour rights; Birth registration	Dress code; Labour rights	FGM; Domestic labour; Equal pay; Sexual harassment
<b>Ireland</b>					Abortion	Domestic labour	Trafficking; Migrant domestic labour
<b>Israel</b>	Divorce	Migrant work permits			Refugee law; Divorce; Marriage age; Access to	Polygamy; child marriage	Migrant domestic labour

					healthcare		
<b>Italy</b>		Women migrant workers			Trafficking	VAW	Refugee and asylum laws
<b>Jamaica</b>		Employment	VAW; Incest		Marriage age	VAW; Domestic labour (maternity benefits)	Sexual harassment
<b>Japan</b>	Marriage; Divorce; Family name; Child registration				Sexual violence; Rape; Employment; Sexual harassment; Abortion	Employment equality	Incest; Marital rape; Equal pay; Rape and sexual violence-related video games and cartoons
<b>Jordan</b>	Polygamy; Marriage; Divorce; Child custody; Marriage age	Employment	Rape; Virginity testing	Nationality; Penal Code	“Honour” crimes; NGO regulation; Abortion	Marriage age; Domestic labour; Employment	Article 2; Safe abortion; VAW; DV; Employment equality; Sexual harassment; Informal labour
<b>Kazakhstan</b>							DV; Marital rape; Sexual harassment
<b>Kenya</b>		Inheritance			Marriage and family; Inheritance; Marital property; Prostitution	Marriage and family; Inheritance; Trafficking; FGM; Polygamy; Bride price; Levirate / Wife inheritance; Sexual violence;	Marriage and family; Marital property; Equal opportunity; Polygamy; Marital property; Inheritance; Adult FGM; Marital rape; Demand for prostitution; Property

						Rape;  Post-electoral gender-based violence; Property rights	rights; Inheritance
<b>Kyrgyzstan</b>						Child marriage; Bride abduction/forced marriage; Polygamy	
<b>Lao People's Democratic Republic</b>					VAW; Divorce; Rape; Matrimonial property	VAW; DV; Trafficking; Polygamy	DV; VAW; Marital rape
<b>Lebanon</b>		Taxation	"Honour" crimes; marital rape; rape	Nationality	Immigration  (trafficking); Labour code	Rural women; Property rights	VAW; DV; Marital rape; Domestic labour; Trafficking; Agricultural labour; Land rights; Refugee law; Marital property
<b>Liberia</b>	Marriage	Property rights		Nationality; Rural women		Early and forced marriage; Marriage equality; Access to traditional courts	Discriminatory customs; FGM; VAW; DV
<b>Libyan Arab Jamahiriya</b>	Child custody; marriage; polygamy; divorce	Inheritance		Nationality; Personal Status	Penal code: extramarital sexual relations	Male guardianship; Rape	VAW; DV
<b>Liechtenstein</b>					VAW; DV; Sexual violence;	Trafficking; Asylum regulations (sexual	



					Immigration (DV); Abortion	and gender-based violence)	
<b>Luxembourg</b>					Divorce		Divorce equality
<b>Madagascar</b>	Divorce			Nationality	VAW	Polygamy; marriage and family; VAW; Domestic violence; Sexual violence	VAW; Marital rape; DV; De facto unions; Bride price; 'Molestry'
<b>Malawi</b>				Nationality		Early and forced marriage; Divorce (marital property); polygamy; marriage age	Gender equality; Inheritance; Marriage and family relations; Trafficking
<b>Malaysia</b>		Employment			Immigration (trafficking)	Marriage and family	Marital rape; Trafficking; Migrant labour; Refugee and asylum law
<b>Maldives</b>	Family				Extramarital relations; Family planning	Maternity leave; Polygamy; Child marriage; Religious law	DV, Sexual harassment; VAW; Trafficking
<b>Mali</b>	Marriage; Marriage age; Divorce	Land rights		Nationality		Employment	Polygamy; Family headship; DV; Marital rape; Sexual harassment; FGM; Trafficking; Domestic labour; Women with

							disabilities
<b>Malta</b>					Rape; VAW; Divorce ban; Abortion	Domestic violence	Divorce; De facto unions
<b>Mauritania</b>	Repudiation; Polygamy	Property rights		Nationality		Polygamy; Child marriage; FGM; Forced feeding; VAW; Employment	Sexual harassment
<b>Mauritius</b>	Adoption; Marriage; Divorce	Inheritance		Burial		Employment	Comprehensive maternity leave; Marital rape; Paternity leave
<b>Mexico</b>		Employment (pregnancy testing)				Employment	
<b>Mongolia</b>		Employment				Employment equality (incl. Maternity rights)	Equal pay
<b>Morocco</b>	Polygamy; Divorce; Child custody; Guardianship	Marital property; Inheritance		Nationality		Labour code; Marriage age; Trafficking	VAW; DV; Violence against domestic workers; Marital rape; Marriage-related rape exceptions; Domestic labour; Refugee law
<b>Mozambique</b>		Inheritance		Penal Code		Marriage and family	DV; Marital rape; Sexual harassment;

							Sexual violence; De facto unions
<b>Myanmar</b>	Marriage authorisation; Pregnancy restrictions	Government employment		Citizenship	Governance; Sexual violence; movement restrictions	VAW; Divorce; Marriage and family; Inheritance	VAW; DV; Sexual abuse; Marital rape; Polygamy
<b>Namibia</b>					Traditional Authorities Act	Discriminatory customs; Property rights; Child marriage	Customary marriage registration
<b>Netherlands</b>					Divorce; DV; Asylum; Family reunification		DV (Netherlands Antilles & Aruba); Trafficking (Netherlands Antilles)
<b>New Zealand</b>						Equal employment opportunity; Equal pay; VAW; Marriage equality; Parental leave; Access to childcare and parental leave (rural, Maori, Pacific and other minority women)	Parental leave (seasonal and temporary workers)
<b>Nicaragua</b>					Abortion	Employment	Family code; Equal rights and opportunities; Sexual

							harassment; Domestic labour
<b>Niger</b>		Remuneration of govt. officials; Civil service access; Employment		Nationality		Divorce; Child custody; Inheritance; Employment	Family Code; Trafficking
<b>Nigeria</b>		Employment	Wife battery; sexual assault; Child marriage	Nationality	Marriage	Employment; marriage and family; divorce; child custody; inheritance	FGM; Discriminatory customs; VAW; DV; Sexual harassment
<b>Norway</b>					Marriage age		De facto unions
<b>Pakistan</b>	Marriage dissolution; Marriage age		Rape	Nationality; Evidence;	VAW; Trafficking; Abortion	Forced and early marriage; VAW; Employment	DV; Informal labour
<b>Panama</b>	Family; Marriage age				Divorce (marital property)	Employment; VAW; DV	Equal pay; Sexual harassment; Maternity rights
<b>Papua New Guinea</b>	Marriage age					Polygamy; Bride price; Early and forced marriage; Marriage and family relations; Divorce; Inheritance; Access to justice; VAW; Custodial violence by	Discriminatory customs; VAW; Trafficking; Polygamy

						officials	
<b>Paraguay</b>					DV; Sexual abuse; Marriage age	Employment/ domestic labour	Trafficking
<b>Peru</b>					Marriage age; Abortion	VAW	Incest
<b>Philippines</b>	Polygamy; Arranged marriages		Child marriage		Rape; Abortion	VAW; early marriage	Equal rights; Divorce
<b>Poland</b>		Retirement				Employment	
<b>Republic of Korea</b>	Marriage age				Sexual violence; Prostitution; Marriage dissolution (Marital property)	VAW; DV; Employment	Marital rape; Biotechnology/ bioethics
<b>Republic of Moldova</b>	Marriage age	Employment				Equal opportunity	DV; Marital rape
<b>Romania</b>						DV	
<b>Russian Federation</b>			Rape		Sexual harassment	VAW; DV; Child marriage; Polygamy	VAW; DV; Marital rape; Sexual harassment; Institutional violence; “Honour” crimes; Trafficking; De facto unions; Equal employment

							opportunity
<b>Rwanda</b>	Family Code	Commercial Code		Criminal Code	Abortion	Employment	Sexual harassment
<b>St. Lucia</b>	Marriage and family			Nationality	Divorce		Labour Code; Sexual harassment; De fact unions
<b>Samoa</b>	Family; Marriage age	Employment	Gender-based violence		Divorce		VAW; Equal pay; Maternity rights; Sexual harassment; Marital property
<b>Saudi Arabia</b>	Marriage; Divorce; Child custody	Inheritance		Nationality; Driving ban	Immigration: children of migrant workers	Male guardianship; VAW; DV; Employment; Access to healthcare	VAW; DV; Domestic labour; Trafficking; Private sector maternity rights; Marriage age;
<b>Serbia</b>		Employment			DV	Trafficking	Sexual harassment
<b>Sierra Leone</b>	Marriage; Divorce	Inheritance	DV	Burial		Marriage; polygamy; inheritance; divorce; child guardianship; access to justice	FGM
<b>Singapore</b>	Marriage; Divorce	Inheritance			Trafficking; Immigration; Employment	Foreign domestic workers	Foreign domestic workers; Citizenship (foreign wives); Marital rape; Sexual harassment; Equal

							pay; Maternity leave
<b>Slovakia</b>					Divorce (marital property)	VAW	VAW; Marital property
<b>South Africa</b>	Customary marriages		Virginity testing			Marriage and family relations; Polygamy; Access to justice; Forced marriage; Killing of “witches”; FGM; Rape; Sexual violence; DV; Property rights; Inheritance (rural women); Sexual orientation-based violence and discrimination	Discriminatory customs; Paid maternity leave; Unified family code
<b>Sri Lanka</b>	Family headship; Polygamy	Inheritance; Land/property rights	Early marriage	Personal laws; Penal Code; Access to justice	Abortion	Personal laws; Inheritance; VAW; DV; Marital rape; Prostitution; Marriage equality; Divorce equality (incl. marital property)	VAW; Marital rape; Sexual harassment; Equal pay; Informal labour; Polygamy; Marriage age; Marital property; Unified family code
<b>Suriname</b>		Civil service employment		Nationality and residence; Penal Code;	Contraceptive ban; Abortion		DV; Employment equality; Maternity leave (private sector)

<b>Sweden</b>					Divorce (marital property); Immigration		
<b>Switzerland</b>					Divorce (marital property)	Trafficking (incl. victim protection); Employment (rural women)	VAW; De facto unions
<b>Syrian Arab Republic</b>	Marriage; Divorce; Child custody;	Inheritance	Rape (marriage exception); “honour” crimes; VAW	Personal Status Act; Penal Code; Nationality Act	VAW; Protection from violence; Trafficking / sexual exploitation		VAW; DV; Marital rape; Trafficking; Informal labour; Sexual harassment; Polygamy; Child marriage
<b>Tajikistan</b>					Marriage age	Polygamy; Marriage registration	
<b>Thailand</b>	Marriage; Divorce; Betrothal		Rape; Marital rape	Nationality	Citizenship (Hill tribe women)		DV; Marital rape; Refugee law
<b>Timor-Leste</b>	Marriage; Marriage age; Divorce; Residence	Inheritance; Property rights					
<b>Togo</b>	Polygamy			Nationality		Employment;	VAW; DV; Marital rape; Sexual violence; Sexual harassment;



<b>Tunisia</b>	Marriage; Child custody; Child guardianship; Family headship; Dowry	Inheritance	Rape (marriage exception)	Nationality; Penal Code; personal status	VAW; DV; Sexual harassment; Marital property		VAW; DV; Marital rape; Sexual violence
<b>Turkey</b>	Divorce; Name		Genital examinations		“honour” crimes; Marital property		VAW; DV
<b>Turkmenistan</b>		Employment			Marriage age	Polygamy	VAW; DV; Marital rape
<b>Tuvalu</b>	Marriage; Adoption; Divorce; Child custody	Employment; Land rights	Incest	Burial; Citizenship	Sexual violence; Marriage age	Property rights; Divorce (maintenance); Access to justice	Discriminatory customs; Marital rape; Property rights
<b>Uganda</b>					Sexual harassment	Discriminatory customs; Maternity leave (private sector); Equal pay; Property rights; Inheritance; Rural women	Marriage and family equality; Sexual Offences Bill; HIV/AIDS Prevention and Control Bill; Anti-discrimination; Divorce; Polygamy; Bride price; Discriminatory customs; Informal labour
<b>Ukraine</b>	Marriage age				Marital property	DV	Trafficking
<b>United Arab</b>	Marriage; Divorce;	Inheritance;		Nationality; Citizenship;	Employment;	Migrant workers	VAW; DV; Employment equality;

<b>Emirates</b>	Custody; Dowry	Marital property		Legal capacity; Access to justice; Freedom of movement	Migrant workers		Equal pay; Sexual harassment; Migrant labour;
<b>United Kingdom</b>					Immigration; Abortion	FGM	
<b>United Republic of Tanzania</b>	Marriage; Child custody; Polygamy; Marriage age; Bride price	Inheritance		Citizenship		Marriage and family relations; Levirate / Wife inheritance; Widow cleansing; VAW; DV; Rape; Polygamy; Bride price; FGM; Property rights (rural women); Employment equality	Discriminatory customs; FGM (adult); Polygamy; Bride price; VAW; Marital rape; Informal labour; Maternity leave (comprehensive); Inheritance rights; Polygamy
<b>Uruguay</b>	Marriage age; Divorce; Family and marriage		Sexual violence	Unmarried mothers			Marital rape
<b>Uzbekistan</b>	Marriage age;				Immigration	VAW; Child marriage; Arranged marriage; Forced marriage; Polygamy	Discriminatory customs; VAW; DV; Employment equality; Sexual harassment; Refugees and asylum seekers
<b>Vanuatu</b>	Marriage age			Citizenship		Marriage; Divorce; Access to justice;	

						Land rights; Inheritance; Polygamy	
<b>Venezuela</b>				Penal Code; Civil Code		VAW; DV	Social security
<b>Viet Nam</b>	Marriage age					Child marriage	DV
<b>Yemen</b>	Polygamy; Male guardianship; Marriage; Divorce; Child custody	Inheritance; Property rights		Nationality; Testimony; Personal status		Marriage registration; VAW	VAW; DV; Sexual violence; Marital rape; FGM; Marriage equality; Personal status equality

## **Appendix**

# **Selected Concluding Observations of the Committee on the Elimination of Discrimination Against Women**

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## Albania

July 2010

### Impact of Law: sexual harassment

14. The Committee takes note of the five cases involving discrimination against women reported to the People's Advocate (Ombudsperson) during the period from 2003 to 2009. It further notes with satisfaction the establishment in 2010 of the Commissioner for Protection against Discrimination, an independent body for the promotion of equality, which monitors the implementation of anti-discrimination legislation, organizes awareness-raising campaigns and investigates cases of alleged discrimination. The Committee is concerned, however, about the legal and practical obstacles faced by women seeking redress for acts of discrimination based on sex and gender under the new legislative anti-discrimination framework, as well as the lack of counselling and legal aid services available to women, especially women belonging to ethnic and linguistic minorities, women in rural areas and women belonging to other disadvantaged groups. It is particularly concerned about complainant women bearing the burden of proof in cases of alleged discrimination on the grounds of sex, including in cases of sexual harassment at the workplace.

15. **The Committee recommends that the State party accelerate its efforts to remove impediments faced by women in accessing justice, provide legal aid and raise awareness about how to utilize legal remedies against discrimination based on sex and gender, so as to increase the capacity of women to avail themselves of existing complaint mechanisms and seek redress for discrimination through the Albanian legal system, and to monitor the results of such efforts. The Committee urges the State party to consider reversing the burden of proof in cases of alleged discrimination on the grounds of sex and gender, especially in cases of sexual harassment, in its anti-discrimination legislation and the Labour Code. It requests the State party to provide information in its next periodic report about cases brought before the courts, the Commissioner for Protection against Discrimination and the People's Advocate (Ombudsperson), and about the outcomes of those cases.**

### Absence of Legislation: domestic violence; marital rape

26. The Committee recognizes the progress made by the Government in combating violence against women, including domestic violence and violence outside domestic relationships, such as rape and other forms of sexual violence, stalking and sexual harassment through, inter alia, the enactment of the Law on Measures against Violence in Family Relations, the adoption of the National Strategy and Action Plan on Gender Equality and Domestic Violence 2007-2010, the opening of the first Government-run shelter for victims of domestic violence and the establishment of a referral system for cases of domestic violence. The Committee remains concerned, however, about the continued high prevalence of violence against women in Albania. It is particularly concerned that domestic violence is not appropriately sanctioned and criminalized, and that marital rape is not defined as a specific offence under the new Penal Code. It is also particularly concerned about the high rate of suicide among female victims of domestic violence, about gaps in the Law on Measures against Violence in Family Relations and its implementation and the lack of statistical data.

27. **In accordance with its general recommendation No. 19 and its recommendations contained in its previous concluding observations (see A/58/38, para. 73), the Committee urges the State party to continue to put emphasis on comprehensive measures to address violence against women in the family and in society. The Committee calls upon the State party to amend, without delay, the Penal Code so as to establish marital rape as a specific criminal offence, to appropriately sanction and criminalize acts of domestic violence and to ensure that all cases of violence against women are swiftly prosecuted and punished. The Committee further recommends that the State party strengthen its efforts to ensure that female victims of violence have immediate protection, including the possibility of expelling the perpetrator from the home, effective recourse to**

a shelter and access to free legal aid and psychosocial counselling. The Committee urges the State party to adopt measures to prevent suicides by victims of domestic violence. It recommends ensuring that public officials, especially law enforcement officials, members of the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls on the State party to systematize data collection on violence against women, including domestic violence. It recommends that structures be established to help female victims of violence to rebuild their lives, including through the creation of job opportunities. The Committee invites the State party to further pursue, in collaboration with a broad range of stakeholders, including women's and other civil society organizations, awareness-raising campaigns through the media and public education programmes to make such violence socially unacceptable, and to continue seeking international assistance towards this end.

## Algeria

January 2005

Explicit Discrimination in Law: child custody; divorce; marriage; nationality

also Absence of Legislation: polygamy; women's legal guardianship

25. The Committee is concerned about the lack of progress in revising discriminatory legislation. In particular, it expresses concern that the revision of the Code of Algerian Nationality established by Order 70-86 of 15 December 1970 and of the 1984 Family Code has not been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men concerning the transmission of nationality, as well as on issues related to marriage and family life, including divorce and child custody. It also expresses concern that the proposed amendments to the Family Code do not include the abolition of polygamy and of women's legal guardianship.

26. The Committee urges the State party to place high priority on implementing legislative reforms and to step up the process of revising the Code of Algerian Nationality and the Family Code so as to promptly bring them into line with articles 9 and 16 of the Convention. To this end, the Committee calls upon the State party to establish a clear time frame for the review of those laws by the Council of Ministers and for their submission to the National People's Assembly and the Council of the Nation and to increase its efforts to sensitize public opinion regarding the importance of legal reform.

Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

21. While noting that the Constitution, in its articles 29 and 31, stipulates equality before the law without discrimination, including on the basis of sex, the Committee is concerned that the State party's legislation does not contain a definition of discrimination in accordance with article 1 of the Convention, nor provisions on equal rights of women in line with article 2 (a) of the Convention.

22. The Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of the Convention, be included in the Constitution or in other appropriate legislation.

Absence of Legislation: violence against women; domestic violence

31. The Committee is concerned about the high incidence of violence against women, including domestic violence, and about the continuing lack of specific legislation to address and eliminate violence against women.

32. In the light of its general recommendation 19, the Committee urges the State party to give high priority to the formulation and adoption of legislation on violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights. The Committee recommends that the State party implement measures to prevent all forms of violence against women, including domestic violence, through education and awareness raising for law enforcement officials, the judiciary, health providers, social workers and the general public. It also recommends the introduction of measures to provide medical, psychological and legal assistance to victims of violence.

## Argentina

July 2010

### Implementation of law: refugee law

45. The Committee is concerned that, in spite of the enactment of the refugee law (Law No. 26,165), the establishment of the National Refugee Commission (CONARE) and the State party's participation in the regional programme of the Office of the United Nations High Commissioner for Refugees, the State party has not yet adopted all the necessary internal regulations to facilitate the effective implementation of the law and to fill some protection gaps, particularly those concerning asylum-seekers in vulnerable situations, including women, girls and unaccompanied children.

46. The Committee urges the State party to facilitate the full and effective implementation of the refugee law (Law No. 26,165), particularly with regard to the protection of female asylum-seekers and refugees, as well as unaccompanied children, in particular through adopting all the necessary internal regulations. It also encourages the State party to continue to provide training to border migration and asylum officials to ensure that they adopt a gender-sensitive approach, effective implementation of a proper identification system and gender-sensitive measures in the refugee status determination procedure, including with regard to asylum applications based on gender violence. The Committee also urges the State party to complement Law No. 26,364 of April 2008 by ensuring adequate protection, in accordance with international law, to all women, independent of their age, as well as to individuals who have been trafficked and who fear being subjected to persecution upon return to their country of origin. In addition, measures should be adopted to ensure that women and girls who are refugees or asylumseekers do not fall victim to trafficking in human beings or migrant smuggling, to create a mechanism to promptly identify victims of trafficking and to ensure the referral of those who might have protection needs to the asylum procedure.

## Armenia

January 2009

### Explicit Discrimination in Law: marriage age

14. The Committee reiterates the concern expressed in the Committee's previous concluding observations (A/57/38) and in the Committee on the Rights of the Child's concluding observations (CRC/C/15/Add.225) that the

different minimum legal age for marriage, set at 18 for men and 17 for women, constitutes discrimination against women.

**15. The Committee urges the State party to ensure that the minimum age of marriage is raised for women to 18, and to remove any exceptions to this minimum age, in accordance with article 16 of the Convention and the Committee's general recommendation No. 21.**

#### Impact of Law: marital property

38. The Committee is concerned that while the Family Code provides that property obtained during the time of the marriage is considered joint property to be divided equally upon divorce, intangible assets such as work-related benefits are not included in this regime. The Committee is further concerned that there is no mechanism for post-divorce spousal support.

**39. The Committee calls upon the State party to take appropriate legal measures to include intangible property accumulated during the relationship (i.e., pension funds, severance payments, insurance) within the joint property to be equally divided upon dissolution of the relationship. The Committee further calls upon the State party to conduct research on the economic consequences of divorce on both spouses, taking into account the length of the marriage and the number of children, and to adopt such legal measures as may be necessary to redress possible economic disparities between men and women upon the dissolution of the relationship.**

#### Implementation of Law: employment discrimination; sexual harassment

32. While welcoming the amendments to the Labour Code that establish, inter alia, equal rights of all parties regardless of sex, prohibiting forced labour and employment of children under 14 years of age, the Committee expresses serious concern about the persistence of both vertical and horizontal gender segregation within the labour market, and the lack of concrete gender-specific legislative measures to implement the general equality undertaking. The Committee notes the high unemployment of women and the concentration of women in part-time work and lower-paying sectors, such as health care, education, agriculture and in the informal sector. It expresses particular concern at the persistence of the wage gap and lack of understanding of the concept of wage gap, as well as the low representation of women in top management positions and on boards of private companies as well as the lack of systematic effective measures to prevent sexual harassment against women in the workplace.

**33. The Committee urges the State party to adopt policies and concrete legislative measures to accelerate the eradication of employment discrimination against women and to work towards ensuring de facto equal opportunities at all levels for women in the labour market including effective measures against sexual harassment against women in the workplace. The Committee further urges the State party to ensure that job evaluation systems based on gendersensitive criteria be developed with the aim of closing the existing wage gap between women and men and implementing pay equity (equal pay for work of equal value, in line with the Committee's general recommendation No. 13 and the ILO Equal Remuneration Convention (No. 100). The Committee encourages the State party to continue its efforts to raise salaries in female-dominated sectors of the State budget economy. It also recommends that the State party make greater use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, by applying numerical goals with timetables or quotas in respect of women's access and retention in vocational training, including for non-traditional jobs, and the promotion of women into the upper levels of the public sector.**

#### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

12. While noting that in accordance with article 6 of the State party's Constitution international legal instruments accepted by the State party are an integral part of its domestic legal system, the Committee regrets the absence of an explicit and comprehensive definition of discrimination against women, both direct and indirect, in line with

article 1 of the Convention within the State party's legislation. The Committee is further concerned that the principle of equality between women and men has not been expressly articulated in the State party's legislation, in accordance with article 2, subparagraph (a) of the Convention. The Committee expresses concern at the lack of express and comprehensive legal provisions prohibiting discrimination against *women*, and at the State party's preference for gender-neutral [laws], policies and programmes, which may lead to inadequate protection for women against direct as well as indirect discrimination, hinder the achievement of formal and substantive equality between women and men, and result in a fragmented approach to the recognition and enforcement of women's human rights.

**13. The Committee urges the State party to enact appropriate national legislation containing prohibition of discrimination against women in line with article 1 and article 2, subparagraph (b) of the Convention, encompassing both direct and indirect discrimination. It calls upon the State party to accelerate the adoption of the proposed law on gender equality and to embody the principle of equality of women and men in the proposed law on gender equality, in line with article 2 (a). It also encourages the State party to raise awareness with respect to the nature of indirect discrimination and the concept of substantive equality among Government officials, the judiciary and the public. Furthermore, the Committee recommends that the State party adopts a gender specific approach in its [laws], policies and programmes.**

#### Absence of Legislation: violence against women; domestic violence

22. The Committee reiterates its concern that a lack of understanding and acknowledgment of the fact that gender-based violence against women, and in particular domestic violence, continues to be a significant problem in the State party as expressed in its previous concluding observations (A/57/38). The Committee also regrets that the State party's report makes no mention of this phenomenon. It is further concerned that there is no specific legislation addressing violence against women and that the Criminal Code does not define domestic violence as a separate crime and does not criminalize it as such. The Committee is further concerned that there is no dedicated governmental body or coordinating institution tasked with implementing measures to counter all forms of gender-based violence against women. While noting the establishment in 2002 of a shelter by the Centre for Women's Rights in collaboration with the police, the Committee is concerned at the lack of sufficient shelters for victims of violence. Furthermore, the Committee expresses its concern about the absence of data in regard to court cases on domestic violence and that there have been inexplicably very few court cases in the areas of sexual and other forms of violence against women. The Committee is also concerned about the lack of statistics provided on the incidence of various forms of violence against women, including the number of women murdered by their husbands, partners or ex-partners in cases of domestic violence, and on the availability of support services for victims.

**23. The Committee urges the State party to give priority attention to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address it in accordance with the Committee's general recommendation No. 19. The Committee requests that the State party enact, without delay, legislation specifically addressing domestic violence against women. Such legislation should ensure that violence against women and girls constitutes a criminal offence and a civil wrong; that perpetrators are prosecuted and adequately punished; and that women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and availability of a sufficient number of adequate shelters and in all regions, in particular addressing the needs of rural women, women with disabilities, refugees and minority women. The Committee further recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awarenessraising and zero-tolerance campaigns in regard to violence against women.**

## Australia

July 2010

### Implementation of Law: sexual harassment

38. The Committee is concerned about the labour force, which continues to be segregated by gender; the persistence of the pay gap with women working full time earning 18 per cent less than their male counterparts; the caring responsibilities, which continue to affect women's labour force participation and the limited access to job opportunities for women with disabilities and indigenous women. The Committee also notes that, despite the provisions in the Sex Discrimination Act, sexual harassment continues to be a serious problem in the workplace. The Committee welcomes the first paid parental leave scheme, which will come into operation on 1 January 2011, but notes that it does not include superannuation, which impacts on the major gender gap in retirement savings and economic security between older women and men, that the leave is of limited duration (18 weeks), and that compensation is limited to an amount equal to the federal minimum wage and subject to other conditions.

39. **The Committee urges the State party to take concrete measures to eliminate occupational segregation, including by removing barriers to women in all sectors and to ensure equal opportunities for, and equal treatment of, women and men in the labour market. The Committee welcomes the Fair Work Act 2009 and urges the State party to develop a national pay strategy and establish a specialized unit within the new wage-setting body of Fair Work Australia to develop and monitor pay gaps mechanisms. It further requests that the State party provide a comprehensive assessment of the effectiveness of the Fair Work Act in eliminating pay gap in its next periodic report. The Committee urges the State party to adopt appropriate legislative measures, as well as a preventive strategic plan, in order to combat sexual harassment in the workplace. The Committee calls on the State party to ensure that the statutory independent review of the Paid Parental Leave Act gives due consideration both to an increase in compensation and to the provision of superannuation on paid leave in order to protect better women's financial security and to encourage equal participation of both parents in childcare. The Committee urges the State party to develop a comprehensive childcare policy to include out of school hours and vacation care and to increase the supply of affordable and quality childcare.**

### Absence of Legislation: violence against women; domestic violence

28. The Committee notes with concern the unacceptably high levels of violence against women that persist in Australia, with one in three Australian women experiencing physical violence in their lifetime and one in five experiencing sexual violence. It also notes the lack of federal legislation or minimum standards for protection of women against violence and domestic violence. The Committee welcomes the establishment in 2008 of a national council to advise on the development of an evidence-based national plan to reduce violence against women and their children and the Council's report, "Time for Action", presented in April 2009.

29. **The Committee encourages the State party to continue its efforts to tackle the persistent problem of violence against women and urges the State party to adopt national legislation and adopt, implement and adequately fund as a matter of urgency the National Action Plan to Reduce Violence against Women and Their Children, including a mechanism for independent monitoring. The Committee further recommends that the State party develop strategies to prevent homelessness resulting from domestic violence and ensure that women who are victims of domestic and family violence and their children are provided with appropriate ongoing accommodation and integrated support. The Committee recommends that the State party take appropriate measures, including specific legislative measures criminalizing acts of domestic violence, prosecute acts of domestic violence and punish the perpetrators of such acts. The Committee requests the State party to include under the Committee's follow-up procedure referred to in paragraph 50 of the present concluding observations available information on the number and nature of reported cases of domestic violence, on the**

conviction and the sanctions imposed on perpetrators, as well as any assistance and rehabilitation measures provided to victims of domestic violence.

#### Absence of Legislation: forced sterilisation

42. The Committee is concerned that women with disabilities are almost entirely absent from key leadership and decision-making positions and continue to be disadvantaged with regard to educational and employment opportunities. It is concerned about the high levels of violence experienced by women, particularly those living in institutions or supported accommodation. The Committee also notes with concern that non-therapeutic sterilizations of women and girls with disabilities continue to be practiced in some states in Australia and notes that the Commonwealth Government considers this to be a matter for state governments to regulate.

43. **The Committee urges the State party, in the light of its recent ratification of the Convention on the Rights of Persons with Disabilities, to undertake a comprehensive assessment of the situation of women with disabilities in Australia. The Committee recommends that the State party address, as a matter of priority, the abuse and violence experienced by women with disabilities living in institutions or supported accommodation. The Committee further recommends that the State party adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions, including through the adoption of temporary special measures such as quotas and targets, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. The Committee recommends that the State party enact national legislation prohibiting, except where there is a serious threat to life or health, the use of sterilization of girls, regardless of whether they have a disability, and of adult women with disabilities in the absence of their fully informed and free consent.**

## Azerbaijan

August 2009

#### Explicit Discrimination in Law: marriage age

15. The Committee notes with appreciation the information provided by the head of the delegation that the Parliament will consider an amendment to the Family Code at its session in the third quarter of 2009 in order to equalize the minimum legal age for marriage to 18 for both women and men. It remains concerned, however, about the different minimum age of marriage for women and men, which is set at 17 years for women.

16. **The Committee urges the State party to speedily enact the amendment to the Family Code in order to equalize the minimum age of marriage for women and men to 18, in accordance with article 16 of the Convention and the Committee's general recommendation No. 21.**

#### Impact of Law: rape

#### also Absence of Legislation: domestic violence

21. The Committee commends the various measures undertaken by the State party to raise awareness about and to combat and eliminate violence against women, and takes note of the information provided by the head of the delegation that the draft law on domestic violence will be considered by the Parliament at its session in the third quarter of 2009. The Committee remains concerned about the lengthy process for the adoption of this law and about the prevalence of violence perpetrated against women and girls in Azerbaijan, including domestic violence and other forms of sexual abuse. The Committee is concerned that such violence appears to be at times socially



legitimized by a culture of silence and impunity and is socially accepted. It is also concerned about the lack of sufficient shelters and a comprehensive network of referral and rehabilitation centres for victims of violence. It remains concerned that the definition of rape in the Criminal Code is based on the use of force, rather than on lack of consent. The Committee regrets the lack of information regarding convictions and penalties in cases involving violence against women and the lack of statistics provided on the incidence of various forms of violence against women.

**22. The Committee urges the State party to accelerate the adoption of the draft law on domestic violence and to ensure that it contains provisions pertaining to sexual violence within the family. The Committee requests the State party to continue its efforts to combat violence against women and girls, in particular domestic violence. It recommends that the State party pursue its public awareness campaigns to combat all forms of violence against women through the media and education programmes. It calls upon the State party to ensure that women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders and the availability of a sufficient number of adequate shelters in all regions. The Committee recommends that legal aid continue to be made available to all victims of violence, including through the establishment of legal aid clinics, especially in rural areas. It also requests the implementation of training for the judiciary and public officials, in particular law enforcement personnel, healthservice providers and community development officers, in order to ensure that they are sensitized to all forms of violence against women and girls and can provide adequate gender-sensitive support to victims. The Committee calls on the State party to amend its Criminal Code. It reiterates its previous recommendation that the State party should conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention.**

## **Bahrain**

November 2008

### Explicit Discrimination in Law: nationality

30. While welcoming the royal decree, issued in September 2006 by the King granting citizenship to at least 372 children of Bahraini mothers and non-citizen fathers, the Committee remains concerned that to date, the draft Nationality Law concerning the elimination of nationality-related cases of discrimination against women allowing the transfer of Bahraini citizenship to the children of Bahraini women and non-citizen fathers on the same basis as children of Bahraini fathers and non-citizen women has not yet been passed.

**31. The Committee urges the State party to take all necessary steps to expedite the adoption of the draft Nationality Law in order to comply with article 9 of the Convention, and to withdraw its reservation to article 9, paragraph 2.**

### Explicit Discrimination in Law: spousal consent for reproductive healthcare

36. While commending the State party for its high quality of health services and the fact that family planning services are provided free of charge as part of primary health services, the Committee is concerned that the husband's consent is required before a Caesarean-section delivery is performed on his wife. The Committee is also concerned at the very low number of women who undergo breast and cervical examination directed at the early detection of breast and cervical cancer.

37. The Committee calls on the State party to take appropriate measures to ensure that women can consent to Caesarean-section procedures and the medical treatment without the consent and/or authorization of any other person, including that of their husbands. The Committee recommends that the State party take note of general recommendations No. 21 on equality in marriage and family relations and No. 24 on women and health (article 12 of the Convention). The Committee also recommends that the State party undertake systematic awareness-raising among women on the importance of regular medical examination to facilitate early detection of breast and cervical cancer.

Explicit discrimination in Law: marriage age

also Absence of Legislation: Family Code

38. The Committee is concerned that the laws applicable to family matters are not uniform and contain differences resulting from sectarian interpretational and jurisprudential differences between Sunni and Shia. The Committee is deeply concerned at the lack of a codified family law containing clear and non-discriminatory provisions on marriage, divorce, inheritance and child custody in compliance with the Convention. The Committee is also concerned at the discrimination in the minimum age of marriage, which is 15 for girls and 18 for boys.

39. The Committee urges the State party to take, as a matter of priority, all necessary measures, including through awareness-raising campaigns among all sectors of the society, particularly traditional leaders, religious clerics, the media and civil society, on the importance of adopting a unified family law which provides women with equal rights. The Committee also urges the State party to raise the minimum age of marriage of girls from 15 to 18. It further urges the State party to take all appropriate measures to end the practice of polygamy, in accordance with the Committee's general comment No. 21 on equality in marriage and family relations.

Explicit Discrimination in Law: rape

also Absence of Legislation: violence against women; domestic violence

24. While commending the State party for its study on violence against women and the various measures taken, including the establishment of a shelter for battered women and the increase of the number of women police officers dealing with domestic violence, the Committee regrets the lack of specific legislation criminalizing violence against women, including domestic violence. It is further concerned that article 535 of the Penal Code exempts perpetrators of rape from prosecution and punishment if they marry their victims.

25. The Committee urges the State party to implement the recommendations identified in the study on violence against women and monitor their impact. Furthermore, the Committee calls upon the State party to enact legislation on violence against women, including domestic violence. The Committee urges the State party to revise relevant provisions of the Penal Code so as to ensure that all forms of domestic violence, including marital rape, are criminalized and that marriage to the victim does not exempt perpetrators of rape from prosecution. The Committee recommends that training and awareness-raising programmes should be offered to judicial personnel, law enforcement officials, members of the legal and health professions, community leaders and the general public, taking into account its general recommendation No. 19 on violence against women. The Committee further encourages the State party to strengthen its collaboration with civil society and non-governmental organizations with respect to violence against women to ensure the understanding that all forms of violence, including domestic violence, are unacceptable. In this regard, the Committee encourages the State party to make use of the study of the Secretary-General on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1) and the multi-year campaign launched in 2008 to eliminate such violence.

### Absence of Legislation: Article 1 definition of discrimination

12. While noting that article 18 of the Constitution enshrines the principle of equality between men and women and that the Constitution further provides that the Convention has the status of law in Bahrain and can thus be directly applied, the Committee remains concerned at the absence of a specific definition of discrimination against women in accordance with article 1 of the Convention, in domestic legislation. It recalls that the absence of such a specific provision with a definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres, constitutes an impediment to the full application of the Convention in the State party.

**13. The Committee calls upon the State party to take steps to incorporate the definition of discrimination against women as contained in article 1 of the Convention, into domestic legislation.**

## **Bangladesh**

February 2011

### Explicit Discrimination in Law: marriage; divorce; nationality; guardianship and custody

15. The Committee notes with appreciation the efforts of the State party to review and revise discriminatory legislation. It remains concerned, however, at the persistence of a significant number of discriminatory laws and provisions, including laws relating to marriage, divorce, nationality, guardianship and custodial rights that deny women equal rights with men.

**16. The Committee calls upon the State party to pursue without delay its law review process with the view to harmonizing its domestic legislation with its obligations under the Convention within a clear time frame. The Committee also urges the State party to enhance its law reform through partnership and collaboration with religious leaders, lawyers and civil society organizations including women's non-governmental organizations.**

### Explicit Discrimination in Law: citizenship

25. The Committee welcomes the adoption of the Citizenship (Amendment) Act (2009), entitling a Bangladeshi woman to transmit citizenship to her children but it remains concerned that the spouse of a Bangladeshi woman can apply for citizenship after being a resident in the country for 5 years, whereas the residential requirement for a foreign woman married to a Bangladeshi man is two years only.

**26. The Committee urges the State party to amend its legislation on citizenship in order to bring it into full compliance with article 9 of the Convention.**

### Explicit Discrimination in Law: land rights

33. While welcoming the formulation of "Steps Towards Change: National Strategy for Accelerated Poverty Reduction-II (NSARP-II)" and "Vision 2021", the identification of economic empowerment of women as a high priority agenda of the Government and the commitment of the Government to women's advancement by eradicating extreme poverty (Millennium Development Goals 2000), the Committee expresses its concern that poverty is widespread among women. The Committee is concerned that women are exposed to many difficulties in assessing second generation micro-finance and have limited access to land due to traditional stereotypes of the role of women as a supplementary earner, lack of appropriate skills and institutional barriers that discourage women from accessing bank loans.

**34. The Committee requests the State party to:**

- a. Intensify the implementation of gender-sensitive poverty reduction and development programmes in rural and urban areas and to ensure the participation of women in the development of such programmes;**
- b. Amend discriminatory laws limiting women's ownership, control and usage of land and identify and address obstacles to the development of women's entrepreneurship; and**
- c. Strengthen initiatives aimed at encouraging women's economic empowerment, keeping in mind the specific situations of different groups of women and to establish mechanisms to monitor regularly the impact of social and economic policies on women.**

Implementation of Law: violence against women

also Absence of Legislation: sexual harassment

19. While commending the State party for the range of efforts to address violence against women, including the enactment of Domestic Violence Act, Prevention of Cruelty to Women and Children Act, Acid Crime Control Act, Child Marriage Restraint Act and Dowry Prohibition Act, the Committee remains concerned that the prevalence of violence against women and girls, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace persist in the country. The Committee notes with concern the limited number of shelters and One Stop crisis-centres as it views these to be inadequate in responding to the needs of the victims of violence against women. The Committee also notes with concern that despite the High Court's decision that the extra-judicial punishments fatwas are illegal, there are reports of illegal penalties being enforced through shalish rulings to punish "anti-social and immoral behaviour". The Committee also regrets the absence of data and information on all forms of violence against women as well as the absence of studies and/or surveys on the extent of such violence and its root causes.

**20. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures such as a National Action Plan to address all forms of violence against women and girls, in accordance with its general recommendation 19. It calls upon the State party to expeditiously:**

- a. Ensure that all forms of violence against women and girls, including domestic violence and all forms of sexual abuse are criminalized, that perpetrators are prosecuted and punished and that the women and girls who are victims of violence have access to immediate means of redress, rehabilitation and protection;**
- b. Remove any impediment faced by women in gaining access to justice and ensure that *shalish* decisions do not violate laws and do not lead to extra-judicial penalties;**
- c. Take effective measures to ensure the implementation of the existing legal framework including enactment of legislation on sexual harassment and organize training and awareness-raising programmes for the judiciary and public officials, in particular law enforcement and health service personnel, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims...**

Implementation of Law: inheritance; land rights

35. The Committee is concerned about the disadvantaged position of women in rural and remote areas who experience difficulties in accessing education, health and social services, and a lack of participation in decision-making process. The Committee is also concerned that customary and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

**36. The Committee calls upon the State party to:**

- a. Take the necessary measures to increase and strengthen the participation of rural women in the designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, fertile land and income-generating projects;**
- b. Establish a clear legislative framework to protect women's rights of inheritance and ownership of land; and**
- c. Introduce a comprehensive strategy to modify or eliminate negative customs and traditional practices which affect the full enjoyment of the right to property by women, in rural areas.**

Implementation of Law: child marriage

also Absence of Legislation: Family Code

39. The Committee welcomes the State party's readiness made during the dialogue to engage in discussions to regulate the uniform family code in order to eliminate discriminating differences between Muslims, Hindu, Christians and other religious groups and to establish clear and non-discriminatory provisions on marriage, divorce, inheritance, distribution of property and child custody in compliance with the Convention. The Committee also reiterates its concern that child marriage continues to be practiced widely, particularly in rural areas.

**40. The Committee urges the State party to:**

- a. Take, as a matter of priority, all necessary measures, including through awareness-raising campaigns among all sectors of the society, particularly traditional and religious communities, the media and civil society, on the importance of adopting a uniform family code which provides women with equal rights; and**
- b. Take all appropriate measures to end the practice of child marriages, in accordance with the Committee's general comment No. 21 on equality in marriage and family relations.**

Absence of Legislation: Article 1 definition of discrimination

13. The Committee reiterates its concern that the Constitution of the State party guarantees equal rights to men and women only in spheres of the State and of public life, but does not apply to the private sphere, which is not in line with the Convention.

**14. The Committee calls upon the State party to expend the application of the guarantees of equal rights between women and men to the private sphere in its Constitution in line with articles 1 and 2 of the Convention and in other appropriate legislation.**

Absence of Legislation: trafficking

21. The Committee remains concerned about the continuing prevalence of trafficking in women and girls in the country. The Committee is also concerned that despite the ratification by the State party of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, its provisions have not been incorporated into domestic law, that no extradition treaties with neighbouring countries have been signed to address trafficking and sexual exploitation and that only a few traffickers have been arrested and convicted. The Committee further expresses its concern at the limited gender sensitization trainings for border police and law enforcement personnel.

**22. The Committee requests the State party to fully implement article 6 of the Convention, including through:**

- a. Incorporation of the SAARC Convention into the State party's legislation;**

**b. Intensification of its efforts with respect to international, regional and bilateral cooperation, including conclusion of bilateral agreements with neighbouring countries, in order to prevent trafficking and to harmonize legal procedures aimed at the prosecution of traffickers;**

**c. Adoption of a comprehensive action plan to address trafficking and sexual exploitation and ensure its effective implementation, as well as training of the judiciary, law-enforcement officials, border guards and social workers across the country; and**

**d. Collection and analysis of disaggregated data on all aspects of trafficking in order to identify trends and priority areas for action.**

#### **Absence of Legislation: informal labour**

29. The Committee welcomes the State party's enactment of the 2006 Bangladesh Labour Act, which promotes equality of opportunity in employment and provides equal pay for work of equal value. However, the Committee regrets that this law does not in any respect cover workers in the informal sector where a large population of women are employed. The Committee is also concerned about the persistence of discrimination of women in the labour market, in particular, the occupational segregation and a wide gender wage gap and of the exploitation of girls in this sector.

**30. The Committee urges the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. To this end, the Committee urges the State party to:**

**a. Continue to monitor measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men, and apply the principle of equal remuneration and equal opportunities at work in accordance with ILO conventions 100 and 111; and**

**b. Provide a regulatory framework for the informal sector, with a view to providing women in this sector with access to social security and other benefits and continue to monitor and take measures against the exploitation of girls involved in child labour.**

## **Belarus**

February 2011

#### **Discriminatory Impact of Law: child protection**

43. The Committee notes that Presidential Decree No. 18 of 24 November 2006 authorizing the removal of children from dysfunctional families and requiring parents to reimburse the State for its child care expenditures may re-victimize women with children living in abusive partnerships. It also notes the lack of information on the economic situation of women following divorce.

**44. The Committee recommends that the State party:**

**(a) Apply alternative solutions to removing children from their mothers, whenever the dysfunction of a family results from the socially irresponsible behaviour of the father, and support rather than penalize women with children living in abusive relationships; and**

**(b) In view of the high divorce rate, undertake research on the economic consequences of divorce on both spouses, as well as on gender-based economic disparities between spouses, and include information on the outcome of such research in its next periodic report.**

**Discriminatory Impact of Law: rape**

**also Absence of Legislation: domestic violence; marital rape**

19. While noting the State party's efforts to sensitize the police and law enforcement officers on violence against women, the Committee reiterates its grave concern about the persistence of such violence, in particular domestic and sexual violence; its underreporting; the high number of women killed as a result of domestic violence; the lack of prosecution of violence within the family; the fact that rape is subject to private rather than ex officio prosecution; the absence of separate criminal law provisions on domestic violence and marital rape; and the lack of shelters for victims of domestic violence.

**20. In accordance with its general recommendation No. 19 (1992) on violence against women and the recommendations contained in its previous concluding observations, the Committee urges the State party to:**

**(a) Intensify its efforts to prevent and prosecute acts of domestic and sexual violence against women and impose appropriate penalties commensurate with the gravity of the crime on perpetrators rather than administrative fines which may have an adverse impact on the financial situation of victims themselves;**

**(b) Expedite the adoption of the draft Law on Prevention of Domestic Violence, including specific rights for victims to assistance, protection and compensation;**

**(c) Amend its Criminal Code and Criminal Procedure Code in order to specifically criminalize domestic violence and marital rape, introduce ex officio prosecution for rape, and ensure that the definition of rape covers any non-consensual sexual act;**

**(d) Provide mandatory training to judges, prosecutors and the police on the strict application of legal provisions dealing with violence against women and train police officers, on standardized procedures to deal with women victims of violence;**

**(e) Encourage women to report incidents of domestic and sexual violence, by de-stigmatizing victims and raising awareness about the criminal nature of such acts;**

**(f) Provide adequate assistance and protection to women victims of violence, by strengthening the capacity of crisis rooms in territorial centres for social assistance, increasing the number of State-run shelters for battered women and girls, enhancing cooperation with and funding for NGOs providing shelter and rehabilitation to victims, and reinforcing rehabilitation programmes for alcoholics; and**

**(g) Collect statistical data on domestic and sexual violence disaggregated by sex, age and relationship between the victim and perpetrator.**

**Discriminatory Impact of Law: sexual harassment**

**also Absence of Legislation: sexual harassment**

31. The Committee reiterates its concern about continuing horizontal and vertical segregation in the labour market despite women's high education levels, their concentration in the lower-paid public sector, the persistent gender wage gap forcing many women to work extra hours, women's limited involvement in business and entrepreneurship, and the lack of information on the situation of women in the private and informal sectors. The Committee notes with concern that unemployment is higher among women than men, that women are

unemployed for longer periods, and that fewer women register as unemployed due to low unemployment benefits and compulsory public work. It also expresses concern

that Article 170 of the Criminal Code may not provide adequate protection from sexual harassment in the workplace, as the burden of proof is very high in criminal cases and certain discriminatory practices in the form of sexual harassment might not amount to behaviour punishable under this provision.

**32. The Committee recommends that the State party:**

**(a) Adopt additional policies and measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, with time-bound targets and indicators to achieve substantive equality of men and women in the labour market, promote employment of women, eliminate occupational segregation, and close the gender wage gap;**

**(b) Regularly review the wage levels in female-dominated employment sectors;**

**(c) Eliminate gender bias on the part of private employers to ensure that wage bonuses for women and men are not determined on the basis of traditional stereotypes portraying men as the breadwinner of a family;**

**(d) Strengthen its efforts to promote women's entrepreneurship through special programmes, training, loans and counselling;**

**(e) Collect sex-disaggregated data on the situation of women and men in the private and informal sectors and take effective measures to monitor and improve the working conditions of women in those sectors; and**

**(f) Consider adopting civil legislation defining, prohibiting and preventing sexual harassment in the workplace and shifting the burden of proof in favour of the victim.**

**Absence of Legislation: Article 1 definition of discrimination**

11. The Committee, while noting that the general principles of equality and non-discrimination are guaranteed in article 22 of the Constitution and contained in domestic legislation, remains concerned about the absence of a specific prohibition of discrimination against women in all areas of life in its national legislation, in line with articles 1 and 2 of the Convention. It also notes the absence of a law on gender equality or of comprehensive anti-discrimination legislation covering sex- and gender-based discrimination in the State party.

**12. The Committee calls on the State party to consider adopting a law on gender equality or comprehensive anti-discrimination legislation, including a clear definition of all forms of discrimination against women, covering both direct and indirect discrimination, as well as a clear prohibition of intersecting forms of discrimination against women, in accordance with articles 1 and 2 of the Convention.**

**Absence of Legislation: trafficking**

21. While noting that the State party gives high priority to combating trafficking in human beings, in particular women and children, the Committee remains concerned about the reported lack of preventive measures to address the root causes of trafficking, including its close link to prostitution and sexual exploitation of women and girls, the lack of assistance, rehabilitation, protection and temporary shelters, especially for victims of trafficking who are unable or unwilling to cooperate with the prosecution authorities, and the lack of funding for and cooperation with NGOs providing assistance and temporary shelter to victims of trafficking.

**22. The Committee recommends that the State party:**

**(a) Expedite its efforts with a view to adopting the draft Law on Countering Human Trafficking;**



**(b) Take preventive measures that address the root causes of trafficking in women and girls, in particular its close link to prostitution, sexual exploitation and domestic violence, including through social rehabilitation and reintegration programmes and inform the Committee thereof in its next report;**

**(c) Provide adequate assistance and protection to all victims of human trafficking, as well as temporary residence permits to victims from third countries, irrespective of their capacity or willingness to cooperate in the legal proceedings against traffickers;**

**(d) Increase the number of State-run temporary shelters for victims of trafficking and enhance the responsiveness of territorial centres to their needs; and**

**(e) Strengthen its cooperation with and funding for NGOs providing temporary shelter and rehabilitation and reintegration services to victims of trafficking.**

## **Belgium**

November 2008

### Explicit Discrimination in Law: family name

27. The Committee is concerned that the State party's law on family names discriminates directly against women in that it does not allow a married woman or a woman living in de facto union with a man to give her family name to her children.

**28. The Committee calls upon the State party to modify its legislation on family names in line with article 16 of the Convention so as to guarantee equal rights of women and men to transmit their family names to their children.**

### Discriminatory Impact of Law: sexual violence

29. The Committee reiterates its concern, expressed in its previous concluding observations, about the fact that Belgium's Criminal Code qualifies sexual abuse as a crime of morality rather than as a violent crime.

**30. The Committee calls upon the State party to intensify its efforts to modify the Criminal Code with a view to qualifying sexual abuse as a violent crime rather than as a crime against morality.**

### Discriminatory Impact of Law: trafficking (protection of victims)

41. While commending the State party for the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to the United Nations Convention against Transnational Organized Crime, the Committee is concerned that the root causes of trafficking are not addressed sufficiently by the State party, that resources allocated to this problem are still insufficient and that a comprehensive and coordinated plan at the national level is missing. The Committee is furthermore concerned about insufficient international cooperation in bringing perpetrators to justice. The Committee expresses its concern about the fact that Belgium grants specific residence permits only to those victims of trafficking in human beings who collaborate with the judicial authorities.

**42. The Committee urges the State party to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, signed in 2005, and to continue to take all appropriate measures to combat all forms of trafficking in women and children in line with article 6 of the Convention. In this respect, the Committee urges**

the State party to focus not only on criminal justice measures and the prosecution of traffickers, but also on the protection and rehabilitation of victims of trafficking. It encourages the State party to increase its efforts to combat the root causes of trafficking, to enhance international cooperation, especially with the countries of origin to ensure effective prosecution, to assist the victims through counselling and reintegration efforts and to ensure that adequate resources (human and financial) are allocated to policies and programmes in this area. The Committee urges the State party to ensure the provision of adequate support services to victims, including those who do not cooperate with the authorities, and invites the State party to give consideration to granting victims of trafficking temporary permits to remain in the country.

## Belize

August 2007

Explicit Discrimination in Law: rape

also Impact of Law: marriage age

31. The Committee is concerned that, with the consent of the parents, the legal age of marriage is 16 years. The Committee also notes with concern that a man who has sexual relations with a girl under the age of 16 can, with the consent of her parents, marry her without being prosecuted for carnal knowledge.

**32. The Committee calls upon the State party to raise the minimum age of marriage to 18 years, in accordance with article 16, paragraph 2, of the Convention, general recommendation 21 and the Convention on the Rights of the Child.**

Impact of Law: abortion

27. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in Belize. The Committee is concerned about the high maternal mortality rates. It is further concerned about the number of deaths resulting from induced abortions. The Committee further reiterates its concern about the high rate of teenage pregnancies, which present a significant obstacle to girls' educational opportunities and economic empowerment. The Committee expresses its concern about the high rates of HIV/AIDS among women and girls, and notes that HIV/AIDS related illnesses are the leading cause of death among women between the ages of 15 and 49.

**28. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health, and to ensure a reduction in the maternal mortality rate. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and providing them with access to quality services for the management of complications arising from unsafe abortions, in accordance with the Committee's general recommendation 24 and the Beijing Declaration and Platform for Action, and to reducing the number of deaths resulting from induced abortions. It also recommends that the State party enhance sex education and availability of contraceptives so as to prevent women from having to resort to unsafe abortions. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information**

about the risks and ways of transmission. It also recommends that the State party include a gender perspective in its policies and programmes on HIV/AIDS.

Implementation of Law: pregnancy and education

23. The Committee is concerned about the persistence of social barriers that impede women's education and are reflected in the early dropout rate of girls from school and the lack of measures to ensure that teenage mothers stay in or return to school. The Committee reiterates its concern about the influence of the church on girls' and young women's right to education. In that regard, the Committee repeats its concern that schools remain free to expel girls because of pregnancy, that only a few secondary schools allow girls to continue their education after pregnancy and that schools are allowed to dismiss unwed teachers who become pregnant. It is also concerned that insufficient efforts are being made to encourage girls and young women to enter traditionally male-dominated fields of study.

24. The Committee recommends that the State party implement measures to ensure equal rights of girls and young women to all levels of education, to retain girls in school and to put in place monitoring mechanisms to track girls' access to and achievement levels in education. The Committee recommends that the State party put in place measures, including monitoring mechanisms and sanctions, to ensure that pregnant students stay in school during pregnancy and return after childbirth. The Committee calls on the State party to formulate the necessary legislative and policy measures to ensure de facto adherence to article 10 of the Convention throughout the entire educational system. It also encourages the State party to actively promote the diversification of educational and professional choices for women and men and offer incentives for young women to enter traditionally male-dominated fields of study.

Implementation of Law: labour laws (private sector); sexual harassment

also Absence of Legislation: maternity leave

25. The Committee expresses concern about the situation of women in the labour market, which is characterized by levels of female unemployment at twice the rate of men, inadequate employment opportunities for women, the concentration of women in low-paid sectors of public employment and the consistent wage gap between women and men. It is concerned about the lack of enforcement of labour laws regarding discrimination in the private sector. The Committee notes with concern the absence of a system of maternity leave with pay or with comparable social benefits for all women as required by article 11, paragraph 2 (b), of the Convention. The Committee is further concerned that, while legislation governing sexual harassment is in place, women do not utilize the law to address incidents of sexual harassment in the workplace.

26. The Committee urges the State party to fully implement article 11 of the Convention. It encourages the State party to implement measures to encourage and support women's entrepreneurship, including by raising awareness and providing access to credit. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job-evaluation schemes in the public sector connected with a wage increase in female-dominated sectors. The Committee urges the State party to take further appropriate measures to introduce maternity leave with pay or with comparable social benefits for all women, in line with article 11, paragraph 2 (b), of the Convention. It encourages the State party to ensure full compliance with its labour laws, including by the private sector. It also urges the State party to implement its laws on sexual harassment, raise awareness for women and men workers and ensure that women take advantage of the laws' protective provisions. The Committee invites the State party to monitor the impact of measures taken and trends over time.

## Benin

July 2005

### Explicit Discrimination in Law: spousal consent for contraception and family planning services

31. While noting the efforts made by the State party to improve reproductive health care for women, the Committee remains concerned about the lack of access to adequate health care of women and girls, particularly in rural areas. It is concerned about the causes of morbidity and mortality in women, particularly the number of deaths due to illegal abortions, and about inadequate family planning services and the low rates of contraceptive use. The Committee expresses its concern that women require the permission of their husbands to obtain contraceptives and family planning services.

32. **The Committee recommends that the State party take measures, in accordance with general recommendation 24 on women and health, to improve and increase women's access to health care and health-related services and information, particularly in rural areas. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing clandestine abortions, and to make available, without requiring the permission of the husband, contraceptive services to women and girls. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases.**

### Inadequate Implementation of Law: polygamy; levirate marriage; inheritance; marriage age; female genital mutilation

21. While welcoming the adoption of the Personal and Family Code in 2004, aimed at eliminating discrimination against women and abolishing many discriminatory provisions of the customary law of Dahomey, including polygamy, levirate marriage and discrimination in inheritance rights and the age of marriage, the Committee remains concerned about the application of customary practices and the consequences thereof. It is also concerned about the prevalence of structural patriarchal attitudes and deep-rooted stereotypes that may undermine the effectiveness of the Code and prevent compliance with its provisions. The Committee expresses similar concerns regarding the effectiveness of the law on female genital mutilation. The Committee is concerned about the status of marriages concluded prior to the Code's coming into force.

22. **The Committee calls upon the State party to develop and implement comprehensive educational measures and awareness-raising campaigns on the provisions of the Personal and Family Code and on other laws designed to eliminate discrimination against women so as to achieve full compliance with their provisions. It also urges the State party to ensure that the polygamous marriages concluded prior to the entry into force of the new Code enjoy the same rights and benefits provided for in the new Code. The Committee recommends that those efforts be undertaken in combination with educational programmes designed to raise awareness and challenge discriminatory harmful customs, traditions, practices and stereotypical attitudes regarding the roles and responsibilities of women in the family and society, as required under articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake these efforts in collaboration with civil society and women's and human rights organizations, and to target women and men in all segments of society, including public officials at all levels of Government, community and traditional leaders, and employers and the general public.**

### Absence of Legislation: Article 1 definition of discrimination

19. While the Committee notes with satisfaction that, following ratification, international treaties prevail over national laws, it remains concerned about the status of implementation of the Convention. In particular, the Committee is concerned about limited compliance in national laws and policy with the provisions of the

Convention and the definition of discrimination contained in article 1. The Committee is especially concerned about the State party's narrow focus primarily on de jure equality rather than the realization also of de facto, or substantive, equality of women as required under the Convention. The Committee is concerned about lack of efforts to assess the impact of laws and policies on women's equality in such sectors as decision-making, education, employment and health.

20. The Committee recommends that the State party review all its laws, policies and programmes to ensure compatibility and compliance with the Convention and take all appropriate legislative and other measures to ensure that women enjoy de facto equality with men in all sectors, including adequate sanctions prohibiting direct and indirect discrimination against women as defined in article 1 of the Convention, as well as remedies for violation of rights. It recommends the implementation of campaigns to raise awareness about the Convention and the State party's obligations under the Convention, including the meaning and scope of substantive equality between women and men. Such efforts should be aimed at the general public and especially at public officials, the judiciary and the legal profession. The Committee calls on the State party to assess progress towards the achievement of women's de facto equality in all sectors and provide that information in the next report.

#### Absence of Legislation: domestic violence; marital rape; sexual violence

23. The Committee is concerned about the absence of policies and programmes, including legislation, to address violence against women and the economic exploitation and ill-treatment of young girls employed as domestic servants. The Committee is particularly concerned about the perception prevalent in the State party that violence against women, particularly domestic violence, is a private matter and the reluctance of women to report incidences of violence committed against them. The Committee also expresses its concern about the paucity in the report of information and statistics on violence against women.

24. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to combat violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual abuse, and to ensure that women and girls, including domestic servants, who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that training be undertaken for the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. It also recommends the implementation of awareness-raising campaigns through the media and public education programmes, and the working towards a zero-tolerance policy on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.

#### Absence of Legislation: trafficking

25. While welcoming the adoption of measures to prevent and combat trafficking in children, the Committee is concerned that similar measures have not been undertaken with regard to trafficking in women.

26. The Committee urges the State party to take measures to combat trafficking in women through the adoption and implementation of a comprehensive strategy, including national laws and subregional cross-border initiatives, to prevent trafficking, punish offenders and protect and rehabilitate victims.

## Bhutan

August 2009

### Explicit Discrimination in Law: citizenship

35. The Committee recalls its previous recommendation on the situation of ethnic Nepalese women who lost their Bhutanese citizenship following the enactment of the 1958 Citizenship Act, and expresses its continued concern at the impact that this may have on women acquiring citizenship based on their marital status and passing their citizenship to children born outside of the country, as well as children with non-national fathers, in particular those under 15 years of age, whose rights, including to education and access to health care, may be limited.

**36. The Committee is encouraged by the State party's willingness to resume talks with the Government of Nepal and recommends that it resolve all outstanding issues, including ensuring full access to free education and health services to all children under 15 years of age.**

### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

11. While welcoming the adoption in 2008 of the first written Constitution, the efforts of the State party to integrate the provisions of the Convention into the Constitution, and the indication by the delegation that most laws have been harmonized with the Convention, the Committee is concerned that the Constitution does not explicitly include a provision on the applicability of international treaties, including the Convention, and that it does not specify that, in the event of a conflict between national law and the Convention, the Convention would prevail. The Committee notes that article 7 of the Constitution provides for equal protection before the law which, as the delegation explained, should be interpreted to include formal and substantive equality between men and women, and that article 9 contains specific provisions to safeguard the rights of women. The Committee is concerned, however, that the provisions contained in articles 7 and 9 of the Constitution may be narrowly interpreted and regrets that the Constitution does not contain an express and comprehensive definition of discrimination against women in line with article 1 of the Convention, which prohibits both direct and indirect discrimination.

**12. The Committee calls on the State party to consider enacting appropriate national legislation, containing a prohibition of discrimination against women, both direct and indirect, in line with articles 1 and 2 (b) of the Convention, as well as the principle of formal and substantive equality between men and women, in accordance with article 2, subparagraph (a), of the Convention. The Committee further calls on the State party explicitly to provide in its**

**Constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the Convention, are directly applicable at the domestic level and prevail over conflicting legislation.**

### Absence of Legislation: violence against women; domestic violence

19. The Committee welcomes the various initiatives taken by the Government to address sexual, gender-based and domestic violence, including the commissioning of a report on violence against women, setting up mobile police stations, training the police on gender issues, and initiatives taken by civil society, such as opening a crisis and rehabilitation centre for women victims of such violence. The Committee further welcomes the delegation's indication that a bill on domestic violence would be tabled by 2010. The Committee is nonetheless concerned that violence has reportedly been experienced by women in marriage, within the family and at their workplaces, and that the State report has identified a low level of awareness among women of their rights and that there is a culture of silence. The Committee considers that there are many issues to address in the fight against violence against women, particularly in light of the very few court cases on sexual and other forms of violence against

women. The Committee is further concerned that domestic girl child workers may be particularly vulnerable to such violence.

**20. The Committee urges the State party to give priority attention to eliminating all forms of violence against women, as well as increasing access to justice for women victims of such violations, including in remote and rural areas. The Committee encourages the State party to enact legislation, including on domestic violence, as a matter of priority. Such legislation should ensure that violence against women and girls constitutes a criminal offence and the basis of a civil claim; that perpetrators are prosecuted and punished in accordance with the seriousness of the offence; and that women and girls, including in remote and rural areas, who are victims of such violence have access to protection. The Committee encourages further training and awareness-raising for law-enforcement officials and health-care providers to ensure that they are sensitized to all forms of violence against women. The Committee also recommends that the State party adopt measures to increase the number of women working on these issues, including in the police force and other law-enforcement agencies.**

## **Bolivia**

April 2008

### Explicit Discrimination in Law: rape; divorce

7. The Committee is concerned at the disparity between the de jure and de facto situation regarding the legal protection of women and gender equality. While the Committee welcomes the legislative reforms carried out and the bills currently before Parliament designed to improve the status of women in Bolivia, it is concerned that discriminatory provisions still remain in the State party's criminal and civil law. In this regard, special reference is made to article 317 of the Penal Code which provides that there shall be no punishment in cases of rape and other abuses when perpetrators marry their victims, and to article 130 of the Family Code on the grounds for divorce.

**8. The Committee urges the State party to take the necessary measures to ensure the full implementation of existing legislation on gender equality. The Committee urges the State party to streamline procedures for review of the compatibility of those laws with the Convention, to repeal without delay all legislation that discriminates against women, including discriminatory provisions in its criminal and civil law and to ensure the enforcement of laws prohibiting discrimination against women.**

### Discriminatory Impact of Law: marriage age

44. While the Committee takes note of the State party's efforts to raise the age of marriage for women, particularly through current reforms to the Family Code, it is concerned that such reform sets 16 years of age as the minimum age for marriage for both males and females, since marriage at such a young age can prevent girls from pursuing their studies and induce them to drop out of school early.

**45. The Committee urges the State party to take the necessary steps in this reform currently under way to raise the minimum age for marriage to 18 years of age for both males and females, in line with the provisions of article 1 of the Convention on the Rights of the Child; article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women; and the Committee's general recommendation No. 21 on equality in marital and family relations.**

### Impact of Law: domestic and sexual violence

### also Implementation of Law: domestic and sexual violence

24. While the Committee takes note of various legislative and political initiatives to reduce violence against women, including domestic and sexual violence, it remains gravely concerned about the extent, intensity and prevalence of such violence in the State party, which borders on femicide, and about the lack of statistical data thereon. The Committee is particularly concerned about the shortcomings of Law No. 1674 on Family and Domestic Violence and Law No. 2033 on the Protection of Victims of Crimes against Sexual Freedom, in particular the priority given to reconciliation and family integrity, as well as about the fact that judicial personnel persuade women victims not to claim their rights before the judicial system.

**25. The Committee calls upon the State party to ensure that existing legislation to combat violence against women and girls, especially domestic and sexual violence, is appropriately formulated and enforced, and give priority attention to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, in conformity with general recommendation 19, to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. The Committee encourages the State party to provide statistical data on the incidence of domestic violence, and information on steps taken to deal with the problem, progress achieved and remaining obstacles in its next periodic report.**

### Implementation of Law: abortion

42. The Committee is concerned at the lack of a gender perspective in the delivery of health services limiting to women of child-bearing age. The Committee expresses its concern at the high rate of maternal mortality in the State party, caused mainly by pregnancy-related problems and the lack of appropriate medical care, particularly in the rural areas. The Committee is also concerned about the difficulties in obtaining a legal abortion — both therapeutic and ethical — owing, inter alia, to the lack of implementing regulations for the laws in force and the tendency, as a result, for many women to seek illegal and unsafe abortions.

**43. The Committee recommends that the State party integrate a gender perspective into its national health policy in line with general recommendation 24 and improve access to health services to the most vulnerable groups of women, in particular rural and indigenous women. The Committee urges the State party to act without delay and adopt effective measures to resolve the problem of the high rate of maternal mortality by guaranteeing adequate prenatal, childbirth and post-natal care, and ensuring access to health-care facilities and medical assistance provided by trained workers in all parts of the country, particularly in the rural areas. The Committee urges the State party to adopt regulations to implement existing laws on Bolivian women's right to therapeutic abortion. The Committee also urges the State party to afford women access to high-quality services for the treatment of complications resulting from unsafe abortions with a view to reducing maternal mortality rates.**

## **Bosnia and Herzegovina**

June 2006



### Impact of Law: trafficking

27. Despite the adoption of a number of legal and other measures, including a national plan of action, with respect to trafficking of persons, and the reported positive impact of these measures in reducing the number of cases, the Committee is concerned that trafficking in women remains a problem in the State party as a country of origin, transit and destination. The Committee is also concerned about new forms of trafficking of women into Bosnia and Herzegovina, including through fake arranged marriages. The Committee is further concerned that current protection measures do not apply to women nationals of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution.

**28. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women and raising awareness so as to eliminate their vulnerability to traffickers, as well as enhancing social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. The Committee recommends that protection be extended to also cover women of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution. It calls on the Government to ensure that traffickers are punished to the full extent of the law and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers before, during and after the proceedings. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls as well as an analysis of emerging forms of trafficking of women into Bosnia and Herzegovina and the measures in place to confront these new developments.**

### Implementation of Law: domestic violence

25. While recognizing the State party's legal and other efforts to address violence against women, the Committee is concerned that the legal texts adopted in both entities may allow for differing judicial interpretations and inconsistent application of penalties due to the fact that in the Federation of Bosnia and Herzegovina domestic violence is defined as a crime while in the Republika Srpska it is defined both as a crime and a misdemeanour. In addition, the implementation of the law is hampered by the lack of necessary by-laws and structures. The Committee is also concerned about the absence of statistical data on acts of domestic violence against women and that such acts continue to be underreported and viewed as a private matter.

**26. The Committee calls upon the State party to harmonize the laws of the two entities and to speed up the formulation and adoption of by-laws and the establishment of relevant structures and institutions needed for implementation. In addition, it recommends that concrete measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and are skilled to respond to them in an adequate manner. The Committee also encourages the State party to collect data on incidences of domestic violence against women and, based on such data, continue to develop sustainable strategies to combat this human rights violation.**

### Implementation of Law: employment

33. The Committee expresses concern at women's particularly low representation in the labour market, the high rate of unemployment of educated women and persistent patterns of direct and indirect discriminatory practices against women in public and private employment with respect to recruitment, promotion, pay, maternity protection and employment termination, as well as sexual harassment. The Committee is also concerned at women's concentration in certain employment sectors, which receive less pay than male-dominated sectors, and

in lower-paid jobs in general, as well as at women's significant representation in the informal "grey economy" and in small agricultural enterprises, which negatively affects their eligibility for social security and health care.

**34. The Committee urges the State party to implement the relevant sections of the Law on Gender Equality and the relevant recommendations from the project on implementation of this law and to bring to justice public and private employers who violate equality provisions under the Law on Gender Equality and labour regulations. The Committee also urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women fully benefit from all planned programmes to support entrepreneurship, including through favourable credit conditions. It recommends that efforts be strengthened to increase women's representation in the formal economy and to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men in the public sector; and to ensure women's access to vocational training.**

## **Botswana**

February 2010

### Explicit Discrimination in Law: adoption; marriage; divorce; burial; inheritance

11. The Committee is deeply concerned that section 15 (4) of the Constitution exempts adoption, marriage, divorce, burial and devolution of property on death and other matters of personal law from the constitutional provision of non-discrimination, indicating violations by the State party of rights set forth in the Convention, in particular articles 2 and 16 of the Convention.

**12. The Committee urges the State party to repeal urgently and without delay section 15 (4) of the Constitution, in order to end violations of women's rights with respect to adoption, marriage, divorce, burial and devolution of property on death and other matters of personal law in line with articles 2 and 16 of the Convention.**

### Explicit Discrimination in Law: marriage & family; land rights; marriage age; divorce & separation; marriage registration

#### Implementation of Law: marriage & family

41. While welcoming the important legal reforms and progress that have taken place in the area of family relations, the Committee is concerned at women's unequal status in marriage and family owing to customary and traditional practices. The Committee notes with concern that the Abolition of Marital Power Act which gives both partners in common law marriage equal powers in the family and the amendment to the Deeds Registry Act which enables women to register immovable property in their own names do not apply to customary and religious marriages. The Committee expresses the same concern that the Matrimonial Causes Act Cap 29:6 regulating matters pertaining to divorce, judicial separation and other incidental matters and the Marriage Act Cap 29:01 regulating the registration of marriage and setting 18 years old as minimum age for both boys and girls to marry do not apply to customary and religious marriages. The Committee notes that the existence of section 15 (4) in the Constitution is the main reason why the above named acts are not applicable to customary or religious marriages.

**42. The Committee urges the State party to repeal section 15 (4) in the Constitution and to extend the above-mentioned laws to customary and religious marriages so as to address entrenched customary laws which impair gender equality and lead to gender discrimination in the family. It calls upon the State party to develop and implement comprehensive educational measures and awareness-raising campaigns aimed at publicizing statutory legislation that ensures gender equality in marriage and family relations with regard to all sectors of**

**the society, including the judiciary, the legal profession, law enforcement agents, public officials and community and civil society organizations, with the involvement of and in cooperation with the media.**

#### Implementation of Law: marriage and family

13. The Committee is concerned about the existence of the dual legal system of Roman-Dutch law and customary law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee reiterates the concern expressed in the concluding observations of the Human Rights Committee (CCPR/C/BWA/CO/1) regarding the fact that the precedence of constitutional law over customary law is not always ensured in practice. The Committee is further concerned that most women lack the necessary information and resources to gain access to the civil courts and are still subject to the jurisdiction of traditional courts that apply customary law.

**14. The Committee urges the State party to increase its efforts to raise awareness of the precedence of constitutional law over customary laws and practices, of the entitlement to request the transfer of a case to constitutional law courts, and of appeal before constitutional law courts. It also urges the State party to ensure that the procedures of customary courts are brought in line with statutory courts and that their decisions are appealable to statutory courts.**

#### Absence of Legislation: Article 1 definition of discrimination

9. The Committee is concerned that, although Botswana ratified the Convention in 1996 without reservations, the Convention still has not been domesticated as part of Botswana law. It notes with concern that, short of such full domestication, the relevance of the Convention has not yet been established in the State party. However, the Committee welcomes that fact that despite the non-domestication of the Convention, the judiciary is of the opinion that Botswana laws should be interpreted in line with international instruments, including the Convention. The Committee is further concerned that, although section 3 of the Constitution affirms the principle of non-discrimination on the basis of sex among other grounds, neither the Constitution nor other laws include a definition of discrimination against women in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination.

**10. The Committee urges the State party to place high priority on completing the process of full domestication of the Convention and to reaffirm that the judiciary is obliged to interpret Botswana laws in line with the provisions of the Convention. The Committee calls on the State party to include in the Constitution or other appropriate legislation a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention.**

#### Absence of Legislation: domestic violence; marital rape; sexual harassment; sexual violence

25. The Committee is concerned about the prevalence of violence against women and girls, including domestic violence, which appears to be tolerated by society. While noting with appreciation the enactment of the Domestic Violence Act in 2008 which provides civil remedies to victims, including protection orders, the Committee is concerned about the legislative gaps in this area, including the lack of specific legislation on domestic violence, including marital rape. It is also concerned that there is no specific legislation to address sexual harassment.

**26. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation No. 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, sexual harassment and on all forms of sexual abuse as soon as possible. Such legislation should ensure that violence against women and girls constitutes a criminal offence; that women and girls who are victims of violence have access to immediate means of redress and protection; and that perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for**

parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and healthservice providers so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the establishment of shelters and the provision of counselling services for victims of violence as well as the organization of public awarenessraising campaigns on the fact that all forms of violence against women are considered discrimination under the Convention and, therefore in violation of women's rights.

Absence of Legislation: equal pay; sexual harassment; maternity leave (private sector)

33. Labour Organization Conventions, and in particular Convention No. 100 on equal pay and Convention No. 111 on discrimination, the principle of equal remuneration for work of equal value has yet to be reflected in the Employment Act and that its non-discrimination clause applies only with respect of termination of employment. The Committee regrets that the report did not provide sufficient information, including data disaggregated by sex, which prevented the Committee from gaining a clear understanding of women's enjoyment of the rights enshrined under article 11 of the Convention. In particular, the report does not give a clear picture of women's participation in the labour force in urban and rural areas and in the informal sector, where the vast majority of women work, their unemployment rates, vertical and horizontal labour-force segregation, women's ability to benefit from new economic opportunities, and the State party's efforts to ensure their rights and social benefits, including maternity protection. It is concerned that legal provisions governing maternity benefits in the public sector do not apply in the private sector and that there are no laws dealing with sexual harassment.

34. The Committee calls on the State party to take the opportunity that the review of the Employment Act offers to include the principle of equal remuneration for work of equal value and to extend the prohibition of discrimination so as to cover access to vocational training, employment, promotion, and terms and conditions of employment. The Committee invites the State party to provide in its next report detailed information, including trends over time, about the situation of women in the field of employment, in both the formal and informal sectors, and about measures taken and their effectiveness in creating equal opportunities for women through the generation of new economic activities. The Committee further recommends that the State party pay particular attention to the condition of women workers in the informal sector and invites the State party to provide, in its next report, information regarding credit, training, technology and their access to markets, as well as to social benefits and maternity protection. The Committee further urges the State party to establish an effective monitoring and regulatory mechanism on employment issues and practices in the private sector. It also urges the State party to ensure that the private sector apply legal provisions governing maternity benefits and adopt legislation on sexual harassment applicable in both the public and private sector.

## Brazil

August 2007

Impact of Law: abortion

29. While noting the steps taken by the State party to enhance women's health, including sexual and reproductive health, such as the National Policy for Sexual and Reproductive Rights (May 2006), the National Pact for the Reduction of Maternal Mortality and the Integrated Plan for Fighting the Feminization of HIV/AIDS and other Sexually Transmitted Diseases, the Committee is concerned that the rate of maternal mortality remains high, indicating precarious socio-economic conditions, low levels of information and education, family dynamics associated with domestic violence and particularly difficult access to quality health services. It is also concerned about the magnitude of teenage pregnancy. The Committee is further concerned at the high number of unsafe

abortions, the punitive provisions imposed on women who undergo abortions and the difficulties in accessing care for the management of complications arising as a result.

**30. The Committee encourages the State party to continue its efforts to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness about, as well as access to, a range of contraceptives and family planning services. The Committee further requests the State party to monitor closely the implementation of the National Pact for the Reduction of Maternal Mortality at state and municipal levels, including by establishing maternal mortality committees where they still do not exist. The Committee recommends that the State party give priority attention to the situation of adolescents, and that it provide appropriate life skills education with special attention to the prevention of pregnancies and HIV/AIDS and other sexually transmitted diseases. The Committee further recommends to the State party to expedite the review of its legislation criminalizing abortion with a view to removing punitive provisions imposed on women who undergo abortion, in line with general recommendation 24 and the Beijing Declaration and Platform for Action. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions.**

#### Implementation of Law: equal pay

#### Absence of Legislation: domestic labour

27. While acknowledging positive developments in the implementation of article 11 of the Convention, including the Gender Pro-Equity Programme, the Programme to Encourage Economic Autonomy for Women in the Work World and the Programme to Combat Poverty, the Committee is concerned at the discrimination faced by women in employment, as reflected in the enduring wage gap that increases with their level of education, occupational segregation and fewer opportunities for career advancement. The Committee is also concerned about the situation of women domestic workers, principally women of African descent, who have been generally excluded from the protection of labour law and are vulnerable to exploitation by their employers, including sexual abuse.

**28. The Committee recommends that the State party adopt policies and concrete measures to accelerate the eradication of pay discrimination against women and to work towards ensuring de facto equal opportunities for women and men in the labour market. It also recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of affordable childcare, and that the equal sharing of domestic and family tasks between women and men be promoted. The Committee calls on the State party to ensure that women domestic workers are duly protected against discrimination, exploitation and abuse. It recommends that Law 11324 (2006), which allows an employer of a domestic worker to take a tax deduction for a percentage of the social security contribution, be monitored and evaluated so as to determine whether this incentive has contributed significantly to the formalization of domestic work. It encourages the State party to adopt without delay Bill 7363/2006, which regulates domestic work and includes domestic workers in the Time-Served Guarantee Fund.**

## **Burkina Faso**

October 2010

### Explicit Discrimination in Law: marriage age; polygamy

#### also Implementation of Law: child marriage; marriage registration

49. The Committee notes with concern the persistent discrimination towards women in certain laws relating to family life. Despite the existence of the Individual and Family Code, the Committee is concerned about the different age of marriage for women and men in this Code and that the practice of child marriage of girls much younger than the age specified by the Code still prevails in rural areas. The Committee also notes with concern that while monogamy is established in the Code as the marriage regime, polygamy remains a legal option. While noting that only marriages celebrated in front of a registrar are valid and capable of giving rise to claims if one of the parties fails to meet his or her obligations, it is concerned that different types of marriages including civil, religious, customary marriages, and civil partnerships are common, including early marriages in rural areas, with no adequate legal protection to women.

**50. The Committee urges the State party to repeal all laws relating to family life that are discriminatory towards women, and reiterates its previous recommendation that the State party eliminate those provisions in the Individual and Family Code relative to polygamy (Articles 257-262 of the Code) in accordance with article 16 of the Convention and article 14 of the Convention on the Rights of the Child, and in light of the Committee's general recommendation No. 21, urges the State party to accelerate the legislative reform of the Individual and Family Code so as to standardize the minimum legal age of marriage at 18 years for both women and men (Article 238 of the Code) to ensure equality in family laws. The Committee further urges the State party to take all legal and other necessary measures to combat child marriages.**

#### Implementation of Law: inheritance; land rights; family headship

43. The Committee reiterates its concern about the difficulties faced by rural women and the huge disparities in access to facilities between rural and urban areas. The Committee expresses concern about discriminatory customs and traditional practices remaining prevalent in rural areas which do not recognize the formal law promoting the equality of men and women and which prevent women from enjoying their rights, including inheriting or acquiring ownership of land, and participating in key domestic decisions. It is further concerned that cases of discrimination are dealt with by traditional chiefs, as bringing cases to justice adds social pressure on the complainant.

**44. The Committee reiterates its previous recommendation and urges the State party to pay special attention to the needs of rural women, ensuring that they can fully participate in decision-making processes and have full access to education, health services and credit and marketing facilities. The Committee further urges the State party to ensure that rural women have access to health services, education, clean water, electricity, land, and income-generating projects. It recommends that the State party design and implement gender-sensitive rural development strategies and programmes, ensuring the full participation of rural women in their formulation and implementation. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination with respect to ownership and inheritance of land. It encourages the State party to continue its efforts to improve women's access to courts including sensitization as well as translation of relevant legal provisions into local languages. The Committee also calls upon the State party to provide information about the impact of the Strategic Framework for Reducing Poverty on rural women.**

#### Implementation of Law: land rights; violence against older women

45. The Committee expresses concern about the socio economic situation of older women, who often face multiple forms of discrimination including on the basis of age and poverty. While noting the efforts made by the State party, the Committee is concerned by the cultural beliefs affecting older women, including the fact that under customary laws, widowers are denied the right to inherit land and assets. The Committee is especially concerned by accusations of witchcraft against older women made in particular in Mossi society and within polygamous families, which subject women to violence and often expulsion from their homes and their families.

46. The Committee recommends that the State party pay special attention to the precarious situation of older women, to ensure that they have full access to health and social services. It calls upon the State party to protect women's rights to assets and inheritance and to improve access to justice for women and especially isolated, older women. The Committee urges the State party to undertake appropriate educational measures to change traditional views regarding older women, and to combat all forms of discrimination and violence against them, particularly accusations of witchcraft and expulsions from their homes and families. It recommends that the State party include making use of sanctions and punishment for offenders. It further calls upon the State party to adopt special programmes that address the psychological trauma, physical harm, social exclusion and impoverishment suffered by women accused of witchcraft.

#### Absence of Legislation: Article 1 definition of discrimination

9. The Committee regrets that national legislation does not prohibit direct and indirect discrimination against women in line with articles 1 and 2 of the Convention. While noting with appreciation the State party's commitment and efforts to address challenges with regard to the human rights of women, the Committee remains concerned that customary and traditional practices and stereotypical perceptions of the role of women pose significant obstacles to implementation.

10. The Committee calls on the State party to provide in its Constitution or other appropriate legislation provisions that prohibit discrimination against women that encompasses both direct and indirect discrimination in line with articles 1 and 2 of the Convention. It urges the State party to continue and increase sensitization and education efforts with regard to discrimination against women.

#### Absence of Legislation: domestic violence; violence against women

21. The Committee reiterates its concern that the State party has not yet adopted any specific legislation to eliminate violence against women, including domestic violence, which appears to be tolerated in society (CEDAW/C/BFA/CO/4-5 para. 23). The Committee regrets the lack of information and statistics on the number of incidents of the various forms of violence against women. It also expresses its concern about the lack of legal aid, shelters and counselling services for victims.

22. The Committee reiterates its previous recommendation in full and, in accordance with its general recommendation No. 19, urges the State party to enact legislation on violence against women, including domestic violence, so as to ensure that violence against women is prohibited and sanctioned, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. In this regard, it urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls. The Committee encourages the State party to ensure that legal aid is provided to assist victims. It also recommends that the State party carry out educational and awareness-raising trainings for the judiciary and public officials, in particular law enforcement personnel, health service providers and social workers, community leaders and the general public so as to raise awareness and sensitization that all forms of violence against women are unacceptable and to provide adequate support to victims of all forms of violence against women. Further, it also reiterates its recommendation that the State party establish shelters and counselling services for victims of violence.

## **Burundi**

April 2008



### Explicit Discrimination in Law: marriage age; family headship; adultery

11. While taking note of the legislative reform announced by the State party, the Committee is concerned that the State party has done little to follow up on the concluding observations adopted by the Committee when it considered the initial report of Burundi in 2001, in particular the recommendations to amend existing laws that discriminate against women and to reduce the gap between de jure and de facto equality, despite the legal reforms provided for by the Arusha Agreement with a view to improving the status of women.

12. **The Committee reiterates its recommendation that the State party take the necessary steps to bring discriminatory laws, inter alia, the Code of the Person and the Family and the Penal Code, into line with the Convention. It strongly recommends amendment of the provisions that stipulate a minimum marriage age for women that is different from that for men (article 88 of the Code of the Person and the Family), indicate that the man is the head of the household (article 122 of the Code of the Person and the Family) and establish discrimination with regard to adultery (article 3 of the Penal Code). The Committee again calls on the Government to ensure the effective implementation of laws and policies that provide for de jure equality and seek to eliminate discrimination against women. It recommends that the Government ensure that those responsible for the implementation of these laws and policies are made aware of their discriminatory contents and that information campaigns be put in place to ensure wide knowledge of the reform of these laws and policies.**

### Impact of Law: prostitution

27. The Committee is concerned about the absence of effective measures to combat the phenomenon of trafficking in women for the purposes of prostitution, including its causes and extent, in particular from the State party's perspective as a country of origin, transit and destination. It further regrets the lack of information and statistical data on trafficking in women and girls. The Committee is also concerned that article 539 of the draft revised Penal Code establishes that prostitution of women is an offence punishable by imprisonment for a term of one to six months and a fine of 5,000 to 20,000 francs.

28. **The Committee urges the State party to analyse the causes and extent of trafficking in women and girls, from its perspective as a country of origin, transit and destination. It further recommends that the State party strengthen measures to combat and prevent trafficking in women and girls and to improve the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. The Committee invites the State party to provide, in its next periodic report, detailed information on trafficking in women and girls, on the criminalization of the exploitation of prostitution of women, on the protection, recovery, as well as reintegration programmes for victims of exploitation and trafficking. The Committee urges the State party to amend article 539 of the draft revised Penal Code to ensure that prostitutes under 18 years of age and those who are victims of trafficking are not punished but can benefit from protection measures.**

### Explicit Discrimination in Law: nationality

29. The Committee notes with concern that article 4 of the Nationality Code does not comply with article 9 of the Convention because it does not allow a Burundian woman married to a foreigner to transmit her nationality to her husband or children on the same basis as a Burundian man married to a foreigner.

30. **The Committee urges the State party to amend the Nationality Code so as to bring it into line with article 9 of the Convention.**



### Implementation of Law: inheritance; matrimonial property; marriage

#### also Absence of Legislation: Family Code

13. The Committee notes with concern that customary law is still recognized in the State party and has a detrimental impact on the rights of women with regard to inheritance, matrimonial regimes and gifts.

14. **The Committee recommends that the State party adopt a uniform family code ensuring de jure and de facto equality for women with regard to inheritance, matrimonial regimes and gifts, and that it ensure its effective implementation, particularly in rural areas. The Committee calls on the State party to organize an awareness-raising campaign in order to educate rural chiefs about the new laws to ensure their effective implementation.**

### Implementation of Law: rape; sexual violence; widows

#### also Absence of Legislation: domestic violence; violence against women

23. While noting the State party's efforts to combat violence against women, the Committee is deeply concerned about the high number of women and girls who are victims of rape and other forms of sexual violence, including incest. It is also concerned about the impunity which is too often enjoyed by the perpetrators of these acts and the extrajudicial or amicable settlement of cases, including by the administrative authorities, which favour practices such as marriage between the rapist and the victim. The Committee is concerned that women victims of violence, including those who were victims of the armed conflict, do not have sufficient support. The Committee is also alarmed at the persistence of negative traditional practices with regard to widows. Further, it is seriously concerned about the scale of the phenomenon of domestic violence and the fact that it is not prohibited in the Penal Code or in a separate legislation.

24. **The Committee urges the State party to adopt a comprehensive strategy to combat all forms of violence against women. It encourages the State party to make use of the Committee's general recommendation 19 in its efforts to combat violence against women and also of the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1), in particular the good practices identified in the study. It also encourages the State party to consider the campaign for the elimination of violence against women launched by the Secretary-General. The Committee invites the State party to raise public awareness, through the media and education programmes, that all forms of violence against women are unacceptable. It calls on the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers so as to ensure that the perpetrators of violence against women are prosecuted and punished, and to provide victims with gender-sensitive support. It calls on the State party to enhance access to justice for victims, including victims of armed conflict, and to take steps to provide them with legal, medical and psychological support. It urges the State party to enact legislation on domestic violence and all forms of gender-based violence. The Committee calls on the State party to ensure the protection of widows from negative traditional practices. It requests the State party to provide information in its next report on the laws, policies and programmes in place to eradicate all forms of violence against women, as well as statistical data and trends concerning the prevalence of such violence.**

## **Cambodia**

July 2006

### Explicit Discrimination in Law: marriage age

#### also Implementation of Law: marriage and family; forced marriage

33. While taking note of the Marriage and Family Law, the Committee is concerned about the lack of enforcement and an effective monitoring mechanism thereof. The Committee is concerned that traditional and cultural factors are preventing women from exercising the full enjoyment of their rights within the family, in particular the right to enter into marriage with free and full consent, as required under article 16 of the Convention. It is further concerned about the difference in the age at which women and men may enter into marriage.

**34. The Committee urges the State party to widely disseminate information about the Marriage and Family Law and to address the cultural and traditional factors that perpetuate discrimination against women. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

### Discriminatory Impact of Law: domestic violence

#### also Implementation of Law: domestic violence

15. While welcoming the adoption of the Law on Prevention of Domestic Violence and Protection of Victims and the ongoing reform of the Criminal Code, the Committee is concerned that provisions remain in the law that may limit its application in cases of spousal abuse and that it does not protect former spouses against abuse. It is also concerned about the limited progress achieved in preventing and eliminating violence against women and the existing obstacles that gravely limit the effective enforcement of the Law. In particular, the Committee is concerned that women face significant obstacles in accessing justice because of a lack of trust in the judicial system, the arbitrary interpretation of the criminal law by judges in favour of perpetrators, the prevalence of impunity of perpetrators, the limited availability of legal aid and the high cost of medical certificates that are required in cases of rape and sexual assault. The Committee is also concerned about the persistence of permissive attitudes towards gender-based violence and that women fear stigmatization when seeking remedies.

**16. The Committee urges the State party to place high priority on implementing a comprehensive approach to address all forms of violence against women, including the effective enforcement and monitoring of legislation on domestic violence. It also urges the State party to raise public awareness through media and education programmes that violence against women, including domestic violence, is unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers on the new Law on Prevention of Domestic Violence and Protection of Victims, and to fully sensitize them to all forms of violence against women so as to ensure that the perpetrators of violence are effectively prosecuted and punished with the required seriousness and speed. It also recommends that legal aid be made available to victims in both urban and rural areas and that required medical certificates be provided free of charge. The Committee further recommends that the State party seek to increase the number of female judges and law enforcement officials as a means to encourage women to report cases of violence. It calls on the State party to establish support measures for victims of domestic violence, including shelters and legal, medical and psychological support. The Committee encourages the State party to make full use of the Committee's general recommendation 19 in its efforts to address violence against women.**

### Discriminatory Impact of Law: trafficking

#### also Implementation of Law: trafficking

19. While taking note of the various measures implemented to combat trafficking, including the revision of legislation and the adoption of subregional cross-border agreements, the Committee expresses concern about the

lack of enforcement of legislation, the impunity of traffickers and the absence of accurate data on trafficking. The Committee is concerned about the stigmatization of victims of trafficking and the insufficient measures for their rehabilitation and reintegration into the community. It is further concerned that women and girls who have been trafficked may be punished for violation of migration laws and are thus revictimized. The Committee also notes with concern the high prevalence of sexual exploitation of women and girls and their vulnerability to becoming infected with sexually transmitted diseases and HIV/AIDS.

**20. The Committee urges the State party to intensify its efforts to combat the trafficking and sexual exploitation of women and girls by addressing their root causes and to undertake comprehensive prevention measures, including gendersensitive poverty reduction strategies, awareness-raising campaigns and provision of alternative means of livelihood. It urges the State party to ensure that those who traffic and sexually exploit women and girls are prosecuted and punished within the full extent of the law. It requests that victims of trafficking not be prosecuted for illegal migration. The Committee urges the State party to implement rehabilitation and reintegration measures for girls and women who are victims of trafficking and sexual exploitation. It recommends that the State party further strengthen bilateral, subregional and multilateral cooperation to combat trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking of women and girls and on the impact of the various measures undertaken in that regard.**

#### Implementation of Law: employment

27. The Committee expresses concern about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors. The Committee is particularly concerned about ambiguities in the labour law and that the weak enforcement of labour laws, the absence of sanctions for non-compliance and the lack of effective monitoring mechanisms infringe on women's enjoyment of their rights under article 4, paragraph 2, and article 11 of the Convention, including the right to equal remuneration, maternity leave, social security and protection from sexual harassment. It is also concerned about the possible long-term detrimental impact of the termination of the MultiFibre Agreement on women employed in the garment sector.

**28. The Committee urges the State party to accelerate and ensure equal participation for women and men in the labour market. It further calls for measures to ensure that women receive equal pay for both equal work and work of equal value, and equal social benefits and services. The Committee encourages the State party to spell out clearly its definition of both equal work and work of equal value. It encourages the State party to establish sanctions for discrimination against women in the employment field in both the public and private sectors, including sexual harassment, to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid. It encourages the State party to disseminate information about labour legislation among women to make them aware of their rights. It also recommends the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 of the Committee and to accelerate achievement of de facto equality in the area of recruitment, training and promotions according to article 11 of the Convention. The Committee requests the State party to describe in its next periodic report whether the long-term effects of the termination of the MultiFibre Agreement have impacted negatively on women employed in the garment sector and to provide information on measures taken to counteract and minimize any detrimental impact.**

#### Absence of Legislation: Article 1 definition of discrimination

11. The Committee is concerned that there is no specific definition of the nature and forms of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination, in Cambodian law. It is also concerned that there is no legal provision for special temporary measures.

12. The Committee urges the State party to include in domestic law a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages the State party to take advantage of the ongoing legal reform process to achieve the full compatibility and compliance of all laws with the provisions of the Convention. It also recommends that the State party include adequate sanctions in the civil and criminal codes for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated. The Committee further recommends that legal provisions be made for temporary special measures to accelerate de facto equality in line with article 4.1 of the Convention.

## Cameroon

February 2009

### Explicit Discrimination in Law: marriage age

16. The Committee welcomes the draft law on the Family Code, which sets the minimum legal age for marriage at 18 years for both women and men, and reiterates the concern expressed in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.164) that the different minimum legal age for marriage, set at 18 for men and 15 for women, constitutes discrimination against women.

17. The Committee urges the State party to ensure that the minimum age of marriage for women is raised to 18, in accordance with article 16 of the Convention and the Committee's general recommendation No. 21. It also urges the State party to adopt the draft law on the Family Code.

### Explicit Discrimination in Law: family headship; polygamy; inheritance

#### Absence of Legislation: family code

46. In line with its previous concluding observations, the Committee is concerned at remaining provisions that discriminate against women in the context of family life. The Committee is particularly concerned about certain provisions in the Civil Code, which preserves the notion of the husband as the head of the family, and the Civil Status Registration Ordinance, in which polygamy is regulated as the exclusive preserve of men. The Committee is also concerned at discrimination against women in Cameroon in matters of inheritance and regrets that, according to most traditions, a woman has no right to inherit from her parents, especially her father, and that only male children are regarded as heirs.

47. The Committee urges the State party to harmonize civil and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with article 16 of the Convention, within a specific time frame. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations.

### Explicit Discrimination in Law: rape; polygamy; ownership of trade; nationality; widowhood; family home; adultery

14. The Committee notes a lack of progress in the elimination of discriminatory laws and is concerned at the lack of priority given to comprehensive legal reform to eliminate sex-discriminatory provisions, and it regrets that the relevant bills in this context have not yet been promulgated. The Committee also remains concerned at discriminatory provisions that still remain, inter alia, in the Penal Code, the Civil Status Registration Ordinance and

the Civil Code dealing with adultery, polygamy, ownership of trade, nationality, widowhood and the family home. The Committee reiterates the concern expressed in the conclusions and recommendations of the Committee against Torture (CAT/C/CR/31/6) regarding the fact that the Criminal Code exempts a rapist from punishment if he subsequently marries the victim. The Committee is also concerned about contradictions and inconsistencies resulting from the application of statutory and customary laws in the State party and that customary laws that discriminate against women and are incompatible with the Convention remain in force.

**15. The Committee reminds the State party of the importance of a coherent and unified legal system and urges the State party to accelerate its law review process and work effectively with the parliament to ensure that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It urges the State party to set a clear time frame for such reforms, including the passage of the proposed amendments to the Penal Code, the Civil Status Registration Ordinance and the Civil Code. It also requests the State party to raise the awareness of legislators regarding the need to give priority attention to such reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations. In line with its previous concluding comments, made in 2000, the Committee reiterates the need for the State party to undertake a comprehensive reform of legislation as a matter of urgency in order to promote and protect equality and human rights for women.**

Explicit Discrimination in Law: employment

also Absence of Legislation: sexual harassment

36. The Committee notes with concern that, while labour legislation offers women and men the same opportunity for employment and the right to equal pay and treatment for the same work, women are concentrated in certain sectors, namely, farming and domestic service. It also notes that women are predominantly employed in the informal sector, resulting in their exclusion from social security programmes. The Committee is further concerned about certain provisions that discriminate against women, such as Decree 81-02 of 1981, which allows a husband to oppose his wife's employment by invoking the interest of the household and children. The Committee further notes with concern the prevalence of sexual harassment in the workplace and the absence of legislation to address this.

**37. The Committee recommends the adoption of measures to guarantee the implementation of all the provisions of article 11 of the Convention and the implementation of the relevant conventions of the International Labour Organization that have been ratified by Cameroon. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of special temporary measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25. It also recommends that the State party pay particular attention to women working in the informal sector with a view to ensuring their access to social services. The Committee urges the State party to review, as a matter of priority, discriminatory provisions with a view to their repeal or amendment, in accordance with article 11 of the Convention. The Committee also urges the State party to enact legislation prohibiting sexual harassment in the workplace, including sanctions, civil remedies and compensation for victims.**

Absence of Legislation: violence against women; domestic violence; marital rape; sexual violence

26. The Committee welcomes the draft law on the prevention and punishment of violence against women and gender-based discrimination, but regrets that the draft law has not yet been adopted. It also expresses concern at the high rate of violence against women and girls, such as widespread domestic violence perpetrated by husbands and other male relatives, and at the fact that no specific law on violence against women has been adopted. Furthermore, the Committee is concerned that such violence appears to be socially legitimized by a culture of silence and impunity and is socially accepted in most cases. The Committee is concerned that cases of violence are underreported, that there is no specific legislation addressing domestic violence and that marital rape is not

recognized as a criminal offence. The Committee regrets the lack of data and information on violence against women and girls, disaggregated by age group. It is further concerned about the lack of sufficient shelters for victims of violence and the delay in the adoption of the draft law on the prevention and punishment of violence against women and gender-based discrimination.

**27. The Committee urges the State party to accelerate the adoption of the draft law on the prevention and punishment of violence against women and gender-based discrimination and to give priority attention to combating violence against women and girls, in particular domestic violence. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women constitute discrimination under the Convention and therefore in violation of women's human rights. The Committee calls upon the State party to ensure that violence against women and girls, including domestic violence, marital rape and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted and punished and victims rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee requests the State party to remove any impediments faced by women and girls in gaining access to justice and recommends that legal aid be made available to all victims of violence, including through the establishment of legal aid clinics in rural areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers, in order to ensure that they are sensitized to all forms of violence against women and girls and can provide adequate gender-sensitive support to victims.**

**Absence of Legislation: female genital mutilation; breast ironing**

28. The Committee is seriously concerned at the persistence in some areas of the country of harmful practices such as female genital mutilation and breast ironing, and that the State party has not taken sustained and systematic action directed at their elimination. It also reiterates the concern expressed in its previous concluding observations, as also expressed by the Committee against Torture (see CAT/C/34/Add.17) and the Committee on Economic, Social and Cultural Rights (see E/C.12/1/Add.40), that practices impeding the enjoyment of women's rights, such as female genital mutilation and breast ironing, are still occurring in some parts of the country and that there is no law to punish them. The Committee is also concerned that little sensitization is being done to eradicate these practices.

**29. The Committee urges the State party to enact national legislation to prohibit female genital mutilation, as well as any other harmful practice, such as breast ironing, in all instances, to strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society, and to eliminate the practices of female genital mutilation and breast ironing and their underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.**

**Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality**

10. While noting that, in accordance with article 45 of the State party's Constitution, international legal instruments ratified by the State party take precedence over national laws, the Committee remains concerned at the absence of domestic legislation prohibiting discrimination against women and on sanctions for such discrimination.

**11. The Committee urges the State party to enact appropriate national legislation containing a prohibition of discrimination against women that encompasses both direct and indirect discrimination, in line with article 1 of the Convention, and sanctions, when appropriate, in line with article 2 (b) of the Convention.**

## Canada

November 2008

### Explicit Discrimination in Law: Aboriginal status

17. The Committee is concerned that the Convention has not been fully incorporated into domestic law and that discriminatory legislation still exists. In particular, the Committee is concerned at the fact that the Indian Act continues to discriminate between descendants of Indian women who married non-Indian men and descendants of Indian men who married non-Indian women with respect to their equal right to transmit Indian status to their children and grandchildren. It is also concerned that section 67 of the Canadian Human Rights Act, although repealed, still provides clauses stating that the Indian Act should be applied in a manner that gives due regard to First Nations legal traditions and customary laws, balancing individual rights and collective rights.

**18. The Committee recommends that the State party ensure the full incorporation of all substantive provisions of the Convention into domestic law. The Committee recommends that the State party take immediate action to amend the Indian Act to eliminate the continuing discrimination against women with respect to the transmission of Indian status, and in particular to ensure that aboriginal women enjoy the same rights as men to transmit status to children and grandchildren, regardless of whether they have married out or of the sex of their aboriginal ancestors. It also recommends that the State party find measures to ensure that section 67 of the Canadian Human Rights Act is interpreted and applied in a way that provides full protection for aboriginal women against discrimination and full redress for any human rights violations.**

### Explicit Discrimination in Law: marital property

19. The Committee is concerned that the division of matrimonial property in case of divorce does not apply to aboriginal women living on reserves, owing to the application of the Indian Act, which does not address the issue of matrimonial property. The Committee regrets that Bill C-47, aimed at addressing property rights on reserves, is no longer under discussion following the dissolution of Parliament.

**20. The Committee urges the State party to ensure the speedy passage through Parliament and entry into force of legislation addressing the discriminatory provisions of the matrimonial property rights of aboriginal women living on reserves.**

### Impact of Law: child protection

### Implementation of Law: domestic violence

### Absence of Legislation: domestic violence

29. The Committee welcomes initiatives at the federal, provincial and territorial levels to address violence against women, in particular domestic violence, and initiatives such as the Sisters in Spirit Initiative and the Aboriginal People's Programme, which specifically address violence against aboriginal women, as well as the participation of men in the process of combating violence against women, as demonstrated by the White Ribbon Campaign. While the Committee notes with interest the State party's indication that there has been a slight decline in the number of spousal abuse incidents reported, it remains concerned that domestic violence continues to be a significant problem. The Committee also expresses concern at what is apparently an increasingly common practice — using mediation and other alternative responses instead of prosecution in cases of domestic violence — and at the increased use of "dual charging". The Committee is also concerned at reports of high levels of violence against adolescent girls in the family and society. Furthermore, while noting with appreciation the State party's Shelter Enhancement Programme, the Committee is concerned that the number of shelters for victims of violence is still



insufficient. The Committee is also concerned that convictions for offences related to domestic violence may not be taken into account in child custody or visitation cases.

**30. The Committee recommends that the State party continue to give priority attention to combating violence against women, in accordance with general recommendation 19, on violence against women. The Committee also recommends that the State party enact legislation specifically addressing domestic violence against women, making it a criminal offence and ensuring that women who are victims of domestic violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished, and that it put in place “primary aggressor” policies. The Committee further recommends that adequate shelters and appropriate support services be provided in all jurisdictions for women and adolescent girls who are victims of violence, and that the shelter and services needs of aboriginal women, women with disabilities, immigrants, refugees and trafficked women and rural and northern women be addressed. The State party is also urged to implement legislation requiring that domestic violence convictions be taken into account in child custody or visitation decisions.**

## **Cape Verde**

August 2006

### Implementation of Law: polygamy; marriage age

33. The Committee notes with concern that, although legislation guarantees women equal rights with men in matters relating to marriage and family relations, women still face de facto discrimination in those areas, such as de facto polygamy. The Committee is also concerned that the legal age of marriage, although established at 18 years for boys and girls, may be lowered to 16 years for boys and girls and while acknowledging the very low percentage of such marriages, the Committee remains concerned that this could encourage early marriages.

**34. The Committee requests the State party to implement awareness-raising measures aimed at achieving gender equality in marriage and family relations, as called for in the Committee’s general recommendation 21, on equality in marriage and family relations, including measures aimed at eliminating polygamy and at fully implementing the minimum age for marriage at 18 years for both boys and girls.**

## **Chile**

August 2006

### Impact of Law: abortion

19. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in Chile. It remains concerned that abortion under all circumstances is a punishable offence under Chilean law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health, and that clandestine abortions are a major cause of maternal mortality.



20. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable and without any restriction, and by increasing knowledge and awareness about family planning among women as well as men. The Committee also calls on the State party to reduce maternal mortality rates through safe motherhood services and prenatal assistance and take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion and provide them with access to quality services for the management of complications arising from unsafe abortion and to reduce maternal mortality rates, in accordance with general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action.

#### Discriminatory Impact of Law: marriage age

21. The Committee notes with concern that the Civil Marriages Act, which has been in force since November 2004, increased the minimum age of marriage for both boys and girls to only 16 years of age.

22. The Committee urges the State party to further revise its legislation with a view to raising the minimum legal age of marriage to 18 years, in order to bring it into line with article 1 of the Convention on the Rights of the Child and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation 21, on equality in marriage and family relations.

#### Absence of Legislation: equal property rights

9. While welcoming the legislative reforms undertaken since 1999, and the State party's declared political will to fully implement the Convention, the Committee is concerned about the slow progress in further legal reform, particularly in regard to the draft law establishing a new property ownership regime granting the wife and husband equal rights and obligations, which has been pending since 1995, and the draft bill on quotas submitted in 1997, aimed at promoting women's right to participate in national public life.

10. The Committee calls on the State party to ensure that sustainable change towards full equality of women with men in all aspects of public and private life is achieved through comprehensive legal reform. The Committee urges the repeal or amendment of all discriminatory legislative provisions without delay, as required under article 2 of the Convention, and calls on the State party to close legislative gaps and enact other laws necessary to bring the country's legal framework fully into compliance with the provisions of the Convention and to ensure equality between women and men, as enshrined in the Chilean Constitution. It encourages the State party to set a clear timetable and to raise the awareness of legislators and the general public of the urgent need to prioritize legal reforms to achieve de jure equality for women. The Committee also urges the State party to adopt temporary special measures so as to accelerate the achievement of women's de facto equality, as called for in article 4, paragraph 1, of the Convention and in the Committee's general recommendation 25, and in relation to all areas of the Convention where appropriate and necessary.

#### Absence of Legislation: trafficking

15. While noting the State party's recent initiatives to address the problem of trafficking in women and girls, including the ratification in November 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee remains concerned by the insufficiency of information on the causes and extent of

trafficking in Chile as an origin, transit and destination country, the lack of national legislation and the absence of adequate measures to combat the phenomena of trafficking and exploitation of prostitution.

**16. The Committee calls on the State party to adopt necessary legislation and develop a comprehensive anti-trafficking strategy and plan of action to combat this phenomenon. Such a strategy should include qualitative and quantitative research and the implementation of preventive and protective programmes, including measures for the rehabilitation and social integration of women and girls who are victims of sexual exploitation and trafficking as well as the prosecution of traffickers. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on prostitution, as well as the measures in place to combat these phenomena and their impact.**

## China

August 2006

Discriminatory Impact of Law: prostitution

Also Implementation of Law: trafficking

19. While recognizing the efforts made by the State party to address trafficking in women and girls, including cross-border and international cooperation, the Committee is concerned that the definition of trafficking in the Penal Code is limited to the purpose of exploitation of prostitution and is therefore not in line with international standards. The Committee also expresses concern that the continued criminalization of prostitution has a disproportionate impact on prostitutes rather than on the prosecution and punishment of pimps and traffickers. It is also concerned that prostitutes may be kept in administrative detention without due process of law. Moreover, the Committee is concerned about the insufficient data and statistical information about the extent of trafficking, in particular internal trafficking.

**20. The Committee recommends that the State party increase its efforts to combat all forms of trafficking in women and girls. It urges the State party to bring its domestic legislation into line with international standards and to speedily complete, adopt and implement the draft national programme of action against human trafficking. It requests the State party to enhance enforcement of the law against trafficking to ensure that those who traffic and sexually exploit women and girls are prosecuted and punished, and to provide all necessary assistance to the victims of trafficking. The Committee also urges the State party to take measures aimed at the rehabilitation and reintegration of women in prostitution into society, to enhance other livelihood opportunities for women to leave prostitution, provide support for them to do so and to prevent any detention of women without due legal process. It calls upon the State party to systematically compile detailed data on cross-border and internal trafficking, reflecting the age and ethnic background of the victims. The Committee requests the State party to provide in its next report comprehensive information and data on the trafficking of women and girls as well as on the impact of measures taken and results achieved in this regard.**

Implementation of Law: employment; sexual harassment

also Absence of Legislation: equal pay and social benefits

29. The Committee is concerned about the situation of women in the employment sector, including the lack of legal provisions guaranteeing equal pay for equal work and work of equal value, the persistent wage gap, the high concentration of women in the informal sector, the toxic and harmful environment certain women workers might be exposed to and income reduction in a competitive job market. While appreciating the various efforts to

promote the re-employment of laid-off women workers, it is concerned that gender might be the primary reason for being laid off. It is also concerned about the limited monitoring of implementation of labour legislation and the very low number of women who report violations of such provisions. It is also concerned about sexual harassment at work.

**30. The Committee recommends that the State party take further measures to overcome vertical and horizontal occupational segregation and to enhance its monitoring and effective enforcement of the legislative framework, including the Law on the Rights and Interests of Women, and to ensure that women have effective means of redress against the violation of labour laws, including the discriminatory dismissal of women based on gender. The Committee calls for measures to ensure that women receive equal pay for equal work and work of equal value, and equal social benefits and services. It encourages the State party to ensure that women workers are protected from hazardous working environments and that adequate sanctions are in place for discrimination against women in the employment field in both the public and private sectors, including sexual harassment.**

#### Implementation of Law: violence against women

#### Absence of Legislation: sexual harassment

45. The Committee notes with concern the increase, in recent years, in the number of rape, procurement and domestic violence cases in the Macao Special Administrative Region. It also expresses concern at the absence of specific legislation to address sexual harassment in the workplace.

**46. The Committee urges the State party to give priority to putting in place preventive measures to address all forms of violence against women, in accordance with its general recommendation 19. It recommends that research be conducted on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results in its next periodic report. It recommends that the Government of the Macao Special Administrative Region ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. Moreover, it encourages the State party to see to the provision of shelters and counselling services for victims of violence. The Committee furthermore urges the Government of the Macao Special Administrative Region to specifically include sexual harassment in the workplace in its legislation and to report on the implementation of such provisions in its next periodic report.**

#### Absence of Legislation: Article 1 definition of discrimination

9. The Committee remains concerned that Chinese domestic legislation still does not contain a definition of discrimination against women, in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination, as already noted in its previous concluding comments (A/54/38/Rev.1), and that such a definition was not included in the Law on the Protection of Rights and Interests of Women, amended in 2005. While noting that the Convention is an integral part of Chinese law, the Committee is concerned that the State party is still not aware of the importance of such a definition and that the lack of a specific legal provision may constrain the application of the full scope of the Convention's definition of discrimination in the State party.

**10. The Committee reiterates its recommendation that the State party develop capacity to understand the meaning of substantive equality and nondiscrimination, as required by the Convention, and include a definition of discrimination against women in its domestic law, encompassing both direct and indirect discrimination, in line with article 1 of the Convention.**

#### Absence of Legislation: violence against women

21. While commending the State party for the explicit prohibition of domestic violence in the amended Marriage Law of 2001 and for other measures taken to address violence against women, the Committee remains concerned

by the lack of comprehensive national legislation on violence against women that also provides access to justice and means of support for victims and punishment of perpetrators, and the lack of statistical data concerning all forms of violence against women. The Committee is also concerned about reported incidents of violence against women in detention centres, in particular in Tibet.

**22. The Committee urges the State party to adopt a comprehensive law on violence against women and to ensure that all forms of violence against women and girls, both in the public and private spheres, constitute a crime punishable under criminal law. It calls upon the State party to provide immediate means of redress and protection to women and girls victims of violence, in accordance with the Committee's general recommendation 19. It also encourages the State party to enhance victims' access to justice and redress, for example, through training aimed at judicial officers, including judges, lawyers and prosecutors, in order to enhance their capacity to deal with violence against women in a gender-sensitive manner and ensure that claims are investigated expeditiously, including incidents of violence against women in detention centres. It also calls upon the State party to strengthen its system of data collection in regard to all forms of violence against women and to include such information in its next report.**

#### Absence of Legislation: refugee and asylum law

33. While noting that the State party is also party to the 1951 Convention relating to the Status of Refugees, it is concerned at the lack of laws or regulations for the protection of women refugees and asylum-seekers. The Committee expresses particular concern at the situation of North Korean women, whose status remains precarious and who are particularly vulnerable to being or becoming victims of abuse, trafficking, forced marriage and virtual slavery.

**34. The Committee calls upon the State party to adopt laws and regulations relating to the status of refugees and asylum-seekers, in line with international standards, in order to ensure protection also for women. The Committee recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status in close cooperation with the Office of the United Nations High Commissioner for Refugees. It specifically encourages the State party to review the situation of North Korean women refugees and asylum-seekers in the State party and to ensure that they do not become victims of trafficking and marriage enslavement because of their status as illegal aliens.**

## **Cook Islands**

August 2007

#### Explicit Discrimination in Law: spousal consent for reproductive health services

34. The Committee is concerned with the inadequacy of preventative health care, including in the area of sexual and reproductive health. The Committee is also concerned that there may not be adequate attention paid to all areas of health care, including mental health and services for those women who may need specialized care, such as older women and disabled women and girls. The Committee is concerned that a woman wishing to undergo voluntary tubal ligation is required, under Ministry of Health policy, to receive her husband's or male partner's permission.

**35. The Committee recommends that the Cook Islands take into account its general recommendation 24 on article 12, on women and health, so as to effectively address the differential needs in the area of general health**

and specific health needs of women, including those with specialized needs. It calls upon the Cook Islands to ensure that all women's health needs, including mental health and preventative care, are adequately addressed, and to enhance access to these services by women in the Outer Islands. The Committee calls upon the Cook Islands to abolish, without delay, the current Ministry of Health policy requiring women to obtain a husband or male partner's permission to undergo voluntary tubal ligation, in order to eliminate discrimination against women in accordance with articles 12 and 16 (e) of the Convention.

Explicit Discrimination in Law: child maintenance

Implementation of Law: child support

also Absence of Legislation: inheritance; de facto marriages (division of property)

40. The Committee is concerned about the inadequacy of the protection of a woman's marital property in the event of the intestate death of her husband, and the lack of statutory provisions covering the division of property upon dissolution of de facto marriages. It is also concerned about discriminatory provisions in the Cook Islands Act 1915 governing child maintenance, and the failure of the Cook Islands to enforce child maintenance orders.

41. **The Committee calls upon the Cook Islands to ensure that the law adequately protects a woman's property rights in the event of the intestate death of her husband and to establish a system of equitable division of marital property upon dissolution of de facto marriages. It invites the Cook Islands to put in place adequate legislative measures, including the review and amendment of existing laws, to guarantee that women obtain child support.**

Discriminatory Impact of Law: prostitution

26. The Committee is concerned about the exploitation of prostitution in the Cook Islands and the lack of information about the links between the extent of prostitution and trafficking in women and girls and the country's tourism industry. It is also concerned about the lack of enforcement of the legal framework to combat the exploitation of prostitution and the criminalization of women and girls who are victims of such exploitation. The Committee is further concerned about the absence of efforts to prevent the exploitation of prostitution and address its root causes, and the lack of protection and services available to victims of exploitation.

27. **The Committee calls upon the Cook Islands to pursue a holistic approach in addressing the exploitation of prostitution, and to provide women and girls with educational and economic alternatives, including economic empowerment programmes for women, including women from the Outer Islands. The Committee calls upon the Cook Islands to address the link between tourism and prostitution, including the demand for prostitution, and to undertake appropriate measures to discourage such demand. The Cook Islands should take steps to ensure the effective prosecution and punishment of those who exploit prostitution. The Committee urges the Cook Islands to consider protective and recovery measures for victims of exploitative prostitution and trafficking. The Committee recommends that the Cook Islands ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime.**

Discriminatory Impact of Law: marriage age

38. The Committee is concerned that, according to the Marriage Act 1973, the legal minimum age of consent for marriage is 16 years, but can be younger with the consent of a parent or guardian.

39. The Committee urges the Cook Islands to raise the minimum age of marriage for women to 18 years, in line with article 16 (2) of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.

#### Implementation of Law: violence against women

#### Absence of Legislation: sexual violence; marital rape

24. The Committee is concerned about the persistence of violence against women and the lack of information about its extent and prevalence. It is also concerned that the Crimes Act 1969 is outdated, does not recognize marital rape, and lacks a comprehensive legal framework to deal with all forms of violence against women, and that judicial recourse for victims, enforcement measures, victim services and protection are insufficient. It is concerned that protection orders may not always be available after normal working hours of judicial officers and that under current civil protections, they are not available to all victims of domestic violence, which has serious implications for the personal security of victims. The Committee expresses concern about the inadequacy of response of law enforcement personnel and the legal system to cases of violence against women. The Committee is also concerned about the persistence of discrimination against women as a root cause of such violence.

25. The Committee urges the Cook Islands to give priority attention to the design and implementation of a comprehensive strategy to address all forms of violence against women, in conformity with general recommendation 19, and to prevent such violence, punish offenders and provide services for victims. The Committee calls upon the Cook Islands to enact without delay the proposed Sexual Offences Bill and to amend as necessary other laws, such as the Crimes Act 1969, to encompass all forms of violence against women, including marital rape, and to fully enforce legislation and ensure that perpetrators are prosecuted and punished. The Committee also draws attention to the Secretary- General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1). It requests the Cook Islands to take steps to raise public awareness, including through media and education programmes, that all forms of violence against women, including sexual harassment, domestic violence and marital rape, are a form of discrimination under the Convention and unacceptable. The Committee calls upon the Cook Islands to ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection, and requests the Cook Islands to remove impediments women face in gaining access to justice, and provide legal aid to all victims of violence. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It further calls upon the Cook Islands to enhance its dataCEDAW/ collection efforts and establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of measures taken aimed at preventing and redressing violence against women. It invites the Cook Islands to seek international assistance in its efforts to put in place such a comprehensive response.

#### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

10. While noting that article 64 (1) (b) of the Constitution of the Cook Islands guarantees equality before the law and the protection of the law without discrimination on the grounds of sex, the Committee is concerned that neither the Constitution nor other appropriate legislation embody the principle of equality between women and men, nor contain a definition of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending to acts of both public and private actors in accordance with article 2.

11. The Committee calls upon the Cook Islands to incorporate fully and without delay into the Constitution or other appropriate legislation, the principle of equality between women and men, and a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extending to acts of discrimination

by public and private actors, in accordance with article 2. The Committee further recommends that there be effective legislation to enforce the prohibition of discrimination.

#### Absence of Legislation: discriminatory customs

22. While recognizing the rich culture and tradition of the Cook Islands and its importance in daily life, the Committee is concerned about the persistence of deeprooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, which are discriminatory of women and impede the full implementation of the Convention.

23. **The Committee invites the Cook Islands to view culture and tradition as dynamic aspects of the country's life and social fabric and therefore subject to change. It urges the Cook Islands to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include awareness-raising efforts targeting women and men at all levels of society, including traditional and church leaders, and be undertaken in collaboration with civil society and women's organizations. The Committee encourages the Cook Islands to use innovative measures that target young people and adults to strengthen understanding of the equality of women and men, and to work through the educational system, both formal and informal, as well as with the mass media so as to enhance a positive and non-stereotypical portrayal of women. It also requests the Cook Islands to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect.**

#### Absence of Legislation: maternity rights; sexual harassment

32. While noting that a Draft Labour Bill (Employment Relations) is pending approval, to replace the Cook Islands Industrial and Labour Ordinance of 1964 and the Public Service Act of 1995-96, the Committee is concerned that the passage of the bill has been delayed in part due to resistance from the Chamber of Commerce to proposed maternity protections contained therein. It is concerned that, at present, there is no guaranteed maternity protection for women in the private sector, either in the form of paid maternity leave or preservation of employment during pregnancy or after birth. The Committee is also concerned about the lack of a law on sexual harassment, and the apparent lack of such provisions in part IV of the draft bill. The Committee is further concerned that the bill would limit the role of government in labour market matters, and that it may leave the achievement of women's right to equality in the labour market to their capacity to individually or collectively bargain.

33. **The Committee recommends that the Cook Islands ensure that the Draft Labour Bill (Employment Relations) fully complies with article 11 of the Convention, and that discrimination against women is prohibited in the private sector, in accordance with article 2 (e) of the Convention, and that such prohibition is effectively enforced. In the light of the Cook Islands' withdrawal of its reservation to article 11 (2) (b), the Committee calls upon it to take all appropriate measures to ensure that maternity leave is available in all public and private sector employment, with pay or with comparable social benefits. The Committee also calls upon the Cook Islands to prohibit sexual harassment in the workplace and guarantee women's rights to individual and collective bargaining. The Committee further encourages increasing attention for preschool programmes, including day-care centres, to assist working mothers.**



## Croatia

January 2005

### Discriminatory/Inadequate Implementation of Law: employment

27. The Committee expresses concern about the serious disadvantages women face in the labour market, as reflected in women's high unemployment rate, the persistence of strong vertical and horizontal segregation, wage differentials between women and men and the predominance of women in low-wage sectors. The Committee expresses its particular concern about the situation of women older than 40 years as well as the discriminatory treatment of pregnant women in the labour market. The Committee is also concerned that insufficient attention is being given to policies supporting the sharing of work and family responsibilities between women and men.

28. The Committee urges the State party to ensure **de facto equal opportunities for women and men in the labour market through, inter alia, effective implementation of labour legislation and the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25 on temporary special measures.** It urges the State party to encourage women to use existing complaints mechanisms in cases of possible labour market discrimination. The Committee recommends that efforts be made to eliminate occupational segregation and age discrimination against women through education, training and retraining measures, and better use of enforcement mechanisms. It also recommends that the State party consider implementing wage increases in female-dominated public sector areas, such as the judiciary, education and health sectors. The Committee further recommends that measures allowing for the reconciliation between family and professional responsibilities be strengthened and promoted, including awareness-raising for equal sharing of domestic and family tasks between women and men.

### Discriminatory/Inadequate Implementation of Law: Roma women's citizenship rights

29. The Committee is concerned that Roma women remain in a vulnerable and marginalized situation, especially in regard to education, employment, health, and participation in public life and decision-making. The Committee is also concerned about Roma women's difficulties in the enjoyment in practice of citizenship rights, in accordance with article 9 of the Convention.

30. The Committee requests the State party to take effective measures to eliminate discrimination against Roma women, both in society at large and within their communities, and to enhance respect for their human rights through effective and proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and awareness-raising programmes. It calls upon the State party to provide, in its next periodic report, a comprehensive picture of the situation of Roma women and girls, including data disaggregated by sex, in regard to their educational opportunities and achievements, access to employment and health-care services, and participation in public life and decision-making, especially in regard to policies that directly affect them. The Committee requests the State party to ensure equality for Roma women in the enjoyment of citizenship rights. The Committee invites the State party to monitor the situation of Roma women and provide an assessment of the impact of its policy and programmatic measures in support of Roma women in its next report.

## Cuba

August 2006



### Explicit Discrimination in Law: marriage age

13. While noting that the minimum legal age of marriage is 18 years for both girls and boys, the Committee expresses concern that minimum ages of marriage of 14 for females and 16 for males may be authorized in exceptional cases.

14. **The Committee urges the State party to amend the legislation pertaining to age of marriage with a view to eliminating the exceptions that allow for marriage of females at age 14 and for males at 16 and to bring its legislation into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and with general recommendation No. 21 of the Committee.**

### Absence of Legislation: Article 1 definition of discrimination

11. The Committee is concerned that, although articles 41 and 42 of the Constitution stipulate that all citizens have equal rights and that discrimination on the basis of sex is prohibited, no explicit definition of discrimination against women, in accordance with article 1 of the Convention, is contained in the State party's legislation.

12. **The Committee encourages the State party to incorporate fully the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It encourages the State party to strengthen education and training programmes, in particular for judges, lawyers and law enforcement personnel, on the Convention and its applicability in domestic law and on the meaning and scope of indirect discrimination. The Committee also encourages the State party to strengthen awareness-raising and education measures to enhance women's knowledge of their rights and of the Convention.**

## Cyprus

May 2006

### Discriminatory Impact of Law: displaced person status

31. The Committee is concerned about the particular circumstances of women belonging to different groups of vulnerable people, including refugees, asylum seekers, displaced persons and disabled people and notes that, despite de jure equality, women belonging to these groups are at risk of multiple discrimination and sometimes encounter significant discrimination because of stereotypical attitudes, as well as difficulties in accessing social services and obtaining employment commensurate with their education and skills.

32. **The Committee encourages the State party to incorporate a gender perspective in all government policies that target these groups. It also encourages the State party to collect sex-disaggregated data and conduct in depth gender-sensitive research and to give a clearer picture of, and more visibility to the de facto situation of women belonging to these groups in the next periodic report. The Committee also urges the State party to eliminate the legal discrimination against children born to displaced mothers in acquiring the status of displaced person, particularly in light of the Ombudswoman's view that the existing legislation constitutes discrimination.**

## Czech Republic

October 2010

### Discriminatory Impact of Law: rape; sexual violence

### also Discriminatory/Inadequate Implementation of Law: domestic violence; sexual violence

22. The Committee acknowledges the progress made by the State party in combating violence against women, including domestic and sexual violence through, inter alia, the adoption of criminal law provisions and the introduction of restraint orders and intervention centres. However, the Committee remains concerned about the under-reporting of domestic violence and rape, the low prosecution and conviction rates, lenient sentences, limited access to legal aid for victims of domestic or sexual violence claiming only immaterial damage, the lack of victim assistance and protection, and of trained professionals and experts, including forensic experts, as well as the lack of gender-specific statistical data in relation to domestic and sexual violence. It also remains concerned about the length of maintenance or alimony proceedings against an abusive spouse and about the preference of courts for mediation and for shared custody for children even in cases where the mother is a victim of domestic violence. The Committee remains concerned that the definition of rape in the new Criminal Code may not cover any sexual act committed against a non-consenting person, including in the absence of active resistance.

**23. In accordance with its general recommendation No. 19 and the recommendations contained in its previous concluding observations, the Committee urges the State party to intensify its efforts by taking effective measures to prevent and prosecute acts of domestic and sexual violence and assist women victims of such violence. It calls on the State party to adopt its draft national action plan on the prevention of domestic violence; amend its Code of Criminal Procedure to ensure access to legal aid for victims claiming only immaterial damage; enhance victim assistance and protection by providing training for the police, judges, prosecutors, social workers and health personnel on standardized procedures in dealing with victims; strengthen cooperation with and funding for non-governmental organizations providing assistance to victims of domestic and/or sexual violence; further increase the number or capacity of shelters for battered women and girls; use appropriate recording equipment and interrogation records in court proceedings to avoid re-victimization and unnecessary confrontation of victims with perpetrators; collect sex-specific data on domestic and sexual violence, including on the number of women who die as a result of such violence; and provide information on the number of reported incidents, prosecutions, convictions, as well as on the sentences imposed on perpetrators and the compensation provided to victims in its next periodic report. The Committee also recommends that the State party take effective measures to reduce the length of maintenance and alimony proceedings, ensure that courts take into account the vulnerable position of the abused partner when deciding on the appropriateness of mediation and shared custody for children, and review the definition of rape in the new Criminal Code so as to ensure that it covers any non-consensual sexual assault, including in the absence of resistance by the victim.**

### Discriminatory Impact of Law: immigration

32. The Committee is concerned that migrant women risk losing their legal status in the State party when going on maternity and parental leave, as their residence permit depends on an ongoing employment contract, which further increases their risk of being exposed to abusive employment practices. It is also concerned that Act No. 326/1999 on the Residence of Foreign Nationals may exclude migrant women without permanent residence or employment, as well as their children, from access to public health insurance and health care services.

**33. The Committee recommends that the State party ensure that migrant women retain their legal status when taking maternity and parental leave, i.e. by extending the duration of their work permit for the period of parental leave, that the central and regional labour inspection offices investigate abusive labour practices against migrant women and labour offices provide job counselling and re-qualification to them prior to**

obtaining permanent residence, and that all migrant women and their children are covered by health insurance and have access to affordable health care services, irrespective of their residence status and employment.

## Democratic People's Republic of Korea

July 2005

### Explicit Discrimination in Law: marriage age; citizenship

23. The Committee is concerned about existing discriminatory legal provisions, particularly that which establishes a minimum marriage age for females at 17 and for males at 18; and about article 7 of the citizenship law on the determination of the citizenship of a child under the age of 14. It is also concerned about existing protective legislation, which in some cases is based on the socially perceived characteristics of women and men and which may perpetuate inequality and discrimination against women.

**24. The Committee urges the State party to initiate without delay a comprehensive review of all legislation, with the aim of identifying provisions that discriminate against women, and a process of law reform to bring its laws into conformity with the provisions of the Convention.**

### Absence of Legislation: Article 1 definition of discrimination

19. The Committee is concerned that although article 77 of the Constitution guarantees equal rights for women and men in all spheres, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, in the State party's legislation.

**20. The Committee encourages the State party to incorporate fully the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It encourages the State party to undertake proactive measures and policies to eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men. It also recommends that the State party carry out awarenessraising campaigns on the Convention, in particular the meaning and scope of indirect discrimination, aimed, inter alia, at legislators, the judiciary and the legal profession.**

### Absence of Legislation: domestic violence; violence against women

37. The Committee expresses concern that the State party is not aware of the existence of domestic violence and that, as a result, there is a lack of specific legislation to deal with all forms of violence against women, including domestic violence, and a lack of prevention and protection measures for victims.

**38. The Committee calls on the State party to conduct research on the incidence, causes and consequences of all forms of violence against women, including domestic violence, and to include the results in its next periodic report. In this regard the Committee urges the State party to find ways to make visible the existence of domestic violence, for example by training health workers to identify signs of abuse. It also recommends that the State party adopt specific legislation on domestic violence and ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. It also urges the State party to address all forms of violence against women and girls in accordance with its general recommendation 19 on violence against women and to accord priority attention to the adoption of comprehensive measures, including the training of law enforcement agencies in effectively responding to victims of violence.**

## Democratic Republic of the Congo

August 2006

### Explicit Discrimination in Law: nationality

356. While welcoming article 5 of the new legislation on nationality, which enables women to transmit Congolese nationality through filiation in the same way as men, the Committee regrets that article 30 provides that women cannot retain their Congolese nationality if they marry a foreigner.

**357. The Committee urges the State party to remove this discriminatory provision so as to bring the law into full conformity with article 9 of the Convention.**

### Explicit Discrimination in Law: Family Code; Labour Code; Penal Code

### Implementation of Law: sexual harassment; election law

### also Absence of Legislation: violence against women

346. The Committee is concerned about legislative provisions that continue to discriminate against women, including in the Family Code, the Labour Code and the Penal Code, as well as about the lack of legislation in certain areas, including on violence against women. It further expresses concern about the lack of legislation to implement the constitutional guarantees of equality of women and men, including the lack of a law on gender equality. The Committee is also concerned about ambiguities in existing laws such as those on sexual harassment and the election law, which prevent the realization of rights intended by the law for women.

**347. The Committee calls on the State party to take advantage of its post-war transition processes to undertake a comprehensive law review process. It encourages the State party to identify all laws that discriminate against women, as well as legislative gaps and ambiguities in the area of equality between women and men, with a view to revising such laws and drafting new legislation, with a specific timetable. It urges the State party to be guided in these efforts by existing international standards and to ensure full compliance with the Convention. It further urges the State party to present to the future parliament the reform of the Family Code as a high priority.**

### Absence of Legislation: Article 1 definition of discrimination

344. While welcoming the fact that articles 12, 13 and 14 of the Constitution guarantee equality between women and men and prohibit discrimination on the basis of sex, the Committee is concerned that there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

**345. The Committee urges the State party to enshrine in the Constitution or other appropriate legislation a definition of discrimination against women, in line with article 1 of the Convention, so as to create a solid basis for the practical realization of women's de facto equality. It also encourages the State party to include in the law a provision for temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 25. The Committee encourages the State party to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination so as to strengthen implementation of the Convention.**

## Denmark

August 2009

### Discriminatory Impact of Law: immigration

### also Absence of Legislation: domestic violence; violence against women (Faroe Islands, Greenland)

30. The Committee welcomes the political and legal measures taken by the State party to combat violence against women and the generally high-quality protection and services offered to victims of sexual violence in Denmark. It takes note of the decrease in women victims of partner violence during the period 2000-2005, but remains concerned that the total number of women subjected to physical violence increased during that period and that immigrant women are most affected. While noting the information provided by the delegation that the number of residence permits granted to foreign women victims of domestic violence increased, it remains concerned that the weak legal basis of protection, combined with the strict requirements for granting an exemption from the normal seven years of residence to obtain a permanent residence permit, may prevent foreign married women victims of domestic violence from leaving their abusive partner and seeking assistance. With regard to the Faroe Islands and Greenland, the Committee is concerned about the lack of legislation providing for effective protection of victims, including restraining orders, and about the insufficient data on the prevalence of all forms of violence against women.

**31. The Committee calls upon the State party, including the Faroe Islands and Greenland, to pursue their efforts to prevent and combat violence against women and to adopt a coordination policy on violence against women that would ensure that victims of domestic violence have access to immediate means of redress and protection, including protection orders, access to a sufficient number of State-funded safe shelters and to legal aid. It further recommends that the State party consider adopting a specific law on violence against women, including domestic violence, in line with the Committee's general recommendation No. 19. The Committee calls on the State party to ensure that foreign married women victims of domestic violence are provided with flexible solutions with regard to their resident permits and recommends that clear legal guarantees and administrative guidelines for their protection are set. The Committee encourages the State party to draw on other Nordic countries' good practices regarding the introduction of gender-based persecution as a ground for refugee status determination.**

### Discriminatory Impact of Law: trafficking

32. The Committee commends the State party for ratifying the Council of Europe Convention on Action against Trafficking in Human Beings on 19 September 2007 and the many other measures taken to address the issue of trafficking in women and children. The Committee also commends the financial assistance provided to countries of origin as well as non-governmental organizations based in these countries for victims of trafficking outreach, identification and rehabilitation, trafficking prevention and law enforcement anti-trafficking projects. It welcomes the amendment of the Aliens Act on 1 August 2007 which, among other things, provides for an extended reflection period of up to 100 days during which victims of trafficking may stay in Denmark and are offered legal, medical and psychological assistance if they agree to be repatriated and cooperate in investigations. The Committee regrets, however, that the emphasis in the State party is laid on the victims' prompt repatriation to their country of origin rather than on their recovery and rehabilitation and that the Refugee Board and the Ministry of Immigration seldom grant residence permits on the basis of these women belonging to a particular social group — gender or victims of trafficking — or on humanitarian grounds.

**33. The Committee calls on the State party to give greater attention to the recovery and reintegration of all victims of trafficking, regardless of the victim's cooperation in investigations. The Committee encourages the State party to continue working closely with countries of origin to ensure safe repatriation of victims and their access to adequate care and rehabilitation and to pursue its bilateral, regional and international cooperation so as to further curb this phenomenon. It calls upon the State party to develop guidelines on the handling of claims of gender-related persecution within Danish asylum law and practice so as to develop a more thorough way of identifying victims of trafficking and gender-based persecution.**

### Discriminatory Impact of Law: family reunification

40. While noting the positive effects of the awareness-raising campaign on forced and arranged marriages within the State party, the Committee reiterates the concerns expressed in the previous concluding observations that the 24-year-old age limit for the reunification of migrant spouses may constitute an impediment to the right to family life in the State party.

**41. While calling upon the State party to continue placing the issue of forced marriage high on its political agenda, it recommends the review of the 24-year-old age limit in order to bring it into line with the rules applying to Danish couples. Furthermore, in view of the positive results of the awareness-raising campaign, the Committee encourages the State party to continue exploring alternative ways of combating forced marriages.**

## **Ecuador**

November 2008

### Explicit Discrimination in Law: family headship

16. The Committee takes note with appreciation that the new Constitution enshrines the principle of equality between men and women and the principle of non-discrimination and establishes that Ecuador is a secular State. The Committee further welcomes the legislative reforms undertaken by the State party in the period under consideration to eliminate a number of discriminatory provisions. However, the Committee remains concerned at the disparity between the de jure and de facto situation regarding the legal protection of women and gender equality. It in particular notes that, as the State party's report recognizes, "certain legal and social practices discriminate against women in the public and private spheres in that they give men preferential treatment compared with women" (para. 98).

**17. The Committee urges the State party to adopt the draft Equal Opportunities Act and develop and implement mechanisms for its effective enforceability. The Committee further recommends that the State party take adequate and prompt measures to ensure the full implementation of existing legislation in a manner that does not discriminate against women. The Committee urges the State party to undertake a comprehensive process of review of the compatibility of national legislation with the new Constitution and the Convention and to repeal without delay all legislation that discriminate against women, including the provision of the Civil Code that enshrines a presumption in favour of the husband in the administration of the couple's affairs.**

### Absence of Legislation: employment

36. The Committee is concerned at cases of gender discrimination in the workplace, including dismissals related to maternity, and at discriminatory labour practices against women, especially indigenous and migrant women and those of African descent.

**37. The Committee urges the State party to undertake legislative and administrative measures to prevent sex-based discrimination in the workplace including by making public all cases in which there were convictions. The Committee further urges the State party to take further measures to educate the general public about the value of women in the workplace. The Committee recommends that the State party ratify Convention No. 183 of the International Labour Organization concerning the revision of the Maternity Protection Convention (No. 103).**

# Egypt

February 2010

## Explicit Discrimination in Law: Penal Code; personal status law

15. While appreciating constitutional guarantees on gender equality and the efforts of the State party to review and revise discriminatory legislation, the Committee is concerned at the persistence of a significant number of discriminatory laws and provisions, including in the Penal Code and the personal status law, that deny women equal rights with men.

16. **The Committee calls upon the State party to give high priority to the completion of the necessary legislative reforms and to modify, or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in the Penal Code and the personal status law. The Committee calls on the State party to increase its efforts to sensitize the parliament, as well as public opinion, regarding the importance of accelerating legal reform aimed at achieving formal equality for women and compliance with the Convention. It also encourages the State party to continue to increase support for law reform through partnerships and collaboration with religious and community leaders, lawyers, judges, unions, civil society organizations and women's non-governmental organizations.**

## Explicit Discrimination in Law: marriage; divorce; polygamy; personal status; child custody; inheritance

47. While commending the State party for recent amendments to the taxation law and for having raised the age of marriage from 16 to 18 years for both males and females, the Committee is concerned about the high number of early marriages of girls, especially in rural areas, and at the continued legal authorization of polygamy. The Committee also notes with concern that legal provisions relating to personal status, in particular concerning marriage, divorce, the custody of children and inheritance, do not provide equal rights for women and men. In this respect, the Committee expresses its concern at "urfi" marriages and at the precarious situation of Christian women married to Muslim men with regard to divorce, custody and inheritance. The Committee is further concerned that judges presiding over family courts, which are the only courts dealing with family-related disputes, do not have the required knowledge and expertise and that there are no female judges in the family courts. The Committee is also concerned that family court judgements may not be implemented, owing to a lack of adequate enforcement mechanisms.

48. **The Committee calls upon the State party to undertake a comprehensive review of its personal status laws, ensuring that women and men have equal rights to marriage, divorce, the custody of children and inheritance, and it recommends that the State party consider issuing a unified family law on personal status covering both Muslims and Christians. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy in all cases, as called for in the Committee's general recommendation No. 21, and to take all necessary measures to combat the practice of early marriage. The Committee further recommends that training sessions be organized to ensure that family judges are appropriately equipped and specialized in family law issues and that female judges be appointed to the family courts. The Committee calls upon the State party to establish effective mechanisms for the timely enforcement of family court judgements.**

## Explicit Discrimination in Law: divorce

## Absence of Legislation: marital property

49. The Committee reiterates its concern that women who seek divorce by unilateral termination of their marriage contract (khula) under Law No. 1 of 2000 can only obtain such a divorce if they forgo alimony and return their



dowry. The Committee is further concerned that the lack of provision for the equal distribution of marital property upon divorce leads to the economic vulnerability of the wife.

**50. The Committee calls on the State party to consider a revision of Law No. 1 of 2000, in order to eliminate the above-mentioned financial discrimination against women. The Committee further calls upon the State party to provide for the equal distribution of property accumulated during marriage upon divorce, taking into consideration non-financial contributions to the accumulation of marital property.**

#### Explicit Discrimination in Law: nationality

37. The Committee notes that the nationality law has been amended under Law No. 154 of 2004, which grants gender equality regarding the transfer of Egyptian nationality to the children of a man or a woman who marries a foreigner. The Committee is concerned, however, that Egyptian women cannot pass their nationality on to their foreign husbands, unlike Egyptian men who have such right after two years of marriage, and it is also concerned that the children of Egyptian women married to foreigners from certain countries are still encountering obstacles in passing their nationality to their children.

**38. The Committee requests the State party to amend the nationality law so as to bring it into conformity with article 9 of the Convention. The Committee also calls upon the State party to remove any obstacles to the practical implementation of the law.**

#### Explicit Discrimination in Law: violence against women

also Absence of Legislation: violence against women; domestic violence; marital rape; sexual violence; sexual harassment; “honour” crimes

23. The Committee is seriously concerned that violence against women in all its forms has increased, both in the private and public spheres. In this respect, the Committee remains concerned at the absence of a holistic approach to the prevention and elimination of all forms of violence against women, that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity and that cases of violence are thus underreported. The Committee is also concerned that some provisions in the Penal Code, including articles 17 and 60, condone acts of violence against women by exempting perpetrators from punishment or reducing the sentences imposed. The Committee regrets the lack of data and information on the incidence of various forms of violence against women and girls, as well as the lack of studies and surveys on the extent of violence and its root causes. The Committee is further concerned that social support services suffer from inadequacy, insufficiency and lack of coordination and that shelters for victims of domestic violence are limited to women under 50 years of age.

**24. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. Such measures should include the expeditious adoption of a comprehensive law criminalizing all forms of violence against women, including domestic violence, marital rape, sexual violence, sexual harassment, institutional violence and crimes committed in the name of honour. They should also include the development of a coherent and multisectoral action plan to combat violence against women. The Committee also urges the State party to amend articles 17 and 60, as well as other applicable provisions, of the Penal Code to ensure that perpetrators of violence against women do not benefit from any reduction in penalty. The Committee calls upon the State party to increase the number of shelters and ensure an adequate geographical distribution thereof, and it also calls upon the State party to lift age limitations on access to shelters for victims of domestic violence. The Committee requests the State party to provide data on and information on trends in the prevalence of various forms of violence against women, disaggregated by age and by urban and rural areas.**



### Discriminatory Impact of Law: prostitution

#### also Absence of Legislation: trafficking

25. While noting the establishment of a national coordinating committee for preventing and combating human trafficking and the fact that a comprehensive draft law on human trafficking is on the parliamentary agenda, the Committee is concerned at the prevalence of trafficking in the State party, and it regrets the lack of information on the content of the draft law and the lack of disaggregated data on the prevalence of trafficking and prostitution. It is also concerned at the failure of the State party to address the root causes of trafficking, which impedes the effects of the State party to address the trafficking problem in a serious way. The Committee regrets the lack of information provided on the existence and implementation of regional and bilateral memorandums of understanding and/or agreements with other countries on trafficking and the inadequate information provided on the prosecution and punishment of traffickers. It is further concerned that, while women working in prostitution are punished, their clients are not.

**26. The Committee urges the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking and ensuring that perpetrators are punished and victims adequately protected and assisted. The Committee calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination through information exchange in order to prevent trafficking, and to harmonize legal procedures aimed at the prosecution of traffickers. It also recommends that information and training on the anti-trafficking legislation be provided to the judiciary, law enforcement officials, border guards and social workers in all parts of the country. In addition, the Committee recommends that the State party conduct comparative studies on trafficking and prostitution and address their root causes in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and to undertake efforts for the recovery and social integration of the victims. The Committee further urges the State party to pursue a comprehensive approach in addressing the question of prostitution, including exit programmes for women who wish to leave prostitution and legislation to sanction the demand side. The Committee calls upon the State party to ensure systematic monitoring and periodic evaluation, including through the collection and analysis of data on the trafficking and exploitation of women in prostitution, and to include such data in its next periodic report.**

#### Absence of Legislation: domestic labour

35. The Committee notes with concern that article 4 (b) of the Labour Code stipulates that the provisions of that law shall not apply to workers in domestic service, including foreign workers. It also notes with concern the rising number of migrant domestic workers, including females, the absence of legal protection afforded to them and the fact that they are often not aware of their rights and, in practice, cannot easily file complaints and gain redress in cases of abuse.

**36. The Committee recommends that the Labour Code be amended in order to apply to domestic workers, including migrant domestic workers, or that new legislation be adopted to provide for their protection. It also recommends that the State party take appropriate measures to protect migrant domestic workers, particularly women domestic workers, that migrant workers in domestic service should have access to mechanisms for bringing complaints against employers and that all abuses, including ill-treatment, should be promptly investigated and punished.**

#### Implementation of Law: female genital mutilation

41. While welcoming the recent criminalization of female genital mutilation (FGM) and measures taken in the context of the national campaign to counter this practice, including the “FGM-free village” projects, the Committee remains seriously concerned about the persistence and high prevalence of this harmful practice, which is a grave

violation of girls' and women's human rights and of the State party's obligations under the Convention. The Committee also notes with concern the serious health complications for girls and women arising out of this practice, which in some cases may lead to death, and the impunity of perpetrators. In this respect, the Committee is concerned at the loophole in the current law which allows doctors to perform female genital mutilation if there is a "medical necessity".

42. Further to its general recommendations Nos. 14 and 19, the Committee calls on the State party to ensure the effective implementation of the prohibition of female genital mutilation, including through Law No. 126 of 2008, as well as the prosecution and adequate punishment of perpetrators of this practice. The Committee recommends that the State party continue and increase its awareness-raising and educational efforts targeted at both men and women, with the support of civil society organizations and religious authorities, in order to completely eliminate female genital mutilation and its underlying cultural justifications. Such efforts should include the design and implementation of effective educational campaigns to combat traditional and family pressures in favour of this practice, particularly among those who are illiterate, especially parents. The Committee requests the State party to include information about the impact of such measures in its next report.

#### Absence of Legislation: discriminatory customs

21. The Committee reiterates its concern at the persistence of practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls; that this is reflected in their disadvantageous and unequal status in many areas, including in education, public life, decision-making, marriage and family relations, and the persistence of harmful traditional practices and violence against women; and that, thus far, the State party has not taken effective and systematic action to modify or eliminate stereotypes and negative traditional values and practices. While noting the formulation of a media strategy and the establishment of the media-watch unit within the National Council for Women, the Committee reiterates its concern at the continuing stereotypical portrayal of women in the media, which encourages discrimination and undermines equality between men and women.

22. The Committee urges the State party to put in place without delay a comprehensive strategy, including the review and formulation of legislation and the establishment of goals and timetables, to modify or eliminate traditional practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, in collaboration with civil society. The Committee calls upon the State party to use innovative and effective measures to strengthen understanding of the equality of women and men and to work with the media to promote a positive, non-stereotypical and non-discriminatory portrayal of women.

## **El Salvador**

November 2008

#### Implementation of Law: employment

#### Absence of Legislation: informal and rural labour

31. The Committee is concerned at the overall disadvantaged situation of women in the labour market, as shown by the significant wage gap between women and men, on which the State party's report provides no information,

the occupational segregation — both horizontal and vertical — and the difficulty women have in accessing decision-making positions. The Committee notes with appreciation that in 2005, the Ministry of Labour and Social Security created the Special Unit on gender and prevention of discrimination in employment with the aim of closely monitoring compliance with labour standards in maquila enterprises and investigating cases of gender discrimination in the workplace. The Committee remains concerned at the critical situation of women's labour rights in the maquiladora industries, in particular the lack of access women in those industries face in relation to social security, the inadequate working conditions and exposure to violence and sexual harassment. It is also concerned at the precarious situation of domestic workers and women migrant workers in the informal and rural sectors.

**32. The Committee requests the State party to take all appropriate measures, including temporary special measures and strengthening of equality mechanisms, to address women's disadvantaged situation in the labour market. It recommends that efforts be intensified to eliminate occupational segregation, both horizontal and vertical, and close the wage gap between women and men. It calls upon the State party to monitor the impact of measures taken and results achieved in both the public and private sectors and to report thereon in its next periodic report. The Committee urges the State party to strengthen the work of the Special Unit on gender and prevention of discrimination in employment so that the working conditions of women are effectively monitored, violators of the rights of women in the maquiladora industries are punished and women workers' access to justice is enhanced. The Committee further recommends the adoption of legislative, administrative and other measures guaranteeing access to social security and other labour benefits, including paid maternity leave, for female domestic workers and migrant workers in the informal and rural sectors. It requests the State party to include information about the impact of measures taken and results achieved in its next report. The Committee calls on the State party to adopt legislation guaranteeing equal pay for work of equal value, in line with general recommendation 13.**

## **Eritrea**

February 2006

[Explicit Discrimination in Law: National Service](#)

[also Absence of Legislation: discriminatory customs](#)

14. While noting the advocacy work carried out by the National Union of Eritrean Women, the Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights. For example, the Committee is concerned that, while participation in National Service creates eligibility for access to land and other economic resources, women are exempt from National Service on grounds of marriage, thus losing eligibility for access to land and other resources. It is also concerned about the State party's apparent reluctance to address discriminatory practices firmly through legislation.

**15. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life and therefore subject to change. It urges the State party to introduce measures, including legislation, without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and to ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. In particular, it urges the State**

party to study the extent to which women lose access to land and other resources because of non-participation in National Service through marriage; to educate communities on the discriminatory aspects of early marriage; and to find solutions for women who have already lost or are losing their eligibility for land and other resources owing to early marriage. It further urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment within which to transform and change discriminatory laws, customs and stereotypes and allowing women to exercise their human rights.

Explicit Discrimination in Law: rape

also Absence of Legislation: domestic violence; marital rape; sexual violence

16. The Committee is concerned about the absence of policies and programmes, including legislation, to address violence against women including marital rape. The Committee also expresses its concern about the lack of information and statistics on violence against women in the report.

17. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to combat violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and all forms of sexual abuse. It requests the State party to address the issue of rapists' avoiding prosecution through subsequent marriage to their victims. It calls on the State party to ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished. The Committee recommends that training be undertaken for the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with all forms of violence against women and the impact of such measures.

Explicit Discrimination in Law: marriage and family

Implementation of Law: marriage age; forced marriage; marital property

28. While noting that the Transitional Code of Eritrea adopted in 1991 establishes a minimum age at marriage, prohibits forced marriages and establishes a system of equitable division of marital property upon divorce, the Committee is concerned that these laws are not enforced and that discriminatory customary laws and practices continue to be applied. The Committee is also concerned that the Transitional Code's provisions on marriage and family relations do not apply to Muslim marriages and divorces. The Committee expresses its concern that the ongoing law reform process aimed at harmonization and consolidation of Eritrean laws may result in the legal recognition and/or codification of discriminatory laws governing marriage and family relations, in contravention of article 16 of the Convention.

29. The Committee calls on the State party to ensure full compliance with the provisions of the Transitional Code on marriage and divorce, including enforcement of the minimum age at marriage, prohibition of forced marriages and enforcement of equitable division of marital property upon divorce, and other laws relating to harmful traditional or customary practices that violate women's rights. The Committee recommends that the ongoing law reform process aim at promotion of gender equality, elimination of discrimination against women, especially in family relations, and full compliance with all provisions of the Convention.

### Absence of Legislation: Article 1 definition of discrimination

10. The Committee expresses concern that, while article 7 (2) of the Eritrean Constitution prohibits discrimination against women and prohibits “any act that violates the human rights of women”, it does not contain a definition of discrimination in line with article 1 of the Convention.

**11. The Committee urges the State party, as part of its current law reform process, to undertake a comprehensive national dialogue on women’s rights to equality and non-discrimination and to enshrine in the Constitution, or other appropriate legislation, a definition of equality and discrimination against women, in line with article 1 of the Convention.**

### Absence of Legislation: female genital mutilation

18. While noting the entrenched cultural underpinning of female genital mutilation and while welcoming the important awareness-raising efforts implemented by the National Union of Eritrean Women towards ending the practice of female genital mutilation, the Committee is concerned at the high incidence of female genital mutilation in the country and the State party’s reluctance to expedite the adoption of legislation aimed at eradicating this practice.

**19. The Committee urges the State party to speedily enact the draft legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished and to continue its awareness-raising efforts to change the cultural perceptions connected with female genital mutilation.**

## **Estonia**

August 2007

### Discriminatory Impact of Law: marriage age

### also Absence of Legislation: cohabitation

30. The Committee is concerned that a minor between 15 and 18 years of age may legally marry. The Committee is concerned about the lack of information on the impact on women of the proposed new Family Law Act, which changes the marital property regime. The Committee is further concerned about the lack of legal protection of the rights of cohabitating women.

**31. The Committee urges the State party to raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee’s general recommendation 21 and the Convention on the Rights of the Child. The Committee recommends that the State party undertake a gender impact analysis of the proposed new Family Law Act and include the results of such analysis, including measures taken in response, in its next report. The Committee further recommends that the State party ensure the same protection of women’s rights in marriage and in situations of cohabitation.**

### Absence of Legislation: domestic violence

16. While noting the preparation of a national action plan on domestic violence which is expected to be operational from 2008, the Committee continues to be concerned about the prevalence of violence against women in Estonia, including domestic violence. The Committee also continues to be concerned about the lack of a

specific law on domestic violence against women which provides for protection and exclusion orders and access to legal aid.

17. The Committee urges the State party to speedily adopt and implement the draft national action plan on domestic violence, make it widely known to public officials and society at large, and monitor its effectiveness. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders and access to a sufficient number of safe and adequately funded shelters and to legal aid. The Committee reiterates its recommendation that the State party elaborate a specific law on domestic violence against women which provides for such redress and protection. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women, including a legislative framework, and to improve its research and data collection on the prevalence, causes and consequences of violence against women. The State party should include in such data collection the relationship between the perpetrator and the victim.

## **Fiji**

July 2010

### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

10. The Committee expresses grave concern that the Government's abrogation of the 1997 Constitution and dismissal of the judiciary have had a negative impact on the protection of human rights and the rule of law, and have limited the implementation of the rights guaranteed in section 38 (2) of the Constitution (the Bill of Rights and anti-discrimination clause) and under the Convention on the Elimination of All Forms of Discrimination against Women. The Committee notes the stated intention of the State party to adopt a new constitution by 2012 and hold elections in 2014, but remains concerned about the delay in those processes and the resulting continued inadequacy of the protection of human rights.

11. The Committee strongly urges the State party to take immediate, clear and credible steps to adopt a new constitution through a collaborative process involving the full participation of women, and to fully restore the rule of law and the independence of the judiciary through, inter alia, the re-establishment of the Judicial Service Commission. The Committee also urges the State party to hold free and fair elections as early as possible. In keeping with its previous recommendation, the Committee encourages the State party to ensure that the constitutional review process addresses the need to incorporate the principle of equality of women and men, in line with article 2, as well as the definition of discrimination against women and to include a clear procedure for the enforcement of fundamental rights in line with article 1 of the Convention.

### Absence of Legislation: violence against women; domestic violence; marital rape; sexual violence; sexual harassment; institutional violence

22. The Committee is seriously concerned that the level of violence against women in all its forms is persistently high in both the private and public spheres. While welcoming the Domestic Violence Decree (2009), the Committee remains concerned at the absence of a holistic approach to the prevention and elimination of all forms of violence against women, including the introduction and enforcement of comprehensive integrated legislation prohibiting all forms of gender-based violence as well as other effective measures to prevent, investigate and prosecute genderbased violence, including against women sex workers. The Committee regrets the lack of data and information regarding the incidence of various forms of violence against women and girls, as well as studies

and/or surveys on the extent of violence and its root causes. The Committee is also concerned that social support services suffer from inadequacy, insufficiency and a lack of coordination.

**23. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. Such measures should include the expeditious adoption of a comprehensive law criminalizing all forms of violence against women, including domestic violence with regard to de facto relationships, marital rape, sexual violence, sexual harassment and institutional violence, as well as the development of a coherent and multisectoral action plan to combat violence against women. The State party should investigate and prosecute all cases of violence against women, including those involving women sex workers. The Committee also urges the State party to publish and widely disseminate the Domestic Violence Decree and all relevant laws and policies established and/or envisaged to address violence against women in all its forms. The Committee calls upon the State party to increase the number of shelters and to ensure adequate geographical distribution, with particular focus on remote and outer islands. The Committee requests the State party to provide data on trends concerning the prevalence of various forms of violence against women, disaggregated by age and area (urban and rural).**

#### Absence of Legislation: Sexual harassment; informal labour

30. The Committee notes that the Employment Relations Promulgation (2007) is aimed at creating labour standards that are fair to both workers and employers and ensuring equal rates of remuneration for work of equal value for all workers. However, it is concerned that in practice, women earn significantly less than men, especially in occupations and industries not requiring high qualifications, such as the garment industry, agriculture, the fisheries industry and craftwork. The Committee remains concerned about the high number of women in the informal sector with no social security or other benefits, who are particularly vulnerable. While noting the National Policy on Sexual Harassment in the Workplace, the Committee is concerned about the absence of specific legal provisions and concrete measures to address sexual harassment in the workplace, which has become an increasing source of concern. The Committee notes with concern the Government's efforts to downsize the civil service by reducing the retirement age from 60 to 55, forcing a number of persons into early retirement. The Committee also notes with concern that a number of women with disabilities are unemployed owing to lack of education and training opportunities and to cultural attitudes that limit their employment. The Committee is concerned that the Public Emergency Regulation is restricting the freedoms of association and expression in the State party, thereby hampering the advancement of human rights in trade unions and women's organizations.

**31. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. To this end, the Committee urges the State party to adopt effective measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men, and apply the principle of equal remuneration and equal opportunities at work. It encourages the State party to regulate the informal sector to ensure that women in the sector are not exploited and are provided social security and other benefits. The State party is also encouraged to enact specific legal provisions to prohibit sexual harassment in the workplace, to introduce special protection measures for women with disabilities in the workplace, and to ensure proper and fair compensation for civil servants who have been forced into early retirement. The Committee urges the State party to fully implement the principle of freedom of association in accordance with International Labour Organization Conventions Nos. 87 and 98, which Fiji has ratified.**



## The Former Yugoslav Republic of Macedonia

February 2006

### Implementation of Law: trafficking

21. While welcoming the efforts undertaken by the State party to combat human trafficking, the Committee remains concerned about the persistence of trafficking in women and girls and the exploitation of prostitution, and about the lack of measures aimed at rehabilitating women victims of trafficking.

22. **The Committee requests the State party to effectively implement the National Programme to Combat Human Trafficking and Illegal Migration for 2006-2008. It calls upon the State party to ensure that legislation on trafficking is fully enforced, in particular by effectively prosecuting and punishing offenders. It also recommends that the State party increase its efforts to prevent human trafficking and provide assistance and support to women victims. The Committee also calls on the State party to take all appropriate measures to suppress the exploitation of prostitution in the country.**

### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

9. The Committee expresses concern that the legislation of the State party does not contain either a definition of discrimination against women, in accordance with article 1 of the Convention, or the principle of equality of men and women, in line with article 2 (a) of the Convention.

10. **The Committee encourages the State party to incorporate in its Constitution or other appropriate national legislation, such as the Law on Equal Opportunities for Men and Women, the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and the provisions on the equal rights of women and men in line with article 2 (a) of the Convention.**

### Absence of Legislation: equal opportunity

13. While welcoming the work undertaken by the State party towards the adoption of the Law on Equal Opportunities for Men and Women and the statement of the delegation that it will address gender-based discrimination in a comprehensive manner, the Committee remains concerned that this Law seems to focus primarily on gender-based discrimination in the field of employment and work.

14. **The Committee recommends that the State party ensure that the scope of the Law on Equal Opportunities for Men and Women address gender-based discrimination comprehensively in the political, economic, social, cultural, civil or other fields, in line with the Convention. It urges the State party to promptly adopt and effectively implement that Law.**

## France

April 2008

### Explicit Discrimination in Law: family name

34. While noting that Act No. 2002-304 of 4 March 2002 on family names, amended by Act No. 2003-516 of 18 June 2003, which entered into force on 1 January 2005, ended the requirement that children born in wedlock carry automatically the name of their father, the Committee is concerned about the remaining sex-based discriminatory



aspects of this Act, such as the veto right of the father to oppose the transmission of the mother's family name in cases where there is no joint declaration or where the parents do not agree.

**35. The Committee recommends that the State party amend this legislation in order to conform fully with the Convention.**

#### Discriminatory Impact of Law: immigration (residence permits); family reunification

22. The Committee is concerned that immigrant women living in France continue to suffer from multiple discrimination, including with regard to access to education, employment and health care, and from violence against them. The Committee is further concerned at the new restrictive immigration laws and policies, which have prevented many immigrant women from qualifying for residence permits. The Committee is especially concerned at the restrictive family reunification practices, which mostly affect women, such as DNA tests, which have been found to be discriminatory by HALDE, and language proficiency tests and tests relating to knowledge of the values of the Republic.

**23. The Committee reiterates the recommendations expressed after considering the State party's fourth and fifth periodic report and urges the Government to take effective measures to eliminate all forms of discrimination against immigrant women. The Committee urges the State party to assess the laws and policies which affect immigrant women and to provide information on such assessment, including data and analyses, in its next report. The Committee also requests the State party to include information on the number of immigrant women who were granted residence permits including in the context of family reunification.**

#### Discriminatory Impact of Law: trafficking; sexual harassment

30. The Committee is concerned at the prevalence of trafficking and that the increase in trafficking in women and girls may lead to an increase in the exploitation of prostitution of women. The Committee is concerned about the scarcity of statistics, data and research on trafficking in women and girls and about the obligation of trafficked women to submit a complaint in order to be granted residence permits. Concerning prostitution, the Committee reiterates its concern about the prohibition of passive soliciting. The Committee is also concerned about the lack of a clear legal definition of sexual harassment in the Labour Code.

**31. The Committee urges the State party to take all appropriate measures to suppress all forms of trafficking and exploitation of prostitution of women and girls. In that regard, the Committee urges the State party to systematically collect and analyse data, disaggregated by age and social origin, to improve insight into situations of trafficking and related trends and in order to identify the root causes of the phenomenon, and to formulate and implement policies to address such root causes. In order to ensure that trafficked women and girls in need of international protection are not expelled, the Committee recommends that the State party review the obligation of submitting a complaint to be granted residence permits. The Committee calls upon the State party to undertake a comprehensive study on the impact of the Act of 18 March 2003 on internal security, including the prohibition of passive soliciting, on the area of prostitution and to review the definition of sexual harassment.**

## **Gabon**

January 2005

Explicit Discrimination in Law: marriage age; separation and divorce; child custody; inheritance; residence; profession; polygamy; Penal Code; marriage and family

22. The Committee is concerned about the persistence of discriminatory legal provisions, particularly pertaining to marriage and family relations in the Civil and Penal Codes, including in respect of minimum age of marriage, separation and divorce, custody of children, equal-inheritance rights of widows as well as equal choice of residence and profession. The Committee is also concerned that the Civil Code recognizes the option of polygamy. Although an inventory of discriminatory legislation was compiled in 1997, and a number of studies have been undertaken on the discriminatory impact of legislation, the Committee is concerned about the lack of progress in amending discriminatory laws, in particular, the Civil and Penal Codes.

**23. The Committee urges the State party to accelerate the process of legal reform to eliminate discriminatory provisions, especially in the Civil and Penal Codes, to ensure their full compliance with articles 2 and 16 of the Convention and the Committee's general recommendation 21, on equality in marriage and family relations. The Committee urges the State party to establish a concrete programme and timetable for such a reform process and to activate fully the inter-ministerial committee established for the purpose of reviewing the discriminatory aspects of the various codes. The Committee also encourages the State party to step up its efforts to increase awareness about the importance of legal reform for achieving de jure and de facto equality for women in accordance with its obligations under the Convention.**

Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

18. The Committee expresses concern that, while article 2 of the Constitution guarantees equality before the law to all citizens without distinction, including on the basis of sex, neither a definition of discrimination in accordance with article 1 of the Convention nor the principle of equality between women and men, as set forth in article 2 (a) of the Convention, have been included in the Constitution or other appropriate legislation. The Committee is also concerned about the State party's limited understanding of its obligations under the Convention to eliminate discrimination and ensure the practical realization of the principle of equality of women and men.

**19. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention and the principle of equality of women and men in line with article 2 (a) of the Convention be included in the Constitution or in other appropriate domestic legislation. The Committee urges the State party to elaborate and implement without delay a comprehensive national strategy and plan of action for the full implementation of all the provisions of the Convention. The Committee also urges the State party to include a gender perspective in existing sectoral policies and plans and enhance programmes for the advancement of women with temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, whenever appropriate.**

Absence of Legislation: violence against women; domestic violence

24. The Committee is concerned about the lack of specific legislation to eliminate violence against women, including domestic violence.

**27. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that such violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party also implement educational and awareness-raising measures aimed at law**

enforcement officials, the judiciary, health providers, social workers, community leaders and the general public, in order to ensure that they are sensitized to the unacceptability of all forms of violence against women. It also recommends the introduction of measures to provide medical, psychological and legal assistance to victims of violence.

#### Absence of Legislation: trafficking

28. While welcoming the adoption of a law to prevent and combat trafficking in children, the Committee is concerned that similar measures have not been undertaken with regard to trafficking in women.

**29. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls, including the adoption and implementation of a comprehensive strategy to prevent trafficking, punish offenders and protect and rehabilitate victims.**

#### Absence of Legislation: discriminatory customs

30. The Committee expresses its concern about the prevalence of entrenched adverse customs and traditions, including early and forced marriage, polygamy, widowhood practices, and levirate, as well as the persistence of stereotypes that discriminate against women and constitute a violation of women's human rights under the Convention. The Committee is particularly concerned about the State party's limited efforts to address directly such discriminatory practices and stereotypes and its position that the current widespread support for and adherence to these practices would prevent compliance with legislative measures designed to eliminate them.

**31. The Committee urges the introduction without delay, and in conformity with articles 2 (f) and 5 (a) of the Convention, of measures, including legislation, to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights. The Committee calls upon the State party to develop and implement comprehensive educational measures and awarenessraising campaigns to facilitate an enhanced understanding of equality between women and men and to challenge cultural traditions and stereotypical attitudes regarding the roles and responsibilities of women in the family and society. The Committee recommends that these efforts be targeted at women and men in all segments of society, including public officials at all levels of Government, community and traditional leaders, as well as employers and the general public. The Committee further encourages the State party to undertake such efforts in collaboration with civil society and women's and human rights organizations and to seek effective cooperation with the media, including radio and print media. It also urges the State party to make better use of the formal education system, including revision of school curriculums and textbooks, to further these efforts.**

## **Gambia**

July 2005

#### Explicit Discrimination in Law: personal status; adoption; marriage; divorce; burial; inheritance

19. The Committee is concerned that the Constitution explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly with regards to adoption, marriage, divorce, burial and devolution of property on death, in contravention of articles 2 and 16 of the Convention, resulting in continuing discrimination against women. The Committee also expresses concern about the widespread practice of polygamy.

20. The Committee calls upon the State party to amend section 33 (5) of its 1997 Constitution, which explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly with regards to adoption, marriage, divorce, burial and devolution of property on death. It urges the State party to accelerate its efforts towards the revision of discriminatory legislation so as to bring it into compliance with articles 2 and 16 of the Convention. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations.

#### Absence of Legislation: violence against women; domestic violence

23. The Committee expresses concern about the lack of legislation, policies and programmes to address violence against women, including domestic violence. The Committee also expresses its concern about the paucity of information and sex-disaggregated data in the report on violence against women. The Committee is further concerned about the lack of social awareness on the issue of violence against women and girls in the country.

24. The Committee requests the State party to adopt comprehensive measures to address violence against women and girls in accordance with its general recommendation 19. The Committee urges the State party to enact legislation on violence against women, including domestic violence, as soon as possible and to ensure that women and girls who are victims of any form of violence have access to immediate means of redress and protection, as well as access to counselling services, and that perpetrators are prosecuted and punished. The Committee calls upon the State party to collect sex-disaggregated data on all forms of violence against women, and undertake research into the extent of violence against women and girls, including domestic violence. The Committee requests the State party to provide information in its next report on the laws and policies put in place to address violence against women and the impact of such measures. The Committee recommends the implementation of training for law enforcement officials, the judiciary, health providers, social workers and the general public so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. It also recommends the implementation of awareness-raising campaigns through the media and public education programmes and the working towards a zero-tolerance policy on all forms of violence against women.

#### Absence of Legislation: female genital mutilation

25. The Committee expresses concern at the high incidence of female genital mutilation in the country and at the lack of legislation, policies and programmes aimed at eradicating such a practice.

26. The Committee urges the State party to adopt and adequately implement legislation prohibiting female genital mutilation, and to ensure that offenders are adequately prosecuted and punished. It also recommends that the State party develop a plan of action, including public awareness-raising campaigns, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation.

#### Implementation of Law: demand for prostitution

#### Absence of Legislation: trafficking

27. The Committee expresses concern at the limited information provided in the report on the sexual exploitation and trafficking of women and girls in the Gambia, and on measures taken to effectively combat these phenomena. The Committee is particularly concerned about the phenomenon of sex tourism in the country.

28. The Committee requests the State party to introduce legislation on the prohibition of trafficking, to effectively implement legislation on the exploitation of the prostitution of women, and to prosecute offenders. It recommends that the State party put in place programmes for promoting women's economic independence so as to eliminate their vulnerability to exploitation, and measures for the rehabilitation and social reintegration

of women and girls who are victims of exploitation and trafficking. The Committee calls upon the State party to ensure the implementation of the 2003 Tourism Offence Act, and to enhance cooperation with tourists' countries of origin aimed at preventing and combating sex tourism. The Committee requests the State party to provide, in its next report, comprehensive information and data on sexual exploitation and trafficking of women and girls, and on measures taken to prevent and combat such activities, including sex tourism.

## Georgia

August 2006

### Discriminatory Impact of Law: Labour Code

#### also Absence of Legislation: equal pay; sexual harassment

25. The Committee expresses concern that insufficient information was provided about women's de facto situation in the formal and informal labour markets. The Committee continues to be concerned about the occupational segregation between women and men in the labour market and the gap in their wages. The Committee is concerned about the negative impact on women of the new labour code, which liberalizes the regulation of employment in Georgia and does not include provisions on equal pay for work of equal value and against sexual harassment in the workplace.

26. The Committee calls upon the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women. The Committee urges the State party to intensify its efforts to ensure that all job creation programmes are gender-sensitive and to increase women's access to new technology. The

Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. The Committee urges the State party again to introduce provisions on equal pay for work of equal value as well as to introduce provisions on sexual harassment, in accordance with the Committee's general recommendation 19. The Committee requests the State party to analyse the impact on women of the new labour code and make necessary amendments, and include in its next report information on such analysis and the action taken.

### Absence of Legislation: marital rape

19. While noting the adoption of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence, the Committee continues to be concerned about the prevalence of violence against women, including domestic violence, in Georgia. It is concerned about the lack of information and statistics on domestic violence, and that such violence may still be considered a private matter. It is also concerned that the implementation of aspects of the law on domestic violence, including those relating to the provision of shelters and rehabilitation centres for victims, has been postponed. The Committee notes that marital rape has not been included in any proposals for new legislation.

20. The Committee urges the State party to place high priority on the implementation of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence and to make it widely known to public officials and society at large, and also to complete and implement promptly the national action plan to combat domestic violence, which is under preparation. The Committee calls upon the State party

to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research in its next periodic report. The Committee recommends that the State party enhance its action beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19. The Committee also recommends that consideration be given to addressing the problem of marital rape.

## Germany

February 2009

### Discriminatory Impact of Law: labour; pensions

37. While acknowledging the initiatives taken by the State party to foster the employment of women and the resulting growth in the participation of women in the labour market, the Committee is concerned that this growth has not resulted in an increase in women's share of the overall volume of gainful employment but rather in an increase in part-time employment. The Committee notes with concern that women are concentrated in part-time, fixed-term and low-paid jobs and that few women have reached high-level posts in management, private companies and work councils, despite the agreement to promote equality between women and men in the private sector. The Committee is concerned about some negative impact on women of the Fourth Law for Modern Services in the Labour Market, which entered into force on 1 January 2005, namely the increase of financial dependence of unemployed women on husbands or partners resulting from the introduction of "needs units" and the proportional increase of women whose access to benefits has been denied. The Committee is further concerned at the difficulties experienced by immigrant women and women with disabilities regarding their integration and participation in the labour market. While noting the adoption of measures aimed at the reconciliation of family and work life, the Committee remains concerned that less than 10 per cent of parental leave is taken by fathers. The Committee wishes to draw the State party's attention to the disadvantaged situation of women who interrupt their careers for family reasons and the related consequences on retirement and old-age pensions. The Committee expresses further concern at the 2007 Pension Reform Act, which raised the age of retirement to 67 years and as a result of which only 2.48 per cent of women meet the requirement of 45 years of contributing to the pension fund without incurring a loss in benefits.

38. The Committee emphasizes that realization of women's de facto equality with men in the labour market, including in the private sector, so as to achieve compliance with article 11 of the Convention is an obligation of the State party under the Convention. The Committee calls upon the State party to adopt policies and to take all necessary measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 with time-bound targets, to eliminate occupational segregation, both horizontal and vertical. The Committee calls upon the State party to assess the impact on women of the Fourth Law for Modern Services in the Labour Market and to undertake corrective measures, including the review of the "needs unit" construct. It encourages the State party to mainstream the issues of immigrant women, who may suffer multiple discrimination, and women with disabilities into its employment policies and programmes. The Committee also recommends that the State party continue its efforts to ensure reconciliation of family and professional responsibilities and for the promotion of equal sharing of domestic and

family tasks between women and men, including by increasing the incentives for men to use their right to parental leave. The Committee calls on the State party to examine ways to review the current pension system so as to increase the percentage of women eligible for full benefits. It invites the State party to include, in its next periodic report, information on the extent of use and impact of temporary special measures in the private sector and on measures taken to improve the situation of women in the labour market and the impact of those measures.

#### Discriminatory Impact of Law: divorce; marital property

55. The Committee is concerned that the State party's current legislation on the distribution of property upon divorce and on maintenance does not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation in the labour market and from women's greater share in unpaid work. The Committee notes with concern the self-reliance policy underpinning the maintenance legislation in force since 1 January 2008, which provides for the termination of alimony rights to the custodial parent when the child reaches three years of age. The Committee further notes that the new maintenance legislation does not offer adequate redress to women.

56. The Committee calls upon the State party to undertake research on the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career pattern. The Committee recommends that the State party review its current legislation in light of the outcome of the research and include such information in its next periodic report. In view of the still insufficient provision of childcare facilities in the State party, the Committee recommends that the State party amend the new maintenance legislation so as to take into account the difficult situation of divorced women with children.

#### Discriminatory Impact of Law: domestic violence; child protection

41. The Committee commends the State party for the range of efforts, including recent legislative initiatives, to eliminate violence against women since the submission of its previous periodic report. It remains concerned, however, at the high prevalence of violence against women and girls, as demonstrated by the studies on women's experience with violence in Germany, including migrant women, showing that some 40 per cent of women had experienced physical or sexual violence or both since the age of 16 and that women from Turkish and Russian migrant backgrounds experienced physical and sexual violence with a level of frequency — and gravity for Turkish migrant women — clearly above the average for the female population of Germany. The Committee is also concerned at the inadequate impact of the Protection against Violence Act of 2002 on persistent and extremely violent perpetrators and on migrant women married for less than two years. The Committee is also concerned that acts of domestic violence may not be taken into account in child custody or visitation cases.

42. In accordance with its general recommendation No. 19, the Committee urges the State party to ensure that comprehensive measures are in place to address all forms of violence against women. The Committee calls upon the State party to ensure the effective implementation of the 2007 action plan on violence, to study and analyse all types of violence against women, particularly those that result in murders of women, and to continue implementing policies to prevent such violence, provide protection, support and services to the victims, and punish and rehabilitate offenders. The State party is also urged to implement legislation requiring that convictions for acts of domestic violence be taken into account in child custody or visitation decisions.

#### Absence of Legislation: employment termination

35. The Committee is concerned that the 2006 General Equal Treatment Act does not fully cover discrimination in all fields of the labour market, for example in the termination of employment contracts.



36. The Committee urges the State party to amend the General Equal Treatment Act in order for it to fully comply with the Convention.

## Ghana

August 2006

Explicit Discrimination in Law: marital rape

Impact of Law: violence against women

also Absence of Legislation: domestic violence

23. The Committee is concerned about the lack of data on the prevalence of violence against women, the lack of legislation to comprehensively address domestic violence, the apparent lack of public awareness of violence against women, and the insufficient support for victims of violence. The Committee is also concerned about insufficient measures aimed at preventing violence against women and about the fact that victims of violence have to bear the costs of medical examination when giving reports to the police.

24. The Committee urges the State party to ensure the speedy adoption of the Domestic Violence Bill, which is currently in Parliament and expected to be passed in 2006. It also urges the State party to repeal section 42(g) of the Criminal Code Act 29, which exempts husbands from prosecution for marital rape. The Committee calls on the State party to implement awareness-raising efforts about all forms of violence against women, including domestic violence, and the unacceptability of all such violence. It encourages the State party to put in place training measures aimed at judicial officers, including judges, lawyers, prosecutors, and police and health-care officials in order to enhance their capacity to deal with violence against women in a gender-sensitive manner. It also encourages the State party to provide economic assistance to women victims of violence who cannot afford to pay fees for medical examination. The Committee furthermore requests the State party to implement victim support measures, such as increasing the number of shelters or comparable safe places for women victims of violence, and to collect sex-disaggregated data on the incidence of violence against women.

Explicit Discrimination in Law: citizenship

25. The Committee expresses concern about the discriminatory nature of article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591), which make it more difficult for foreign spouses of Ghanaian women to acquire Ghanaian citizenship than it is for foreign spouses of Ghanaian men to acquire citizenship.

26. The Committee requests the State party to bring article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591) in line with article 9 of the Convention.

Implementation of Law: employment

29. The Committee expresses concern about the discrimination faced by women in employment, as reflected in the hiring process, the wage gap and occupational segregation. The Committee is concerned that 86 per cent of working women are employed in the informal sector of the economy, and only 4 per cent of women are employed in the formal public sector and 6 per cent in the formal private sector of the economy. It is also concerned about the apparent lack of monitoring mechanisms and enforcement of existing legislation.



30. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and the full implementation of the provisions of the Ghana Labour Act 2003 by the public and private sectors, including through effective monitoring and enforcement mechanisms. The Committee further recommends that the State party pay particular attention to the conditions of women workers in the informal sector with a view to ensuring their access to social services. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.

Implementation of Law: child marriage

also Absence of Legislation: polygamy

35. The Committee is concerned about women's unequal status in marriage and family matters owing to customary and traditional attitudes. It is particularly concerned that marriages under customary law and Mohameddan law allow polygamy, and that women are discriminated with regard to inheritance of family property. The Committee is furthermore concerned that, even though the Children's Act 1998 (Act 560) sets the minimum age of marriage at 18 years, customary practices still lead to child betrothals and child marriages.

36. The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention, and to effectively implement the Children's Act 1998 (Act 560) prohibiting child marriages. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations.

Implementation of Law: discriminatory customs; female genital mutilation; "Trokosi"

also Absence of Legislation: discriminatory customs

21. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted cultural norms, customs and traditions, including widowhood rites, female genital mutilation, and "Trokosi" (ritual slavery), which discriminates against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is also concerned about the persistence of the belief in witchcraft in some parts of the country, in particular in rural areas, and the fact that women accused of being witches are subjected to violence and are confined in witch camps.

22. The Committee urges the State party to introduce, without delay and in conformity with articles 2 (f) and 5 (a) of the Convention, concrete measures to modify and eliminate customs and cultural and harmful traditional practices that discriminate against women, so as to promote women's full enjoyment of their human rights. In particular, the Committee urges the State party to eliminate such practices as widowhood rites, female genital mutilation, "Trokosi" (ritual slavery), and confining women believed to be witches in witch camps. It invites the State party to implement existing legislation prohibiting such practices and adopt new legislation, as necessary, to eliminate these harmful traditional practices. It also invites the State party to increase its efforts to design and implement comprehensive education and awarenessraising programmes targeting women and men at all levels of society, including traditional leaders, with a view to changing discriminatory social and cultural patterns of conduct and to creating an enabling and supportive environment for women to exercise their human rights. The Committee encourages the State party to implement these necessary efforts in collaboration with civil society organizations, women's organizations and community leaders. It further calls upon the State party to review periodically the measures taken to assess the impact of these efforts and take appropriate remedial measures, and to report on results to the Committee in its next report.

### Absence of Legislation: Article 1 definition of discrimination

13. The Committee is concerned that the definition of discrimination against women contained in article 17 (2) of the Constitution is not in conformity with the definition contained in article 1 of the Convention, which encompasses the prohibition of direct and indirect discrimination. It is also concerned that the existing legislative framework is inadequate to ensure compliance with all the provisions of the Convention.

14. **The Committee requests the State party to include in its Constitution, or in its gender equality law, which is currently being drafted, a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination. It also urges the State party to adopt appropriate legislation for the implementation of each of the provisions of the Convention. The Committee also calls on the State party to ensure that the provisions of the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors.**

## Greece

February 2007

### Discriminatory Impact of Law: domestic violence

19. While welcoming the adoption of the Law on Combating Domestic Violence in 2006, in particular the inclusion of marital rape as a criminal offence and the prohibition of physical violence against minors, the Committee is concerned that the availability of the mediation procedure in criminal cases for certain types of domestic violence at the instance of the prosecutor may lead to the re-victimization of women who have suffered violence.

20. **The Committee recommends that the State party carry out studies and monitor closely the Law on Combating Domestic Violence, particularly its mediation procedure, in order to ensure that the legislation is implemented in a way that respects and promotes women's human rights and does not lead to perpetrators escaping punishment. The Committee calls on the State party to put in place training measures for judges who conduct mediation in criminal proceedings for domestic violence cases so as to enhance their capacity to deal with violence against women in a gender-sensitive manner.**

### Implementation of Law: marriage, inheritance; early marriage; polygamy

33. The Committee expresses concern about the non-application of the general law of Greece to the Muslim minority on matters of marriage and inheritance, as Muslim communities can choose to be governed by Sharia law. The Committee is concerned that this situation leads to discrimination against Muslim women, in contravention of the Greek Constitution and article 16 of the Convention. The Committee notes with concern the continuing phenomenon of early marriage and polygamy in the Muslim community notwithstanding the fact that they are in conflict with the Greek constitutional order and the Convention.

34. **The Committee urges the State party to increase efforts to raise the awareness of Muslim women of their rights and of remedies against violations, and to ensure that they benefit from the provisions of Greek law on marriage and inheritance. The Committee call upon the State party to enforce its laws prohibiting early marriages and polygamy and to take comprehensive measures aimed at eliminating these practices, in line with the Greek constitutional order, article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.**

# Guatemala

February 2009

## Explicit Discrimination in Law: Labour, Civil and Criminal Codes

13. The Committee notes the initiatives of the State party to modify discriminatory laws, but is concerned that several provisions that discriminate against women in the Labour, Civil and Criminal Codes have not yet been eliminated.

14. **The Committee urges the State party to give priority attention to legislative reforms to eliminate discriminatory laws against women and ensure compliance with the State party's obligations under the Convention and the Constitution. The Committee recommends that the State party undertake a comprehensive process of review of the compatibility of national legislation with the Convention and repeal all remaining legislation that discriminates against women, including the discriminatory provisions in the Labour, Civil and Criminal Codes.**

## Discriminatory Impact of Law: trafficking

### also Absence of Legislation: trafficking

23. The Committee notes with appreciation the ratification of the Convention against Transnational Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol). The Committee is, however, concerned at the lack of appropriate legislation and other measures to prevent trafficking for the purpose of sexual exploitation and for forced work, which also involves women and girls. The Committee is further concerned about the human rights principles related to deportation of migrants who have been trafficked. The Committee is also concerned at the lack of data disaggregated by sex, the types of cases reported and cases sentenced relating to the existence of trafficking.

24. **The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls. It also calls on the State party to determine the extent of the problem by collecting and analysing data on trafficking from the police and international sources. The Committee calls on the State party to enact legislation to enable prosecution and punish traffickers, ensure the protection of the human rights of trafficked women and girls, especially migrants, and provide for their rehabilitation and reintegration programmes. The Committee calls on the State party to ensure that trafficked women and girls receive adequate support so that they can testify against their traffickers without fear. The Committee further encourages the State party to develop and implement awareness-raising programmes, conduct research on the root causes of trafficking, provide comprehensive training to lawyers, criminal justice workers, health-care providers and law enforcement officials in all matters concerning sexual exploitation and trafficking, strengthen the capacity and provision of sufficient resources to the Inter-Institutional Commission to Combat Trafficking in Persons and continue and strengthen bilateral and multilateral cooperation with neighbouring countries.**

## Absence of Legislation: Article 1 definition of discrimination

11. While noting with appreciation that international treaties prevail over domestic laws and can be directly invoked in national courts, the Committee remains concerned that a prohibition of all forms of discrimination against women in line with articles 1 and 2 b of the Convention, including sanctions for such documentation, has not yet been adopted. The Committee is further concerned that the provisions of the Convention and its Optional Protocol are not sufficiently known by the public at large, including among legal professionals, manifested by its limited use by lawyers and the judiciary. The Committee is also concerned at the lack of awareness of women, in

particular rural and indigenous women, domestic workers and women working in the maquiladora industry and agro-industrial companies, of their rights.

**12. The Committee recommends that the State party prohibit discrimination against women in line with articles 1 and 2 b of the Convention, including sanctions, in relevant national legislation. It further recommends that educational programmes on the Convention, including its Optional Protocol, as well as programmes on women's rights be designed and introduced, in particular for legal professionals, including judges, lawyers, prosecutors and law enforcement personnel, and for the public at large. It further urges the State party to take proactive measures, including comprehensive legal literacy programmes to enhance women's awareness of their rights. These measures should be adapted and take into account the illiteracy and the multilingual character of the population, and should also target all vulnerable groups of women, so that they may know and be able to exercise their rights.**

## **Guinea**

August 2007

### Explicit Discrimination in Law: nationality

32. The Committee notes with concern that certain provisions of the Civil Code continue to contradict article 9 of the Convention on nationality and discriminate against Guinean women.

**33. The Committee requests the State party to speedily enact the amendments to the Civil Code so as to bring it in conformity with article 9 of the Convention.**

### Explicit Discrimination in Law: family headship (family benefits)

40. The Committee expresses concern that discriminatory provisions exist in relation to family benefits, whereby payments are being made to the husband only as head of the household.

**41. The Committee urges the State party to repeal discriminatory provisions in relation to family benefits, in accordance with article 13 of the Convention.**

### Explicit Discrimination in Law: marriage age; family headship (residence); child custody; marital responsibilities

44. The Committee is concerned about various prevailing discriminatory provisions in the Civil Code, such as a lower age of marriage for women (17 years) than for men (18 years), the notion that the man is the head of the household and as such determines the location of the family domicile, and the provisions relating to custody of minor children and the unequal sharing of marital responsibilities.

**45. The Committee urges the State party to place high priority on the speedy adoption of the draft civil code in order to bring the relevant provisions promptly into line with articles 1, 2, 15 and 16 of the Convention. The Committee calls upon the State party to increase its efforts to sensitize public opinion regarding the importance of this reform, in order to achieve full compliance with its provisions.**

### Explicit Discrimination in Law: cont'd.

20. The Committee is concerned about the delays in the adoption of the draft civil code, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men in various fields.

**21. The Committee urges the State party to place high priority on completing the process needed for the adoption of the draft civil code and to adopt it without delay within a clear time frame, in order to promptly bring the relevant provisions into line with the Convention, specifically with articles 9, 13, 15 and 16.**

### Implementation of Law: female genital mutilation

24. While noting the entrenched cultural underpinning of female genital mutilation and welcoming the promulgation of Act L/2000/010/AN of 10 July 2000 on reproductive health which prohibits female genital mutilation, as well as other measures, such as the prohibition on carrying out female genital mutilation at health facilities, the Committee is deeply concerned about the persistence and very high incidence of that harmful practice, which is a grave violation of girls' and women's human rights and of the State party's obligations under the Convention. It is also concerned about the impunity of perpetrators. The Committee notes the serious health complications for girls and women arising out of the practice of female genital mutilation and which, in some cases, may lead to death.

**25. The Committee urges the State party to raise awareness about the Law on Reproductive Health that prohibits all forms of female genital mutilation and to ensure its enforcement, including the prosecution and adequate punishment of offenders. It urges the State party to strengthen its awareness-raising and education efforts, targeted at both men and women, with the support of civil society and religious leaders, in order to eliminate the practice of female genital mutilation and its underlying cultural and religious justifications. It encourages the State party to devise programmes for alternative sources of income for those who perform female genital mutilation as a means of livelihood. It calls upon the State party to address the health consequences of female genital mutilation and provide medical support to those affected by it. In this context, it also encourages the State party to seek technical assistance from the United Nations Population Fund and the World Health Organization.**

### Absence of Legislation: Article 1 definition of discrimination

10. While noting that the Convention is an integral part of Guinean law, the Committee also notes that the absence of a specific legal provision in its domestic legislation, with a definition of discrimination against women in accordance with article 1 of the Convention, which encompasses both direct and indirect discrimination, constitutes an impediment to the full application of the Convention in the State party, as already stated in its previous concluding comments (see A/56/38, part two, chap. IV, para. 118).

**11. The Committee reiterates its recommendation that the State party develop capacity to understand the meaning of substantive equality and non-discrimination, as required by the Convention, and include without delay the prohibition of discrimination against women in its domestic law, encompassing both direct and indirect discrimination, in line with article 1 of the Convention.**

### Absence of Legislation: domestic violence; marital rape; sexual abuse

26. The Committee remains concerned about the prevalence of violence against women and girls. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes whereby the physical chastisement of family members, including women, is considered acceptable. It is further concerned about the lack of information and data in the report on the prevalence of different forms of violence against women, the lack of legislation to

address domestic violence comprehensively, the apparent lack of public awareness of this violation of women's human rights and the insufficient support for victims of violence.

27. The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee's general recommendation 19 in such efforts and of the United Nations Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1). It urges the State party to raise public awareness through the media and education programmes that all forms of violence against women are unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed and that effective and gender-sensitive support is provided to victims. It calls on the State party to enhance victims' access to legal redress and to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. The Committee urges the State party to enact without delay legislation on domestic violence, including marital rape, and all forms of sexual abuse, as requested in the Committee's previous concluding comments (see A/56/38, part two, chap. IV, para. 135). The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of such measures, as well as statistical data and trends over time concerning the prevalence of various forms of such violence.

## Guinea-Bissau

August 2009

### Explicit Discrimination in Law: general

13. Despite assertions by the State party that the Constitution is the supreme law and that any laws contravening its provisions are deemed unconstitutional, the Committee is deeply concerned that laws that discriminate against women in both purpose or effect remain in force, in contravention of the State party's obligations under the Convention. The Committee is also concerned that, despite information provided by the State party on draft laws relating to various substantive areas of the Convention, it was not able to obtain a clear picture of their full scope and content, time frame for discussion and adoption, and plans for their implementation.

14. The Committee urges the State party to systematically review its domestic legislation with a view to ensuring without delay that all discriminatory legislation is explicitly amended or repealed and brought into full compliance with the Convention and the Committee's general recommendations. It also encourages the State party to introduce a process by which all draft legislation is analysed in light of the obligations set forth in the Convention.

### Explicit Discrimination in Law: marriage and family

### Implementation of Law: early marriage; forced marriage; polygamy; levirate marriage

### also Absence of Legislation: discriminatory customs

41. The Committee expresses its concern that laws which discriminate against women in both purpose and effect remain in force in Guinea-Bissau, in contravention of articles 15 and 16 of the Convention. It is particularly concerned that numerous provisions of the Civil Code remain in force, despite the State party's assertion that they have been repealed pursuant to article 25 of the Constitution. The Committee is also deeply concerned about the

prevalence of harmful traditional practices under customary law in Guinea-Bissau, including early and forced marriage, polygamy and levirate marriage, which violate the human rights of women and girls.

**42. The Committee urges the State party, in accordance with articles 15 and 16 of the Convention and in line with its general recommendation No. 21, to explicitly repeal all discriminatory provisions in national legislation and customary law in the areas of marriage and family relations as a matter of priority. It also urges the State party to take appropriate measures to eradicate harmful traditional practices and those customs and traditions that justify and perpetuate them.**

Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

11. The Committee is concerned at the absence of a definition of discrimination in the State party's Constitution or legislation in line with article 1 of the Convention. While the Committee commends the State party's constitutional provisions guaranteeing the de jure equality between women and men, it is concerned that this provision is not entirely in line with article 2 (a) of the Convention.

**12. The Committee urges the State party to incorporate into appropriate national legislation or the Constitution, currently under review, a definition of discrimination against women that encompasses both direct and indirect discrimination, in line with article 1 of the Convention, as well as the principle of equality between women and men in accordance with article 2 (a) of the Convention.**

## Guyana

July 2005

Explicit Discrimination in Law: penal code

Discriminatory Impact of Law: marital property

21. The Committee is concerned about the persistence of discriminatory legal provisions, particularly the Criminal Law (Offences) Act provision which makes it a criminal act for a girl of 16 years to have sexual intercourse with a relative such as a grandfather or brother and making her liable to imprisonment for up to seven years; and the Married Persons Property Act that prevents non-working spouses from acquiring the same rights in matters of division of property and disproportionately affects women.

**22. The Committee urges the State party to undertake comprehensive legal reform in accordance with its obligations under the Convention and, in particular, to eliminate discriminatory provisions without delay in the Criminal Law (Offences) Act and civil law so as to ensure full compliance with articles 2 and 16 of the Convention. The Committee requests the State party to provide the necessary support to the Women and Gender Equality Commission so that it may place high priority on reviewing existing and future legislation for compliance with the provisions of the Convention and submitting recommendations for compliance with international instruments to which the State is a party.**

Discriminatory Impact of Law: age of sexual consent

37. While welcoming the adoption of the National Strategic Plan for HIV/AIDS 2002-2006, the Committee notes with concern the high and growing prevalence of HIV/AIDS among women, especially younger women, who are particularly vulnerable because of unequal power relations and limited socio-economic

opportunities. The Committee is especially concerned that the low minimum age of sexual consent (13 years) puts young women and girls at particular risk of becoming victims of sexual exploitation and infection with the virus.

**38. The Committee urges the State party to strengthen attention to the gender dimensions in its efforts to combat the HIV/AIDS pandemic. It calls on the State party to increase its emphasis on men's responsibilities in preventing the spread of the disease, including through awareness-raising and prevention campaigns, and the implementation of education programmes on sexual and reproductive health and rights directed at both women and men, including the provision of condoms. It also urges the State party to increase the minimum age of sexual consent to protect girls effectively against sexual exploitation.**

#### Discriminatory/Inadequate Implementation of Law: domestic violence

33. While noting the Domestic Violence Act of 1996, the Committee expresses concern about the insufficient measures to ensure its effective implementation; lack of an effective monitoring mechanism; and insufficient support measures for victims of domestic violence, such as shelters and legal, medical and psychological support. The Committee is also concerned that victims are reluctant to report cases of abuse for fear of being stigmatized. The Committee regrets that the State party provided only some information on domestic violence, but did not address other forms of violence against women.

**34. In the light of its general recommendation 19, the Committee urges the State party to accord priority attention to the effective enforcement and monitoring of legislation on domestic violence to ensure that all women who are victims of violence, including Amerindian women and those living in rural and hinterland areas, have access to immediate means of redress and protection, including protection orders, legal aid and shelters in sufficient numbers. The Committee calls on the State party to provide adequate funding for such protection and support measures. The Committee requests the State party to strengthen its efforts to train the police and ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and adequately equipped to support victims of such violence. The Committee also calls on the State party to take measures, through the media and public education programmes, towards changing social, cultural and traditional attitudes that remain permissive of all forms of violence against women, including sexual violence against young girls. The Committee requests that the State party provide in its next report comprehensive information, including statistical information, on all forms of violence against women and measures to prevent and eradicate it.**

## Haiti

February 2009

#### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

10. While noting that the State party's Constitution provides that international instruments take precedence over national law and can be directly applied, the Committee remains concerned at the absence of domestic legislation prohibiting discrimination against women and providing sanctions for such discrimination. In this respect, the Committee notes the intention of the Ministry for the Status of Women and Women's Rights to draft a gender equality bill as a part of implementation of its 2008-2009 action plan.

**11. The Committee calls upon the State party to expeditiously draft and adopt the gender equality bill and to include a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention as well as the principle of equality between women and men and the provision of sanctions for discriminatory acts in line with article 2 of the Convention.**



## Honduras

August 2007

### Explicit Discrimination in Law: Family Law; Labour Code

14. While appreciating the reform of the Penal Code in 2005 to revise some discriminatory provisions, and noting the State party's efforts to establish a gender unit within the judicial branch to review and revise discriminatory legislation, procedural codes and regulations, the Committee is concerned about the delay in the law reform process, especially since the State party assumed the obligation to remove such discriminatory provisions upon its ratification of the Convention without reservations over 24 years ago.

15. **The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, procedural codes and regulations, including discriminatory provisions in the Family Law and the Labour Code. To this end, the Committee calls upon the State party to increase its efforts to sensitize the parliament as well as public opinion regarding the importance of accelerating legal reform aimed at achieving de jure equality for women and compliance with the Convention.**

### Implementation of Law: Labour Code

### Absence of Legislation: informal and domestic labour; child labour

28. The Committee is concerned about the continuing discrimination against women in the labour market, where there is occupational segregation and a persistent wage gap between men and women. It is concerned about the concentration of women in the informal sector and in domestic work with no social security or other benefits provided under the Labour Code. The Committee is also concerned about the existence of child labour, in particular the exploitation and abuse of girls working in domestic service, and the exploitation of the predominantly female workers in the maquiladoras.

29. **The Committee recommends that the State party adopt policies and concrete measures to eliminate both horizontal and vertical occupational segregation, accelerate the eradication of pay discrimination against women and ensure de facto equal opportunities for women and men in the labour market. It also encourages the State party to ensure that women in the informal sector and domestic work are not exploited and are provided social security and other benefits. The Committee calls upon the State party to enact and effectively enforce laws against child labour and ensure that girls working in domestic service and in other jobs in both the formal and informal sector are not exploited or abused. The Committee recommends that the State party strengthen labour inspectorates to monitor compliance with the Labour Code, especially in the maquiladoras, and to ensure that penalties are imposed for violations.**

## Hungary

August 2007

### Discriminatory Impact of Law: sexual violence; rape; age of sexual consent; marriage age

20. The Committee reiterates its concern that the Penal Code continues to treat sexual crimes as crimes against morality or crimes against decency, rather than as violations of women's rights to bodily security and integrity. It reiterates its concern that the definition of rape is based on the use of force, rather than lack of consent, and that the age of consent continues to be 14 years. It also reiterates its concern that a minor between 16 and 18 years of age may legally marry.

21. **The Committee urges the State party to reform its law to define sexual crimes as crimes involving violations of women's rights to bodily security and integrity and that the State party define the crime of rape as sexual intercourse without consent. The Committee reiterates its recommendation that the age of consent be raised and that the State party incorporate the concept of statutory rape and prohibit sexual intercourse with underage girls. It reiterates its**

**recommendation that the State party raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

### Absence of Legislation: Article 1 definition of discrimination

12. While noting the adoption in 2003 of the Act on Equal Treatment and the Promotion of Equal Opportunities, the Committee is concerned that there is no definition of discrimination against women in accordance with article 1 of the Convention in the Constitution or in the Act on Equal Treatment and the Promotion of Equal Opportunities. The Committee is concerned about the lack of information about the impact of the Act on the promotion of gender equality, as well as the insufficient use of the Equal Treatment Authority by women to address discrimination against women, including sexual harassment.

13. **The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the Constitution or appropriate laws, such as the Act on Equal Treatment and the Promotion of Equal Opportunities. The Committee calls upon the State party to monitor, through measurable indicators, the impact of the Act on Equal Treatment and the Promotion of Equal Opportunities and of other laws, policies and action plans aimed at the promotion of gender equality, and the work of the Equal Treatment Authority, and to evaluate progress achieved towards the realization of women's substantive equality. The Committee requests the State party to include the results of such evaluation in its next report.**

### Absence of Legislation: domestic violence

18. While noting the development of the national strategy to prevent and effectively manage family violence and other measures that have been taken, including the creation of a free telephone service and the opening of some shelters for victims of domestic violence, the Committee continues to be concerned about the prevalence of violence against women in Hungary, including domestic violence. The Committee is concerned that the initiative to introduce restraining orders has not been effective in providing protection to women victims of domestic violence. The Committee continues to be concerned about the lack of a specific law on domestic violence against women which provides for effective protection of victims, including restraining orders, and their access to legal aid.

19. **The Committee urges the State party to implement effectively, with specified time frames, the national strategy to prevent and effectively manage family violence and to monitor its impact. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. The Committee reiterates its recommendation that the State party elaborate a specific law on domestic violence against women which provides for such redress and protection. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary,**

health-care providers and social workers, are fully familiar with applicable legal provisions and are sensitized to all forms of violence against women and respond adequately to them. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women and to improve its research and data collection on the prevalence, causes and consequences of violence against women and to include the results of such research in its next periodic report.

## Iceland

July 2008

### Discriminatory Impact and Implementation of Law: sexual violence; rape

218. While noting the adoption by the Director of Public Prosecution in September 2007 of new guidelines on the investigation of rape cases, the Committee remains concerned, as expressed in its previous concluding observations, at the light penalties for crimes of sexual violence, especially rape, and at the lack of updated detailed information, including statistics, on sentences imposed on perpetrators of crimes of sexual violence. In addition, the Committee is concerned that there is a significant disparity between the numbers of investigated cases of sexual offences, and the numbers of prosecutions and convictions.

219. **The Committee recommends that, in accordance with its general recommendation No. 19, the State party ensure that comprehensive legal and other measures are in place to address all forms of violence against women, especially domestic and sexual violence. It also recommends that the State party improve its research and data collection and analysis on the prevalence, causes and consequences of violence against women, including information on the relationship between the perpetrator and the victim in instances of violence and the potential causes of an unwillingness of victims to proceed with charges. The Committee calls upon the State party to conduct comprehensive research on the functioning of the justice system with regard to violence against women and to consider, in the light of its results, to review its penal and penal procedure laws to ensure that perpetrators of acts of violence against women are always adequately prosecuted and convicted in accordance with the grave nature of their acts. Such review should include, if deemed necessary, the imposition of heavier penalties for such crimes. Special attention should be given to articles 45 and 112 of the Code of Criminal Procedure No. 19/1991 with regard to the broad competence of the Director of Public Prosecution. The Committee recommends that the State party ensure that all women who are victims of violence have access to immediate and appropriate means of protection.**

### Absence of Legislation: Article 1 definition of discrimination

212. While noting that the State party has complemented a general prohibition of discrimination on the basis of gender contained in the Equal Status and Equal Rights of Women and Men Act with definitions of direct and indirect discrimination contained in Regulation No. 47/2003 on the functions of the Centre for Gender Equality, the Committee remains concerned that article 1 of the Convention, which defines “discrimination against women”, is not fully reflected in the said Regulation. The Committee is also concerned that even though many provisions of the Convention are incorporated in the Act on Gender Equality, this is not done with respect to article 4, paragraph 1, of the Convention.

213. **In order to fully implement the Convention, the Committee calls upon the State party to give further consideration to the incorporation of the definition of discrimination against women contained in article 1 of the Convention in its national legislation. The Committee recommends that the State party provide a legal basis for**

employing and implementing temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

## India

February 2007

### Impact and Implementation of Law: early marriage

56. The Committee is concerned about the State party's assertion that the social acceptability of early marriages has negated the implementation of the Child Marriage Restraint Act. In addition, it is concerned that this Act penalizes the offender but does not render the marriage void, purportedly to avoid illegitimacy of any offspring of such union, which stands in contradiction to the purpose of the Act and is a violation of the rights of the married child.

**57. The Committee urges the State party to take proactive measures to effectively implement the Child Marriage Restraint Act with a view to eradicating child marriages. It recommends that the State party take comprehensive, effective and stringent measures aimed at deterrence of those engaged in child marriages, the elimination of such practices and the protection of the human rights of the girl child.**

### Discriminatory Impact of Law: rape

### Absence of Legislation: marital rape; sexual violence; child sexual abuse

22. While noting that consultations are under way to amend relevant legislation relating to rape, the Committee is concerned about the narrow definition of rape in the current Penal Code and its failure to criminalize marital rape and other forms of sexual assault, including child sexual abuse.

**23. The Committee urges the State party to widen the definition of rape in its Penal Code to reflect the realities of sexual abuse experienced by women and to remove the exception for marital rape from the definition of rape. It also calls upon the State party to criminalize all other forms of sexual abuse, including child sexual abuse. It recommends that the State party consult widely with women's groups in its process of reform of laws and procedures relating to rape and sexual abuse.**

### Implementation of Law: personal laws

10. The Committee is concerned by the State party's reluctance to review its policy of non-interference in the personal laws of communities without their initiative and consent and to withdraw its reservations to articles 5 (a) and 16 (1) of the Convention, which stand in contradiction not only to the overall spirit and aim of the Convention but also to the State party's existing constitutional guarantees of equality and non-discrimination.

**11. The Committee urges the State party to review its reservations to articles 5 (a) and 16 (1) with a view to withdrawing them, to proactively initiate and encourage debate within the relevant communities on gender equality and the human rights of women and, in particular, work with and support women's groups as members of these communities so as to (a) modify social and cultural patterns of conduct to achieve elimination of prejudices and practices based on stereotyped roles for men and women and (b) review and reform personal laws of different ethnic and religious groups to ensure de jure gender equality and compliance with the Convention.**

### Implementation of Law: dowry; sati; devadasi; witch-hunting

26. In addition to previously expressed concerns about customary practices, such as dowry, sati and the devadasi system, the Committee is concerned about the practice of witch-hunting which constitutes an extreme form of violence against women.

**27. The Committee recommends that the State party adopt appropriate measures to eliminate the practice of witch-hunting, prosecute and punish those involved, and provide for rehabilitation of, and compensation to, victimized women. It recommends that such measures be based on an analysis of its causes, including control over land. The Committee calls upon the State party to create public awareness of forms of violence against women rooted in custom as an infringement of women's human rights.**

### Absence of Legislation: refugee law

50. The Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, which adversely impacts women refugees and asylum-seekers.

**51. The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in India, in line with international standards, in order to ensure protection also for asylum-seeking and refugee women and their children. It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status.**

### Absence of Legislation: marital property

54. The Committee is concerned that the civil Special Marriage Act fails to ensure equality for women in marriage and its dissolution by not giving women equal rights to property accumulated during marriage.

**55. The Committee recommends that the State party amend the Special Marriage Act, in the light of article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations, to give women equal rights to property accumulated during the marriage.**

## Indonesia

August 2007

### Explicit Discrimination in Law: general

### Absence of Legislation: gender equality law

10. The Committee welcomes the Government's efforts to identify gender-biased laws and to initiate revisions to those laws, including the amendments passed to the Law on Population. The Committee is concerned, however, that revisions have not been undertaken on all of the 21 laws that the Government has identified as discriminatory, and that some of the amendments, while demonstrating progress towards equality, are still discriminatory towards women. The Committee also expresses concern about whether the new draft law on gender equality will fully conform with and implement the State party's obligations under the Convention.

**11. The Committee urges the State party to give high priority to its law reform process and to amend, without delay and within a clear time frame, discriminatory laws and regulations and bring them in line with the**

Convention. It calls upon the State party to increase its efforts to sensitize Government officials, the National Assembly and public opinion regarding the importance of legal reform to achieve women's de jure equality. The Committee encourages the State party to enact and implement comprehensive laws on equality between women and men in line with its obligations under the Convention and urges the State party to take steps to ensure that the draft law on gender equality currently under consideration fully complies with the State party's obligations under the Convention, including its provisions regarding substantive equality.

#### Explicit Discrimination in Law: spousal consent for reproductive health services; employment

16. The Committee is concerned about the persistence of entrenched patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and society that discriminate against women. Such stereotypes and attitudes constitute serious obstacles to women's enjoyment of their human rights and the implementation of the Convention and are the root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life. In particular, the Committee is also concerned about requirements that a woman obtain her family's consent before engaging in night work. The Committee is further concerned about the requirement that a woman obtain her husband's consent regarding sterilization and abortion, even when her life is in danger.

17. **The Committee encourages the State party to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society, in accordance with articles 2 (f) and 5 (a) of the Convention. Such efforts should aim at changing stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and at strengthening societal support for gender equality. The Committee further urges the State party to remove family and spousal consent requirements in the areas of women's employment and health.**

#### Explicit Discrimination in Law: family headship; polygamy; marriage age

18. The Committee is concerned about the discriminatory provisions in the Marriage Act of 1974, which perpetuate stereotypes by providing that men are the heads of households and women are relegated to domestic roles, allow polygamy and set a legal minimum age of marriage of 16 for girls. The Committee is also concerned about the lack of progress in the law reform process with respect to marriage and family law, which allows the persistence of discriminatory provisions that deny women equal rights with men. In particular, it expresses concern that amendments to the Marriage Act of 1974 have not yet been completed, although the Committee expressed concerns about the discriminatory provisions in this Act in its previous concluding comments.

19. **The Committee requests the State party to take immediate steps to revise the Marriage Act of 1974 in accordance with its obligations under the Convention and with the Committee's general recommendation 21, the Convention on the Rights of the Child and the State party's expressed intention to amend the law without delay. It further urges the State party to put in place an effective strategy with clear priorities and timetables to eliminate discrimination against women in the areas of marriage and family relations.**

#### Explicit Discrimination in Law: citizenship

##### Impact of Law: citizenship

28. The Committee is concerned that the amended Law on Citizenship still does not provide women with the same rights as men to retain or transmit their Indonesian citizenship and is not in compliance with article 9 of the Convention. The Committee expresses concern that the imposition of time limits and administrative requirements for women to retain their Indonesian citizenship creates obstacles to women's full enjoyment and retention of

their citizenship rights. In particular, the Committee is concerned about the discriminatory impact of the law on women who migrate abroad, especially those facing situations of violence or who are trafficked as mail-order brides or for purposes of commercial sexual exploitation, as they are at risk of losing their nationality under the amended Citizenship Law.

**29. The Committee urges the State party to amend its citizenship and nationality laws in order to bring them into line with article 9 of the Convention and to set a speedy timetable for such an amendment. It further urges the State party to consider the impact of its citizenship and nationality laws on women who migrate or are trafficked abroad, and to take such a potentially disadvantageous impact fully into consideration when amending the laws.**

#### Explicit Discrimination and Impact of Law: local and regional laws

##### Implementation of Law: dress code

12. While appreciating the State party's efforts to promote empowerment, flexibility and autonomy at the local government level and to increase the contributions of regional governments to the democratization of the country, the Committee is concerned that the process of decentralization has resulted in the uneven recognition and enforcement of women's human rights and discrimination against women in some regions, including Aceh. The Committee is also concerned about the rise of religious fundamentalist groups advocating restrictive interpretations of sharia law, which discriminate against women, in several regions of the country. The Committee is also concerned about information it has received that the Government has rescinded a number of local laws and regulations pertaining to economic matters such as taxes, but has failed to rescind local laws that discriminate against women on the basis of religion, including laws regulating dress codes, which are disproportionately enforced against women.

**13. The Committee urges the State party to review, monitor and evaluate the implementation of local and regional laws to ensure that they fully comply with national human rights laws and the obligations of the State party under the Convention, so that women's rights are fully protected throughout the country. The Committee recommends that such measures should include, inter alia, the provision of guidelines to local authorities on the drafting of local laws and the rescinding of laws discriminating against women. The Committee encourages the State party to obtain information on comparative legislation and jurisprudence in which more progressive interpretations of Islamic law have been codified and applied. It also urges the State party to take all necessary steps to increase support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, women's non-governmental organizations and community leaders, that is supportive of women's equality.**

##### Discriminatory Impact of Law: migrant workers

32. While the Committee welcomes the signing of memorandums of understanding on the rights of migrant workers with some countries, the efforts of the State party to increase the pre-departure preparedness of migrant workers and its stated commitment to reducing the fees charged from departing and returning migrant workers in Indonesia, the Committee remains concerned at the situation of women migrants from Indonesia, who constitute some 70 per cent of the country's migrants. It is also concerned that bilateral agreements and memorandums of understanding have not been entered into with all countries and regions to which Indonesian women migrate and that the rights of women workers who migrate through informal channels are not adequately protected. The Committee is further concerned about the discriminatory provisions contained in some of the existing memorandums of understanding, including provisions that allow employers to hold migrant workers' passports. The Committee is also concerned about the high fees and burdensome administrative requirements imposed in Indonesia on departing and returning migrant workers.



33. The Committee urges the State party to continue developing bilateral agreements and memorandums of understanding with the countries to which Indonesian women migrate in search of work, while ensuring that such agreements fully reflect women's human rights and are in conformity with the Convention. The Committee further urges the State party to ensure that discriminatory provisions are removed and/or excluded from memorandums of understanding or bilateral agreements, such as provisions allowing employers to hold employees' passports. In addition, it requests the State party to develop policies and measures to protect women migrant workers who go abroad through informal and formal channels from all forms of violations of their rights, including by monitoring recruitment agencies and practices and expanding the services provided to these workers abroad. The Committee further encourages the State party to reduce the fees and administrative burdens imposed on migrant workers at points of departure from or entry into Indonesia. The Committee also encourages the State party to take a coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment.

#### Implementation of Law: labour rights

#### Absence of Legislation: equal pay; sexual harassment

34. The Committee regrets the lack of information provided on the situation of women in the labour market, especially regarding women in the informal sector. The Committee is concerned about the situation of women with respect to recruitment processes, the pay gap between women and men and the inequalities in the social security benefits provided to women and men. The Committee also expresses concern regarding the poor implementation of and inadequate protections and sanctions within existing labour laws. In particular, the Committee is concerned about the omission from the Manpower Act of 2003 of a provision recognizing the principle of equal pay for equal work and work of equal value in accordance with the Convention and ILO Convention No. 100. The Committee also expresses concern regarding the lack of a law prohibiting sexual harassment in the workplace.

35. The Committee requests the State party to take concrete measures to eliminate discrimination and to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention. It further calls for measures to ensure that women receive equal pay for both equal work and work of equal value and equal social benefits and services. It encourages the State party to establish sanctions for discrimination against women in the employment field in both the public and private sectors, including sexual harassment, to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid. The Committee calls upon the State party to provide detailed information in its next report, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.

#### Absence of Legislation: Article 1 definition of discrimination

8. While appreciating the efforts of the State party to enhance its legislative and constitutional protections for women's human rights and noting that the Convention was ratified through Law No. 7 of 1984, the Committee is concerned that the Convention has not been fully and systematically incorporated throughout Indonesian law. In particular, the Committee is concerned that there is no clear definition of discrimination modelled on article 1 of the Convention in the Indonesian Constitution or legislation. The Committee also regrets that the State party did not clarify whether the Convention takes precedence in situations where there is a conflict between the Convention and domestic laws, nor did it describe the mechanisms available to women in Indonesia to invoke the provisions of the Convention. The Committee is also concerned that the provisions and obligations of the Convention are not widely known by lawmakers, judges, lawyers and prosecutors or by Indonesian women themselves.



9. The Committee calls upon the State party to take immediate steps to ensure that the provisions, principles and concepts of the Convention are fully applicable and utilized in domestic law. It further encourages the State party to incorporate a definition of discrimination into its Constitution or national legislation that conforms with article 1 of the Convention. It recommends that the State party ensure that effective mechanisms and remedies are available to women whose human rights, as provided for in the Convention, have been violated. The Committee calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, and are well known to lawmakers in order to firmly establish a legal culture supportive of women's equality and non-discrimination in the country.

#### Absence of Legislation: female genital mutilation

20. The Committee is concerned about the incidence of the practice of female genital mutilation in Indonesia, which constitutes a form of violence against women and girls and is in violation of the Convention. It is further concerned about the reported phenomenon of the medicalization of the practice of female genital mutilation. The Committee is also concerned that there is no law prohibiting or penalizing the practice of female genital mutilation in Indonesia.

21. The Committee urges the State party to speedily enact legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished. It also recommends that the State party develop a plan of action and undertake efforts to eliminate the practice of female genital mutilation, including implementing public awareness-raising campaigns to change the cultural perceptions connected with female genital mutilation, and provide education regarding the practice as a violation of the human rights of women and girls that has no basis in religion.

#### Absence of Legislation: domestic labour

22. While welcoming the enactment of the Law on Domestic Violence, which includes domestic workers within its scope, the Committee is concerned about the abuse and exploitation of women employed as domestic workers in Indonesia. The Committee expresses concern that the Law on Domestic Violence has not been fully implemented with respect to domestic workers and that they lack information on the law and the ability to access its legal protections. The Committee is further concerned that domestic workers are not included in the provisions of the Manpower Act, which regulates work hours, leave and minimum wages, and are therefore additionally vulnerable to exploitation.

23. The Committee recommends that the State party enact comprehensive laws and establish procedures to monitor and safeguard the rights of women domestic workers and adequately prosecute and punish abusive employers. The Committee calls upon the State party to provide domestic workers with viable avenues of redress against abuse by employers. The Committee further urges the State party to undertake efforts to ensure that domestic workers are aware of their rights and legal protections and have access to legal aid. It requests the State party to include information on the steps and measures taken, and on their impact, and data on the prevalence of violence against women domestic workers in its next periodic report.

#### Impact of Law: birth registration

36. While the Committee welcomes the reintroduction of the "Mother Friendly Movement" to combat maternal mortality, it is concerned about the high rates of maternal and infant mortality in Indonesia. The Committee is also concerned about the lack of family planning education and the difficulty in accessing contraceptives, which result in a high rate of abortions and teenage pregnancies. While the Committee also appreciates the efforts of the State party to revise the Population Law to ensure that birth certificates are available to the poor, the Committee is concerned that a lack of information, bureaucratic obstacles and financial barriers may prevent poor and rural

women from obtaining birth certificates and registering births and notes that the inability to access such services has been linked to the medicalization of female genital mutilation and to trafficking in females.

**37. The Committee urges the State party to continue its efforts to ensure that women have equal access to appropriate and adequate health services, including in rural areas, that obstetric and maternal health needs are adequately addressed and that maternal mortality rates are reduced. It invites the State party to make full use of the Committee's general recommendation 24 on women and health. The Committee also recommends that measures be taken to guarantee effective access of women and girls to information and services regarding sexual and reproductive health and contraception in order to reduce the rate of unsafe abortions and teenage pregnancy. The Committee also urges the State party to take legislative and practical steps to ensure that births can easily be registered and birth certificates obtained free of charge. It also recommends that the State party implement public awareness-raising campaigns and take concrete measures to ensure that poor and rural women are aware of the requirements relating to birth registrations and certificates and are able to fully access the birth certificate and registration services provided by the Government. The Committee requests that the State party provide information on the impact of measures taken by the Government in these areas in its next report.**

## **Ireland**

July 2005

### Impact of Law: abortion

38. While acknowledging positive developments in the implementation of article 12 of the Convention, in particular the Strategy to Address the Issue of Crisis Pregnancy (2003) that addresses information, education and advice on contraceptive services, the Committee reiterates its concern about the consequences of the very restrictive abortion laws under which abortion is prohibited except where it is established as a matter of probability that there is a real and substantial risk to the life of the mother that can be averted only by the termination of her pregnancy.

**39. The Committee urges the State party to continue to facilitate a national dialogue on women's right to reproductive health, including on the very restrictive abortion laws. It also urges the State party to further strengthen family planning services, ensuring their availability to all women and men, young adults and teenagers.**

### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

22. The Committee notes that not all provisions of the Convention have been incorporated into the domestic law of the State party. It is concerned at the absence of a detailed definition of discrimination covering all areas of life in accordance with article 1 of the Convention, the principle of equality between women and men, as set forth in article 2 (a) of the Convention and other specificities of the Convention, such as article 5 (a) that requires States to address social and cultural patterns that lead to discrimination and stereotyped roles for women and men and article 14 on rural women.

**23. The Committee recommends that the State party take appropriate measures to incorporate all the provisions of the Convention into domestic law and to ensure that effective remedies are available to women whose rights are violated. It also recommends inclusion of a definition of discrimination against women in line with article 1 of the Convention, and the principle of equality of women and men as set forth in article 2 (a) of**

the Convention in the Constitution or other appropriate legislation. It also recommends campaigns to raise awareness of the Convention, including its interpretation by the Committee through its general recommendations aimed, inter alia, at parliamentarians, government officials, the judiciary and the legal profession.

#### Absence of Legislation: trafficking

30. The Committee is concerned about trafficking in women and girls into Ireland, the lack of information on the extent of the problem and on specific legislation in this area, and the lack of a comprehensive strategy to combat it.

31. The Committee recommends the adoption and implementation of a comprehensive strategy to combat trafficking in women and girls, which should include preventive measures, the prosecution and punishment of offenders and the enactment of specific legislation in the area. The Committee also recommends that measures be put in place to provide for the physical, psychological and social recovery of women and girls who have been victims of trafficking, including the provision of shelter, counselling and medical care. It further recommends that border police and law enforcement officials be provided with the requisite skills to recognize and provide support for victims of trafficking. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls and on the measures taken to combat the phenomenon.

#### Implementation of Law: domestic labour

#### Absence of Legislation: migrant domestic labour

36. While acknowledging the initiatives taken by the State party to foster women's participation in employment, including the Equal Opportunities Childcare Programme, 2000-2006, the Committee is concerned that women remain disadvantaged in the labour market. It is particularly concerned that they are concentrated in part-time and low-paid work and that the pay gap between women and men, although recently reduced, is still significant. The Committee is further concerned about the precarious situation of migrant domestic workers, the vast majority of whom are women, who are excluded from the protection against discrimination extended to employees under the Equality Act, 2004.

37. The Committee recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of affordable childcare, and that the equal sharing of domestic and family tasks between women and men be promoted. It also recommends that the State party adopt policies and concrete measures to accelerate the eradication of pay discrimination against women and to work towards ensuring de facto equal opportunities for women and men in the labour market. The Committee calls on the State party to ensure that women domestic workers, including migrant women, are duly protected against discrimination.

## Israel

February 2011

### Explicit Discrimination in Law: Immigration (pregnancy/migrant work permits)

#### Discriminatory Impact of Law: migrant work permits

#### Absence of Legislation: migrant domestic workers

42. The Committee expresses its particular concern at the disadvantaged situation of female migrant workers in the country. In this respect, the Committee is concerned at the difficult working conditions of female migrant workers, who are employed primarily as in-home care-givers, and that they work on a round-the-clock basis with mandatory live-in arrangements. The Committee also notes with concern the 2009 Supreme Court decision in the matter of *Yolanda Gloten vs. the National Labour Court*, by virtue of which migrant home care givers are excluded from the Hours of Work and Rest Law, providing basic labour law protections to workers in the State party generally. Furthermore, the Committee is seriously concerned at the State party's existing policy that migrant workers who give birth must leave the State party with their baby within three months of giving birth or send their baby out of the State party's borders so as to safeguard their work permits. The Committee is equally concerned that marriage and intimate relationships between migrant workers under an existing State party policy constitute cause to revoke the couple's work permits.

#### **43. The Committee urges the State party to:**

**(a) Extend and enforce all labour law protections, including health and safety standards, for all female migrant workers, including migrant home care workers, ensure their access to legal remedies, and allow them to negotiate freely with their employer whether to reside in the employer's household or not; and**

**(b) Revoke its policies with regard to cancellation of work permits for migrant workers in cases of child birth, marriage and intimate relationships, in accordance with the State party's obligations under the Convention and the Committee's general recommendation No. 26 on women migrant workers.**

### Explicit Discrimination in Law: divorce

#### Discriminatory Impact of Law: divorce; marriage age

#### Discriminatory/Inadequate Implementation of Law: religious laws; polygamy; child marriage

48. Noting that all Jews in Israel can be married and divorced only in the rabbinical courts which are male dominated and completely governed by religious law, the Committee is concerned about discrimination against women in the context of divorce in such courts, in that only the husband has the right to grant his wife divorce (the "get") of his own free will. The Committee also expresses its concern at recent cases of retroactive invalidation of divorce, to the detriment of Jewish women. The Committee is further concerned about the continuing practices of polygamy and under-age marriage of girls that are legitimized under different religious laws governing personal status.

#### **49. The Committee calls upon the State party to:**

**(a) Introduce an optional system of civil marriage and divorce available to all;**

**(b) Harmonize religious laws currently governing marriage and divorce with the Convention and eliminate provisions that are discriminatory against women, including by prohibiting the man's unilateral power to grant the "get", prohibiting the possibility of extorting concessions from women in return for the "get" as well as the practice of retroactive invalidation of divorces, and by further limiting the scope of rabbinical courts' jurisdiction to matters of marriage and divorce alone;**

**(c) Ensure that rabbinical court judges are provided with training on the Convention, with special emphasis on article 16 as well as domestic violence;**

**(d) Take active measures to enforce the prohibition of bigamy and current exceptions under which it is allowed and polygamous marriages, as called for in the Committee's general recommendation No. 21; and**

**(e) Take effective measures to enforce adherence to the minimum age of marriage, and, in this respect, take measures to raise the minimum age of marriage to 18 years for both women and men.**

**Discriminatory Impact of Law: grounds for refugee status**

46. While noting the information provided in the fifth report in respect of women with disabilities and women belonging to ethnic minorities, especially Israeli Arab women, the Committee is concerned at the very limited information provided regarding certain other disadvantaged groups of women and girls, including asylum-seeking women, refugee women, internally displaced women, stateless women and older women. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, protection from violence and access to justice. The Committee is further concerned that gender-based persecution is not recognized by the State party as a ground for refugee status.

**47. The Committee recommends that the State party:**

**(a) Provide, in its next report, comprehensive information, including sex-disaggregated data and trends over time, on the de facto situation of these disadvantaged groups of women and girls in all areas covered by the Convention, as well as on the impact of measures taken and results achieved in the implementation of policies and programmes for these women and girls; and**

**(b) Consider including gender-based persecution as a ground for refugee status, in accordance with the UNHCR Guidelines on International Protection relating to gender-related persecution.**

**Discriminatory Impact of Law: access to healthcare**

38. The Committee appreciates the efforts made by the State party in the area of health care as well as the continuing decline in the child mortality rate. However, it is concerned that discrepancies remain in the infant as well as maternal mortality rates of Jewish, Israeli Arab and Bedouin women and children. The Committee also notes with concern that the restrictions on movement in the Occupied Territories have had a negative impact on the health of women, including older women and disabled women, and in particular their access to adequate health services, such as hospitals, clinics, urgent care and specialized treatment not available in the Occupied Territories. In addition, the Committee remains concerned about the number of incidents at Israeli checkpoints which have a negative impact on the rights of Palestinian women, including the right of access to health care services for all women, including pregnant women.

**39. The Committee calls upon the State party to take all necessary measures to ensure women's access to health care and health-related services, within the framework of the Committee's general recommendation No. 24. To this end, the Committee calls upon the State party to:**

**(a) Refrain from any action that would prevent Palestinian women from accessing adequate health services and treatment;**

**(b) Strengthen its efforts to close the gaps in the infant and maternal mortality rates of Jewish, Israeli Arab, and Bedouin women and children; and**

**(c) Ensure that the Israeli authorities at the checkpoints are instructed to ensure safe and unhindered access to health-care services for all women, including pregnant women.**

**Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality**

10. While noting that the principle of non-discrimination is incorporated in several pieces of legislation, the Committee remains concerned that the State party's Basic Law: Human Dignity and Liberty (1992), which serves as Israel's bill of rights, does not contain a general provision on equality between women and men and the prohibition of both direct and indirect discrimination against women. The Committee notes, however, that the State party continues the process of preparing a consensus-based constitution.

**11. The Committee recalls its previous recommendation (CEDAW/C/ISR/CO/3, para. 18) and urges the State party to:**

**(a) Include in the new Constitution, or in a basic law or other appropriate legislation, a specific right of non-discrimination on the grounds of sex, and a definition of discrimination that encompasses both direct and indirect discrimination and discrimination in the public and private spheres, in conformity with article 1 of the Convention; and**

**(b) Develop, in accordance with article 2 of the Convention, a principle of gender equality in the appropriate national law in order to fulfil the necessary internal procedures for the incorporation and implementation of the provisions of the Convention.**

## **Italy**

January 2005

**Explicit Discrimination in Law: women migrant workers**

**Absence of Legislation: refugee and asylum laws (incl. gender-related persecution)**

35. The Committee is concerned that certain groups of women, including Roma and migrant women, remain in a vulnerable and marginalized situation, especially in regard to education, employment, health and participation in public life and decision-making. The Committee is particularly concerned about the impact of law 189/2002 which imposes far-reaching restrictions on migrant women workers, and about the absence of laws and policies concerning asylum-seekers and refugees, including lack of recognition of gender-related forms of persecution in determining refugee status.

**36. The Committee urges the State party to take effective measures to eliminate discrimination against vulnerable groups of women, including Roma and migrant women, and to enhance respect for their human rights through all available means, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. It calls on the State party to provide, in its next periodic report, a comprehensive picture of the de facto position of Roma and migrant women in the areas of education, employment, health and participation in political and public life. The Committee also encourages the State party to revisit the provisions of law 189/2002 with a view to removing the current restrictions on migrant women, and to adopt laws and policies which recognize gender-related forms of persecution in the determination of refugee status.**

### Impact of Law: trafficking

### Implementation of Law: violence against women

31. The Committee, while noting the legislative reforms in the area of violence against women, remains concerned about the persistence of violence against women, including domestic violence, and the absence of a comprehensive strategy to combat all forms of violence against women. While recognizing the efforts made by the State party to combat trafficking in women, the Committee is concerned about the impact of law 189/2002 (the so-called Bossi-Fini law) which grants discretionary power to local authorities to place restrictions on victims of trafficking and for the issue of stay permits.

**32. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee underscores the need to fully implement and monitor the effectiveness of the laws on sexual violence and domestic violence, provide shelters, protection and counselling services to victims, punish and rehabilitate offenders, and implement training and awareness-raising for public officials, the judiciary and members of the public. The Committee also encourages the State party to revisit law 189/2002 with a view to ensuring that all victims of trafficking benefit from stay permits on grounds of social protection.**

### Absence of Legislation: Article 1 definition of discrimination

19. The Committee is concerned that while the amendment to article 51 of the Constitution provides for equal opportunities for men and women, there is no definition of discrimination against women in accordance with article 1 of the Convention in the Constitution or in legislation other than in the field of employment. The Committee is concerned that the absence of such a provision contributes to the limited understanding of substantive equality evident in the State party, including among public officials and in the judiciary.

**20. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the Constitution or in appropriate laws. It also recommends the implementation of campaigns to raise awareness about the Convention and the State party's obligations under the Convention, and the meaning and scope of discrimination against women aimed at the general public and especially public officials, the judiciary and the legal profession.**

## **Jamaica**

August 2006

### Explicit Discrimination in Law: violence against women; incest; employment

### Absence of Legislation: sexual harassment

21. While noting the recent passage of the amendment of the Domestic Violence Act, the Property Act and the Maintenance Act, the Committee remains concerned about extensive delays amounting to more than 15 years in, and the lack of priority afforded to legal reforms to eliminate discriminatory provisions, close legislative gaps and enact laws to bring the country's legal framework fully into compliance with the provisions of the Convention. The Committee notes, in particular, the delay in passage of the Bill to Amend the Offences Against the Person Act 1864,

amendments to the Incest (Punishment of) Act 1948 and Employment (Equal Pay for Men and Women) Act 1975, and the absence of legislation regarding sexual harassment.

**22. The Committee urges the repeal or amendment of all discriminatory legislative provisions without delay in accordance with article 2 of the Convention, and calls on the State party to close legislative gaps and enact other laws necessary to bring the country's legal framework fully into compliance with the provisions of the Convention. It encourages the State party to set a clear timetable and to raise awareness of legislators and to engage in a campaign to raise the awareness of the general public of the urgent need to prioritize legal reforms to achieve de jure equality for women.**

#### Discriminatory Impact of Law: marriage age

39. The Committee is concerned that, according to the Marriage Act, the legal minimum age of consent for marriage is 16 years, with parental consent or that of a guardian. While noting the response of the delegation which indicated that few formal marriages of people under 18 years of age occur in practice, the Committee remains concerned about the possibility of such de facto marriages.

**40. The Committee calls upon the State party to raise without delay the minimum age of marriage to 18 years, in accordance with its general recommendation 21 and the Convention on the Rights of the Child. It also requests that the trends in teen pregnancies be monitored and that programmes for the prevention of teen pregnancy be implemented, as well as programmes that provide social services to pregnant teens, and ensuring their continued education.**

#### Implementation of Legislation: violence against women

15. The Committee notes with grave concern the extent, intensity and prevalence of violence against women, especially sexual violence, in Jamaica. It is concerned that the inadequacy of response of the legal system, the persistence of stereotypes that devalue women, insufficient training of criminal justice personnel, and the lack of enforcement measures designed to combat violence against women have contributed to a de facto culture of impunity, constituting an obstacle for women's access to justice. The Committee, while noting that the State party has made some efforts to address such violence against women, including the passage of the amendment to the Domestic Violence Act and the ratification of the Convention of Belém do Pará, remains concerned that so far, the problem has not been addressed in a holistic and systematic manner, and that measures designed to combat and eradicate all forms of violence against women are not enforced in practice. The Committee is also concerned that the prevailing gender stereotypes and patriarchal culture and macho image of men may be contributing factors to the levels of violence against women. The Committee is concerned about insufficient means of judicial recourse for victims, and a lack of victim services and protection, and of effective punishment of perpetrators of such violence.

**16. The Committee urges the State party to give priority attention to the design and implementation of a comprehensive strategy to combat and eradicate violence against women, in conformity with general recommendation 19 to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. It calls upon the State party to ensure the implementation and effective enforcement of existing laws, and the priority passage and implementation of pending laws. It also encourages the State party to link its efforts to combat prevailing gender-based stereotypes with its efforts to combat violence against women. It further calls on the State party to establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of law enforcement and programmes aimed at preventing and redressing violence against women. It encourages the State party to provide information on progress achieved and remaining obstacles encountered in its next periodic report. The Committee further recommends that the State party extend an invitation to the Special Rapporteur on violence against women, its causes and consequences, who may assist the Government in**



effectively addressing the situation, in addition to continuing to work with partners in the United Nations system and other international, regional and subregional organizations.

Implementation of Law: domestic labour (maternity benefits)

Absence of Legislation: sexual harassment

33. The Committee is concerned that, despite high educational qualifications, women continue to be underpaid and underemployed, and face horizontal and vertical sex segregation in the labour market. The Committee is also concerned about the lack of legislation prohibiting sexual harassment in the workplace, and the vulnerable situation of domestic workers who are entitled to receive maternity benefits under the National Insurance Scheme.

34. **The Committee encourages the State party to undertake the collection of data on the labour market, detailed by sector and disaggregated by sex, and to analyse the lack of correlation between the high level of education attained by women and their situation in the workplace, and to take measures to create an enabling environment for women to attain high-level and well paid positions. It calls on the State party to enact without delay legislation prohibiting sexual harassment in the workplace and to pass the amendment to the Women (Equal Pay for Men and Women) Act, and to monitor the de facto situation of women in the workplace, including the receipt of maternity benefits by domestic workers under the National Insurance Scheme.**

Absence of Legislation: Article 1 & 2 definition of discrimination

19. While welcoming that the proposed amendment to the Constitution introducing a Charter of Rights and Freedoms will also prohibit discrimination on the ground of sex in its Section 13 (3) (i) (i), the Committee is concerned that this amendment does not seem to encompass a definition of discrimination against women in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending to acts of both public and private actors in accordance with article 2. The Committee also regrets the extensive delays in the passage of the proposed Charter of Rights and Freedoms (Constitutional Amendment) Bill which will amend the anti-discrimination provision in the current Constitution.

20. **The Committee calls on the State party to take all necessary steps to work with Parliament in ensuring the speedy adoption of the Charter of Rights and Freedoms Bill. It also encourages the State party to fully incorporate, in appropriate subsequent national implementing legislation, a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extending to acts of discrimination by public and private actors in accordance with article 2. The Committee invites the State party to fully utilize the ongoing legal review process to ensure that such an incorporation of the Convention's definition of discrimination is achieved as expeditiously as possible.**

## Japan

August 2009

Explicit Discrimination in Law: marriage age; divorce; family name; child registration

17. The Committee is concerned that, despite its recommendation in its previous concluding observations, discriminatory legal provisions in the Civil Code with respect to the minimum age for marriage, the waiting period required for women before they can remarry after divorce and the choice of surnames for married couples have yet to be repealed. It is further concerned that children born out of wedlock continue to be discriminated against

through the family registry system and in provisions on inheritance. It notes with concern the use by the State party of public opinion surveys to explain the lack of progress in the repeal of discriminatory legislation.

**18. The Committee urges the State party to take immediate action to amend the Civil Code with a view to setting the minimum age for marriage at 18 for both women and men, abolishing the six-month waiting period required for women but not men before remarriage and adopting a system to allow for the choice of surnames for married couples. It further urges the State party to repeal the discriminatory provisions in the Civil Code and in the Family Registration Law that discriminate against children born out of marriage and their mothers. The Committee points out that the obligations undertaken under the Convention by the State party upon ratification should not be solely dependent on the results of public opinion surveys, but on its obligations to align national laws in line with the provisions of the Convention as it is a part of its national legal system.**

#### Impact of Law: abortion

49. While commending the State party for the high quality of its health services, the Committee is concerned about the recent increase in the prevalence of sexually transmitted diseases, including HIV/AIDS, among Japanese women. It is also concerned at the high ratio of abortion among teenage girls and young women and at the fact that women who elect to undergo abortion can be subjected to punishment under the Penal Code. The Committee regrets the lack of information on the mental and psychological health of women.

**50. The Committee recommends that the State party promote sexual health education targeted at adolescent girls and boys, and ensure access to sexual health information and all services, including those directed at interruption of pregnancies, for all women and girls. The Committee also requests the State party to provide, in its next report, sex-disaggregated data on health and the provision of health care and more information and data on the prevalence of, and measures taken against, sexually transmitted diseases, including HIV/AIDS, among women. The Committee recommends that the State party amend, when possible, its legislation criminalizing abortion in order to remove punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action. The Committee requests the State party to include in its next report information on the mental and psychological health of women.**

#### Discriminatory Impact of Law: sexual violence; rape

#### Absence of Legislation: incest; marital rape

33. The Committee is concerned that, under the Penal Code, the crime of sexual violence is prosecuted only upon complaint by the victim and is still considered to be a crime against morality. The Committee further remains concerned that the penalty for rape remains low and that incest and marital rape are not defined explicitly as crimes under the Penal Code.

**34. The Committee urges the State party to eliminate in its Penal Code the requirement of the victim's complaint in order to prosecute crimes of sexual violence and to define sexual crimes as crimes involving violations of women's rights to bodily security and integrity, to increase the penalty for rape and to include incest as a specific crime.**

### Impact of Law: employment; sexual harassment

### Implementation of Law: employment equality

### Absence of Law: equal pay

45. The Committee remains concerned about women's disadvantaged situation in the labour market, as reflected in the significant vertical and horizontal occupational segregation between women and men. The Committee is particularly concerned that the "employment management category" in the Administrative Guideline under the Equal Opportunity Law may provide leeway for employers to introduce a trackbased system which discriminates against women. It is also concerned about the persistence of a very high gender-based wage gap of 32.2 per cent in hourly earnings among full-time workers and of an even higher gender-based wage gap among part-time workers, the predominance of women in fixed-term and part-time employment and illegal dismissal of women due to pregnancy and childbirth. The Committee also expresses concern regarding the inadequate protections and sanctions within existing labour laws. In particular, the Committee is concerned about the absence in the Labour Standards Law of a provision recognizing the principle of equal pay for equal work and work of equal value in accordance with the Convention and ILO Convention No. 100. The Committee also expresses concern at widespread sexual harassment in the workplace and the fact the legislation includes measures to identify companies that fail to prevent sexual harassment, and no punitive measures to enforce compliance beyond publicizing the names of the offending companies. The Committee is further concerned at the lengthy legal processes on employment issues, which are not understood by women and which impede them from obtaining redress in the courts, as provided for under article 2 (c) of the Convention.

**46. The Committee urges the State party to prioritize the realization of women's de facto equality with men in the labour market, so as to achieve full compliance with article 11 of the Convention. It recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to eliminate both vertical and horizontal occupational segregation and close the gender-based wage gap between women and men, as well as measures to prevent the practice of illegal dismissal of women in cases of pregnancy and childbirth. It encourages the State party to establish sanctions for discrimination against women in the employment field in both the public and private sectors, including sexual harassment, so as to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid and timely disposal of their cases.**

### Absence of Legislation: Article 1 definition of discrimination

21. While noting that the Constitution enshrines the principle of equality between men and women, the Committee remains concerned at the absence of direct and clear incorporation of the Convention and of a specific definition of discrimination against women in accordance with article 1 of the Convention in domestic legislation. It regrets that the Law on Securing of Equal Opportunity and Treatment between Men and Women (hereinafter referred to as the Equal Employment Opportunity Law), which was revised in 2006, did not incorporate such a definition but introduced a narrow definition of indirect discrimination. It recalls that the absence of a specific provision with a definition of discrimination against women, encompassing both direct and indirect discrimination in both the public and private spheres, constitutes an impediment to the full application of the Convention in the State party.

**22. The Committee calls on the State party to take urgent steps to incorporate the Convention and the definition of discrimination against women, as contained in article 1 of the Convention, fully into domestic legislation and to report on progress made in this regard in its next periodic report.**

### Absence of Legislation: rape and sexual violence-related video games and cartoons

35. While the Committee welcomes legislative measures taken against child prostitution, such as the revision of the Act Banning Child Prostitution and Child Pornography which increased the maximum term of imprisonment for offences committed under this legislation, the Committee is concerned at the normalization of sexual violence in the State party as reflected by the prevalence of pornographic video games and cartoons featuring rape, gang rape, stalking and the sexual molestation of women and girls. The Committee notes with concern that these video games and cartoons fall outside the legal definition of child pornography in the Act Banning Child Prostitution and Child Pornography.

**36. The Committee strongly urges the State party to ban the sale of video games or cartoons involving rape and sexual violence against women which normalize and promote sexual violence against women and girls. The Committee also recommends that, as indicated in the delegation's oral assurance during the constructive dialogue, the State party include this issue in its revision of the Act Banning Child Prostitution and Child Pornography.**

## **Jordan**

August 2007

### Explicit Discrimination in Law: general; polygamy; employment

#### Impact of Law: Abortion

#### Absence of Law: safe abortion

9. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in respect of some concerns raised in the Committee's previous concluding comments, adopted in 2000 (A/55/38, part one, paras. 139-193). In particular, the Committee finds that its recommendations in paragraphs 169 (to encourage a constitutional amendment to incorporate equality on the basis of sex in article 6 of the Constitution), 171 (to undertake a review of all existing legislation to bring it fully into compliance with the Convention), 175 (to reconsider the law and policy on polygamy with a view to eliminating that practice), 181 (to initiate legislative action to permit safe abortion for victims of rape and incest) and 185 (to review legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention) have been insufficiently addressed.

**10. The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.**

### Explicit Discrimination in Law: nationality; marriage; divorce; child custody

11. The Committee is concerned about the State party's reluctance to withdraw its reservations to articles 9, paragraph 2; 15, paragraph 4; and 16, paragraph 1 (c), (d) and (g). It is particularly concerned that the State party is unwilling to withdraw its reservation to article 15, paragraph 4, despite its assertion that this reservation has become redundant owing to an amendment to the Passport Act removing the requirement of male consent to the issuance of a passport to a Jordanian woman. The Committee is concerned about the State party's assertion that it cannot, for political reasons, amend its nationality law to allow Jordanian women to pass their nationality to their children and foreign spouses and, for religious reasons, amend provisions of its Personal Status Act to give women equal rights with men in matters of marriage, divorce and custody of children.

12. The Committee calls upon the State party to speedily withdraw its reservation to article 15, paragraph 4, which it acknowledges has become redundant in the light of legal reform. It also urges the State party to recognize the negative impact of its nationality law on Jordanian women married to foreigners and on the children of those women and, accordingly, to revise its nationality law and remove its reservation to article 9, paragraph 2. The Committee invites the State party to revise its Personal Status Act, in the light of comparative jurisprudence where more progressive interpretations of Islamic law have been codified in legislative reforms, to give women equal rights in marriage, divorce and custody of children and to withdraw its reservations to article 16, paragraph 1 (c), (d) and (g).

#### Explicit Discrimination in Law: Personal Status Act; Penal Code; Nationality Act

17. While appreciating the State party's efforts to review and propose amendments to discriminatory legislation, the Committee is concerned about the delay in the law reform process and notes that many amendments are still in the process of being drafted, that several bills that have been drafted have yet to be adopted, and that some proposed amendments have been rejected by Parliament. In particular, the Committee is concerned about the State party's statement that reform may be undertaken only gradually and in a piecemeal manner for political reasons.

18. The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act. To this end, the Committee calls upon the State party to increase its efforts to sensitize the Parliament and public opinion regarding the importance of accelerating legal reform which, according to article 2 of the Convention, has to be undertaken without delay. It also encourages the State party to take all steps necessary to increase support for law reform, including through proactive outreach to Parliament, and partnerships and collaboration with religious and community leaders, lawyers, judges, civil society organizations and women's non-governmental organizations.

#### Explicit Discrimination in Law: rape; virginity testing

#### Impact of Law: "honour" crimes

23. While noting that article 340 of the Penal Code has been revised so that it no longer exonerates perpetrators of crimes committed in the name of honour, or "honour" crimes, the Committee is concerned that perpetrators of such crimes get lenient sentences under the amended article 340 (which reduces penalties for murders that are viewed as "honour" crimes), article 98 (which reduces penalties for murders committed in a fit of fury) and article 99 (which halves a perpetrator's sentence when he is excused by the victim's family), and that "honour" crimes continue to be treated differently from other violent crimes in terms of investigation and prosecution, as well as prevention efforts. The Committee is also concerned that rapists may be exempt from punishment by marrying their victims. It is further concerned that virginity tests, which perpetuate stereotypes, may be carried out without the full and free consent of women and the results of such tests may be used to their detriment.

24. The Committee calls upon the State party to amend, without delay, applicable provisions of the Penal Code to ensure that perpetrators of "honour" crimes do not benefit from a reduction of penalty under article 340; that perpetrators of premeditated "honour" crimes do not benefit from a reduction of penalty under article 98; and that article 99 is not applicable to "honour" crimes or other cases where the victim is related to the perpetrator. The Committee also urges the State party to ensure that "honour" crimes are treated as seriously as other violent crimes in regard to investigation and prosecution, and that effective prevention efforts are put in place. It further calls upon the State party to ensure that a rapist does not escape punishment by marrying his victim. It recommends that the State party eliminate the use of virginity tests or ensure that such tests are carried out only with the full and free consent of the woman and the results are not used to her detriment.

### Explicit Discrimination in Law: employment

#### Implementation of Law: employment

#### Absence of Legislation: employment equality; sexual harassment

31. The Committee is concerned that the Labour Code does not prohibit discrimination against women or sexual harassment and that female employees are not entitled to the same benefits on the same terms as male employees. The Committee is further concerned about the State party's assertion that it is unable to regulate the conduct of private employers. The Committee is also concerned about limited availability of day-care facilities, thus further limiting women's ability to join the labour force.

**32. The Committee recommends that the State party amend its Labour Code to prohibit discrimination against women as well as sexual harassment in both public and private sector employment and include mechanisms for redress of complaints of discrimination and sexual harassment. It calls upon the State party to ensure that there is no discrimination in terms of employment-related benefits and that female employees receive all the same benefits on the same terms as male employees. It further recommends that the State party monitor adherence to the amended Labour Code by employers in both sectors to ensure compliance with such provisions. The Committee urges the State party to take all measures necessary to eliminate discrimination against women in the private sector, in accordance with article 2 (e) of the Convention. It also calls upon the State party to establish adequate and sufficient day-care centres in order to facilitate women's entry into the labour force.**

### Explicit Discrimination in Law: marriage age

#### Implementation of Law: marriage age

35. The Committee is concerned that despite an amendment to the Personal Status Act that increases the minimum age of marriage for both boys and girls to 18 years, marriage of a girl over 15 years can be conducted if a judge finds such marriage to be in her interest. The Committee is further concerned that a very high percentage (approximately 15 per cent) of all marriages continue to be of girls under the age of 18 years with adverse impact on their health, education and employment.

**36. The Committee urges the State party to eliminate the provision in article 5 of the Personal Status Act that allows marriage of a person under 18 years and to enforce the 18-years minimum age of marriage for both women and men, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

### Implementation of Law: equality and non-discrimination

13. While appreciating that the Convention has been recently published in the Official Gazette, which gives it the force of law, the Committee is concerned that the Convention has not been made fully operational in Jordan, as enabling legislation remains to be adopted. In particular, the Committee is concerned that national legislation does not provide sanctions for acts of discrimination based on sex or remedies for violations of the rights to equality and non-discrimination. The Committee is further concerned that the provisions of the Convention, including the general recommendations of the Committee, are not widely known in the country and have not, so far, been utilized in bringing cases related to discrimination against women before the courts.

**14. The Committee encourages the State party to enact a comprehensive gender equality law that extends to both the public and private sectors and to political, economic, social, cultural, civil and any other fields, and includes a definition of discrimination against women in line with article 1 of the Convention; provisions on the equal rights of women with men in line with article 2 (a) of the Convention; and sanctions and remedies for acts of discrimination based on sex. The Committee calls on the State party to ensure that the Convention becomes**

an integral part of legal education. In this regard, it urges the State party to develop awareness-raising programmes and training on the provisions of the Convention for judges, lawyers and prosecutors, in particular with regard to the meaning and scope of direct and indirect discrimination and about formal and substantive equality, in order to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. The Committee invites the State party to enhance women's awareness of their rights through ongoing legal literacy programmes and legal assistance. The Committee calls upon the State party to disseminate the Convention and its general recommendations widely among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public.

#### Discriminatory Impact of Law: NGO regulation

37. While noting the State party's emphasis on working in partnership with non-governmental organizations, the Committee is concerned that the newly adopted regulations on non-profit organizations and the draft law on non-governmental organizations being considered may hinder the operation and activities of non-governmental organizations, especially women's non-governmental organizations whose work has been beneficial to Jordanian women.

38. The Committee recommends that the State party ensure that civil society organizations and women's non-governmental organizations are not restricted with respect to their establishment and operations and that they are able to function independently of the Government. In particular, the Committee urges the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations in promoting the implementation of the Convention.

#### Absence of Legislation: violence against women; domestic violence

21. While noting that a draft law on protection against domestic violence is being reviewed by the Council of Ministers and will soon be submitted to Parliament, the Committee continues to be concerned about the prevalence of violence against women, the absence of a specific law protecting women and the lack of prosecution and punishment of perpetrators of violence against women, including domestic violence. The Committee is concerned that social attitudes and, in particular, attitudes of law enforcement officials and the judiciary may deter women from reporting cases of violence against them.

22. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that violence against women is a form of discrimination against women and thus constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including the draft law on protection against domestic violence, in order to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. It also invites the State party to make full use of the information contained in the Secretary-General's in-depth study on all forms of violence against women.

#### Implementation of Law: domestic labour

#### Absence of Legislation: informal labour

33. While noting that amendments to the Labour Code to ensure coverage for workers in the informal sector are being drafted, the Committee is concerned that the Labour Code currently does not cover workers in the informal



sector, especially domestic workers, including migrants, who are predominantly female. The Committee is also concerned that compliance with current regulations related to the employment of domestic workers, including migrants, is not monitored and such regulations are not adequately enforced.

**34. The Committee calls upon the State party to speed up the law reform effort to ensure that the employment of domestic workers, including migrants, is covered by the Labour Code. It also urges the State party to monitor and effectively enforce regulations relating to the employment of domestic workers, including migrants, for their benefit.**

## **Kazakhstan**

February 2007

### **Absence of Legislation: Article 1 definition of discrimination**

11. While noting the elaboration of the draft law on equal rights and equal opportunities, the Committee is concerned about the apparent limited understanding in the State party of the concepts of formal and substantive equality and of the prohibition of direct and indirect discrimination against women contained in the Convention.

**12. The Committee requests the State party to ensure that the draft law on equal rights and equal opportunities contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, and extending to acts of discrimination by public and private actors, and also calls on the State party to enact speedily the draft law. It urges the State party to undertake measures to eliminate discrimination against women and ensure both de jure (formal) and de facto (substantive) equality between women and men in line with the Convention. It encourages the State party to raise awareness with respect to the nature of indirect discrimination and the Convention's concept of substantive equality, among Government officials, the judiciary and the general public. It also calls upon the State party to ensure the full application of the principles of the Convention in laws, policies and programmes; to monitor, through measurable indicators, the impact of such laws, policies and programmes; and to evaluate progress achieved towards the practical realization of women's substantive equality with men.**

### **Absence of Legislation: domestic violence; marital rape; sexual harassment**

15. The Committee continues to be concerned about the prevalence of violence against women in Kazakhstan. While noting the elaboration of the draft law on domestic violence, it is concerned about delays in its adoption. It is also concerned about the lack of information on whether marital rape is criminalized and whether legislation prohibits sexual harassment.

**16. The Committee urges the State party to enact speedily the draft law on domestic violence and to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions, and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research, and of the impact of**



follow-up action taken, in its next periodic report. The Committee requests the State party to ensure that marital rape is criminalized and that there is legislation prohibiting sexual harassment.

## Kenya

February 2011

### Explicit Discrimination in Law: general

#### Impact and Implementation of Law: family law; inheritance

#### Absence of Legislation: family and marriage; marital property; equal opportunity

11. The Committee welcomes the fact that the new Constitution provides an opportunity for the enactment of progressive laws which must be treated as a matter of urgency. However, it reiterates its concern at the lack of priority given to the enactment of a number of Bills which would eliminate sex-discriminatory provisions and close legislative gaps to bring the country's legal framework fully into compliance with the provisions of the Convention and achieve women's de jure equality. The Committee is concerned, in particular, about the delay in the passing of key gender equality bills, including the Family Protection Bill, the unified Marriage Bill 2007, the Matrimonial Property Bill 2007 and the Equal Opportunity Bill 2007. The Committee is further concerned that other legislation that discriminate against women and are incompatible with the Convention, remain in force. While noting that Khadi courts are established under Section 170 of the new Constitution as a separate subsidiary court for the hearing of Muslim family law matters, including inheritance, the Committee is concerned that the provision for the Khadi courts has exemptions from the constitutional equality provisions, and that such provision is not in line with the Convention, and in particular contravenes articles 2 and 16 of the Convention.

#### **12. The Committee urges the State party to:**

**(a) Enact, within two years, the Family Protection Bill 2007, the unified Marriage Bill 2007, the Matrimonial Property Bill 2007 and the Equal Opportunity Bill;**

**(b) Give priority attention to the elaboration of new laws as well as the review and repeal of discriminatory provisions in order to achieve de jure equality for women and compliance with the State party's obligations under CEDAW and to this end reduce the prescribed time line in Schedule 5;**

**(c) Establish an effective monitoring mechanism to ensure that the Constitutional Implementation Oversight Committee, established by the parliament, is effectively carrying out its mandate;**

**(d) Harmonize religious and customary law with Article 16 of the Convention and consider bringing Khadi courts under the specific equality provision enshrined in the new Constitution.**

### Explicit Discrimination in Law: inheritance

#### Discriminatory Impact of Law: marital property

#### Absence of Law: polygamy; marital property; inheritance

45. While welcoming steps toward a unified Marriage Bill which provides for the registration of all forms of marriage, the Committee is concerned that the Marriage Bill, in its current version, does not prohibit polygamy.

The Committee regrets the setback in recognition of non-monetary contribution of women in matrimonial property, following the *Echaria* case of 2006. Furthermore, it is concerned that Article 68 of the new Constitution (providing for the protection of marital property) and the Matrimonial Property Bill, in its current form, narrowly define “matrimonial property” as including tangible property alone, so that such assets as pension rights, life insurances etc., although accumulated during the marriage, may be left out of the property distributed upon dissolution. The committee is further concerned that discriminatory Muslim inheritance laws remain exempt from constitutional review, and welcomes the State party’s commitment made during the dialogue to reexamine the Succession Act so as to eliminate its discriminatory provisions.

**46. The Committee calls upon the State party to:**

- a) Bring all marriage laws under the prohibition of polygamy.**
- b) Ensure that the Matrimonial Property Bill overrules the *Echaria* case so that non-monetary contribution to matrimonial property is accorded equal value and women are awarded equal share in matrimonial property regardless of the nature of their contribution.**
- c) Broaden the definition of matrimonial property to include both tangible and non-tangible assets.**
- d) Expedite the process of re-examination of the Succession Act so as to eliminate its discriminatory provisions.**

Impact of Law: prostitution

Implementation of Law: trafficking

Absence of Legislation: demand for prostitution

27. While welcoming the new Trafficking in Persons Act and the efforts of the State party aimed at raising awareness about sex tourism and at combating it through the establishment, inter alia of a tourism police unit and work with hotels and tour operators to increase their awareness of child prostitution and its links to sex tourism, the Committee reiterates its concern at the persistence of trafficking and sexual exploitation of women and girls and the role of sex tourism in this regard.. The Committee also remains concerned that women and girls are entering prostitution to support themselves and their families as a result of poverty and that the law only criminalizes prostitutes whilst the demand side is not sanctioned. The Committee regrets the absence of data in respect of both trafficking and prostitution as well as the lack of a national plan of action to address both trafficking and sexual exploitation.

**28. The Committee calls upon the State party to fully implement article 6 of the Convention, including through:**

- a) Effective implementation of the new legislation on trafficking, ensuring that perpetrators are punished and victims adequately protected and assisted;**
- b) Increasing of its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination through information exchange in order to prevent trafficking, and to harmonize legal procedures aimed at the prosecution of traffickers;**
- c) Conducting comparative studies on trafficking and prostitution to identify and address their root causes in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers as well as facilitate recovery and social integration of victims;**

**d) Pursuing a comprehensive approach in addressing the question of prostitution, including exit programmes for women who wish to leave prostitution and legislation to sanction the demand side; and**

**e) Adopting a comprehensive action plan to address trafficking and sexual exploitation of women and girls and ensure the allocation of sufficient human and financial resources for its effective implementation, including collection of disaggregated data and to include such data in its next periodic report.**

**Implementation of Law: discriminatory and harmful customs (female genital mutilation, polygamy, bride price, wife inheritance)**

17. While noting some efforts made by the State party, the Committee reiterates its concern at the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women, and are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations. The Committee notes that such stereotypes also contribute to the persistence of violence against women as well as harmful practices, including female genital mutilation (FGM), polygamy, bride price and wife inheritance; and expresses its concern that despite such negative impacts on women, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative cultural values and harmful practices.

**18. The Committee urges the State party to:**

**a) Put in place, without delay, a comprehensive strategy to modify or eliminate harmful practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts, in collaboration with civil society, to educate and raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders;**

**b) Address harmful practices, such as FGM, polygamy and bride price, by instituting public education programmes and enforcing prohibition of those practices: and**

**c) Use innovative measures to strengthen understanding of the equality of women and men including working with the media to enhance a positive and non-stereotypical portrayal of women.**

**Implementation of Law: female genital mutilation**

**Absence of Law: female genital mutilation (adult)**

19. While welcoming the adoption of a National Plan of Action (2008-2012) and the approval of a National Policy for the Abandonment of Female Genital Mutilation in June 2010, the Committee reiterates its concern at the continued prevalence of the harmful practice of female genital mutilation in some communities, which is a grave violation of girls' and women's human rights and of the State party's obligations under the Convention. The Committee also notes with concern that despite the enactment of the Children's Act (2001) which prohibits female genital mutilation, girls are increasingly subjected to this harmful practice at younger ages than previously. It is further concerned that this practice has not been prohibited for women over 18 years.

**20. The Committee recalls its general recommendations No. 14 (1990) on female circumcision and No. 19 (1992) on violence against women and calls on the State party to:**

**a) Ensure the effective implementation of the 2001 Children's Act which outlaws FGM for girls under 18 years, as well as prosecution and punishment of perpetrators of this practice;**

**b) Take all necessary measures to expedite the enactment of the Prohibition of Female Genital Mutilation Bill (2010) which will, inter alia, outlaw the practise for all women;**

**c) Continue and increase its awareness-raising and education efforts targeting families, practitioners and medical personnel, with the support of civil society organizations and religious authorities, in order to completely eliminate female genital mutilation and its underlying cultural justifications; and**

**d) Establish support services to meet the health and psycho-social needs of women and girls who are victims of this practice.**

#### Implementation of Law: sexual violence; rape

#### Absence of Law: marital rape

21. While welcoming the enactment of the 2006 Sexual Offences Act, the Committee reiterates its concern at the high prevalence of violence against women and girls and widespread incidents of sexual violence, including rape, in both the private and public spheres. The Committee is also concerned that such violence appears to be socially legitimized and accompanied by a culture of silence and impunity and that cases of violence are thus underreported, such underreporting being further encouraged by section 38 in the Sexual Offences Act which exposes the victims to prosecution in certain circumstances. The Committee notes with concern that marital rape is not recognized as a criminal offence in either the Sexual Offences Act or in the Family Protection Bill 2007.

**22. The Committee urges the State party to give attention, as a priority, to combating violence against women and girls and adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. The Committee calls upon the State party to expeditiously:**

**a) Repeal section 38 of the Sexual Offences Act under which women face the risk of being victimised for initiating prosecutions against their abusers;**

**b) Adopt the regulations for implementation of the Sexual Offences Act;**

**c) Enact the Family Protection Bill;**

**d) Criminalize marital rape; and**

**e) Develop a coherent and multisectoral action plan to combat all forms of violence against women.**

#### Implementation of Law: post electoral gender-based violence

25. While welcoming the establishment of a Truth, Justice and Reconciliation Commission and of a National Cohesion and Integration Commission, the Committee notes with concern the delay in implementing the recommendations of the Commission on Inquiry on the Post-Election Violence (CIPVEV) to establish an office of the Special Rapporteur on Violence and Constitutional Reforms as well as a Special Tribunal to investigate and prosecute perpetrators of the violence. It further notes that most of the perpetrators of sexual and gender based violence, including rape and gang rapes, remain unpunished. The Committee also notes the detrimental impact of the post electoral violence on the participation of women in all aspects of public and political life.

**26. The Committee urges the State party to ensure that women and girls who were the victims of the post electoral violence have access to protection and effective redress through the speedy establishment of a Special Tribunal to investigate cases of such violence and that the perpetrators be effectively prosecuted and punished. It further urges the State party, inter alia, through the Truth, Justice and Reconciliation Commission, to look into**

the necessary steps to be taken to ensure an enabling and safe environment for women to fully participate in the public and political life particularly with regard to the next 2012 general elections.

Implementation of Law: property rights

Absence of Legislation: property rights; inheritance

41. The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas (who form the majority of women in Kenya), which is characterized by poverty, illiteracy, difficulties in access to health and social services and a lack of participation in decision-making processes at the community level. While welcoming the adoption of a National Land Policy, the Committee also reiterates its concern that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property. The Committee further notes that appropriate legislation to ensure effective protection of women's land rights has yet to be passed.

**42. The Committee calls upon the State party to:**

- a) Take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generating projects;**
- b) Establish a clear legislative framework to protect women's rights to inheritance and ownership of land; and**
- c) Introduce measures to address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.**

## **Kyrgyzstan**

November 2008

Implementation of Law: child marriage

17. The Committee is concerned at the existence of marriages involving girls under the age of 18, as well as the existence of non-registered marriages, in violation of article 16, paragraph 2, of the Convention.

**18. The Committee requests the State party to implement fully the laws on marriage and family which set the legal age of marriage at 18 years for both women and men and to adopt measures in order to bring all marriages in line with article 16, paragraph 2, of the Convention. It requests the State party to include in its next report information on the measures taken in this regard, and the impact of such measures on the registration of marriages.**

Implementation of Law: bride abduction / forced marriage; polygamy

21. The Committee remains seriously concerned at the continuing existence of bride abduction, despite its prohibition in the law, and notes that this matter was also highlighted in its previous concluding observations. It is also concerned that this practice results in forced marriages, in contradiction to article 16 of the Convention. The Committee is also concerned at the existence of polygamy, despite its legal prohibition in the State party.

22. The Committee recommends immediate action by the State party to ensure full respect of the laws penalizing bride abduction, forced marriage and polygamy. In particular, the Committee urges the State party to take appropriate measures in order to have all cases involving these phenomena recorded, investigated and prosecuted, even in the absence of a formal complaint. The Committee also recommends that the State party take urgent and effective measures, including the training of the judiciary and law enforcement officials and constant and large public-awareness-raising campaigns, to eliminate these practices. The role of the media is of crucial importance in this respect. The State party is also invited to conduct research on the causes for the existence and reinforcement of these phenomena, in order to better understand what would be the most adequate measures for their eradication.

## **Lao People's Democratic Republic**

August 2009

Impact of Law: violence against women

Implementation of Law: violence against women; domestic violence

Absence of Law: domestic violence; violence against women

23. The Committee takes note of the enactment of the Law on Development and Protection of Women in 2004, the 2005 amendment of the Penal Law criminalizing discrimination against women in article 177, and the existence of the Counselling and Protection Centre for Women and Children. However, the Committee expresses concern at the high prevalence of violence against women and girls, including domestic violence. The Committee is also concerned at the distinction between seriously harmful and less harmful acts of violence, the latter of which are exempted from penal liabilities; that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity; that cases of violence are thus underreported; and that those that are reported are settled out of court, including through village mediation units. The Committee regrets the absence of data and information on violence against women, including domestic violence, disaggregated by age and ethnic group, as well as studies and/or surveys on the extent of violence and its root causes. It also regrets the very limited information on the availability of shelters and health and social services for victims and on the introduction of capacity-building and awareness-raising programmes for various groups and the public at large.

24. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19. It calls upon the State party to adopt a specific law on domestic violence and gender-based violence against women and to develop and implement a coherent and multisectoral national action plan to prevent violence against women, including through legal remedies, effective protection measures and systematic data collection, in a participatory process between the Government and non-governmental sectors. It also requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and, therefore, are in violation of women's human rights. The Committee requests the State party to remove any impediments faced by women victims in gaining access to justice and to immediate means of redress and protection and recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and the Village Mediation Units in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of quality counselling services and additional shelters for victims of violence. The Committee requests the State party to provide information on the laws and

policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age and ethnic group. The Committee also recommends that the State party undertake studies and/or surveys on the extent of such violence and its root causes.

#### Impact of Law: rape

#### Absence of Legislation: marital rape

25. The Committee is concerned about the narrow definition of rape in the current Penal Code and that the State party has not criminalized marital rape.

26. The Committee urges the State party to widen the definition of rape in its Penal Code to include any sexual relations without the woman's consent, to reflect the realities of sexual abuse experienced by women and to remove the exception for marital rape from the definition of rape. It recommends that the State party consult widely with women's groups in its process of reform of laws and procedures relating to rape and sexual abuse.

#### Impact of Law: matrimonial property

#### Implementation of Law: polygamy

48. The Committee takes note of the 2008 amendment of the Family Law, which repealed the possibility of lowering the age of marriage to 15 years in special and necessary cases. However, it is concerned that although polygamy is formally prohibited, there are still cases of "mia noi" (minor wife). The Committee notes that article 28 of the family law on the equal division of matrimonial property contains an exception based on fault and is concerned that this exception may involve risks of disadvantage for women.

49. The Committee calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations. In addition, the Committee recommends that the State party revise article 28 of the Family Law with a view to abolishing the exception to the equal division of matrimonial property based on fault.

#### Implementation of Law: trafficking

27. While noting the measures included in paragraph 5 above, as well as training and awareness-raising activities and the establishment of temporary shelters for women and child victims of human trafficking, the Committee expresses its concern at the persistence of trafficking and sexual exploitation of women and girls in the country, including cross-border and urban to rural trafficking. It is particularly concerned that 60 per cent of the victims are reportedly girls between 12 and 18 years of age. It is further concerned at the inadequate protection procedures available to returned trafficked victims from abroad, especially from Thailand, along the border areas, and at the State party's failure to address the root causes of migration into and from Thailand, China and other countries in the region, which impedes the State party's efforts to address the trafficking problem in a serious way.

28. The Committee urges the State party to adopt and effectively implement a comprehensive national action plan for combating trafficking, including the prevention of trafficking, timely prosecution and punishment of traffickers, both those who are directly or indirectly involved in trafficking and those who are negligent in dealing with or preventing trafficking cases, as well as the provision of protection from traffickers/agents and support to victims. The Committee calls upon the State party to improve the implementation of the 2005 memorandum of understanding with Thailand on trafficking, especially along the border areas. The Committee also recommends that information and training on the anti-trafficking legislation be provided to the judiciary,

law enforcement officials, including border police, public officials and social workers in all parts of the country. In addition, the Committee recommends that the State party conduct comparative studies on trafficking, covering both cross-border and rural to urban trafficking, and address the root causes of trafficking in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and to undertake efforts for the recovery and social integration of the victims. In this respect, the State party should take the necessary steps to ensure that trafficked women and girls have access to quality medical care, counselling, financial support, adequate housing and opportunities for further training, as well as access to free legal services. The Committee calls upon the State party to ensure systematic monitoring and periodic evaluation in this respect, including the collection and analysis of data.

#### Absence of Legislation: Article 1 definition of discrimination

9. The Committee reiterates its concern that the status of the Convention vis-à-vis domestic legislation is unclear. While noting that a definition of the term “discrimination against women” has been included in the Prime Minister’s Decree No. 26/PM of 6 February 2006 on the Implementation of the Law on Development and Protection of Women, the Committee remains concerned that the Constitution or other appropriate legislation does not include a definition of discrimination that encompasses both direct and indirect discrimination and discrimination in public and private spheres, in accordance with article 1 of the Convention.

10. **The Committee calls on the State party to consider including a definition of discrimination in its Constitution or other appropriate legislation that encompasses both direct and indirect discrimination and discrimination in the public and private spheres, in accordance with article 1 of the Convention. The Committee further calls on the State party to explicitly provide in its Constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the Convention, are directly applicable and prevail over conflicting legislation.**

## **Lebanon**

April 2008

#### Explicit Discrimination in Law: ‘honour’ crimes; marital rape; rape

#### Absence of Law: violence against women; domestic violence; marital rape; marriage-related rape exception

26. The Committee remains concerned about the persistence of violence against women and girls, including domestic violence, rape and crimes committed in the name of honour and about the lack of a comprehensive approach to address violence against women. It also reiterates its concern about article 562 of the Lebanese Penal Code, which allows mitigation of the penalty for crimes committed in the name of honour and which continues to be in force. It is further concerned about other discriminatory provisions in the Lebanese Penal Code, in particular article 503 which tolerates marital rape, article 522 which allows for charges to be dropped in cases of rape.

27. **In accordance with its general recommendation No. 19 recognizing that violence against women is a form of discrimination against women and thus constitutes a violation of their human rights under the Convention, the Committee urges the State party to place high priority on establishing and implementing comprehensive measures to address all forms of violence against women and girls. The Committee calls upon the State party to enact, without delay, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The**



Committee calls upon the State party to amend, without delay, applicable provisions in the Penal Code to ensure that perpetrators of honour crimes are not exonerated, that marital rape is criminalized and that marriage to the victim does not exempt a sexual offender from punishment. The Committee recommends that the State party also introduce and implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health service providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. The Committee requests the State party to provide detailed information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.

#### Explicit Discrimination in Law: taxation

32. The Committee notes with concern that discrimination against women in the area of taxation as married women are considered as single in matters of taxation and do not receive the same tax allowance as married men or heads of household.

33. **The Committee calls upon the State party to take adequate measures to eliminate discrimination against women in the area of taxation.**

#### Explicit Discrimination in Law: nationality

42. The Committee is concerned about the State party's reluctance to withdraw its reservation to article 9, paragraph 2. The Committee is particularly concerned about the State party's assertion that it cannot, for political reasons, amend its nationality law to allow Lebanese women to pass their nationality to their children and foreign spouses.

43. **The Committee urges the State party to recognize the negative impact of its nationality law on Lebanese women married to foreigners and on the children of those women and, accordingly, revise its nationality law and remove its reservation to article 9, paragraph 2.**

#### Impact of Law: immigration/trafficking

#### Absence of Legislation: trafficking

28. While noting the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee is concerned that trafficking in women and girls is growing in Lebanon and that the State party has neither enacted legislation on trafficking nor established a comprehensive plan to prevent and eliminate trafficking in women and to protect victims. It is further concerned that women and girls who have been trafficked for the purpose of sexual exploitation and forced domestic labour may be prosecuted and penalized under immigration laws and are therefore subject to revictimization. The Committee is also concerned at the lack of systematic data collection on this phenomenon.

29. **The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation and by putting in place programmes for the repatriation and reintegration of victims of trafficking. The Committee further calls upon the State party to increase its international, regional and bilateral cooperation with countries of origin and transit so as to address more**

**effectively the causes of trafficking, and improve prevention of trafficking through information exchange. The Committee urges the State party to collect and analyse data from the national, regional and international police and other sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls, including protective measures and legal assistance. The Committee urges the State party to**

ensure that trafficked women and girls are not subject to prosecution of immigration laws and have adequate support to be in a position to provide testimony against their traffickers.

Impact of Law: Labour Code (domestic labour)

Absence of Law: domestic labour

30. The Committee is concerned at the abuse and exploitation of women employed as domestic workers in Lebanon. The Committee expresses concern that article 7 of the Labour Law excludes domestic workers from its scope of application thereby depriving them of a range of critical labour protections and making them vulnerable to all forms of exploitation.

31. The Committee recommends that the State party speedily enact the draft law regulating the employment of domestic workers which is currently being considered by a steering committee established in April 2007 to address the situation of women migrant workers and to supervise its compliance by employment agencies and employers. It also recommends that the State party establish procedures to monitor and safeguard the rights of women domestic workers and adequately prosecute and punish abusive employers. The Committee calls upon the State party to provide domestic workers with viable avenues of redress against abuse by employers. The Committee further urges the State party to undertake efforts to ensure that domestic workers are aware of their rights and legal protections and have access to legal aid. It requests the State party to include information on the steps and measures taken, and on their impact, and data on the prevalence of violence against women domestic workers in its next periodic report.

Impact of Law: Labour Code (agricultural labour)

Implementation of Law: rural women; property rights

Absence of Legislation: agricultural labour; land rights

36. The Committee is concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to justice, health care, ownership of land, inheritance, education, credit facilities and community services. It is especially concerned about the situation of women agricultural workers who are excluded from the protection of the Labour Code and who consequently do not benefit from social security or other benefits.

37. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes that affect them and have full access to justice, education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee calls on the State party to ensure that a gender perspective is included in all poverty reduction plans and strategies. The Committee recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report.

Absence of Legislation: refugee law

40. While commending the State party for its efforts to host refugees from neighbouring countries, the Committee is concerned that the State party has not enacted any laws or regulations relating to the status of asylum-seekers and refugees, thereby adversely impacting on women refugees and asylum-seekers. The Committee further notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing and protection from all forms of violence.

41. The Committee urges the State party to adopt laws and regulations relating to the status of asylum-seekers and refugees in Lebanon, in line with international standards, in order to ensure protection for asylum-seeking and refugee women and their children. It recommends that the State party consider accession to international instruments to address the situation of refugees and stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status. The Committee also urges the State party to implement targeted measures for refugee women and girls and internally displaced women and girls, within specific timetables, to improve access to education, employment, health and housing and to protect them from all forms of violence and to monitor their implementation. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report.

#### Absence of Legislation: marital property

44. The Committee is concerned about the State party's reluctance to withdraw its reservation to article 16, paragraph 1 (c), (d), (f) and (g) of the Convention. The Committee is further concerned about the persistence of discrimination in areas which are not adjudicated by the confessional courts, such as the marital property regime.

45. The Committee urges the State party to remove its reservation to article 16, paragraph 1 (c), (d), (f) and (g) of the Convention. It calls upon the State party to ensure equality for women in marriage and its dissolution by giving women equal rights to property accumulated during marriage, in light of article 16 of the Convention and the Committee's general recommendation No. 21 on equality in marriage and family relations.

## **Liberia**

August 2009

#### Explicit Discrimination in Law: nationality

30. The Committee notes with concern that certain provisions of the 1973 Revised Alien and Nationality Law discriminate against Liberian women. In particular, it is concerned that under this law, a child born abroad to a Liberian mother and a non-Liberian father is not automatically granted its mother's nationality.

31. The Committee urges the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention during the ongoing legal reform process.

#### Explicit Discrimination in Law: customary laws (rural women; marriage; property rights)

#### Implementation of Law: early and forced marriage; marriage equality; access to traditional courts

38. While welcoming the National Rural Women's Program currently under way and the attention given to gender equality in the recent Poverty Reduction Strategy, the Committee is concerned about the precarious situation of women in rural areas. These women constitute the majority of women in Liberia and are disproportionately affected by a lack of adequate health services, education, economic opportunities, social benefits and access to adequate living conditions, in particular basic sanitation and water infrastructure. As previously noted, the Committee is deeply concerned about rural women's access to justice and the enforcement of their rights under the Convention, in view of discriminatory customary laws contained in the Revised Rules and Regulations Governing the Hinterland of Liberia which govern rural women. It expresses its particular concern about the

prevalence of harmful traditional practices and the persistence of customs and traditions in rural areas that violate the human rights of women and girls and adversely affect their equality and advancement.

**39. The Committee urges the State party to take appropriate measures to eliminate all forms of discrimination against rural women and eradicate harmful traditional practices and those customs and traditions which justify and perpetuate them. The Committee urges the State party to pay special attention to the needs of rural women and ensure that they participate in decision-making processes, including community decision-making processes and development planning, and have equal access to basic services and infrastructure, and economic opportunities, including income-generating projects and credit facilities, on an equal and equitable basis with men and also with their urban counterparts. The Committee reiterates its request that the State party ensure that all discriminatory customary law is repealed or amended and brought into full compliance with the Convention and the Committee's general recommendations, and calls on the State party to remove all impediments rural women may face in gaining access to justice. The Committee urges the State party to take special measures to enhance rural women's knowledge and awareness of their rights, including their right to seek legal redress in statutory courts.**

40. The Committee expresses concern at the persistence of discriminatory provisions in customary law and the prevalence of harmful traditional practices in contravention of articles 15 and 16 of the Convention. It welcomes steps taken to harmonize statutory and customary law in the area of women's right to property with the passage of the 2003 Inheritance Law but is concerned that women's property rights remain restricted. The Committee is also concerned that women are not allowed to appear before traditional courts without their husbands, that early and forced marriages remain prevalent, and that women do not enjoy equal rights with men in customary marriage. The Committee is also concerned at the lack of information on widows and divorce.

**41. The Committee urges the State party, in accordance with articles 15 and 16 of the Convention and in line with its general recommendation No. 21, to eliminate all discriminatory provisions in customary law and statutory law, so that women can enjoy the same legal rights in marriage as men. The Committee further urges the State party to ensure that traditional courts' procedures comply with human rights norms and standards with a view to guaranteeing women's equal access to the courts. The Committee calls on the State party to include information on widows and divorce in their next report.**

**Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality**

12. The Committee is concerned that, despite the ratification of the Convention by the State party in 1984, it has yet to be incorporated into Liberian law and is not justiciable in Liberian courts. The Committee also expresses concern that, although article 11 (b) of the Constitution guarantees the fundamental rights and freedoms of all persons irrespective of sex, there is no definition of discrimination in the State party's Constitution or legislation in line with article 1 of the Convention, which covers both direct and indirect discrimination, nor is there any legislation embodying the principle of equality between women and men.

**13. The Committee urges the State party to take immediate steps to ensure then publication of the Convention in order to make its provisions directly applicable. It calls on the State party, as a matter of priority, to incorporate into appropriate national legislation a definition of discrimination against women in conformity with article 1 of the Convention. The Committee further calls on the State party to incorporate the principle of equality between women and men in line with article 2 of the Convention into the Constitution, which is currently under review.**

**Absence of Legislation: discriminatory customs**

18. The Committee is deeply concerned at the persistence of harmful traditional practices, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres

of life. The Committee expresses concern that such norms, customs and practices justify and perpetuate discrimination against women, violence against women and the persistence of harmful traditional practices, including early and forced marriage and trial by ordeal. It regrets that no sustained and systematic action has been taken by the State party to modify or eliminate such harmful traditional practices, patriarchal attitudes and stereotypes.

**19. The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to put in place, without delay, a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes which are harmful to, and discriminate against, women and to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. This strategy should include legislation and specially designed educational and awareness-raising programmes targeting women and men at all levels of society, including Government officials, chiefs and other traditional and community leaders, and *zoes* (headwomen of the Sande society). It should be aimed at creating an enabling environment for the transformation and change of stereotypes and discriminatory cultural values, attitudes and practices. The Committee also encourages the State party to put in place monitoring mechanisms to regularly assess progress made towards the achievement of established goals.**

#### **Absence of Legislation: female genital mutilation**

20. The Committee is extremely concerned about the persistence of female genital mutilation, which is a grave violation of girls' and women's human rights to bodily integrity and health and the State party's obligations under the Convention, and regrets that there is no law prohibiting this practice. The Committee is also concerned that the operations of the Ministry of Internal Affairs in issuing permits to the practitioners represent an explicit form of support for the practice and thereby undermine any efforts to eliminate it.

**21. The Committee urges the State party to enact without delay and as a matter of priority legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and punished in accordance with the severity of this violation. The Committee also calls on the State party to immediately stop issuing permits to practitioners, as is currently being done by the Ministry of Internal Affairs. It encourages the State party to extend and accelerate implementation of programmes designed to sensitize and provide alternative sources of income for those who perform female genital mutilation as a means of livelihood. It urges the State party to strengthen its awarenessraising and educational efforts, targeted at both women and men, including Government officials at all levels, chiefs and other traditional and community leaders, and *zoes*, to eliminate the practice of female genital mutilation and its underlying cultural justifications.**

#### **Absence of Legislation: violence against women; domestic violence**

22. The Committee notes with grave concern the extent, intensity and prevalence of violence against women in Liberia, especially sexual violence, both during and after the conflict. It also notes that, during the conflict, women and girls were particularly vulnerable to and affected by sexual violence. The Committee welcomes the important progress made by the State party in developing policies and establishing institutional mechanisms to address the pervasive violence against women in the country, but it remains concerned about the lack of a comprehensive legal framework to prevent and eliminate all forms of violence against women, and the lack of adequate services and protection for victims of violence.

**23. The Committee urges the State party to prioritize the adoption and implementation of a comprehensive legal framework to address all forms of violence against women, including domestic violence, and to accelerate implementation of existing measures. It encourages the State party to make full use of the Committee's general recommendation No. 19 and urges the State party to undertake educational and public awareness programmes**

through the media to convey the message that all forms of violence against women, including domestic violence, are unacceptable.

## Libyan Arab Jamahiriya

February 2009

### Explicit Discrimination in Law: nationality; child custody; personal status; marriage; polygamy; divorce; inheritance

17. While welcoming the pledge by the State party's delegation that Law No. 18 of 1980 on the provisions of the nationality law will be amended in order to comply with article 9 of the Convention, the Committee remains concerned that Libyan women married to non-Libyan nationals are not granted equal rights with men with respect to the nationality of their children. The Committee is further concerned at the legislation governing child custody whereby women are not permitted to travel abroad with their children without the consent of the children's father. The Committee expresses concern that legal provisions relating to personal status, in particular concerning marriage (including polygamy), divorce and inheritance, do not provide for equal rights for women and men.

**18. The Committee encourages the State party to accelerate the process of amendment of Law No. 18 of 1980 to make it consistent with article 9 of the Convention. The Committee further calls upon the State party to intensify its efforts to amend its legislation governing child custody expeditiously, in order to ensure that women have the same right as men to travel with their children abroad. The Committee recommends that the State party introduce legislative reforms to provide women with equal rights in marriage, divorce and inheritance. It calls upon the State party to end the practice of polygamy in accordance with the Committee's general recommendation No. 21, on equality in marriage and family relations.**

### Impact of Law: Penal Code (extramarital sexual relations)

### Implementation of Law: rape

### Absence of Legislation: violence against women; domestic violence

23. While noting that, according to article 17 of Law No. 10 of 1984, a man should refrain from causing physical or psychological harm to his wife, and commending the State party for the establishment of 20 Women's Courts across the country dealing with violence against women, the Committee is concerned that the State party has not yet adopted comprehensive legislation to protect women against violence, especially domestic violence, as recommended by the Human Rights Committee in its concluding observations adopted on 30 October 2007. The Committee is further concerned at the confinement of women and girls who have not been convicted in so-called social rehabilitation facilities, some of whom are victims of gender-based violence and domestic violence, for their own protection according to the State party, without the provision of a possibility to challenge this confinement in a court. The Committee is also concerned at the widespread practice whereby marriage between perpetrators of rape and women victims of rape is encouraged to protect the victims from social stigma and marginalization and ensure clarity of lineage if the victim is pregnant, which results in impunity for the perpetrator. The Committee is of the view that marriage between perpetrators of rape and the victim can lead to revictimization of the victim. The Committee expresses concern about the lack of statistics provided in the report on the extent of different forms of violence against women and girls. The Committee is also concerned that the maintenance of Law No. 70 (1973) criminalizing extramarital sexual relations may have a disproportionate impact on women.

24. The Committee urges the State party to implement the recommendations identified in the study of the Secretary-General on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1) and in the report of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/4/34/Add.1) and to monitor their impact. Furthermore, the Committee calls upon the State party to enact legislation on violence against women, including domestic violence. The Committee recommends that the State party adopt and implement a national strategy to combat violence against women, which would include the collection of sex-disaggregated data on all forms of violence and research into the extent of violence against women and girls, including that which occurs in the domestic sphere. It urges the State party to reconsider and amend the legal provisions which allow the confinement of women and girls in so-called rehabilitation facilities against their will. Furthermore, the Committee calls upon the State party to discourage the practice whereby victims of rape are forced to marry the perpetrator and to ensure that in all cases perpetrators are duly prosecuted and punished, and victims rehabilitated. The Committee recommends that training and awareness-raising programmes be offered to judicial personnel, law enforcement officials, members of the legal and health professions and the general public, taking into account its general recommendation No. 19 on violence against women. The Committee encourages the State party to make use of the multi-year campaign launched in 2008 to eliminate violence against women. The Committee also calls upon the State Party to consider repealing Law No. 70 (1973).

#### Implementation of Law: male guardianship

37. While taking note that article 8 (a) of Law No. 10 of 1994 provides that a guardian may not force a woman to marry against her will, the Committee is concerned that the concept of male guardianship over women seems to be widely accepted and limits women's exercise of their rights under the Convention, in particular with regard to issues of personal status both de jure and de facto.

38. The Committee calls upon the State party to take steps to eliminate the practice of male guardianship over women both de jure and de facto, including through the design and implementation of awareness-raising campaigns. It encourages the State party to engage in a social dialogue on the concept of male guardianship and how it affects the application of the Convention in the Libyan Arab Jamahiriya with a view to eliminating this practice.

#### Absence of Legislation: Article 1 definition of discrimination

9. While taking note of the State party's affirmation that all laws in force in the Libyan Arab Jamahiriya embody the principle of equality between women and men, the Committee remains concerned at the lack of clarity with respect to the status of the Convention in the domestic legal order. The Committee is also concerned at the absence of a prohibition of discrimination against women in domestic legislation in line with article 1 and article 2, paragraph (b), of the Convention. It recalls that the absence of such a specific provision on prohibition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres, constitutes an impediment to the full application of the Convention in the State party.

10. Recalling the acknowledgement by the Libyan delegation of the predominance of the Convention over national law, the Committee calls upon the State party to take urgent steps to incorporate into domestic legislation a prohibition of discrimination against women that encompasses both direct and indirect discrimination, in line with article 1 of the Convention, as well as sanctions where appropriate in line with article 2, paragraph (b), of the Convention.



## Liechtenstein

February 2011

### Impact of Law: abortion

38. The Committee notes the slow progress of the working group dealing with pregnancy conflicts in finding solutions for decriminalizing abortion. It also notes with concern that contraceptives are not generally distributed free of charge, and that women from disadvantaged groups, including women with disabilities and migrant women, sometimes encounter difficulties in accessing sexual and reproductive health services and information.

**39. In line with its previous concluding comments (CEDAW/C/LIE/CO/3, para. 26) and its general recommendation No. 24, the Committee calls on the State party:**

**(a) To expedite the review of legislation relating to abortion, with a view to removing punitive provisions for women who undergo abortion; and**

**(b) To ensure that all women and girls, including adolescents, women with disabilities and migrant women, have free and adequate access to contraceptives and sexual and reproductive health services and information in accessible formats.**

### Impact of Law: domestic, sexual, gender-based violence

20. While noting that the current revision of the State party's sexual criminal law envisages the introduction of ex officio prosecution for offences such as dangerous threats against close relatives, stalking, rape or sexual assault in marital or domestic partnerships, the Committee is concerned that not all offences occurring in the context of domestic, sexual and other forms of gender-based violence are not covered by those plans.

**21. In accordance with its general recommendation No. 19 on violence against women, the Committee recommends that the State party consider introducing ex officio prosecution for all acts of domestic, sexual and other forms of gender-based violence deliberately depriving victims of protection from, or exposing them to, such violence. It further recommends that the State party train judges, prosecutors and the police on the strict application of relevant criminal law provisions, strengthen the support and assistance available to victims of domestic and sexual violence, and expedite its efforts to adopt the National Action Plan on Violence against Women drafted in 2008.**

### Impact of Law: immigration (domestic violence)

22. The Committee notes with concern that women from third countries who are victims of domestic violence and who have been married to a Liechtenstein national for less than five years may have their residence permit revoked upon dissolution of the marriage, if they are unable to prove their victim status or other significant personal grounds.

**23. The Committee recommends that the State party ensure that women from third countries who are alleged victims of spousal violence have access to legal aid and protection so as to enable them to prove their victims status in order to retain their residence permit upon dissolution of their marriage.**

### Implementation of Law: trafficking

26. The Committee notes that the State party's efforts to prevent and combat trafficking in women and girls, especially for purposes of sexual exploitation and forced labour, have so far focused on night club dancers, without taking into account the specific vulnerability of asylum-seeking women and girls. It is concerned about reports that



in some cases, asylum seekers, including women, are pressured by the authorities to leave the State party, thereby increasing their risk of becoming victims of trafficking.

**27. The Committee recommends that the State party:**

**(a) Ensure that women and girls who have been trafficked or fear being trafficked upon return to their country of origin and whose claims to international protection fall within the refugee definition of the 1951 Convention relating to the Status of Refugees are recognized as refugees and granted asylum;**

**(b) Establish mechanisms for the identification of victims of trafficking as well as referral mechanisms to ensure that asylum claims are assessed in an age and gender sensitive procedure in order to respond to the specific protection needs of women and girls who are victims of trafficking and guarantee protection against refoulement;**

**(c) Raise awareness among asylum seekers and train police and immigration officers on the increased risk of asylum seekers of becoming victims of trafficking;**

**(d) Ensure that temporary residence permits, protection and support are provided to all victims of trafficking; and**

**(e) Expedite its efforts to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.**

**Implementation of Law: asylum regulation (sexual violence, gender-based violence)**

24. The Committee is concerned about reports that the State party regularly fails to identify victims of sexual or other forms of gender-based violence during the asylum procedure because asylum claims are routinely rejected on formal grounds or for lack of credibility of an applicant's description of her travel route.

**25. The Committee recommends that the State party:**

**(a) Apply a standard procedure for identifying victims of sexual or gender-based violence when considering the admissibility of asylum applications on formal grounds or the return of applicants;**

**(b) Ensure that international protection needs are determined comprehensively, including by recognizing refugee claims on the basis of sexual or gender-based violence and by taking into account the factual situation of asylum-seeking women and girls in their countries of origin; and**

**(c) Ensure a gender-sensitive approach throughout the refugee status determination procedure by providing special rights such as counselling services for female asylum seekers, in line with Article 23, paragraph 6, of the State party's Refugee Act.**

## **Luxembourg**

February 2008

### Explicit Discrimination in Law: divorce

### Absence of Legislation: divorce

33. The Committee reiterates its concern expressed during the consideration of the fourth periodic report of Luxembourg with regard to the delay in the adoption of the draft law of 15 May 2003 reforming divorce.

**34. The Committee urges the State party to expedite the adoption of the draft law reforming divorce which abolishes the waiting period for women to remarry and divorce based on fault, as well as amends the system of alimony to make it more equitable for women, reforms the system as to compensate for the disparities that the break-up of marriage often creates, and provides for a system of joint exercise of parental authority by divorced parents.**

## **Madagascar**

November 2008

### Explicit discrimination in Law: nationality

24. While noting that the State party has adopted Law No. 2008-017, which authorizes the ratification of the Convention on the Nationality of Married Women and is aimed at rectifying the inequality of rights between women and men with respect to nationality, the Committee notes with concern that the Nationality Code does not comply with article 9 of the Convention in that it does not allow a Malagasy woman married to a foreigner to transmit her nationality to her husband or children on the same basis as a Malagasy man married to a foreigner.

**25. The Committee urges the State party to amend the Nationality Code so as to bring it in line with article 9 of the Convention.**

### Explicit Discrimination in Law: divorce

### Implementation of Law: customary law (polygamy; marriage and family equality)

### Absence of Law: de facto unions

36. While welcoming the important legal reforms and progress that have taken place in the area of family relations, such as the adoption of Law No. 2007-022 on marriage and matrimonial regimes, which provides that the spouses have the same rights and the same responsibilities with regard to administering marital property and the setting of the minimum age of marriage at 18 years, the Committee is concerned at women's unequal status in marriage and family matter owing to customary and traditional attitudes. It is particularly concerned that customary law relating to marriage allows polygamy and that women in de facto unions and their children do not enjoy adequate legal protection. It also notes that the legislation on marriage still discriminates against women, imposing a six-month interval (the "délai de viduité") before they can remarry.

**37. The Committee urges the State party to harmonize civil and customary law with article 16 of the Convention and to repeal the provision requiring a six-month interval before women can remarry. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations. The Committee recommends that the State party seriously consider the situation of women in de facto unions, and of the children resulting from such unions, and ensure that they enjoy adequate legal protection.**

### Impact of Law: violence against women

### Implementation of Law: violence against women; domestic violence; sexual violence;

### Absence of Legislation: marital rape; domestic violence

18. The Committee expresses concern at the high prevalence of violence against women and girls, such as widespread domestic violence and sexual violence, including rape. The Committee is also concerned that such violence appears to be socially legitimized and is accompanied by a culture of silence and impunity, so that victims of such violence do not press charges against perpetrators because of fear of retaliation, that cases of violence are thus underreported and that women are encouraged through customary law to leave the family home temporarily. The Committee is further concerned about the lack of information and data disaggregated by age groups on all forms of violence against women, and at the lack of information on the implementation of Act No. 2000-21, which criminalizes domestic and sexual violence. Furthermore, it notes with concern that marital rape is not recognized as a criminal offence and that the Criminal Code only criminalizes acts leading to physical injury and does not cover verbal, psychological and economic violence.

**19. The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation No. 19. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women's rights. The Committee calls upon the State party to ensure that violence against women and girls, including domestic violence, marital rape and all forms of sexual abuse, constitute a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee requests the State party to remove any impediment faced by women in gaining access to justice and recommends that legal aid be made available to all victims of violence, including through the establishment of additional legal aid clinics in rural or remote areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of counselling services and shelters for victims of violence. The Committee requests that the State party provide information on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age groups.**

### Implementation of Law: customary law

### Absence of Legislation: Article 1 definition of discrimination

10. While noting that the Constitution of Madagascar ensures the direct applicability of the Convention and its primacy over domestic legislation, the Committee is concerned that there is no explicit definition of discrimination against women, in line with article 1 of the Convention, which prohibits direct and indirect discrimination, in either the Constitution or the State party's legislation. The Committee is further concerned that the Convention's provisions, its concept of substantive gender equality and the general recommendations of the Committee are not sufficiently known or applied by the State party as a framework for all laws and policies on gender equality and the advancement of women. The Committee is similarly concerned that the Convention's provisions and the Committee's general recommendations are not sufficiently known by judges, lawyers, prosecutors and women themselves, as indicated by the scarcity of court decisions that refer to the Convention. The Committee is also concerned about the under-utilization by women of remedies for violations of their rights. The Committee also

notes with concern that the administration of justice through the customary justice system may not be in full compliance with the provisions of the Convention.

**11. The Committee recommends that the State party incorporate in its Constitution or in other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. It further recommends that the State party ensure that the understanding of indirect discrimination encompasses sexbased discrimination as well as other forms of discrimination that women may face. The Committee calls on the State party to take additional measures to ensure that the Convention is sufficiently known and applied by the State party as a framework for all laws and policies on gender equality and the advancement of women. The Committee also calls on the State party to take additional measures to disseminate information about the Convention and the Committee's general recommendations, as well as to implement training programmes for prosecutors, judges, lawyers and officials of the customary justice system on the Convention and its application. It recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights.**

Implementation of Law: marriage inequality; violence against women

Absence of Law: bride price; 'Moletry' (customary abandonment of twin child)

16. The Committee is concerned at the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women that they are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations, and in the persistence of violence against women, and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative cultural values and practices.

**17. The Committee requests the State party to view its culture as a dynamic aspect of the country's life and social fabric and as subject, therefore, to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts which should be undertaken in collaboration with civil society, to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders. The Committee urges the State party to tackle harmful cultural and traditional customs and practices, such as the practice of "moletry" (bride price) in the north-west and the custom that prescribes the abandonment of a twin child in Mananjary, more vigorously. The Committee encourages the State party to implement effective and innovative measures to strengthen the understanding of the equality of women and men and work with the media in order to enhance a positive and non-stereotypical portrayal of women.**

## **Malawi**

February 2010

### Explicit Discrimination in Law: general; customary law

12. While noting the many measures taken that are aimed at identifying laws that discriminate against women, the Committee is concerned that statutory and customary laws which discriminate against women in both purpose and effect remain in force. The Committee is further concerned about the weak public legal aid department, which exacerbates the difficulties faced by women in gaining access to justice and the enforcement of their rights under the Convention.

**13. The Committee urges the State party, as a matter of priority, to ensure that all discriminatory laws, including customary law, are amended or repealed and brought into full compliance with the Convention and the Committee's general recommendations. The Committee also requests the State party to remove all impediments women may face in gaining access to justice and to take appropriate measures to enhance women's legal literacy and awareness of their rights, including their right to seek legal redress in courts. In this regard, the Committee urges the State party to provide the public legal aid department with adequate human and financial resources.**

### Explicit Discrimination in Law: nationality

28. The Committee reiterates its concern, voiced in its previous concluding observations, about the contradiction between the Citizenship and Immigration Acts, which establish that, upon marrying a non-Malawian man, a Malawian woman loses her nationality, and that a married woman is not allowed to migrate unless she is under the custody of her husband.

**29. The Committee urges the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention, during the ongoing legal reform process.**

### Implementation of Law: discriminatory customs; child marriage; forced marriage

20. The Committee reiterates its concern, expressed in its previous concluding observations, in relation to the persistence of harmful traditional practices, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such norms, customs and practices continue to justify and perpetuate discrimination against women, violence against women and the persistence of harmful traditional practices, including early and forced marriages and other practices identified, including in the study carried out in 2006 by the Malawi Human Rights Commission. The Committee regrets the lack of a sustained and systematic strategy by the State party to modify or eliminate such harmful traditional practices, patriarchal attitudes and stereotypes.

**21. The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It recommends that the State party adopt without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to, and discriminate against, women and to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. This strategy should include the adoption of the relevant outstanding bills and specially designed educational and awareness-raising programmes targeting women and men at all levels of society, including Government officials, chiefs and other traditional and community leaders. The Committee also encourages the State party to put in place monitoring mechanisms to regularly assess the progress made towards the achievement of established goals.**

### Implementation of Law: polygamy; divorce (marital property); marriage age

42. The Committee is concerned about the multiple marriage regimes that exist in the State party and the discriminatory provisions that persist in the laws governing marriage and family relations. It is particularly

concerned that customary law allows polygamy. The Committee reiterates its concern that the lack of clarity with respect to the minimum age of marriage allows for child marriage. The Committee is further concerned that the interpretation of the divorce law by the High Court, where a woman's non-financial contribution is not taken into account, results in inequality in property distribution during divorce. The Committee is concerned that, notwithstanding the criminalization of property-grabbing, the practice may still be ongoing.

**43. The Committee urges the State party to ensure that the Marriage, Divorce and Family Relations Bill is in compliance with articles 15 and 16 of the Convention and to expedite its enactment into law. The Committee calls upon the State party to implement measures aimed at eliminating polygamy, in line with the Committee's general recommendation No. 21, and to set the minimum age of marriage at 18 years. The Committee further urges the State party to take measures to ensure that the distribution of property during divorce provides for equality and equity for both parties, as provided in article 16 of the Convention. The Committee also urges the State party to enforce the legislation criminalizing property-grabbing.**

**Absence of Legislation: equality provisions; marriage, divorce and family relations; inheritance**

14. The Committee regrets the delay in the enactment of a number of outstanding bills in particular the Gender Equality Bill, the Deceased Estates (Wills, Inheritance and Protection) Bill, and the Marriage, Divorce and Family Relations Bill.

**15. The Committee calls upon the State party to take all necessary measures to expedite the enactment of outstanding bills, namely, the Gender Equality Bill, the Deceased Estates (Wills, Inheritance and Protection) Bill, and the Marriage, Divorce and Family Relations Bill, and, within the framework of the legal review process, to ensure women's formal and substantive equality.**

**Absence of Legislation: trafficking**

24. The Committee reiterates its concern at the extent of trafficking within and outside the country. It is further concerned at the extent to which women and girls are involved in sexual exploitation, including prostitution, and the limited statistical data regarding these issues.

**25. The Committee recommends that the State party take the necessary legislative measures, including the effective prosecution and punishment of traffickers. It also recommends that the State party strengthen the provision of assistance and support to women victims, as well as prevention efforts, by addressing the root causes of trafficking and improving the economic situation of women in order to eliminate their vulnerability to exploitation and traffickers. The Committee further recommends that the State party consider enhancing its cooperation with States in the region to prevent and combat trafficking in women and girls, as well as undertake studies on the prevalence of trafficking in Malawi.**

## **Malaysia**

May 2006

**Explicit Discrimination in Law: employment**

19. While appreciating that the Ninth Malaysia Plan (2006-2010) aims to increase women's participation in the labour force, the Committee is concerned at the lack of employment opportunities for women despite the high

level of education attained by girls and women. The Committee is further concerned that the preliminary findings of a study conducted to determine factors contributing to the mismatch between women's educational achievements and their opportunities in the labour market indicate that employers have a preference for male employees due to strongly held stereotypes of men as being more independent workers. In this regard, the Committee notes with concern that restrictions on women's employment, as well as protective employment legislation, policies and benefits for women, perpetuate traditional stereotypes regarding women's roles and responsibilities in public life and in the family.

**20. The Committee urges the State party to intensify its efforts towards accelerating the achievement of de facto equal opportunities for women with men in the area of employment through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee recommends that monitoring measures be introduced to ensure effective implementation of efforts to promote change concerning the stereotypical expectations of women's roles and the equal sharing of domestic and family responsibilities between women and men, including by making the flexible work arrangements envisaged in the Ninth Malaysia Plan equally available to women and men.**

#### Impact of Law: immigration (trafficking)

#### Absence of Legislation: trafficking

23. The Committee is concerned that the State party has not enacted legislation on trafficking and has not established a comprehensive plan to prevent and eliminate trafficking in women and to protect victims. It is further concerned that women and girls who have been trafficked may be punished for violation of immigration laws and are thus revictimized. In addition, the Committee is concerned about the lack of systematic data collection on this phenomenon.

**24. The Committee urges the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementary to the United Nations Convention against Transnational Organized Crime and to intensify its efforts to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation on the phenomenon. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. The Committee urges the State party to ensure that trafficked women and girls are not punished for violations of immigration laws and have adequate support to be in a position to provide testimony against their traffickers.**

#### Implementation of Law: marriage and family relations

13. The Committee is concerned about the existence of the dual legal system of civil law and multiple versions of Syariah law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee is also concerned about the State party's restrictive interpretation of Syariah law, including in the recent Islamic Family Law (Federal Territories) Amendment Act 2005, which adversely affects the rights of Muslim women. The Committee is further concerned about the lack of clarity in the legal system, particularly as to whether civil or Syariah law applies to the marriages of non-Muslim women whose husbands convert to Islam.

**14. The Committee urges the State party to undertake a process of law reform to remove inconsistencies between civil law and Syariah law, including by ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the Constitution and the provisions of the**

Convention and the Committee's general recommendations, particularly general recommendation 21 on equality in marriage and family relations. In this regard, it encourages the State party to obtain information on comparative jurisprudence and legislation, where more progressive interpretations of Islamic law have been codified in legislative reforms. It also encourages the State party to take all necessary steps to increase support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, women's nongovernmental organizations and community leaders. The Committee further recommends that a strong federal mechanism be put in place to harmonize and ensure consistency of application of Syariah laws across all States.

Absence of Legislation: Article definition of discrimination; Article 2 definition of equality

7. The Committee is concerned that the Convention is not yet part of Malaysian law and thus its provisions are not enforceable in domestic courts. While appreciating that the State party amended Article 8 (2) of the Federal Constitution in 2001 to prohibit discrimination on the basis of gender, the Committee is concerned about the narrow interpretation given to this article by Malaysian courts. The Committee expresses concern that neither the Federal Constitution nor other legislation of the State party contains a definition of discrimination against women, in accordance with article 1 of the Convention, or the principle of equality of men and women, in line with article 2 (a) of the Convention.

8. The Committee calls on the State party to take immediate measures to ensure that the Convention and its provisions are incorporated into national law and become fully applicable in the domestic legal system. The Committee urges the State party to incorporate in its Constitution and/or other appropriate national legislation, the definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. The Committee further recommends that the State party enact and implement a comprehensive law reflecting substantive equality of women with men in both public and private spheres of life. It also recommends that the State party include adequate sanctions for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.

Absence of Legislation: marital rape

21. While noting the various initiatives taken by the State party to address violence against women, the Committee is concerned about the reluctance of the State party to criminalize marital rape. In particular, the Committee is concerned that the proposal before Parliament on this issue is narrowly tailored to criminalize sexual assault based on use of force and death threats by the husband, rather than marital rape based on lack of consent of the wife.

22. The Committee requests the State party to enact legislation criminalizing marital rape, defining such rape on the basis of lack of consent of the wife.

Absence of Legislation: migrant labour

25. While noting the memorandum of understanding between the State party and the Government of Indonesia that regulates the rights of Indonesian migrant workers in Malaysia and the establishment of a Cabinet Committee on Foreign Workers, the Committee is concerned about the lack of legislation and policies on the rights of migrant workers, particularly migrant domestic workers who are mostly women, including employment rights and rights to seek redress in cases of abuse.

26. The Committee urges the State party to enact comprehensive laws and establish procedures to safeguard the rights of migrant workers, including migrant domestic workers. The Committee calls upon the State party to provide migrant workers viable avenues of redress against abuse by employers and permit them to stay in the country while seeking redress. The Committee further urges the State party to make migrant workers aware of such rights.



### Absence of Legislation: refugee and asylum law

27. The Committee is concerned that the State party has not enacted any laws or regulations concerning the status of asylum-seekers and refugees. In particular, the Committee is concerned that asylum-seekers and refugees, including women, are prosecuted for immigration-related offences and may be indefinitely detained at immigration detention centres or deported.

28. **The Committee recommends that the State party adopt laws and regulations relating to the status of asylum-seekers and refugees in Malaysia, in line with international standards, in order to ensure protection for asylum seekers and refugee women and their children. The Committee further recommends that the State party fully integrate a gender-sensitive approach throughout the process of granting asylum/refugee status, in close cooperation with appropriate international agencies in the field of refugee protection, in particular the Office of the High Commissioner for Refugees.**

## **Maldives**

February 2007

### Explicit Discrimination in Law: family law

#### Implementation of Law: polygamy; child marriage; religious law

35. The Committee remains concerned that family law discriminates against women. It is concerned about the high divorce rates, recent reports of early marriage and the practice of polygamy. It is further concerned at the lack of a specific time frame within which the State party will conclude its review of the compatibility of its family law with article 16 of the Convention.

36. **The Committee urges the Government to aim to complete its law reform in the area of family law within a specific time frame and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution.**

37. **The Committee again calls upon the State party to obtain information on comparative jurisprudence seeking to interpret Islamic law in harmony with international human rights standards and the Beijing Platform for Action.**

### Impact of Law: criminalisation of extra-marital relations

#### Absence of Law: trafficking

21. The Committee is concerned about the lack of information and data on the exploitation of prostitutes and by the lack of rehabilitation services provided to them. It is also concerned about the lack of attention paid by the State party to the problem of trafficking in women and the resulting lack of information about the extent of trafficking in women, both internal trafficking and cross-border trafficking, as well as by the absence of measures taken, including legislation, to address this issue. The Committee is further concerned by the possibility that women and girls who have been exploited in prostitution could be re-victimized by the authorities because of the criminalization of extramarital relations.

22. **The Committee urges the State party to: pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution; facilitate the reintegration of prostitutes into society;**

and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee urges the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime, and to initiate steps to combat all forms of trafficking in women and girls, including by enacting specific and comprehensive legislation on the phenomenon. The Committee further calls upon the State party to consider formulating a plan of action with clear goals, to train police officers to deal with inter-island and cross-border trafficking, to cooperate with other countries in the region so as to address more effectively the causes of trafficking and to improve prevention of trafficking through information exchange. The Committee urges the State party to prosecute and punish traffickers and to ensure the protection of the human rights of trafficked women and girls.

#### Impact of Law: family planning; extramarital sex

33. While appreciating that the State party has formulated a national reproductive health strategy (2005-2007), which seeks to ensure reproductive health and rights for all Maldivian women, men and adolescents, the Committee is concerned at the limited control that women have over the choice of family planning methods and spacing of children, as stated by the delegation. The Committee is particularly concerned that access to contraceptives is limited by law to married couples; that reproductive health information is not readily available; and that punishments such as flogging and banishment remain in the Penal Code and can be imposed for violating its provisions prohibiting extramarital sex, which, in practice, disproportionately affect women.

34. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without restriction and by increasing knowledge and awareness about family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education as part of the regular education curriculum, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. It also urges the State party to expeditiously revise its Penal Code to eliminate punishment for extramarital sex, which disproportionately affects women.

#### Implementation of Law: maternity leave

29. The Committee expresses concern at the discrimination faced by women in employment, as reflected in job hiring practices, the wage gap and occupational segregation. It is concerned about the differential treatment of women working in the public and private sectors as regards maternity leave, which puts women in the public sector in temporary contracts and women working in the private sector at a disadvantage. The Committee is further concerned about the societal barriers that women face in entering the tourism and fishing sectors, which obliges them to leave home, forcing them to work in lower-paying traditional jobs instead.

30. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and to harmonize legal provisions for the public and private sectors, especially in relation to maternity leave, in the Labour Bill. The Committee requests the State party to pay particular attention to the impact of societal attitudes and expectations on women's opportunities to seek employment in the tourism and fishing sectors. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.

#### Absence of Law: Article 1 definition of discrimination

13. The Committee is concerned that, although the Convention was ratified in 1993, the Convention is not yet part of Maldivian law and that its provisions are thus not enforceable in domestic courts. The Committee is also concerned that neither the Constitution nor other domestic legislation contains a definition of discrimination against women, in accordance with article 1 of the Convention.

14. **The Committee calls upon the State party to complete the process it has initiated to fully incorporate the Convention and other international human rights treaties to which it has become a party into national law so that they become fully applicable in the domestic legal system. The Committee further urges the State party to take the opportunity afforded by the reform agenda and road map to include in the Constitution the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, or to enact the draft legislation on the human rights of women, to include such a definition of discrimination against women and the principle of equal rights of women and men. It also urges the State party to include adequate sanctions for acts of discrimination against women and to ensure that effective remedies are available to women whose rights have been violated.**

#### Absence of Law: domestic violence; sexual harassment; violence against women

19. While noting the establishment of rudimentary support services for women victims of violence and the projected 11 shelters to be established in 2007, the Committee expresses its deep concern about the prevalence of violence against women and girls, including domestic violence, which appears to be tolerated or even expected by society. The Committee is also concerned about the legislative gaps in this area, including the lack of specific legislation on domestic violence and specific legislation to address sexual harassment.

20. **The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that: violence against women and girls constitutes a criminal offence; women and girls who are victims of violence have access to immediate means of redress and protection; and perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and health-service providers in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the carrying out of further public awareness-raising campaigns on all forms of violence against women.**

## **Mali**

February 2006

#### Explicit Discrimination in Law: nationality; marriage; marriage age; divorce; land rights

#### Absence of Law: polygamy; family headship

11. The Committee is concerned about the lack of progress in revising discriminatory legislation. In particular, it expresses concern that proposed revisions of the Citizenship Code and Marriage and Guardianship Code (in the draft Personal and Family Code) and legislation on the issue of State- and privately-owned land have not been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men

concerning issues related to the transmission of nationality, marriage and family relations and access to land. Such discriminatory provisions include: a younger marriageable age for women (15 years old) than for men (18 years old); termination of maintenance support awarded to an ex-wife on grounds of immoral behaviour; in the event of divorce, restitution to the husband of benefits given to his wife and limitations on the exercise of parental authority by a surviving mother; and discrimination against women concerning their customary land rights. The Committee also expresses concern that the proposed law reform in the area of marriage and family relations is not sufficiently comprehensive in that it does not include the abolition of polygamy or abandonment of the notion that men are the head of the household.

**12. The Committee urges the State party to place high priority on implementing legislative reforms and, in particular, to complete the process needed to adopt the draft Personal and Family Code in the first quarter of 2006, as orally indicated to the Committee, in order to promptly bring the relevant provisions into line with articles 1, 2, 9 and 16 of the Convention. The Committee urges the State party to put in effect measures to discourage polygamy and to ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. The Committee calls upon the State party to increase its efforts to sensitize public opinion regarding the importance of these reforms in order to achieve full compliance with their provisions.**

**Absence of Law: Article 1 definition of discrimination; Article 2 definition of equality**

9. While the Committee notes with satisfaction that article 116 of the Constitution provides that any treaty to which Mali is a party has precedence over national legislation from the moment that the treaty in question is published, it is concerned about the status of implementation of the Convention. In particular, the Committee is concerned that while the Convention's definition of discrimination against women is directly applicable, national legislation does not provide sanctions for acts of discrimination based on sex nor remedies for violations of the rights to non-discrimination and equality. In this connection, the Committee regrets that the State party was not able to provide the Committee with any examples of the provisions of the Convention being directly invoked in Court in the 21 years since its ratification.

**10. The Committee recommends that a definition of discrimination in line with article 1 of the Convention, provisions on the equal rights of women in line with article 2 (a) of the Convention and sanctions for acts of discrimination based on sex as well as remedies for violations of the rights to nondiscrimination against women and gender equality be included in the Constitution or in other appropriate legislation. It recommends the intensification of campaigns to raise awareness about the Convention aimed at the general public and especially at public officials, the judiciary and the legal profession. The Committee calls on the State party to ensure that the Convention becomes an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, in order that a legal culture supportive of equality and non-discrimination may be firmly established in the country.**

**Absence of Law: domestic violence; marital rape; sexual harassment**

19. The Committee is concerned about the prevalence of violence against women and girls, including domestic violence, which appears to be tolerated by society. The Committee is also concerned about the legislative gaps in this area, including the lack of specific legislation on domestic violence, including marital rape, and specific legislation to address sexual harassment.

**20. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, sexual harassment and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that: violence against women and girls constitutes a criminal offence;**

women and girls who are victims of violence have access to immediate means of redress and protection; and perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and health-service providers so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the establishment of counselling services for victims of violence and the organization of public awareness-raising campaigns on all forms of violence against women.

#### Absence of Legislation: trafficking

21. The Committee is concerned about the exploitation of prostitutes, the lack of information about the efforts to combat this phenomenon and the lack of information about the extent of trafficking in women and measures taken to address this issue.

22. The Committee urges the State party to: pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution; facilitate the reintegration of prostitutes into society; and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee requests that the State party provide information on measures taken to combat this phenomenon in its next report. It requests the State party to provide detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.

#### Absence of Legislation: female genital mutilation

23. While welcoming the establishment, in 2002, of the national programme to eradicate the practice of excision and other measures, including the prohibition of female genital mutilation from being carried out at health facilities, the training of personnel in the harmful effects of female genital mutilation and the retraining of the women who perform excisions, the Committee is concerned at the high incidence of this harmful traditional practice and the State party's reluctance to expedite the adoption of legislation aimed at eradicating this violation of a woman's human rights.

24. The Committee urges the State party to speedily enact legislation prohibiting excision and all forms of female genital mutilation to ensure that offenders are adequately prosecuted and adequately punished. It also recommends that the State party increase its efforts and develop a plan of action, including public awareness-raising campaigns, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation.

#### Implementation of Law: labour

#### Absence of Legislation: domestic labour

29. The Committee expresses concern at the discrimination faced by women in employment, as reflected in hiring processes, the wage gap and occupational segregation. The Committee is concerned about the difficulties that women face in attempting to engage in viable economic activity in the formal sector, forcing them to work in the informal sector instead. It is also concerned about the vulnerability of young girls who migrate as domestics to urban areas and are subject to exploitation by their employers, including sexual abuse, as well as about the low wages or non-payment of wages for their work.

30. The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender-sensitive and that women can fully benefit from these programmes. It recommends that the State party pass protective legislation regarding young women domestic workers and adequately punish abusive employers. The Committee calls on the State party to

provide, in its next report, detailed information about the situation of women in the field of employment, in both the formal and informal sectors, about measures taken and their impact on realizing equal opportunities for women.

#### Absence of Legislation: women with disabilities

31. The Committee is concerned that no specific measures have been taken to ensure that women with disabilities are not subject to discrimination, especially in the areas of education, employment, access to health care, violence and access to justice.

**32. The Committee recommends that the State party take appropriate measures, including legislation, to ensure that disabled women are not subject to any form of discrimination.**

## Malta

October 2010

#### Impact of Law: abortion

34. While noting the free access to health care, the Committee is concerned about the insufficient access to reproductive health-care services for women. The Committee notes with concern that education on sexual and reproductive health and rights is not part of the curriculum. The Committee is further concerned that abortion is illegal in all cases under the law of the State party and that women who choose to undergo abortion are subject to imprisonment. The Committee further regrets that the data provided by the State party on the health and health care, including mental health care, of its population in its periodic report was not disaggregated by sex.

**35. The Committee calls on the State party to increase its efforts to improve the availability of sexual and reproductive health services, including family planning, to mobilize resources for that purpose and to monitor the actual access to those services by women. It further recommends that the National Policy on Sexual Health, which is being finalized, ensure that family planning and reproductive health education are widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies of underage girls including the control of sexually transmitted diseases and HIV/AIDS. The Committee urges the State party to review its legislation on abortion and consider exceptions to the general prohibition of abortion for cases of therapeutic abortion and when the pregnancy is the result of rape or incest. It further urges the State party to remove from its legislation the punitive provisions for women who undergo abortion, in line with the Committee's general recommendation No. 24 (1999) on women and health and the Beijing Declaration and Platform for Action. The Committee also requests the State party to provide, in its next report, sex-disaggregated data on health and the provision of health care, including mental health care.**

#### Impact of Law: rape; violence against women

24. The Committee reiterates the concern expressed in the Committee's previous concluding observations that the crime of rape must be associated with violence and that rape as well as violent assault are considered in the Criminal Code under the title "Of crimes against the Peace and Honour of Families and against Morals".

**25. The Committee urges the State party to define the crimes of rape and violent assault as crimes against the physical and mental integrity of women and as a form of sex and gender based-discrimination that seriously**

**inhibits women's ability to enjoy their human rights and fundamental freedoms on a basis of equality with men. If further urges the State party to review the definition of rape so as to place the lack of consent at its centre.**

#### Impact of Law: divorce ban

#### Absence of Legislation: divorce; de facto unions

36. The Committee expresses its concern about the inability to divorce in Malta which results in de facto discrimination against women. The Committee is further concerned about the lack of legal provisions governing de facto unions which could result in women being negatively affected in the event of the dissolution of the union, especially with respect to the division of property and assets in the absence of a domestic legal framework governing such unions.

**37. The Committee urges the State party to introduce and to vigorously support legislation which permits divorce, allows women to remarry after divorce, and grants women and men the same rights to administer property during marriage and equal rights to property on divorce. It also recommends that women and men be granted equal rights to initiate divorce proceedings. The Committee encourages the State party to review its current legal system governing marriage and family relations with a view to extending existing legal provisions to couples living in de facto unions.**

#### Implementation of Law: domestic violence

22. While noting the efforts undertaken by the State party to prevent and address violence against women through, *inter alia*, the enactment of the Domestic Violence Act in 2005 and the establishment of the Commission on Domestic Violence, the Committee, however, remains concerned at the high prevalence of violence against women and the persistence of socio-cultural attitudes still condoning domestic violence and deterring women from reporting cases to the police. It is further concerned that, while the Domestic Violence Act empowers the police to start court proceedings on domestic violence without the victim having to file a report, the courts consider that they have discretionary powers to stay the proceedings when the victim refuses to testify before the court, even when the perpetrator has admitted the offence and evidence is available. It is also concerned about the remaining gaps in data collection on all forms and manifestations of violence against women.

**23. In accordance with its general recommendation No. 19, the Committee urges the State party to continue to put emphasis on comprehensive measures to address violence against women in the family and in society. The Committee recommends that the State party strengthen its efforts to ensure that female victims of violence have immediate protection, including the possibility of expelling the perpetrator from the family home, effective recourse to a shelter, and access to free legal aid and psycho-social counseling. It recommends ensuring that public officials, especially law enforcement officials, members of the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls on the State party to systematize data collection on violence against women, including domestic violence. It recommends that structures be established to help female victims of violence rebuild their lives, including through the creation of job opportunities. The Committee invites the State party to further pursue, in collaboration with a broad range of stakeholders, including women's and other civil society organizations, awareness-raising campaigns through the media and public education programmes to make such violence socially unacceptable.**

## **Mauritania**

June 2007



### Explicit Discrimination in Law: nationality

33. The Committee notes that certain provisions of the Mauritanian Nationality Code, especially article 13 of Act No. 61-112 of 12 June 1961, contradict article 9 of the Convention and continue to discriminate against Mauritanian women.

**34. The Committee requests the State party to amend the Mauritanian Nationality Code so as to bring it in conformity with article 9 of the Convention.**

### Explicit Discrimination in Law: property rights; polygamy; repudiation

43. The Committee expresses concern that the Personal Status Code contains some provisions that can discriminate against married women, in particular in regard to the management of property and the continuing legality of polygamy and repudiation.

**44. The Committee urges the State party to accelerate its reform of marriage and family law and to eliminate all discriminatory provisions so that women enjoy the same legal rights and obligations, in accordance with articles 15 and 16 of the Convention and the Committee's general recommendation 21.**

### Implementation of Law: polygamy; child marriage; female genital mutilation; forced feeding

21. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, polygamy, the practice of female genital mutilation and forced feeding, that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights.

**22. The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to be more proactive and to put into place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and promote women's full enjoyment of their human rights, in conformity with articles 2 (f) and 5 (a) of the Convention. It further urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community and religious leaders. It also urges the State party to assess regularly progress made towards the achievement of established goals and requests the State party to report thereon in its next periodic report.**

### Implementation of Law: violence against women

29. The Committee expresses concern about the lack of implementation of the legislation, as well as the lack of policies and programmes, to address violence against women. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. While noting the State party's assurance that the occurrence of forced feeding of young girls is declining, the Committee remains concerned about this practice. The Committee further expresses concern about the lack of information and data in the report on the prevalence of different forms of violence against women.

**30. The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee's general recommendation 19 in such efforts and of the Secretary-General's in-depth study on all**



forms of violence against women. It urges the State party to raise public awareness through media and education programmes that all forms of violence against women, including domestic violence and forced feeding of girls, are unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers with respect to violence against women so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed and that effective and gender-sensitive support is provided to victims. It calls on the State party to enhance victims' access to legal redress and to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of such measures, as well as statistical data and trends concerning the prevalence of various forms of such violence.

#### Implementation of Law: employment equality

#### Absence of Legislation: sexual harassment

37. The Committee notes with concern that, while the State party's legislation guarantees gender equality in the area of employment and work, there are no specific measures and enforcement mechanisms to prevent and eliminate de facto discrimination against women in those areas. It is also concerned about women's unequal access to employment opportunities, resulting in the overrepresentation of women in the informal sector, which does not provide social protection.

38. The Committee calls upon the State party to introduce without delay specific measures, including an enforcement mechanism, to ensure equal rights for women in the area of employment and work and their full and equal participation in the labour market. This should include a guarantee of equal pay for equal work and for work of equal value. The Committee also calls upon the State party to enact legislation prohibiting sexual harassment.

#### Absence of Law: Article 1 definition of discrimination

13. The Committee is concerned that, although article 1, paragraph 2, of the State party's Constitution guarantees equality before the law to all citizens without distinction as to origin, race, sex or social condition, there is no explicit definition of discrimination against women, in line with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

14. The Committee recommends that the State party incorporate in its Constitution or in other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. It further recommends that the State party ensure that the understanding of indirect discrimination encompasses sexbased discrimination as well as other, multiple forms of discrimination that women may face.

## **Mauritius**

August 2006

#### Absence of Legislation: comprehensive maternity leave; paternity leave

26. The Committee is concerned about the precarious situation of women in employment. It is also concerned about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors, as

well as wage differentials between women and men. The Committee is further concerned that maternity leave with pay covers only up to three births and about the absence of paternity leave.

**27. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and to continue to implement special training and retraining programmes for different groups of unemployed women. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. The Committee urges the State party to extend maternity benefits to women for all births and encourages the State party to introduce both paternity and parental leave.**

#### Explicit Discrimination in Law: adoption; marriage; divorce; burial; inheritance

12. The Committee is concerned that an exemption to the prohibition of discrimination has been maintained in section 16 (4) (c) of the Constitution on personal status law, including adoption, marriage, divorce, burial and devolution of property on death, in contravention of articles 2 and 16 of the Convention.

**13. The Committee calls upon the State party to engage with respective religious communities in a constructive dialogue in order to repeal the exemption of personal status law from the protection-against-discrimination provisions of section 16 (4) (c) of the Constitution, so as to bring it into compliance with articles 2 and 16 of the Convention. The Committee encourages the State party to include in its Constitution or other appropriate national legislation, such as the Equal Opportunities Bill which is currently under preparation, provisions on the equal rights of women and men, in line with article 2 (a) of the Convention.**

#### Implementation of Law: employment

28. The Committee is particularly concerned about the weak enforcement of labour laws by the Sex Discrimination Division of the Human Rights Commission, which apparently opts for mediation rather than the referral of cases of noncompliance with the Sex Discrimination Act to the office of the Director of Public Prosecutions for prosecution.

**29. The Committee recommends that the Sex Discrimination Division ensure that serious breaches of the Sex Discrimination Act are referred for prosecution.**

#### Absence of Legislation: marital rape

18. While noting the various legal and other initiatives taken by the State party to address violence against women, the Committee is concerned that violence against women remains a serious problem and that the State party lacks a sufficient number of shelters for battered women and their children. The Committee is also concerned that the State party has failed to criminalize marital rape.

**19. The Committee calls on the State party to intensify its awareness-raising efforts with regard to violence against women, in particular domestic violence, and the unacceptability of all such violence. It calls on the State party to strengthen prevention efforts and sensitization measures, addressed to the**

**public at large, and to increase the number of available shelters for battered women and their children. The Committee requests the State party to enact legislation criminalizing marital rape, defining such rape on the basis of lack of consent of the wife. It also urges the State party to put in place effective**

**monitoring and evaluation mechanisms so as to ensure the effectiveness of measures taken to address all forms of violence against women.**

## Mexico

August 2006

### Explicit Discrimination in Law: employment (pregnancy testing)

#### Implementation of Law: employment

30. The Committee reiterates its concern about the situation of women's labour rights in the maquiladora industries, including lack of access to social security and the persistence of discriminatory practices such as pregnancy tests.

**31. The Committee calls upon the State party to bring its labour legislation fully into compliance with article 11 of the Convention and to accelerate the adoption of the amendment of the Federal Labour Act to eliminate the pregnancy-test requirements. It urges the State party to strengthen the work of the general labour inspection directorate so that the working conditions of women are effectively monitored, violators of the rights of women in the maquiladora industries are punished and women workers' access to justice is enhanced. It recommends that the State party include information about the impact of measures taken and results achieved in its next report.**

## Mongolia

November 2008

### Explicit Discrimination in Law: employment

#### Implementation of Law: employment equality (incl. maternity rights)

#### Absence of Law: equal pay

31. The Committee expresses concern at the high rate of unemployment among women and persistent patterns of direct and indirect discriminatory practices against women in public and private employment with respect to recruitment, equal pay for work of equal value and maternity protection, as well as sexual harassment. Furthermore, while commending the State party for the adoption of the State Policy on Informal Employment, in 2006, the Committee is concerned about its implementation and its impact on the large number of women in the informal sector who have no social protection. The Committee is also concerned at women's concentration in certain employment sectors that are economically static and receive less pay than male-dominated sectors. The Committee is also concerned that men hold a significantly higher proportion of managerial positions, even in the sectors where women dominate and have higher educational levels. The Committee also notes with concern the discriminatory provision in the Labour Law, according to which women are prohibited from freely choosing their employment, pursuant to an outdated list of hazardous occupations from which women are excluded.

**32. The Committee calls upon the State party to introduce without delay specific measures, including an enforcement mechanism, to ensure equal rights for women in the area of employment and work and their full and equal participation in the labour market. This should include a legal guarantee of equal pay for equal work and for work of equal value, better enforcement of laws to protect women from discrimination on the ground of**

maternity, as well as the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee also urges the State party to ensure that all employment-generation programmes are gender sensitive and that women fully benefit from all planned programmes to support entrepreneurship, including through vocational training, favourable credit conditions and income-generation opportunities. The Committee also calls upon the State party to enact legislation prohibiting sexual harassment.

#### Absence of Legislation: Article 1 definition of discrimination

11. While noting the incorporation in a number of laws provisions prohibiting discrimination on the basis of sex, the Committee regrets that the State party has not yet adopted the draft law on gender equality.

12. **The Committee encourages the speedy adoption of the draft law on gender equality that includes a definition of direct and indirect discrimination in line with article 1 of the Convention, and which applies to both public and private employers, and further provides a basis for applying temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25.**

## **Morocco**

April 2008

#### Explicit Discrimination in Law: polygamy

36. The Committee is also concerned that the Family Code retains the institution of polygamy, even if this is subject to the authorization of a judge and under certain exceptional conditions.

37. **In light of its general recommendation 21, the Committee urges the State party to amend its Family Code to prohibit polygamy, as it contravenes a woman's right to equality with men. It also urges the State party to eliminate any other discrimination against women remaining in this Code.**

#### Explicit Discrimination in Law: marital property; divorce; child custody and guardianship; inheritance

38. While acknowledging the major reforms in the State party's legislation, the Committee notes with concern certain remaining discriminatory provisions, which still affects women's equal rights in matters relating to property acquired during marriage, divorce, custody and legal guardianship of children and inheritance. The Committee also notes with concern that property relations are governed by a regime of separate property, which often discriminates against women.

39. **The Committee calls upon the State party to ensure equality between women and men in marriage and upon its dissolution, by giving women equal rights in marriage and family relations. The Committee urges the State party to amend without delay all remaining discriminatory provisions including provisions relating to divorce, custody and legal guardianship of children and inheritance. The Committee further calls on the State party to enact legal provisions to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage, in line with article 16 paragraph 1 (h) of the Convention and the Committee's general recommendation 21. The Committee encourages the State party to bring those amendments in consultation with women's organizations.**

### Explicit Discrimination in Law: nationality

40. While noting with satisfaction the improvement in the personal status of women in the State party, including the fact that every child born to a Moroccan mother, whether in Morocco or abroad, is entitled to acquire his or her mother's nationality, the Committee remains concerned about various forms of discrimination related to their personal status, such as the non-acquisition of the Moroccan nationality by the foreign husband of a Moroccan wife in circumstances where a non-Moroccan wife of a Moroccan husband would acquire Moroccan nationality, and the loss of the Moroccan nationality of a Moroccan wife who acquires her husband's foreign nationality.

**41. The Committee urges the State party to amend without delay all discriminatory provisions affecting women's rights in the Nationality Code, in order to harmonize it fully with the Convention. The Committee encourages the State party to conduct this task in consultation with women's organizations.**

### Implementation of Law: Labour Code

#### Absence of Legislation: domestic labour

28. The Committee is deeply concerned about the limited opportunities of women on the labour market, their concentration in low skilled jobs with low pay and poor working conditions, the occupational segregation and persistence of a wage gap in both the public and private sector. The committee is also concerned about the high number of women working in the informal sector where they have no access to social benefits. The Committee further notes the poor implementation of the Labour Code and the exclusion of domestic workers from its scope of application there by depriving them of a range of critical labour protection.

**29. The Committee urges the State party to prioritize the realisation of women *de facto* equality with men in the labour market, so as to achieve full compliance of article 11 of the Convention. The Committee also urges the State party to strengthen labour inspection measures to ensure better implementation of the Labour Code, to take proactive measures to eliminate occupational segregation, both horizontal and vertical and to narrow and close the wage gap between women and men. The Committee also calls on the State party to speedily enact appropriate legislation to regulate the employment of domestic workers as well as to adopt a gender sensitive employment policy to regulate women's work in the informal sector and to enhance their access to the formal sector of employment.**

### Implementation of Law: marriage age

34. While acknowledging that the Family Code, which came into force in February 2004, has established the minimum age of marriage for women and men at 18 years, the Committee remains concerned at the possibility that authorization may be granted by a judge to allow for marriage before that age, without any mandatory legal conditions having been fulfilled. It is also concerned at the high rate of approval of those authorizations and that the vast majority relate to girls, some as young as 13 years.

**35. The Committee calls upon the State party to ensure the strict implementation of the provisions on the minimum age of marriage of the Family Code. It also recommends that the State party amend the Family Code in order only to authorize marriage of children under exceptional strict mandatory legal conditions.**

### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

10. The Committee remains concerned that, although the Constitution guarantees equality before the law, it does not enshrine the principle of equality between women and men in all spheres and that the State party's legislation does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex.

11. In order to fully implement the Convention, the Committee urges the State party to incorporate the principle of equality between women and men in its Constitution, or in other appropriate law, in line with article 2 (a) of the Convention, and reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. It calls upon the State party to enact and implement a comprehensive law on gender equality that is binding on both public and private sectors and make women aware of their rights under such legislation. The Committee also recommends that the State party establish clear procedures for filing complaints on discrimination against women, provide adequate sanctions for such acts of discrimination and ensure that effective remedies are available to women whose rights have been violated.

Absence of Legislation: violence against women; domestic violence; violence against domestic workers; marital rape; marriage-related rape exceptions

20. While welcoming the measures adopted to combat and prevent domestic violence and violence against women such as the establishment, in 2002, of a national strategy to eliminate violence against women, developed in partnership with UNFPA, UNDP and UNIFEM, as well as the introduction of a national “green number” for battered women and girls and the appointment of “gender focal points” within the Criminal Investigation Directorate, the Committee remains deeply concerned that there is no specific legislation on violence against women and girls, including domestic violence and violence against domestic workers.

21. The Committee urges the State party to enact as soon as possible, in accordance with its general recommendation 19, legislation on violence against women and girls, including domestic violence, to ensure that all violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of protection, including shelters, and redress and that perpetrators are prosecuted and punished adequately. The Committee calls upon the State party to amend, without delay, the Penal Code to ensure that marital rape is criminalized and criminal proceedings against rapists are not terminated when they marry their victims. The Committee also recommends that the State party conduct studies on the causes and extent of violence against women and girls, including sexual and domestic violence. The Committee requests the State party to collect disaggregated data on all forms of violence against women and provide information in its next report on the laws and policies in place dealing with such violence against women and the impact of the measures taken. The Committee also urges the State party to take steps towards the protection of domestic workers and to ensure that restrictions on child labour are enforced, in order to protect the girls-child from multiple forms of discrimination.

Absence of Legislation: trafficking

22. The Committee is concerned about the lack of information on trafficking and sexual exploitation provided by the State party, especially of women and girls, as well as on the concrete measures adopted to prevent such phenomena.

23. The Committee urges the State party to adopt effective measures to prevent and combat trafficking in persons, especially women and girls, and investigate thoroughly such cases, in accordance with article 6 of the Convention and general recommendation 19. It further calls upon the State party to increase international cooperation efforts to prevent trafficking, to prosecute and punish traffickers in accordance with the gravity of their crime, and ensure the protection of the human rights of women and girls who are victims of exploitation and trafficking, including by taking measures for their rehabilitation and social integration. The Committee calls on the State party to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It also calls on the State party to provide to the Committee, in its next periodic report, statistical data related to trafficking and exploitation.

Absence of Legislation: refugee law

44. The Committee is concerned at the situation of migrants, refugees and asylum-seekers in the State party, as this phenomenon has increased with Morocco becoming also a country of destination and not only of origin and

transit of migrants. The Committee is particularly concerned of their access to the labour market, health, education and social services, especially in the case of women and girls, as well as with their exposure to violence, including sexual violence.

**45. The Committee calls upon the State party to continue to strengthen its cooperation with UNHCR and adopt a national refugee legislation, in compliance with the Convention relating to the Status of Refugees and its Protocol. The Committee recommends that the State party allow refugees and asylum-seekers to access public services, provide work permits for those refugees and asylum-seekers who are documented, and ensure their right to security, especially for women and children.**

## Mozambique

June 2007

### Explicit Discrimination in Law: Penal Code; inheritance

12. The Committee is concerned that discriminatory provisions still exist in several areas of Mozambican law, including in the Penal Code and in the laws governing inheritance rights.

**13. The Committee calls upon the State party to pursue and accelerate without delay, in accordance with article 2 of the Convention, a comprehensive revision of its legislation in all areas and to work effectively with Parliament to ensure that all discriminatory provisions are amended or repealed in order to achieve full compliance with the provisions of the Convention, and provide legal remedies and sanctions for the application of the prohibition of discrimination against women, as contained in article 1 of the Convention.**

### Implementation of Law: marriage and family relations

#### Absence of Law: de facto unions

44. The Committee, although welcoming the major breakthrough brought about by the new Family Law, is concerned that discriminatory customary practices still persist with regard to marriage and family relations. The Committee is further concerned that women in de facto unions (a common form of union in Mozambique) and their children do not enjoy adequate legal protection.

**45. The Committee calls upon the State party to ensure regular monitoring of the implementation of the new Family Law to guarantee equal rights for women in marriage and family relations, and to ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail. The Committee recommends that the State party seriously consider the situation of women in de facto unions, and of the children resulting from such unions, and ensure that they enjoy adequate legal protections.**

### Absence of Legislation: domestic violence; marital rape; sexual harassment; sexual violence

24. Although acknowledging the measures already in place, including counselling services for victims, help lines, training actions for the police and the establishment of a database, the Committee is concerned about the high prevalence of domestic violence and sexual violence against women, which appear to be socially legitimized and accompanied by a culture of silence and impunity, and by the still inadequate responses of social services and of the system of administration of justice. The Committee is further concerned at the vulnerable situation of women victims of violence with respect to their access to justice.

25. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls upon the State party to adopt the draft law against domestic violence as soon as possible, and to ensure that violence against women and girls, including domestic violence, marital rape, sexual harassment, and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee also recommends the implementation of training for the judiciary, public officials, law enforcement personnel and health-care providers to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of counselling services for victims of violence and the implementation of public awareness-raising campaigns, which should also target men, on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence.

## Myanmar

November 2008

Explicit Discrimination in Law: government employment

Impact of Law: governance

10. The Committee notes with concern that various provisions in the new Constitution may be incompatible with the Convention. Chapter 8 of the Constitution includes a prohibition of discrimination on the basis of sex in the appointment of Government posts or duties but adds that “nothing in this section shall prevent appointment of men to the positions that are naturally suitable for men only”. The Constitution also includes provisions guaranteeing that the *Tatmadaw* (military), which may consist mainly of men, will be entitled to one fourth of the seats in each house of the legislature (110 out of 440 seats). The Committee is further concerned that the Constitution includes repeated references to women as mothers, which may reinforce the stereotype that a woman’s primary role is that of a mother and that women are in need of protection. In addition, the Committee is concerned that the State party has not yet introduced a provision for temporary special measures in the Constitution or domestic legislation that would assist women in achieving equality. Furthermore, the Committee is concerned that legislation and customary laws that discriminate against women and are incompatible with the Convention remain in force in Myanmar, in particular with regard to discrimination on the grounds of ethnicity and within the ethnic groups.

11. The Committee urges the State party to raise the awareness of legislators about the need to give priority attention to legislative reforms in order to achieve de jure equality for women and compliance with the State party’s international treaty obligations. In this respect, the Committee calls upon the State party to formulate organic laws which would make the Constitution fully compatible with the Convention, review all the existing domestic laws that are not in compliance with the Convention and formulate new laws that would ensure the practical application of gender equality. The State party should consider introducing provisions providing for temporary special measures that would assist women in achieving equality. The Committee recommends that the State party seek technical support, if needed, from the international community in this regard.



### Explicit Discrimination in Law: citizenship

30. The Committee regrets the limited information provided on the entitlements to acquire Myanmar citizenship under the 1982 citizenship law, including with respect to women acquiring citizenship based on their marital status and passing citizenship to their children born outside the country, as well as children with non-national fathers.

**31. The Committee calls upon the State party to review the 1982 citizenship law and repeal or amend it, as appropriate, in order to bring it fully into compliance with article 9 of the Convention. It also calls on the State party to provide more information on Myanmar citizenship rights, including on birth certificates of children born in Myanmar, in particular children of ethnic groups, in its next periodic report.**

### Explicit Discrimination in Law: northern Rakhine State (marriage authorisation, restriction of pregnancy)

#### Impact of Law: movement restrictions

42. The Committee expresses its deep concern at reports that Muslim women and girls in northern Rakhine State endure multiple restrictions and forms of discrimination which have an impact on all aspects of their lives, including severe restrictions on their freedom of movement; restricted access to medical care, food and adequate housing; forced labour; and restrictions on marriages and pregnancies. The Committee is also concerned that the population in northern Rakhine State, in addition to being subject to policies imposed by the authorities, maintains highly conservative traditions and a restrictive interpretation of religious norms, which contribute to the suppression of women's and girls' rights.

**43. The Committee urges the State party to urgently eliminate all forms of violence and discrimination against women in northern Rakhine State and, in particular, to alleviate the heavy restrictions on the movement of residents within northern Rakhine State, especially women and girls. The Committee further urges the State party to lift the orders concerning marriage authorization and restriction of pregnancy, which violate the human rights of those women. The State party should also take effective measures to improve their access to primary health care and basic education. The State party is encouraged to continue to collaborate with the international community, especially UNHCR and the United Nations Population Fund, in those efforts.**

### Implementation of Law: marriage and family relations; violence against women

20. While recognizing the importance of the activities of MWAFF related to the appreciation of cultural diversity and cultural solidarity, the Committee is concerned about the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, especially within some ethnic groups. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, as reflected in their disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations, and the persistence of violence against women and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative cultural values and practices.

**21. The Committee requests the State party to view its cultures as dynamic aspects of the country's life and social fabric and as subject, therefore, to change. It urges the State party to put in place without delay a comprehensive strategy, including review and formulation of legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, which should be undertaken in collaboration with civil society. The Committee encourages the State party to effectively use innovative measures to strengthen understanding of the equality of women and men and to work with the media to enhance a positive and non-stereotypical portrayal of women. The Committee urges the State party to use all forms of education (formal, non-formal and informal),**

including the socialization process through parenting and community social interaction, to eradicate negative stereotypes, attitudes and practices. The State party is encouraged to carry out studies on this subject, including among the ethnic and religious groups, and to seek assistance, if needed, from the international community for this purpose.

#### Impact of Law: sexual violence

#### Implementation of Law: violence against women

#### Absence of Law: violence against women; domestic violence; sexual abuse

22. While noting the adoption of a National Action Plan in 2002 and the activities undertaken by the subcommittee on violence against women of MNCWA, the Committee expresses concern at the high prevalence of violence against women and girls, such as widespread domestic violence and sexual violence, including rape. The Committee is also concerned that such violence appears to be socially legitimized and accompanied by a culture of silence and impunity, that cases of violence are thus underreported and that those that are reported are settled out of court. The Committee is concerned that geographical areas of particular concern include northern Rakhine State and those areas affected by Cyclone Nargis, as well as other areas where women and girls are particularly vulnerable and marginalized. It is also concerned at information that victims of sexual violence are forced under the law to report to the police immediately, prior to seeking health care, and that as a consequence such victims choose to not seek health, psychological and legal support. The Committee regrets the absence of data and information on violence against women, disaggregated by age and ethnic group, as well as studies and/or surveys on the extent of such violence and its root causes.

23. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women's human rights. The Committee calls upon the State party to ensure that violence against women and girls, including domestic violence and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee requests the State party to remove any impediments faced by women in gaining access to justice and recommends the implementation of training for the judiciary and public officials, in particular law-enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of high-quality counselling services and shelters for victims of violence. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age and ethnic group. The Committee recommends that the State party undertake studies and/or surveys on the extent of such violence and its root causes.

#### Implementation of Law: divorce; marriage and family relations; inheritance

#### Absence of Law: polygamy; marital rape

46. The Committee expresses its concern at the multiple marital systems that apply in the State party. It is particularly concerned that, although polygamy is discouraged, it is not prohibited. The Committee is also concerned that other discriminatory customary practices persist, especially in ethnic communities, with regard to,

inter alia, marriage and its dissolution, as well as family relations, including inheritance. The Committee is further concerned that marital rape is not recognized as a criminal offence.

**47. The Committee urges the State party to harmonize its civil, religious and customary law with article 16 of the Convention and to complete a law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention. That process should involve local community and religious leaders, as well as women from civil society, and include a participatory approach. The Committee further calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations, and to ensure that marital rape constitutes a criminal offence. In addition, the Committee recommends that the State party undertake comparative research on marriage and its dissolution and family relations, including inheritance, which would facilitate a better understanding of the situation.**

#### Absence of Legislation: Article 1 definition of discrimination

8. While noting the statement by the delegation that the Convention is directly applicable, the Committee is concerned that the new State Constitution, which was approved in May 2008, does not include a provision concerning the applicability of international treaties, including the Convention. The Committee notes that the Constitution formally indicates women's equality with men and includes sex as a ground of discrimination. However, the Committee is concerned that the Constitution does not include an effective constitutional guarantee of substantive equality and that the definition of discrimination is not in accordance with the definition of discrimination contained in article 1 of the Convention, which prohibits direct and indirect discrimination and discrimination in the public and private spheres.

**9. The Committee calls on the State party to consider including a strong substantive equality guarantee in its Constitution and amending the existing definition of discrimination to encompass both direct and indirect discrimination and discrimination in the public and private spheres, in accordance with article 1 of the Convention. The Committee further calls on the State party to explicitly provide in its Constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the Convention, be directly applicable and prevail over conflicting legislation.**

## **Namibia**

February 2007

#### Impact of Law: Traditional Authorities Act

#### Implementation of Law: discriminatory customs

16. The Committee expresses concern about the persistence of strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society. The Committee is also concerned that the Traditional Authorities Act (Act No. 25 of 2000), which gives traditional authorities the right to supervise and ensure the observance of customary law, may have a negative impact on women in cases where such laws perpetuate the use of customs and cultural and traditional practices that are harmful to and discriminate against women.

17. The Committee calls upon the State party to take measures to bring about change in the widely accepted stereotypical roles of men and women. Such efforts should include comprehensive awareness-raising and educational campaigns that address women and men and girls and boys, with a view to eliminating the stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee urges the State party to monitor carefully the impact of these measures and to report on the results achieved in its next periodic report. The Committee also calls on the State party to study the impact of the implementation of the Traditional Authorities Act (Act No. 25 of 2000) and the Community Courts Act (October 2003) so as to ensure that customs and cultural and traditional practices that are harmful to and discriminate against women are discontinued.

Implementation of Law: property rights; child marriage

Absence of Legislation: customary marriage registration

28. While welcoming the passage of the Married Persons Equality Act (Act No. 1 of 1996), which gives wives and husbands in both civil and customary marriages equal power of guardianship in respect of children, the Committee is concerned that this law does not address the gender inequalities in customary marriages regarding property. The Committee is also concerned that Namibian law does not require the registration of customary marriages. The Committee is further concerned that early marriage continues in spite of the fact that the Married Persons Equality Act fixes the legal age of marriage at 18 years for both boys and girls.

29. The Committee calls upon the State party to review the Married Persons Equality Act (Act No. 1 of 1996), with a view to eliminating discrimination against women in customary marriages related to property rights in order to bring such rights in customary marriages into line with those in civil marriages. The Committee also calls upon the State party to take all necessary steps, including the process of consulting traditional leaders, women and civil society organizations, in order to draft a bill on the registration of customary marriages. The Committee recommends that the State party take steps to ensure that the legal age of marriage is respected.

## Netherlands

February 2010

Impact of Law: divorce; domestic violence

Absence of Legislation: domestic violence (restraining orders: Netherlands Antilles & Aruba)

26. The Committee notes the recent creation in the Netherlands Antilles and Aruba of systems of data collection on violence against women and the planned adoption of temporary restraining legislation. However, the Committee is concerned that police officers in Aruba have not yet received training in dealing with domestic violence. While noting the progress made in the Netherlands in creating a national framework for combating domestic violence, the Committee remains concerned that the formulation of the framework remains gender-neutral, undermining the notion that such violence is a clear manifestation of discrimination against women. The Committee is also concerned that while perpetrators of domestic violence in the Netherlands have access to free legal aid, victims of domestic violence can avail themselves of it only in exceptional circumstances. It expresses further concern at the obligation, in force since March 2009, that couples draw up a joint plan for parenthood before starting proceedings and considers that such an obligation may limit access to divorce proceedings, particularly for women victims of domestic violence.

27. The Committee urges the Netherlands Antilles and Aruba to promptly enact legislation providing for temporary restraining orders to be imposed on perpetrators of domestic violence. The Committee also calls

upon Aruba to provide training to the police, law enforcement personnel and health personnel so that they may properly investigate and deal with domestic violence. The Committee urges the Netherlands to ensure that the specificities of domestic violence targeting women be fully taken into consideration in the formulation of the new plan of action against domestic violence starting in 2011. It also reiterates its call on the Netherlands to ensure without any further delay that free legal aid is provided to all victims of domestic violence. While acknowledging the need to respect the best interests of children, the Committee urges the State party not to use the joint plan for parenthood as a legal precondition for starting divorce proceedings and in no case to impose it on women victims of domestic violence.

#### Impact of Law: asylum

40. The Committee expresses serious concern that the current 48-hour accelerated asylum procedure of the 2000 Aliens Act, as well as its extension to eight days, places women at high risk of refoulement if they do not report immediately the violence or sexual persecution they had experienced. The Committee is ever more concerned that appeals under the accelerated procedure do not have suspensive effect and that applicants have no right to stay in reception facilities but must leave the country. The Committee is further concerned that although temporary resident permits may be provided to victims of domestic violence by the Deputy Minister of Justice of the Netherlands on humanitarian grounds, domestic violence is still not formally recognized as grounds for asylum.

41. The Committee considers that even if extended to eight days, as envisaged by the Netherlands, the short length of the accelerated asylum procedure remains unsuitable for vulnerable groups, including women victims of violence and unaccompanied children, and therefore urges the State party to introduce in the procedure the possibility for women victims of violence and unaccompanied minors to fully explain their claims and to present evidence on their situation at a later stage. The Committee also urges the State party to provide asylum-seekers with suitable accommodation during the entire review of their case, including during the appeal phase. The Committee further calls upon the State party to recognize domestic violence and gender-related persecution as grounds for asylum in line with the guidelines of the Office of the United Nations High Commissioner for Refugees on gender-related persecution and the Council of the European Union directive 2004/83/EC of 29 April 2004.

#### Impact of Law: family reunification

42. While noting the measures taken with the aim of enhancing the integration of immigrant, migrant, black, Muslim and other minority women in Dutch society, the Committee continues to be concerned that those groups still face multiple forms of discrimination with respect to education, health, employment and social and political participation. The Committee also reiterates its concern at the formal requirements for family reunification in the Netherlands, namely the integration test and the minimum income requirement, which are imposed only on certain nationalities and which disproportionately affect migrant women. The Committee notes also that similar requirements apply with respect to family formation and to family members of a refugee who have not applied for family reunification within three months after asylum was granted.

43. The Committee urges the Netherlands to intensify its efforts to eliminate discrimination against immigrant, migrant, black, Muslim and other minority women. It encourages the adoption of proactive measures to further increase their participation in the labour market, improve their awareness of the availability of social services and legal remedies and ensure protection against victimization. The Committee also calls upon the State party to conduct regular and comprehensive studies on discrimination against immigrant, migrant and minority women, to collect statistics on their employment, education and health situation and to report them in its next report. The Committee urges the Netherlands to withdraw its more severe requirements for family formation and family reunification, which constitute a breach in its obligation under article 16 of the Convention.

### Absence of Legislation: trafficking (Netherlands Antilles)

28. The Committee expresses concern that anti-trafficking legislation has not yet been enacted in the Netherlands Antilles. While noting with satisfaction the Netherlands intention to ratify the Council of Europe Convention on Action against Trafficking in Human Beings and other efforts, notably the creation in February 2008 of an anti-trafficking task force, the Committee regrets that representatives of anti-trafficking NGOs are not members of the task force, and that the role of NGOs in the identification of victims of trafficking is not formally recognized. The Committee also reiterates its concern that victims of trafficking who do not cooperate with the police in the investigation and prosecution of traffickers are excluded from the protection of the so-called B-9 regulation. The Committee considers that by imposing this requirement, the Government of the Netherlands seriously hampers its capacity to reach and support victims of trafficking with adequate help. The Committee further expresses serious concern that women victims of trafficking continue to be detained in alien detention centres.

**29. The Committee urges the Netherlands Antilles to adopt without delay legislation criminalizing all forms of human trafficking. The Committee calls upon the Netherlands to ensure that relevant NGOs are fully integrated into the membership of the anti-trafficking task force. The Committee also calls upon the Netherlands to improve the identification of victims of trafficking by associating relevant NGOs with the process and to ensure that trafficked women are not, in any circumstances, held in immigration detention or other forms of custody. The Committee further urges the Netherlands to comply with its obligations to provide protection to all victims of trafficking regardless of their willingness or ability to cooperate in legal proceedings.**

## **New Zealand**

August 2007

### Implementation of Law: equal employment opportunity; equal pay

18. The Committee is concerned about gaps that remain in the protection of women against discrimination by private as well as public sector actors. In particular, the Committee is concerned about the lack of legal mechanisms to address discrimination against women by private actors in the area of employment in accordance with article 2 (e) of the Convention. The Committee expresses concern that while New Zealand law recognizes the principle of equal pay for work of equal value, the mechanisms for implementing this principle in the private sector, such as industry-wide job evaluations to ensure equal pay for women performing work of equal value, have been abolished and the Government lacks the authority to implement and enforce equal employment opportunity policies in the private sector.

**19. The Committee recommends that the State party enact and implement comprehensive laws guaranteeing the substantive equality of women with men in both the public and private sectors, especially in regard to equal pay and equal opportunity in employment. It also recommends that the State party include adequate sanctions for such acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.**

### Implementation of Law: violence against women; marriage (immigrant communities)

26. The Committee is concerned that violence against women within families and illegal practices relating to marriage on the basis of culture and religion take place within immigrant communities and may not be adequately addressed because of the dependency and isolation of the women concerned.

**27. The Committee recommends that the State party undertake proactive outreach measures for the protection of women victims within immigrant communities and cooperate with non-governmental organizations providing services to these women.**

Absence of Legislation: Article 1 definition of discrimination

12. While the Committee appreciates the steps the State party has taken to bring its domestic laws into compliance with its obligations under the Convention, the Committee is concerned that the Convention has not been fully incorporated into domestic law. The Committee is concerned that, although the Human Rights Act of 1993 contains a prohibition against discrimination on the basis of sex and also contains references to maternity and childbearing, the legislation of the State party contains no explicit and comprehensive definition of discrimination against women, in accordance with article 1 of the Convention, encompassing direct and indirect discrimination.

**13. The Committee urges the State party to take steps to strengthen its prohibitions against direct and indirect discrimination against women in accordance with article 1 of the Convention. It also recommends that the State party undertake efforts to emphasize the comprehensive scope of the Convention in all its efforts aimed at the practical realization of the principle of equality between women and men.**

Implementation of Law: parental leave; access to childcare and parental leave (rural, Maori, Pacific and other minority women)

Absence of Legislation: parental leave (seasonal and temporary workers)

36. While the Committee welcomes the measures taken by the State party to support women's participation in the labour force, the Committee is concerned that the rates of participation for mothers of young children and single mothers remain below the average for States members of the Organization for Economic Cooperation and Development. The Committee also expresses concern that seasonal and temporary workers remain ineligible for paid parental leave. The Committee is also concerned about the low rate of participation of men in paid parental leave programmes and about the barriers to access to childcare and parental leave policies faced by rural women, as well as Maori, Pacific and other minority women.

**37. The Committee requests that the State party act expeditiously to amend eligibility criteria to ensure that seasonal and temporary workers are eligible for paid parental leave. It also urges the State party to undertake further measures to increase the participation rate of mothers of young children and single mothers in the labour force by strengthening parental leave programmes for men and encouraging men to share child-rearing responsibilities with women. The Committee further requests that the State party analyse and assess the barriers that rural and Maori, Pacific and minority women face in accessing childcare and parental leave, and implement measures to reduce these barriers and increase their access to such services.**

## Nicaragua

February 2007

Impact of Law: abortion

17. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the State party, especially among poor, rural, indigenous and Afro-descendent women. It is also concerned about the high rates of teenage pregnancies, inadequate family planning services and



the lack of age-appropriate sex-education programmes and information on sexual and reproductive health. The Committee is also concerned about the high maternal mortality rates, particularly the number of deaths resulting from illegal and unsafe abortion. It is further concerned about recent steps taken by the State party to criminalize therapeutic abortion, which may lead more women to seek unsafe, illegal abortions, with consequent risks to their life and health, and to impose severe sanctions on women who have undergone illegal abortions, as well as on health professionals who provide medical care for the management of complications arising from unsafe abortions.

**18. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness about family planning and services for women and girls, and to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of the lack or inaccessibility, including due to cost, of appropriate family planning and the contraceptive services. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and provide them with access to quality services for the management of complications arising from unsafe abortions, and to reduce women's maternal mortality rates in accordance with the Committee's general recommendation 24, on women and health, and the Beijing Platform for Action.**

Implementation of Law: employment (free trade zones, maquiladoras)

Absence of Legislation: sexual harassment; domestic labour

23. The Committee is concerned about the high levels of unemployment among women, and of the displacement of women into informal-sector work, resulting in high levels of migration, and the lack of adequate and effective enforcement of labour laws. It notes with particular concern the continuing violations of the rights of women working in the free trade zones and maquiladoras, including their right to association and access to justice, their conditions of work and the lack of employers' compliance with safety and health standards. The Committee is also concerned about the lack of legal provisions on sexual harassment, and about the situation of domestic workers.

**24. The Committee calls upon the State party to increase women's opportunity to transition from informal- to formal-sector employment, including through the provision of training and capacity-building efforts. It calls on the State party to fully enforce existing labour legislation; put in place effective measures to prevent and punish violations of the rights of women working in the maquiladora industries; address the lack of adherence to safety and health standards in those industries; and enhance women workers' access to justice and legal assistance. It also calls on the State party to undertake awareness-raising efforts so that women workers can claim their rights, and to inform women of the potential risks of migration. It requests the State party to establish a concrete timetable or the adoption of legislative and policy measures to protect the rights of domestic workers, as well as on sexual harassment. It requests the State party to include in its next periodic report information on the impact of steps and measures taken to enhance compliance with article 11 of the Convention.**

Absence of Legislation: Family Code; Equal Rights and Opportunities

7. The Committee is concerned that, although the Convention was ratified in 1981 without reservation, and despite the Committee's recommendations addressed to the State party in its concluding comments of 2001, the Convention has not yet been fully incorporated into domestic legislation, and there is a lack of legal mechanisms to ensure compliance with the Convention. The Committee is also concerned about the long delay in the enactment



of a comprehensive legal framework to eliminate discrimination against women and ensure women's enjoyment of their human rights. The Committee notes in particular the very extensive delays in the adoption of a family code and of the draft law on equal rights and opportunities.

**8. The Committee urges the State party to take all necessary measures to ensure that the Convention becomes fully applicable in the domestic legal system and to bring national legislation in line with the provisions of the Convention. The Committee urges the Government to work with the parliament to accelerate the adoption of pending legislation, including a family code and the draft law on equal rights and opportunities, within concrete timetables. The Committee also invites the State party to undertake a comprehensive review of its legislation, within an established time frame, aimed at identifying and eliminating all discriminatory laws without delay, including those that have discriminatory effects or impacts on women, and to put in place mechanisms for ensuring compliance with the provisions of the Convention, in accordance with its article 2.**

## **Niger**

June 2007

Explicit Discrimination in Law: nationality; remuneration of government officials; civil service access

Implementation of Law: divorce; child custody; inheritance

Absence of Legislation: Family Code

15. While appreciating the various legal reforms that have taken place, including revisions to the Penal Code, the Committee is concerned about continuing legal provisions and regulations that discriminate against women, including the law on nationality, which does not give women of the Niger who marry foreigners the option to transmit their nationality to their spouse; Decree No. 60-S/MFP/T regulating the remuneration and benefits of government officials; and General Civil Service Regulations that have the effect of denying women access to certain bodies. The Committee is concerned that the drafting of a family code, which began in 1976, has not yet been completed. The Committee is concerned that, although Act No. 62-11, which regulates aspects of personal and family law based on customary rules, has been amended, discriminatory customary laws and practices continue to be applied against women, including in areas of divorce, custody and inheritance. The Committee is further concerned about the adverse impact on women caused by the application of three different sources of law, namely statutory, customary and religious law.

**16. The Committee calls upon the State party to give high priority to its law reform process, to amend, without delay and within a clear time frame, discriminatory laws and regulations and to bring them in line with the Convention. It calls upon the State party to increase its efforts to sensitize Government officials, the National Assembly and public opinion regarding the importance of legal reform to achieve women's de jure equality. It encourages the State party to increase support for law reform through partnerships and collaboration with civil society, women's organizations and community and religious leaders. The Committee urges the State party to harmonize statutory, customary and religious law with the provisions of the Convention. The Committee calls on the State party to study the impact of the implementation of Act No. 62-11, as amended, and make further amendments as necessary to ensure that customary law and practices that are harmful to and discriminate against women are discontinued. It urges the speedy elaboration and adoption of the draft family code or similar legislation in line with the Convention.**

## Explicit Discrimination in Law: employment

### Implementation of Law: employment

31. While noting provisions on the right to work in the Constitution of the Niger, the ratification of certain International Labour Organization Conventions and other laws, including the Labour Code, prohibiting discrimination against women in the field of employment, the Committee is concerned about their poor implementation and the lack of an efficient monitoring mechanism. The Committee is concerned about the lack of data on women's participation in the labour force and in the informal sector, especially about their de facto situation. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates and salary, vertical and horizontal labour force segregation and their ability to benefit from new economic opportunities. The Committee is concerned that some of the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market and perpetuate gender role stereotypes.

**32. The Committee urges the State party to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention, and in particular to strengthen its labour inspectorate. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender-sensitive and that women can fully benefit from them. It calls on the State party to provide in its next report detailed information, including data disaggregated by sex, and analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time, and about measures taken and their impact on realizing equal opportunities for women in the world of work. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing all barriers women face in the labour market.**

### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

11. The Committee is concerned that, although the Constitution of the Niger proclaims that all citizens are equal without distinction as to race, gender or religion, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation. The Committee is concerned about the delay in ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

**12. The Committee encourages the State party to incorporate in its Constitution or other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and provisions on the equality of women with men, in line with article 2 (a) of the Convention. The Committee urges the State party to accelerate the process of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.**

### Absence of Legislation: trafficking

25. While appreciating the State party's efforts to combat trafficking in women and girls, including the establishment of an inter-ministerial committee responsible for drafting a national plan to combat trafficking in women and children, the Committee is concerned about occurrences of trafficking in the guise of marriage, trade in women commoners and the practice of slavery, as mentioned in the State party's report. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls.

**26. The Committee urges the State party to intensify its efforts to combat trafficking, forced labour and sexual exploitation of women and girls. It urges the State party to adopt necessary legislation and plans of action and develop a comprehensive anti-trafficking strategy. This should include the collection and analysis of data, the prosecution and punishment of traffickers, and measures for the rehabilitation and social integration of women**

and girls who are victims of trafficking. It recommends that the State party increase its prevention efforts by addressing the root causes of trafficking, including through gender-sensitive poverty reduction strategies and awareness-raising campaigns. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, the persistence of slavery and all forms of slavery — like treatment of women and girls in the Niger and the measures taken to prevent and combat such activities, including their impact.

## Nigeria

July 2008

### Explicit Discrimination in Law: Constitution (nationality); wife battery; employment; sexual assault

316. The Committee welcomes efforts undertaken by the State party in the area of legal reform, such as the publication of a study compiling all national, state and local laws, policies and practices relating to the status of women and children and the establishment of a Committee on Reform of Discriminatory Laws against Women. The Committee expresses serious concern, however, at discriminatory provisions in the Constitution, including section 26, paragraph 2, which does not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man. The Committee also expresses serious concern at other discriminatory laws at both the federal and state levels, including those that allow wife battery as chastisement as long as grievous harm is not inflicted (section 55 of the Penal Code of Northern Nigeria), prohibit women from working at night in certain sectors of employment (section 55 of chapter 198 of the 1990 Labour Act of Nigeria), and classify sexual assault against female victims as a misdemeanor (section 360 of the Criminal Code). Further, the Committee notes that a draft bill entitled “Abolition of All Forms of Discrimination against Women in Nigeria and Other Related Matters” was not approved by the National Assembly.

317. In line with its recommendation of 2004, the Committee calls upon the State party to set a concrete timetable for amending all provisions in the Constitution and in federal and state legislation that discriminate against women. The Committee urges the State party to accelerate and expand its efforts at legislative reform, including with respect to the laws identified in the above-mentioned study. It recommends that the State party repeal section 55 of the Penal Code of Northern Nigeria, section 55 of chapter 198 of the 1990 Labour Act of Nigeria and section 360 of the Criminal Code, and ensure that those responsible for the implementation of these laws and policies are made aware of their discriminatory contents. The Committee also recommends that awareness-raising and advocacy campaigns be developed and implemented, involving parliamentarians, civil society and the general public, including religious and traditional leaders, in order to enhance understanding of the provisions of the Convention and support for the principle of gender equality and the prohibition of discrimination. It calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women’s equality and non-discrimination.

### Explicit Discrimination in Law: Constitution (child marriage)

318. While welcoming the adoption by 18 states of the Child Rights Act, which sets the minimum age of marriage at 18 years, the Committee notes with concern section 29, paragraph 4, of the Constitution, which states that a woman is deemed to be of full age upon marriage, thereby lending support to early marriages.

319. **The Committee urges the State party to repeal without delay section 29, paragraph 4, of the Constitution. The Committee also urges the State party to ensure that those states that have not yet done so adopt the Child Rights Act without delay and to ensure its effective implementation.**

### Explicit Discrimination in Law: employment

### Implementation of Law: employment

### Absence of Legislation: sexual harassment

332. Recalling its concluding observations of 2004, the Committee notes with concern the persisting wage gap between men and women, women's higher unemployment rate, and women's concentration in certain sectors, namely agriculture, animal husbandry, and service. The Committee also notes that women are predominantly employed in the informal sector, resulting in their exclusion from formal social security programmes. The Committee expresses concern about the persistence of discriminatory legislation, administrative regulations and practices in the labour market. Specific reference is made in this regard to provisions of the Labour Act, which prohibit the employment of women in night work and in work underground, the Factories Act, which does not recognize the specific health and reproductive needs of women, and the Nigerian Police Regulations, which prohibit the enlistment of married women and require women officers to request permission to marry in writing. The Committee notes with concern discriminatory practices in the private sector, in particular in the banking sector, with respect to maternity and marital status. The Committee notes the prevalence of sexual harassment in the workplace and the absence of legislation and measures to address this.

333. **The Committee recommends the adoption of measures to guarantee the implementation of all the provisions of article 11 of the Convention and the implementation of the relevant conventions of the International Labour Organization that have been ratified by Nigeria. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25. It recommends that the State party pay particular attention to the conditions of women workers in the informal sector with a view to ensuring their access to social services. The Committee urges the State party to review, as a matter of priority, discriminatory laws and regulations with a view to their repeal or amendment in accordance with article 11 of the Convention. The Committee also urges the State party to enact legislation prohibiting sexual harassment in the workplace, including sanctions, civil remedies and compensation for victims. The Committee further urges the State party to establish an effective monitoring and regulatory mechanism on employment issues and practices in the private sector. Taking note of the existence of a draft labour standards bill, which, inter alia, prohibits discrimination in employment or occupation and guarantees the right to equal remuneration for work of equal value, the Committee requests the State party to include detailed information on the content, implementation and enforcement of such standards in its next periodic report.**

### Implementation of Law: marriage and family; divorce; child custody; inheritance

320. The Committee expresses concern at contradictions and inconsistencies created by the application of statutory, customary and sharia laws in the State party's tripartite legal system, in particular in the areas of marriage and family law. It notes with concern the existence of discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance. Recalling its concluding observations of 2004, the Committee reiterates that the tripartite legal system results in a lack of compliance by the State party with its obligations under the Convention and leads to continuing discrimination against women.

321. **While noting the ongoing process of review of family laws by the Nigerian Law Reform Commission, the Committee urges the State party to accelerate and expand its efforts towards the harmonization of marriage and family laws in line with articles 2 and 16 of the Convention. The Committee requests the State party to report on the progress as well as outcomes achieved with regard to the above-mentioned process of review in its next periodic report.**

### Absence of Legislation: discriminatory customs

322. The Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society. It notes that such discriminatory attitudes and stereotypes constitute serious obstacles to women's enjoyment of their human rights and the fulfilment of the rights enshrined in the Convention. The Committee is thus concerned by the lack of information in the State party's report on the measures taken and programmes or strategies in place to combat and address such discriminatory attitudes and stereotypes. The Committee expresses serious concern about the persistence of entrenched harmful traditional and cultural norms and practices, including widowhood rites and practices.

323. In line with its recommendation of 2004, the Committee urges the State party to continue to take measures, including the enactment of national legislation, to modify or eliminate traditional and cultural practices and stereotypes that discriminate against women in accordance with articles 2 (f) and 5 (a) of the Convention. It also urges the State party to intensify cooperation in this regard with civil society organizations, women's groups and community leaders, traditional and religious leaders, as well as teachers and the media. The Committee invites the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the elimination of stereotypes and practices that are discriminatory to women and allowing women to exercise their fundamental rights. It calls upon the State party to review periodically the measures taken in order to assess their impact, to take appropriate action and to report thereon to the Committee in its next periodic report.

### Absence of Legislation: female genital mutilation

324. The Committee notes the continued high incidence of female genital mutilation in some areas of the country. It notes with concern the absence of national legislation prohibiting this harmful traditional practice.

325. **The Committee urges the State party to enact national legislation to prohibit female genital mutilation, including penalties for perpetrators, remedies and support for victims, with a view to eliminating this harmful practice. The Committee invites the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness-raising programmes involving traditional and religious leaders, women's organizations and the general public.**

### Absence of Legislation: violence against women; domestic violence

326. The Committee is concerned about the continuing prevalence of violence against women, including domestic violence. The Committee is also concerned by the absence of a comprehensive national law on violence against women and notes that a number of draft bills, such as the 2006 bill on elimination of violence in society and the 2003 bill on violence against women, remain pending before the National Assembly. While acknowledging the efforts made by the State party to address the issue, including awareness-raising measures, training programmes and the provision of support services to victims, the Committee remains concerned about the absence of a comprehensive national strategy and programme to combat all forms of violence against women. The Committee notes with concern that the majority of services for victims, including shelters, are provided by non-governmental organizations with limited support, including financial support, from the State party.

327. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation No. 19 on violence against women. The Committee calls upon the State party to enact comprehensive legislation on all forms of violence against women, including domestic violence, as soon as possible. Such legislation should ensure that all forms of violence against women constitute a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection, and that perpetrators are prosecuted and punished. The Committee recommends the expansion of training activities and programmes for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and for health-**

service providers, so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the expansion of public awareness-raising campaigns on all forms of violence against women. The Committee further recommends the establishment of additional counselling and other support services for victims of violence, including shelters, and requests the State party to enhance its cooperation with and support for NGOs working in the area of violence against women. The Committee requests the State party to provide information in its next periodic report on the laws and programmes in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of violence.

## Norway

August 2007

### Absence of Legislation: de facto unions

31. The Committee is concerned about the lack of a legal framework for de facto unions and the resulting precarious situation in which women in such unions may find themselves when their relationship breaks down and there is a need for a division of property and assets without the benefit of adequate prior contractual agreement. The Committee is also concerned about the new amendments to the rules relating to recognition of paternity, under which cohabiting fathers no longer need the approval of the mother to recognize the paternity of her child.

**32. The Committee recommends that the State party ensure that women are guaranteed equal rights with men to property and assets accumulated during de facto unions when their relationship breaks down. It also recommends that the State party carefully monitor the impact of the new amendments to the rules relating to recognition of paternity for cohabiting fathers and to include information thereon in its next periodic report.**

### Impact of Law: marriage age

33. The Committee notes with concern that under the Marriage Act, county governors may on extraordinary grounds grant a dispensation from the age requirement of 18 to enter into marriage.

**34. The Committee urges the State party to apply strictly the marriage age of 18 years and requests information in the next periodic report and statistical data disaggregated by sex and ethnicity on the dispensations that have been granted, as well as information on the grounds invoked.**

## Pakistan

June 2007

### Explicit Discrimination in Law: nationality; evidence; rape

16. The Committee is concerned that the Convention has not yet been fully incorporated into the domestic law of the State party and that de jure discrimination against women still persists in a number of laws, including: the Citizenship Act, 1951, which does not allow Pakistani women to pass their nationality to a foreign spouse; the Law of Evidence, 1984 on the value of women's testimony; and the Hudood Ordinances, 1979, in particular those related to "Offences of Zina".

17. The Committee calls upon the State party to undertake a comprehensive and systematic review and revision of all discriminatory legislation, including the Citizenship Act of 1951, the Law of Evidence of 1984 and the Hudood Ordinances of 1979, without delay and with time-bound targets, in order to achieve full compliance with all the provisions of the Convention and the Committee's general recommendations, in consultation with civil society, including women's organizations.

#### Impact of Law: abortion

40. The Committee is concerned about women's lack of access to health care, in particular to sexual and reproductive health services, especially in rural areas, and the link between the rate of abortion and low contraceptive use. Clandestine abortions being a major cause of maternal mortality, the Committee is deeply concerned that abortion is a punishable offence under Pakistani law, which may lead women to seek unsafe, illegal abortions, with consequent risks to their life and health.

41. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to take measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable, without any restrictions, and by increasing knowledge and awareness about family planning among women and men. The Committee also calls on the State party to reduce maternal mortality rates by identifying and addressing causes of maternal death. It further calls on the State party to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control. The Committee recommends that the State party review the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion, providing them with access to quality services for the management of complications arising from unsafe abortion and reducing maternal mortality rates, in accordance with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action. Noting the improvement in the indicators of women's health where the Lady Health Worker programme is being implemented, the Committee recommends that steps be taken to expand this programme to the rural and other areas where they are most needed. The Committee encourages the State party to seek international assistance from the specialized agencies of the United Nations system, including the United Nations Development Programme, the United Nations Population Fund and the World Health Organization, in order to implement measures to enhance women's access to health care.

#### Explicit Discrimination in Law: marriage dissolution; marriage age

##### Implementation of Law: forced and early marriage

44. The Committee expresses concern that under the Dissolution of Muslim Marriage Act of 1939 women do not enjoy equal rights with men during the dissolution of marriage. It also notes with concern that under the Child Marriage Restraint Act of 1929 the minimum age for marriage for boys is 18 years and for girls 16 years. The Committee is further concerned about the persistence of forced and early marriage.

45. The Committee urges the State party to amend the Dissolution of Muslim Marriage Act of 1939 to eliminate all discriminatory provisions, including with regard to raising the minimum legal age of marriage for girls to 18 years in order to bring it into line with article 1 of the Convention on the Rights of the Child, article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women and its general recommendation 21 on equality in marriage and family relations. It also requests the implementation of measures to eliminate forced marriages.



### Impact of Law: violence against women

#### Absence of Law: domestic violence

22. The Committee notes with concern that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honour. The Committee is especially concerned about the Qisas and Diyat law, which allows for the victim of violence or his/her heir to determine whether to exact retribution (Qisas) or payment of compensation (Diyat) or to pardon the accused, thus providing impunity for perpetrators of violence against women, especially perpetrators of crimes committed in the name of honour. The Committee notes with concern the lack of data on all forms of violence against women in the report.

23. **The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address all forms of violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to ensure that the Qisas and Diyat law has no application in cases of violence against women, especially crimes committed in the name of honour, and to adopt the Bill on Domestic Violence, within a clear time frame, in order to ensure that women and girls who are victims of violence have access to protection and effective redress and that perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, in particular law enforcement personnel, the judiciary and health service providers, to ensure they are sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to include, in its next report, data on all forms of violence against women disaggregated by rural and urban areas.**

#### Impact of Law: trafficking

30. The Committee remains concerned that Pakistan is a country of origin, transit and destination for trafficked women and girls. The Committee is further concerned that the Prevention and Control of Human Trafficking Ordinance of 2002 does not adequately address the needs of women and girls who are victims of trafficking, nor does it shield them from prosecution for illegal migration.

31. **The Committee calls upon the State party to amend the Prevention and Control of Human Trafficking Ordinance of 2002 in order to ensure that the human rights of women and girls who are victims of trafficking are protected. The Committee encourages the State party to ratify the United Nations Convention against Transnational Organized Crime and its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It urges the State party to collect and analyse data on trafficking and increase its efforts to prosecute and punish traffickers. It also recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of trafficking.**

#### Implementation of Law: violence against women (informal dispute resolution forums (jirgas))

24. The Committee is concerned that informal dispute resolution forums (jirgas) continue to function and take decisions that call for the perpetration of violence against women, despite the ruling of a superior court requiring the elimination of such forums.

25. **The Committee urges the State party to, without delay, implement the judgment of the superior court to eliminate informal dispute resolution forums (jirgas) and to ensure that members of such forums who have participated in decisions that constitute violence against women are held accountable.**

#### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

14. While noting that the Constitution, in its articles 25 (2) and 27, stipulates equality before the law, including on the basis of sex, the Committee is concerned that the State party's Constitution or other appropriate legislation



does not contain a definition of discrimination in accordance with article 1 of the Convention, nor provisions on the equality of women with men in line with article 2 (a) of the Convention.

**15. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention, which encompasses both direct and indirect discrimination, and provisions on the equality of women with men in line with article 2 (a) of the Convention be included in the Constitution or in other appropriate legislation.**

#### Implementation of Law: employment

#### Absence of Legislation: informal labour

38. The Committee expresses concern at the discrimination faced by women in the formal employment, as reflected in their higher unemployment rates, the gender wage gap and occupational segregation. It is also concerned about the situation of women engaged in the informal sector, especially the home-based workers who do not enjoy protection under the labour laws.

**39. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention. The Committee calls on the State party to provide, in its next report, detailed information about the situation of women in the field of employment, in both the formal and informal sectors, about measures taken, including legislation, programmes, monitoring mechanisms and remedies, and their impact on realizing equal opportunities for women. The Committee also calls upon the State party to ratify the International Labour Organization (ILO) Convention No. 177 on Home Work.**

## **Panama**

February 2010

#### Explicit Discrimination in Law: family; marriage age

#### Impact of Law: divorce (marital property)

50. The Committee is seriously concerned that the Civil Code continues to contain provisions that discriminate against women with regard to family and marriage, in particular those establishing the minimum age for marriage. The Committee regrets that the State party has not yet modified the very low minimum age for marriage, which continues to be set at 14 for girls and 16 for boys, in contradiction with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and article 14 of the Convention on the Rights of the Child. It is also concerned that the equal sharing of marital property upon divorce relates only to tangible property (movable and immovable) and does not include intangible property, such as pension and savings funds, as part of the marital property to be distributed.

**51. In line with the recommendation of the Committee on the Rights of the Child (CRC/C/15/Add. 233), the Committee calls upon the State party to eliminate discriminatory legal provisions in matters relating to family and marriage in order to bring its legislation into line with the Convention. In particular, the Committee urges the State party to raise the minimum age of marriage for both men and women to 18 years, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and article 14 of the Convention on the Rights of the Child. It also recommends the State party to take necessary legislative measures to recognize intangible property, such as pension and savings funds, as part of marital property.**

### Implementation of Law: violence against women; domestic violence

26. The Committee welcomes the National Plan for Preventing and Addressing Domestic Violence and for Civil Coexistence, in place since 2004, as an instrument for overcoming legal, institutional and sociocultural barriers and addressing the multiple dimensions of domestic violence. It also welcomes the recent approval of modifications to the Criminal Code and the Criminal Procedure Code that provide new protective measures relating to domestic violence, and appreciates that the current Administration is committed to preventing and addressing the problem of domestic violence. However, the Committee is concerned at the high prevalence of cases of violence against women in the State party and at the lack of adequate services and protection for victims of violence, the lack of reporting mechanisms available to victims and the absence of awareness campaigns to educate women about their rights.

**27. The Committee urges the State party to step up its efforts to effectively implement existing legislative measures and address all forms of violence against women, including domestic violence, taking into account the Committee's general recommendation No. 19. It also urges the State party to undertake educational and public-awareness programmes through the media to convey the message that all forms of violence against women, including domestic violence, are unacceptable.**

### Absence of Legislation: equal pay; sexual harassment; maternity rights

38. The Committee notes with concern that, despite the high level of education in Panama, many women continue to suffer from higher rates of underemployment and unemployment, including in rural areas, and that women are segregated in employment sectors with low wages. The Committee is further concerned at the persistence of a salary gap in the private sector and at insufficient understanding of the principle of equal pay for work of equal value, despite the efforts made by the State party to strengthen the institutional capacity for gender mainstreaming. The Committee also notes with concern that the legal protection of pregnant workers and those facing sexual harassment is inadequate and is also concerned at the high level of child labour among girls in the State party.

**39. The Committee calls on the State party to take the necessary measures to eliminate discrimination in employment and occupational segregation. The Committee urges the State party to enact appropriate legislation and measures that will guarantee the principle of equal pay for work of equal value, in line with article 11 (d) of the Convention and Convention No. 100 of the International Labour Organization. The Committee requests that the State party include in its next periodic report sex-disaggregated data on child labour, wages, and pension and social security rights. The Committee also urges the State party to introduce efficient measures to combat sexual harassment and guarantee maternity rights.**

## **Papua New Guinea**

July 2010

### Explicit Discrimination in Law: marriage age

### Implementation of Law: polygamy; bride price; early and forced marriage; marriage and family relations; divorce; inheritance

49. The Committee expresses its concern about the multiple marital systems that apply in the State party and is concerned that the minimum age of marriage is 16 years for girls and 18 years for boys. The Committee is particularly concerned about the practice of polygamy, bride price, early marriages as well as forced and arranged

marriages, and it is also concerned that other discriminatory customary practices persist, especially in rural and remote communities, with regard to, inter alia, marriage and its dissolution, as well as family relations, including inheritance.

**50. The Committee urges the State party to harmonize its civil, religious and customary law with article 16 of the Convention and to accelerate reform in respect of the laws relating to marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention. Such a process should be participatory and include local community and religious leaders, as well as women from civil society. The Committee calls on the State party to raise the minimum age for marriage to 18 years of age for both males and females, in line with international standards. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, in line with the Committee's general recommendation No. 21 on equality in marriage and family relations. In addition, the Committee recommends that the State party immediately undertake research on marriage and its dissolution, including inheritance, to inform on reform strategies.**

#### Implementation of Law: access to justice (customary law and courts)

17. While noting the plural legal system operating in Papua New Guinea, the Committee is concerned that even though customary law is subordinate to the Constitution and statutory laws, it is the main law applicable in the village courts, resulting in continuing discrimination against women. The Committee is also concerned about the barriers hindering women's access to justice, including in terms of geographical distance to and from courts, lack of legal aid, lack of information about their rights and lack of resources to access the services of lawyers.

**18. The Committee urges the State party to ensure that the village courts, in their decisions, apply the principles of equality and non-discrimination in line with article 1 of the Convention. The Committee also urges the State party to take steps to raise awareness of women's rights among the general public, including members of the village courts, law enforcement agencies and women in particular. The Committee recommends that information about the Convention be provided to women through the use of all appropriate means, including through the media, such as radio and the Internet, as well as by making use of oral traditions. The Committee further encourages the State party to reintroduce legal aid for civil cases in order to enable women to assert their rights in civil courts.**

#### Implementation of Law: violence against women; custodial violence by officials

##### Absence of Legislation: violence against women

29. While commending legislative amendments to the Criminal Code regarding sexual offences as well as the 2003 amendments to the Evidence Act to assist victims of gender-based violence, the Committee expresses its deep concern at the persistence of violence against women, including sexual violence at the domestic and community levels, and at the lack of information and statistical data on its nature, extent and causes. The Committee is particularly concerned that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity and that cases of violence are thus underreported. The Committee is also concerned by reports of traditional apologies as a form of resolution for offences committed against the victims, including in the context of the village courts. The Committee is further concerned about the lack of a comprehensive legal framework addressing all forms of violence against women. Furthermore, the Committee notes with concern that victim protection services and enforcement measures are insufficient. It is also concerned about the lack of shelters or safe houses, counselling and other services. In addition, the Committee expresses its deep concern about reports of sexual abuse of women upon arrest and in police custody, perpetrated by both police officers and male detainees, and at times in the form of collective rape, and that such abuses are rarely documented and investigated and perpetrators not prosecuted and punished.

30. The Committee draws the attention of the State party to the in-depth study of the Secretary-General on all forms of violence against women (A/61/122/Add.1 and Corr.1) and urges the State party to take note of its contents and to give priority attention to the enactment and implementation of a comprehensive legal framework addressing all forms of violence against women in conformity with the Committee's general recommendation No. 19. It also calls upon the State party to take steps to ensure that traditional apologies are abolished and to raise public awareness, including through the mass media and education programmes, that all forms of violence against women, including domestic and sexual violence, are a form of discrimination under the Convention and are unacceptable. The Committee further calls upon the State party to ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection, including shelters and safe houses. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It further recommends that the State party enhance its data-collection efforts and establish a monitoring and evaluation mechanism in order to regularly assess the impact and effectiveness of measures aimed at preventing and redressing violence against women. It invites the State party to seek international assistance in its efforts to put in place such a comprehensive response. Furthermore, it urges the State party to take necessary measures to ensure that custodial violence by officials, including acts of sexual abuse of women and girls, are prosecuted and punished as grave crimes.

Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

13. The Committee notes with concern that the Constitution does not include sex as a prohibited ground, thereby allowing for lawful discrimination on the grounds of sex or gender. The Committee is also concerned that neither the Constitution nor other appropriate legislation embodies the principle of equality between women and men or contains a definition of discrimination against women in accordance with article 1 of the Convention, covering both direct and indirect discrimination, and extending to acts of both public and private actors in accordance with article 2. However, the Committee notes with interest the statement by the delegation that the issue of the definition of equality will be solved through the drafting of an organic law on gender equity.

14. The Committee recommends that the State party incorporate fully and without delay into the Constitution or other appropriate legislation, such as an organic law on gender equality, the principle of equality between women and men and a prohibition of discrimination against women, in line with the definition provided in article 1 of the Convention. The Committee further recommends the enactment of effective legislation to enforce the prohibition of discrimination on the grounds of sex and gender.

Absence of Legislation: discriminatory customs

25. The Committee recognizes the rich culture and traditions of the State party and their importance in daily life. However, the Committee expresses its serious concern about the persistence of harmful norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life. These include polygamy, bride price (*dava*), "good" woman stereotypes, the traditional view of "big man" leadership and the custom of including women as part of compensation payment. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, that they are reflected in women's disadvantageous and unequal status in many areas, including education, public life, decision-making and in the persistence of violence against women, and that, thus far, the State party has not taken sustained systematic action to modify or eliminate stereotypes and negative traditional values and practices.

26. The Committee invites the State party to view culture and tradition as dynamic aspects of the country's life and social fabric and therefore as subject to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate customary practices and stereotypes that

discriminate against women in conformity with articles 2, 2 (f) and 5 (a) of the Convention. This strategy should include awareness-raising efforts targeting women and men at all levels of society, including chiefs, island leaders and pastors, and be undertaken in collaboration with civil society and women's organizations. The Committee encourages the State party to use innovative measures that target young people and adults to strengthen understanding of the equality of women and men, and to work through the educational system, both formal and informal, as well as with the mass media, to enhance a positive and non-stereotypic portrayal of women. It also requests the State party to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect. The State party is encouraged to conduct studies on this subject, including in the outer islands, use the findings to carry out informed interventions, and seek assistance, if needed, from the international community for this purpose.

#### Absence of Legislation: trafficking

31. The Committee notes that the State party is in the process of ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention. However, the Committee notes with concern that there are no specific laws addressing trafficking-related problems. It is also concerned about the lack of information and data on the prevalence of the exploitation of prostitution and trafficking in the State party, about the increase in the number of young women between 16 and 24 years of age engaged in prostitution and about the fact that there is little systematic State intervention or sanction. Furthermore, the Committee expresses its concern about cross-country trafficking, which involves commercial sex as well as exploitative labour.

32. The Committee calls on the State party to prepare and adopt a legislative framework on trafficking in human beings, including the prevention of trafficking, the timely prosecution and punishment of traffickers, the provision of protection from traffickers/agents and quality support and programmes for victims. The Committee requests the State party to include information and data in its next report on the prevalence of the exploitation of prostitution and trafficking. The Committee encourages the State party to conduct studies and surveys for this purpose and to seek international assistance as required. The Committee also encourages the State party to accelerate the process of ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention. The Committee urges further cooperation with countries of origin on measures for the prevention and prosecution of trafficking as well as protection of victims.

## Paraguay

February 2005

#### Impact of Law: domestic violence; sexual abuse

24. While commending the State party on the adoption of Act No. 1600 on domestic violence, which provides protective measures to women and other members of the household, in particular children and the elderly, the Committee expresses concern that the penalty imposed on perpetrators of such violence is only a fine. It is also concerned that provisions contained in the Penal Code in relation to domestic violence and sexual abuse inadequately penalize such acts.

25. The Committee urges the State party to take a comprehensive approach to violence against women and girls. To that end, the Committee urges the State party to undertake, without delay, a revision of article 229 of Act No. 1600 on domestic violence and of articles 136 and 137 of the Penal Code to bring them in line with the

Convention and the Committee's general recommendation 19, to effectively combat all forms of violence against women, including physical, psychological and economic violence, by ensuring that perpetrators of such acts are prosecuted and punished and that women are effectively protected against reprisals. The Committee calls upon the State party to establish shelters and other services for victims of violence. The Committee invites the State party to intensify its efforts to increase awareness among public officials, especially law enforcement officials, the judiciary, health-care providers and social workers and to reinforce the notion that such violence is socially and morally unacceptable and constitutes discrimination against women and violates their human rights. The Committee encourages the State party to enhance collaboration and coordination with civil society organizations, in particular women's associations, to strengthen the implementation and monitoring of legislation and programmes aimed at eliminating violence against women.

#### Impact of Law: marriage age

26. The Committee expresses concern that the minimum legal age of marriage is 16 years for both girls and boys and that such a low legal age of marriage may prevent girls from continuing their education and lead them to drop out of school early.

27. The Committee encourages the State party to take measures towards raising the minimum legal age of marriage for girls and boys with a view to bringing it into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

#### Implementation of Law: employment / domestic labour

30. While taking note of the amendments of the Labour Code in regard to domestic workers, the Committee remains concerned about the lack of enforcement of the Code in the public and private sectors, the poor working conditions for women in the informal sector, the low participation of women in the formal labour market, persistent wage disparities between women and men and discriminatory practices vis-à-vis domestic workers, such as workdays of 12 hours and remuneration below the minimum wage. The Committee is particularly concerned about the high number of girls performing domestic work without remuneration.

31. The Committee urges the State party to put in place effective monitoring mechanisms to ensure the enforcement of existing legislation, particularly as it applies to domestic workers. It also urges the State party to implement temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25 in order to increase the number of women in the formal workforce. The Committee requests the State party to address the issue of girls performing domestic work by bringing its legislation and policies in line with its obligations under International Labour Organization conventions No. 138 and No. 182, concerning respectively the minimum age of 14 years for admission to employment and the elimination of the worst forms of child labour. It also encourages the State party to implement awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work. The Committee urges the State party to address the underlying causes for the high incidence of girls performing domestic work.

#### Absence of Legislation: Article 1 definition of discrimination

20. The Committee expresses concern that, while the Constitution recognizes equality of women and men in its articles 47 and 48, a definition of discrimination in accordance with article 1 of the Convention and prohibition of such discrimination is lacking in the Constitution or in other national legislation. The Committee is also concerned that, although the Convention forms part of national legislation and may be invoked before the courts, there are no cases in which this has actually occurred. The Committee is furthermore concerned about the lack of legal literacy programmes for women.

**21. The Committee calls upon the State party to take urgent steps to incorporate a definition of discrimination against women as contained in article 1 of the Convention into the Constitution or other national legislation. It also requests the State party to take steps to ensure that the provisions of the Convention can be effectively enforced within the national legal framework. The Committee invites the State party to take steps to enhance women's awareness of their rights so that they can claim all their rights.**

#### Absence of Legislation: trafficking

28. While appreciating the State party's efforts to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime in 2003 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2004, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2003, and the establishment of an inter-agency board including representatives from the civil society to combat trafficking, the Committee is concerned that domestic legislation has not been put in place in line with those instruments and that provisions on sexual exploitation and trafficking of girls and boys are absent in the Childhood and Adolescence Code. It also expresses concern about the lack of a comprehensive plan to prevent and eliminate trafficking of women and to protect victims as well as the lack of systematic data collection on this phenomenon.

**29. The Committee recommends that the State party bring its domestic legislation in line with the ratified international instruments and implement and fully fund a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends that the State party address the causes of trafficking and introduce measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, educational initiatives and social support measures and rehabilitation and reintegration measures for women and girls who have been victims of trafficking.**

## **Peru**

February 2007

#### Impact of Law: abortion

24. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the State party. It is particularly concerned about the high rate of teenage pregnancies, which presents a significant obstacle to girls' educational opportunities and economic empowerment, and about the limited availability of emergency contraceptives, particularly in the rural areas. The Committee notes with concern that illegal abortion remains one of the leading causes of the high maternal mortality rate and that the State party's restrictive interpretation of therapeutic abortion, which is legal, may further lead women to seek unsafe and illegal abortions. It is further concerned that the recommendations of the Human Rights Committee in *KL v Peru* (CCPR/C/85/D/1153/2003 (2005)) were not adhered to by the State party.

**25. The Committee urges the State party to step up the provision of family planning information and services to women and girls, including emergency contraception, and to promote sex education widely, in particular in the regular education curriculum targeted at adolescent girls and boys, with special attention to the prevention of teenage pregnancies. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions so as to reduce women's maternal**



mortality rates. The Committee urges the State party to review its restrictive interpretation of therapeutic abortion, which is legal, to place greater emphasis on the prevention of teenage pregnancies and to consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24 on women and health, and the Beijing Declaration and Platform for Action. The Committee further calls upon the State party to comply with the recommendations of the Human Rights Committee in *KL v Peru*.

#### Impact of Law: marriage age

34. The Committee expresses concern that the minimum legal age of marriage is 16 years for both girls and boys and that such a low legal age of marriage may prevent girls from continuing their education, lead them to drop out of school early and may result in difficulties in their achievement of economic autonomy and empowerment.

35. The Committee urges the State party to take measures towards raising the minimum legal age of marriage for girls and boys to 18 years with a view to bringing it into line with article 1 of the Convention on the Rights of the Child, and with article 16, paragraph 2, of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.

#### Implementation of Law: violence against women

##### Absence of Law: incest

18. While the Committee takes note of various initiatives at the legislative and policy levels to reduce violence against women, including the National Plan against Violence towards Women, it remains gravely concerned about the extent, intensity and prevalence of such violence. In particular, the Committee remains concerned that women experience significant obstacles in accessing justice, particularly indigenous women who also face language barriers, the lack of enforcement measures which contribute to impunity for perpetrators, and the persistence of permissive attitudes in society towards violence against women. The Committee remains concerned that incestual sexual abuse is not characterized as a crime.

19. The Committee urges the State party to give enhanced priority attention to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, in conformity with general recommendation 19, to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. It calls upon the State party to ensure the implementation and effective enforcement of existing laws and reiterates its recommendation from its previous concluding comments that the State party criminalize incestual sexual abuse. It also encourages the State party to link its efforts to combat prevailing gender-based stereotypes that discriminate against women with its efforts to combat violence against women. It further calls upon the State party to establish a monitoring and evaluation mechanism so as to regularly assess the impact and effectiveness of law enforcement and of programmes aimed at preventing and redressing violence against women. The Committee encourages the State party to provide information on the impact of steps taken, progress achieved and remaining obstacles encountered in its next periodic report.

## **Philippines**

August 2006



### Explicit Discrimination in Law: child marriage, polygamy, arranged marriages

#### Absence of Legislation: equal rights

11. While the Convention has been in force in the State party for 25 years, the Committee notes with great concern the lack of progress in undertaking and completing necessary revisions of discriminatory provisions in national legislation and in enacting a comprehensive legal framework pertaining to gender equality. In particular, the Committee is concerned that the Magna Carta for Women Bill, the Marital Infidelity Bill and several other bills aimed at amending the Family Code, the Civil Code and the Revised Penal Code are still pending. The Committee is particularly concerned about existing discriminatory provisions of the Code of Muslim Personal Laws, which permit marriage of girls under the age of 18, polygamy and arranged marriages.

**12. The Committee urges the State party to give high priority to strengthening the legal framework for the promotion of gender equality and women's enjoyment of their human rights and, to that end, to expedite the adoption of pending bills in order to promptly bring the relevant national laws into line with the Convention. The Committee recommends that the State party undertake a systematic review of all legislation and initiate all necessary revisions so as to achieve full compliance with the provisions of the Convention. It also encourages the State party to intensify dialogue with the Muslim community in order to remove discriminatory provisions from the Code of Muslim Personal Laws. The Committee also calls upon the State party to increase its efforts to sensitize parliamentarians and public opinion regarding the importance of these reforms.**

#### Impact of Law: abortion

27. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the Philippines. The Committee is concerned at the high maternal mortality rates, particularly the number of deaths resulting from induced abortions, high fertility rates, inadequate family planning services, the low rates of contraceptive use and the difficulties of obtaining contraceptives. It is also concerned about the lack of sex education, especially in rural areas. It is concerned at the high rate of teenage pregnancies, which present a significant obstacle to girls' educational opportunities and economic empowerment.

**28. The Committee urges the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without any restriction and by increasing knowledge and awareness about family planning. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and provide them with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates in accordance with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action.**

#### Impact of Law: rape

15. While welcoming the establishment of family courts in major cities all over the country to foster an active approach to protecting the rights of women and children against domestic violence and incest, the Committee remains concerned about the prevalence of violence against women. The Committee notes with appreciation the Anti-Rape Law of 1997, which redefines and expands rape from a crime against chastity to a crime against the person and implicitly recognizes marital rape. However, the Committee is concerned that the subsequent

possibility for the wife, as the offended party, to forgive the crime extinguishes the criminal dimension of the action and the consequent severity of the penalty.

**16. The Committee recommends that the State party undertake measures to increase awareness of all forms of violence against women, including domestic violence, marital rape and incest, and the unacceptability of all such violence. It recommends that the Anti-Rape Law of 1997 be reviewed with a view to repealing the provision pertaining to the extinguishing of the criminal action. It calls on the State party to enhance data collection on various forms of violence against women, especially domestic violence. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research in its next periodic report.**

#### Implementation of Law: violence against women; early marriage

29. The Committee expresses its concern about the precarious situation of rural and indigenous women, as well as the Muslim women in the autonomous region of Muslim Mindanao, who lack access to adequate health services, education, clean water and sanitation services and credit facilities. The Committee is also concerned about women's limited access to justice in cases of violence, especially in the conflict zones, and the lack of sanctions against the perpetrators of such violence. The Committee is furthermore concerned that the practice of early marriage is persistent among Muslim women.

**30. The Committee calls upon the State party to pay special attention to the needs of rural women, indigenous women and Muslim women living in the autonomous region of Muslim Mindanao, ensuring that they have access to health care, social security, education, clean water and sanitation services, fertile land, income-generation opportunities and participation in decision making processes. The Committee recommends that the State party ensure women's access to justice through the provision of legal aid and take steps to prosecute the perpetrators of violence against them. It also encourages the State party to provide increased educational opportunities to Muslim girls to discourage early marriages. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural, indigenous and Muslim women, and on the impact of measures taken and results achieved with policies and programmes implemented for these groups of women.**

#### Absence of Legislation: Article 1 definition of discrimination

9. The Committee notes with regret that it did not receive a fully satisfactory explanation regarding the status of the Convention in the national legal system. The Committee is also concerned that there is no definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, in national legislation.

**10. The Committee requests the State party to clarify, in its next periodic report, the status of the Convention in the national legal system, including which provisions would prevail in case of a conflict between the Convention and a national law. The Committee urges the State party to ensure that the Convention becomes fully applicable in the national legal system, and that a definition of discrimination in line with article 1 of the Convention is included in national law.**

#### Absence of Legislation: divorce

31. The Committee expresses its concern about the lack of a law on divorce, making it impossible for women to obtain legal divorce.

**32. The Committee urges the State party to introduce and support vigorously legislation which permits divorce, allows women to remarry after divorce, and grants women and men the same rights to administer property**

during marriage and equal rights to property on divorce. It also recommends that women be granted the right to initiate divorce on the same terms as men.

## Poland

February 2007

### Explicit Discrimination in Law: mandatory retirement age

#### Implementation of Law: employment

22. While noting that the State party recognizes the serious problems encountered by women in gaining access to the labour market and places priority on addressing that challenge, the Committee expresses its concern about the situation of women in the labour market. It is concerned about different retirement ages for men (65) and women (60), women's higher unemployment rates as compared to that of men, the concentration of women in low-paying sectors of public employment such as health, social welfare and education, and the persistent significant gap in wages between women and men in the public and private sectors. It is also concerned about discrimination that women experience on the basis of age, which makes it difficult for them to enter and re-enter the labour force.

23. **The Committee urges the State party to strengthen its efforts aimed at ensuring equal opportunities for women and men in the labour market. It calls upon the State party to narrow and close the gap in wages between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. It calls upon the State party to monitor the impact of measures taken and results achieved, and to report thereon in its next periodic report. The Committee recommends that the same age of mandatory retirement be adopted for women and men.**

### Absence of Legislation: Article 1 definition of discrimination

8. While noting that legislation now prohibits direct and indirect discrimination in the area of employment, the Committee is concerned that there is no general antidiscrimination law that contains a definition of discrimination against women in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination, and covering all areas of the Convention. In that regard, it is concerned about the repeated rejection by the Parliament (Sejm), most recently in June 2005, of a comprehensive law on gender equality.

9. **The Committee urges the State party to include a definition of discrimination against women in accordance with article 1 of the Convention in the appropriate domestic legislation, such as the proposed law on gender equality. It also calls upon the State party to put in place procedures for the effective implementation, monitoring and enforcement of such legislation.**

## Republic of Korea

August 2007

### Explicit Discrimination in Law: marriage age

35. While noting that an amendment to the Civil Act to bring the legal age of marriage into compliance with the Convention is before the National Assembly, the Committee notes with concern that the minimum legal age of marriage remains at 16 for females and 18 for males.

**36. The Committee urges the State party to work towards the speedy enactment of the amendment of the Civil Act to raise the minimum legal age of marriage for girls to 18 in order to bring it into line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

### Impact of Law: sexual violence

#### Implementation of Law: violence against women; domestic violence

#### Absence of Legislation: marital rape

17. While welcoming the amendments to the Act on Prevention of Domestic Violence and Protection of Victims and the Act on the Punishment of Sexual Violence and Protection of Victims, the Committee regrets that marital rape has not been criminalized. The Committee remains particularly concerned that under the Act on the Punishment of Sexual Violence and Protection of Victims the crime of sexual violence is prosecuted only upon complaint by the victim. The Committee also expresses its concern about the low rates of reporting, prosecutions and convictions of cases of violence against women. It is concerned about the lack of information and data provided about the prevalence of all forms of violence against women.

**18. The Committee calls upon the State party to address violence against women as a violation of women's human rights and to make full use of the Committee's general recommendation 19 in its efforts to address all forms of violence against women. It urges the State party to intensify its awareness raising efforts with regard to the unacceptability of all such violence, including domestic violence and requests the State party to criminalize marital rape and to eliminate the requirement of a victim's complaint in order to prosecute crimes of sexual violence. The Committee calls upon the State party to ensure that all women, including rural women, who are victims of domestic violence have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions and are sensitized to all forms of violence against women, and that they are capable of providing adequate support to victims. It urges the State party to collect data and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, and to use such data as the basis for further comprehensive measures and targeted intervention. It invites the State party to include statistical data and the results of measures taken in its next periodic report.**

### Impact of Law: prostitution

19. The Committee is concerned about the persistence of trafficking and exploitation of prostitution and by the lack of data about these phenomena. While welcoming that victims of forced prostitution are entitled to rescue, protection and rehabilitation, the Committee is concerned that so-called voluntary prostitutes are subject to prosecution under the law, while first-time clients of prostitutes do not face punishment if they attend the "John School" programme, designed to educate such first-time offenders. The Committee is further concerned about the continued widespread phenomenon of *Wonjokyuje*, in which adolescent girls engage in a sexual relationship with older men for money.

20. The Committee urges the State party to fully implement article 6 of the Convention, to collect and analyse data from the police and international sources and to prosecute and punish traffickers and those who exploit prostitution. The Committee calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent trafficking. The Committee also encourages the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime. The Committee further calls upon the State party to review its law on prostitution in order to ensure that women in prostitution are not criminalized. The Committee recommends the State party take measures to facilitate the reintegration of prostitutes into society and to provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee also recommends the State party provide adolescent girls with educational programmes to stop *Wonjokyuje*.

#### Impact of Law: marital property

33. The Committee is concerned that the Civil Act fails to ensure equality for women in the dissolution of marriage, as reflected in the lack of women's rights to an equal share of assets accumulated during marriage if those assets have been registered in the name of one spouse only.

34. The Committee recommends that the State party review the Civil Act and make necessary amendments, in the light of article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations, in order to give women equal rights to assets accumulated during the marriage.

#### Implementation of Law: employment

27. While welcoming the measures aimed at improving the situation of women in the labour market, such as the comprehensive plan for the development of women's resources, the female employment expansion measures and the amended Equal Employment Act, the Committee is concerned about the serious disadvantages women face, including the concentration of women in certain low-wage sectors, the high percentage of women in non-regular work, the various flexible forms of work, such as outsourcing and contracting out, and the related lack of job security and benefits, as well as the significant wage gap between men and women. The Committee is also concerned about the insufficient compliance with existing labour legislation and about the practices of companies that circumvent the law denying women workers job security. In particular, the Committee is concerned about the lack of effective monitoring mechanisms and complaints procedures for women to claim their rights. It is also concerned that women may be reluctant to seek remedies for cases of sexual harassment at the workplace.

28. The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market. It calls on the State party to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25. It encourages the State party to take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to diligently monitor the situation of women in the labour market and to increase the number of women in regular work by ensuring that enterprises provide more opportunities for women to gain access to full-time and regular employment and by extending benefits to non-regular workers, the majority of whom are women. The Committee calls upon the State party to enforce the provisions of the Equal Employment Act in regard to equal pay for work of equal value. The Committee also calls upon the State party to ensure that effective monitoring mechanisms are in place to achieve compliance with existing legislation, and that there are procedures in place for women to file complaints of violations of their labour rights. The Committee calls upon the State party to ensure availability of remedies and to make women aware of their rights and of available remedies in order that they can have access to justice and can claim their rights.

**The Committee also calls upon the State party to take effective measures to support the reconciliation of family and work responsibilities and to promote the sharing of domestic and family responsibilities between women and men.**

**Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality**

15. While noting that the 1987 Equal Employment Act covers direct and indirect discrimination and provides for the equal treatment of women and men in the workplace, and also noting that the National Human Rights Commission Act covers a number of discriminatory acts on the basis of gender, the Committee is concerned that a definition of discrimination against women in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination and covering all areas of the Convention, has yet to be applied through its prohibition in relevant domestic laws and made applicable to both public and private sectors.

**16. The Committee recommends that the State party embody in its Constitution or in other appropriate legislation a prohibition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention and covering all areas of the Convention, and that it be made applicable to the private sector. It encourages the State party to enhance its awareness-raising efforts with respect to the nature of discrimination against women and the Convention's concept of substantive equality among Government officials, legislators, judges and lawyers and the general public in order to accelerate the practical realization of the principle of equality of women and men, in accordance with article 2 (a) of the Convention.**

**Absence of Law: biotechnology / bioethics**

29. The Committee expresses its concern about the fact that many women depend on working members of their families for access to health services and about the high rate of abortion among women between the ages of 20 and 24. The Committee is also concerned about the possible inadequate protection of women's reproductive health and rights in the use of biotechnology.

**30. The Committee requests the State party to monitor the access of all women to health services and to take appropriate action. It urges the State party to strengthen measures aimed at the prevention of unwanted pregnancies including enhanced programmes of sexual and reproductive health education, and to specifically target women between the ages of 20 to 24. The Committee recommends that the donation or harvest of eggs from women for reproductive or research purposes be legally regulated, in order to protect human rights of women involved in the application of biotechnology, and regularly monitored in terms of both quality of care and the observance of legal and ethical standards. The Committee calls upon the State party to amend without delay the Act on Bioethics and Biosafety to include a requirement of informed, free and written consent in cases of donation or harvest of eggs for reproductive or research purposes. The Committee also calls on the State party to make full use of the Committee's general recommendation 24 on women and health as a framework in the development of gender- and age-sensitive health policies and programmes.**

## **Republic of Moldova**

August 2006

**Explicit Discrimination in Law: employment**

28. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by increasingly high female unemployment, the concentration of women in low-paid sectors of public employment such as health, social welfare and education, and the wage gap

between women and men in both the public and private sectors. The Committee is concerned that the State party's labour legislation, which is overly protective, in particular of pregnant women, and restricts women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender-role stereotypes. The Committee is also concerned that important sectors viewed as traditionally male areas, such as defence and police, remain inaccessible to women.

**29. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, on temporary special measures. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, inter alia, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of its legislation in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market. It calls upon the State party to monitor the impact of measures taken and results achieved, and to report thereon in the next periodic report.**

#### Explicit Discrimination in Law: marriage age

32. The Committee remains concerned that the minimum legal age for marriage is 16 years for women and 18 years for men.

**33. The Committee urges the State party to raise the minimum age of marriage for women to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

#### Implementation of Law: equal opportunities

14. While welcoming the inclusion in the Law on Equal Opportunities for Men and Women of the concepts of gender mainstreaming, direct and indirect genderbased discrimination, affirmative action, gender equality and sexual harassment, as mentioned by the delegation, the Committee expresses concern that the Law lacks implementation mechanisms and does not provide for legal remedies in case of violations. It is also concerned that the State party has not allocated adequate financial resources for its implementation.

**15. The Committee encourages the State party to ensure full implementation of the Law on Equal Opportunities for Men and Women, monitor results and ensure that sanctions are put in place in case of violations. It further recommends that the State party effectively implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation 25, in order to accelerate the realization of women's substantive equality with men in all areas, in particular with regard to women's participation in decision-making and access to employment and education.**

#### Absence of Law: domestic violence; marital rape

22. The Committee continues to be concerned about the prevalence of violence, including domestic violence, against women in the Republic of Moldova. It is concerned about the lack of availability of updated sex-disaggregated data on all forms of violence against women. While noting with appreciation that a draft law on preventing and combating domestic violence has been elaborated, the Committee is worried that the draft may not address adequately prosecution and punishment of perpetrators. The Committee is also concerned that domestic violence, including marital rape, is still considered a private matter.

23. The Committee, reiterating its recommendation made on the occasion of the consideration of the State party's initial report, urges the State party to give high priority to implementing comprehensive measures to address violence against women in the family and in society in accordance with its general recommendation 19. The Committee calls upon the State party to speedily adopt the draft law on preventing and combating domestic violence and to ensure that violence against women is prosecuted and punished with seriousness and speed. The Committee calls upon the State party to ensure that all women who are victims of domestic violence have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. It calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention, and to include the results of such research in its next periodic report.

## Romania

June 2006

### Implementation of Law: domestic violence

20. While welcoming the legislative and other measures taken by the State party to prevent and eliminate domestic violence, including the introduction, by the Ministry of Justice, of a statistical indicator to monitor cases of domestic violence pending before the courts, the Committee expresses concern about the insufficient implementation of those measures, including limited availability of protection and support services for victims, in particular in rural areas. The Committee is concerned that the State party was able to provide only limited information about the prevalence of domestic violence, and that Law 217/2003 does not address other forms of violence against women.

21. The Committee urges the State party to enhance the effective enforcement of its domestic violence legislation so as to ensure that all women who are victims of violence, including those living in rural areas, have access to immediate means of redress and protection, including protection orders, access to a sufficient number of safe shelters funded by the Government within a sufficiently wide geographical distribution, and to legal aid. The Committee calls upon the State party to provide adequate funding for such efforts, as well as for the establishment of a free hotline operating 24 hours a day/7 days a week. The Committee also recommends that the State party enhance its action beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19.

## Russian Federation

August 2010



### Explicit Discrimination in Law: rape

### Implementation of Law: violence against women; domestic violence

### Absence of Law: violence against women; domestic violence; marital rape; sexual violence; sexual harassment; institutional violence; “honour” crimes

22. The Committee is seriously concerned that violence against women in all its forms has increased, both in the private and public spheres. In this respect, the Committee expresses its concern at the absence of a holistic approach to the prevention and elimination of all forms of violence against women. It is particularly concerned that, due to strong patriarchal values, husbands are generally considered superior to their wives with the right to assert control over them, legitimizing the general opinion that domestic violence is a private issue. Furthermore, social stigma is connected to sexual and domestic violence, pressuring victims to keep silent and resolve any conflicts within the family. In addition, the Committee notes with concern that domestic violence cases are often treated as private charges to be filed by the victim, not the prosecutor. The Committee is also concerned at recent amendments to the Criminal Code whereby article 134 (4) would appear to exempt first-time offenders from criminal liability for having sex with a minor if he marries the victim. The Committee regrets the lack of data and information on the incidence of various forms of violence against women and girls, as well as the lack of studies and surveys on the extent of violence and its root causes and it is further concerned at the lack of a national programme that provides shelter to victims of domestic violence, that the few shelters that do exist in selected cities are extremely limited in their capacity to help these victims and that most shelters restrict access to Russian nationals who are local residents.

23. **The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. Such measures should include the expeditious adoption of a comprehensive law on violence against women, including domestic violence, the criminalization of marital rape, sexual violence, sexual harassment, institutional violence and crimes committed in the name of honour. They should also include the development of a coherent and multisectoral action plan to combat violence against women. The Committee also urges the State party to amend article 134 (4) of the Criminal Code to ensure that perpetrators of violence against women do not benefit from any reduction in penalty. The Committee further calls upon the State party to increase, in a significant manner, the number of shelters and the capacity thereof, ensure an adequate geographical distribution of such shelters and remove any barriers to access, such as registration or residency requirements. The Committee recommends that the State party provide the police, public prosecutors, the judiciary and other relevant government bodies with the necessary training on domestic violence, and it also requests the State party to provide data and information on trends in the prevalence of various forms of violence against women, disaggregated by age and ethnicity, and by urban and rural areas.**

### Explicit Discrimination in Law: employment

### Impact of Law: sexual harassment

### Absence of Legislation: equal employment opportunity

36. The Committee reiterates its concern at the lack of a separate law on equal employment opportunities in the State party. The Committee also remains concerned that the situation of women in employment is deteriorating and that women are the overwhelming majority of workers in lower level and low-paid jobs in the various parts of the public sector. It is further concerned that women continue to experience significant discrimination in the private sector, and have a low share of the high paid jobs in that sector. In this respect, the Committee notes with concern the wide gender pay gap, with the average income of women being 64 per cent of the average income of men across the country. While noting the State party's policy of protecting women against unsafe working

conditions, the Committee reiterates its concern about the exclusion of women of childbearing age from a list of more than 400 jobs, which may result in the effective exclusion of women from certain employment sectors. The Committee is, however, aware that this list is under consideration, and it also notes that employers may employ women in the prohibited jobs if the necessary standards are in place. The Committee is also concerned at the narrow definition of sexual harassment as the victim performing sexual acts against his or her will.

**37. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. To this end, the Committee reiterates its previous recommendation that the State party enact an equal employment opportunity law, prohibiting discrimination in hiring, promotion, employment conditions and dismissal, requiring equal pay for work of equal value and providing for effective enforcement procedures and remedies. The Committee also reiterates its recommendation that the State party require all employers to conform to the mandated standards, which would allow both women and men to work in proper conditions of health and safety. Bearing in mind article 11, paragraph 3, of the Convention, the Committee recommends continued review of the list of prohibited jobs, in consultation with women's non-governmental organizations, with a view to reducing their numbers in order to limit the restrictions to cases where exclusions are strictly necessary to protect women's reproductive health and to ensure that measures are proportional to the nature and scope of the protection required. The State party is further encouraged to widen the definition of sexual harassment and adopt concrete measures for addressing sexual harassment, including in the workplace.**

#### Implementation of Law: child marriage; polygamy

#### Absence of Legislation: de facto unions

48. The Committee is concerned about the persistence of early marriages of girls and polygamy, especially in the northern Caucasus. The Committee is also concerned about the lack of a legal framework for de facto unions and the resulting precarious situation in which women in such unions may find themselves when their relationship breaks down and there is a need for a division of property and assets without the benefit of adequate prior contractual agreement. The Committee is further concerned that women attempting to escape a violent relationship are frequently unable to access independent housing or shelters and thus often compelled to share the same residence with a violent partner, even after an official divorce.

**49. The Committee calls upon the State party to implement measures aimed at eliminating polygamy in all cases, as called for in the Committee's general recommendation No. 21, and to take all necessary measures to combat the practice of early marriage. The Committee also recommends that the State party take effective measures to ensure that women are guaranteed equal rights with men to property and assets accumulated during de facto unions when their relationship breaks down. The Committee further calls upon the State party to create the necessary conditions for women's access to independent housing or shelters, including for women attempting to escape a violent relationship.**

#### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

12. The Committee remains concerned that neither the Constitution, which recognizes women's right to equality before the law, nor other appropriate legislation, contains a definition of discrimination or expressly prohibits discrimination on the grounds of sex. While noting the draft federal law on "State guarantees of equal rights and liberties for men and women in the Russian Federation and equal opportunities for their realization", the Committee is concerned that the State party has not yet adopted a gender equality law.

**13. The Committee urges the State party to incorporate in the Constitution or other appropriate legislation a specific right of non-discrimination on the grounds of sex, and a definition of discrimination that encompasses both direct and indirect discrimination and discrimination in the public and private spheres, in conformity with**

article 1 of the Convention. The Committee also calls on the State party to develop, in accordance with article 2 of the Convention, a gender equality law in order to fulfill the necessary internal procedures for the implementation of the provisions of the Convention. The Committee recommends that the State party address the following issues in this law: the prohibition of discrimination on the grounds of sex in all areas covered by the Convention; the de jure equality of women and men, including through effective sanctions in cases of violations of the law; the use of temporary special measures to overcome effects of structural and historical discrimination and accelerate the achievement of de facto equality of women and men; the provision of a basis for the establishment of national and decentralized institutional mechanisms for gender equality within government structures; a mandate of government agencies at all levels to apply gender mainstreaming to all their policy areas and processes; and a mandate for the adoption of comprehensive periodic national action plans for gender equality.

#### Absence of Legislation: trafficking

26. The Committee notes the introduction, in 2003, of norms prohibiting the trafficking in human beings in the Criminal Code of the State party. However, it expresses its concern at the high prevalence of trafficking in the State party, which has increased more than sixfold during the reporting period. While noting with concern that the Russian Federation is a source, transit and destination country for trafficking, the Committee regrets the lack of disaggregated data on the number of victims of trafficking, including minors, and compensation received as well as statistics on complaints, investigations, prosecutions and penalties imposed on the perpetrators of such crimes. It is also concerned at the failure of the State party to address the root causes of trafficking, which impedes the efforts of the State party to address the trafficking problem in a serious way. The Committee is further concerned at the lack of special legislative and other measures for the protection of women and girls from recruitment agencies engaging in trafficking in persons and from marriage agencies specializing in marriage with foreign citizens. In addition, it is concerned at the limited information provided on the existence and implementation of regional and bilateral memorandums of understanding and/or agreements with other countries on trafficking, including within the Commonwealth of Independent States.

27. The Committee urges the State party to fully implement article 6 of the Convention, including by speedily enacting specific national legislation and a comprehensive policy and action plan on the phenomenon of trafficking, to ensure that perpetrators are punished and victims adequately protected and assisted. The Committee calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination through information exchange in order to prevent trafficking, and to harmonize legal procedures aimed at the prosecution of traffickers, including within the Commonwealth of Independent States. Such efforts should include the dissemination to risk groups and the police of the methods used by the recruiters. The Committee also recommends that information and training on the anti-trafficking legislation be provided to the judiciary, law enforcement officials, border guards and social workers in all parts of the country. In addition, the Committee recommends that the State party conduct comparative studies on trafficking and address its root causes in order to eliminate the vulnerability of girls and women to traffickers and to undertake efforts for the recovery and social integration of the victims. The Committee calls upon the State party to ensure systematic monitoring and periodic evaluation, including through the collection and analysis of data on trafficking, and to include such data in its next periodic report.

## **Rwanda**

September 2009

### Explicit Discrimination in Law: Criminal Code; Family Code; Commercial Code

#### Absence of Legislation: Article 1 definition of discrimination

15. While welcoming the fact that the 2003 Constitution enshrines the principle of gender equality and non-discrimination, as well as the fact that a number of laws have been revised to repeal discriminatory provisions, the Committee is concerned that there are still discriminatory provisions in force. While noting that the law review process continues with respect to the Criminal Code, the Family Code, the Commercial Code, etc., the Committee is concerned by the lengthy legal procedure for the adoption of new laws and amendments. The Committee is further concerned that there is no explicit prohibition of discrimination against women, in line with article 1 of the Convention, which addresses direct and indirect discrimination, in either the Constitution or other legislation.

**16. The Committee urges the State party to accelerate its law review process and to work effectively with Parliament to ensure that all discriminatory provisions in the Criminal Code, the Family Code, the Commercial Code, etc., are repealed so as to bring legislation into compliance with the Convention and the Committee's general recommendations. It encourages the State party to set a clear time frame for such reforms. The Committee also recommends that the State party incorporate into its Constitution or other appropriate legislation a prohibition of discrimination against women, encompassing both direct and indirect discrimination, in line with articles 1 and 2 (b) of the Convention.**

#### Impact of Law: abortion

35. While appreciating the measures taken to improve women and girls' access to health-care services, such as the introduction of community insurance schemes ("mutuelles" health insurance), and to curb the incidence of HIV/AIDS and malaria, the Committee remains concerned that women, in particular those living in rural areas and elderly women, are still not enjoying their right to health in accordance with article 12 of the Convention. The Committee also notes that, despite the reduction in the maternal mortality rate, the number nevertheless remains high, at 750 deaths per 100,000 live births, owing primarily to lack of access to obstetric services. The Committee is also concerned that many women, in particular in rural areas, give birth at home. Taking account of the fact that illegal and unsafe abortions are a cause of maternal mortality, the Committee is concerned that abortion is a punishable offence under Rwandan law. The Committee is also concerned at the lack of information and statistical data on women's mental health provided by the State party.

**36. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular for women living in rural areas and elderly women, in accordance with article 12 of the Convention and the Committee's general recommendation No. 24, on women and health. The Committee recommends that the obstacles to accessing obstetric services be monitored and steps be taken for their removal and that a strategic plan to reduce maternal mortality be put in place. It further requests the State party to take measures to prevent unwanted pregnancies, including by making contraceptives and family planning methods more widely available and by increasing awareness about family planning among women and men. The Committee recommends that the State party review its legislation relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion in accordance with the Committee's general recommendation No. 24, on women and health, and the Beijing Platform for Action. The Committee also calls upon the State party to provide adequate information and statistical data about women's mental health in its next periodic report.**

#### Explicit Discrimination in Law: Family Code

41. While commending the State party for recognizing only monogamous marriage in accordance with article 26 of the Constitution and for the ongoing revision of the Family Code, the Committee is concerned that the discriminatory provisions under this law are still in force.

42. The Committee urges the State party to speed up as a matter of priority the enactment of the legislation amending the Family Code, with a view to repealing the discriminatory provisions, and to take necessary steps to make them widely known in the public and the judiciary and by the administrative authorities.

Implementation of Law: employment

Absence of Legislation: sexual harassment

33. The Committee is concerned at the higher unemployment and underemployment rates of women in both the private and public sector in comparison with men, and the concentration of women in low paid jobs, particularly in agriculture. It is also concerned that women are affected by horizontal and vertical segregation in the labour market and are predominantly employed in the informal sector, resulting in their exclusion from formal social security programmes. It is further concerned that three quarters of the newly created non-farm jobs, 60 per cent of the newly created jobs in small business, have been taken by men, thereby indicating that women are not benefiting from these new job opportunities on an equal footing with men. The Committee notes the absence of legislation and measures to address sexual harassment.

34. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. It recommends that the State party pay particular attention to the conditions of women workers in the informal sector, in particular in agriculture, with a view to ensuring their access to social benefits. The Committee also urges the State party to speedily enact legislation prohibiting sexual harassment in the workplace, including sanctions, civil remedies and compensation for victims. The Committee further urges the State party to establish an effective monitoring and regulatory mechanism on employment issues and practices in the private sector.

## **Saint Lucia**

June 2006

Explicit Discrimination in Law: nationality

25. While noting the intention of the State party to revise the Citizenship of Saint Lucia Act of 1979, the Committee is concerned that the Act contains provisions discriminatory to women who marry foreign nationals, and that no timetable has been set for its amendment.

26. The Committee recommends that the Citizenship of Saint Lucia Act of 1979 be amended without delay so as to bring it into compliance with article 9 of the Convention.

Explicit Discrimination in Law: marriage and family

Impact of Law: divorce

Absence of Legislation: de facto unions

35. The Committee is concerned that the Civil Code contains discriminatory provisions relating to marriage and the family, including a provision that calls for a wife's obedience to her husband. It is also concerned about lack of provisions for divorce by mutual consent. The Committee is also concerned about the potential for discrimination against women in cohabiting relationships, in particular in regard to property.

**36. The Committee calls on the State party to eliminate all discriminatory provisions in regard to marriage and family in the Civil Code, and to consider introducing the option of divorce by mutual consent. It also encourages the State party to ensure that the rights of women in cohabiting relationships are protected, in particular those to property acquired during such relationships.**

**Absence of Legislation: Article 1 & 2 definition of discrimination**

9. The Committee is concerned that a definition of discrimination against women in accordance with article 1 of the Convention is lacking in the State party's Constitution or other appropriate legislation, encompassing both direct and indirect discrimination, and extending to acts of both public and private actors in accordance with article 2 as well as providing for the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

**10. The Committee calls on the State party to incorporate fully, in its constitution or other appropriate legislation, the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1, and extending to acts of discrimination by public and private actors in accordance with article 2, as well as providing for temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee invites the State party to fully utilize the ongoing constitutional review process to ensure that such a definition is included in the Constitution or other appropriate national legislation.**

**Absence of Legislation: Labour Code; sexual harassment**

29. While welcoming the adoption of the Equality of Opportunity and Treatment in Employment and Occupation Act of 2000 which according to the delegation also covers indirect discrimination, the Committee expresses its concern that the Labour Code of 2001 has still not been enacted, and thus no overall legislative framework is in place in the field of work and employment. The Committee is concerned that in the absence of a Code, many areas, such as collective bargaining and effective remedies for discrimination are not covered by law. The Committee is concerned about the potential for discrimination against women in the application of exemption clauses to the non-discrimination provisions in the Labour Code of 2001. The Committee is also concerned about the absence of a law on sexual harassment.

**30. The Committee calls on the State party to ensure that the Labour Code is enacted by the end of 2006, as it has been assured by the delegation, which apparently makes specific provision for non-discrimination and equal opportunity in the workplace. The Committee encourages the State party to ensure that provisions on sexual harassment in the workplace, including enforceable sanctions, are also included in the Labour Code. It calls on the State party to ensure that effective mechanisms are in place against sexual harassment in the workplace and that women are informed of their rights not to be sexually harassed at work. The Committee further urges the State party to monitor the application of exemption clauses to the non-discrimination provisions in the Labour Code of 2001, and to provide information on their application in its next report.**

## **Samoa**

January 2005

**Explicit Discrimination in Law: family; employment; gender-based violence**

22. While noting that the Government has identified several areas where legislation inadequately protects women against discrimination, namely, in regard to gender-based violence and in family and employment law, the

Committee is concerned that no time line or benchmarks are in place for undertaking the legal reform efforts necessary to bring domestic legislation into conformity with the Convention. The Committee is also concerned that, although the Law Reform Commission Act was passed in 2002, the office has not yet been established for lack of resources.

**23. The Committee recommends that the State party put in place without delay a plan, with a clear timetable and priorities, for the revision of existing discriminatory legislation and the drafting and submission to Parliament of new laws to promote gender equality. The Committee also recommends the establishment of the office of the Law Reform Commission in order to expedite the legal reform process. The Committee encourages the Government to consult with women's organizations in the development and prioritization of such a legislative reform agenda.**

Explicit Discrimination in Law: employment

Absence of Legislation: equal pay; maternity rights; sexual harassment

28. The Committee is concerned about the situation of women in the employment sector and their lower level of participation in the labour force. The Committee is concerned that existing legislation is discriminatory or has significant gaps with respect to articles 11 and 13, such as lack of provisions on equal pay for work of equal value, protection against discrimination on the basis of pregnancy and against sexual harassment in the workplace. The Committee is also concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

**29. The Committee calls upon the State party to bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such legislation. The Committee also requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to enhance implementation of article 11 of the Convention. It requests the State party to provide information about the impact of such measures in its next report.**

Explicit Discrimination in Law: marriage age

Impact of Law: fault-based divorce

Absence of Legislation: marital property

34. The Committee is concerned about the persistence of discriminatory provisions in the family law, especially in regard to marriage, as well as the persistence of traditions that discriminate against women and girls. In particular, the Committee is concerned that the age of consent to marriage for girls is 16 years whereas it is 18 for boys, the fault-based divorce system and the lack of legislation on the division of marital property.

**35. The Committee urges the State party to give high priority to the planned revision of the law governing marriage, its dissolution and family relations so as to ensure compliance with article 16 of the Convention and in line with the Committee's general recommendation 23 on marriage and family relations. The Committee also recommends that the State party undertake awareness-raising measures to address cultural patterns of conduct that are discriminatory against women and girls in these areas.**



### Absence of Legislation: Article 1 definition of discrimination

20. The Committee expresses its concern that the legislation of the State party does not contain a definition of discrimination against women in accordance with article 1 of the Convention. It is also concerned that the Convention is not directly applicable in the State party, nor is there an adequate legislative framework in place to ensure compliance with all the provisions of the Convention.

**21. The Committee calls upon the State party to include in the Constitution or in other appropriate domestic legislation a definition of discrimination against women in line with article 1 of the Convention. It also urges the State party to take the measures necessary to ensure that the Convention becomes fully applicable in the domestic legal system, either through domesticating it in full or by adopting appropriate legislation.**

### Absence of Legislation: violence against women

24. While noting the State party's intention to review all criminal laws within the next two years and the courts' adoption of a "no-drop" policy in regard to charges of domestic violence, the Committee is concerned that the prevalence of domestic violence needs measures to prevent and combat various forms of violence against women.

**25. The Committee recommends that the State party put in place without delay a comprehensive strategy to prevent and combat all forms of violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights. Such a strategy should include measures, including legislation, to prevent violence against women, provide protection, support and rehabilitation services to victims, and punish the offenders. In this regard, the Committee draws attention to its general recommendation 19. The Committee urges the State party to ensure that shelters are available to all women victims of violence. It also calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and are adequately trained to respond to them.**

## **Saudi Arabia**

April 2008

### Explicit Discrimination in Law: nationality

27. The Committee notes with concern that certain provisions of the Saudi Arabian Nationality Code contradict article 9 of the Convention and continue to discriminate against Saudi Arabian women married to non-Saudi nationals. It is also concerned that children of such marriages do not have an equal right to nationality as children of Saudi men married to non-Saudi women.

**28. The Committee requests the State party to amend the Nationality Code so as to bring it in conformity with article 9 of the Convention and to withdraw its reservation concerning article 9, paragraph 2.**

### Explicit Discrimination in Law: personal status (marriage, divorce, custody of children, inheritance)

### Absence of Legislation: marriage age

35. The Committee is concerned that there is no legally prescribed minimum age of marriage for girls and boys. The Committee expresses concern that legal provisions relating to personal status, in particular concerning marriage, divorce, the custody of children and inheritance, do not provide for equal rights for women and men.



36. The Committee urges the State party to prescribe and enforce a minimum age of marriage of 18 years for both women and men, in accordance with article 16, paragraph 2, of the Convention and the Convention on the Rights of the Child, and to introduce legislative reforms to provide women with equal rights in marriage, divorce, the custody of children and inheritance. It calls upon the State party to end the practice of polygamy, in accordance with the Committee's general recommendation 21, on equality in marriage and family relations.

#### Explicit Discrimination in Law: driving ban

#### Implementation of Law: male guardianship

15. The Committee notes with concern that the concept of male guardianship over women (*mehrem*), although it may not be legally prescribed, seems to be widely accepted; it severely limits women's exercise of their rights under the Convention, in particular with regard to their legal capacity and in relation to issues of personal status, including marriage, divorce, child custody, inheritance, property ownership and decision-making in the family, and the choice of residency, education and employment. It is concerned that the concept of male guardianship contributes to the prevalence of a patriarchal ideology with stereotypes and the persistence of deep-rooted cultural norms, customs and traditions that discriminate against women and constitute serious obstacles to their enjoyment of their human rights. Other practices prevalent in Saudi Arabia, such as the de facto ban of women from driving, which is a limitation of their freedom of movement, also contribute to the maintenance of such stereotypes. The Committee is concerned about the limited efforts by the State party to directly address such discriminatory cultural practices and stereotypes.

16. The Committee urges the State party to take immediate steps to end the practice of male guardianship over women, including by awareness-raising campaigns. It calls upon the State party to be proactive and to put into place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and to promote women's full enjoyment of their human rights, in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee also calls upon the State party to finalize its review of the ban of women from driving. It requests the State party to include in its next periodic report information on the concept of male guardianship and how it affects the application of the Convention in Saudi Arabia.

#### Implementation of Law: violence against women; domestic violence

#### Absence of Legislation: violence against women; domestic violence

21. While noting that a domestic violence law is being drafted and social protection committees have been established recently, the Committee is concerned about the incidents of violence against women, the absence of specific laws relating to violence against women, and the lack of prosecution and punishment of perpetrators of violence against women, including domestic violence. It is concerned that social attitudes and the concept of male guardianship over women deter and often prevent victims from reporting cases of violence. The Committee is also concerned about the lack of information and data in the report on the prevalence of different forms of violence against women, especially data on perpetrators.

22. The Committee requests the State party to give high priority to comprehensive measures to address all forms of violence against women and girls, recognizing that violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including a comprehensive law on domestic violence, to ensure that violence against women is a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and that perpetrators are prosecuted and punished. The Committee recommends that the State party implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, to ensure that they understand that all forms of violence against women, including violence in the home, are unacceptable. It encourages the State party to make full use of the Committee's general recommendation 19 in such efforts and of the in-depth study of the Secretary-General on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1) and his recently launched

worldwide multi-year campaign to eliminate it. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women, in particular the approach of the 13 social protection committees, and on the impact of such measures, as well as statistical data and trends concerning the prevalence of various forms of violence.

#### Implementation of Law: employment

##### Absence of Legislation: maternity rights (private sector)

31. While appreciating the positive steps taken with regard to labour legislation, including the repeal of the provision on sex segregation at the workplace, the Committee is concerned that the participation of women in the workforce is still very low. The Committee notes with concern the gaps in the data provided on women's employment. While noting that a study on a maternity leave law for the private sector is being finalized, the Committee is concerned that paid maternity leave is currently only provided for in the public sector. It also expresses concern regarding impediments to women's employment, such as the lack of adequate childcare facilities in the private sector and de facto workplace segregation of women and men.

32. The Committee requests the State party to take immediate and more targeted steps to increase women's participation in the workforce, in particular by ensuring the implementation of the laws enacted for the advancement of women. It also urges the State party to prioritize the adoption of a law regarding maternity leave in the private sector and calls upon the State party to remove impediments to women's employment, including by abolishing de facto workplace segregation of women and men and by ensuring that there are adequate childcare facilities in all areas. It also requests the State party to provide in its next report more information and more detailed data on women in employment, including incidents of sexual harassment and the positions held by women in the private and public sector.

##### Implementation of Law: access to healthcare (male guardianship)

33. While commending the efforts made by the State party to improve the health-care infrastructure, the Committee expresses concern about the lack of information and data on health problems unrelated to maternity, as well as the access by women and girls from rural areas and non-Saudi nationalities to adequate health-care services. The Committee further expresses concern that women may require the permission of their male guardian to access health facilities.

34. The Committee calls upon the State party to take all necessary measures to improve women's access to health care and health-related services and information, within the framework of the Committee's general recommendation 24. The Committee further recommends that special attention is paid to the health needs of women from rural areas and non-Saudi nationalities. The Committee also recommends training for hospital staff on the rights of women regarding health care and the implementation of a system of supervision to ensure that staff respects these rights.

##### Absence of Legislation: Article 1 & 2 definition of discrimination

13. The Committee is concerned with the State party's distinctive understanding of the principle of equality, which implies similar rights of women and men as well as complementarities and harmony between women and men, rather than equal rights of women and men. The Committee is concerned that, although articles 8 and 26 of the State party's Basic Law guarantee the principle of equality, neither the Constitution nor other legislation embodies the principle of equality between women and men. It expresses concern that neither contains a definition of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending State responsibility to prohibit acts of discrimination of both public and private actors, in accordance with article 2 of the Convention.

14. The Committee calls upon the State party to incorporate fully into the legislation the principle of equality between women and men, as well as a definition of discrimination on the basis of sex in line with article 1 of the

Convention, and extending State responsibility to acts of discrimination by public and private actors, in accordance with article 2 of the Convention, and to take the appropriate steps in order to implement the principle of formal and substantive equality.

Absence of Legislation: domestic labour; trafficking

23. The Committee notes with concern that the State party did not provide sufficient information and statistical data on the situation of non-Saudi Arabian women residing in the State party. It is especially concerned about the status and situation of female domestic migrant workers, in particular as they are not yet covered by the current labour code, often are not aware of their rights, and, in practice, cannot easily file complaints and gain redress in cases of abuse. The Committee also expresses concern with regard to the rights of the children of these women, in particular in relation to residency and access to health services and education. While appreciating the State party's efforts to combat the trafficking of women and girls, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), the national plan to combat trafficking, and the draft law on combating the trafficking of human beings, the Committee is concerned about the persistence of trafficking and the economic and sexual exploitation and ill-treatment of young migrant girls employed as domestic servants.

24. The Committee urges the State party to provide full details on the situation of non-Saudi women, in particular domestic workers, in its next report and on their enjoyment of the rights established by the Convention. It calls upon the State party to grant in law and practice female domestic migrant workers, including their children, the rights provided for in the Convention and to implement measures aimed at informing them about these rights. It also urges the State party to adopt a labour law concerning domestic workers as a priority. The Committee also urges the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking that ensures that victims are adequately protected and assisted. It also recommends that the State party increase prevention efforts, by addressing the root causes of trafficking through bilateral and/or multilateral cooperation with the countries of origin so as to eliminate the vulnerability of women and girls to being trafficked into Saudi Arabia, as well as the provision of assistance and support to these trafficking victims, using the Office of the High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1).

## Serbia

June 2007

Explicit Discrimination in Law: employment

31. The Committee is concerned about systemic indirect discrimination against women in employment, which is pervasive in the public and private sectors and the informal sector, and is characterized by: horizontal and vertical job segregation, with women predominating in lower paid jobs in the public sector; a significant pay gap; higher unemployment rates of women, including older women, refugees, first time job seekers and minority women; a larger number of women working as unpaid family helpers; limited access to the military for women; older women with lower incomes than older men; and some protective legislation being applied to women, including outdated notions of women's capabilities resulting in comprehensive protective legislation being applied to women.

32. The Committee requests the State party to use the Convention as the human rights framework and to apply a holistic approach to modify and eliminate systemic, indirect discrimination against women in employment, supported by temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee requests the State party to provide training and retraining to unemployed women, including marginalized groups of women, credit to women entrepreneurs and

to those who wish to set up their own business and social security benefits for unpaid family helpers. The Committee further requests the State party to enhance the income-generating capacity, in particular of women who are single heads of household and rural women. The Committee also requests the State party to review protective labour legislation with a view to eliminating provisions that perpetuate women's de facto inequality.

#### Impact of Law: domestic violence

#### Absence of Legislation: sexual harassment

21. While welcoming the State party's measures taken to combat violence against women, including making domestic violence and marital rape criminal offences under the Criminal Code and the availability of protection and restraining orders, the Committee is concerned about the continuing prevalence of violence perpetrated against women and girls. It is also concerned that some penalties for domestic violence have decreased and that sexual harassment is no longer a criminal offence under the (2005) amended Criminal Code. The Committee is further concerned about the limited available data on violence against women.

22. The Committee urges the State party to give priority to eliminating all forms of violence against women, in particular domestic violence, and to adopt comprehensive measures to address violence against women in accordance with its general recommendation 19. The Committee calls upon the State party to adopt, without delay, the draft National Action Plan for the Empowerment of Women and the Advancement of Gender Equality, which provides measures to combat violence against women, including capacity-building for the implementation of laws and standards, research and record-keeping. It urges the State party to establish systematic and regular collection and analysis of data and information on all forms of violence against women in order to strengthen the knowledge base for effective and targeted policy and programme development, including prevention efforts, to monitor trends over time and to make its findings available to the public. The Committee further recommends that the State party consider adopting a domestic violence law that would consolidate relevant elements that are currently found in the Criminal Code and the Family Law. The State party should ensure that women and girls who are victims of violence have access to the immediate means of redress and protection for which the Family Law provides, that a sufficient number of shelters funded by the Government is available to all victims and that perpetrators are prosecuted and adequately punished. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, ensuring that they are sensitized to all forms of violence against women, in particular domestic violence, and can provide adequate support to victims. It also recommends further public awareness-raising campaigns on the unacceptability of violence against women and that the State party develop and put in place counselling and rehabilitation programmes for perpetrators of violence against women. The Committee encourages the State party to make full use of the information contained in the Secretary-General's in-depth study on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1).

#### Implementation of Law: trafficking

25. While welcoming measures taken by the State party to combat human trafficking, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the adoption of the Strategy against Human Trafficking in December 2006 and the creation, in 2004, of the Service for the Coordination of Assistance to Victims of Human Trafficking, the Committee is concerned that Serbia remains a country of transit, origin and destination for trafficked women and girls.

26. The Committee calls on the State party to adopt the draft National Plan against Human Trafficking without delay and to establish a mechanism to monitor and evaluate its effectiveness. The Committee further calls on the State party to effectively apply its anti-trafficking legislation and programmes and to enhance international,

regional and bilateral cooperation in order to further curb the phenomenon. The Committee also requests the State party to establish human rights-based protection and long-term reintegration programmes for victims.

## Sierra Leone

June 2007

### Explicit Discrimination in Law: marriage; divorce; inheritance; domestic violence

10. The Committee is concerned that, although Sierra Leone ratified the Convention in 1988, the Convention still has not been domesticated as part of Sierra Leonean law. It notes with concern that, short of such full domestication, the relevance of the Convention has not yet been established in the State party. While welcoming the efforts of the State party at legislative reform in several fields such as marriage, divorce, inheritance and domestic violence, it is concerned at the delay in their enactment by Parliament, and that other legislation and customary laws that discriminate against women remain in force.

**11. The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls on the State party to accelerate its law review process and to work effectively with Parliament in ensuring that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It urges the State party to place highest priority on the enactment, during the current Parliamentary session, of pending draft bills that will strengthen compliance with the Convention, in particular the registration of customary marriages and divorces bill, the intestate succession bill and the domestic violence bill. The Committee also calls on the State party to take a holistic approach to law reform that will ensure women's de jure equality as well as substantive (de facto) equality.**

### Explicit Discrimination in Law: constitutional non-discrimination exceptions (marriage, divorce, burial, inheritance)

12. The Committee is concerned about section 27 (4) (d) of the Constitution, which provides that the guarantee against non-discrimination does not apply with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law, as this provision discriminates against women and is in violation of the Convention. In this regard, the Committee welcomes the recommendation by the Constitutional Review Committee of the repeal of section 27 (4) (d) of the Constitution.

**13. The Committee urges the State party to take all appropriate measures, and without delay, to repeal section 27 (4) (d) of the Constitution in order to guarantee equal rights of women and men in line with article 2 (a) of the Convention. The Committee encourages the State party to take comprehensive steps, including awareness-raising and sensitization campaigns on the Convention as a legally binding human rights instrument, to ensure that its repeal is approved in the referendum during the next elections, scheduled for August 2007.**

### Implementation of Law: polygamy; inheritance; divorce; guardianship; access to justice

38. The Committee expresses concern that discriminatory provisions persist in customary law and the Mohammedan Marriage Act. The Committee notes, for instance, that polygamy is permitted, intestate distribution of property discriminates against women, grounds for divorce are different for women and men, and women and men are not afforded the same level of authority or guardianship over their children. The Committee is also concerned that local courts, which apply customary law, are not part of the judicial system and consequently their decisions are not subject to appeal.

39. The Committee urges the State party, in line with its general recommendation number 21, to accelerate its reform of marriage and family relations in order to eliminate all discriminatory provisions in customary law and the Mohammedan Marriage Act, particularly in relation to marriage, divorce and inheritance, so that women and men can enjoy the same legal rights and obligations. The Committee also urges the State party to review the status of local courts and ensure that all their decisions may be appealed to a higher court.

#### Absence of Legislation: female genital mutilation

22. While welcoming the awareness-raising efforts undertaken by the national machinery for the advancement of women towards ending the practice of female genital mutilation, the Committee is deeply concerned about the persistence and high incidence of this harmful practice, which is a grave violation of girls' and women's human rights and the State party's obligations under the Convention. The Committee notes the serious health complications for girls and women arising out of the practice of female genital mutilation, including the high number of women suffering from vesico-vaginal fistula.

23. The Committee urges the State party to enact without delay legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished. It urges the State party to strengthen its awareness-raising and educational efforts, targeted at both men and women, with the support of civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood. It calls on the State party to examine the link between female genital mutilation and the prevalence of vesico-vaginal fistula, to take measures to reduce the occurrence of vesicovaginal fistula and provide medical support to those affected by it.

## Singapore

August 2007

#### Explicit Discrimination in Law: marriage; divorce; inheritance (dual legal system)

15. While welcoming the proposed bill on raising the minimum age of marriage for Muslim women to 18 years, the Committee is concerned about the existence of the dual legal system of civil law and sharia law in regard to personal status, which results in continuing discrimination against Muslim women in the fields of marriage, divorce and inheritance.

16. The Committee urges the State party to undertake a process of law reform to remove inconsistencies between civil law and sharia law, including by ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the provisions of the Convention and the Committee's general recommendations, particularly general recommendation 21 on equality in marriage and family relations. In this regard, it encourages the State party to study comparative jurisprudence and legislation of other countries with similar legal systems as regards the interpretations of Islamic law and its codification, and to ensure that Muslim women have full, easy and affordable access to civil law in all matters. It also encourages the State party to take all necessary steps to increase support for law reform, including through partnerships and collaboration with Islamic jurisprudence research organizations, civil society organizations, in particular women's non-governmental organizations, and religious and other community leaders.

### Impact of Law: trafficking

21. The Committee is concerned at the narrow definition of trafficking employed by the State party. It is further concerned that women and girls who have been trafficked may be punished for violation of immigration laws and be treated as offenders rather than victims.

22. **The Committee recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime. It encourages the State party to review its current legal and policy measures in the light of the definition of trafficking contained in the Protocol in order to better identify victims of trafficking and prosecute traffickers. The Committee urges the State party to ensure that women and girl victims of trafficking are not punished for violations of immigration laws and have adequate support so that they can provide testimony against their traffickers and have access to adequate assistance and remedies.**

### Impact of Law: immigration (employment, domestic violence)

#### Absence of Legislation: Citizenship (foreign wives)

25. The Committee is concerned about the situation of foreign wives of Singaporean citizens, especially with regard to violence and abuse, their right to work and their residence status in the country.

26. **In line with the recent withdrawal of the reservation to article 9, the Committee calls upon the State party to provide foreign wives of Singaporean citizens, in cases of abuse and violence, with prompt access to information and sufficient shelters for the time period required. It also requests the State party to provide a work permit to foreign wives with a social visit pass and develop a system of granting citizenship to foreign wives within a clear and reasonable time frame after marriage, rather than considering citizenship applications case by case.**

### Impact of Law: employment

#### Absence of Legislation: marital rape; sexual harassment; maternity leave; equal pay

27. The Committee is concerned about the reluctance of the State party to criminalize marital rape, and notes that current reform proposals would recognize marital rape as a crime only in very narrowly defined circumstances.

28. **The Committee requests the State party to enact legislation criminalizing marital rape, defined as lack of consent of the wife/spouse.**

29. While recognizing the State party's achievements in the area of women's employment, the Committee reiterates its concern about the reservation, made upon ratification, to article 11, paragraph (1), of the Convention and remains concerned about the continuing vertical and horizontal occupational segregation; the persistent wage gap between women and men; and the lack of a legal definition and prohibition of sexual harassment.

30. **The Committee urges the State party to withdraw its reservation to article 11, paragraph (1), and to adopt effective measures to eliminate occupational segregation, both horizontal and vertical. To this end, the Committee requests that the State party should evaluate its gender-neutral provisions, such as the guidelines produced by the Tripartite Alliance for Fair Employment Practices, for their potential impact and possible indirect discrimination against women. The Committee further requests the State party to also ensure that women in managerial, executive and confidential positions, who are not covered by the Employment Act, are guaranteed the full legal maternity leave protection in the public and private sectors. The Committee calls upon the State party to ensure that paid family, maternity and paternity leave is guaranteed to all employees in the public and private sectors so as to ensure the equal sharing of family and work responsibilities by women and men. In the light of the State party's recent ratification of the Convention concerning Equal Remuneration**



(Convention No. 100 of the International Labour Organization), the Committee calls upon the State party to adopt legislation guaranteeing equal pay for work of equal value so as to narrow and close the wage gap between women and men. The Committee also encourages the State party to take steps to enact legislative provisions on sexual harassment at the workplace as well as in educational institutions, including sanctions, civil remedies and compensation for victims.

#### Implementation of Law: foreign domestic workers

#### Absence of Legislation: foreign domestic workers

23. While recognizing the strengthened measures to protect foreign domestic workers, including the demerit point system against abusive employers, the Committee is concerned about the situation of foreign domestic workers, in particular the regular pregnancy testing, the prohibition to marry Singaporeans and the lack of a mandatory day off. It is concerned that the Employment Act does not cover foreign domestic workers, and the Employment of Foreign Workers Act deals mainly with the issue of work permits rather than providing the necessary protection of the rights of foreign domestic workers. The Committee is also concerned that the security bond deposited by employers often results in a restriction on the freedom of foreign domestic workers.

24. The Committee calls upon the State party to review the legal protection afforded to foreign women domestic workers under the Employment of Foreign Workers Act. It calls upon the State party to ensure that such workers benefit from wider protection whether under the Employment Act or under separate legislation on foreign domestic workers, especially with regard to their contractual status, and that the State party, rather than private associations, directly supervises compliance by employment agencies and employers. It recommends that foreign domestic workers be entitled to adequate wages, decent working conditions, including a day off, benefits, including medical insurance, and access to complaint and redress mechanisms. The Committee requests that the State party raise the awareness of employers of foreign domestic workers concerning the purpose of the security bond so that they would not limit foreign domestic workers' freedom of movement under any circumstances.

#### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

13. The Committee is concerned that, although the Constitution guarantees equality of all persons in article 12 (1), it does not explicitly recognize equality on the basis of sex and there is no definition of discrimination against women in accordance with article 1 of the Convention in the State party's legislation, including the Women's Charter.

14. The Committee encourages the State party to incorporate in its Constitution or other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, and also to include provisions to prohibit discrimination against women on other grounds, in particular marital status, age, disability and national origin. The Committee encourages the State party to work towards the practical realization of the principle of equality between women and men, as required under article 2 of the Convention, and not solely towards achievement of equality of opportunities. It also calls upon the State party to provide systematic and sustained training for lawyers, judges, law enforcement officers, educators, leaders of the People's Association, non-governmental organizations and trade unions on the Convention and its concept of de facto or substantive equality in order to build a culture in support of human rights, gender equality and non-discrimination in the country.



## Slovakia

July 2008

### Impact of Law: divorce (marital property)

### Absence of Legislation: marital property

46. The Committee is concerned that, as a result of the rising number of divorces, the number of single mothers has significantly increased in Slovakia. It regrets the lack of information in the report of the State party on the possible negative economic and social consequences of divorce for women, in particular single mothers, as well as on the situation of women in non-traditional family situations. It is further concerned that the current legislative framework does not adequately provide for an equal distribution of marital property upon divorce.

**47. The Committee recommends that the State party provide, in its next periodic report, detailed information on the possible negative economic and social consequences of divorce for women, in particular single mothers, and calls upon the State party to adopt legislative measures that would ensure a fair sharing between spouses of all assets acquired by either or both partners during marriage. The Committee requests the State party to include information in its next periodic report on the situation of women living in non-traditional family situations.**

### Implementation of Law: violence against women

### Absence of Legislation: violence against women

34. While acknowledging current legal and other measures undertaken by the State party to eliminate violence against women, the Committee is concerned that the current legislation on violence may not be fully comprehensive and specific to address all forms of violence against women adequately. The Committee is also concerned at the high rate of violence against women and girls, including homicides resulting from domestic violence. The Committee notes with concern the lack of information in the State party's report with respect to support to women victims of violence, and the allocation of financial resources to programmes aimed at combating violence against women. Furthermore, the Committee is concerned at the lack of preventive programmes and campaigns targeting different groups of the population, including men, women and vulnerable communities, particularly taking into account that the phenomenon of violence against women is not acknowledged by several sectors of the population. The Committee expresses concern about the fact that corporal punishment in the home is lawful and constitutes a form of violence against children, including the girl child. The Committee notes that, although the State party has adopted legislation criminalizing trafficking, as well as an action plan and mechanisms to address this phenomenon, the report does not provide a full picture of the situation of trafficked women and girls in Slovakia.

**35. The Committee urges the State party to place high priority on the introduction of comprehensive and holistic measures to address all forms of violence against women in the family and in society. The Committee calls upon the State party to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that those women victims of violence have immediate means of redress and protection. The Committee requests the State party to ensure that legislation on violence against women is specific and comprehensive with regard to women, encompassing all forms of violence and in line with the Committee's general recommendation No. 19. It recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and with adequate standards, and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to take awareness-raising measures through the media and public education programmes, including a campaign of zero tolerance, to make such violence socially and morally unacceptable, and to undertake a study on the root causes of homicides resulting from domestic**

violence. The Committee recommends that the State party include in its legislation the prohibition of corporal punishment of children in the home. The Committee requests the State party to provide detailed information on the situation of trafficked women and girls in Slovakia in its next periodic report, as well as on the results of measures taken.

#### Absence of Legislation: Article 2 definition of equality

22. While noting the measures taken by the State party to achieve equality between women and men, the Committee is concerned at the limited scope of the existing legislation to eliminate discrimination on various grounds, including sex, which merely aims at equal treatment of individuals and does not fully reflect the principle of substantive equality embodied in the Convention.

23. The Committee requests the State party to base its efforts to achieve gender equality and the advancement of women on the comprehensive scope of the Convention. It encourages the State party to reflect the provisions of the Convention in all relevant legislation and in all Government plans and policies, across all sectors and levels.

## South Africa

February 2011

#### Explicit Discrimination in Law: virginity testing of children

22. The Committee expresses its serious concern about a provision in the Children's Act of 2005 according to which virginity testing for girls above 16 years old is allowed if the girl has given her consent. The Committee is further concerned that the practice of virginity testing of girls as young as 3 years old is increasing in the State party without respecting girls' physical and mental integrity and exposing them to increased risks of sexual violence.

23. The Committee calls upon the State party to take the necessary actions to amend the Children's Act with the aim to prohibit virginity tests for the child girl irrespective of their age and to design and implement effective education campaigns to combat traditional and family pressures on girls and women in favour of this practice in order to comply with its international obligations, including under the Committee's General Recommendation 19 and article 19 of the Convention of the Rights of the Child which provides that State party's shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse.

#### Explicit Discrimination in Law: customary marriages

#### Implementation of Law: marriage and family relations; polygamy

#### Absence of Legislation: unified family code

41. The Committee notes that the Constitutional Court of South Africa has held as discriminatory, thus unconstitutional, rules of customary laws on marriage and succession. The Committee also notes that as a result of these judgements, a reform to the Customary Law of Succession and Related Matters Amendment Bill that seeks to abolish the customary law rule of male primogeniture is currently under discussion. However, the Committee is concerned that other customary and religious laws and practices that discriminate against women in the field of marriage and family relations, such as polygamy, are being upheld by the State party's preservation of a

combination of civil, customary and religious marital regimes and by the adoption of legislation such as the Customary Marriages Act.

**42. The Committee recommends the State party to increase support for law reform in line with its Constitutional principles related to non-discrimination and its international obligations through partnerships and collaboration with religious and community leaders, lawyers, judges, civil society organizations and women's non-governmental organizations. To this end the Committee urges the State party to:**

**a) Expedite the discussions of the Customary Law of Succession and Related Amendment Bill with the aim to adopt it; and**

**b) Prepare a unified family code in conformity with the Convention in which unequal inheritance rights, property and land rights and polygamy are addressed, with the aim of abolishing them, including the option of civil provisions available for all women.**

#### Implementation of Law: access to justice (customary law)

16. While the Committee acknowledges the State party is currently undergoing a reform to ensure women's access to justice, in particular to improve the prosecution and conviction of cases related to violence against women in the country, as stated to the Committee by the State party during the interactive dialogue, the Committee expresses its concern about certain provisions of the Traditional Courts Bill, currently under discussion, which may jeopardize women's access to justice and equality of treatment before the law, including by using a vague wording that enables the continuing representation of women by male family members (art. 9 (3) (b)).

**17. The Committee urges the State party to:**

**a) Strengthen its judicial system to ensure that women have effective access to justice and to facilitate women's access to justice by for example providing women without sufficient means with free legal aid;**

**b) Discuss with the legislators reviewing the Traditional Courts Bill the importance to harmonize the provisions of this bill with the State party's constitutional principles relating to non-discrimination and equality between women and men and with its obligations under the Convention and make the necessary amendments before its adoption; and,**

**c) Provide systematic training on the application of legislation prohibiting discrimination in light of its obligations under the Convention and its Optional Protocol to judges, lawyers, labour inspectors, NGOs and employers.**

#### Implementation of Law: discriminatory customs (forced marriage; polygamy; killing of "witches", female genital mutilation)

#### Absence of Legislation: discriminatory customs

20. The Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society. It notes that such discriminatory attitudes and stereotypes constitute serious obstacles to women's enjoyment of their human rights and the fulfilment of the rights enshrined in the Convention. The Committee is thus concerned by the insufficient, effective and comprehensive actions to modify or eliminate stereotypes and negative traditional values and practices in South Africa. The Committee also expresses serious concern about the persistence of entrenched harmful cultural norms and practices, including *Ukuthwala* (forced marriages of women and girls to older men through abduction), polygamy and the killing of

“witches”. The Committee also expresses its concern at the continuing stereotypical portrayal of women in the media, which encourages discrimination and undermines the equality of women and men.

**21. The Committee urges the State party to**

a) Accelerate the implementation without delay of a comprehensive strategy, including review and formulation of legislation and establishment of goals and timetables, to modify or eliminate harmful practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders, in collaboration with civil society;

b) Address harmful practices, such as *Ukuthwala*, polygamy and the killing of “witches” and the practice of FGM amongst certain population, more vigorously;

c) Use innovative and effective measures to strengthen understanding of the equality of women and men and to work with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women;

d) Undertake an assessment of the impact of these measures in order to identify shortcomings, and to improve them accordingly; and,

e) Report on its next periodic report on any developments regarding the consultations on a legislation that will prohibit *Ukuthwala* conducted by the South African Law Reform Commission.

**Implementation of Law: rape; sexual violence; domestic violence**

24. While noting that based on a multi-sectoral approach at the operational level a number of policy, legislative, administrative, victims empowerment and other measures have been put in place to combat violence against women in the country, the Committee expresses its serious concern at the inordinately high prevalence of sexual violence against women and girls and widespread domestic violence. The Committee is also concerned that such violence appears to be socially normalized, legitimized and accompanied by a culture of silence and impunity. It is further concerned at the low levels of prosecutions and convictions; and at reports indicating that some police officers fine rape perpetrators in lieu of reporting the cases. The Committee regrets the lack of information on the impact of the measures and programmes in place to reduce incidences of all forms of violence against women and girls. The Committee is also concerned that social support services, including shelters, are inadequate due to appropriate budgetary allocations.

**25. The Committee calls upon the State party to:**

a) Give priority attention to the results of the report commissioned by the Government to the Centre for the Study of Violence and Reconciliation which addresses the prevalence, nature and causes of sexual violence in South Africa, released on November 2010, in order to review the State party’s multi-sectoral action plan to combat violence against women and expeditiously adopt comprehensive measures to better address such violence, in accordance with the Committee’s general recommendation No. 19;

b) Raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women’s rights;

c) Put in place mechanisms of accountability to ensure the implementation of the provisions contained within policies and legislation such as the Domestic Violence Act and the Sexual Offences Act to combat violence against women;

d) Ensure the necessary budgetary allocations for the implementation of the various projects and programmes, including social support services for victims;

**26. Moreover, the Committee requests the State party to provide in its next periodic report detailed information on the causes, scope and extent of all forms of violence against women, disaggregated by age and urban and rural areas, and on the impact of measures taken to prevent such violence, to investigate occurrences, to prosecute and punish perpetrators and to provide protection, relief and remedies, including appropriate compensation, to victims and their families.**

**Implementation of Law: inheritance (rural women); property rights**

37. The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas who form the majority of women in South Africa, which is characterized by poverty, difficulties in access to health and social services and a lack of participation in decision-making processes at the community level. The Committee also reiterates its concern that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

**38. The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee also urges the State party to eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land. It further urges the introduction of measures to address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.**

**Implementation of Law: sexual orientation-based violence and discrimination**

39. The Committee notes that the State party has in its Constitution the prohibition of discrimination based on the sexual orientation of individuals. However, the Committee expresses grave concern about reported sexual offences and murder committed against women on account of their sexual orientation. The Committee further expresses its serious concern about the practice of so called “corrective rape” of lesbians.

**40. The Committee calls on the State party to abide by its Constitutional provisions and to provide effective protection from violence and discrimination against women based on their sexual orientation, in particular through the enactment of comprehensive anti-discrimination legislation that would include the prohibition of multiple forms of discrimination against women on all grounds, including on the grounds of sexual orientation. The Committee further recommends the State party to continue its sensitization campaign aimed at the general public, as well as providing appropriate training to law enforcement officials and other relevant actors.**

**Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality**

14. While welcoming the efforts of the State party towards the incorporation of the Convention through the adoption of a specific legislation, the Committee regrets that neither the Constitution or other relevant legislation of the State party embodies the principle of substantive equality between women and men nor prohibits direct and indirect discrimination against women in accordance with article 1 of the Convention.

**15. The Committee calls upon the State party to expedite the consultations of the Green Paper towards a Gender Equality Bill in order to submit it as soon as possible for adoption to the Parliament and achieve *de jure* equality for women and compliance with the State party’s international treaty obligations; and, to fully incorporate into the Gender Equality Bill the principle of equality between women and men in accordance with article 2(a) of the Convention, as well as to prohibit discrimination on the basis of sex in line with article 1 of the Convention and other relevant provisions of the Convention.**

### Absence of Legislation: paid maternity leave

33. The Committee acknowledges the State party's efforts to implement legislative measures aimed at eliminating discrimination against women in employment such as the Employment Equity Act and the establishment of the Employment Conditions Commission to ensure the right equal remuneration for women and men. The Committee is however concerned about the persistence of discrimination against women in the labour market, in particular the high rate of unemployment (30%) affecting women, a wide gender wage gap, and occupational segregation. The Committee also regrets that even though the Employment Equity Act (1998) and the Equality Act (2000) prohibit discrimination on the grounds of pregnancy; and the Basic Conditions of Employment Act (1997) protects maternity leave, there is no provision in the domestic legislation for remunerated maternity leave.

**34. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. To this end, the Committee urges the State party to adopt effective measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men, and ensure the application of the principle of equal remuneration and equal opportunities at work. The Committee further calls upon the State party to review the relevant legislation under discussion, in particular the Employment Equity Amendment Bill and the Basic Conditions of Employment Amendment Bill with a view to ensuring, in accordance with international standards, that all mothers receive leave with pay, and also to provide effective sanctions and remedies for violation of laws on maternity leave.**

## **Sri Lanka**

February 2011

### Explicit Discrimination in Law: Penal Code; inheritance; personal laws; religion / ethnicity-specific laws

#### Implementation of Law: personal laws; inheritance

16. While noting that there is an ongoing reform of the Muslim Personal Law, the Committee is concerned about the persistence of discriminatory provisions in the law, including in the Penal Code, the Land Development Ordinance which gives preference to male heirs over females, the general personal laws, the Muslim Personal Law, the Kandyan Law and the Tesawalamai Law. The Committee is also concerned about the plurality of legal systems composed of the general, customary and religious laws and the lack of choice for women between the different legal systems. The Committee further reiterates its concern at the fact that there is no opportunity for judicial review of legislation pre-dating the Constitution.

**17. The Committee calls upon the State party to:**

- (a) Accelerate its review process to harmonize, within a specific timeframe, its domestic legislation with provisions of the Convention;**
- (b) Expedite the adoption of bills aimed at modifying discriminatory laws, such as the Land Development Ordinance currently pending in Parliament for amendment;**
- (c) In particular, provide its support for customary law reform through sensitization of, dialogue and collaboration with religious groups and community members, civil society organizations including women's non-governmental organizations; and**

**(d) Ensure that women are fully and equally involved in the law reform process.**

**Impact of Law: abortion**

36. While the Committee acknowledges the achievements of the State party in the area of maternal healthcare, it is concerned about the limited knowledge of reproductive health and the low rate of use of contraceptives, the high level of teenage pregnancies especially in less developed and conflict-affected areas, as well as the low accessibility to family planning and the increase in prevalence of HIV/AIDS infection among women. The Committee is also concerned that abortion is a punishable offence under the law, unless the purpose is to save the life of the mother and regrets that about 10 percent of maternal mortality is reported as the direct result of clandestine abortion.

**37. Within the framework of the Committee's general recommendation No. 24, the Committee urges the State party to:**

**(a) Ensure that family planning and reproductive health education are widely promoted, in particular for internally displaced women and girls as well as women working in less developed and conflict-affected areas, with special attention to the prevention of early pregnancies of girls and the control of sexually transmitted diseases and HIV/AIDS; and**

**(b) Reduce maternal mortality rates by identifying and addressing causes of maternal death;**

**(c) Take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of lack of appropriate services in regard to fertility control; and**

**(d) Review the laws relating to abortion with a view to removing punitive provisions imposed on women who undergo abortion, providing them with access to quality services for the management of complications arising from unsafe abortion.**

**Explicit Discrimination in Law: land rights; family headship**

38. The Committee notes with appreciation the elaboration by the State party of a National Development Agenda. It, however, expresses its concern about the lack of data on disparities between urban and rural women and reiterates its concern about the increase of the number of widows as a result of the conflict, and the Tsunami in 2004, many of whom are elderly, illiterate and with meagre means of living. The Committee notes that discriminatory practices prevent women from acquiring ownership of land since only the "head of household" is authorized to sign official documentation such as land ownership certificates and receive pieces of land from Government.

**39. The Committee urges the State party to:**

**(a) Ensure that a gender perspective is included in the National Development Agenda;**

**(b) Collect data on the situation of rural women and disparities between rural and urban women and include such data and analysis in the next periodic report;**

**(c) Develop policies and programmes, including income generation schemes, to improve the situation of women heads of households and older women;**

**(d) Abolish the concept of "head of household" in administrative practice and recognize joint or co-ownership of land; and**

**(e) Speedily amend the Land Development Ordinance in order to ensure that joint or co-ownership be granted to both spouses when the State allocates land to married couples.**

Explicit Discrimination in Law: family headship; property rights; early marriage; polygamy; access to justice

Implementation of Law: marriage equality; divorce equality (incl. marital property)

Absence of Legislation: polygamy; marriage age; marital property; unified family code

44. The Committee is concerned about the preservation of a combination of general, customary and religious marital laws that contain discriminatory elements against women. The Committee is concerned that polygamy is not prohibited, that there is no minimum age of marriage recognized under Muslim personal law, and that Tamil women need their husband's consent to appear in court or undertake any transaction. The Committee is further concerned about the lack of progress in recognizing no-fault divorce and women's economic rights upon divorce.

**45. The Committee calls upon the State party to:**

**(a) Accelerate the amendment of the Muslim personal law regarding polygamy and early marriage and the Thesawalamai law which requires husband's consent for women to appear in court or undertake any transaction, in line with the Convention on the Rights of the Child and the Committee's general recommendation No. 21;**

**(b) Consider preparing a unified family code in conformity with the Convention in which equal right of inheritance, property and land are addressed, as well as polygamy and early marriage with the view to abolishing them, and include in it the option of civil provisions available for all women;**

**(c) Ensure women's participation in the law reform process; and**

**(d) Provide information in the next periodic report on efforts undertaken to recognize no-fault divorce and enhance women's economic rights upon divorce.**

Implementation of Law: violence against women; domestic violence; marital rape

Absence of Legislation: marital rape; violence against women

24. The Committee is concerned that, despite the adoption of the Prevention of Domestic Violence Act, there are significant delays before cases are processed under this Act. It appears from the constructive dialogue that most cases are dealt with through police mediation, and that family relations prevail over protection of women and suppression of violence against women. The Committee is further concerned that marital rape is recognized only if a judge has previously acknowledged the separation of the spouses. It also regrets the absence of specific data and information on domestic violence. The Committee is concerned that the criminalization of same sex relationship results in women being completely excluded from legal protection. It is also concerned about the information that the law enforcement officers are allowed to arbitrarily detain them.

**25. In accordance with its general recommendation No. 19, the Committee urges the State party to:**

**(a) Give priority attention to combating violence against women and girls and to adopt comprehensive legislation to criminalize all forms of violence against women;**

**(b) Carry out additional educational and awareness-raising trainings for the judiciary and public officials, in particular law enforcement officers, health service providers and social workers, community leaders and the general public so as to raise awareness and sensitization that all forms of violence against women constitute criminal offense;**



**(c) Take the necessary measures to provide support to victims of violence, including by improving women's access to justice, and implement its decision to establish State-sponsored shelters for victims of violence;**

**(d) Extend criminalization of marital rape regardless of judicial acknowledgement of separation; and**

**(e) Take measures to prevent violence against women, investigate occurrences, prosecute and punish perpetrators;**

**(f) Provide protection, relief and remedies, including appropriate compensation, to victims and their families; and**

**(g) Decriminalize sexual relationship between consenting adults of same sex, and abide by the obligation of non-discrimination under the Convention.**

#### Implementation of Law: prostitution

28. The Committee is concerned about information received in respect of the use by the police of the Vagrancy Ordinance of 1842 to arbitrarily arrest sex workers.

**29. The Committee urges the State party to ensure that the police refrain from applying the provisions of the Vagrancy Ordinance to arrest sex workers on the street.**

#### Absence of Legislation: Article 1 & 2 definition of discrimination

14. The Committee is concerned that legislation in the State party does not prohibit discrimination against women in line with article 1 of the Convention covering both direct and indirect discrimination, or extending to acts of both public and private actors in accordance with article 2. In this regard, the Committee observes that the Women's Rights Bill which is being elaborated by the State party is not in line with the Convention.

**15. The Committee calls upon the State party to:**

**(a) Fully incorporate into appropriate domestic legislation such as the Women's Rights Bill, the principle of equality between women and men in line with article 2(a) of the Convention, as well as a prohibition of discrimination on the basis of sex in line with articles 1 and 2 of the Convention;**

**(b) Ensure state responsibility for acts of discrimination by public and private actors in accordance with article 2(e) of the Convention, with a view to achieving formal and substantive equality between women and men.**

#### Absence of Legislation: informal labour; sexual harassment; equal pay

34. The Committee is concerned about the persistence of discrimination against women in the labour market, in particular the concentration of women in low-skilled and low-paid jobs and the high rate of unemployment affecting women despite the achievements of the State party in the area of education. The Committee expresses its concern at the lack of protection of women working in the informal sector and the lack of specific law on sexual harassment. It is further concerned that, despite the State party's ratification of the ILO Convention No. 100 on Equal Remuneration, the principle of equal remuneration for men and women for work of equal value has not been reflected in national legislation.

**35. The Committee urges the State party to:**

**(a) Ensure equal opportunities for women and men in the formal labour market through, inter alia, temporary special measures aimed at eliminating both horizontal and vertical occupational segregation, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25;**

(b) Elaborate a plan of action for the protection of women working in the informal sector including women's access to social security and other benefits; and

(c) Include in its next periodic report legislative and other measures taken to protect women from sexual harassment in the workplace.

## Suriname

February 2007

Explicit Discrimination in Law: Nationality and Residence Act; Penal Code; Personnel Act (civil service)

Absence of Legislation: Article 2 definition of discrimination

11. The Committee continues to be concerned about provisions in the domestic law that discriminate against women, including provisions in the Nationality and Residence Act, the Penal Code and the Personnel Act. The Committee notes that, while some revisions have been made, such as the abolishment of the Asian Marriage Act, and the Committee on Gender Legislation has recommended a number of amendments to existing laws and the adoption of a law on equal treatment of women and men, the pace of legal reform is slow and there is a lack of real progress towards achieving women's de jure equality.

12. The Committee reiterates its recommendation that the State party amend discriminatory provisions to bring them into line with the Convention and ensure compliance of all national legislation with the Convention. The Committee urges the State party, in particular, to repeal discriminatory provisions in the Nationality and Residence Act, the Penal Code and the Personnel Act. The Committee also urges the State party to give high priority to completing the necessary legal reform. It calls upon the State party to increase its efforts to sensitize Government officials, Parliament and the public regarding the importance of legal reform, which, according to article 2 of the Convention, must be undertaken without delay. The Committee requests the State party to ensure that the draft law on equal treatment of women and men is extended to acts of discrimination by public and private actors and includes a provision on temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

Impact of Law: abortion

Impact of Law: contraceptive ban

29. The Committee reiterates its concern about the provisions in the Penal Code regarding family planning, including prohibiting the display and offering of contraceptives, and the restriction on abortion, although the provisions are not enforced. The Committee is concerned about the high maternal mortality rates and the prevalence of teenage pregnancy. The Committee also reiterates its concern about the increasing HIV/AIDS infection rates of women and girls, including women in the interior and in rural areas.

30. The Committee reiterates its recommendation that the laws restricting family planning activities and abortion services, which are "dead letter" laws, be repealed. It urges the State party to take concrete measures to enhance and monitor access to health-care services for women, including in the interior and in rural areas, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, especially among teenagers. Such measures should include making widely available, without any restriction, a comprehensive range of contraceptives and increasing knowledge and awareness about family planning. The

Committee requests the State party to include in its next report detailed and statistical information on women's health and on the impact of measures it has taken to improve women's health and access to health-care services, including family planning, and about the impact of those measures on reducing maternal mortality rates and teenage pregnancy rates. The Committee recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission. It recommends that the State party include a gender perspective in all its policies and programmes on HIV/AIDS. It calls upon the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed and statistical information about women and HIV/AIDS in its next report.

#### Absence of Legislation: domestic violence

19. The Committee continues to be concerned about the prevalence of violence against women in Suriname, including domestic violence. It is concerned about the lack of updated data on all forms of violence against women. While noting the elaboration of two draft laws dealing with domestic violence, one of which is integrated into proposed amendments to the Penal Code and the other is a draft law on domestic violence, it regrets the lack of information on the content of those draft laws and is concerned about delays in their adoption.

20. The Committee calls upon the State party to implement a comprehensive and coherent approach to addressing violence against women, including domestic violence, which should include prevention efforts, training measures aimed at public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers to enhance their capacity to deal with violence against women in a gender-sensitive way, and measures to provide support for victims. It requests the State party to ensure that violence against women is prosecuted and punished with seriousness and speed. It urges the State party to enact a draft law on domestic violence as soon as possible, and calls upon it to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid, in accordance with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. It urges the State party to conduct research on the prevalence, causes and consequences of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results of such research and of the impact of follow-up action taken in its next periodic report.

#### Absence of Legislation: employment equality; maternity leave (private sector)

27. The Committee continues to be concerned about discrimination against women in the field of employment and, in particular, with regard to the non-availability of paid maternity leave in the private sector, especially for women working in small businesses. The Committee is also concerned about childcare facilities, which lack regulation of any sort. It is concerned about the occupational segregation between women and men in the labour market and the persistent wage gap, as well as the high level of unemployment among women.

28. The Committee reiterates its recommendation that the State party ensure that all women workers have working conditions equal to those of men, including freedom from sexual harassment and social security benefits and provision for paid maternity leave for all working women, including those working in small businesses. The Committee also recommends that the State party provide a sufficient number of childcare facilities under quality supervision. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and measures be adopted to narrow and close the wage gap between women and men, for example by linking job evaluation schemes in the public sector with wage increases in sectors dominated by women. It also recommends that efforts be strengthened to ensure access by women, including indigenous and other racial minority women, to vocational training. The Committee requests the State party to provide information on the measures taken in its next report.

## Sweden

February 2008

### Impact of Law: divorce (marital property)

36. The Committee is concerned that the State party's current legislation on distribution of property upon divorce may not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market and women's greater share in unpaid work.

**37. The Committee calls upon the State party to undertake research on the economic consequences of divorce on both spouses, with specific attention to the enhanced human capital and earning potential of male spouses on the basis of their full-time and un-interrupted career pattern. The Committee recommends that the State party review its current legislation in light of the outcome of the research and include information to this effect in its next periodic report.**

### Impact of Law: immigration

38. While noting the measures taken with the aim of enhancing integration of immigrant, refugee and minority women into the Swedish society and of including the women in the labour market, the Committee continues to be concerned about their human rights situation and the fact that they continue to suffer from multiple forms of discrimination. The Committee notes that the 2007 action plan on violence recognizes women of immigrant or foreign origin as a particularly vulnerable group requiring special protection, but remains concerned at the violence and discrimination on the grounds of sex that they face in their own communities. The Committee is also concerned about a 2007 regulation demanding that a foreign national be accompanied by a close relative when obtaining identification documents, which may negatively affect abused foreign women, but notes the statement by the delegation that this regulation will be reviewed. While noting the appointment of a Delegation for Roma Issues, the Committee continues to be concerned at the remaining forms of discrimination experienced by Saami and Roma women in various contexts.

**39. The Committee urges the State party to intensify its efforts to eliminate discrimination against immigrant, refugee and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against those women, both within their communities and in society at large, to combat violence against them, and to increase their awareness of the availability of social services and legal remedies as well as to familiarize them with their rights to gender equality and non-discrimination. The Committee also urges the State party to take effective measures to integrate them into the Swedish labour market. The Committee further urges the State party to review the 2007 regulation on identification documents. In addition, the Committee calls upon the State party to conduct regular and comprehensive studies on discrimination against immigrant, refugee and minority women, to collect statistics on their situation in employment, education and health and on all forms of violence that they may experience, and to submit such information in its next periodic report.**

## Switzerland

August 2009

#### Impact of Law: divorce/marital property (rural women)

#### Implementation of Law: employment rights (rural women)

39. The Committee regrets the lack of comprehensive information and statistical data on the situation of rural women in the State party's report. The Committee is concerned about the situation of rural women working in agriculture and notes that women working on farms owned by their spouses or family members have limited social or economic recognition and often are not paid. In the event of divorce, such women are often not able to recover any personal assets invested in the farm and, as they are not considered to have been employed during marriage, are not able to access unemployment insurance benefits. Furthermore, laws governing inheritance of property often prevent widows from inheriting farms in the event of their husband's death.

**40. The Committee requests the State party to include in its next report a comprehensive assessment, including data, of the situation of rural women, including women farmers. The Committee urges the State party to give full attention to the economic empowerment of rural women, in particular women farmers, and ensure their access to and control over land and their access to credit facilities and training opportunities.**

#### Impact of Law: divorce (marital property)

#### Absence of Legislation: de facto unions

41. The Committee is concerned that the State party's current law on property distribution upon divorce does not adequately address gender-based economic disparities between spouses resulting from traditional work and family-life patterns. These often lead to enhanced human capital and earning potential of men while women may experience the opposite, so that spouses currently do not equitably share in the economic consequences of the marriage and its dissolution, an outcome referred to in the State party as "shortfalls". The Committee is further concerned that neither existing legislation nor case law address distribution of future earning capacity or human capital so as to redress possible gender-based economic disparities between spouses. The Committee is further concerned that the implementation of the new divorce law concerning offset of employment insurance (art. 122 ff, Civil Code) was not satisfactory from the standpoint of gender equality. The Committee is also further concerned that women living in de facto relationships have no economic rights and protection when such relations dissolve.

**42. The Committee calls upon the State party to make use of the findings of the study published in June 2007 by the Federal Commission on Women's Issues on the effects of the new divorce law, and to accord serious consideration to recommendations issued by the Commission, in order to better redress gender disparities and economic disparities upon divorce. It also calls upon the State party to proceed with the draft bill to ensure that during the decisionmaking process about maintenance or alimony payments following a divorce or separation, any financial deficit is appropriately distributed among both spouses. The Committee urges the State party to adopt the legal measures necessary to guarantee women living in de facto relationships economic protection equal to married women, in the form of recognizing their rights in the property accumulated during the relationship, in line with its general recommendation 21.**

#### Implementation of Law: Article 1 definition of discrimination and equality

17. The Committee, while noting that general principles of equality and non-discrimination are guaranteed in article 8 of the Constitution and contained in domestic legislation, is concerned that the Federal Supreme Court has given a narrow scope to these principles by stating that the "Constitution does not confer any right to establish equality in fact".

**18. The Committee recommends that the State party take steps to ensure that the principles of equality and non-discrimination against women are applied in accordance with article 1 of the Convention.**

### Implementation of Law: trafficking (incl. victim protection)

29. The Committee welcomes the State party's stated intention to ratify the Council of Europe Convention on Action against Trafficking in Human Beings. It also acknowledges other measures taken by the State party to combat trafficking in women and children. Specific reference is made to the adoption of new article 182 of the Penal Code, which criminalizes trafficking for the purposes of sexual or labour exploitation or for organ harvesting, the revision of the Victim Assistance Act, which imposes a requirement on cantons to take into account the specific needs of different categories of victims, in particular victims of human trafficking, as well as the adoption of the new Foreign National Act, which contains provisions allowing victims of trafficking and witnesses to remain in the State party for a period of reflection and for legal proceedings. The Committee, however, is concerned by the continuing prevalence of trafficking in women and girls and by the lack of comprehensive data and research on all aspects of this phenomenon. The Committee is also concerned that specialized counselling and support services for victims of trafficking, as well as cooperation mechanisms, have only been established in a number of cantons with limited or no funding from the Federal Government. Further, the Committee is concerned that legislation granting protection and temporary residency permits to victims is not uniformly or consistently applied by the cantons, and that the granting of such residency permits is normally based on cooperation with the authorities in legal proceedings.

**30. The Committee encourages the State party to ensure the quick ratification of the Council of Europe Convention on Action against Trafficking in Human Beings. It urges the State party to strengthen its measures to combat all forms of trafficking in women and children, including through increased international, regional and bilateral cooperation with countries of origin and transit, in line with article 6 of the Convention. In this respect, the Committee urges the State party not only to ensure the prosecution and punishment of trafficking, but also the protection and recovery of victims of trafficking, including through the allocation of adequate resources to existing specialized services and the establishment of additional services in all cantons. The Committee also urges the State party to consider the extension of temporary residency permits and other measures to be in compliance with the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights in 2002. The Committee calls upon the State party to collect and analyse data on all aspects of trafficking, disaggregated by age and country of origin, in order to identify trends and root causes, as well as priority areas for action, and to formulate relevant policies. It requests that such information, as well as information on the impact of the measures taken to combat trafficking, be included in the State party's next periodic report.**

### Absence of Legislation: violence against women

27. The Committee welcomes the range of measures taken by the State party to combat violence against women and notes, in particular, legislative measures, such as the revisions to the Penal Code by which acts of violence, including rape and coercion, committed in relationships are to be automatically prosecuted by the authorities, and the revision to the Civil Code enabling judicial authorities to expel a perpetrator from the common domicile for a fixed period of time or to prohibit the perpetrator from approaching or entering into contact with the victim. The Committee remains concerned, however, about the continuing prevalence of violence against women, including domestic violence, and about the absence of a comprehensive national law on violence against women. The Committee also notes the limited number of shelters for victims (18 throughout the territory of the State party) and is concerned that the establishment and funding of shelters and support services for victims are not considered the State party's responsibility or regulated by either federal or cantonal law. The Committee is also concerned that there are no means, at present, for standardized data collection on violence against women, including on the number of complaints, investigations and prosecutions of cases of violence in all cantons. The Committee notes that such data will be available only in 2010.

**28. Recalling its previous concluding observations of 2003, the Committee urges the State party to continue to intensify its efforts to address the issue of violence against women and girls. In particular, the Committee calls**

upon the State party to enact comprehensive legislation against all forms of violence against women, including domestic violence, as soon as possible. Such legislation should sanction all forms of violence against women and should ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished, but should also provide for the establishment of additional support services for victims, including shelters, as well as the provision of government funding for such services. In line with its general recommendation 19, the Committee also calls for the expansion of training activities and programmes for parliamentarians, the judiciary and legal and public officials, in particular law enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the expansion of public awareness-raising campaigns on all forms of violence against women. The Committee requests the State party to standardize data and trends on the prevalence of various forms of violence, as well as on the number of complaints, investigations and prosecutions of cases.

## Syrian Arab Republic

June 2007

### Explicit Discrimination in Law: Personal Status Act; Penal Code; Nationality Act

17. While appreciating the State party's efforts to review and revise discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act, the Committee is concerned about the delay in the law reform process and notes that many amendments are still in the process of being drafted and bills that have been drafted have yet to be adopted.

18. The Committee calls upon the State party to give high priority to its law reform process and to modify or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in its Personal Status Act, Penal Code and Nationality Act. To this end, the Committee calls upon the State party to increase its efforts to sensitize the Parliament as well as public opinion regarding the importance of accelerating legal reform. It also encourages the State party to continue to increase support for law reform through partnerships and collaboration with religious and community leaders, lawyers and judges, unions, civil society organizations and women's non-governmental organizations.

### Explicit Discrimination in Law: rape (marriage exception); "honour" crimes; violence against women

#### Impact of Law: violence against women

#### Absence of Legislation: violence against women; domestic violence; marital rape

19. While noting the preparation of a draft National Plan for the Protection of Women, the Committee is concerned that this plan does not contemplate specific legislation to criminalize violence against women, including domestic violence. The Committee is further concerned that several provisions in the Penal Code condone acts of violence against women by exempting perpetrators from punishment. In particular, it is concerned that the definition of rape in article 489 of the Penal Code excludes marital rape; article 508 of the Penal Code exempts rapists from punishment if they marry their victims; and article 548 of the Penal Code exonerates perpetrators of "honour crimes".

20. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that violence against women is a form of discrimination against women and thus constitutes a



violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee calls upon the State party to amend, without delay, applicable provisions in the Penal Code to ensure that marital rape is criminalized, that marriage to the victim does not exempt a rapist from punishment, and that perpetrators of honour crimes are not exonerated and do not benefit from any reduction in penalty. The Committee recommends that the State party also implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health service providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.

Explicit Discrimination in Law: marriage; divorce; child custody; inheritance

Absence of Legislation: polygamy; child marriage

33. While noting that the State party is in the process of reforming its Personal Status Act to remove discriminatory provisions, the Committee is concerned about the delay in the reform process and about the State party's statement that reform may be undertaken in a piecemeal manner. The Committee is concerned, in particular, about unequal rights of women and men to marriage, divorce, custody and inheritance under the existing laws and about the existence of polygamy and child marriages.

34. The Committee recommends that the State party undertake a comprehensive reform of its Personal Status Act, ensuring that women and men have equal rights to marriage, divorce, custody and inheritance and that polygamy and child marriages are prohibited. The Committee further recommends that the State party ensure enforcement of such revised laws, including by requiring registration of all births, deaths, marriages and divorces.

Impact of Law: protection from violence

21. While appreciating that the Tenth Five-Year Plan calls for the provision of shelters and counselling services for women victims of violence and that the Ministry of Social Affairs is working to establish a centre for protection of battered women and planning to establish two family guidance centres, the Committee is concerned about the acute lack of shelters and services for victims of violence against women. It is also concerned that existing laws such as those relating to women's rights to maintenance and work may impede the ability of victims of violence against women to seek protection in the shelters.

22. The Committee calls upon the State party to establish sufficient numbers of shelters and services for victims of violence against women throughout the Syrian Arab Republic. In this regard, it recommends that the State party review its existing laws and policies to ensure that women who go to shelters do not forgo other legal rights, such as rights to maintenance and dower. The Committee further calls upon the State party to ensure that if the victimized woman agrees to reconcile with the perpetrator, counselling services are provided to the perpetrator and the situation monitored to prevent further abuse. The Committee requests the State party to provide details of services provided to victims of violence, including details about access to and scope and effectiveness of the services, in its next report.



## Impact of Law: trafficking / sexual exploitation

### Absence of Legislation: trafficking

23. While welcoming the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and noting the preparation of a draft bill on trafficking, the Committee is concerned that the victims of trafficking and exploitation are being treated as criminals and punished for prostitution or sent to reform centres for juvenile delinquents and there are no measures for their rehabilitation.

24. **The Committee urges the State party to fully implement article 6 of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking (internal and cross-border) that ensures that offenders are punished and victims adequately protected and assisted. The Committee further calls upon the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls, including by ensuring that such women and girls are not sent to prison or to reform centres for juvenile delinquents. It recommends that the State party take measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee further calls on the State party to decriminalize victims of such exploitation and take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution.**

### Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

15. The Committee is concerned that the right to equality between women and men and the prohibition of both direct and indirect discrimination against women has not been reflected in the Constitution or any other law.

16. **In order to fully implement the Convention in the Syrian Arab Republic, the Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of the Convention, be included in the Constitution, or in other relevant legislation. The Committee calls upon the State party to enact and implement a comprehensive law on gender equality that is binding on both public and private sectors and to make women aware of their rights under such legislation. It also recommends that the State party establish procedures for filing of complaints of discrimination, provide adequate sanctions for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.**

### Absence of Legislation: informal labour; sexual harassment

31. The Committee expresses concern about the occupational segregation between women and men in the labour market and the persistent gap in wages between women and men. It is also concerned at the concentration of women in the informal sector with no social security or other benefits. The Committee is concerned about impediments to women's employment, such as the lack of adequate child care facilities. It is further concerned that the Employment Act does not prohibit sexual harassment.

32. **The Committee urges the State party to adopt effective measures in the formal labour market to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It also encourages the State party to regulate the informal sector to ensure that women in this sector are not exploited and are provided social security and other benefits. The Committee calls upon the State party to remove impediments to women's employment, including by ensuring that there are adequate child care facilities in all areas. The Committee recommends that the State party revise its Employment Act to add provisions on sexual harassment and ensure that such provisions are enforced.**

## Tajikistan

February 2007

### Impact of Law: marriage age

### Implementation of Law: polygamy; marriage registration

35. The Committee is concerned at the increasingly high number of women in monogamous unions based only on a religious ceremony without any legal effect to which civil registration is not sought for a variety of reasons. The Committee is also concerned that polygamous unions are not uncommon, despite being illegal and prohibited by law, and by the fact that second and subsequent wives do not have any rights concerning property, inheritance or maintenance. It is also concerned that the legal age of marriage in Tajikistan has been reduced to 17.

36. **The Committee urges the State party to strengthen its efforts to prohibit and prevent unregistered unions through awareness-raising campaigns on the negative effects of such unions vis-à-vis women's rights, improving access to registration offices and lowering registration fees. It encourages the State party to review legal and administrative regulations in order to prevent religious unions from taking place without verification that a civil marriage has been registered first. The Committee also recommends that the State party cooperate with *khukumats* (local executive bodies) and *jamoats* (administrative bodies) to establish positive public opinion about legal norms regarding registration of marriages. The Committee also urges the State party to make efforts to eliminate the causes that lead to polygamous unions and develop strategies targeted at parents and religious leaders to prevent such unions. It encourages the State party to review its penal law in order to also apply sanctions to those who perform such unions. While recognizing the legal situation that forbids polygamous unions, the Committee urges the State party to review the vulnerable situation of second and subsequent wives in currently existing polygamous unions, with a view to ensuring their economic rights. The Committee urges the State party to revert to 18 years as the minimum legal age of marriage for women and men, in line with the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

## Thailand

February 2006

### Explicit Discrimination in Law: general

13. The Committee is concerned that not all discriminatory laws have been amended to ensure that the Convention and its provisions become fully applicable in the domestic legal system.

14. **The Committee recommends that the State party systematically review all legislation so as to achieve full compliance with the provisions of the Convention. The Committee points out that it is the obligation of the State party to ensure that the Convention becomes fully applicable in the domestic legal system.**

### Explicit Discrimination in Law: betrothal; marriage; divorce; rape

19. The Committee expresses concern that discriminatory provisions still exist in Family Law, especially in relation to betrothal, marriage and divorce. In this regard, the Committee notes with concern that a betrothed man, unlike

a woman, may claim compensation from any man who has either sexual intercourse or who has raped or attempted to rape his betrothed. With regard to marriage, the Committee notes with concern that a man who has sexual relations with a girl over the age of 13 but under the age of 15, with her consent or that of her parents, could marry her without being prosecuted. With regard to divorce, the Committee is concerned that whereas adultery committed by the wife constitutes grounds for divorce, a married man may have sexual intercourse with other women, but his legal wife can file a divorce only if it can be proven that her husband supports and honours another woman as his wife. The Committee is also concerned that the 310-day waiting period for a woman to remarry puts an unnecessary restriction on her rights.

**20. The Committee urges the State party to accelerate its reform of the Family Law in order to eliminate all discriminatory provisions, particularly in relation to betrothal, marriage and divorce, so that women and men can enjoy the same legal rights and obligations.**

Explicit Discrimination in Law: marital rape

Absence of Legislation: domestic violence; marital rape

23. The Committee continues to be concerned about the prevalence of violence against women and girls. While welcoming the “draft Act on the Prevention and Resolution of Domestic Violence”, the Committee is concerned about the inadequacy of the punishment for perpetrators set out therein. The Committee also notes with concern that the “draft Act” focuses on reconciliation and family unity to the detriment of the right of women to live free from violence. The Committee is furthermore concerned that the definition of rape in section 276 of the Penal Code is limited to sexual intercourse between a man and a woman who is not his wife, thus allowing a husband to rape his wife with impunity.

**24. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation No. 19 on violence against women and the United Nations Declaration on Violence against Women. The Committee encourages the State party to proceed expeditiously with the completion and enactment of the “draft Act on the Prevention and Resolution of Domestic Violence” and to ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are effectively prosecuted and punished. The Committee also calls upon the State party to amend the definition of rape in the Penal Code by deleting the exemption for marital rape so as to make it a criminal offence. The Committee recommends gender-sensitivity training for law enforcement personnel, the judiciary, health service providers and teachers to ensure that they are sensitized to all forms of violence against women and can respond adequately to it. The Committee also calls on the State party to take measures towards modifying those social, cultural and traditional attitudes that are permissive of violence against women.**

Explicit Discrimination in Law: nationality

31. The Committee notes with concern that certain provisions of the Nationality Law described in the report continue to discriminate against Thai women who marry foreign men. In particular, it is concerned that while Thai men may extend their citizenship to their foreign wives, non-Thai men who marry Thai women need to reside in Thailand for more than five consecutive years before being able to obtain citizenship.

**32. The Committee urges the State party to amend the Nationality Law so as to bring it in conformity with article 9 of the Convention.**

### Impact of Law: citizenship (hill tribe women)

### Absence of Legislation: refugee law

37. While welcoming the efforts made by the State party in granting Thai citizenship to 80 per cent of the hill tribe people and approving it for 140,000 displaced persons, the Committee remains concerned about the complexity of the procedure for obtaining citizenship by hill tribe women. It is also concerned that many refugee women do not enjoy legal status in the country.

**38. The Committee urges the State party to adopt measures that will facilitate and accelerate the process for obtaining citizenship by hill tribe women, including by addressing any corrupt practices by public officials responsible for determining the citizenship of applicants. It also calls on the State party to take steps that will ensure that refugee women can obtain legal status.**

### Absence of Legislation: Article 1 definition of discrimination

15. The Committee is concerned that, although article 30 of the Constitution guarantees equal rights for women and men, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

**16. The Committee encourages the State party to incorporate in its Constitution or the Gender Equality Bill currently being drafted the full definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. It also calls on the State party to provide training for lawyers, judges and law enforcement officers on the Convention and the procedures under its Optional Protocol and to develop the capacity of women to claim their rights.**

## Timor-Leste

August 2009

### Impact of Law: abortion

37. While the Committee welcomes the efforts made by the State party with regard to reproductive health, it notes with concern that the maternal and infant mortality rates in Timor-Leste are extremely high. It is also concerned about women's lack of access, particularly in rural areas, to adequate prenatal and post-natal care and family-planning information. The Committee is further concerned that existing sex education programmes are insufficient and may not give enough attention to the importance of the use of contraceptives, the prevention of early pregnancy and the control of sexually transmitted diseases, including HIV/AIDS. The Committee is also concerned that many women, in particular in rural areas, give birth at home, and that the practice of illegal and unsafe abortions increases the high rate of maternal mortality. The Committee is concerned that abortion is a punishable offence under the newly adopted Penal Code, particularly as this may lead more women to seek unsafe, illegal abortions, with consequent risk to their life and health. The Committee is also concerned at the lack of information and statistical data on women's mental health.

**38. The Committee recommends that the State party step up its efforts to reduce the high rate of maternal and infant mortality. It suggests that the State party assess the root causes of maternal mortality and set targets and benchmarks with a time frame for its reduction. It urges the State party to make every effort to raise the awareness of, and increase women's access to, health-care facilities and medical assistance by trained personnel, especially in rural areas and in the area of post-natal care in particular. The Committee further**

recommends that the State party implement programmes and policies aimed at providing effective access to affordable contraceptives and family planning services so that women and men can make informed choices about the number and spacing of their children. The Committee calls upon the State party to ensure that sex-education programmes are widely promoted and targeted at girls and boys and include special attention to the prevention of early pregnancies. The Committee further calls upon the State party to review the legislation relating to abortion with a view to removing the punitive provisions imposed on women who undergo abortion, in accordance with the Committee's general recommendation No. 24 on women and health and the Beijing Platform for Action. The Committee recommends that the State party put in place a system of data collection to strengthen the knowledge base for effective policy development and implementation on all aspects of women's health, including the monitoring of concrete impact.

Explicit Discrimination in Law: marriage; marriage age; residence; divorce; inheritance; property rights

45. While welcoming the efforts of the State party to draft a national Civil Code and the statement made during the interactive dialogue confirming that the draft Civil Code is ready for submission to the Parliament, the Committee is concerned that the draft Civil Code contains discriminatory provisions in relation to marriage and family relations. In particular, the Committee is concerned that the minimum legal age for marriage currently applied is 15 years for women and 18 years for men and that, further, married women are discriminated against in relation to their choice of residence and the waiting period before they can remarry after divorce. It is further concerned about the practice of forced marriages, in particular of girls. It is also concerned about the lack of clarity with respect to women's ownership and inheritance of land as well as women's legal capacity.

46. The Committee calls upon the State party to ensure that the draft Civil Code addresses all discrimination against women in all areas covered by articles 15 and 16 of the Convention, in particular with respect to inheritance and ownership rights, rights to property on divorce and legal capacity, and to give high priority to its speedy adoption. It urges the State party to raise the minimum age for marriage in the draft Civil Code to 18 years. It further urges the State party to take all necessary measures to eliminate forced marriages, to ensure that women enjoy a legal capacity identical to that of men, to equate women's inheritance and ownership rights to that of men and to ensure women's equal rights to property on divorce. The Committee further calls upon the State party to take necessary steps to ensure that once adopted, the Civil Code is made widely known to the public, the judiciary and administrative authorities.

Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

17. The Committee is concerned that, although article 16 of the Constitution affirms the principle of non-discrimination, neither the Constitution nor other laws include a definition of discrimination against women in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination. The Committee is also concerned that, although article 6 (j) of the Constitution declares the State responsible for promoting and ensuring "effective equality of opportunities between women and men", the principle of "equality of opportunities" does not amount to the notion of "equality" in its fullest sense, in accordance with article 2 (a) of the Convention.

18. The Committee calls on the State party to include in the Constitution or other appropriate legislation a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. The Committee further calls on the State party to incorporate the principle of equality between women and men in the Constitution or in other appropriate law in line with article 2 (a) of the Convention. It calls upon the State party to enact and implement a comprehensive law on gender equality that is binding on both the public and private sectors and make women aware of their rights under such legislation. The Committee also recommends that the State party establish clear procedures for filing complaints on discrimination against women, provide adequate sanctions for such discrimination and ensure that effective remedies are available to women whose rights have been violated.

# Togo

February 2006

## Explicit Discrimination in Law: polygamy

## Absence of Legislation: violence against women

12. While welcoming the current process to review and amend the Personal and Family Code as well as the Penal Code, the Committee is concerned that some of the proposed amendments are discriminatory, such as the legality of polygamy in the Personal and Family Code. The Committee is also concerned that legislative gaps remain in certain areas, such as violence against women.

**13. The Committee urges the State party to accelerate and expand its law review process and to complete a comprehensive law reform that eliminates all discriminatory legislation and closes legislative gaps in the area of equality between women and men. It urges the State party to set up a clear time frame for completion of such a law reform process. The Committee encourages the State party to develop and implement comprehensive educational measures and awareness-raising campaigns on the revised Personal and Family Code and on other laws designed to eliminate discrimination against women so as to achieve full compliance with their provisions.**

## Explicit Discrimination in Law: nationality

22. While regretting that the Nationality Code of 1978 has not been brought into line with article 32 of the Constitution of the Fourth Republic granting citizenship of Togo to any child born of a Togolese father or mother, the Committee takes note that this discrimination has been remedied through the draft children's code. The Committee remains concerned that the law relating to nationality precludes a foreign woman spouse from retaining Togolese nationality upon divorce.

**23. The Committee urges the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention, and to enact the draft children's code.**

## Implementation / Absence of Law: discriminatory customs

14. The Committee is concerned about the persistence of entrenched adverse cultural norms, customs and traditions, including forced and early marriage, the practice of female genital mutilation, ritual bondage, levirate and repudiation, as well as the prevalence of stereotypes concerning women's tasks and roles that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

**15. The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights, in conformity with articles 2 (f), 5 (a), and articles 11, 12 and 16 of the Convention. In particular, the Committee urges the State party to address practices such as forced and early marriages, discriminatory widowhood practices, levirate, bondage and female genital mutilation, which constitute violations of the Convention. It invites the State party to increase its efforts to design and implement comprehensive education and awareness raising programmes targeting women and men at all levels of society, including tribal chiefs, with a view to changing discriminatory social and cultural patterns of conduct and to creating an enabling and supportive environment for women to exercise their human rights. The Committee encourages the State party to implement the necessary efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders. It further calls upon the State party to**

**review periodically the measures taken to assess the impact of those efforts and take appropriate remedial measures, and to report thereon to the Committee in its next report.**

#### **Implementation of Law: employment**

26. The Committee expresses concern at the discrimination faced by women in the field of work, as reflected in hiring processes, salary inequality and occupational segregation. The Committee is concerned that insufficient information was provided about women's de facto situation in the formal and informal labour markets. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, vertical and horizontal labour force segregation and their ability to benefit from new economic opportunities. In addition, it is not clear whether existing labour legislation is effectively applied in the private sector.

**27. The Committee urges the State party to ensure equal opportunities for, and equal treatment of, women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the Labour Code of 8 May 1974 by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from these programmes. It calls on the State party to provide in its next report detailed information about the situation of women in the fields of employment and work, in both the formal and informal sectors, about measures taken and their impact on realizing equal opportunities for women.**

#### **Absence of Legislation: violence against women; domestic violence; marital rape; sexual violence; sexual harassment**

18. The Committee expresses concern about the absence of policies and programmes, including legislation, to address violence against women. The Committee is particularly concerned about occurrences of female genital mutilation, domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. The Committee further expresses concern about the lack of information and data in the report on the incidence and forms of violence against women.

**19. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the establishment of counselling services for victims of violence and the implementation of public awareness-raising campaigns on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence.**



# Tunisia

October 2010

## Explicit Discrimination in Law: nationality; Penal Code; Code of Personal Status

16. The Committee notes with appreciation the efforts of the State party to review and revise discriminatory legislation. It remains concerned, however, at the persistence of a significant number of discriminatory laws and provisions, including in the nationality law, the Penal Code and the Code of Personal Status, that deny women equal rights with men.

**17. The Committee calls upon the State party to give high priority to the completion of the necessary legislative reforms and to modify, or repeal, without delay and within a clear time frame, discriminatory legislation, including discriminatory provisions in the nationality law, the Penal Code and the Code of Personal Status. The Committee calls on the State party to increase its efforts to sensitize the Parliament, as well as public opinion, regarding the importance of accelerating legal reform aimed at achieving formal equality for women and compliance with the Convention. It also encourages the State party to increase support for law reform through partnership and collaboration with religious and community leaders, lawyers, judges, unions, civil society organizations and women's non-governmental organizations. The Committee further encourages the State party to ensure that women are fully and equally involved in the law reform process.**

## Explicit Discrimination in Law: rape (marriage exception)

## Impact of Law: violence against women; domestic violence

## Absence of Legislation: violence against women; domestic violence; marital rape; sexual violence

26. The Committee commends the State party for the range of efforts, including recent legislative initiatives, to address violence against women since the submission of its previous periodic report. It remains concerned, however, at the high prevalence of violence against women and girls, as demonstrated by the 2004 surveys showing that some 20 per cent to 40 per cent of women had suffered sexual assault from their spouses, more than 50 per cent faced verbal aggression and that 45 per cent of girls had experienced various forms of violence in public places. The Committee also regrets that despite its previous recommendation, the State party has not yet adopted a comprehensive law on violence against women, including domestic violence and marital rape. It is concerned at article 218 of the Penal Code which provides for the termination of proceedings or conviction with the withdrawal of the complaint by the spouse victim of the assault and at articles 227bis and 239 of the Penal Code which exempts a rapist or a kidnapper respectively from punishment if he subsequently marries the victim. In this regard, the Committee is concerned by the impunity which is too often enjoyed by the perpetrators of these acts as demonstrated by the very high number of complaints withdrawn. It is concerned by the impression provided by the State party that family relations prevail over protection of women and suppression of violence against women. The Committee also regrets the persistent lack of specific data and information on the incidence of various forms of violence against women and girls and the delay in creating the database foreseen in the 2007 "National strategy for the prevention of violence within the family and society".

**27. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. Such measures should include the expeditious adoption of a comprehensive law criminalizing all forms of violence against women, including domestic violence, marital rape and sexual violence. Such legislation should also ensure that women and girls victims of violence have access to immediate means of redress and protection, including protection orders, a sufficient number of safe shelters, and to legal aid. They**



should also include the setting of targets, benchmarks and time lines for the implementation of the “National strategy for the prevention of violence within the family and society”. In this regard, the State party should speed up the creation of the national database on violence against women so as to provide reliable statistics on all forms of gender-based violence. The Committee also urges the State party to amend articles 218, 227bis and 239 of the Penal Code to ensure that perpetrators of violence against women do not unduly benefit from their acts of wrongdoing. The State party should raise public awareness and conduct education programmes about the fact that all forms of violence against women, including domestic violence and marital rape, are unacceptable.

#### Explicit Discrimination in Law: nationality

58. The Committee notes with interest the information provided by the delegation about the draft law amending article 6 of the Nationality Code. It remains concerned, however, that the Nationality Code does not provide women with the same rights as men to acquire or transmit their Tunisian nationality. In particular, the Committee is concerned that children born in Tunisia can only acquire the Tunisian nationality if they have male ascendants whereas this possibility is not provided in the case of female ascendants. It is further concerned that Tunisian women cannot pass their nationality on to their foreign husbands, unlike Tunisian men who have such right by marriage, and that the children of Tunisian women married to foreigners are still encountering obstacles in acquiring the Tunisian nationality.

**59. The Committee requests the State party to expedite the adoption of the draft bill amending article 6 of the Nationality Code and to continue harmonizing its Nationality Code with article 9 of the Convention. It also recommends to the State party to withdraw its reservation concerning article 9, paragraph 2.**

#### Explicit Discrimination in Law: personal status (marriage, child custody, guardianship, inheritance, dowry); family headship

##### Impact of Law: marital property

60. While commending the State party for recent legislative amendments, including to the taxation law and to the Code of Personal Status with regard to the age of marriage and the possibility for a Tunisian women to transmit her nationality to her child, the Committee remains concerned about the persistence of discrimination with regard to personal status, in particular concerning marriage, child custody and guardianship, as well as inheritance. In this respect, the Committee expresses its concern at an administrative regulation dated 1973 forbidding marriage between a Muslim Tunisian woman and a non-Muslim man thus creating an impediment not foreseen by the Code of Personal Status. While noting the efforts of the State party to reduce the value of the dowry to one dinar, the Committee is concerned that it remains a condition for the validity of the marriage. The Committee notes also with concern that despite considerable efforts made to ensure equality of spouses during marriage and on its dissolution, the husband remains the head of the household, and is therefore entitled to choose the couple's domicile and to transmit his name and his nationality to the child. Furthermore, the Committee is concerned that mothers do not share parental responsibility on an equal footing with men and that they do not enjoy full guardianship rights. The Committee also notes that, notwithstanding the February 2009 landmark decision of the High Court of Appeal, and the “retour mechanism” introduced in the law of succession, discrimination in inheritance still persists. Furthermore, it regrets that the joint property regime is not the default legal regime, which leads to the economic vulnerability of the wife.

**61. The Committee calls upon the State party to ensure equality between women and men in marriage and family relations and to withdraw its reservations to article 16. The Committee urges the State party to amend without delay all remaining discriminatory provisions and administrative regulations, including provisions or**

regulations relating to marriage, dowry, custody and legal guardianship of children and inheritance. The Committee also recommends that the State party establish joint ownership of property within marriage as the default legal regime to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage, in line with article 16 paragraph 1(h) of the Convention and the Committee's general recommendation 21.

#### Impact of Law: sexual harassment

46. The Committee welcomes the adoption of the 2004 law on sexual harassment but it regrets that it does not embody a definition of sexual harassment in line with general recommendation No. 19, it does not provide for a reversal of the burden of proof, and that, in case of dismissal of the case or acquittal of the accused, the alleged victim of harassment can be charged for defamation. The Committee notes that these limitations together with the low level of awareness among authorities and victims, and the social stigma victims of sexual harassment often face may explain the negligible number of cases reaching the courts despite the prevalence of the phenomenon in the State party.

47. The Committee recommends that the State party amend article 226ter of the Penal Code in view of aligning it with the Committee's general recommendation No. 19 and facilitating access to justice for victims of sexual harassment. It calls upon the State party to conduct awareness-raising campaigns targeting in particular working women to break down the culture of silence surrounding sexual harassment, and as recommended by ILO Committee of Expert, to provide competent authorities with specific information to identify and address cases of sexual harassment.

#### Absence of Legislation: Article 1 & 2 definition of discrimination; Article 2 definition of equality

14. While noting that article 6 of the Constitution of the State party provides for equality before the law, the Committee regrets that the Constitution does not embody the principle of equality between women and men nor contain a definition of discrimination against women in accordance with article 1 of the Convention.

15. The Committee calls upon the State party to fully incorporate into the Constitution or other appropriate domestic legislation the principle of equality between women and men in accordance with article 2 (a) of the Convention, as well as a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extend State responsibility for acts of discrimination by public and private actors in accordance with article 2 (e) of the Convention, with a view to achieving formal and substantive equality between women and men.

## **Turkey**

August 2010

#### Explicit Discrimination in Law: Penal Code; genital examinations; Civil Code

14. While welcoming the many legislative measures undertaken to eliminate discrimination against women, the Committee remains concerned that not all discriminatory provisions in the Penal and Civil Code have been abolished nor amended, thus impeding full implementation of the Convention. Such provisions include article 287 of the Penal Code, which allows genital examinations to be performed without the woman's consent under certain circumstances.

15. The Committee reiterates its previous concluding observations of 2005 and urges the State party to accelerate efforts and establish a specific timetable for amending still existing discriminatory legal provisions so as to bring its legislation into line with article 2 of the Convention. With respect to article 287 of the Penal Code, the Committee reiterates its previous recommendation that consent of the women be made a prerequisite for genital examinations under all circumstances.

#### Explicit Discrimination in Law: name; divorce

##### Impact of Law: marital property

40. Recalling its previous concluding observations of 2005, the Committee is concerned that the 2002 amendment to the Civil Code regarding joint ownership of property acquired during marriage has not been applied retroactively, thus continuing to disadvantage women who were married prior to its entry into force. Despite a 2004 decision of the European Court of Human Rights, which granted a woman the right to solely retain her maiden name, the Committee notes that, in accordance with article 187 of the Civil Code, married women can only retain their maiden name if it is accompanied by their spouses' surname. The Committee also notes that a waiting period of 300 days is still required for women to remarry after divorce.

41. In line with its previous concluding observations of 2005, the Committee recommends that the State party consider the impact of the lack of retroactive applicability of the 2002 amendment to the Civil Code regarding joint ownership of acquired property on women married prior to its entry into force. It invites the State party to consider a further amendment of the Civil Code to include marriages concluded before 2002. The Committee further urges the State party to review and amend without delay existing discriminatory legislation and provisions, including with respect to the retention of women's surnames after marriage and the waiting period for remarriage, to bring them fully into line with articles 2 and 16 of the Convention.

##### Impact of Law: "honour" killings

24. The Committee notes the measures taken to combat honour killings, such as the issuance of a Prime Ministry Circular and the implementation of training and awareness-raising programmes. The Committee is concerned, however, about the persistence of such killings and the lack of data available on its incidence in rural or remote areas. While taking note of the information provided by the State party that article 82 of the Penal Code is considered to include both custom and honour killings and that article 29 of the Penal Code on "unjust provocation" has been amended to abolish possible sentence reductions for honour killings, the Committee remains concerned that the provisions of the Penal Code may result in less vigorous prosecution of and reduction of sentences for the perpetrators of such crimes.

25. The Committee recommends that honour killings be explicitly included within the scope of article 82 of the Penal Code and classified as aggravated homicide, and that such crimes are treated as seriously as other violent crimes with regard to investigation and prosecution. The Committee also recommends the implementation of effective prevention measures, including educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-service providers, social workers, community leaders and the general public. The Committee requests the State party to include detailed information on the incidence of killings in the name of honour, particularly in rural or remote areas, including the number of investigations, prosecutions and perpetrators punished, as well as the sentences imposed.

##### Absence of Legislation: Article 1 & 2 definition of discrimination

10. The Committee, while noting that general principles of equality and non-discrimination are guaranteed in article 10 of the Constitution and contained in domestic legislation, continues to be concerned at the lack of a

specific prohibition of discrimination against women in all areas of life in its national legislation in line with articles 1 and 2 of the Convention. It also notes the absence of comprehensive anti-discrimination legislation in the State party.

**11. The Committee reiterates its previous concluding observations of 2005 and recommends that the State party prohibit discrimination against women in line with articles 1 and 2 of the Convention. The Committee also invites the State party to consider developing and adopting comprehensive anti-discrimination legislation, including a clear definition of discrimination against women and a clear prohibition of multiple forms of discrimination against women, in all areas of life, also in line with the recommendations made during Turkey's universal periodic review by the Human Rights Council in May 2010.**

#### Absence of Legislation: violence against women; domestic violence

22. The Committee notes with appreciation the measures taken to combat violence against women, such as the amendments to the Turkish Penal Code, the issuance of a Prime Ministry Circular outlining the measures to be taken and the responsible institutions, the establishment of a Monitoring Committee for Violence against Women, the adoption of the National Action Plan for Combating Domestic Violence against Women, as well as various awareness-raising and training programmes. The Committee notes that the State party is developing a new action plan on violence against women. The Committee is concerned, however, about the continuing prevalence of violence against women, including domestic violence, which affects 39 per cent of women in the territory of the State party. The Committee notes the existence of Law No. 4320 on the Protection of the Family, but also notes the absence of a comprehensive national law on violence against women. The Committee also notes the limited number of shelters (57 available throughout the State party) and is concerned that such shelters may lack proper facilities and resources.

**23. The Committee urges the State party to continue to accord priority attention to the adoption of comprehensive measures to address violence against women in accordance with its general recommendation No. 19. The Committee calls on the State party to evaluate and strengthen Law No. 4320 in order to enact comprehensive legislation on all forms of violence against women, including domestic violence, and to ensure that in such legislation all forms of violence against women are prohibited, that women and girls who are victims of violence have access to immediate means of redress and protection, including protection orders, and that perpetrators are prosecuted and punished. In line with its previous concluding observations of 2005, the Committee recommends the expansion of training activities and programmes for public officials, the judiciary, law enforcement personnel and health-service providers in order to ensure that they can address and combat all forms of violence against women and can provide adequate support to victims. It also recommends the continuation of public awareness-raising campaigns on all forms of violence against women and girls. The Committee further recommends that the State party establish additional counselling and other support services for victims of violence, including additional shelters, and ensure that adequate resources are allocated in order to implement the necessary measures in this regard. The Committee requests the State party to enhance its cooperation with non-governmental organizations working in the area of violence against women.**

## **Turkmenistan**

June 2006

### Explicit Discrimination in Law: employment

34. The Committee is concerned that the Labour Code of Turkmenistan, which is overly protective of women as mothers and restricts women's economic opportunities in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

**35. The Committee requests the State party to address the practical and legal impediments women face in the labour force, in particular in light of article 11, paragraph 3, of the Convention. It encourages the State party to take effective measures to support the reconciliation of family and work responsibilities and to promote the sharing of domestic and family responsibilities between women and men.**

### Impact of Law: marriage age

### Implementation of Law: polygamy

40. The Committee expresses concern that although polygamy is illegal, it is nonetheless practised in some regions without being met by legal or social sanctions. While noting that the Marriage and Family Code establishes equal rights for women and men when they enter into marriage and equal responsibility for the care of children after divorce, the Committee notes with concern that there are no laws protecting women involved in polygamous situations. It is also concerned that the legal age of marriage in Turkmenistan is 16.

**41. The Committee calls upon the State party to enforce its laws penalizing polygamy and to take comprehensive and effective measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations. It urges the State party to raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

### Absence of Legislation: Article 1 definition of discrimination

10. The Committee is concerned that it did not receive sufficient information about the status of the Convention in the domestic legal system. While noting that the Constitution of Turkmenistan, in its article 18, declares that women and men have equal civil rights and that a violation of equality based on gender is punishable by law, the Committee is concerned that the State party's legislation does not contain a definition of discrimination in accordance with article 1 of the Convention. The Committee is also concerned about the apparent limited understanding in the State party of the concept of formal and substantive equality contained in the Convention and its prohibition of direct and indirect discrimination against women. The Committee is further concerned that gender-neutral laws may perpetuate indirect discrimination against women.

**11. The Committee requests the State party to clarify the status of the Convention in the domestic legal system and to incorporate fully the definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention, in its Constitution or other appropriate national legislation. It also calls upon the State party to take immediate measures to ensure that the provisions of the Convention are fully applicable in the domestic legal system. It further urges the State party to undertake, without delay, measures to eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men in line with the Convention.**

### Absence of Legislation: violence against women; domestic violence; marital rape

24. The Committee is concerned that the State party does not seem to be aware of the urgency of the existence of violence against women and that, as a result, there is a lack of specific legislation to deal with all forms of violence against women, including domestic violence, and a lack of protection measures and of services for victims, as well

as an absence of prevention efforts. It notes with concern that there is no information on the incidence of violence against women.

**25. The Committee draws attention to its general recommendation 19 on violence against women. It urges the State party to acknowledge the existence of violence against women and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results in its next periodic report. It recommends that the State party adopt specific legislation on domestic violence, including marital rape, that ensures that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. It invites the State party to accord priority attention to the training of health and social workers, teachers, the judiciary and law enforcement personnel about violence against women so that they can respond effectively to it. Moreover, it encourages the State party to see to the provision of shelters and counselling services for victims of violence.**

## **Tuvalu**

August 2009

### Explicit Discrimination in Law: marriage; employment; adoption; divorce; burial; land rights

15. While noting that the Government is planning to carry out a progressive review of its laws, as outlined in the National Strategic Development Plan Te Kakeega II 2005-2015, the Committee is concerned that sex-discriminatory laws and provisions continue to exist in several pieces of legislation, including in the Native Lands Act of 1956, the Marriage Act (Cap 29), the Tuvalu Lands Code of 1962, the Falekaupule Act of 1997 and the Employment Act of 1966. The Committee is further concerned that section 27 (3) (d) of the Constitution allows discrimination in areas such as adoption, marriage, divorce, burial and landownership. The Committee takes note of the statement by the delegation that the legislative review, including possible amendments, should be carried out in close consultation with the people and it notes with satisfaction that the State party is planning a national consultation with all stakeholders and island communities in 2010 for this purpose.

**16. The Committee calls upon the State party to conduct a holistic review of its legislation and to set and adhere to a clear timetable for completion of such a legislative review in order to achieve compliance with the Convention and the Committee's general recommendations. It calls on the State party to amend or repeal all discriminatory legislation, including the laws governing landownership, and to close any legislative gaps. It encourages the State party to generate the political will necessary to undertake these reforms and to raise the awareness of legislators about the need to ensure de jure and de facto equality for women.**

### Explicit Discrimination in Law: incest

### Impact of Law: sexual violence

### Absence of Legislation: marital rape

31. The Committee expresses serious concern at a number of discriminatory provisions in the 1978 Penal Code (Cap 8). It is particularly concerned that under section 156 (5) of the Penal Code, any female person 15 years of age or above who allows her grandfather, father, brother or son to have sexual intercourse with her shall be guilty of a felony. The Committee is also concerned by discriminatory provisions concerning prosecution and sentencing and by the fact that sentences for all sexual offences designate maximum but not minimum sentences, which could

lead to light sentences for sexual offences that are not commensurate with the gravity of those offences. The Committee is further concerned that marital rape is not prohibited under the Penal Code.

**32. The Committee calls upon the State party to review and amend its legislative framework in respect of sexual offences to reflect the realities of sexual abuse experienced by women and to include marital rape as a specific offence. In particular, it calls upon the State party to repeal section 156 (5) of the Penal Code, which considers an incestuous sexual act to be an offence committed by both the perpetrator and the victim if the victim is 15 years of age or above. It recommends that the State party consult widely with women's groups during its process of reform of laws and procedures relating to rape and sexual abuse and it encourages the State party to set a clear time frame for the completion of such a review.**

Explicit Discrimination in Law: citizenship

37. The Committee welcomes the information provided by the delegation that following a 2007 national amendment act, dual citizenship is now allowed. However, the Committee is concerned by information provided in the report that suggests that there is a discriminatory provision in the Constitution affecting, in certain circumstances, the transmission of citizenship by Tuvaluan women to their children on the basis of equality with men.

**38. The Committee requests the State party to amend without delay its legislation on nationality in order to bring it fully into line with article 9 of the Convention.**

Explicit Discrimination in Law: land rights

Implementation of Law: property rights

Absence of Legislation: property rights

47. The Committee takes note of various development projects, programmes and measures initiated by the State party, including in the outer islands and remote areas. However, the Committee expresses its concern about the disadvantaged position of women in rural and remote areas, as characterized by discrimination in their access to education, health care and employment and lack of participation in decisionmaking processes at the community level. It is also concerned that the various development projects may not always include a gender perspective. The Committee is further concerned that traditional female stereotypes are most prevalent in rural communities. In addition, the Committee is concerned that landownership in the State party is based on the communal family grouping ("Kaitasi") and as a rule, land is inherited through male lineage. Furthermore, the Committee notes that the main purpose of the Falekaupule Trust Fund is to provide a source of funds for island development purposes and it is concerned that women are not sufficiently aware of this fund and how it could be used for their development.

**48. The Committee calls upon the State party to take all appropriate measures to increase and strengthen the participation of women in designing and implementing local development plans, and pay special attention to the needs of rural women by ensuring that they participate in decision-making processes and have improved access to, inter alia, health, education and employment. Furthermore, the State party should ensure that development projects are implemented only after gender impact assessments involving rural women have been conducted. In addition, the State party should take effective measures, including legislative measures, to ensure that men and women have equal access to landownership. The Committee requests the State party to include in its next report information on the achievement of constructive interventions by the Government and comprehensive data on the situation of rural women in all areas covered by the Convention. The Committee encourages the State party to seek assistance from the international community in this respect.**



### Explicit Discrimination in Law: child custody

#### Impact of Law: marriage age

#### Implementation of Law: divorce (maintenance)

51. The Committee is concerned that, according to section 20 of the Native Lands Act, the custodial rights of a child born out of wedlock will automatically be given to the father if he accepts paternity once the child is two years of age. The Committee is also concerned by reports of forced or arranged marriages, especially in the outer islands, and that the age of marriage is 16 years. The Committee is further concerned that the dissolution of marriage leaves women and children in a vulnerable situation particularly if the husband's earnings are the primary source of income for the family — as is often the case — and it is concerned by the failure of the State party to enforce maintenance orders and by reports that some women are ashamed to ask for such maintenance.

**52. The Committee urges the State party to complete its law reform in the area of family law in accordance with articles 15 and 16 of the Convention, within a specific time frame, and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. The Committee calls upon the State party to raise the minimum age of marriage to 18 years. It invites the State party to put in place adequate legislative and other measures, including the review and amendment of existing laws, to guarantee the enforcement of maintenance orders and to amend section 20 of the Native Lands Act concerning custody over children born out of wedlock.**

#### Implementation of Law: access to justice (customary law)

21. The Committee is strongly concerned by the fact that the judiciary does not provide guarantees of women's access to justice, which is limited by customary laws, local and geographical barriers, lack of information about their rights or lack of assistance, and that it does not allow women to bring cases before the national courts. The Committee is also concerned that the State party lacks a comprehensive and effective system for receiving complaints and it regrets the lack of data on complaints filed by women and their outcome.

**22. The Committee urges the State party to set up a complaints system to ensure that women have effective access to justice. The Committee recommends that the State party take all appropriate measures to ensure that the judiciary complies with the provisions of the Convention and the State party's obligations under the Convention. It encourages the State party to collect data on the number of complaints filed by women, the types of complaints received and their outcomes, and to include this information in its next periodic report.**

### Absence of Legislation: Article 1 & 2 definition of discrimination and equality

13. While noting that section 27 (1) of the 1986 Constitution contains an anti-discrimination clause, the Committee notes with concern that it does not include sex as a prohibited ground, thereby allowing for lawful discrimination on the grounds of sex or gender. The Committee is further concerned that neither the Constitution nor other appropriate legislation embodies the principle of equality between women and men or contains a definition of discrimination against women in accordance with article 1 of the Convention, covering both direct and indirect discrimination, or extend to acts of both public and private actors in accordance with article 2.

**14. The Committee urges the State party to give central importance to the Convention as the basis for the elimination of all forms of discrimination against women and the achievement of gender equality. It recommends that the State party amend section 27 (1) of the Constitution and incorporate fully and without delay into the Constitution or other appropriate legislation the principle of equality between women and men as well as a prohibition of discrimination on the basis of sex, in line with the definition provided in article 1 of the Convention, that extends to acts of discrimination by public and private actors in accordance with article 2 of the Convention. The Committee further recommends the enactment of effective legislation to enforce the**



prohibition of discrimination. The Committee notes in this regard the State party's commitments under the universal periodic review (see A/HRC/10/84, para. 68).

#### Absence of Legislation: discriminatory customs

27. The Committee recognizes the rich culture and traditions of the State party and their importance in daily life and notes that some gender sensitivity training aimed at raising awareness and understanding of the Convention has been conducted in the capital and outer islands. However, the Committee expresses its concern at the persistence of adverse norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life, especially in the outer islands. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, and that they are reflected in women's disadvantageous and unequal status in many areas, including education and public life and decision-making, and the persistence of violence against women and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative traditional values and practices.

28. The Committee invites the State party to view culture and tradition as dynamic aspects of the country's life and social fabric and therefore as subject to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women in conformity with articles 2 (f) and 5 (a) of the Convention. This strategy should include awareness-raising efforts targeting women and men at all levels of society, including chiefs, island leaders and pastors, and be undertaken in collaboration with civil society and women's organizations. The Committee encourages the State party to use innovative measures that target young people and adults to strengthen understanding of the equality of women and men, and to work through the educational system, both formal and informal, as well as with the mass media, to enhance a positive and non-stereotypic portrayal of women. It also requests the State party to put in place monitoring mechanisms and to regularly assess progress made towards the achievement of established goals in this respect. The State party is encouraged to conduct studies on this subject, including in the outer islands, use the findings to carry out informed interventions, and to seek assistance, if needed, from the international community for this purpose.

## Uganda

October 2010

#### Explicit Discrimination in Law: general

#### Absence of Legislation: Marriage and Divorce Bill; Sexual Offences Bill; HIV/AIDS Prevention and Control Bill

11. The Committee takes note of a number of important decisions of the Constitutional Court that have declared parts of existing legislation unconstitutional for being discriminatory against women, including the cases of the *Uganda Women Lawyers Association v. Attorney General* (2003) and the *Law and Advocacy for Women in Uganda v. Attorney General* (2006). While welcoming the efforts of the State party to achieve legislative reform, specifically in the context of the work of the Law Reform Commission, the Committee reiterates its concern at the low priority given to comprehensive legal reform to eliminate sex-discriminatory provisions and to close legislative gaps in order to bring the country's legal framework fully into compliance with the provisions of the Convention and to achieve women's *de jure* equality. The Committee is concerned, in particular, about the delay in the passage of the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill. The Committee is

further concerned that other legislation and customary practices that discriminate against women and are incompatible with the Convention, remain in force.

**12. The Committee calls upon the State party to accelerate its law review process to harmonize its domestic legislation with its constitutional principles relating to non-discrimination and equality between women and men and with its obligations under the Convention without delay and within a clear time frame. To this end, the Committee urges the State party to:**

- a) Expediently enact the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill;**
- b) Raise the awareness of legislators about the need to give priority attention to legal reforms in order to achieve *de jure* equality for women and compliance with the State party's international treaty obligations; and**
- c) Continue to increase support for law reform through partnerships and collaboration with religious and community leaders, lawyers, judges, unions, civil society organizations and women's non-governmental organizations.**

#### Explicit Discrimination in Law: criminalisation of homosexual behaviour

##### Absence of Legislation: anti-discrimination

43. The Committee notes with grave concern that homosexual behaviour is criminalized in Uganda. The Committee also expresses its serious concern about reported harassment, violence, hate crimes and incitement of hatred against women on account of their sexual orientation and gender identity. The Committee is further concerned that they face discrimination in employment, health care, education and other fields. Furthermore, the Committee notes with concern the private member's proposed Anti-Homosexuality Bill, the contents of which would result in further discrimination of women on the basis of sexual orientation and gender identity.

**44. The Committee calls on the State party to decriminalize homosexual behaviour and to provide effective protection from violence and discrimination against women based on their sexual orientation and gender identity, in particular through the enactment of comprehensive anti-discrimination legislation that would include the prohibition of multiple forms of discrimination against women on all grounds, including on the grounds of sexual orientation and gender identity. To this end, the Committee urges the State party to oppose the private member's proposed Anti-Homosexuality Bill. The Committee also urges the State party to intensify its efforts to combat discrimination against women on account of their sexual orientation and gender identity, including by launching a sensitization campaign aimed at the general public, as well as providing appropriate training to law enforcement officials and other relevant actors.**

##### Implementation of Law: customary law; early marriage

##### Absence of Legislation: polygamy; marriage and family equality; abolition of bride price; divorce

47. The Committee is concerned about the multiple marriage regimes that apply in the State party. While noting that the Constitutional Court has declared some aspects of current legislation on divorce as unconstitutional for discriminating against women, as well as noting the existence of the Marriage and Divorce Bill and the Muslim Personal Law Bill, the Committee expresses its concern that these Bills have not yet been enacted into law and that gaps exist in the laws on marriage, property rights, inheritance, divorce and the family in general. The Committee also expresses its concern at the high number of early marriages of girls and the persistence of polygamy in the country. To this end, the Committee is concerned that the new Marriage and Divorce Bill, in its current version, will not criminalize polygamy and that it would still allow for the possible payment of a bride price which would be designated as marriage gifts.

48. The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention, within a specific time frame. To this end, the Committee calls upon the State party to review and amend, as necessary, the current version of the Marriage and Divorce Bill as well as the Muslim Personal Law Bill to ensure that these do not discriminate against women. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations, and to take all necessary measures to combat the practice of early marriages.

Impact of Law: sexual harassment

Implementation of Law: maternity leave (private sector); equal pay

Absence of Legislation: informal labour

33. The Committee welcomes the State party's enactment of the 2006 Employment Act which promotes equality of opportunity in that it sets out to eliminate discrimination in employment and also provides for equal pay for equal work. However, the Committee is concerned about the persistence of discrimination against women in the labour market, in particular the high rate of unemployment affecting women, a wide gender wage gap, and occupational segregation. It is also concerned about the concentration of women in the informal sector with no social security or other benefits. While acknowledging the increase in the period of maternity leave from 45 to 60 days, the Committee is concerned that this right is not applied fully in all cases, especially in the private sector. While noting that the Employment Act has introduced a specific provision on sexual harassment, the Committee is concerned that the narrow definition is limited to sexual harassment by an employer or his representative and, in addition, employers are only called upon to take positive measures to prevent sexual harassment where one has more than 25 employees.

34. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. To this end, the Committee urges the State party to adopt effective measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men, and apply the principle of equal remuneration and equal opportunities at work. It also calls upon the State party to provide a regulatory framework for the informal sector, with a view to providing women in this sector with access to social security and other benefits. The Committee further calls upon the State party to implement relevant legislation with a view to ensuring, in accordance with international standards, that all mothers receive leave with pay, and also to provide effective sanctions and remedies for violation of laws on maternity leave. The State party is further encouraged to widen the definition of sexual harassment and adopt concrete measures to addressing this phenomenon, including in the workplace.

Implementation of Law: discriminatory customs

Absence of Legislation: discriminatory customs

19. While noting some efforts made by the State party, the Committee reiterates its concern at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls, that they are reflected in the disadvantageous and unequal status in many areas, including in education, public life, decision-making, marriage and family relations, and the persistence of violence against women and harmful practices, including polygamy, early marriages and the bride price, and that, thus far, the State party has not taken effective and comprehensive action to modify or eliminate stereotypes and negative

traditional values and practices. The Committee also expresses its concern at the continuing stereotypical portrayal of women in the media which encourages discrimination and undermines equality of women and men.

**20. The Committee urges the State party to put in place without delay a comprehensive strategy, including review and formulation of legislation and establishment of goals and timetables, to modify or eliminate traditional practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders, in collaboration with civil society. The Committee urges the State party to address harmful practices, such as polygamy, early marriages and the bride price, more vigorously. It also calls upon the State party to use innovative and effective measures to strengthen understanding of the equality of women and men and to work with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women. The Committee further calls upon the State party to undertake an assessment of the impact of these measures in order to identify shortcomings, and to improve them accordingly.**

#### Implementation of Law: discriminatory customs; property rights; rural women

41. The Committee reiterates its concern at the disadvantaged position of women in rural and remote areas who form the majority of women in Uganda, which is characterized by poverty, illiteracy, difficulties in access to health and social services and a lack of participation in decision-making processes at the community level. The Committee also reiterates its concern that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

**42. The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee also urges the State party to eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land. It further urges the introduction of measures to address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.**

## Ukraine

February 2010

#### Explicit Discrimination in Law: marriage age

#### Impact of Law: marital property

40. The Committee is concerned about the remaining disparities in the State party with respect to the minimum age of marriage for boys and girls, which is set at 18 and 17, respectively. The Committee is also concerned that the State party's current legislation on distribution of property upon divorce does not recognize intangible property, such as pension funds, as part of the marital property to be distributed.

**41. The Committee calls upon the State party to ensure that the minimum age of marriage is raised to 18 for girls, and that no exceptions to this minimum age exist, in line with article 16 of the Convention and the Committee's general recommendation No. 21. Furthermore, the Committee recommends the State party to take**

necessary legislative measures to recognize intangible property, such as pension funds, as part of marital property.

#### Implementation of Law: domestic violence

26. While welcoming the measures undertaken by the State party to eliminate violence against women, in particular the adoption of the Prevention of Domestic Violence Act (2001), the Committee remains concerned at the continuing prevalence of this phenomenon, and in particular at the lack of information on the effective implementation of the law. The Committee also notes with concern that among the penalties imposed by the courts to the perpetrators of domestic violence “fines are in an absolute majority”, which is largely ineffective, as indicated in the written responses 14 and 15 of the State party, because it does not impact specifically on the offenders but on the family as a whole. In addition, the Committee regrets the lack of information and sex-disaggregated statistical data regarding the types of violence against women and the number of female victims.

**27. The Committee urges the State party to implement the Prevention of Domestic Violence Act (2001) effectively and to monitor its impact on women. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women, in conformity with general recommendation 19, and to improve its research and data collection on the prevalence, causes and consequences of violence against women and to include the results in its next periodic report. The Committee calls upon the State party to take the necessary measures to ensure effective penalties in the cases of domestic violence, which are specifically targeted on perpetrators.**

#### Absence of Legislation: Article 1 definition of discrimination

16. While commending the adoption of the Equal Rights and Opportunities Act, the Committee is concerned at the lack of the clarity of the law with respect to complaints and sanctions mechanisms in case of sex-based discrimination, which may prevent from its full implementation. With respect to the definition of discrimination against women contained in the Equal Rights and Opportunities Act, the Committee is concerned that it does not explicitly encompass indirect discrimination, in conformity with article 1 of the Convention.

**17. The Committee calls upon the State party to amend the Equal Rights and Opportunities Act in order to strengthen the complaints and sanctions mechanisms, as well as to bring the definition of discrimination against women in full conformity with article 1 of the Convention, by encompassing both direct and indirect discrimination.**

#### Absence of Legislation: trafficking

30. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the creation of several advisory and consultative bodies, drafting of a bill on combating trafficking in persons and protecting victims and ratification of relevant international instruments, the Committee notes with concern that the root causes of trafficking are not sufficiently addressed, funding of shelters remains scarce and that, in general, resources allocated to combat trafficking are still inadequate. The Committee is furthermore concerned about insufficient international cooperation to bring perpetrators to justice.

**31. The Committee calls upon the State party to address the root causes of trafficking, to accelerate adoption of legislation on trafficking, to provide sufficient funding for the effective implementation of the State Programme for the Prevention of Trafficking in Persons in Ukraine and of other measures aimed at combating human trafficking and to regularly monitor their impact. Furthermore, it urges the State party to take all appropriate measures, including allocating sufficient funding and establishing additional shelters for the rehabilitation and social integration of women and girl victims of trafficking. Likewise, the Committee calls upon the State party to ensure a systematic investigation, prosecution and punishment of traffickers, including through enhanced**

international cooperation, and to provide information about the number of victims as well as the number of investigations and their outcome.

## United Arab Emirates

February 2010

### Explicit Discrimination in Law: nationality and citizenship

32. The Committee takes note of the State party's preparation of a bill for amendment of the Nationality and Passports Law, the studies undertaken with regard to the transfer of nationality by a woman of the United Arab Emirates married to a non-national to her children or foreign husband, and studies on other countries' naturalization standards and experience. However, the Committee remains concerned that, to date, women of the United Arab Emirates continue to be denied nationality and citizenship rights that are equal to those guaranteed to men and regrets the insufficient availability of information in this regard. Moreover, while commending the steps taken by the State party to grant citizenship to a certain number of Bidoons in 2007, the Committee remains concerned about the discrimination suffered by stateless women and girls and the slow regularization process. The Committee also regrets the lack of statistical data on this subject.

**33. The Committee urges the State party to take all necessary steps to expedite the adoption of the amendment of the Nationality and Passports Law to grant women equal rights with regard to acquisition, change and retention of nationality and its conferral. The Committee also calls upon the State party to withdraw its reservation to article 9 of the Convention. Further, it recommends that the State party consider accession to international instruments to address the situation of stateless persons, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and requests updated information on the situation of stateless women.**

### Explicit Discrimination in Law: employment

### Impact of Law: employee welfare associations ban

### Implementation of Law: migrant workers

### Absence of Legislation: equal pay; migrant labour

36. While noting with satisfaction the ratification by the State party of several International Labour Organization (ILO) conventions concerning equality, the increase in women's participation in the labour force and the State party's support to enlarge the number of women employed in the public sector, the Committee regrets the State party's prohibition on forming employee welfare associations and that the principle of equal pay for work of equal value does not exist. While welcoming information regarding labour laws in the interest of women, the amendment of Federal Labour Law No. 8 (1980) to include temporary contractual workers, particularly women migrant workers, and to safeguard their rights, the draft law on service assistance and the unified contract for migrant domestic workers (2007), the Committee regrets that the State party's protective legislation may be discriminatory to women. Furthermore, it notes with concern that women represent only 13 per cent of the total national workforce and that the number of female nationals lags far behind women migrants working in the State party. The Committee is concerned that women migrant workers are not aware of their rights, do not have easy access to justice and do not gain redress in cases of abuse, and that the kafala system and the fact that employers

of migrant domestic workers often confiscate their passports make these workers particularly vulnerable to mistreatment and abuse by their employers. In this regard, the Committee notes with concern that a woman victim of harassment in the workplace is offered no other remedy than to resign and leave her employer. The Committee also expresses concern with regard to the rights of the children of women migrant workers, especially in relation to residency and access to health services and education, and regrets the insufficient information and statistical data provided by the State party on their status and access to justice and basic services.

**37. The Committee urges the State party to strengthen the legal protection of foreign workers by adopting legislation and policies aimed at preventing abuses related to, inter alia, non-payment of wages and overtime, arbitrary reduction of wages and working hours, and to prosecute offenders, both recruiters and employers, and at raising awareness of workers' rights and ensuring their access to legal aid and complaint mechanisms. The Committee also urges the State party to guarantee equal application of all labour laws to women and men regardless of their nationality. It calls upon the State party to expedite the adoption of the amendment to Federal Labour Law No. 8 and ensure that migrant workers are also covered by the provisions of the draft legislation under preparation and, in that regard, invites the State party to take into consideration the Committee's general recommendation No. 26. The Committee urges the State party to guarantee all workers, including especially female workers, the fundamental principle of freedom of association and to provide equal remuneration for work of equal value, and recommends that it become a party to ILO Conventions No. 87 and No. 98.**

**Explicit Discrimination in Law: legal capacity; access to justice; freedom of movement**

45. The Committee notes with satisfaction the State party's reference to the gradual, greater flexibility in sharia interpretation, such as the presence of a woman judge and the debates on the interpretation of sharia beginning to take place in relation to equality before the law and access to justice for women. It is also encouraged by the State party's ongoing comparative research on Arab and Islamic countries and the withdrawal of reservations to articles 15 and 16 of the Convention. Nevertheless, the Committee expresses concern about the fact that women in the State party continue to have unequal legal capacity compared with men and are treated unequally in courts, and with regard to freedom of movement.

**46. The Committee urges the State party to abolish all discriminatory provisions on women's freedom of movement. It recommends that the State party review their reservation to article 15, paragraph 2, taking into consideration the experiences of countries with similar religious backgrounds and legal systems that have successfully accommodated domestic legislation to commitments emanating from international legally binding instruments, with a view to its withdrawal of the reservation.**

**Explicit Discrimination in Law: marriage; divorce; marital property; custody; inheritance; dowry**

47. The Committee notes with concern that the legal provisions relating to personal status, including marriage and its dissolution, property relations, custody and inheritance, in particular under the Personal Status Act, and the acceptance of male guardianship and dowry do not provide for equal rights of women and men and that polygamy is a direct infringement of women's rights. The Committee further notes with concern the State party's reservation to article 16 of the Convention, which relates to these matters.

**48. The Committee calls upon the State party to withdraw its reservation to article 16 of the Convention and to introduce legislative reforms to provide women with equal rights in marriage, divorce, property relations, the custody of children and inheritance. It calls upon the State party to end the practices of dowry and polygamy, in accordance with the Committee's general recommendation No. 21.**



### Absence of Legislation: Article 1 & 2 definition of discrimination and equality

14. While noting that article 25 of the Constitution of the State party provides for equality before the law regardless of race, nationality, religious belief or social status, the Committee regrets that the Constitution and other domestic legislation do not embody the principle of equality between women and men nor contain a definition of discrimination against women in accordance with article 1 of the Convention.

**15. The Committee calls upon the State party to fully incorporate into the Constitution or other appropriate domestic legislation the principle of equality between women and men, in accordance with article 2 (a) of the Convention as well as a definition of discrimination on the basis of sex, in line with article 1 of the Convention, and extend State responsibility for acts of discrimination by public and private actors, in accordance with article 2 (e) of the Convention, with a view to achieving formal and substantive equality between women and men.**

### Impact of Law: migrant workers (violence)

### Absence of Legislation: violence against women; domestic violence

26. The Committee takes note of the State party's initiatives to protect women from violence, including domestic violence, and appreciates the existence of shelters, support centres, counselling services and hotlines for women who are victims of violence. Nevertheless, the Committee regrets the absence of a specific law on violence against women, especially domestic violence, providing for remedies. It also regrets the lack of adequate statistics, research and documentation on the incidence of violence against women and that women victims are generally reluctant to report cases of violence. While noting the existing draft legislation on domestic workers, the Committee is deeply concerned about the lack of protection of female migrant workers, especially domestic workers, when reporting cases of violence against them that may lead to them being treated as offenders, or accused of a crime or deported.

**27. The Committee urges the State party to give high priority to comprehensive measures to address all forms of violence against women and girls. It calls upon the State party to enact legislation on violence against women, including domestic violence, to ensure that it is a criminal offence. The State party should also strengthen recourse procedures so that all women and girls, including female migrant workers, who are victims of violence have access to immediate means of redress; provide shelter and rehabilitation to victims; ensure that perpetrators are prosecuted and adequately punished; and undertake nationwide educational and awareness-raising measures.**

## **United Kingdom of Great Britain and Northern Ireland**

July 2008

### Impact of Law: abortion

288. Recalling its concluding observations of 1999, the Committee continues to be concerned at the high rate of teenage pregnancies, which is among the highest in Europe. The Committee notes that the Abortion Act (1967) does not extend to Northern Ireland, where, with limited exceptions, abortion continues to be illegal, with detrimental consequences for women's health.

**289. The Committee urges the State party to continue its efforts to lower the rate of teenage pregnancies, including through improvements in the availability and affordability of sexual and reproductive health services, as well as family planning information and services. It recommends the adoption of measures to increase**



knowledge of, and access to, affordable contraceptive methods, and recommends that sex education be widely promoted and targeted at adolescent girls and boys. In line with its previous recommendation, the Committee reiterates its call to the State party to initiate a process of public consultation in Northern Ireland on the abortion law. In line with its general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action, the Committee urges the State party to give consideration to amending the abortion law so as to remove punitive provisions imposed on women who undergo abortion. The Committee encourages the State party to monitor carefully the delivery of health services in order that it may respond in a gender-sensitive manner to all health concerns of women and in this regard invites the State party to utilize the Committee's general recommendation No. 24 as a framework for action to ensure that all health policies and programmes integrate a gender perspective.

#### Impact of Law: immigration

295. The Committee is concerned at the situation of immigrant women and women asylum-seekers, who may be subject to multiple forms of discrimination with respect to education, health, employment and social and political participation. It notes that asylum on the grounds of gender-related persecution, including violence against women, is not frequently granted. It also notes that women in insecure immigration status are not allowed to access public funds, particularly health care services, public housing and social security benefits, with particularly negative consequences for victims of violence. The Committee is concerned that proposals to introduce pre-entry English-language tests for people applying for spouse visas may discriminate against certain groups of vulnerable refugees, in particular women.

296. The Committee calls upon the State party to keep under review and carefully monitor the impact of its laws and policies on women migrants, refugees and asylum-seekers with a view to taking remedial measures that effectively respond to the needs of those women. In this respect, the Committee urges the State party to review its "no recourse to public funds" policy to ensure the protection of and provision of support to victims of violence. The Committee also urges the State party to take effective measures to eliminate discrimination against immigrant and refugee women, both in society at large and within their communities. It calls upon the State party to pay specific attention to the vulnerability of women asylum-seekers while their claims are under examination and to ensure the full implementation of the Asylum Gender Guidelines.

#### Implementation of Law: female genital mutilation

278. While welcoming the enactment of the Female Genital Mutilation Act (2003) and the Female Genital Mutilation Prohibition (Scotland) Act (2005), the Committee is concerned that there have been no prosecutions under this legislation. The Committee is also concerned that the number of women and girls who have undergone or are at risk of female genital mutilation is on the rise.

279. The Committee urges the State party to ensure the full implementation of legislation to prohibit female genital mutilation, including prosecution of perpetrators, with a view to eliminating this harmful traditional practice. The Committee recommends the expansion of training activities and programmes for public officials, in particular law enforcement personnel and health-service providers, as well as the British Medical Association, so as to ensure that they are sensitized to the issue and can provide adequate support to victims. The Committee invites the State party to increase its efforts to design and implement targeted prevention strategies, as well as education and awareness-raising programmes involving community and religious leaders, women's organizations and the general public.

## **United Republic of Tanzania**

July 2008

#### Explicit Discrimination in Law: marriage; inheritance; child custody

111. The Committee is concerned that, although the United Republic of Tanzania ratified the Convention in 1985 without any reservations, the Convention has still not been domesticated as part of the law of the United Republic of Tanzania. It notes with concern that, without such full domestication, the Convention is not a part of the national legal framework and its provisions are not justiciable and enforceable in the courts. While welcoming the efforts of the State party to achieve legislative reform, specifically in the context of the work of the Law Reform Commission, the Committee is concerned at the lack of priority given to comprehensive legal reform to eliminate sex-discriminatory provisions and to close legislative gaps in order to bring the country's legal framework fully into compliance with the provisions of the Convention and to achieve women's de jure equality. The Committee is concerned, in particular, about the delay in the passage of the proposed amendments to the Law of Marriage Act of 1971, inheritance laws, as well as the Law on the Custodian of Children. The Committee is further concerned that other legislation and customary laws that discriminate against women and are incompatible with the Convention remain in force, both in the Tanzanian mainland and in Zanzibar.

**112. The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls upon the State party to accelerate its law review process and to work effectively with Parliament in ensuring that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It urges the State party to raise the awareness of legislators about the need to give priority attention to such reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations. It encourages the State party to set a clear time frame for such reforms, including the passage of the proposed amendments to the Marriage Act of 1971, inheritance laws as well as the Law on the Custodian of Children. The Committee recommends that the State party seek technical support from the international community in this regard.**

#### Explicit Discrimination in Law: citizenship

127. While noting information provided by the delegation on a White Paper and a draft dual citizenship bill that are under consideration, the Committee is concerned at the continuing discrimination against women under the current Citizenship Act (1995) with respect to acquiring citizenship based on their marital status and passing citizenship to their children born outside the country and that such discrimination is in violation of article 9 of the Convention.

**128. The Committee urges the State party to accelerate the process to promptly amend the Citizenship Act (1995) in order to bring it fully into compliance with article 9 of the Convention.**

#### Explicit Discrimination in Law: polygamy; marriage age; bride price

#### Implementation of Law: marriage and family relations; wife inheritance; widow cleansing

#### Absence of Legislation: polygamy

146. The Committee is concerned about the multiple marriage regimes that apply in the State party. It is particularly concerned that customary law and section 10 of the Law of Marriage Act of 1971 allow polygamy while section 15 of the Act specifically prohibits women from having more than one husband and that the proposed amendments to the Marriage Act will not criminalize polygamy. While noting that the proposed amendments to the Marriage Act purports to establish the legal minimum age for both girls and boys at 18 years instead of 15 years for girls and 18 years for boys as it stands under section 13 of the Marriage Act, the Committee is concerned at the delay in passing such amendment. The Committee is further concerned that the Law of Persons Act allows for the possible payment of a bride price and that discriminatory customary practices still persist with regard to marriage and family relations, including wife inheritance and widow cleansing.

147. The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention and to complete its law reform in the area of marriage and family relations in order to bring its legislative framework into compliance with articles 15 and 16 of the Convention, within a specific time frame. The Committee calls upon the State party to ensure that where conflicts arise between formal legal provisions and customary law, the formal provisions prevail. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations. The State party is urged to speedily enact the proposed amendments to the Marriage Act to ensure that it establishes one legal minimum age for marriage, at 18 years for both girls and boys, in line with internationally acceptable standards.

Implementation of Law: discriminatory customs

Absence of Legislation: discriminatory customs (incl. polygamy, bride price)

117. The Committee is concerned about the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is also concerned that such customs and practices perpetuate discrimination against women, and that they are reflected in women's disadvantageous and unequal status in many areas, including in public life and decision-making and in marriage and family relations, and the persistence of violence against women and harmful traditional customs and practices, including female genital mutilation, polygamy and the bride price, and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative cultural values and practices.

118. The Committee requests the State party to view its cultures as dynamic aspects of the country's life and social fabric and as subject, therefore, to change. It urges the State party to put in place without delay a comprehensive strategy, including legislation, to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, including traditional leaders, which should be undertaken in collaboration with civil society. The Committee urges the State party to address harmful cultural and traditional customs and practices, such as the use of female genital mutilation, polygamy and the bride price, more vigorously. The Committee encourages the State party to effectively use innovative measures to strengthen the understanding of the equality of women and men and to work with the media to enhance a positive and non-stereotypical portrayal of women.

Implementation of Law: violence against women; domestic violence; rape

Absence of Legislation: VAW; marital rape

119. While noting the adoption in 2001 of the National Plan of Action to combat violence against women and children (2001-2015) for both the Tanzanian mainland and Zanzibar and the launch and endorsement by the President in May 2008 of a national campaign of "Say No to Violence Against Women", the Committee expresses concern at the high prevalence of violence against women and girls, such as widespread domestic violence and sexual violence, including rape. The Committee is also concerned that such violence appears to be socially legitimized and accompanied by a culture of silence and impunity, that cases of violence are thus underreported and that those that are reported are settled out of court. The Committee is further concerned at the inadequate funding for the implementation of the National Action Plan and at the lack of a comprehensive legal aid system. Furthermore, it notes with concern that marital rape is not recognized as a criminal offence as well as the State

party's statement that the provision of shelters for victims of violence is not a viable option for the country, and it regrets the absence of data and information on violence against women, disaggregated by age groups.

120. The Committee urges the State party to give priority attention to combating violence against women and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation No. 19. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and therefore in violation of women's rights. The Committee calls upon the State party to ensure that violence against women and girls, including domestic violence, marital rape, and all forms of sexual abuse, constitute a criminal offence; that perpetrators are prosecuted, punished and rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee requests the State party to remove any impediments faced by women in gaining access to justice and recommends that legal aid be made available to all victims of violence, including through the establishment of legal aid clinics in rural or remote areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of counselling services for victims of violence and urges the State party to reconsider the possibility of establishing shelters for such victims. The Committee requests the State party to provide information in its next periodic report on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age groups.

#### Implementation of Law: female genital mutilation

#### Absence of Legislation: female genital mutilation (adult)

121. While welcoming the enactment of the Sexual Offences Special Provisions Act (1998), which prohibits female genital mutilation of girls under the age of 18 years, and the adoption of the National Plan of Action to combat Female Genital Mutilation (2001-2015), the Committee is concerned about the continued prevalence of the practice in some regions of the country and the estimation provided in the report that about 18 per cent of Tanzanian women undergo female genital mutilation. The Committee is also concerned at the weak enforcement of the prohibition of female genital mutilation and the lack of attention of the relevant authorities as to the recent practice of female genital mutilation being perpetrated against newborn baby girls in the privacy of their homes. The Committee is further concerned at the continued legality of the practice upon women over 18 years of age, who are usually pressured or forced into undergoing the practice. The Committee underlines that this harmful practice is a grave violation of girls' and women's human rights and the State party's obligations under the Convention.

122. The Committee urges the State party to implement existing legislation prohibiting the practice of female genital mutilation and to adopt new legislation, as necessary, to eliminate this and other harmful traditional practices affecting all women. The State party should prohibit female genital mutilation in all instances, including in respect of women over 18 years of age, address the recent practice of female genital mutilation being performed on newborn baby girls, and strengthen the enforcement of the 1998 Act to ensure that offenders are prosecuted and adequately punished. The Committee urges the State party to strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.

### Implementation of Law: employment equality

#### Absence of Legislation: informal labour; maternity leave (comprehensive)

131. The Committee notes various measures taken by the State party, including the domestication of international labour standards through the enactment of the National Employment Services Act (1999), which provides for equal opportunities of access to employment for men and women, the enactment of the Employment and Labour Relations Act (2004), which is applicable to all employers, and the adoption of an affirmative action policy in employment in the public service. It also notes that women employed in the public sector are entitled to equal remuneration commensurate with their work. However, the Committee is concerned that the public service is male dominated and that the majority of women working in the public sector are in the lower or middle cadres. The Committee is also concerned that, while paid maternity leave is provided for in the Public Service Standing Orders (1984) and the Employment and Labour Relations Act (2004), such maternity leave is only available every three years and that the private sector employers are not bound by the Standing Orders. The Committee is further concerned that sexual harassment constitutes a serious problem for female labourers. The Committee is concerned about the precarious situation of the high number of women in the informal sector, mainly in the agricultural sector, as well as in other activities such as small business, food processing and handicrafts, where they have limited access to land and lack job security and access to social security benefits.

132. Furthermore, the Committee regrets the limited data on the situation of women in the labour force, which prevented it from obtaining a clear picture with regard to women's participation in the labour force in urban and rural areas, the wage gap, vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities.

**133. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It calls upon the State party to ensure that employment legislation applies to, and is enforced in, the public and private sectors. The Committee also calls upon the State party to provide a regulatory framework for the informal sector, with a view to providing women with access to social protection and benefits. It further calls upon the State party to provide, in its next report, detailed information, including data disaggregated by sex; an analysis on the situation of women in the field of employment, in both the formal and informal sectors, and trends over time; and information about measures taken and their impact on realizing equal opportunities for women in the employment sectors, including in new fields of employment and entrepreneurship. The Committee requests the State party to provide in its next periodic report detailed information about legal provisions and their monitoring and enforcement; equal pay for work of equal value; and complaints mechanisms and statistical information concerning their use by women and their outcomes.**

### Implementation of Law: rural women; property rights

#### Absence of Legislation: inheritance rights

140. The Committee expresses its concern at the disadvantaged position of women in rural and remote areas who form the majority of women in the United Republic of Tanzania, which is characterized by poverty, illiteracy, difficulties in access to health and social services and a lack of participation in decision-making processes at the community level. The Committee is also concerned that traditional female stereotypes are most prevalent in the rural communities and that rural women are often relegated tasks related to farming and raising children, with no opportunity for wage employment. While noting the adoption of the Land Act No. 4 of 1999, as amended in 2004, and the Village Lands Act No. 5 of 1999 that reverse discriminatory customary practice connected with women's rights to land and that the Courts (Land Disputes Settlements) Act No. 2 of 2002 provides for the composition of Land Courts with not less than 43 per cent women members, the Committee is concerned that rural women often lack effective access to the ownership of land, despite the existence of legal provisions providing for such access,

as reflected in the low percentage of women who own land. The Committee is also concerned that the amended land laws do not address the issue of discriminatory inheritance rights against women. In addition, it is concerned about women's limited knowledge of their property rights and their lack of capacity to claim them.

**141. The Committee calls upon the State party to take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, and to pay special attention to the needs of rural women, in particular women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee urges the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership of land. The Committee also urges the State party to enact legislation to eliminate discriminatory inheritance practices. The Committee further urges the State party to place high priority on implementing legislative reforms and invites the State party to enhance women's, especially rural women's, awareness of their land and property rights through legal literacy programmes and extension services. It encourages the State party to expand legal assistance to rural women wishing to file claims of discrimination. The Committee requests the State party to include in its next periodic report comprehensive data on the situation of rural women in all areas covered by the Convention, including the causes for the low percentage of women, as compared to men, who own land, and on efforts by the State party to increase this percentage.**

#### Absence of Legislation: Article 1 definition of discrimination

109. The Committee notes that the thirteenth Constitutional amendment in 2000 expanded the grounds of discrimination in paragraph 13 (5) of the Constitution to also include discrimination on the basis of gender and that article 12, section 5, of the Constitution of Zanzibar as amended in 2002 also includes a reference to gender discrimination. However, the Committee is concerned that although the United Republic of Tanzania has amended its Constitution to include gender as a ground of discrimination, the definition of discrimination is still not in accordance with the definition of discrimination in article 1 of the Convention, which prohibits direct and indirect discrimination.

**110. The Committee calls upon the State party to consider amending the existing definition of discrimination to encompass both direct and indirect discrimination in accordance with article 1 of the Convention.**

## Uruguay

November 2008

#### Explicit Discrimination in Law: sexual violence

18. The Committee notes with concern that certain provisions of the Penal Code, in particular those contained in title X, entitled "Crimes against decency and the family order", discriminate against women by retaining concepts such as modesty, virtue and public scandal in the characterization of sexual offences. The Committee regrets that the draft reform of the Penal Code, submitted to the Senate in September 2005, is still to be adopted.

**19. The Committee urges the State party to speed up the process of adoption of the draft reform of the Penal Code and to repeal these articles of the Penal Code without delay in order to bring the Code into line with the Convention and the Committee's general recommendations 19 and 24.**

#### Explicit Discrimination in Law: marriage age; divorce; family and marriage

46. The Committee is seriously concerned that the Civil Code continues to contain provisions that discriminate against women with regard to family and marriage, in particular those establishing the minimum age for marriage, the prohibition of widowed or divorced women from remarrying for a period of 300 days from the death of the husband or the date of the divorce and the withholding of alimony from women who lead a “disorderly life”. The Committee regrets that the Code on Childhood and Adolescence has failed to modify the very low minimum age for marriage, which continues to be set at 12 for girls and 14 for boys, which is in contradiction to article 16, paragraph 2, of the Convention.

**47. In line with the Committee’s previous recommendation (A/57/38, part I, para. 205) and the Committee on the Rights of the Child’s recommendation (CRC/C/URY/CO/2, para. 26), the State party is called upon to eliminate discriminatory legal provisions in matters relating to family and marriage in order to bring its legislation into line with the Convention. In particular, the State party should raise minimum age of marriage for both men and women to 18 years, in line with article 16, paragraph 2, of the Convention, the Committee’s general recommendation 21 and article 14 of the Convention on the Rights of the Child.**

#### Explicit Discrimination in Law: unmarried mothers

48. While welcoming the adoption of the Code on Childhood and Adolescence, which contains a number of anti-discrimination provisions, the Committee is concerned that this Code retains the differentiation and stigmatization of children born out of wedlock.

**49. Further to the recommendations of the Committee on the Rights of the Child (CRC/C/URY/CO/2, para. 28), the Committee encourages the State party to eliminate discrimination against children born out of wedlock without delay. It encourages the State party to include in its next report information on the situation of single women with children born out of wedlock and measures taken to ensure that their rights are protected.**

#### Absence of Legislation: Article 1 definition of discrimination

10. While noting that the Constitution enshrines the principle of equality between men and women, the Committee remains concerned at the absence of direct and clear incorporation of the Convention and of a specific definition of discrimination against women in accordance with article 1 of the Convention in domestic legislation. It regrets, in particular, that the recently adopted Law No. 18.104 on the equality of rights and opportunities between men and women does not incorporate such a definition. It recalls that the absence of such a specific provision with a definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private sphere, constitutes an impediment to the full application of the Convention in the State party.

**11. The Committee calls on the State party to take urgent steps to fully incorporate the Convention and the definition of discrimination against women, as contained in article 1 of the Convention, into domestic legislation and to report on progress made in this regard in its next periodic report.**

#### Absence of Legislation: marital rape

24. The Committee notes with appreciation that Law No. 17.938 of January 2006 abolished articles 116 of the Criminal Code and 23 of the Code of Criminal Procedure, which provided that charges for a crime of rape be withdrawn if the perpetrator married the victim. However, it regrets that the State party has failed to criminalize marital rape.

**25. The Committee recommends that the State party criminalize marital rape, defined on the basis of lack of consent of the wife.**



## Uzbekistan

February 2010

### Explicit Discrimination in Law: marriage age

### Implementation of Law: child marriage; arranged marriage; forced marriage; polygamy

42. While noting the information provided by the delegation of the State party that a social survey has been conducted on the question of the marriage age and that the State party is considering introducing the same marriage age for girls and boys, the Committee remains concerned that article 15 of the Family Code currently contains different marriage ages for girls (17 years) and boys (18 years), with the possibility of a dispensation of one year for girls only (16 years). The Committee is also concerned that the practices of polygamy, early marriage, arranged marriage and the kidnapping of young girls to force them to marry continue, particularly in rural areas. The Committee notes the explanation provided by the delegation in respect of polygamy but reiterates its concern that the formulation of article 126 of the Criminal Code prohibiting polygamy in the form of cohabitation with two or more women on the basis of a common household is unclear and may lead to misinterpretation.

**43. The Committee calls upon the State party to implement measures aimed at eliminating polygamy in all cases, as called for in the Committee's general recommendation No. 21. The Committee also urges the State party to take all necessary measures to combat the practices of early marriage, arranged marriage and forced marriage of kidnapped women.**

### Absence of Legislation: Article 1 definition of discrimination

9. The Committee notes that the new, revised version of the draft law on equal rights and equal opportunities for women and men contains a definition of discrimination that encompasses both direct and indirect discrimination and discrimination in public and private spheres, in accordance with article 1 of the Convention. The Committee is concerned, however, that this draft law has not yet been adopted.

**10. The Committee urges the State party to accelerate the process of adoption of the law on equal rights and equal opportunities for women and men within a clear time frame. It also encourages the State party to raise awareness among Government officials, the judiciary and the public with respect to the nature of indirect discrimination and the concept of substantive equality.**

### Absence of Legislation: discriminatory customs and stereotypes

19. The Committee reiterates its deep concern at the persistence of practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes, regarding the roles, responsibilities and identities of women and men in all spheres of life. The Committee is also concerned that such customs and practices perpetuate discrimination against women and girls, that such customs and practices are reflected in the disadvantageous and unequal status of women and girls in many areas, including in education, public life, decision-making and the persistence of violence against women, and that, thus far, the State party has not taken sustained and systematic action to modify or eliminate stereotypes and negative traditional values and practices. The Committee notes with concern that such attitudes are particularly prevalent in the media, which often depicts women and men in a stereotyped manner.



20. The Committee urges the State party to put in place without delay a comprehensive strategy, including the review and formulation of legislation and the establishment of clear goals and timetables, to modify or eliminate traditional practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include efforts to raise awareness of this subject, targeting women and men at all levels of society, in collaboration with civil society. The Committee calls upon the State party to use innovative and effective measures to strengthen understanding of the equality of women and men and to work with the media to enhance a positive, non-stereotypical and non-discriminatory portrayal of women. It also calls upon the State party to strengthen its strategies to combat sexualization of the public sphere, take proactive measures to ensure that media production and coverage are non-discriminatory, increase awareness of these issues among media proprietors and other relevant actors in the industry and consider introducing legislation that imposes sanctions on the media for sexist approaches in highlighting gender issues.

#### Implementation of Law: violence against women

#### Absence of Legislation: violence against women; domestic violence

21. While noting some measures taken by the State party to prevent and combat violence against women, the Committee expresses concern at the lack of data and information on the incidence of various forms of violence against women and girls, including domestic violence, disaggregated by age and urban and rural areas, as well as studies and/or surveys on the extent of violence and its root causes. The Committee also remains concerned about the absence of a specific law protecting women and the lack of prosecution and punishment of perpetrators of domestic violence. The Committee is further concerned that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity, with cases being referred to as “family conflicts”; that cases of violence are thus underreported; and that those that are reported are settled out of court or reconciled, including through the *mahalla* committees.

22. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19. Such measures should include the:

- (a) **Expedition adoption of a framework law on all forms of violence against women that also covers domestic violence and that introduces definitions in respect of all forms of domestic violence, including psychological and sexual violence;**
- (b) **Amendment of existing penal provisions, as necessary;**
- (c) **Development of a comprehensive national action plan to combat violence against women.**

#### Absence of Legislation: employment equality; sexual harassment

32. The Committee expresses its concern at the high rate of unemployment among women as compared with men and the persistence of a significant gender wage gap, with women earning less than 40 per cent of the income earned by men. It also regrets the lack of information and relevant statistics about vertical and horizontal segregation of the labour force, including employment sectors and types of employment. The Committee is further concerned at the lack of information about the application of the principle of “equal pay for work of equal value” and about the situation of the increasing number of female home-based workers and whether they enjoy protection under the labour laws. While noting the existence of the Labour Code, the Committee expresses concern at the absence of a definition of direct and indirect discrimination in employment and at the lack of a prohibition against sexual harassment in the workplace.

33. The Committee requests the State party to ensure equal opportunities for women in the labour market, in accordance with article 11 of the Convention. It urges the State party to pay specific attention, and to adopt a

comprehensive approach, to tackling the high unemployment rate of women. It also calls on the State party to take concrete and proactive measures to modify the sex segregation of the formal labour market, monitor and close the gender wage gap and apply the principle of equal remuneration and equal opportunities at work. The Committee calls on the State party to provide, in its next report, the following: detailed information, including data disaggregated by sex; analysis of the situation of women in the field of employment, in both the formal and informal sectors, and trends over time; information about measures taken and their impact on realizing equal opportunities for women in the employment sectors; and detailed information about the situation of female home-based workers, including whether they enjoy protection under the labour laws. The State party is further encouraged to introduce a definition of direct and indirect discrimination in employment and to enact specific legal provisions to prohibit sexual harassment in the workplace.

#### Absence of Legislation: refugees and asylum-seekers (violence, divorce, access to justice)

38. The Committee is concerned that the national legal framework does not provide for the protection of refugees and asylum-seekers, including women, and by the situation of the internally displaced and stateless persons. The Committee is further concerned at information that refugees who do not have valid passports or visas are not reporting violations of their rights, including gender-based violence, to the authorities, owing to fear of deportation, and that the situation of refugee women is further complicated by patriarchal practices. The Committee also expresses its concern at the reported inability of refugee women to divorce legally in Uzbekistan.

39. The Committee calls on the State party to elaborate a legislative framework for the protection of refugees and asylum-seekers in accordance with international standards and to ensure human and financial resources for its implementation. The Committee calls on the State party to pursue its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and to protect persons who have sought refuge in Uzbekistan. In this respect, the Committee calls on the State party to take concrete measures to protect refugee women recognized under the mandate of UNHCR from gender-based violence and to ensure that refugee women can divorce legally. The Committee welcomes the statement made by the delegation of the State party that the issue of accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol is currently under examination, and encourages the State party to accede to these instruments without delay. The Committee also encourages the State party to consider ratifying or acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

## **Vanuatu**

June 2007

#### Explicit Discrimination in Law: citizenship

28. The Committee is concerned that the Citizenship Act does not comply with the provisions of the Convention. The Committee is particularly concerned that a man married to a ni-Vanuatu woman is not entitled to citizenship, while a woman married to a ni-Vanuatu man enjoys that entitlement. The Committee is also concerned that a man applying for citizenship after 10 years of residence can include his wife and children in his application, whereas a woman cannot.

29. The Committee requests the State party to amend without delay the Citizenship Act so as to bring it into compliance with article 9 of the Convention.

### Explicit Discrimination in Law: marriage age

40. The Committee is concerned that the law provides for different ages of marriage for women and men — 16 years for women and 18 for men.

**41. The Committee urges the State party to raise the minimum age of marriage for women to 18 years, in line with article 16 of the Convention, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

### Implementation of Law: customary law

38. The Committee is concerned that discriminatory provisions persist in the customary law governing marriage and family relations, which permit polygamy and the practice of *kastom*, or exchange of gifts, and in regard to access to and property of land, and inheritance. It is also concerned that in practice, women's access to justice is limited by factors such as lack of knowledge and awareness about their rights, lack of legal assistance, practical difficulties in accessing courts, legal costs and the prevalence of the use of customary or "island" courts in particular in rural and remote areas.

**39. The Committee urges the State party to complete its law reform in the area of family law in accordance with articles 15 and 16 of the Convention, within a specific time frame, and ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. It requests the State party to enhance women's access to justice, including by raising women's awareness of their rights, and access to the courts to claim all their rights. The Committee recommends that the State party undertake targeted awareness-raising measures to ensure that customary or "island" courts are familiar with the concept of equality of the Convention so that their rulings are not discriminatory against women, especially with regard to land ownership and inheritance, and further to ensure that decisions of customary courts can be appealed in the formal legal system.**

### Absence of Legislation: Article 1 definition of discrimination

### Implementation of Law: customary law

10. The Committee is concerned that, although the Convention was ratified in 1995, the Convention has not yet been fully incorporated into domestic legislation. The Committee is deeply concerned that the Constitution gives equal status to cultural and religious norms, some of which have an adverse impact on women's enjoyment of their human rights, with legal norms. The Committee is further concerned that the principle of equality of women and men and the prohibition of discrimination lacks primacy over contradictory norms of customary law. The Committee is also concerned that neither the Constitution nor other domestic legislation contain a definition of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination.

**11. The Committee urges the State party to proceed without delay with the full incorporation of the Convention into the domestic legal system. It also calls on the State party to clarify the primacy of the principle of equality of women and men and the prohibition of discrimination, over customary law. It calls on the State party to include in domestic law a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention. It encourages the State party to sensitize the judiciary, lawyers and prosecutors to the provisions of the Convention and to the Optional Protocol.**

## Venezuela

January 2006

### Explicit Discrimination in Law: Penal and Civil Codes

#### Absence of Legislation: social security for housewives

13. While welcoming the fact that the Constitution establishes equality between men and women in all spheres of life and that article 88 of the Constitution recognizes the economic and social value of domestic work and gives housewives the right to social security, the Committee is concerned that the necessary reforms to bring the relevant codes into compliance with the principles embodied in the Convention and the Constitution, such as the Penal and Civil Codes dating from 1937 and 1982, respectively, have not yet been completed.

**14. The Committee urges the State party to speedily complete the revision of its Penal and Civil Codes to bring them into full compliance with the principles of the Constitution and the provisions of the Convention and to adopt legislation on social security for housewives. The Committee urges the State party to adopt all other necessary legislative measures to ensure the realization in practice of all the Constitutional provisions related to women's human rights.**

### Explicit Discrimination in Law: marriage age

33. The Committee notes with concern that the minimum legal age of marriage is set at 14 for girls and 16 for boys.

**34. The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.**

### Implementation of Legislation: violence against women; domestic violence

25. The Committee is deeply concerned that in 2003 the Government Attorney's Office lodged an appeal contravening the provision of precautionary measures against perpetrators of domestic violence, provided for in the Violence against Women and the Family Law. The Committee is concerned that the appeal aims to prevent administrative bodies acting as officers of the court from receiving complaints from women victims of violence. The Committee is further concerned about the lack of a centralized system to collect data on violence against women.

**26. The Committee urges the State party to take immediate effective measures to eliminate any obstacles that may be encountered by women victims of violence in obtaining precautionary measures against perpetrators of violence and to ensure that such measures remain easily accessible to them. The Committee underscores the need for the State party to place high priority on the comprehensive implementation and evaluation of the Violence against Women and the Family Law and to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that perpetrators of violence against women are prosecuted and adequately punished. It encourages the State party to enhance effective access to legal aid for women from all regions, including indigenous women and women of African descent. It also calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, sensitized to all forms of violence against women and**

trained to adequately respond to them. The Committee urges the State party to establish a centralized system to gather data on the incidence of violence against women and to include such data and information about the impact of measures taken in its next periodic report.

## **Viet Nam**

February 2007

### Explicit Discrimination in Law: marriage age

#### Implementation of Law: child marriage

26. The Committee is concerned about the differential minimum legal age for marriage for women and men as well as about reports on underage marriages of girls, which limit their development and opportunities to fully develop their skills and capacities, especially in some ethnic minority areas.

27. **The Committee urges the State party to set the same minimum age of marriage for women and men at 18 years, in line with article 1 of the Convention on the Rights of the Child and article 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations. It also calls on the State party to take measures to prevent and stop underage marriages.**

### Absence of Legislation: domestic violence

16. Although the Committee welcomes the drafting of a new bill on domestic violence, it continues to be concerned about the lack of information and data on all forms of violence against women and girls, the insufficient information on measures taken to prevent and combat violence against women, including services provided to victims, and the prosecution and punishment of perpetrators of all forms of violence.

17. **In accordance with its general recommendation 19, the Committee reiterates its recommendation that the State party give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, including through the speedy adoption of the law on domestic violence. Such measures should ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention. The Committee repeats its recommendation that the State party continue and increase the implementation of educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women and girls are unacceptable. It also recommends the establishment of a sufficient number of crisis centres, including shelters for victims of violence, in both urban and rural areas.**

## **Yemen**

July 2008

### Explicit Discrimination in Law: Penal Code; “honour” crimes

367. The Committee remains concerned that several provisions of the Penal Code discriminate against women. It is particularly concerned at articles 273 and 275 identifying and criminalizing acts violating “public decency”, under which women are systematically prosecuted, as well as article 232 providing that a man, or any other male relative, who kills his wife, or a female member of the family suspected of adultery, is not prosecuted with murder.

**368. The Committee urges the State party to repeal any discriminatory penal provisions of the Penal Code, including articles 273, 275 and, in particular, 232, as already proposed by the Women’s National Committee several years ago, to ensure that homicides committed against women by their husbands or male relatives are prosecuted and punished in the same way as any other murders.**

### Explicit Discrimination in Law: early marriage

#### Implementation of Law: marriage registration

### Absence of Legislation: female genital mutilation

379. The Committee is extremely concerned at the amendment to Personal Status Law No. 20 of 1992 by Law No. 24 of 1999 and its negative consequences, which legalized the marriage of girl children below 15 years of age, with the consent of their guardian, which is a clear setback for women’s rights and the implementation of the provisions of the Convention in Yemen and a serious violation of the State party’s obligations under the Convention. The Committee remains deeply concerned at the “legality” of such early marriages of girl children, some as young as eight years of age, which amounts to violence against them, creates a serious health risk for those girls and also prevents them from completing their education.

**380. The Committee urges the State party, reiterating its previous recommendations, to take urgent legislative measures to raise the minimum age of marriage for girls, in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18, and the provision on child marriage in article 16, paragraph 2, of the Convention, and stipulate that child marriages have no legal effect. The Committee urges the State party to enforce the requirement to register all marriages in order to monitor their legality and the strict prohibition of early marriages as well as to prosecute the perpetrators violating such provisions. The Committee recommends that the State party develop awareness-raising campaigns, with the support of civil society organizations and religious authorities, on the negative effects of early marriage on the well-being, health and education of girls. The Committee urges the State party to adopt, without delay, the Safe Motherhood Law recently presented to Parliament, which includes provisions prohibiting any practice that endangers women’s health, such as early marriages and female genital mutilation, in addition to ensuring the provision of contraceptives in all health centres. In this respect, the State party should ensure that such contraceptives are free or affordable.**

### Explicit Discrimination in Law: personal status; polygamy; male guardianship (marriage)

387. The Committee is concerned that the Personal Status Law of 1992 allows polygamy and prohibits the marriage of women without any guardianship and that a woman’s direct consent is not required for her guardian to conclude her marriage.

**388. In accordance with article 16 of the Convention and in the light of the Committee’s general recommendation No. 21, the Committee urges the State party to amend the Personal Status Law to prohibit**

**polygamy and to abolish the institution of guardianship, as they contravene women's right to equality with men. It also urges the State party to repeal any other discriminatory provision against women in this Law.**

Explicit Discrimination in Law: personal status; marriage; divorce; testimony; property; nationality; child custody; inheritance

Absence of Legislation: marriage equality; personal status equality

389. The Committee notes with concern other discriminatory provisions in the Personal Status Law of 1992 and in the Citizenship Law of 1990 which affects women's equal rights in matters relating to marriage, divorce, testimony, property, nationality, child custody and inheritance.

**390. The Committee calls upon the State party to ensure equal rights between women and men with regard to personal status, especially in marriage, divorce, testimony, property, nationality, child custody and inheritance. The Committee recommends that the State party amend all other discriminatory provisions, including the right of a child born to a Yemeni mother to acquire his or her mother's nationality in the same circumstances he or she would acquire it from a Yemeni father. It also recommends that the State party grant the same five-year residency rights a non-Yemeni wife of a Yemeni husband has to a non-Yemeni husband of a Yemeni wife.**

Absence of Legislation: Article 1 definition of discrimination; Article 2 definition of equality

359. The Committee remains concerned that, although the Constitution guarantees that citizens are all equal in rights and duties, it does not enshrine the principle of equality between women and men in all spheres. It is also concerned that the State party's legislation does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex.

**360. In order to implement the Convention fully, the Committee urges the State party to incorporate the principle of equality between women and men in its Constitution, or other appropriate legislation, in line with article 2 (a) of the Convention, and reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. It calls upon the State party to enact and implement a comprehensive law on gender equality that is binding on both public and private sectors and inform women of their rights under such legislation.**

Implementation of Law: violence against women

Absence of Legislation: violence against women; domestic violence; sexual violence; marital rape

365. While welcoming the first measures adopted to combat and prevent domestic violence and violence against women, such as the first National Conference on Combating Violence against Women, held in Sana'a in March 2004, and the study on domestic violence and family health survey devoted to the phenomenon of domestic violence carried out by the Women's National Committee, as well as the establishment of the Yemeni network for fighting violence against women in 2003, the Committee remains deeply concerned that there is no specific or dedicated legislation on violence against women and girls, including domestic and sexual violence. The Committee is also concerned with the difficulties women have in filing complaints and seeking redress with regard to violence against them.

**366. The Committee urges the State party to enact without delay, in accordance with the Committee's general recommendation No. 19, legislation on violence against women and girls, including domestic violence, to ensure that all violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of protection, including shelters, and redress and that perpetrators are prosecuted and punished adequately. The Committee calls upon the State party to amend, without delay, the**

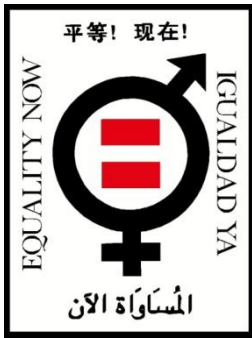
Penal Code to ensure that marital rape is criminalized. The Committee recommends that the State party establish clear procedures for filing complaints on violence against women and establish female sections in police stations to deal with such complaints and investigations. The Committee calls upon the State party to conduct detailed studies on the causes and extent of violence against women and girls, including sexual and domestic violence, collect disaggregated data on all forms of violence against women and provide information in its next periodic report on the laws and policies in place dealing with such violence and the impact of the measures taken.

#### Absence of Legislation: female genital mutilation

383. While welcoming the 2001 decree of the Ministry of Health banning the practice of female genital mutilation in all private and public health facilities or by public health servants, the Committee is concerned that female genital mutilation remains legal and, as expressed in its previous concluding observations, about its high incidence, especially in the coastal and rural areas, as well as with the State party's reluctance to adopt measures aiming at eradicating this persistent harmful practice. The Committee notes with concern the serious health complications for girls and women arising out of this practice, which in some cases may lead to death, as well as with the impunity of perpetrators.

384. In the light of its general recommendations Nos. 14 and 19, as an act of violence against women inflicting physical, mental or sexual harm or suffering, the Committee reiterates the recommendation that the State party adopt urgently legislation criminalizing female genital mutilation, and recommends that the State party enforce its prohibition through the prosecution and adequate punishment of offenders. It also recommends that the State party strengthen its awareness-raising and education efforts, targeted at both men and women, with the support of civil society organizations and religious authorities, in order to completely eliminate this practice and its underlying cultural justifications. The Committee encourages the State party to seek technical assistance from relevant United Nations agencies and bodies.





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