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IV. CONCLUDING OBSERVATIONS

CERD

- Lebanon, CERD, A/53/18 (1998) 42 at para. 183.

The State party should ensure that all legal provisions dealing with family-related issues relating to members of ethnic groups and foreigners are fully consistent with the provisions of the Convention.

- Cyprus, CERD, A/56/18 (2001) 48 at paras. 263 and 264.

Paragraph 263

Satisfaction is expressed at the amendment of the 1967 Citizenship Law which eradicates discrimination in marriage to foreigners. Through this amendment, the right of an alien spouse to acquire the citizenship of the Cypriot spouse is now recognized for both spouses, as is the equal right of both spouses to transmit citizenship to their children.

Paragraph 264

It is noted with approval that a draft marriage law, allowing marriage between a Greek Orthodox Christian and a Muslim of Turkish origin, has been approved by the Council of Ministers and laid before the House of Representatives for enactment.

- Egypt, CERD, A/56/18 (2001) 50 at para. 288.

Concern is expressed at the nationality law, which prevents an Egyptian mother married to a foreigner from passing on her nationality to her children. It is also of concern that children born to Egyptian mothers and foreign fathers are faced with discrimination in the field of education. The promise of the State party to revise the nationality law, which discriminates against children born to Egyptian women married to non-nationals, so as to bring it into line with the provisions of the Convention, is noted.

ICCPR

- Senegal, ICCPR, A/48/40 vol. I (1993) 23 at para. 105.

In regard to non-discrimination, concern is expressed over the Family Code and it is noted that its provisions are not compatible with the Covenant, particularly in regard to establishing the husband

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as the sole head of the household. In this regard, concern is expressed over the continued practice of polygamy in Senegal since, in actual practice, it is impossible for a man to treat his wives equally.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at para. 460.

It is noted that reforms are in place to raise the marriageable age for girls to 18. However, the current legislation permits the marriage of girls from the age of 12 and contains discriminatory provisions with regard to property between men and women, thus preventing women from fully enjoying the rights protected under articles 3 and 23.

- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at paras. 348 and 349.

Paragraph 348

Legal and *de facto* discrimination continue to be a matter of concern, including articles 487 to 489 of the Criminal Code, which impose harsher sentences for conviction of adultery on women than on men, nationality laws and the law which may restrict the right to leave the country for spouses in the absence of the consent of their husband (para. 9 of the report). These provisions are incompatible with articles 3 and 23 of the Covenant. Of equal concern is the compatibility of laws and regulations which do not allow Lebanese citizens to contract marriage other than in accordance with the laws and procedures of one of the recognized religious communities, and that these laws and procedures do not afford equality of rights to women.

Paragraph 349

The State party should review its laws, especially those governing the status of women, women's rights and obligations in marriage and civil obligations, make appropriate amendments to them and take appropriate action to ensure full legal and *de facto* equality for women in all aspects of society. Accessible and effective remedies should be available in respect of all forms of discrimination. In addition to the existing laws and procedures governing marriage, civil laws on marriage and divorce available to everyone should be introduced in Lebanon.

- France, ICCPR, A/52/40 vol. I (1997) 62 at para. 401.

Active measures for the realization of women's rights should be pursued, especially by taking measures to achieve the equal representation of women at all levels of public administration and to prevent discrimination against workers with family responsibilities.

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- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at para. 102.

The continued operation of family and inheritance laws which are incompatible with the principle of gender equality under articles 2, paragraph 1, 3, 23 and 26 of the Covenant are of concern. Therefore, steps should be taken to promote and ensure full equality between men and women in the political, economic, social and cultural life of the country, and to eliminate all forms of legal and *de facto* discrimination against women.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at para. 322.

Authorities appear to be placing obstacles in the way of family reunion in the case of marriages between an Israeli citizen and a non-citizen who is not Jewish (and therefore not entitled to enter under the Law of Return). These obstacles, which include long waiting periods for entry permits, a "probation" period of over five years' residence to establish that the marriage is genuine and a further waiting period for citizenship, are applied even more rigorously in the case of Arab citizens, particularly those who marry persons resident in the occupied territories. Such obstacles are incompatible with articles 17 and 23. The Government should reconsider its policies with a view to facilitating family reunion of all citizens and permanent residents.

- Chile, ICCPR, A/54/40 vol. I (1999) 44 at para. 212.

All legal provisions that discriminate against women in marriage must be abolished. Legal regimes under which married couples may opt out of discriminatory provisions do not abolish the discrimination in the primary legal arrangements.

- The Netherlands (Aruba), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(25).

Despite the equal protection clause of the Aruban Constitution, the Country Ordinance on Admittance and Deportation still legally distinguishes between the legitimate family of a man born in Aruba with Netherlands nationality and the legitimate family of a woman born in Aruba with Netherlands nationality. Although the provision is said not to be applied in practice, the State party should remove this differentiation which is in breach of article 26.

- Monaco, ICCPR, A/56/40 vol. I (2001) 89 at para. 84(9).

Concern is expressed about the discriminatory nature of certain provisions of the Civil Code, including article 182, which states that the husband is the head of the family; article 196, which gives

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husbands the right to choose the couple's place of residence; and article 301, which vests the father with parental authority over the children (articles 3, 23 and 26 of the Covenant). The State party should repeal these discriminatory provisions of the Civil Code and adopt the appropriate legislative provisions to ensure *de facto* equality between men and women.

ICESCR

- Morocco, ICESCR, E/1995/22 (1994) 28 at para. 123.

Measures should be taken to eliminate discrimination and to ensure effective protection against discrimination with regard to children born out of wedlock, as well as any differentiation resulting from the status of parents.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at para. 177.

It is noted that Mauritius does not have a comprehensive system of family benefits through which all families benefit in a universal manner. The system of family allowances should be reviewed because the present regulations penalize the very families that need the allowance most.

- Paraguay, ICESCR, E/1997/22 (1996) 22 at para. 84.

The Government should pursue policies designed to achieve genuine equality of rights between men and women and eliminate the discriminatory provisions that are still contained in civil, criminal, trade and labour laws, as well as in family law.

- Libyan Arab Jamahiriya, ICESCR, E/1998/22 (1997) 38 at para. 182.

It is noted with concern that despite legislation guaranteeing full equality between men and women and prohibiting any discrimination against women, the State party has advanced certain arguments against the enjoyment by women of certain family and civil rights on the basis of Shari'a law. The Covenant is predicated on the principles of absolute non-discrimination against women and their full enjoyment of all the rights enjoyed by men.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 258.

With respect to article 3 of the Covenant, concern is expressed about discrimination against women,

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in law and in practice, in the areas of inheritance rights, freedom of movement, family law, equal remuneration for equal work, and access to employment.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at paras. 371 and 377.

Paragraph 371

It is noted with concern that the Civil Code retains a distinction between legitimate children and children born out of wedlock.

Paragraph 377

All discriminatory provisions in the Civil Code or family law in respect of children born out of wedlock should be repealed.

- Luxembourg, ICESCR, E/1998/22 (1997) 69 at paras. 394 and 403.

Paragraph 394

It is noted with concern that the Civil Code, which maintains a clear distinction between “legitimate” and “natural” children, discriminates against children born out of wedlock.

Paragraph 403

It is strongly recommended that any existing distinction in the Civil Code regarding children born out of wedlock be eliminated.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 74 and 88.

Paragraph 74

It is noted with concern that existing legislation discriminates against children born out of wedlock who may inherit only from their mother. This legislation violates the rights set forth in article 10 of the Covenant.

Paragraph 88

The minimum legal age for marriage of 18 years, as well as inheritance laws affecting women should be enforced, thereby superseding discriminatory customs and traditions. All laws that discriminate against children born out of wedlock should be repealed.

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- Poland, ICESCR, E/1999/22 (1998) 32 at para. 160.

Citizenship laws, which discriminate against women by not granting them the same right as men to transmit citizenship to their foreign-born spouses, should be abolished.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 665 and 683.

Paragraph 665

The Government's reformed social security, and the pension system under reform, do not sufficiently take into consideration the needs of families, women, elderly persons and the more disadvantaged groups in society. Although the pension reform is currently still in progress, the Federal Constitutional Court recently referred to potential discrimination against families under the scheme as envisaged.

Paragraph 683

The reformed social security system and the pension system under reform should take into account the situation and needs of disadvantaged and vulnerable groups in society. In particular, the State party is strongly urged to address the problems and deficiencies emerging in the implementation of the long-term insurance scheme.

CEDAW

- Zambia, CEDAW, A/49/38 (1994) 63 at para. 364.

It is recommended that the customary marriage law be reformed so that customary marriages are registered, in order to give women married under that law equal rights and benefits with men.

- New Zealand, CEDAW, A/49/38 (1994) 111 at para. 660.

Women's annual income is not equal to that of men, particularly because of their need to accommodate family responsibilities. Although the Government has taken measures to improve women's income, it abolished pay equity legislation during the reporting period. More efforts need to be taken to alleviate the burden on women in that respect.

- Peru, CEDAW, A/50/38 (1995) 79 at para. 449.

The Government is encouraged to take measures in which the strengthening of the family would

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simultaneously lead to a strengthening of individual rights of women and to an equal distribution of responsibilities between women and men.

- Rwanda, CEDAW, A/51/38 (1996) 36 at para. 329.

Legal provisions that would advance women's reproductive and sexual rights, land titles to women and the right of women to be their children's legal guardians must be put into place.

- Morocco, CEDAW, A/52/38/Rev.1 part I (1997) 11 at para. 64.

Cultural characteristics cannot be allowed to undermine the principle of the universality of human rights, which remain inalienable and non-negotiable, nor to prevent the adoption of appropriate measures in favour of women. As a result, the profound inequalities affecting the status of women are of concern. Considerable discrimination still exists in the areas of marriage, conjugal relations, divorce and the custody of children. Laws regarding the punishment of adultery and the ability to pass on nationality continue to benefit the husband to the detriment of the wife.

- Namibia, CEDAW, A/52/38/Rev.1 part II (1997) 82 at paras. 104 and 110.

Paragraph 104

Concern is expressed over the Married Persons Equality Act which does not sufficiently address discrimination in the family.

Paragraph 110

The prevalence of polygamous marriages and the non-registration of customary marriages are matters of concern.

- Israel, CEDAW, A/52/38/Rev.1 part II (1997) 87 at paras. 167 and 173.

Paragraph 167

Concern is expressed over the fact that the public health system allocates considerable resources to *in vitro* fertilization, yet contraceptives are not free of charge.

Paragraph 173

In order to guarantee the same rights in marriage and family relations in Israel, the Government should complete the secularization of the relevant legislation, and place it under the jurisdiction of the civil courts.

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- Luxembourg, CEDAW, A/52/38/Rev.1 part II (1997) 92 at para. 223.

Legislative steps should be taken to remove outdated laws restricting women's right to remarry after divorce, as well as those that classify children as "legitimate/natural" or "illegitimate."

- Italy, CEDAW, A/52/38/Rev.1 part II (1997) 106 at para. 363.

The State party should ensure that all women have an adequate income and that husbands and fathers are obliged to provide financial support. The Government should also introduce measures to enforce payment of alimony and of a fair share of the matrimonial assets, including measures which would enable the courts to set aside provisions intended to have or having the effect of concealing assets and income and thereby depriving women of their entitlements.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at para. 206.

The need to promote the image of women as individuals and independent actors in the public sphere is stressed. It is recommended that the Government launch comprehensive, systematic, goal-oriented efforts to balance the existing positive emphasis placed on women's role in the private sphere in laws, policy measures and governmental attitudes, with an equal emphasis on their public sphere functions. In this regard, men should be encouraged, through public media campaigns, school curricula and special temporary measures, such as effective use of paternity leave, to share family responsibilities equally with women.

- Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at paras. 284 and 307.

Paragraph 284

Concern is expressed at the existence of laws that are not in accordance with the provisions of the Convention. Discrimination against women exists in laws regarding family and marriage, including polygamy, age for marriage, divorce, and the requirement that a wife obtain her husband's consent for a passport.

Paragraph 307

Immediate steps should be taken to eradicate the practice of polygamy and to change the other discriminatory laws identified in paragraph 284.

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- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at para. 332.

Notwithstanding legislative achievements, discriminatory provisions continue to exist, including in the Civil Code, the nationality law and marriage and family laws, especially in areas such as the administration of marital property. Discriminatory provisions regarding unmarried women and single mothers persist in social security provisions and in land inheritance rights under the agrarian reform law.

- Mexico, CEDAW, A/53/38/Rev.1 part I (1998) 32 at para. 398.

The policies to promote equality within the family are insufficient, since stereotyped roles are perpetuated in the family by deeply rooted traditions of men's superiority. In addition, it is noted that certain legal provisions might continue to promote inequality and traditional roles within the family.

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at para. 89.

Although social services are available for children aged two years and above, there are no social services available for women with children under the age of two years. Furthermore, the decrease in pre-school childcare is particularly detrimental to women's equal opportunity in the employment market since, owing to lack of childcare, they have to interrupt their employment careers, which again has negative effects on their employment status, pay and promotion.

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at paras. 277 and 278.

Paragraph 277

Concern is expressed over the bills introduced in Parliament which differentiate between the rights of married women in the division of property upon the death of a husband or following divorce, and the rights of women upon separation from a *de facto* partner. Concern is also expressed over the bill that does not take into consideration future earnings of a husband with regard to property divisions in divorce settlements.

Paragraph 278

The Government should reconsider the content of the De Facto Relationships (Property) Bill, to bring it in line with the Matrimonial Property Amendment Bill, especially since *de facto* relationships are more common among the Maori population and are growing among the population in general.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at paras. 81, 82 and 91.

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Paragraph 81

The situation of wives of disappeared persons who can neither legally prove that their husbands are dead, owing to the length and difficulty of the procedure, nor enjoy their status as married women is of concern. This results in human and material injuries to these women and their children.

Paragraph 82

The Government should help this group of women and their families by simplifying, even on a temporary basis, the legal procedure for certification of death so that they can clarify their status, obtain custody of their children and legally dispose of property to which they are entitled.

Paragraph 91

Serious concern is expressed over the fact that the Family Code still contains many discriminatory provisions which deny Algerian women their basic rights, such as free consent to marriage, equal rights to divorce, sharing of family and child-rearing responsibilities, shared child custody rights with fathers, the right to dignity and self-respect and, above all, the elimination of polygamy.

- Belize, CEDAW, A/54/38/Rev.1 part II (1999) 49 at para. 63.

The differential treatment of married, common-law, and “visiting” spouses under common law with regard to the distribution of matrimonial property following the break-up of a relationship is a concern.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 174 and 175.

Paragraph 174

It is noted that a woman’s right to choose a family name, a profession or occupation, rights upon divorce and rights and responsibilities as a parent are not recognized in the Personal Status Code. It is also noted with concern that Jordanian law recognizes the practice of polygamy.

Paragraph 175

The Government is called upon to amend the Personal Status Code to recognize women’s rights to choice of family name, occupation, as well as their rights upon divorce and with regard to their responsibilities as parents. The Government is called upon to reconsider the law and policy on polygamy with a view to eliminating this practice in line with the Convention, the Constitution and evolving social relations in the country.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at para. 210.

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The persistence of prejudices and stereotyped behaviours with respect to the role of women and men in the family and society, based on the idea of male superiority and the consequent subordination of women to men, is a serious obstacle to the implementation of the Convention.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 313 and 314.

Paragraph 313

Concern is expressed at the persistence of stereotypical and traditional attitudes about the roles and responsibilities of women and men in private and in public life. That persistence is reflected in women's predominance in part-time work, their main responsibility for family and caring work, occupational segregation, men's extremely low participation in parental leave, at 1.5 per cent of those taking parental leave in 1997, and the taxation of married couples. It is of concern that measures aimed at the reconciliation of family and work entrench stereotypical expectations for women and men.

Paragraph 314

The Government is urged to study the impact of measures aimed at reconciliation of work and family responsibilities so as to create a firm basis for policies and programmes that will accelerate change and eradicate stereotypical attitudes. The State party is urged to develop more programmes and policies targeted at men to accelerate the changing of attitudes and behaviour. The State party should consider the introduction of non-transferable parental leave for fathers to increase the number of men that share responsibility for childcare and child-rearing. The Government is also urged to improve the availability of care places for school-age children to facilitate women's re-entry into the labour market. The State party should assess the current legal provisions on the taxation of married couples ("splitting") and its impact on the perpetuation of stereotypical expectations for married women.

- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 402 and 403.

Paragraph 402

Notwithstanding the Government's stated commitment in its action plan 2000 to the implementation of the Beijing Declaration and the Platform for Action, it is of concern that no further progress has been made in withdrawing the reservations concerning articles 7 (hereditary transmission of the crown to the oldest male) and 16 (g) (right to choose the family name of children). With regard to the latter, concern is expressed at the lack of governmental commitment to working towards influencing cultural traditions and attitudes which would allow for a withdrawal of the reservation.

Paragraph 403

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The State party should also undertake awareness-raising and education campaigns to overcome traditional and stereotypical images of women and men so as to enable it to withdraw its reservation under article 16.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at para. 96.

Urgent action should be taken to put in place an integrated gender equality policy to promote equality between women and men in all areas, and in particular in the economy, in political and public life, and in the family. Furthermore, it is emphasized that a gender equality policy in accordance with the Convention will require a new approach in the State party that focuses on women as individuals and active agents of change and claimants of rights.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 186, 188, 191 and 192.

Paragraph 186

It is of concern that the State party explicitly ruled out the possibility of withdrawal of its reservations to article 2, subparagraphs (f) and (g), and articles 9 and 16. Further concern is expressed over the State party's justification of those reservations as being based on its desire to apply the provisions of the Convention in a manner consistent with Islamic *Sharia*. In that regard, the attention of the State Party is drawn to the Committee's statement on reservations (see A/53/38/Rev.1, part two, chap. I), and in particular its view that articles 2 and 16 are central to the object and purpose of the Convention, and that, in accordance with article 28, paragraph 2, reservations should be reviewed and modified or withdrawn.

Paragraph 188

The Government should review its reservations to article 2, subparagraphs (f) and (g), and articles 9 and 16, in the light of the Committee's statement on reservations, assess the justifications for those reservations and modify or withdraw them as soon as possible to ensure full implementation of the Convention.

Paragraph 191

Concern is expressed over the prevailing view that emphasizes women's stereotypical role in the family and in private life to the detriment of establishing equality of women in all spheres of life. The fact that insufficient attention is being given to modifying harmful traditional and cultural practices, such as polygamy, and stereotypical attitudes that perpetuate discrimination against women, is noted with concern.

Paragraph 192

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Awareness-raising campaigns should be implemented to change stereotypical and discriminatory attitudes concerning the roles of women and girls, in addition to providing a non-discriminatory legislative basis. The Government should also work towards the elimination of the practice of polygamy, in light of general recommendation 21 on marriage and family relations.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 234 and 236.

Paragraph 234

Action should be taken to decrease the wage discrepancy between female-dominated jobs and male-dominated jobs, especially in the private sector. The Federal Government is also urged to adopt a proactive comprehensive policy, with appropriate budgetary allocations as incentives to provincial and local authorities, so as to develop childcare facilities that enable women's equal participation in the labour force.

Paragraph 236

Concern is expressed over the situation of single women and, in particular, the disadvantages suffered by never-married and divorced elderly women in terms of retirement pensions and social security benefits. The Government should take into consideration current social trends when designing policies so as to meet the needs of the increasing number of single women in the country.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 318 and 319.

Paragraph 318

Concern is expressed over the different age of marriage established in the Family Code for boys and girls, and the fact that marriages of girl children can be legalized in contravention of article 16 of the Convention. It is also of concern that despite the decrease in marriages and a growing incidence of cohabitation, the rights of women in cohabitation are not protected by the legal system.

Paragraph 319

Legislation on the marriage age for women and men should be brought into full conformity with the Convention, taking into consideration general recommendation 21. The State Party should also consider how women's rights, including with regard to alimony and child custody, can be protected following dissolution of domestic partnerships.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at paras. 139 and 140.

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Paragraph 139

Family laws that discriminate against women and the high divorce rates are of concern, as they have an adverse impact on women and children.

Paragraph 140

The Government is urged to enforce the new family law, which tries to address the problem of gender discrimination, and to continue its efforts to reform all areas of family law so as to protect the human rights of women.

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at para. 173.

A comprehensive and holistic approach should be taken to promoting equality between women and men in all areas, including the economic, social, political, cultural and family domains.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at para. 212.

The Government should reform existing legislation and create new legislation to protect the equal rights of women and men in regard to labour, social, family and property.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 269 and 270.

Paragraph 269

Concern is expressed over the fact that Mongolia places the responsibility of family and childcare exclusively on women, particularly as the population policy encourages women to have large families. This situation encourages their marginalization in the economy and exacerbates poverty.

Paragraph 270

Laws, policies and educational programmes should be developed that support and promote the idea of joint parental responsibility and prevent discrimination against women because of their family responsibilities.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 326 and 327.

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Paragraph 326

While the efforts of the National Council for Women to encourage the Government to withdraw its reservations to articles 2 and 9, paragraph 2, and article 16 of the Convention are appreciated, concern is expressed that these reservations entered by the State party on ratification have been retained.

Paragraph 327

The necessary steps for the withdrawal of reservations should be expedited and, in that regard, attention is drawn to the statement on reservations in the report on the nineteenth session and, in particular, the view that articles 2 and 16 are central to the object and purpose of the Convention and that, in accordance with article 28, paragraph 2, the reservations should be withdrawn.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 73-75.

Paragraph 73

Deep concern is expressed regarding the reservations to articles 2, 9, 11, paragraph 1, and 16 of the Convention.

Paragraph 74

Recognizing that the pluralistic nature of Singapore society and its history call for sensitivity to the cultural and religious values of different communities, nevertheless it is necessary to clarify the fact that articles 2 and 16 are the very essence of obligations under the Convention. Since some reforms have already been introduced in Muslim personal law, this process of reform should be continued in consultation with members of different ethnic and religious groups, including women. Reforms in other countries with similar legal traditions should be studied with a view to reviewing and reforming personal laws so that they conform with the Convention, and to withdrawing these reservations.

Paragraph 75

The nationality law should be further amended so as to eliminate discrimination against women, and the reservation to article 9 should be withdrawn. The explanation that a Singaporean woman cannot transfer nationality to her child when she marries a foreigner and the child is born overseas, since dual nationality is not recognized, is unconvincing. It is pointed out that since both mother and father can transfer nationality to children born within the country in many countries, the same problem can arise with respect to the children born of Singaporean men and foreign women.

- Nicaragua, CEDAW, A/56/38 part II (2001) 72 at para. 313.

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The speedy adoption of a non-discriminatory family code is recommended.

CRC

- Japan, CRC, CRC/C/79 (1998) 25 at para. 181.

Legislative measures should be introduced to correct existing discrimination against children born out of wedlock.

- Luxembourg, CRC, CRC/C/79 (1998) 38 at para. 250.

It is of concern that children born out of wedlock still may be suffering from different forms of discrimination and stigmatization, particularly from the use of the terms "legitimate" and "illegitimate" in the Civil Code.

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 141.

The potential for stigmatization of a woman or couple who decide to keep a child born out of wedlock and the impact of this stigmatization on the enjoyment by such children of their rights are of concern. All appropriate measures should be taken to create an adequate framework that would facilitate the choice of a woman, or couple, to whom a child is born out of wedlock to keep and raise the child.

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 400.

Concern is expressed about the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock in "visiting" or "common law" relationships. The financial and psychological impact of these types of relationships on children is a concern. The lack of sufficient support and counsel in the areas of parental guidance and responsibilities are also matters of concern. The State party is encouraged to increase its efforts to develop family education and awareness through, *inter alia*, providing support, including training for parents, especially those in "visiting" and "common law" relationships, in parental guidance and joint parental responsibilities, in the light of article 18 of the Convention. It is recommended that the State party undertake a study on the impact (both financial and psychological) of "visiting relationships" on children. The State party should take all necessary measures, including those of a legal nature, to ensure that the rights of children born of "visiting" and "common law" relationships are protected.

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- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 175, 176, 179 and 180.

Paragraph 175

Concern is expressed about the persistence of discrimination under the law, in particular:

(a) Discrimination against girls and children born out of wedlock is incompatible with article 2. Moreover, concern is expressed that discriminatory social attitudes towards the education of girls, primarily in rural areas, results in their low levels of school enrolment and high drop-out rates, and in early and forced marriages.

(b) Infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother (e.g. in relation to custody, guardianship and nationality) is incompatible with article 2. Concern is expressed about persistence of stereotypical attitudes about the roles and responsibilities of women and men. In light of the Committee's previous recommendations, the Committee remains concerned that the restrictions on the right of a Jordanian woman to pass on her nationality to her child, particularly where she is married to a refugee, may result in the child becoming stateless.

Paragraph 176

In accordance with the concluding observations of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and with article 2 of the Convention, effective measures should be taken to prevent and eliminate discrimination on the grounds of sex and birth status in all fields of civil, economic, political, social and cultural life. The State party should incorporate equality on the basis of sex in article 6 of the Constitution. All efforts should be made to enact or rescind civil and criminal legislation, where necessary, to prohibit any such discrimination. In this regard, the State party is encouraged to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. All appropriate measures, such as comprehensive public education campaigns, should be taken to prevent and combat negative societal attitudes in this regard, particularly within the family. Religious leaders should be mobilized to support such efforts.

Paragraph 179

Concern is expressed that the general principle of the best interests of the child contained in article 3 of the Convention is not a primary consideration in all actions concerning children, including in matters relating to family law (e.g. duration of custody under the Personal Status Law is arbitrary as it is determined by the child's age, and is discriminatory against the mother).

Paragraph 180

Legislation and administrative measures should be reviewed to ensure that article 3 of the Convention is duly reflected therein.

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See also:

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at para. 42.
- Finland, CRC, CRC/C/100 (2000) 8 at paras. 65 and 66.

Paragraph 65

It is noted with concern that families with chronically ill children do not always have enough support, both at the personnel and the financial level.

Paragraph 66

Recognizing the State party's efforts to ensure the rights of children with disabilities, the State party should continue its efforts to provide equal support and assistance to all families with chronically ill children including the help of specialized staff.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 620 and 621.

Paragraph 620

With regard to article 2 of the Convention, patterns of discrimination on grounds of gender, religion, ethnic origin, disability and birth or other status (e.g., children born out of wedlock) are of concern.

Paragraph 621

The State party should increase its efforts to ensure the implementation of the principle of non-discrimination and its full compliance with article 2 of the Convention and address those cases which continue to occur affecting all vulnerable groups, and particularly girls, children with disabilities and children born out of wedlock. The State party is urged to give particular attention to addressing discrimination against both girls and women by reviewing domestic legislation so as to ensure that discriminatory provisions, including those affecting inheritance rights, are removed and that adequate protection from discrimination is provided.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 201, 224 and 225.

Paragraph 201

EQUALITY AND DISCRIMINATION - FAMILY

Noting the universal values of equality and tolerance inherent in Islam, it is noted that narrow interpretations of Islamic texts by authorities, particularly in areas relating to family law, are impeding the enjoyment of some human rights protected under the Convention.

Paragraph 224

Concerns remain about the persistence of discrimination. In particular:

(a) The Committee finds that discrimination against girls and children born out of wedlock under personal status laws (e.g. No. 25/1920, No. 25/1929, No. 260/1960, No. 100/1985, No. 77/1943) is incompatible with article 2. Notwithstanding constitutional and other guarantees of equality between the sexes, it considers that discriminatory personal status laws are the entry-point of discrimination against women in society. Moreover, discriminatory social attitudes towards the education of girls, primarily in rural areas, result in their low school enrolment and high drop-out rates, and in early and forced marriages;

(b) The Committee finds that infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother, under personal status laws (e.g. in relation to child custody upon separation) is incompatible with article 2. Concerning the 1975 Nationality Law, concern is expressed about the negative impact on children of restrictions on the right of an Egyptian woman to pass on her nationality to her child, particularly if she is married to a non-national.

Paragraph 225

In accordance with article 2 of the Convention, effective measures should be taken, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life. In this regard, the State party is encouraged to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. In concurrence with the findings of the Committee on Economic, Cultural and Social Rights (E/C.12/1/Add.4), it is recommended that the State party remove all provisions of the Nationality Law which discriminate against women, and also against children. All appropriate measures, such as comprehensive public education campaigns should be taken to prevent and combat negative societal attitudes in this regard, particularly within the family. Members of the legal profession, especially the judiciary, should be trained to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 335 and 336.

Paragraph 335

EQUALITY AND DISCRIMINATION - FAMILY

It is noted that the principle of non-discrimination (art. 2) is reflected in the Constitution of Lesotho as well as in other domestic legislation. Nonetheless, concerns remain that serious discrimination exists in the State party. This has a negative impact on respect for children's rights and particularly on the rights of girls. It is of concern that married women have the legal status of minors and this situation can, in certain circumstances, negatively affect respect for the rights of their children. The State party has not taken measures to address discrimination against children who are born out of wedlock, those affected by HIV/AIDS, children in remote rural areas, children born of incestuous relationships, institutionalized children, pregnant girls, children with disabilities, street children and children of ethnic minority groups. Concern is expressed that many children do not have adequate or equal access to education and health services, in particular children in the vulnerable groups mentioned above. Finally, Concern is expressed about the difficulties and humiliation faced by mothers of children born out of wedlock in obtaining travel documents for their children.

Paragraph 336

The State party is urged to strengthen its efforts to ensure full implementation of the principle of non-discrimination by amending domestic legislation and increasing awareness among the population. Particular attention should be given to ending discrimination against girls and women -in so far as this affects respect for the rights of children - in legislation, customary law and in practice. Discrimination against vulnerable groups of children should be addressed effectively by improving their access to education and health services, and it should be ensured that children born out of wedlock can obtain travel documents as easily and quickly as all other children.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 397 and 398.

Paragraph 397

The persistence of discrimination is of concern. In particular, the Committee finds that direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to civil status (e.g. lack of identity cards for females) and personal status (e.g. inheritance, custody and guardianship), is incompatible with article 2. It is noted with concern that the nationality law does not grant equal citizenship status to children of Saudi women married to non-nationals. The persistence of stereotypical attitudes about the roles and responsibilities of women and men is also a matter of concern.

Paragraph 398

In accordance with article 2 of the Convention, effective measures should be taken, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The practice of other States that have been successful in reconciling fundamental rights with Islamic texts should be considered.

EQUALITY AND DISCRIMINATION - FAMILY

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 458 and 459.

Paragraph 458

It is of concern that under citizenship laws a child of a Bhutanese mother and a non-national father must face a burdensome naturalization process, whereas this is not required if the father is Bhutanese.

Paragraph 459

The right of a child to a nationality should be ensured without discrimination on the basis of the gender of the parent(s), in accordance with articles 2 and 7 of the Convention.

See also:

- United Arab Emirates, CRC, CRC/C/15/Add.183 (2002) at paras. 30 and 31.
- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 517 and 518.

Paragraph 517

Concern is expressed that fathers and mothers do not benefit equally from the provision of financial assistance by the State in the context of assistance to families, and that the greater access of mothers to financial aid may lead to discrimination against either, or both, fathers and mothers and have a consequentially negative effect on the rights of their children.

Paragraph 518

The State party should establish an equal right of fathers and mothers to financial assistance related to the care of their children.