



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Fifty-third session

1 – 19 October 2012

List of issues and questions with regard to the consideration of periodic reports

Comoros

The pre-session working group decided, in accordance with the decision of the Committee at its forty-seventh session, held from 4 to 22 October 2010, and in the absence of the initial report of the State party, due in 1995, and of its second, third and fourth periodic reports, to proceed with the preparation of the list of issues and questions.

The list of issues and questions (CEDAW/C/COM/Q/4) was adopted on 30 March 2010.

The responses to the list of issues and questions (CEDAW/C/COM/Q/4/Add.1) were received on the 15 April 2011.

On 21 September 2011, the combined initial to fourth periodic report of the State party (CEDAW/C/COM/1-4) was received.

The pre-session working group considered the combined initial, second, third and fourth periodic of Comoros (CEDAW/C/COM/1-4) and decided to prepare and adopt the present list of issues.

General

1. Please provide information on initiatives carried out by the State party to disseminate the principles of the Convention. Please also indicate whether the State party has undertaken activities to provide training for legal professionals, including lawyers, judges and prosecutors as well as other actors responsible for the implementation of the provisions enshrined in the Convention.

Legal status of the Convention, legislative and institutional framework

2. The responses to the previous list of issues (CEDAW/C/COM/Q/4/Add.1, para. 6) indicate that a comparative study between domestic legislation and the Convention was concluded in 2007. Please provide information on the status of the Convention in the domestic legal order. The responses to the previous list of issues (CEDAW/C/COM/Q/4/Add.1, para. 5) indicate that the Constitutional Court has never considered a case involving discrimination against women. Please indicate whether the

Convention is directly applicable, and provide information on any efforts made to sensitize women and encourage them to seek redress against discrimination cases.

3. The report does not provide information on whether its national legislation contains a definition of discrimination against women in line with the Convention. The report also states (CEDAW/C/COM/1-4, para. 201) that article 53 of the Health Code provides that the cost of “health care and services in public health facilities shall be assumed by the people”. Please provide information on measures taken to include the definition of discrimination against women into its national legislation and whether the State party is planning to adopt a Gender Equality Law. Please also provide information on measures taken to revise article 53 of the Health Code with a view to ensure the right to health of women and girls, in line with the Convention and the Committee’s general recommendation No. 24.

National machinery for the Advancement of Women and National Human Rights Institutions

4. The report states (CEDAW/C/COM/1-4, para. 47) that gender issues are now handled by the General Office for Solidarity and Gender Advocacy. The report also acknowledges that the institutional framework is not fully operational, as its internal organization has not been determined and that the office is short of qualified staff for fulfilling its mandate. Further, according to information before the Committee, legislation for the establishment of a National Human Rights Institution has been passed by the State party’s Parliament and was promulgated by the President in March 2012. Please provide information on measures taken, including financial and human resources, to enable the General Office for Solidarity and Gender Advocacy to run effectively. Please also provide information on the operationalization of the National Human Rights Institution, and its financial and human resources in order to carry out its mandate for promotion and protection of human rights, including women’s rights, of the people of Comoros.

Temporary special measures

5. Please provide information on temporary special measures taken or envisaged to accelerate the achievement of equality in all areas, covered by the Convention, especially in the area of girls’ enrolment and retention in schools, and also in the area of employment of women.

Stereotypes and discriminatory cultural practices

6. The report states in (CEDAW/C/COM/1-4, para. 92) that certain cultural practices and deeply rooted stereotypes about the roles and responsibilities of women and men in all aspects of life result in the discrimination of women and perpetuate their subordination to men. However, the report is silent about measures taken to combat these discriminatory practices and stereotypes. Please provide information on concrete measures, including legal provisions and awareness-raising campaigns, taken by the State party to change the public attitude and social and cultural patterns, and eliminate discriminatory customs, traditions and gender-based stereotypes.

Violence against women

7. Bearing in mind the Committee’s general recommendation No. 19 on violence against women, please indicate whether the State party envisages to adopt legislation that expressly prohibits violence against women and to further develop a comprehensive strategy to combat all forms of violence against women, like: prosecution of perpetrators; the provision of assistance to victims, including rehabilitation and shelter services and access to legal aid; and the implementation of capacity-building and awareness-raising

programmes for various groups such as the police, lawyers, the judiciary, health and social workers, as well as the public at large.

8. The report states (CEDAW/C/COM/1-4, para. 219) that often cases of rape are solved “amicably”. Please provide information on measures taken to encourage women victims of domestic and sexual violence to seek justice through the formal legal system rather than through traditional conflict resolution mechanisms. Please also provide information on steps envisaged to adopt a sexual offence act.

Trafficking and exploitation of prostitution

9. The report states (CEDAW/C/COM/1-4, para. 215) that organized prostitution, trafficking in women and exploitation of prostitution of women have no place in the State party and provides no information on data and specific legislation on trafficking and sexual exploitation. However, according to alternative information received, trafficking is persistent in the State party. Please indicate whether the State party envisages collecting sex-disaggregated data on the number of women and girls victim of trafficking for the purposes of sexual and economic exploitation, as well as on the number of individuals arrested, prosecuted and sentenced as a result of their involvement in trafficking. Please also indicate whether the State party envisages enacting or considering any specific legislation to combat trafficking in women and girls.

Political and public life

10. The report states that women are underrepresented at all levels of political and public life (CEDAW/C/COM/1-4, para. 72). The report further states (CEDAW/C/COM/1-4, para. 75) that “senior government positions held by women are of little strategic importance, usually in ministries responsible for gender, solidarity, health and so on”. The report also acknowledges that women are limited from participation in political and public life due to sociocultural constraints, repeated pregnancy and childbirth, lack of proactive measure of the State party and the silence and impunity surrounding domestic violence. The report further acknowledges (CEDAW/C/COM/1-4, para. 96) that many women in the State party suffer spousal abuse by their own husbands or violence by their husbands’ relatives when they engage in politics without their husband’s consent. Please further provide information on measures taken to overcome these obstacles to the participation of women in political and public life, including on measures to combat violence against women willing to participate in political and public life.

Education

11. The report acknowledges (CEDAW/C/COM/1-4, para. 115) that there is a marked literacy gender gap of approximately 13.4 per cent nationwide, female literacy being considerably lower than male. The report further acknowledges that the situation is alarming with regard to gender parity in primary and secondary education, and that the number of girls keeps falling, thus underscoring the gender gap. The report also states that the State party’s curriculum does not contain specific modules on education in population and family life. Please provide information on measures taken to raise the level of literacy among girls and women, to revise school curriculum in order to eliminate stereotypes.

Employment

12. In 2008, the ILO Committee of Experts noted the Government’s commitment to bring section 97 of the Labour Code into conformity with ILO Convention No.100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. The report acknowledges (CEDAW/C/COM/1-4, para. 185) that gender analysis of the labour market by sector in terms of employment and economic activities reveals the

feminization of casual and informal employment and unemployment in the State party, and that there is no social security for those who work in the informal sector. Please provide information on measures taken to revise national legislation in order to bring it in line with the international standards on employment. Please also provide information on measures taken to combat the occupational segregation between women and men in the area of employment, and information on measures taken or envisaged to provide social security to women working in the informal sector.

Health

13. The report refers (CEDAW/C/COM/1-4, para. 155) to a National Health Policy and its implementation plan. Please provide additional information on this policy, including detailed information on financial and human resources that are allocated to it.

14. The report refers (CEDAW/C/COM/1-4, table 9) to high maternal and child mortality rates. Please describe any measures taken or envisaged by the State party to reduce maternal and infant mortality rates, including programmes to ensure safe childbirth attended by skilled personnel, as well as effective pre and post-natal care. Please also indicate the measures taken or envisaged to ensure full access of women to family planning services and contraceptives.

15. The report refers (CEDAW/C/COM/1-4, para. 168) to a bill on the protection of persons living with HIV/AIDS, which at the time of the elaboration of the report has been drafted, approved and submitted to the National Assembly for adoption. The report also provides information on the multisectoral HIV strategic plan. Please provide updated information on whether the bill has a gender prospective on HIV/AIDS and whether it has been adopted, as well as on its implementation. Please provide details and data on the impact of all the measures listed in the HIV strategic plan on prevention of HIV/AIDS on women.

16. The report states (CEDAW/C/COM/1-4, para. 169) that the State party does not have a social security system, and that at the time of the preparation of the report, a cooperative health insurance scheme was being established. Please provide updated information on the establishment of the social security system, on the types of costs it covers and on its impact with regard to access to health for women.

Rural women

17. The report states (CEDAW/C/COM/1-4, para. 173) that women represent 50.4 per cent of the population of the State party, and 72 per cent of the population live in rural areas. However, the State party's domestic legislation does not provide for any specific measures for rural women. The report further acknowledges that rural women are inadequately informed about their rights, mainly because of lack of access to the information, to education and the absence of a permanent mechanism for training. Please provide detailed information on any programmes developed to meet the needs of rural women and girls, in particular in the areas of education, vocational training, access to health services and employment.

18. The report acknowledges (CEDAW/C/COM/1-4, para. 196) that 90 per cent of the population nationwide does not have access to "safe" drinking water, and a mere 37.8 per cent of households nationwide have access to electricity. Please provide information on measures taken to ensure access of rural women to safe drinking water, electricity and other facilities.

Marriage and family life

19. According to the report (CEDAW/C/COM/1-4), women do not have the same rights as men in various aspects of the marriage relationships. Please indicate whether the State party envisages undertaking a comprehensive review of the discriminatory provisions of the legislation related to marriage and family life in order to bring them in line with the provisions of the Convention. These provisions include, among others, unequal rights to choose a spouse, unequal rights with regard to parental authority and guardianship of children after dissolution of marriage, unilateral repudiation, polygamy and inheritance. Please indicate the measures taken, including awareness-raising activities, to ensure the effective implementation of the provision of the Family Code, particularly in setting up the minimum age of marriage at 18 years.

20. The report indicates (CEDAW/C/COM/1-4, para. 261) that law allows polygamy and that contrary to what the law stipulates on the requirement of the prior consent of the existing wife, men unilaterally make the decision to marry subsequent wives. Please provide information on measures envisaged including awareness raising for both men and women that the practice of polygamy is discriminatory and also provide information on steps taken to abolish de jure and de facto polygamy.

Optional Protocol and amendment to article 20, paragraph 1

21. Please indicate any progress made towards ratification/accession of the Optional Protocol to the Convention and towards acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.
