

EQUALITY AND DISCRIMINATION - FAMILY

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Australia, CERD, A/60/18 (2005) 13 at para. 44.

44. The Committee is concerned at reports according to which temporary protection visas granted to refugees who arrive without a valid visa do not make them eligible for many public services, do not imply any right to family reunion, and make their situation precarious...

The Committee...recommends that the State party review its policies, taking into consideration the fact that, under the Convention, differential treatment based on citizenship or immigration status would constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of that aim.

- Nigeria, CERD, A/60/18 (2005) 54 at para. 290.

290. While noting that the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination, the Committee remains concerned about persistent allegations that members of the Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5).

The Committee draws the State party's attention to its general recommendation XXIX (2002) concerning racial discrimination based on descent...It strongly recommends that the State party develop, in cooperation with non-governmental organizations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, including a wide-ranging information and public-awareness campaign to put an end to these practices.

ICCPR

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(10).

(10) While welcoming the establishment of a Ministry for the Advancement of Women, Children and the Family, the Committee expresses its grave concern at the continued existence in Mali of legislation which discriminates against women, in particular with regard to marriage, divorce, and inheritance and succession, and of discriminatory customary rules

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relating to property ownership. The Committee, while appreciating that adoption of a Family Code requires wide-ranging consultations, notes with concern that the proposed reform, ongoing since 1998, has not yet concluded...

(a) The State party should expedite the adoption of the Family Code; the Committee recommends that the Code comply with the provisions of articles 3, 23 and 26 of the Covenant, in particular with regard to the respective rights of spouses in the context of marriage and divorce. In this connection, the Committee draws the attention of Mali to its general comment No. 28 on equality of rights between men and women, in particular with regard to polygamy, a practice that violates the dignity of women and constitutes unacceptable discrimination against women. The State party should abolish polygamy once and for all.

(b) Particular attention should be paid to the question of early marriage by girls, a widespread phenomenon. The State party should raise the minimum legal age for marriage by girls to the same age as for boys.

(c) The State party should establish a succession regime that does not discriminate against women: equality of heirs without discrimination on the basis of sex should be guaranteed, and the State should ensure better guarantees of the rights of widows and that upon succession there is a fair distribution of assets.

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- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(17).

(17) The Committee notes that an accessory penalty of expulsion may not be imposed on a resident alien when the person concerned was born and lives in Portugal, or exercises parental authority over under-age children residing in Portugal, or has been in Portugal since he/she was less than 10 years old. The Committee is concerned, however, that those limitations may not protect the family life in all cases and that non-resident aliens do not benefit from such guarantees (arts. 17 and 26).

The State party should amend its legislation in order to ensure that the family life of resident and non-resident aliens sentenced to an accessory penalty of expulsion is fully protected.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(21).

(21) The Committee is concerned about Israel's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) on 31 July 2003, which suspends, for a renewable one-year period, the possibility of family

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reunification, subject to limited and subjective exceptions, especially in the cases of marriages between an Israeli citizen and a person residing in the West Bank or in Gaza. The Committee notes with concern that the suspension order of May 2002 has already adversely affected thousands of families and marriages.

The State party should revoke the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which raises serious issues under articles 17, 23 and 26 of the Covenant. The State party should reconsider its policy with a view to facilitating family reunification of all citizens and permanent residents...

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at para. 66(19).

(19) While commending the introduction since 1995 of legislation designed to improve the condition of women, the Committee remains concerned about the contradiction between constitutional guarantees of fundamental rights and the continuing existence of certain aspects of personal laws discriminating against women, in regard to marriage, notably the age of marriage, divorce and devolution of property (arts. 3, 23, 24 and 26).

The State party should complete the ongoing process of legislative review and reform of all discriminatory laws, so as to bring them into conformity with articles 3, 23, 24 and 26 of the Covenant.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(4).

(4) The Committee appreciates the measures taken to improve the protection of children, in particular legislation granting children a right to education in a non-violent environment, the removal of remaining differences in the legal status of children born in and out of wedlock, and the introduction of elements of *jus soli* for children born in Germany to foreign parents.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at para. 74(9).

(9) The Committee welcomes the Married Persons Equality Act, which eliminates discrimination between spouses. It nevertheless remains concerned at the large number of customary marriages that are still not registered and about the consequent deprivation of women and children of their rights, in particular with regard to inheritance and land ownership.

The State party should take effective measures to encourage the registration of customary

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marriages and to grant the spouses and the children of registered customary marriages the same rights as are granted to the spouses and children of marriages under civil law. The future Bill on Intestate Inheritance and Succession and the future Bill on Recognition of Customary Law Marriages should take these considerations into account.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(32).

(32) The Committee notes that a child born of a Moroccan mother and a foreign father (or a father of unknown nationality) is treated differently from the children of a Moroccan father with regard to obtaining Moroccan nationality.

The State party should comply with the provisions of article 24 of the Covenant and should ensure equal treatment for the children of a Moroccan mother and a Moroccan or foreign father (Covenant, arts. 24 and 26).

ICESCR

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 261 and 277.

261. The Committee is particularly concerned about the status of “Jewish nationality”, which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, in particular Palestinian refugees. The Committee is also concerned about the practice of restrictive family reunification with regard to Palestinians, which has been adopted for reasons of national security. The Committee reiterates its concern in this regard contained in its previous concluding observations.^{16/}

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277. The Committee reiterates its recommendation that in order to ensure equality of treatment and non-discrimination, the State party undertake a review of its re-entry and family reunification policies for Palestinians.^{21/}

Notes

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^{16/} [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 239, and *ibid.*, 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), chap. IV, para. 705.

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^{21/} [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 262.

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- Yemen, ICESCR, E/2004/22 (2003) 55 at paras. 352 and 371.

352. Despite the measures taken by the State party to advance the status of women in Yemen, the Committee is concerned about the existence of certain customs, traditions and cultural practices which lead to substantial discrimination against women and girls and that there are still persisting patterns of discrimination, particularly in family and personal status law, as well as inheritance law...

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371. The Committee strongly recommends that the State party amend existing legislation to bring it in line with the provisions of article 3 of the Covenant...

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 456 and 484.

456. The Committee remains concerned about gender inequality in the State party, particularly with regard to discrimination in employment, in the family and in political representation.

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484. The Committee recommends that the State party strengthen its efforts to promote gender equality and encourages the adoption of the draft federal law on State guarantees of equal rights, freedoms and opportunities for men and women in the Russian Federation currently before the Duma.

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 390 and 403.

390. The Committee notes with concern that the 24-year rule introduced by amendment to the Aliens Act in 2002 restricts the right to family reunification and may constitute an impediment to the right to family life in the State party.

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403. The Committee calls upon the State party to take appropriate measures to either repeal or amend the so-called 24-year rule of the 2002 Aliens Act, in line with its obligation to guarantee the enjoyment of the right to family life to all persons in Denmark, without distinction. In this connection, the Committee encourages the State party to consider alternative means of combating the phenomenon of forced marriage involving immigrant women.

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 84 and 107.

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84. The Committee is concerned that article 23 (4) of the current Constitution of the State party provides for exclusions and exceptions to the prohibition against discrimination, including with respect to adoption, marriage, divorce, burial, devolution of property on death, and other matters of personal law, and to the application of customary law.

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107. The Committee recommends that the State party facilitate the constitutional review process and, in particular, consider amending article 23 (4) of the current Constitution.

CEDAW

- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 66 and 67.

66. The Committee notes with concern that family laws in Fiji contain many discriminatory provisions, and that restrictive divorce laws encourage violence, including suicide. It also notes with concern that the proposed Family Law Bill has not been adopted.

67. The Committee urges the early adoption of the Family Law Bill and calls for the law on family relations of all communities to be brought into conformity with the Constitution and the Convention.

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at paras. 204 and 205.

204. The Committee expresses concern that the Civil Code still contains provisions, including those with respect to early marriage, that discriminate against women.

205. The Committee urges the Government to actively promote the elimination of the discriminatory legal provisions that still exist, particularly in the Civil Code in matters relating to the family, and to bring Uruguayan legislation into line with the Convention, including article 16.2 relating to minimum age for marriage.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 165 and 166.

165. The Committee is concerned about the discriminatory nature of Belgian law on family names, which does not allow a child to be given the name of his/her mother at his/her birth when his/her parents are married or cohabiting.

166. The Committee calls on the Government to modify the legislation on family names to permit choices in transmitting family names to children.

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- Tunisia, CEDAW, A/57/38 part II (2002) 102 at para. 184.

184. The Committee commends the State party on the early reform of its Personal Status Code, which abolished polygamy and granted the right to divorce to both spouses, and its reform of the inheritance law. The Committee welcomes the continuing legislative reforms by the State party. It welcomes the amendments to the Personal Status Code, which provide women with the capacity to institute legal proceedings in their own name, affirm the principle of equality and partnership between spouses, provide that both parties should cooperate in managing family affairs, prevent manipulation of divorce proceedings by the husband, allow spouses to agree to a joint property regime and grant women the right to give their family name to a child born of an unknown father and the opportunity for gene-testing to prove parenthood...

- Hungary, CEDAW, A/57/38 part III (2002) 189 at paras. 327 and 328.

327. ...The Committee is concerned about discrimination in hiring women of childbearing age, mothers with small children and older women.

328. ...The Committee recommends that measures allowing for reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.

- Argentina, CEDAW, A/57/38 part III (2002) 196 at paras. 356 and 357.

356. The Committee is concerned at the situation of women resulting from the growing increase in poverty, and extreme poverty, which has spread to more than half the population, and which can have a disproportionately heavy impact on the female population. Of special concern are women heads of household who are living in poverty and unemployed, with dependent children, and women from rural areas, indigenous populations and the most vulnerable sectors of the population.

357. The Committee recommends that the State party should pay special, ongoing attention to the situation of women and should take the necessary measures to prevent women, especially those from rural areas, indigenous populations and the most vulnerable sectors of the population, from bearing the heaviest burden of the crisis. It also requests the State party to ensure that the Programme for unemployed heads of household with children under 18 or disabled children includes a gender perspective in order that the few resources that are available for social allowances may be distributed without discrimination.

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- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 392 and 393.

392. Noting the link between women's subordination in the family and their ability to participate fully at all levels of society, the Committee is concerned about discriminatory provisions in the Law of Personal Status, which permits polygamy and sets differential standards for women and men in marriage and family life. The Committee is also concerned that the 1999 amendment to the Law of Personal Status has led to further discrimination against women in the family by denying women the right to equality in marriage and divorce.

393. The Committee urges the State party to review existing legislation and amend discriminatory provisions affecting women's rights within the family in order to bring them into harmony with the Constitution and the Convention. The Committee urges the State party to ensure that laws, policies and programmes with regard to the family affirm and incorporate the principle of equality and partnership between women and men and the full realization of women's human rights. The Committee also encourages the State party to obtain information on comparative jurisprudence, where the link between Islamic law has been codified in legislative reforms and Court decisions.

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 68 and 69.

68. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large. The Committee is also concerned about the resurgence of discriminatory customary law (kanun) and traditional codes of conduct in some northern areas of the country.

69. The Committee urges the State party to implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women. The Committee further urges the State party to design and implement comprehensive programmes in the educational system to ensure eradication of traditional sex role stereotypes in the family, in employment, in politics and in society. The Committee recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 101 and 102.

101. The Committee commends the State party for including the principle of gender equality

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in its Federal Constitution, which explicitly mandates legislators to ensure women's *de jure* and *de facto* equality, particularly in the areas of family, education and work, and authorizes legislators to take steps to ensure equality in line with article 4, paragraph 1, of the Convention. The Committee notes with appreciation that the Swiss legal order ensures the primacy of international treaties, including the Convention, in domestic law.

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: the Marriage Law (1988), which replaced the husband's preponderant role in the family with a partnership based on equality of rights and obligations on the part of each spouse; the amended Federal Act on the acquisition and loss of Swiss nationality (1992), with identical conditions for both sexes...

- Congo, CEDAW, A/58/38 part I (2003) 29 at paras. 182 and 183.

182. The Committee expresses concern about the continued existence of discriminatory family laws and traditional practices, including those related to dowries and adultery. The Committee is particularly concerned about the practice of pre-marriage in view of the fact that Congolese law, while recognizing the practice, does not stipulate a minimum age for pre-marriage partners.

183. While noting the State party's willingness to abolish pre-marriage, the Committee recommends, as an interim measure, that the minimum age for pre-marriage be brought in line with the legal age for marriage and that all measures be taken to ensure that women in both pre-marriage and marriage enjoy equal rights within and upon dissolution of the union. It also urges the introduction without delay of measures to eliminate negative customs and traditional practices which affect women's full enjoyment of their human rights. The Committee recommends that discriminatory family laws be phased out and that a clear time frame be established for achieving this.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 92, 108 and 109.

92. The Committee commends the State party on its Federal Constitution of 1988 that enshrines the principle that men and women have equal rights and duties; prohibits discrimination in the labour market by reason of sex, age, colour or marital status; protects motherhood as a social right by ensuring maternity leave without the loss of job and salary; and establishes the duty of the State to suppress violence within the family.

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108. The Committee is concerned about the glaring persistence of stereotyped and conservative views, behaviour and images of the role and responsibilities of women and

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men, which reinforce women's inferior status in all spheres of life.

109. The Committee recommends that policies be developed and that programmes directed at men and women be implemented to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men both in the private and public spheres.

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 162 and 163.

162. The Committee is concerned about the many remaining discriminatory provisions in the Personal Status Code, which sets different standards for women and men in issues related to marriage and family life; a different minimum age of marriage for women and men; restrictions for women in obtaining a divorce and the risk of repudiation. The law provides for a different age for guardianship of girls and boys and stipulates restrictions on women in becoming legal guardians of their children. A bill is still pending adoption by Parliament concerning a Moroccan woman's right to pass on her nationality to her children when she is married to a foreigner. The Committee is also concerned about the legal difficulties faced by single mothers.

163. The Committee urges the State party to continue, and to expedite, the process of legislative reform within the framework of the Royal Commission on the Personal Status Code and to amend discriminatory provisions affecting women's rights within the family in relation to divorce and repudiation, legal guardianship and the age for guardianship in order to bring them into harmony with the Convention. The Committee urges the State party to take measures to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The Committee urges the State party to expedite the adoption of the proposed bill on nationality and to withdraw its reservation concerning article 9, paragraph 2, of the Convention. The Committee urges the State party to ensure that laws with regard to the status of women in the family as well as single mothers affirm and incorporate the principle of gender equality and partnership between women and men and the full realization of women's human rights. The Committee encourages the State party to reform relevant existing laws in consultation with women's groups.

- France, CEDAW, A/58/38 part II (2003) 116 at para. 249.

249. The Committee commends the State party for adopting Act No. 2002-305 concerning

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parental authority, which sets out to apply a concept of co-parenting based on the three principles of equality between parents, equality between children, and the child's right to her or his two parents.

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 359, 360, 371 and 372.

359. While appreciating the State party's recognition that the long-standing stereotyped perception of gender roles remains the major obstacle to achieving equality between women and men and noting its efforts based on regular opinion polls in this regard, the Committee remains concerned about the persistence of deeply rooted and rigid stereotypes in Japan regarding the role and responsibilities of women and men in the family and in society, which are reflected in women's situation in the labour market, educational choices and low participation in political and public life.

360. The Committee recommends that the State party design and implement comprehensive programmes in the educational system, including human rights education and gender equality training, and disseminate information on the Convention and the Government's commitment to gender equality, with a view to changing existing stereotypical attitudes on women's and men's roles. It recommends that the State party disaggregate its surveys and opinion polls, not only by sex but also by age and, on the basis of the results increase targeted efforts at advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be intensified and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

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371. The Committee expresses concern that the Civil Code still contains discriminatory provisions, including those with respect to the minimum age for marriage, the waiting period required for women to remarry after divorce and the choice of surnames for married couples. It is also concerned about discrimination in law and administrative practice against children born out of wedlock with regard to registration and inheritance rights and the resulting considerable impact on women.

372. The Committee requests the State party to repeal discriminatory legal provisions that still exist in the Civil Code and to bring legislation and administrative practice into line with the Convention.

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at paras. 66 and 67.

66. The Committee expresses concern at the continuing existence of *de jure* discrimination

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against women in various laws, including the Nationality Act, the Personal Status Act, the Civil Code and the Private Sector Employment Act. In particular, the Committee is concerned that the Nationality Act allows Kuwaiti women to transfer their nationality to their children only in specific circumstances, such as when the nationality of the father is unknown or if he is stateless or deceased, or after an irrevocable divorce. The Committee is also concerned that provisions in the Personal Status Act and the Civil Code establish different rights and responsibilities for women and men in issues related to marriage and family relations, including in regard to the minimum age of marriage for women and men; divorce; and guardianship of children.

67. The Committee calls upon the State party to undertake a comprehensive review of all existing laws, including the Nationality Act, and to amend or repeal discriminatory provisions so as to ensure compliance with the provisions of the Convention. The Committee urges the State party to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 208 and 209.

208. The Committee is concerned at the continuing existence of child marriage and polygamy and other practices, including the institution of dowry, *deuki* (dedicating girls to a god and goddess), *jhuma* (in some communities, second sisters remain unmarried and spend their life in monasteries), *kumari pratha* (having a girl child as living goddess) and *badi* (ethnic practice of prostitution among young girls), that are contrary to the Convention and constitute discrimination against women...

209. The Committee recommends action without delay by the State party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy, in the light of general recommendation 21 on equality in marriage and family relations, and urges the State party to take steps to abolish other harmful and discriminatory traditional practices, such as dowry *deuki*, *jhuma*, *kumari pratha*, and *badi*. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns aimed at eliminating these practices...

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 243 and 244.

243. The Committee, while welcoming the revision of the family code regulating marriage

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and family relations, is concerned that it has not yet been adopted by all regions.

244. The Committee encourages the State party to ensure that regional governments adopt and duly implement the Family Code without delay and take all necessary measures, including awareness-raising measures, to sensitize the population about the revised Family Code.

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 339 and 340.

339. The Committee is concerned about the persistence of stereotypes relating to the roles and responsibilities of women and men in society, which tend to place responsibility for child-rearing primarily on women. Such stereotypes undermine women's social status and are an obstacle to the full implementation of the Convention.

340. The Committee urges the State party to intensify its efforts to eliminate stereotypical attitudes and perceptions regarding men's and women's roles and responsibilities in all areas of society. It urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to both women and men. It also recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.

- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 105 and 106.

105. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and society which, despite women's generally high level of education, negatively affect the full enjoyment of their rights and impede the full implementation of the Convention. Such stereotypes are reflected, *inter alia*, in women's low representation in the labour force, in their low participation in political and public life, and in the non-recognition of household work and volunteering in the national account statistics and in women's pension entitlements and social benefits.

106. The Committee strongly recommends the organization of awareness-raising campaigns, on the basis of the Convention and the Committee's general recommendations, at regular intervals to foster a better understanding at all levels of society of the equal status and joint responsibilities of women and men in the family and in family care. These campaigns should be targeted at teachers in all educational establishments at all levels, marriage counsellors, the police force, social and health workers and church authorities, and the impact of such campaigns should be evaluated. It also recommends that the media be encouraged to project positive images of women and men in non-traditional activities. It

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further encourages the State party to begin assessing the unpaid work done by women in the family in order to recognize such work in national account statistics and in pension entitlements and social benefits.

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 187, 188, 191 and 192.

187. ...The Committee is...concerned about the lack or insufficiency of legislation in important areas covered by the Convention, such as violence against women and civil and family matters.

188. The Committee...urges the State party to give high priority to putting in place comprehensive legislation in conformity with the Convention.

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191. The Committee is concerned about the existence of the dual legal system of civil law and customary law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee is also concerned about the lack of legislation regulating customary marriages and other aspects of family law that discriminate against women, including in respect of polygamy, inheritance and child custody, and that efforts to adopt legislation regulating customary marriages have so far not been successful. 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.

192. The Committee urges the State party to accelerate the process of law reform to remove inconsistencies between civil law and customary law, including by enacting legislation and 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 general recommendation 21, on equality in marriage and family relations. In this regard, the Committee urges the State party to put in effect measures to discourage polygamy and to ensure women's equal rights in inheritance and child custody. The Committee further urges the State party to put in place measures to ensure women's access to the civil courts, including raising awareness on available legal remedies and the provision of legal aid.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 245-248.

245. The Committee expresses concern that traditional and cultural discriminatory practices, including polygamy, and strong stereotypical attitudes persist with respect to the roles and responsibilities of women in the family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

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246. The Committee urges the State party to undertake measures to design and implement comprehensive awareness-raising programmes to change stereotypical attitudes and norms about the roles and responsibilities of women and men in the family and society and take measures to eliminate polygamy. It also calls upon the State party to periodically review the measures taken and assess their impact in order to identify shortcomings and make necessary changes to improve them.

247. The Committee is concerned about the unequal status of Bangladeshi women within the family, particularly in matters related to marriage, divorce, custody, alimony and property inheritance. The Committee expresses concern that personal laws, derived from religious precepts which are discriminatory to women, continue to prevail in the country and that no uniform Family Code is in place.

248. The Committee urges the State party to adopt without delay a uniform Family Code that fully complies with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations, as a way to protect the rights of all Bangladeshi women in matters related to marriage, divorce, custody, alimony and property inheritance. It recommends that the State party step up its efforts to provide awareness-raising and training, including on the importance of a uniform Family Code and the State party's obligations under the Convention, to community leaders.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 286 and 287.

286. The Committee is concerned that no proposals have been presented for the draft bill to amend the Civil Code so that it would recognize consensual unions as a source of rights.

287. The Committee urges the State party to pursue and facilitate the process of reform of the Civil Code in order to eliminate discriminatory provisions that undermine the rights of women within the family and to have consensual unions recognized as a source of rights.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 48, 49, 60 and 61.

48. 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.

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49. 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.

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60. The Committee is concerned about the persistence of discriminatory provisions in 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 at the age of consent to marriage for girls being 16 years, whereas it is 18 for boys, at the fault-based divorce system and at the lack of legislation on the division of marital property.

61. 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.

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 141-144, 153 and 154.

141. The Committee reiterates its concern that the State party continues to have reservations to articles 2, 9 (2), 15 (4) and 16. The Committee notes that reservations to articles 2 and 16 are contrary to the object and purpose of the Convention.

142. The Committee urges the State party to expedite legislative reform, especially of the Family Code, to allow it to proceed to withdraw its reservations to the Convention within a concrete time frame.

143. 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.

144. The Committee urges the State party to place high priority on implementing legislative

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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.

...

153. The Committee expresses concern that discriminatory practices and strong stereotypical attitudes persist about the roles and responsibilities of women and men in the family and in society, hence negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

154. The Committee urges the State party to increase its efforts 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. Such efforts should aim to change stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and to strengthen societal support for equality between women and men.

- Gabon, CEDAW, A/60/38 part I (2005) 37 at paras. 231, 232, 239 and 240.

231. 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 and 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.

232. 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.

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...

239. 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.

240. 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 awareness-raising 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, employers and the general public. The Committee 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 through revision of school curriculums and textbooks, to further these efforts.

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 322 and 323.

322. The Committee remains concerned about the persistence and pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes undermine women's social status, present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in a number of areas, including in the labour market and in political and public life...

323. The Committee calls upon the State party to adopt a large-scale, comprehensive and coordinated programme to combat the widespread acceptance of stereotypical roles of men and women, including awareness-raising and educational campaigns aimed at women and men, to help ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2(f) and 5(a) of the Convention. It recommends that the State party make every effort to disseminate

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information on the Convention among both private and public actors to increase awareness and understanding of the meaning and content of the substantive equality of women. It also recommends that the media and advertising agencies be specifically targeted and encouraged to project an image of women as equal partners in all spheres of life and that concerted efforts be made to change the perception of women as sex objects and primarily responsible for child-rearing.

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 363 and 364.

363. The Committee is concerned that some provisions of the Penal and Civil Codes continue to discriminate against women and girls...The Committee is further concerned that the amendment to the Civil Code regarding joint ownership of acquired property as the default legal property arrangement does not apply retroactively.

364. The Committee calls upon the State party to give priority to amending remaining discriminatory legal provisions without delay so as to bring its legislation into line with article 2 of the Convention...It also recommends that the State party consider the impact on women of the lack of retroactive applicability of the amendment to the Civil Code regarding joint ownership of acquired property, with a view to remedying the law's disadvantageous consequences for women who were married prior to its entry into force.

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 53 and 54.

53. The Committee notes with concern the persistence of traditional and stereotyped assumptions and attitudes in respect of the roles and responsibilities of women and men, which are discriminatory against women and have a pronounced impact, particularly in the areas of education and employment as well as in other areas of their lives. For example, the Committee is concerned at the stereotyping of women, which perceives them exclusively as caregivers and homemakers and assigns them in areas such as education and employment to spheres suitable to their "characteristics". The Committee is concerned that such expectations of women have serious consequences, preventing them from accessing rights and entitlements on an equal basis with men and creating a dependency on men, husbands and family for housing, food entitlements and other services...

54. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men, including the hidden patterns that perpetuate direct and indirect discrimination against women and girls in the areas of education and employment and in all other areas of their lives, in accordance with articles 2 (f) and 5 (a) of the Convention. Those efforts should include educational measures

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at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men to address stereotypes regarding the roles of women and men.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 105 and 106.

105. The Committee is strongly concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, thus constituting serious obstacles to women's enjoyment of their human rights and impeding the full implementation of the Convention.

106. The Committee urges the State party to increase its efforts 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. Such efforts should aim at modifying stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family, the workplace and in society, as required under articles 2 (f) and 5 (a) of the Convention, and to strengthen societal support for equality between women and men.

- Benin, CEDAW, A/60/38 part II (2005) 116 at paras. 147 and 148.

147. 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 is concerned about the status of marriages concluded prior to the Code's coming into force.

148. 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

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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, employers and the general public.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 189-192.

189. The Committee is concerned that the Constitution explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly with regard 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.

190. 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 regard 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.

191. The Committee expresses concern about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in society, which are discriminatory against women. The Committee is concerned that the persistence of such discriminatory cultural practices and traditional attitudes perpetuates women's subordination in the family and society and produces serious obstacles to women's enjoyment of their human rights. The Committee regrets that no systematic action has been taken by the State party to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women.

192. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It 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 design and implement comprehensive education and

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awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the transformation of discriminatory stereotypes and allowing women to exercise their rights under the Convention.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 253 and 254.

253. The Committee is concerned about the State party's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which suspends the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Territories. The Committee notes with concern that the suspension order, which has been extended until the end of August 2005, has already adversely affected the marriages and family life of Israeli Arab women citizens and Palestinian women from the Occupied Territories.

254. The Committee calls on the State party to balance its security interests with the human rights of persons affected by such policies, and to reconsider them with a view to facilitating family reunification of all citizens and permanent residents. It calls on the State party to bring the Nationality and Entry into Israel law (Temporary Order) of 31 July 2003 into line with articles 9 and 16 of the Convention...

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 289 and 290.

289. 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.

290. 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 (Offenses) 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.

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- Burkina Faso, CEDAW, A/60/38 part II (2005) 144 at paras. 339 and 340.

339. While welcoming the Individual and Family Code, which provides for women's equality with men in many respects in the areas of marriage, divorce and death and inheritance, the Committee is concerned about the persistence of several discriminatory provisions in the Code, particularly in relation to the minimum age of marriage, which is 17 years for girls and 20 years for boys, and the legality of polygamy under the Code.

340. The Committee urges the State party to accelerate the process of legal reform to raise the minimum age of marriage of girls and to prohibit polygamy in order to ensure compliance with articles 2 and 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 394 and 395.

394. 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...

395. 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...

CRC

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 91 and 92.

91. The Committee notes that the State party has undertaken a review of the Constitution and of the legislation. In 1994, the Kenya Law Review Commission recommended improvements to give effect to the provisions of the Convention. The Committee further notes that the State party subsequently drafted the Children Bill, the Domestic Violence (family protection) Bill, the Industrial Properties Bill, the Refugee Bill, the Criminal Law Amendment Bill and the Bill on People with Disabilities. The Committee is concerned, however, that these bills are still undergoing review and must be discussed by Parliament before being enacted. The Committee expresses concern about the insufficient information on the status of the different systems of family law and their compatibility with the Convention on the Rights of the Child.

92. The Committee recommends that the State party reinforce its efforts to ensure that

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domestic law, including constitutional provisions, fully conforms with the provisions and principles of the Convention on the Rights of the Child, and eliminate any incompatibility in the different systems of family law. The Committee encourages the State party to expedite the enactment of the pending legislation that has a direct impact on the rights of children and to ensure that any new legislation includes the principles of the Convention, as well as a rights based approach. It also encourages the State party to implement that legislation in the most effective way and to make available the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, *inter alia*, OHCHR and UNICEF.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 144 and 145.

144. The Committee is concerned that upon the separation of some Muslim parents, custody of children below a certain age is systematically awarded to mothers and custody of children above a certain age is systematically awarded to fathers, without due regard for the best interests and opinion of the child.

145. The Committee recommends that in the context of child custody decisions the State party ensure full respect for the Convention including, *inter alia*, the obligation to give due consideration to the best interests and views of the child.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 109 and 110.

109. The Committee notes with concern the absence of information in the State party's report on racial discrimination, and the limited amount of information regarding acts of discrimination against children from single-parent families, children born out of wedlock, children with disabilities, girls and migrant families. It is also concerned that the Constitution does not explicitly prohibit discrimination on the grounds of race, colour, language, political or other opinion, national or ethnic origin, disability, birth or other status, as stated in the Convention.

110. The Committee recommends that the State party enact legislation explicitly prohibiting discrimination in order to include all grounds enumerated in article 2 of the Convention. In addition, the Committee recommends that the State party undertake all necessary proactive measures to combat societal discrimination, in particular against children from single-parent families, children born out of wedlock, children with disabilities, children of migrant workers and girls through, *inter alia*, public education and awareness campaigns.

- Italy, CRC, CRC/124 (2003) 36 at paras. 168 and 169.

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168. The Committee is concerned that adopted children cannot know the identity of their natural parents even after having reached majority and when this is proved to be in their best interests. The Committee is further concerned that children born out of wedlock legally do not have a mother or a father unless they are recognized by their mothers and/or fathers.

169. In the light of article 7 of the Convention, the Committee recommends that the State party:

(a) Ensure, as far as possible, respect for the child's right to know his or her parents' identity should he/she be an adopted child or a child born out of wedlock who has not been recognized by either of his or her parents;

(b) Urgently review and amend legislation in order to ensure that children born out of wedlock legally have from birth a mother (in accordance with the European Court on Human Rights decision *Marckx v. Belgium* and the rule *mater semper certa est*) and encourage recognition of these children by their fathers (as a way to prevent "easy" abandonment of children);

(c) Ratify the European Convention on the Legal Status of Children Born out of Wedlock.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 57 and 58.

57. The Committee notes with appreciation that the Constitution accords both parents equal rights and duties within the family, yet it is concerned that the Transitional Civil Code and customary laws do not generally recognize the principle enshrined in article 18 of the Convention "that both parents have common responsibilities for the upbringing and development of the child", particularly with regard to the custody of children in divorce.

58. The Committee recommends that the State party ensure that, when judicial proceedings or family councils decide to grant one parent custody of the child, the decision is taken on the basis of the best interest and with the participation of the child. The State party should also ensure that both parents are adequately informed of their rights and responsibilities, particularly in the case of divorce.

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 315 and 316.

315. The Committee is concerned that:

(a) Increasing weakness in family structures due to growing poverty leads to greater

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vulnerability of children;

(b) Single mothers can only file a request for maintenance in the first three years after the birth of their children;

(c) The rights and responsibilities of unmarried fathers are very limited.

316. The Committee recommends that the State party:

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and give consideration to means of providing families with adequate support, including through community structures;

(b) Amend or adopt legislation that does not discriminate against either parent or parents who are not married and provide equal protection to children born out of wedlock, including by abolishing time limits for filing maintenance requests and ensuring the inheritance rights of those children.

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 368 and 369.

368. The Committee is concerned that, contrary to article 2 of the Convention, discrimination, both direct and indirect, against certain children, their parents or legal guardians, persists in the State party, particularly with respect to birth out of wedlock.

369. The Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes towards birth outside marriage and to include religious leaders in such efforts.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 479 and 480.

479. The Committee welcomes the efforts undertaken to fight against gender discrimination within the framework of a national plan of action, but remains concerned by the persistence of, in particular, direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. inheritance, custody and

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guardianship), which is incompatible with article 2 of the Convention. The Committee is further concerned that a child born of a Moroccan mother and a non-national father cannot acquire Moroccan citizenship by birth...

480. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, 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 Committee further recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 210 and 211.

210. The Committee is concerned that the State party's legislation uses age limits, instead of the best interests of the child, as criteria in determining custody in case of divorce. Such permission, in addition to implying that siblings can be separated, discriminates between the sexes and fails to acknowledge the child's right to express her/his views and have them taken into account.

211. The Committee recommends that the State party review its current legislation concerning custody in order to ensure that the principle of the best interests of the child is a primary consideration, in order to prevent siblings being separated only because of sex and/or age, and in order to ensure that children's views are heard and duly taken into consideration in custody decisions, in accordance with the principles and provisions of the Convention.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 413 and 414.

413. The Committee is concerned that elements of the State party's immigration and citizenship laws do not fully conform to articles 2 and 7 of the Convention. In particular, the Committee is concerned that Singaporean citizenship is not acquired automatically by children of a Singaporean mother and a foreign father born overseas, and that in such cases the mother is obliged to apply for "citizenship by registration".

414. The Committee recommends that the State party review its citizenship and immigration laws and undertake the necessary reforms to ensure that they respect, as far as possible, the right of the child to nationality and identity, without discrimination.

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- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 471 and 472.

471. In light of article 7 of the Convention, the Committee is concerned at the apparent discrimination in respect of nationality, and that a child's name and nationality are derived solely from her/his father and not her/his mother.

472. The Committee recommends that the State party amend its legislation so that citizenship can be passed on to children from either their father or their mother. It also encourages the State party to introduce proactive measures to prevent statelessness.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 53, 54, 65 and 66.

53. The Committee is concerned that in actions concerning children, the general principle of the best interest of the child as contained in article 3 of the Convention is not a primary consideration, including in matters relating to family law (e.g. custody under the law is determined by the child's age rather than the child's best interests).

54. The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and implemented in all parts of the territory.

...

65. The Committee is concerned that according to Islamic law applicable to Muslims in Indonesia, in divorce proceedings decisions relating to custody of children are based on the age of the children rather than on their best interests. The Committee is similarly concerned that children cannot legally have a father unless their biological parents are legally married.

66. The Committee recommends that the State party:

(a) Review its legislation relating to custody of the child with a view to ensuring that all decisions are based on the principle of the best interest of the child, in line with articles 3 and 12 of the Convention;

(b) Take all necessary measures to facilitate the establishment of the parentage of the child and to guarantee, as far as possible, his/her right to know both biological parents, and to be raised by them.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 254, 285 and 286.

254. The Committee welcomes the adoption of:

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...

(b) The amendment of the Law on Family Matters (*Reform zum Kindschaftsrecht*) of 16 December 1997, which came into force on 1 July 1998 and which suppresses discrimination between children born in or out of wedlock regarding custody and visitation rights;

...

285. The Committee notes with appreciation the adoption of the third law to amend the federal law on child benefits (entered into force on 1 January 2001) which improves the possibility for both parents to take parental leave and the amendment of the law on parental custody which provides for shared parental custody (*Sorgerecht*) even when they are divorced, separated, or not married, but remains concerned that the judicial system is not yet prepared to fully implement this latter legislation.

286. The Committee recommends that the State party take all necessary measures for a full implementation of the new legislation relating to the law on parental custody, notably through adequate training for magistrates.

- India, CRC, CRC/C/137 (2004) 75 at paras. 407 and 408.

407. The Committee welcomes the National Plan of Action for the Girl Child and the Platform for Action, but is deeply concerned at the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including low school enrolment and high dropout rates, early and forced marriages, and religion-based personal status laws that perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

408. The Committee urges the State party to take all necessary measures for the implementation of the National Plan of Action for the Girl Child and encourages the enforcement of protective laws. The Committee also encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. Political, religious and community leaders should be mobilized to support efforts to eradicate harmful traditional practices and attitudes which still discriminate against girls.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 626 and 627.

626. The Committee is concerned that legislation discriminates against children born out of wedlock....

627. The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard

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to inheritance and citizenship rights and birth registration, as well as discriminatory terminology such as “illegitimate” from legislation and regulations...

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 222 and 223.

222. The Committee notes the measures undertaken by the State party to increase economic growth, but remains concerned at the widespread prevalence of poverty in Croatian society, which affect in particular families with more than one child, families headed by women and minority families, including Roma families and families of foreign origin, and in areas that were affected by armed conflict.

223. The Committee, in line with its previous recommendations ([CRC/C/15/Add.52] para. 31) recommends that the State party:

(a) Take all necessary measures to the “maximum extent of...available resources” to accelerate the elimination of child poverty, notably to eliminate the disparities between the different regions of the country;

(b) Continue to provide material assistance and support to economically disadvantaged families, notably Roma families and families of foreign origin, in order to guarantee the right of children to an adequate standard of living;

(c) To include in the poverty reduction strategy specific programmes addressing the particular difficulties faced by poor children.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 265 and 266.

265. While noting that the State party defines minors as those under 18 years of age, the Committee is aware that numerous legislative acts contain differing definitions for the cut-off age for a “minor”. The Committee is concerned that:

(a) Assistance to families with children with disabilities or children with HIV/AIDS is being provided only to children under the age of 16; and

...

266. The Committee recommends that the State party take the necessary legal measures to ensure that all persons under 18 year of age are guaranteed by law the special protection they are entitled to under the Convention.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 53 and 54.

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53. The Committee is concerned about:

...

(b) The fact that the proportion of children with a foreign background who are placed in institutions is higher than that of Swedish children;

...

54. The Committee recommends that:

(a) The State party take preventive measures specifically targeted at families with a foreign background, including awareness-raising within social services about the relevance of cultural background and immigrant status, so that help can be given before a situation develops that necessitates the taking of children into care;

...

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 178 and 179.

178. The Committee welcomes the information that the State party intends to eliminate from its legislation any description of children born out of wedlock, which may have a negative or discriminatory connotation.

179. The Committee encourages the State party to carry out this modification as soon as possible.

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 267 and 268.

267. The Committee notes with appreciation the various measures adopted by the State party to combat poverty, including the adoption of family-related benefits and an increase in child allowances to help families with children. However, the Committee remains concerned at the high rate of poverty, mainly affecting single-parent families, large families and families of foreign origin.

268. The Committee recommends that the State party take all necessary measures to further reduce and eliminate family poverty, which affects children. It also recommends that the State party continue to provide well-coordinated financial assistance to provide support to economically disadvantaged families, in particular single-parent families and families of foreign origin, so as to guarantee the right of a child to an adequate standard of living. In this regard, efforts should be increased to support, in particular, single mothers re-entering the labour market and to extend good quality and affordable child day-care facilities.

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- Belize, CRC, CRC/C/146 (2005) 59 at paras. 324, 325, 336 and 337.

324. While noting the provisions of the Registration of Births and Deaths Act (chapter 157 of the Laws of Belize), which requires registering the birth of children, the Committee remains concerned about the shortcomings in the implementation of this Act and the concrete shortcomings in the birth registration system. The birth registration system should be equally accessible to all parents in the whole territory of the State party. The Committee is also concerned about the unregistered children in the State party and the consequences of non-registration on access by children to education, health and other services.

325. The Committee recommends that the State party implement an efficient and at all stages free-of-charge birth registration system, which covers its territory fully, including through introducing mobile birth registration units and awareness-raising campaigns to reach the most remote areas of its territory. The Committee requests the State party to pay particular attention to the need for improved access to an early birth registration by immigrant parents and parents whose children were born out of wedlock. In addition, the Committee recommends that the State party establish cooperation between the birth registration authority and maternity clinics and hospitals, midwives and traditional birth attendants in order to achieve better birth registration coverage in the country. Meanwhile, children whose births have not been registered and who are without official documentation should be allowed to access basic services, such as health and education, while waiting to be properly registered.

...

336. The Committee is concerned that recovery of maintenance is not sufficiently ensured in practice. It is concerned at the actual implementation and, in some cases, the absence of bilateral agreements for reciprocal enforcement of maintenance orders. The Committee also notes with concern that children of unmarried parents do not have equal right to maintenance as those of married parents.

337. In the light of article 27, paragraph 4, of the Convention, the Committee recommends that the State party take further measures to ensure the full implementation of legislation on the payment of maintenance as well as to ensure equal right to the recovery of maintenance for all children, irrespective of their parent's marital status. The Committee also recommends that the State party effectively implement and conclude bilateral agreements for reciprocal enforcement of maintenance orders and reconsider establishing a fund to provide support to parents waiting for the decision regarding the maintenance of their child.

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 373 and 374.

373. The Committee welcomes the adoption of the Status of Children Act in 2002 which,

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inter alia, abolished the distinction between children born in wedlock and children born out of wedlock, particularly in relation to intestacy.

374. The Committee also notes with appreciation the adoption of the Inheritance Act in 2002, which makes provision for all children to have equal rights or entitlement in circumstances where property is distributed on intestacy.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 459, 460, 470 and 471.

459. The Committee is deeply concerned at the persisting discrimination against girls and women, in particular in their role as parents, reflected in various legal provisions and practices (e.g. the requirement that a child's father or paternal grandfather only may give his permission for the issuance of a passport for a child under 18 years. Consequently, in a case in which the parents are separated and the mother of the child resides in another country, the child may only leave Iran to visit his/her mother if the father permits the child to do so). The Committee is equally concerned at discrimination on the grounds of religion and birth. As to the latter, it is concerned that insufficient information has been provided on children born out of wedlock, in particular with respect to the discrimination against and stigmatization of these children, who are particularly vulnerable.

460. The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender-neutral and that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.

...

470. The Committee is concerned about discrimination against children on account of their father's nationality. It notes with concern that while a child whose father is an Iranian national is considered to have Iranian nationality, a child whose mother is Iranian and who has married a non-Iranian without getting the official consent of the Government, will not be recognized as an Iranian national. The Committee is concerned that this situation currently affects a large number of children whose mothers are Iranian and fathers Afghan and who consequently have neither a birth certificate nor a nationality.

471. The Committee recommends that all children are registered at birth and acquire an irrevocable nationality without discrimination.

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 538, 539, 547 and 549.

538. While noting the efforts made by the State party to address the issue, the Committee

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notes with concern that societal discrimination persists against vulnerable groups of children, in particular girls and children with disabilities. In particular, the Committee reiterates the concern of the Human Rights Committee (CCPR/CO/75/TGO of 28 November 2002) and of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.61 of 21 May 2001) about “continuing discrimination against...girls with respect to access to education, employment and inheritance”.

539. With reference to the recommendations made in this regard by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the Committee urges the State party to undertake an in-depth review of all its legislation, including the Individuals and Family Code and the Nationality Code of 1998, in order to fully guarantee the application of the principle of non-discrimination in domestic laws and compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups, especially girls and children with disabilities, and children living in remote areas.

...

547. The Committee is concerned that mothers cannot pass their nationality to their children, and that children born out of wedlock or children with foreign fathers may, in some instances, be denied Togolese citizenship and/or left stateless.

...

549. The Committee recommends that the State party reform its citizenship laws, including the Nationality Code of 1998, in order to ensure the transmission of citizenship through both the maternal and paternal line, in accordance with article 32 of the Constitution of 1992.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 65-68.

65. While the Committee notes that the State party recognizes the partiality of the Civil Code of Saint Lucia of 1957, it remains concerned by the father’s sole right to custody of the child in cases of separation without providing for or reflecting child’s rights perspectives and views in final decisions.

66. The Committee strongly recommends that the State party review the Civil Code of Saint Lucia of 1957 and ensure adequate protection of the rights of a separated parent and/or child. The Committee recommends that the child’s views as well as best interests are taken into account in the final decisions of custody in cases of parental separation.

67. The Committee is concerned that the State party does not uphold the principle of non-discrimination in the recovery of maintenance for the child.

68. The Committee recommends that the State party: review its legislation on the recovery of maintenance for the child in order to comply with the principles of the Convention and

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undertake measures in order to secure the recovery of maintenance from abroad.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 123, 124, 136 and 137.

123. Notwithstanding the measures taken by the State party to eliminate discrimination against children, *inter alia*, through the implementation of the provisions of the Child and Youth Welfare Code (Presidential Decree No. 603), the Family Code and the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act and several programmes, such as the Third Elementary Education Programme, the Committee is concerned about discrimination faced by many children... The Committee...reiterates its concern about the unequal status of children born out of wedlock, particularly with regard to their right to inherit and their discriminatory classification as “illegitimate”.

124. In the light of article 2 of the Convention, the Committee recommends that the State party increase its efforts to ensure effective implementation of existing laws guaranteeing the principle of non-discrimination and adopt a proactive and comprehensive strategy to eliminate all forms of discrimination, including forms of multiple discrimination, against all vulnerable groups of children... As regards children born out of wedlock, the Committee requests the State party to review its domestic legislation in order to secure their right to equal treatment, including their right to equal inheritance and abolish the discriminatory classification of those children as “illegitimate”.

...

136. While noting the estimated increase in the birth registration rate and the measures taken by the State party in this respect, including the Unregistered Children Project conducted in collaboration with PLAN International and the National Statistics Office, the Committee remains concerned at the difficulties in ensuring timely birth registration of children, in particular children belonging to religious or other minority groups or indigenous peoples and children living in the remote areas of the country and at the fact that birth registration is not free of charge and not equally accessible to all parents in the entire territory of the State party. The Committee also expresses its concern about the simulation of birth certificates.

137. In order to secure the full enjoyment of all human rights and fundamental freedoms by children and to achieve 100 per cent birth registration, the Committee recommends that the State party strengthen its efforts to develop an efficient and at all stages free of charge birth registration system, which covers its territory fully, including through using more effectively mobile birth registration units to reach the most remote areas of its territory. The Committee requests the State party to pay particular attention to improved access to an early birth registration for parents whose children were born out of wedlock and parents belonging to religious or other minorities or indigenous peoples.

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- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 776 and 777.

776. The Committee is concerned that existing laws and practice do not reflect article 18 of the Convention, according to which both parents have equal responsibility for the upbringing of their children, e.g. for children born out of wedlock, and that the best interests of the child is not a primary consideration in decisions regarding custody, guardianship and affiliation.

777. The Committee urges that the State party expedite the amendments to the law now under consideration which, according to the information of the delegation, will bring the law in line with the provisions of the Convention. The Committee further recommends that the State party take the measures necessary for the full implementation of the amended law in practice.