

EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General

IV. CONCLUDING OBSERVATIONS

CERD

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at para. 239.

Concern is expressed about the "two-week rule," which prohibits foreign workers from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts. In view of the fact that the overwhelming majority of the persons affected by this rule are female Filipino foreign domestic workers, this rule appears to have discriminatory aspects under the terms of the Convention, and may leave workers vulnerable to abusive employers.

- Republic of Korea, CERD, A/54/18 (1999) 14 at para. 62.

The State party should take all appropriate measures, including awareness-raising campaigns, to protect women married to asylum seekers and children born of mixed marriages, particularly Amerasian children, from racial discrimination or racial prejudice.

- Uruguay, CERD, A/54/18 (1999) 41 at para. 430.

The State party should establish special programmes aimed at facilitating the social enhancement of women belonging to the Afro-Uruguayan community who suffer double discrimination on grounds of both their gender and race.

- Colombia, CERD, A/54/18 (1999) 44 at para. 468.

Within the community of displaced persons women are disproportionately represented. Concern is expressed that government programmes are not responsive to the needs of many indigenous and Afro-Colombian women who are subjected to multiple forms of discrimination based on their gender and their race or ethnicity, and their displaced status.

- Zimbabwe, CERD, A/55/18 (2000) 38 at para. 199.

It is noted with dissatisfaction that the laws concerning citizenship give preference to non-national

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female spouses over non-national male spouses of nationals of Zimbabwe and that the children born to citizens of Zimbabwe overseas may not acquire citizenship. It is recommended that the State party review its citizenship laws to ensure non-discrimination.

- The Netherlands, CERD, A/55/18 (2000) 55 at para. 318.

The Committee is concerned about insufficient protection against discrimination in the labour market; it regrets the privatization and the planned dissolution of the Women and Minorities Employment Bureau and wonders what institution is going to fulfil the Bureau's task in the future.

- Ghana, CERD, A/55/18 (2000) 64 at para. 379.

The State party is commended for adopting measures that outlaw the practice of slavery known as "Trokosi", which affects solely females in the Ewe ethnic group. The State party is encouraged to strictly enforce the criminal sanctions for violations.

- Georgia, CERD, A/56/18 (2001) 24 at para. 93.

With regard to article 142 (1) of the new Criminal Code dealing with the infringement of equal rights on account of, *inter alia*, race, skin colour, language, sex, national, ethnic, social or class origin, the Committee is concerned that this provision is qualified by the requirement that the infringement of equal rights result in a substantial violation of human rights. The Committee notes the statement by the delegation that indeed serious consideration should be given to reviewing this provision and encourages the State party to initiate the necessary steps.

- Italy, CERD, A/56/18 (2001) 53 at para. 314.

According to the State party, women represent 58.8 per cent of the immigrant labour force in domestic work. Aware of the possibility that they may easily be exploited, the Committee recommends that the State party take all appropriate measures to reduce this risk.

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ICCPR

- Colombia, ICCPR, A/47/40 (1992) 83 at para. 393.

It is noted with concern that the principle of equal pay for men and women has not yet been fully applied in Colombia.

- Senegal, ICCPR, A/48/40 vol. I (1993) 23 at paras. 105 and 113.

Paragraph 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 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.

Paragraph 113

Efforts should be made to remove social barriers in order to ensure the real equality of men and women.

- United Republic of Tanzania, ICCPR, A/48/40 vol. I (1993) 35 at para. 174.

Although there has been some progress towards equality between men and women, there still appears to be a lack of equality, especially with respect to property, inheritance and parental authority, and it is hoped that those forms of discrimination would be prohibited in the future.

- Islamic Republic of Iran, ICCPR, A/48/40 vol. I (1993) 44 at paras. 260 and 268.

Paragraph 260

The persistence and extent of discrimination against women is incompatible with the provisions of article 3 of the Covenant, particularly the punishment and harassment of women who do not conform with a strict dress code; the need for women to obtain their husband's permission to leave home; their exclusion from the magistracy; discriminatory treatment in respect of the payment of compensation to the families of murder victims, depending on the victim's gender and in respect of the inheritance rights of women; prohibition against the practice of sports in public; and segregation from men in public transportation.

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Paragraph 268

Active measures should be taken to enhance the status of women in the Islamic Republic of Iran in accordance with articles 2, 3 and 23 of the Covenant and to guarantee their equal enjoyment of rights and freedoms.

- Niger, ICCPR, A/48/40 vol. I (1993) 88 at para. 424.

The situation of women who continue to be the object of discrimination is of concern.

- Ireland, ICCPR, A/48/40 vol. I (1993) 119 at para. 614.

Further measures aimed at achieving equality of the sexes should be undertaken, particularly with regard to women in law enforcement, the legal profession and the judiciary. While welcoming measures recently taken to strengthen legislation with regard to violence against women, the Committee considers that the relevant laws and protections should also extend to cohabiting couples.

- Hungary, ICCPR, A/48/40 vol. I (1993) 128 at para. 663.

Of concern is the very low participation of women in the decision-making process and the conduct of public affairs.

- Egypt, ICCPR, A/48/40 vol. I (1993) 139 at para. 709.

There are many areas where the law discriminates against women and restricts them in the equal enjoyment of rights and freedoms.

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at para. 107.

Concern is expressed at discriminatory practices against women that appear to persist in Japan, with regard to remuneration in employment, and is noted that *de facto* problems of discrimination more generally continue to exist. Legal measures have been taken by the Japanese authorities to forbid those practices and there are comprehensive programmes to promote equal opportunity. However, it appears that a certain gap exists in Japan between the adoption of legislation and the actual behaviour of certain sectors of society.

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- Romania, ICCPR, A/49/40 vol. I (1994) 28 at paras. 142 and 147.

Paragraph 142

The decrease in the participation of women in public life and in their employment and opportunities in recent years is noted with regret.

Paragraph 147

Positive measures should be taken to strengthen the situation of women and children, particularly with respect to participation in public life, equal opportunities to employment and remuneration and equal rights and responsibilities in the family.

- Costa Rica, ICCPR, A/49/40 vol. I (1994) 31 at paras. 159 and 163.

Paragraph 159

It is noted with concern that many laws aimed at promoting gender equality have not had their intended effect and that there is still much progress to be made in this regard.

Paragraph 163

Further measures should be taken to combat gender inequality and to improve the situation of women in Costa Rica.

- Mexico, ICCPR, A/49/40 vol. I (1994) 33 at para. 181.

The progress achieved with regard to the status of women should be developed further and greater efforts should be made to combat family violence.

- Cameroon, ICCPR, A/49/40 vol. I (1994) 36 at para. 207.

The situation of women should be improved, with a view to achieving the effective application of article 3 of the Covenant. Particularly by adopting the necessary educational and other measures to overcome the weight of certain customs and traditions and by proceeding as soon as possible with the plan to amend the Family Code.

- El Salvador, ICCPR, A/49/40 vol. I (1994) 38 at para. 218.

A number of concerns remain, including the full and effective application of the Covenant in matters

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pertaining to the full enjoyment by women of the rights guaranteed under the Covenant and the difficulties encountered in ensuring the full participation of all citizens in the electoral process.

- Jordan, ICCPR, A/49/40 vol. I (1994) 41 at paras. 232 and 240.

Paragraph 232

It is regretted that, although some improvement has been achieved as regards the status of women, the State party has not embarked on all the necessary reforms to combat the factors still impeding equality between men and women. It is noted with concern that the Constitution does not guarantee the principle of non-discrimination on the basis of sex, and that there are still gender disparities in law or practice with regard to such issues as status within the family, inheritance rights, the right to leave the country, the acquisition of Jordanian nationality, access to work and participation in public life.

Paragraph 240

The need for the Government to prevent and eliminate discriminatory attitudes and prejudices towards women is emphasized. Effective implementation of article 3 of the Covenant should be achieved by adopting promotional measures to overcome the weight of certain traditions and customs.

- Togo, ICCPR, A/49/40 vol. I (1994) 44 at paras. 252 and 263.

Paragraph 252

It is regretted that the State party has not yet embarked on all the necessary reforms to cope with the factors and difficulties impeding equality of men and women in order to implement fully article 3 of the Covenant. The reported cases of traffic of women, the effect of certain customs and traditions, as well as the lack of effective government measures aiming at promoting equality of the sexes constitute matters of grave concern.

Paragraph 263

Appropriate action should be taken to ensure the effective application of article 3 of the Covenant, in particular by adopting administrative and educational measures designed to break with customs and traditional practices detrimental to the well-being and status of women in Togolese society.

- Italy, ICCPR, A/49/40 vol. I (1994) 47 at para. 289.

Further efforts are required to ensure the equal participation by women in public life and more effective protection of women against all forms of violence.

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- Cyprus, ICCPR, A/49/40 vol. I (1994) 53 at paras. 320 and 331.

Paragraph 320

While noting that some progress has been achieved in combating discrimination against women, it is of concern that some patriarchal attitudes and practices which impede women from realizing full and equal enjoyment of rights still persist.

Paragraph 331

With respect to the equality and rights of women, affirmative measures should be taken to ensure their participation in the political process. The new laws concerning domestic violence should be closely monitored to ensure their effective application.

- Paraguay, ICCPR, A/50/40 vol. I (1995) 42 at paras. 207 and 218.

Paragraph 207

It is of concern that, despite constitutional guarantees for the rights of women, women continue to receive unequal treatment in Paraguay, owing in part to outdated laws that clearly contradict the provisions of the Covenant. These would include laws that are more lenient in instances of infanticide committed to protect the honour of a woman than in ordinary cases of homicide and laws that make distinctions in the punishment accorded to persons who rape or abduct women depending on the marital status of the victim. It is further noted that labour laws do not adequately protect the rights of women. The Committee notes that domestic work, which is a principal occupation among women, is excluded from minimum wage laws.

Paragraph 218

All national legislation on women should be reviewed with a view to modernizing the outdated legal standards currently in force to bring them into line with the relevant provisions of the Covenant. The State party should review its laws on criminal offences committed against women and all labour laws that discriminate against women and take the measures necessary to overcome traditional attitudes concerning the role of women in society. It is further recommended that the State party encourage the political participation of women in public, particularly in political life, which remains low despite the legal advances that have reduced restrictions in this area.

See also:

- Bolivia, ICCPR, A/52/40 vol. I (1997) 35 at para. 211.

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- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at paras. 270, 295 and 303.

Paragraph 270

Despite the existence of laws outlawing discrimination, there persist within society discriminatory attitudes and prejudices based on race or gender. Furthermore, the effects of past discrimination in society have not yet been fully eradicated. This makes it difficult to ensure the full enjoyment of the rights provided for under the Covenant to everyone within the State party's jurisdiction. The rise in crime and violence also affects the enjoyment of the rights provided for in the Covenant.

Paragraph 295

The need for the Government to increase its efforts to prevent and eliminate persisting discriminatory attitudes and prejudices against persons belonging to minority groups and women including, where appropriate, through the adoption of affirmative action is emphasized. State legislation which is not yet in full compliance with the non-discrimination articles of the Covenant should be brought systematically into line with them as soon as possible.

Paragraph 303

When determining whether currently permitted affirmative action programmes for minorities and women should be withdrawn, the obligation to provide Covenant's rights in fact as well as in law should be borne in mind.

- Yemen, ICCPR, A/50/40 vol. I (1995) 49 at paras. 246, 255 and 261.

Paragraph 246

The existence in the State party of customs and traditions, particularly in the area of equality between men and women, which may tend to impede the proper observance of international standards of human rights, is noted.

Paragraph 255

The reports of female genital mutilation, which appears to be a common practice in some parts of the country, are noted with concern. It is also noted with concern that the provisions of the Personal Status Act No. 20 of 1992, particularly articles 40 and 41, establish unequal obligations for wives and husbands where wives are relegated to an inferior position. It is of concern that the requirements of this Act, particularly that wives must obey their husbands' orders and may not leave their homes except in limited situations, contradict articles 3 and 23 of the Covenant. It is further regretted that the laws of Yemen contain no specific provisions for dealing with domestic violence.

Paragraph 261

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The State party should review its laws and make appropriate amendments to ensure full legal and *de facto* equality for women in all aspects of society, particularly in the laws governing the status of women, women's rights and obligations in marriage. Furthermore, the Government should conduct a study on the practice of female genital mutilation within its territory and formulate specific plans to eradicate this practice.

- Ukraine, ICCPR, A/50/40 vol. I (1995) 57 at paras. 315 and 326.

Paragraph 315

Concern is expressed over the actual cases of discrimination against women and, in general, the persistence – in a climate of economic and social difficulties – of gender disparities in practice with regard to such issues as equal pay, the equitable participation of women in the conduct of public affairs and in the economic, social and cultural life of the country. The State party has not yet adopted effective measures to overcome attitudes based on traditional roles which hinder equality between men and women. Additionally, the high level of family violence within the country is regretted and it is recalled that the Covenant requires States parties to implement measures of protection.

Paragraph 326

With respect to the rights of women, affirmative measures should be taken to strengthen their participation in the political, economic, and social life of the country, and positive measures should be taken to ensure their effective protection against domestic violence.

See also:

- Slovenia, ICCPR, A/49/40 vol. I (1994) 56 at paras. 342 and 349.

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at paras. 375 and 394.

Paragraph 375

Despite guarantees of equality in the Constitution and in labour legislation, the *de facto* situation of women is one of continuing inequality. The failure to ensure equal remuneration for work of comparable worth and the persistence of attitudes and practices which impose child-rearing and other domestic responsibilities entirely on women contribute to this inequality and to discrimination in the workplace. The extent of rape and domestic violence and the inadequate efforts made by the authorities to deal with this problem are alarming. The high incidence of unemployment among women is also alarming.

Paragraph 394

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Greater efforts should be made to collect information on the situation of women and the effects on them of the structural, political, economic and social changes taking place. On this basis, the Government should initiate or strengthen programmes aimed at providing assistance to women in difficult circumstances, including unemployed women, victims of domestic violence and victims of rape, with a view to ensuring their equality before the law and the equal protection of the law. In particular, it should consider allocating responsibility for that purpose to an appropriate high-level governmental body.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at paras. 458 and 460.

Paragraph 458

It is noted that the workers employed in the free trade zones, 80 per cent of whom are women, are unable, in practice, to enjoy fully the rights set forth in articles 21 and 22 of the Covenant.

Paragraph 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.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICCPR, A/51/40 vol. I (1996) 13 at paras. 59 and 69.

Paragraph 59

The situation of women in Hong Kong, particularly the high level of violence and the absence of adequate punitive or remedial measures, is of concern. It is regretted that the Sexual Discrimination Ordinance is not yet in force and that it limits the damages awarded to women who are subject to sexual discrimination and does not give power to direct the reinstatement of women who have lost their jobs because of sexual discrimination. It is also of concern that the Sexual Discrimination Ordinance has significant exemptions and that it is limited in its application to discrimination based on gender and marriage and does not prohibit discrimination on grounds of age, family responsibility or sexual preference.

Paragraph 69

The deficiencies in the Sexual Discrimination Ordinance should be overcome by appropriate amendments and comprehensive anti-discrimination legislation aimed at eliminating all remaining discrimination prohibited under the Covenant should be adopted.

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- Sweden, ICCPR, A/51/40 vol. I (1996) 17 at para. 85.

Areas remain where women are subject to *de facto* discrimination, in particular with regard to equal remuneration. It is noted with concern that in certain areas, in particular in public offices, the situation of women with regard to equal remuneration for work of equal value has significantly deteriorated recently.

- Zambia, ICCPR, A/51/40 vol. I (1996) 29 at paras. 195 and 207.

Paragraph 195

Concern is expressed over the situation of women who, despite some advances, continue to be *de jure* and *de facto* the objects of discrimination, particularly as regards education, access to work and participation in the conduct of public affairs. The application of customary laws in matters of personal status, marriage, divorce and inheritance rights reinforces outdated attitudes concerning the role and status of women. The lack of measures to address adequately problems raised with regard to violence against women and the high maternal mortality resulting from abortion are also of concern.

Paragraph 207

Authorities should increase their efforts to prevent and eliminate persisting discriminatory attitudes and prejudices against women. Comprehensive anti-discriminatory laws covering both the private and the public spheres should be introduced as well as, where appropriate, affirmative action measures.

- Guatemala, ICCPR, A/51/40 vol. I (1996) 33 at paras. 221, 237 and 249.

Paragraph 221

It is noted that social and economic disparities are all-pervasive in the country. High levels of poverty and illiteracy, lack of opportunities, and discrimination against the indigenous population, women and the poor contribute to widespread violation of human rights.

Paragraph 237

The customs and traditions prevailing in Guatemala which discriminate against women are of concern. The violence within the family which affects not only women, but also children, is of particular concern.

Paragraph 249

Violence (especially within the home) and acts of discrimination against women (such as sexual harassment in the workplace) should be established as punishable crimes.

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- Nigeria, ICCPR, A/51/40 vol. I (1996) 37 at paras. 291 and 296.

Paragraph 291

Concern is expressed over the situation of women in Nigeria, particularly as regards their low level of participation in public life and the continued application of marriage regimes which permit polygamy and do not fully respect the equal rights of women. The widespread practices of forced marriage and genital mutilation of girls are of particular concern.

Paragraph 296

Effective measures should be taken to implement the full and equal enjoyment by women of rights and freedoms protected by the Covenant. These measures should ensure the equal participation by women at all levels of the political, social and economic life of the country. Steps should be taken, particularly through education, to overcome certain traditions and customs, such as female genital mutilation and forced marriages, which are incompatible with the equality rights of women.

- Brazil, ICCPR, A/51/40 vol. I (1996) 44 at paras. 318 and 335.

Paragraph 318

The situation of women who, despite some improvements, continue to be the subject of *de jure* and *de facto* discrimination, including discrimination in access to the labour market, is of concern.

Paragraph 335

Effective enforcement mechanisms should be put into place to prohibit the requirement of pregnancy and sterilization certificates and other discriminatory practices in employment.

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at paras. 97 and 108.

Paragraph 97

It is noted with concern that in many areas, such as access to higher education and to posts of responsibility, equal remuneration for work of equal value and participation in household tasks and in the upbringing of children, equality between men and women has not yet been achieved in practice, particularly in the private sector.

Paragraph 108

Measures should be taken by the authorities to combat discrimination against women in practice. In this connection, the importance of educational campaigns to develop awareness of the problem of discrimination is emphasized and all possible measures should be taken, in particular at the social

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infrastructure level, to make it easier for women who wish to work outside the home to do so. The authorities should also make greater efforts to implement strictly the constitutional and legislative provisions relating to equal pay for men and women for work of equal value, particularly in the private sector.

- Gabon, ICCPR, A/52/40 vol. I (1997) 24 at paras. 125 and 135.

Paragraph 125

Particular concern is expressed at the prevailing discriminatory attitudes in society towards women and at the insufficiency and lack of effectiveness of measures adopted to prevent those attitudes.

Paragraph 135

All grounds on which discrimination is prohibited, as provided for in articles 2 and 26 of the Covenant, should be incorporated in the relevant provisions of the Constitution. It is further recommended that article 2 of the Constitution be amended to ensure its compatibility with articles 2 (1), 3 and 26 of the Covenant and that affirmative measures be taken to strengthen the participation of women in the political, economic and social life of the country and to overcome the discriminatory effects of customary laws.

- Peru, ICCPR, A/52/40 vol. I (1997) 28 at paras. 159 and 161.

Paragraph 159

A number of provisions of the Civil Code discriminate against women, such as the difference in the minimum age required for matrimony and the fact that single mothers under 16 years of age lack legal capacity to recognize their children, and are of concern. This gives rise to problems of compatibility between Peruvian legislation and articles 3, 23, 24 and 26 of the Covenant.

Paragraph 161

It is noted with concern that when cases that might lead to a divorce are heard (physical or mental ill-treatment, serious injury and dishonourable conduct), the law instructs judges to take into consideration the education, habits and conduct of both spouses, a requirement that might easily lead to discrimination against women from the lower socio-economic strata.

- Georgia, ICCPR, A/52/40 vol. I (1997) 40 at para. 239.

In spite of the elimination of inequalities before the law, women continue to be the victims of unequal treatment and discrimination in the political, economic and social spheres.

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- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at paras. 287 and 300.

Paragraph 287

Women continue to be subject of *de jure* and *de facto* discrimination in all spheres of economic, social and public life. Violence against women remains a major threat to their right to life and needs to be more effectively addressed. The high mortality rate of women resulting from clandestine abortions is also of concern.

Paragraph 300

Priority should be given to protecting women's right to life by taking effective measures against violence and by ensuring access to safe contraception. Measures should be taken to prevent and eliminate persisting discriminatory attitudes and prejudices against women, notably through education and information campaigns.

- Portugal (Macau), ICCPR, A/52/40 vol. I (1997) 50 at para. 320.

Despite guarantees of equality in the Constitution and in labour legislation, *de facto* inequalities continue with regard to the situation of women and their remuneration. The persistence of certain traditional attitudes and practices contributes to this inequality and discrimination in the workplace.

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

Paragraph 348

Legal and *de facto* discrimination continues 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

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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 paras. 398, 401 and 412.

Paragraph 398

In some overseas territories, such as Mayotte and New Caledonia, personal status is determined by religious or customary law, which might in some situations lead to discriminatory attitudes and decisions, especially against women. Therefore, the State party should undertake a comprehensive study to review the compatibility of the personal status of women in Mayotte, New Caledonia and other overseas territories with the provisions of the Covenant, particularly article 3, and, if needed, take appropriate measures to eliminate all existing inequalities.

Paragraph 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 the public administration and to prevent discrimination against workers with family responsibilities.

Paragraph 412

The minimum age of marriage for girls should be raised. The State party should also amend its Civil Code to allow mothers to make the declaration of birth of their children.

- India, ICCPR, A/52/40 vol. I (1997) 67 at paras. 420, 431, 432 and 446.

Paragraph 420

The size of the country, its huge population, the massive poverty and the great disparities in the distribution of wealth among various social groups affect the advancement of rights. The persistence of traditional practices and customs, leading to women and girls being deprived of their rights, their human dignity and their lives, and to discrimination against members of the underprivileged classes and castes and other minorities, and ethnic, cultural and religious tensions constitute impediments to the implementation of the Covenant.

Paragraph 431

The persisting preferential treatment given to male children is of concern. Practices such as foeticide and infanticide of females continue to exist and are deplored. Furthermore, note is taken of the fact that rape in marriage is not an offence and that rape committed by a husband separated from his wife incurs a lesser penalty than for other rapists. The Government should therefore take further measures

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to overcome these problems and to protect women from all discriminatory practices, including violence.

Paragraph 432

Concern is expressed over the fact that women in India have not been accorded equality in the enjoyment of their rights and freedoms in accordance with articles 2, paragraph 1, 3 and 26 of the Covenant; nor have they been freed from discrimination. Women remain under-represented in public life and at the higher levels of the public service, and are subjected to personal laws which are based on religious norms and which do not accord equality in respect of marriage, divorce and inheritance rights. The enforcement of personal laws based on religion violates the right of women to equality before the law and non-discrimination. Therefore, efforts should be strengthened towards the enjoyment of rights by women without discrimination and personal laws should be enacted which are fully compatible with the Covenant.

Paragraph 446

The high incidence of child prostitution and trafficking of women and girls into forced prostitution is of concern. The lack of effective measures to prevent such practices and to protect and rehabilitate the victims is regretted. It is also regretted that women who have been forced into prostitution are criminalized by the Immoral Trafficking Prevention Act and, further, that article 20 of the Act puts the burden of proof on a woman to prove that she is not a prostitute, which is incompatible with the presumption of innocence. Therefore, the application of this law to women in the situation described should be repealed and measures should be taken to protect and rehabilitate women and children whose rights have been violated in this way.

- Senegal, ICCPR, A/53/40 vol. I (1998) 13 at para. 61.

Certain traditional cultural attitudes with respect to women are not compatible with their dignity as human beings and continue to hamper their equal enjoyment of rights embodied in the Covenant. The practice of polygamy, which is incompatible with articles 2(1), 3 and 26 of the Covenant, is of particular concern. The persistent custom of female genital mutilation, which violates articles 6 and 7 of the Covenant, and the high rate of maternal mortality, which results from that practice, early child birth and the strict prohibition of abortion, are disturbing. Judges and lawyers should make use of ordinary criminal law provisions to deal with instances of female genital mutilation until a specific law for this offence, the adoption of which the Committee strongly supports, is enacted. The State party should launch a systematic campaign to promote popular awareness of persistent negative attitudes towards women and to protect them against all forms of discrimination and should further abolish practices prejudicial to women's health and reduce maternal mortality. In the light of these concerns, the State party should bring its legislation, including family and inheritance laws, into conformity with articles 2(1), 3, 6, 7, 23 and 26 of the Covenant.

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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, is 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.

- Sudan, ICCPR, A/53/40 vol. I (1998) 22 at paras. 122, 125, 132 and 133.

Paragraph 122

Under customary arrangements a woman's consent to marriage is mediated by a guardian, and recourse has to be made to the courts to override any prohibition within the family on a woman's choice of a husband. Such restrictions, whether by practice or legislation, are incompatible with articles 3, 16, 23 and 26 of the Covenant. Therefore, the State party should repeal all legal provisions hindering women's free choice of spouse, as well as all other rules differentiating between men's and women's rights to marry and within marriage. A legal provision on a minimum age for marriage should be adopted.

Paragraph 125

Concern is expressed over the fact that visas for foreign travel may be arbitrarily refused, in contravention of article 12 of the Covenant, that immigration officers may arbitrarily require women to show that a male relative consents to their leaving the Sudan, and that lists of names drawn up by various executive agencies without meeting any defined legal criteria are apparently used to restrict the freedom of movement of persons, including to leave the country. Any limitations on the freedom of movement must be established by law and be compatible with the provisions of the Covenant. The grounds for restricting a person's freedom of movement, including to leave the country, must comply with the Covenant and should be communicated to the individual promptly after such action is taken and should furthermore be open to prompt judicial review in all cases, including that of national security.

Paragraph 132

It is of concern that in appearance as well as in fact the judiciary is not truly independent, that many judges have not been selected primarily on the basis of their legal qualifications, that judges can be subject to pressure through a supervisory authority dominated by the Government, and that very few non-Muslims or women occupy judicial positions at all levels. Therefore, measures should be taken to improve the independence and technical competence of the judiciary, including the appointment

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of qualified judges from among women and members of minorities.

Paragraph 133

The official enforcement of strict dress requirements for women in public places, under the guise of public order and morality, and the inhuman punishment imposed for breaches of such requirements are matters of concern. Restrictions on the liberty of women under the Personal Status of Muslims Act of 1992 are matters of concern under articles 3, 9 and 12 of the Covenant. All laws, including those dealing with personal status, should be made compatible with the Covenant.

- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at para. 167.

It is of concern that women still suffer from discrimination, especially in the areas of employment and in access to leadership positions in politics and society, and that the proposed law on gender equality has not yet been enacted. Therefore, concrete measures should be taken to eliminate all discrimination against women and to enhance and reinforce the position of women in society by providing legal remedies for discrimination in all areas, including employment and commercial advertising. Mechanisms should be established to monitor non-discrimination laws, to receive and investigate complaints from victims, and to award compensation where appropriate.

- Cyprus, ICCPR, A/53/40 vol. I (1998) 33 at para. 189.

Provisions discriminatory on the basis of sex continue to inhibit the full enjoyment by women of their human rights, particularly in laws relating to marriage, nationality, immigration, employment and education. The adoption of legislative measures to eliminate sex-based discrimination in all relevant areas is urged.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at paras. 214 and 217.

Paragraph 214

The duality of the legal statutory law and customary law, which potentially leads to unequal treatment between individuals, particularly in the area of marriage and inheritance laws, is of concern. Where customary law contravenes the Covenant or the statutory law, the customary law continues to be upheld and applied. Continued practices, in violation of various provisions of the Covenant, including articles 3 and 24, such as *kuzvarita* (pledging of girls for economic gain), *kuripa ngozi* (appeasement of the spirits of a murdered person), *lobola* (bride price), female genital mutilation, early marriage, the statutory difference in the minimum age of girls and boys for marriage, and other practices which are incompatible with the Covenant (articles 3, 7, 23, 24 and others) should be prohibited by

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legislation. The Government is urged to adopt adequate measures to prevent and eliminate prevailing social attitudes and cultural and religious practices hampering the realization of human rights by women.

Paragraph 217

The subordinate status of women in Zimbabwean society is of concern. Measures should be taken, in accordance with articles 3 and 26 of the Covenant, to eliminate discrimination against them and promote their role in society. There should be mechanisms to receive complaints, award appropriate remedies and report publicly on problems and progress.

- Uruguay, ICCPR, A/53/40 vol. I (1998) 38 at para. 244.

That the future Code Relating to Minors (*Codigo del Menor*) discriminates against female minors and fails to protect fully the newborn child are of concern, as unmarried minor mothers may register their children at any age, whereas minor fathers may only do so from the age of 16 onwards. The State party is urged, in the course of drafting this Code, to bring the whole of it into full conformity with articles 3 and 24 of the Covenant.

- Finland, ICCPR, A/53/40 vol. I (1998) 40 at para. 263.

The continuing disparity in remuneration between the sexes and the relatively low proportion of women in higher levels of the public service are of concern. Further efforts are necessary to reduce these differentials.

- Ecuador, ICCPR, A/53/40 vol. I (1998) 43 at paras. 284 and 289.

Paragraph 284

The very high number of suicides of young females, which appear in part to be related to the prohibition of abortion, is of concern. The State party's failure to address the resulting problems faced by adolescent girls, particularly rape victims who suffer the consequences of such acts for the rest of their lives, is regretted. Such situations are, from both the legal and practical standpoints, incompatible with articles 3, 6 and 7 of the Covenant, and with article 24 when female minors are involved. All necessary legislative and other measures should be adopted to assist women, and particularly adolescent girls, faced with the problem of unwanted pregnancies to obtain access to adequate health and education facilities.

Paragraph 289

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Despite the Plan for Equal Opportunity 1996-2000, the constitutional guarantees of the rights of women and laws designed to end discrimination, women continue to receive unequal treatment in Ecuador owing in part to the continuation of traditional attitudes and obsolete laws. This situation and the aforementioned laws give rise to problems under articles 3, 23, 24 and 26 of the Covenant. Provisions of the Code of Criminal Procedure that prevent a prostitute from being considered as a suitable witness in trials should be abrogated.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at paras. 311 and 325.

Paragraph 311

The situation of women, who continue to face discrimination in many aspects of life, including in military service and in religious institutions, and are under-represented in the conduct of public affairs, is of concern. No clear plan of action exists which addresses the situation of the most disadvantaged group of women, namely those belonging to the Arab minority. Targeted measures should be considered to accelerate progress towards equality, in particular for Arab women.

Paragraph 325

The application of religious law to determine matters of personal status, including marriage and divorce, and the absence of provision for civil marriage effectively deny some persons the right to marry in Israel, and result in inequality between men and women. That the minimum age of marriage for girls, fixed by law at 17, may be reduced by the religious courts, and that no minimum age is fixed for men, are also of concern. The lack of provision for civil burial is also a matter of concern. Early implementation of measures currently under consideration is urged to facilitate civil marriages and civil burial for those who do not belong to a religion. International standards should be taken into account for the age of majority in its current review of the minimum marriageable age for men and women.

- Italy, ICCPR, A/53/40 vol. I (1998) 50 at para. 340.

Structural and cultural problems preventing the full enjoyment by women of equal opportunities in public and political life and in employment remain and equal pay is often not given for work of equal value. Urgent steps should be taken, by way of education, encouragement and legal means, to reduce or eliminate these inequalities.

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at para. 361.

The Family Code still contains important areas of inequality: a woman's consent to her first marriage

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is generally mediated by a male guardian, and this guardian can deny the woman her choice of a husband; the husband is the head of the family and polygamous marriage is possible; and it precludes a woman from marrying a non-Muslim while the same restriction does not apply to a man. This legislation should be brought into conformity with all the rights to which women are entitled under articles 3, 16, 23 and 26 of the Covenant.

- The Former Yugoslav Republic of Macedonia, ICCPR, A/53/40 vol. I (1998) 55 at para. 380.

The principle of equality between men and women is far from being implemented in practice, particularly in the spheres of employment and education, in spite of progress in some areas such as the judiciary. The activities of the Department for the Promotion of Gender Equality and other governmental initiatives to overcome deeply rooted stereotypes and traditions are noted, and further measures to ensure genuine equality should be undertaken without delay.

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 57 at paras. 396 and 397.

Paragraph 396

The State party should put an end to the discriminatory practices of the application of personal laws which discriminate against women with respect to, *inter alia*, marriage, divorce, land and inheritance; customary attitudes that discourage women from pursuing their full educational rights and that result in a tendency for women to lack the qualifications needed to reach higher levels of achievement in all aspects of activity, such as the senior judiciary; and the under-representation of women in political spheres. Action should be taken to increase the number of girls' schools, persuasion should be exerted on society to insist on girls' attendance at school, and support should be given to young women who wish to pursue higher education.

Paragraph 397

The Law of Marriage Act discriminates against women with regard to the minimum age for marriage. The Penal Code allows any person of African or Asiatic descent to marry, or permit the marriage of a girl under the age of 12, provided that there is no intention to consummate the marriage until she attains that age. These discriminatory features should be eliminated from the law.

- Iceland, ICCPR, A/54/40 vol. I (1999) 24 at para. 62.

Efforts to achieve full equality between men and women should be intensified, including in the employment sector. The Committee hopes that the "job evaluation" exercise, undertaken by the Ministry of Social Affairs, will contribute to eliminating discrimination in the workplace and to

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implementing fully the principle of equal wage for work of equal value.

- Armenia, ICCPR, A/54/40 vol. I (1999) 29 at paras. 110 and 111.

Paragraph 110

The persistence of *de facto* discrimination against women as a matter of custom should be addressed.

Paragraph 111

The Committee is concerned about discrimination against women in employment and their under-representation in the conduct of public affairs. Furthermore, the Committee regrets the disproportionate level of unemployment among women.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at para. 137.

In spite of the Government's efforts, inequality between men and women persists in a number of areas, such as inheritance, freedom of movement, acquisition and transmission of nationality and divorce. Polygamy may still be practised under certain conditions. The law still does not provide adequate protection to women in respect of domestic violence and rape. While recognizing the progress achieved as far as equality in the workplace is concerned, much remains to be done to reach full equality, including equal wages. Efforts to guarantee full equal enjoyment by men and women of all their human rights should be intensified.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at paras. 147 and 158.

Paragraph 147

The abolition of restrictions on women's eligibility to take the national public service examination, the abolition of discriminatory compulsory retirement, and of dismissals on grounds of marriage, pregnancy or childbirth are welcomed.

Paragraph 158

Discriminatory laws against women still remain in the domestic legal order, such as the prohibition of women remarrying within six months following the date of the dissolution or annulment of their marriage and the different age of marriage for men and women. All legal provisions that discriminate against women are incompatible with articles 2, 3 and 26 of the Covenant and should be repealed.

- Austria, ICCPR, A/54/40 vol. I (1999) 42 at paras. 182 and 190.

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Paragraph 182

The admission of women to the armed forces and their advancement in the Civil Service is appreciated.

Paragraph 190

Existing legislation on the minimum age of consent for sexual relations in respect of male homosexuals is discriminatory on grounds of sex and sexual orientation and should be revised to remove such discriminatory provisions.

- Chile, ICCPR, A/54/40 vol. I (1999) 44 at paras. 212-214.

Paragraph 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.

Paragraph 213

The absence of divorce under Chilean law may amount to a violation of article 23(2) of the Covenant if it leaves married women permanently subject to discriminatory property laws, even when a marriage has broken down irretrievably.

Paragraph 214

Sexual harassment in the workplace should be an offence punishable by law.

- Canada, ICCPR, A/54/40 vol. I (1999) 48 at para. 242.

Many women have been disproportionately affected by poverty. In particular, the very high poverty rate among single mothers leaves their children without the protection to which they are entitled under the Covenant. A thorough assessment of the impact of recent changes in social programmes on women, which may have exacerbated these inequalities and harmed women and other disadvantaged groups, should be conducted and action should be undertaken to redress any discriminatory effects of changes to social programmes.

- Lesotho, ICCPR, A/54/40 vol. I (1999) 51 at paras. 253 and 268.

Paragraph 253

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The treatment of women as minors is discriminatory. Severe restrictions on inheritance and property rights, as well as prohibitions on entering into contracts, opening bank accounts, obtaining loans or applying for passports without the permission of their husbands are discriminatory practices that must be eliminated.

Paragraph 268

Where the participation of women in the public and private sectors is still inadequate, necessary measures, including affirmative action if necessary, should be taken to improve the participation of women in political life as well as public life, including public and judicial services.

- Cambodia, ICCPR, A/54/40 vol. I (1999) 57 at para. 309.

Greater access to education by women and girls and the full and equal participation of women in political life should be ensured. Steps should also be taken to ensure respect for laws prohibiting marriage without full and free consent, and measures should be introduced to enable women to seek effective protection of the law in case of domestic violence, including making rape in marriage an offence.

- Mexico, ICCPR, A/54/40 vol. I (1999) 61 at paras. 329 and 330.

Paragraph 329

Measures should be taken to investigate allegations that women seeking employment in foreign enterprises are subjected to pregnancy tests and are required to respond to intrusive personal questioning, and that some women employees have been administered anti-pregnancy drugs. Such measures should ensure that women whose rights to equality and to privacy have been violated in this way have access to remedies and prevent such violations from recurring.

Paragraph 330

Measures should be taken to ensure equality of opportunity for women, including their full participation in public life in conditions of equality. The removal of all remaining discriminatory provisions in regard to marriage, divorce and remarriage should be approved.

- Poland, ICCPR, A/54/40 vol. I (1999) 65 at paras. 345 and 346.

Paragraph 345

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Measures should be taken to counteract discrimination against women in the employment sector, such as low numbers of women holding high technical, managerial or political posts and relatively large numbers occupying less well-rewarded positions; average salaries earned by women which amount to only 70 per cent of those earned by men; the lack of equal remuneration for women for work of equal value; and pregnancy testing by employers.

Paragraph 346

Discrimination between retirement ages for men and women, which results in lower pensions for women, should be eliminated.

- Romania, ICCPR, A/54/40 vol. I (1999) 68 at para. 366.

Prompt action should be taken in order to combat discrimination against women, and, in particular, to ensure greater representation of women in politics and government, and more senior positions in the public and private sectors.

- Morocco, ICCPR, A/55/40 vol. I (2000) 24 at paras. 98-101.

Paragraph 98

A high rate of female illiteracy underlines the lack of equal opportunity for women in all aspects of society. Of concern is the extent of discrimination against Moroccan women in education, in employment, in public life and in criminal and civil laws, including laws dealing with inheritance, marriage, divorce and family relations, including the questions of polygamy, repudiation of marriage, grounds for divorce, age of marriage and restrictions on marriage by Muslim women to non-Muslims. The constitutional guarantees of women's equality extend only to political rights.

Paragraph 99

Efforts should be intensified to overcome illiteracy, lack of education and all forms of discrimination against women, to implement fully the guarantee of equality contained in the Covenant (and in particular articles 2, paragraph 1, 3, 23, 25 and 26) and to ensure the equal enjoyment by women of all rights and freedoms.

Paragraph 100

Strict prohibitions on abortion, even in cases of rape or incest, and the stigmatization of women who give birth to children outside marriage result in clandestine, unsafe abortions which contribute to a high rate of maternal mortality.

Paragraph 101

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Women should be assured full and equal access to contraception and family planning services and criminal sanctions should not be applied in such a way as to increase the risk to life and health of women.

- Republic of Korea, ICCPR, A/55/40 vol. I (2000) 29 at paras. 135 and 140.

Paragraph 135

The family headship system both reflects and reinforces a patriarchal society in which women have a subordinate role. The practice of identifying the sex of foetuses, the disproportionate percentage of boys among second and third-born children and the high rate of maternal mortality that apparently arises from the number of unsafe abortions are deeply disturbing. Prevailing social attitudes cannot justify failure by the State party to comply with its obligations, under articles 3 and 26 of the Covenant, to ensure equal protection of the law and the equal right of men and women to the enjoyment of all the rights set forth in the Covenant.

Paragraph 140

In order to ensure compliance with articles 3 and 26 of the Covenant, positive measures must be adopted to guarantee equality of opportunity and conditions of employment for women.

- Portugal (Macau), ICCPR, A/55/40 vol. I (2000) 33 at paras. 169 and 170.

Paragraph 169

Despite guarantees of equality in law, *de facto* inequalities continue with regard to the status of women and their remuneration.

Paragraph 170

Effective measures should be taken to eliminate inequalities with regard to the status of women and their remuneration.

- Cameroon, ICCPR, A/55/40 vol. I (2000) 36 at paras. 191-193, 195 and 196.

Paragraph 191

The duality of statutory law and customary law, which sometimes results in unequal treatment between men and women, particularly in the area of marriage and inheritance laws, is of concern. The Committee is also concerned that where spouses do not agree, customary law incompatible with the Covenant is often applied.

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Paragraph 192

Legislation should be adopted that ensures that the laws applied will in all cases be compatible with the Covenant. Law that gives effect to Covenant rights may fulfil an educational function. Educational campaigns should also be included in those areas in which customary practices lead to discrimination against women.

Paragraph 193

Polygamy should cease to exist and the ages for marriage of girls and boys should be equalized.

Paragraph 195

A high rate of illiteracy among women, unequal educational and employment opportunities for women and the ability of husbands to seek a court order to prevent wives from engaging in certain occupations are of concern.

Paragraph 196

The equality of women and men should be ensured both in education and employment, particularly in employment of the woman's choice. Equal pay for work of equal value should be ensured.

- Hong Kong Special Administrative Region (China), ICCPR, A/55/40 vol. I (2000) 40 at paras. 249 and 250.

Paragraph 249

It is of concern that the educational system discriminates against girls in selection for secondary schools, women are under-represented in public boards and public offices and there is discrimination against women in the Small Home Policy.

Paragraph 250

Positive measures should be adopted to ensure equal pay for work of equal value.

- Congo, ICCPR, A/55/40 vol. I (2000) 43 at para. 274.

Polygamy should be abolished and educational measures required to prevent it should be implemented.

- Mongolia, ICCPR, A/55/40 vol. I (2000) 49 at para. 323.

Many areas of concern remain in relation to discrimination against women and the inability of women

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fully to enjoy Covenant rights (articles 3 and 26 of the Covenant). In particular, attention has been drawn to:

- (a) A general deterioration in the status of women in society, especially in the political sphere, despite their high level of competence;
- (b) The acute problem of maternal mortality, due in part to unsafe abortions, and the unavailability of family planning advice and facilities;
- (c) Discrimination against women in private sector employment, with effective impunity of employers in the face of court judgements;
- (d) Failure to prosecute persons engaged in organizing prostitution or to adopt effective measures to combat trafficking in women;
- (e) The growing incidence of domestic violence and the failure to prosecute perpetrators under the relevant article of the Code of Criminal Procedure;
- (f) The necessity to prove violence in order to obtain a conviction for rape; and
- (g) The failure to make marital rape an offence.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at para. 364.

Positive measures should be taken to ensure equality of opportunity for women in all fields.

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 392, 401 and 402.

Paragraph 392

The State party is commended for abolishing the imposition of the death penalty against women, but the retention of the death penalty for men alone is incompatible with its obligations under articles 2, 3 and 26 of the Covenant. Equality should be ensured by abolishing the death penalty for all persons.

Paragraph 401

Although article 15 of the Constitution provides for the equality of men and women, the condition of women continues to decline in the private and public sectors. The number of women in Parliament,

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in public service and in management posts remains very low, a situation which constitutes a serious contravention of the fundamental principle of equality and which has a negative impact on the enjoyment of all other rights and on the harmonious development of society.

Paragraph 402

The State party is urged to take all necessary measures to sensitize the population, so as to improve the condition of women by eradicating all traditional and stereotypical attitudes that deny women equality in education, the workplace, public life, and in access to public service. In particular, measures against discrimination should be enforced and positive measures taken to further the education of women at all levels.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at paras. 441, 442 and 450.

Paragraph 441

Despite the many advances that have been made in regard to the participation of women in all aspects of political, social and economic life, there are continuing inequalities faced by women in Ireland, which are reflected in the under-representation of women in certain occupations and in political life and in the generally lower salaries paid to women as compared with men. The references to women made in article 41 (para. 2) of the Constitution could perpetuate traditional attitudes toward the role of women. In that provision, the State “recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved. The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.”

Paragraph 442

The State party is urged to intensify its efforts to ensure equality of women in all spheres, particularly in public and political life and in decision-making bodies, in accordance with articles 3 and 26 of the Covenant. The State party is encouraged to strengthen its efforts to monitor the situation of women by collecting gender-disaggregated data in these spheres and by “gender-proofing” all draft legislation to ensure neutrality.

Paragraph 450

The State party should repeal or reform of discriminatory aspects of legislation requiring the registration of alien husbands of Irish women citizens, which is not required of alien wives of Irish male citizens (arts. 3, 26). Remedies should also be improved for victims of domestic violence.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 456-463.

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Paragraph 456

Referring to General Comment No. 24 on reservations, it is noted that the “interpretative declarations” of the State party regarding article 2, paragraph 1, article 3, and article 23, as well as the “reservations” concerning article 25 (b) of the Covenant raise the serious issue of their compatibility with the object and purpose of the Covenant. In particular, it is noted that articles 2 and 3 of the Covenant constitute core rights and overarching principles of international law that cannot be subject to “limits set by Kuwaiti law”. Such broad and general limitations undermine the object and purpose of the entire Covenant.

Paragraph 457

The interpretative declaration regarding articles 2 and 3 contravenes the State party’s essential obligations under the Covenant and is therefore without legal effect and does not affect the powers of the Committee. The State party is urged to withdraw formally both the interpretative declarations and the reservations.

Paragraph 458

Discrimination against women limits the enjoyment by women of their rights under the Covenant. In particular, pursuant to the Act on Personal Status, women cannot freely marry before they are 25 years of age, except with the approval of a guardian, who is usually the father or a judge, women’s right to marry non-Kuwaiti citizens is restricted, and the age of marriage for men and women is different (17 for men, 15 for women). That polygamy is still practised in Kuwait, that men and women who commit adultery are not treated equally, and that toleration of so-called “crimes of honour” adds to the existing inequality between the sexes, are matters of concern.

Paragraph 459

The State party must grant women effective equality in law and practice and ensure their right to non-discrimination as stipulated in article 26 of the Covenant. Polygamy should be prohibited by law. In reference to General Comment No. 28 on equality between men and women, the State party is urged to take all necessary measures to sensitize the population, so as to eradicate attitudes that lead to discrimination against women in all sectors of daily life and society.

Paragraph 460

Deep concern is expressed that in spite of constitutional provisions on equality, Kuwait’s electoral laws continue to exclude women from voting and being elected to public office. It is noted with regret that the Amir’s initiatives to remedy this situation were defeated in Parliament.

Paragraph 461

All the necessary steps should be taken to ensure to women the right to vote and to be elected on an equal footing with men, in accordance with articles 25 and 26 of the Covenant.

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Paragraph 462

While commending the State party for recent progress achieved in granting women access to higher education and positions in public life, including the legal profession, it is of continuing concern that the percentage of women in those higher positions remains low and that, while women hold positions as investigative judges, there is not one woman serving as a judge in the courts.

Paragraph 463

The State party should ensure that women fully enjoy their rights under article 25 (c) of the Covenant.

- Australia, ICCPR, A/55/40 vol. I (2000) 71 at para. 505.

It is noted with satisfaction that the status of women in Australian society has improved considerably during the reporting period, particularly in public service, in the general workforce and in academic enrolment, although equality has yet to be achieved in many sectors. Initiatives to make available to women facilities to ensure their equal access to legal services, including in rural areas, and the strengthening of the Sex Discrimination Act, 1984, are welcomed.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at paras. 72(11), 72(12) and 72(18).

Paragraph 72(11)

Priority should be given to all necessary preparations, so as to bring into force by proclamation at the earliest possible date the Equal Opportunities Act 2000, particularly in respect to the advancement of women. The State party should, thereafter, introduce amending legislation to extend the provisions of the Act to those suffering discrimination on grounds of age, sexual orientation, pregnancy or infection with HIV/AIDS.

Paragraph 72(12)

In relation to sexual harassment in the workplace, the judicial decision in *Bank Employees' Union v. Republic Banks Ltd, Trade Dispute 17 of 1995* is noted, where it was held that a person had been properly dismissed from his employment where his conduct, on the facts of the case, was properly classified as sexual harassment. The adequacy of judicial remedy should be kept under review and legislation passed if necessary.

Paragraph 72(18)

Legal limitations on abortion should be reappraised and restrictions which may risk violation of women's rights be removed from the law, by legislation if necessary (arts. 3, 6.1 and 7).

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- Denmark, ICCPR, A/56/40 vol. I (2001) 34 at para. 73(15).

Despite continuing efforts by the State party, there remain areas of discrimination against women, notably in respect of employment in the public and private sectors and in applications for asylum.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at para. 74(15).

With regard to article 3 of the Covenant, despite significant advances, traditional attitudes towards women continue to exercise a negative influence on their enjoyment of Covenant rights. The high incidence of violence against women, including rape and domestic violence, is of particular concern. Sexual harassment and other manifestations of discrimination in both the public and private sectors are also a matter of concern. It is noted that information on these matters is not systematically maintained, that women have a low awareness of their rights and the remedies available to them, and that complaints are not being adequately dealt with. A large-scale information campaign should be undertaken to promote awareness among women of their rights and the remedies available to them. Reliable data should be systematically collected and maintained on the incidence of violence and discrimination against women in all their forms.

- Gabon, ICCPR, A/56/40 vol. I (2001) 41 at para. 75(9).

There are customs and traditions in the State party, having a bearing on, among other things, equality between men and women, that may hamper the full implementation of some provisions of the Covenant. In particular, the fact that polygamy is still practised in Gabon is deplored and reference is made to general comment No. 28, which states that polygamy is incompatible with equality of treatment with regard to the right to marry. "Polygamy violates the dignity of women. It is an inadmissible discrimination against women" (CCPR/C/21/Rev.1/Add.10, para. 24). Also, a number of legislative provisions in Gabon are not compatible with the Covenant, including article 252 of the Civil Code requiring a woman to be obedient to her husband. Lastly, in the event of her husband's death, a woman inherits only the usufruct of a quarter of the property left by her husband, and only after her children. The State party must review its legislation and practice in order to ensure that women have the same rights as men, including rights of ownership and inheritance. It must take specific action to increase the involvement of women in political, economic and social life and ensure that there is no discrimination based on customary law in matters such as marriage, divorce and inheritance. Polygamy must be abolished and article 252 of the Civil Code repealed.

- Peru, ICCPR, A/56/40 vol. I (2001) 45 at paras. 76(6) and 76(20).

Paragraph 76(6)

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Favourable development is that machinery has been established for the protection of women, such as the Office of the Ombudsman Specializing in Women's Rights within the Ombudsman's Office and the Congressional Commission on Women and Human Development. The adoption of civil and criminal legislation recognizing the rights of women is greeted with satisfaction.

Paragraph 76(20)

It is a matter of concern that abortion continues to be subject to criminal penalties, even when pregnancy is the result of rape. Clandestine abortion continues to be the main cause of maternal mortality in Peru. These provisions are incompatible with articles 3, 6 and 7 of the Covenant. The legislation should be amended to establish exceptions to the prohibition and punishment of abortion.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at paras. 77(18), 77(21) and 77(22).

Paragraph 77(18)

The minimum marriageable age, 14 for girls and 16 for boys, and the fact that such age may be lowered without any limits for girls in case of pregnancy or childbirth, raises problems with respect to the fulfilment by the State party of its obligation under article 24, paragraph 1, to protect minors. Marriage at such an early age does not appear to be compatible with article 23 of the Covenant, which requires the free and full consent of the intending spouses. The early age of sexual consent (12) for girls is also of concern. The State party should amend the relevant law to bring it into line with articles 23, 24 and 3 of the Covenant.

Paragraph 77(21)

The insufficient participation of women in political life, the judiciary and other sectors is of concern. In order to comply with articles 3 and 25, the State party should take the appropriate measures to improve participation by women, through affirmative action programmes if necessary.

Paragraph 77(22)

With a view to complying with its obligations arising from articles 2, 3 and 26 of the Covenant, the State party is urged to amend all laws that still discriminate against women, including those relating to adultery and the ban on marriage for 10 months following the dissolution of a previous marriage.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at para. 78(19).

The greater level of participation of women in political life is welcomed but concern is expressed over a number of issues where the rights of women are not properly respected, especially their rights to legal equality, equal opportunities in the workplace, their still limited participation in public and private life, and levels of domestic violence. The establishment and work of the Department for the

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Advancement of Women is a positive development for combatting the domestic violence, rape and sexual abuse to which many women are subjected. The State party should provide the necessary support to the Department for the Advancement of Women to enable it to achieve its goals.

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at para. 80(21).

While recognising that there has been some progress in achieving equality for women in political and public life, it is of concern that the representation of women in Parliament and in senior official positions, including the judiciary, still remains low. The State party should make every effort to improve the representation of women in the public and private sectors, if necessary through appropriate positive measures, in order to give effect to its obligations under articles 3 and 26.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at paras. 81(18) and 81(20).

Paragraph 81(18)

Notwithstanding the provisions of article 25 of the Constitution, problems remain with respect to gender equality in the Syrian Arab Republic. The Personal Status Act No. 34 of 1975 contains provisions which are not compatible with articles 2, paragraph 1, 3 and 26 of the Covenant. In particular, the provisions on the rights and obligations of spouses during marriage and upon its dissolution include discriminatory elements. The State party is called upon to take all necessary measures to make its legislation consistent with articles 2, paragraph 1, 3 and 26 of the Covenant.

Paragraph 81(20)

The minimum marriageable age is 17 years for girls and 18 for boys. The fact that the minimum age can be reduced by a judge to 15 years for boys and 13 for girls with the father's consent poses a problem with regard to the State party's obligation, under article 24, paragraph 1, to protect minors. Marriage at such a young age hardly seems compatible with article 23 of the Covenant, whereby no marriage shall be entered into without the free and full consent of the intending spouses. Legislation should be amended to bring it into line with the provisions of articles 3, 23 and 24 of the Covenant.

- The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at para. 82(11).

The new instructions issued by the Immigration and Naturalization Service aimed at drawing the competent officials' attention to specific aspects of female asylum-seekers' statements peculiar to their gender are appreciated. However, it remains of concern that a well-founded fear of genital mutilation or other traditional practices that infringe the physical integrity or health of women (article 7 of the Covenant) do not always result in favourable asylum decisions, for example when genital

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mutilation, despite a nominal legal prohibition, remains an established practice to which the asylum-seeker would be at risk. The State party should make the necessary legal adjustments to ensure that the female persons concerned do enjoy the required protection under article 7 of the Covenant.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at para. 83(12).

Concern is expressed at the low participation of women in political life, as well as their inadequate representation in higher levels of administration. Measures should be adopted to increase the participation of women in the public and private sectors, if necessary through appropriate positive measures, in order to give effect to the obligations under articles 3 and 26.

- Monaco, ICCPR, A/56/40 vol. I (2001) 89 at paras. 84(9), 84(10) and 84(12).

Paragraph 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 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.

Paragraph 84(10)

Concern is expressed over the discriminatory legal status of women insofar as the transmission of Monegasque nationality to children is concerned (articles 3 and 26). The State party should adopt legislation giving men and women the same right to transmit nationality to their children.

Paragraph 84(12)

It is of concern that Monegasque legislation discriminates between boys and girls in that the legal age for marriage is 15 years for girls, but 18 years for boys (articles 23 and 26). Legislation should be amended to ensure that girls and boys are treated equally by making the legal age of marriage 18 years, regardless of sex.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at para. 85(25).

It is of concern that women do not participate enough in political life, the judiciary and other sectors. In order to comply with articles 3, 25 and 26, the State party should take appropriate measures to

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improve participation by women through affirmative action programmes.

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(27).

The low level of representation of women in more senior levels of the public sector is noted with concern. The State party should take measures to implement articles 3 and 26 of the Covenant by improving women's participation in the public sector workforce, especially in senior positions.

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- Afghanistan, ICESCR, E/1992/23 (1991) 15 at para. 93.

The interpretation of the Islamic law in relation to inheritance might impede full application of article 3 and prevent full respect for the principle of equality of treatment between the sexes.

- Kenya, ICESCR, E/1994/23 (1993) 24 at para. 86.

Concern is expressed that the policies of the Kenyan government to ensure the protection of the economic, social and cultural rights of women and to discourage violence against, and sexual abuse of women do not appear to be adequate.

- Islamic Republic of Iran, ICESCR, E/1994/23 (1993) 32 at paras. 127 and 129.

Paragraph 127

Concern is expressed over the non-performance of the Government's obligation under article 3 of the Covenant, under which the States parties undertake to ensure the equality of men and women in the enjoyment of all economic, social and cultural rights set forth in the Covenant. In that connection it is found that the situations in which women are not permitted to study engineering, agriculture, mining or metallurgy or to become magistrates; in which they are excluded from a very large number of specific subjects at university level; and in which they need their husbands' permission to work or travel abroad are incompatible with the obligations undertaken by the State party under the Covenant.

Paragraph 129

The Government of Iran is invited to undertake necessary steps, both legislative and practical, in order to ensure that the rights enunciated in the Covenant are able to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion,

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especially in the case of ethnic or religious minorities. It is noted that the obligation to ensure equal opportunity for women warrants particular attention, especially in relation to the right to work, family related rights and the right to education.

- Germany, ICESCR, E/1994/23 (1993) 49 at paras. 250 and 251.

Paragraph 250

Concern is expressed over the disparity which appears to exist between men and women with regard to educational achievements and the participation of women in all levels of education and professional careers, despite the efforts made by the German authorities.

Paragraph 251

Positive action should be taken by the German authorities to guarantee ideological pluralism in education and equality of opportunities of men and women in that field, in accordance with the relevant provisions of the International Covenants on Human Rights.

- Senegal, ICESCR, E/1994/23 (1993) 51 at paras. 260 and 263.

Paragraph 260

The extent to which women enjoy the rights contained in the Covenant, particularly with respect to articles 6 and 7, is of concern. While noting that some progress has been achieved in this regard, there are continuing impediments to equality of access to employment. The significantly lower literacy rates for women as well as certain cultural practices which seriously compromise their opportunities for employment and advancement are of particular concern.

Paragraph 263

A systematic and comprehensive review of the relevant legislation, administrative procedures and policies should be undertaken to give effect to economic, social and cultural rights, in order to ensure that they conform to the requirements of the Covenant. Special attention should be paid to those areas concerning women and other vulnerable groups.

- Morocco, ICESCR, E/1995/22 (1994) 28 at paras. 112, 118 and 124.

Paragraph 112

The extent to which women enjoy the rights contained in the Covenant, in particular as regards

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matters arising under articles 6, 7, such as equal remuneration for equal work and employment opportunities, article 10, particularly relating to status of women in the family, and article 13, particularly in relation to the right to education, is of concern. While recognizing that some progress has been achieved in this regard, the gender differences regulating marriage and family relations are noted with particular concern.

Paragraph 118

Further measures should be taken by the State party to reduce existing disparities between the modern and traditional sectors of society and in particular between the rural and urban areas. Efforts should be made to tackle the problem of discrimination against women and ensure their effective enjoyment of rights under the Covenant. Such efforts should include both legislative measures and educational activities aimed at overcoming the negative influence of certain traditions and customs.

Paragraph 124

More efforts should be made in the area of education, particularly in the less favoured rural areas, and an effort should also be made to reduce the apparent disparities between the rates of school attendance of boys and girls.

- Iraq, ICESCR, E/1995/22 (1994) 32 at paras. 133 and 141.

Paragraph 133

The fundamental importance of according equal priority to the education of women, including with regard to the eradication of illiteracy, is emphasized.

Paragraph 141

Necessary measures should be adopted to accord greater priority to the education of women, including the eradication of female illiteracy.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at paras. 172 and 174.

Paragraph 172

Women still occupy a subordinate role in Mauritian society. Discrimination and violence against women continue to be social problems, also affecting the enjoyment by women of economic, social and cultural rights.

Paragraph 174

With regard to article 7 of the Covenant, there exists no legislation requiring equal pay for equal work. In this regard, it is of concern that in the agricultural sector of the Mauritian economy, for

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work of the same value, women are paid lower wages on the stated assumption that their productivity is lower in such labour-intensive work.

- The Gambia, ICESCR, E/1995/22 (1994) 42 at paras. 198, 200 and 203.

Paragraph 198

It is of concern that income levels of females, particularly those of the female labour force working in contract farming production, generally remain below the government minimum wage scale. It is noted that only 20 per cent of the labour force is in effect covered by minimum wage legislation while the remainder are informally employed, chiefly in agriculture.

Paragraph 200

With regard to article 10 of the Covenant, profound concern is expressed over the situation of those women in the Gambia whose marriages are arranged for them by parents or guardians without their full and free consent. It is noted that polygamy is allowed in the Gambia. The legal status of women should not be prejudiced.

Paragraph 203

With regard to the right to education in article 13 of the Covenant, the absence of compulsory education in the Gambia is deeply regretted and the attention of the Government is drawn to its obligation under the Covenant to ensure that "primary education shall be compulsory and available free for all." Concern is expressed at not only the high rates of illiteracy but also the gender disparities apparent in the figures. The latest UNICEF data reports that over 75 per cent of adults between the ages of 15 and 54 are functionally illiterate and that 90 per cent of the total are women. The same data source reports how women are disadvantaged educationally; females comprise only one third of primary school students and only one fourth of high school students.

- Austria, ICESCR, E/1995/22 (1994) 50 at paras. 254 and 258.

Paragraph 254

It is noted that despite the considerable legislative efforts made by the State party to ensure equality between the sexes, inequality persists in practice, particularly in the matter of promotion, and sometimes in the provision of social benefits.

Paragraph 258

The Austrian authorities should continue their efforts to ensure *de facto* equality between men and women, especially in the areas of access to employment, equal remuneration for equal work, working

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conditions, the right to social security and participation in higher education.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1995/22 (1994) 52 at paras. 273, 287 and 298.

Paragraph 273

Insufficient measures have been taken to address the apparent disparities in employment patterns and opportunities of certain minority groups and between men and women. It is regretted that women are still employed disproportionately in lower-paid occupations.

Paragraph 287

Concern is expressed over the fact that there is an absence of comprehensive legislation providing protection against discrimination on the grounds referred to in article 2 of the Covenant. The Government's proposed legislation on sex discrimination includes a number of exclusions and exemptions - in particular the so-called Small House Policy – which discriminate against women.

Paragraph 298

Immediate steps should be taken to introduce comprehensive anti-discrimination legislation, especially in relation to all forms of discrimination against women.

- Mali, ICESCR, E/1995/22 (1994) 64 at para. 344.

According to a recent United Nations report, females in Mali receive only 29 per cent as much schooling as males. The adult literacy rate among women is half that of men. The Committee also notes that traditional practices as well as existing laws place women at a disadvantage with regard to family and property rights.

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at paras. 73, 74 and 81.

Paragraph 73

In all areas of life women suffer from discriminatory practices due to many factors, including long-standing cultural prejudice. In the home, the subjugation of women is evidenced by the very high levels of domestic violence against them. Notice is also taken of such anachronistic rules as the legal inability of a woman in certain cases to vest her nationality in her child. In education, the disparities between the percentages of boys and girls in second- and third-level institutions are disturbing. In this regard, the lack of access to and high cost of secondary and higher education contribute to the low rate of female participation.

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Paragraph 74

Particular concern is expressed as to the wage differential between men and women and to other discriminatory practices in the workplace, including an apparently high rate of sexual discrimination in recruitment.

Paragraph 81

It is strongly recommended that, in order to deal with discrimination against women, it is necessary to allocate resources to carry out a range of initiatives in the fields, *inter alia*, of juvenile and adult education, enhanced job opportunities, law reform and the administration of justice. Programmes should be introduced with a view to redressing the imbalances in the status of women in society.

- Portugal, ICESCR, E/1996/22 (1995) 28 at para. 97.

The authorities should continue their efforts with a view to ensuring *de facto* equality between men and women, particularly in the fields of access to employment and equal pay for equal work.

- Philippines, ICESCR, E/1996/22 (1995) 30 at para. 129.

The revision of all legislation which is inconsistent with the full enjoyment of equal rights for women is urged. Stronger judicial and other remedies should be made available to redress the grievances of women who suffer from domestic violence.

- Suriname, ICESCR, E/1996/22 (1995) 37 at paras. 156, 159 and 164.

Paragraph 156

It is noted with concern that women in the State party still do not fully enjoy their economic, social and cultural rights, due in part to traditional customs and attitudes towards women. This situation manifests itself, among other ways, in the form of violence against women and discrimination in employment.

Paragraph 159

Inconsistency is noted in the fact that, while young persons attain majority at the age of 21, men may marry from the age of 15 and women from the age of 13. It is noted with concern that the difference in the marriageable ages for men and women does not appear to conform with the provisions of articles 2 and 10 of the Covenant, or to be compatible with articles 2 and 3 of the Convention on the Rights of the Child. Deep concern is expressed about the possibility that a marriage partner may be appointed without his or her consent, which in general appears to affect women disadvantageously.

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more often than men.

Paragraph 164

The Government should initiate programmes to educate the public so that traditional customs and attitudes that are discriminatory towards women are gradually modified and abolished. The Government is urged to ensure that all legislation is applied in a non-discriminatory manner and that laws which clearly discriminate against women are abolished. In particular, the laws permitting persons to marry without the acknowledgement or consent of the partner should be abolished, the problem of violence against women should be legally addressed, and general legislation regarding maternal benefits should be enacted and enforced.

- Colombia, ICESCR, E/1996/22 (1995) 41 at paras. 186 and 196.

Paragraph 186

Concern is expressed about the extensive discrimination against women. For example, it is noted that women's wages are on average 30 per cent lower than men's wages.

Paragraph 196

Greater attention should be given to the problem of discrimination against women and programmes should be implemented for the eradication of inequalities between men and women. Such programmes should, at the same time, aim to raise public awareness and interest in the economic, social and cultural rights of women.

- Norway, ICESCR, E/1996/22 (1995) 45 at paras. 223 and 226.

Paragraph 223

Concern is expressed that although it is effective in the law, equality between men and women, especially with regard to remuneration, is not yet fully achieved in practice, and that women still experience more obstacles than men in advancing to higher professional positions.

Paragraph 226

The Government should intensify its efforts to ensure that equality between men and women, in particular with regard to labour matters, is effective in practice.

- Mauritius, ICESCR, E/1996/22 (1995) 47 at paras. 237 and 242.

Paragraph 237

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Despite encouraging developments in legislation, women in the State party continue to occupy a subordinate role in society, which affects their full enjoyment of economic, social and cultural rights, particularly in the area of equal pay for men and women. The explanation of "differentiation but not discrimination" in the agricultural sector is not satisfactory.

Paragraph 242

The Government is encouraged to pursue its current efforts to eliminate discriminatory practices against women and to ensure, in the practical application of the new laws, the full enjoyment of their economic, social and cultural rights.

- Ukraine, ICESCR, E/1996/22 (1995) 50 at paras. 263 and 272.

Paragraph 263

Grave concern is expressed at the lack of practical measures aimed at creating adequate working conditions for women and at eliminating discrimination against them. Concern is expressed about the possible discriminatory effects of imposing different retirement ages for men and women, particularly in market economies where one's standard of living and professional fulfilment depends largely on one's employment. The violence perpetrated against women, the generally low professional qualifications of women and their consequently high representation among low-paid workers and the unemployed are matters of concern. The Government and the authorities as a whole have not made all necessary efforts to understand and face the phenomenon of discrimination by collecting and analysing relevant data, by trying to eliminate the phenomenon through legislative measures and education, and by providing protection to victims of discrimination and violence against women.

Paragraph 272

Specific legislative measures should be taken to prohibit all forms of gender-based discrimination and efforts should be made, including through the educational system, to promote awareness and understanding of the human rights of women. The establishment of institutions to provide protection and assistance to victims of violence and discrimination is recommended.

- Algeria, ICESCR, E/1996/22 (1995) 54 at paras. 294, 298, 299 and 303.

Paragraph 294

It is deplored that fundamental freedoms such as the right to work, to education, to freedom of movement, and the right freely to choose a spouse are not fully guaranteed for women in the State party. The violence exercised against women in the family, and outside the family by fanatical groups, is of profound concern. A husband's absolute right to keep the conjugal home in the case of divorce is a further subject of concern.

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Paragraph 298

The high mortality rate among young girls in the 1-10 age group, which, as acknowledged by the Government, is due to the fact that better care is provided for boys, is noted with concern.

Paragraph 299

While being aware of the extremely difficult political and social context in which the Government is discharging its functions, it is of the utmost importance that special attention be given to the problem of discrimination against women, in particular as it exists in legislation.

Paragraph 303

The Government is requested to take all necessary measures to ensure that girls are fully able to exercise their right to education and to mental and physical health. Such measures should be accompanied by the setting up of a data-collection system, enabling their impact to be assessed.

- Paraguay, ICESCR, E/1997/22 (1996) 22 at paras. 84 and 86.

Paragraph 84

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

Paragraph 86

An affirmative action policy should be adopted to improve the social status of women at the workplace. All necessary measures should be taken for the full implementation of legislation on equal pay and equality of opportunity.

- Spain, ICESCR, E/1997/22 (1996) 27 at paras. 100 and 107.

Paragraph 100

It is of concern that, despite the new legislative provisions in force, discrimination continues against women with regard to the right to equal treatment at work, the right to equal pay and access to education.

Paragraph 107

The Spanish authorities should continue their efforts to ensure effective equality between men and women, in particular with regard to access to education and jobs and equal pay for equal work.

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- El Salvador, ICESCR, E/1997/22 (1996) 34 at paras. 161, 175 and 177.

Paragraph 161

Discrimination against women, both at work and in the home, remains a major problem in Salvadoran society. While efforts have been made to change the legislation, it is emphasized that the law still contains discriminatory provisions, particularly in the Civil and Penal Codes.

Paragraph 175

All necessary measures should be taken to eradicate discrimination against women in Salvadoran law and programmes should be set up to eliminate inequalities between men and women.

Paragraph 177

The State party should make the necessary efforts to implement the Salvadoran legislation on minimum wages, safe and healthy working conditions, equal pay for equal work by men and women, and arbitrary dismissal. To this end, sufficient resources must be allocated to labour inspection services to enable them to carry out the tasks entrusted to them.

- Guinea, ICESCR, E/1997/22 (1996) 39 at paras. 199 and 208.

Paragraph 199

It is noted that the unequal treatment of men and women is increasing, particularly in the informal sector of the economy. The Government should take steps on a national level to implement the principle of equal pay for equal work, which derives from the principle of non-discrimination against women proclaimed in the Covenant, in ILO Convention No. 111 of 1958 concerning Discrimination in Respect of Employment and Occupation, and in the 1990 Constitution.

Paragraph 208

It is noted that discrimination against women is on the rise, which is apparent from the adult illiteracy rate, access to education and the school drop-out rate among girls.

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at para. 233.

Paragraph 233

Of particular concern is that the enjoyment by women of economic, social and cultural rights is undermined by, *inter alia*: a traditional and persistent male-dominated society; the failure to ensure

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that single women heads of household benefit from the agrarian reform or the Government's housing programme; the absence of any administrative mechanism that allows women to file complaints in cases of discrimination by the Dominican Agrarian Institute; the failure of the Government to protect women workers from discrimination and arbitrary dismissal related to pregnancy, including failure to discourage employers from the practice of pregnancy testing; and the failure to develop and promote family-planning services. It is also of concern that, despite the very high rate of hospital births in the Dominican Republic, the rate of maternal mortality is unacceptably high; and that common-law marriages are not legally recognized, although 60 per cent of all marriages are of this nature, the consequence being that, in cases of separation, abandonment or the death of the male breadwinner of the family, a woman frequently loses everything and finds it difficult to acquire an identity card or collateral, without which she cannot obtain agricultural credit, housing or employment.

- Belarus, ICESCR, E/1997/22 (1996) 51 at paras. 283 and 290.

Paragraph 283

Concern is expressed at the rise in unemployment, particularly in relation to its disproportionate impact on women. The discrimination against women in appointment to jobs is also of concern.

Paragraph 290

The Government is called upon to adopt legislation and practical steps to combat discrimination against women in employment.

- Finland, ICESCR, E/1997/22 (1996) 55 at paras. 306 and 314.

Paragraph 306

It is of concern that although equality between men and women is established in the law it is not fully achieved in practice, in particular in relation to equal remuneration, and that, in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

Paragraph 314

The Government should intensify its efforts to ensure that equality between men and women, in particular with regard to employment and salary matters, is effective in practice.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 336 and 338.

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Paragraph 336

It is of concern that the Sex Discrimination Ordinance does not protect those individuals whose right to work is violated by inappropriate account being taken of their sex lives. It is a serious matter that women above the age of 30 suffer discrimination in employment.

Paragraph 338

It is of concern that the principle of equal pay for work of equal value, as elaborated in the non-binding Code of Practice of the Sex Discrimination Ordinance, has not been reflected in Hong Kong labour law, thus giving rise to discrimination against women.

- Zimbabwe, ICESCR, E/1998/22 (1997) 24 at paras. 73 and 80.

Paragraph 73

Despite the Government's stated policy of *de jure* equality of men and women, the situation of women in the State party, particularly in rural districts, is viewed as very unsatisfactory. Concern is expressed about *de facto* discrimination against women, attributable to traditional practices such as arranged marriages of children and forced marriages of widows to a late husband's brother. Such practices are incompatible with article 3 of the Covenant.

Paragraph 80

Priority should be given to the promotion of the role of women in society, and an end should be put to all *de facto* discrimination against them. Programmes should be introduced with a view to redressing the imbalances in the status of women in society, particularly in rural districts.

- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 101 and 117.

Paragraph 101

Concern is expressed that women appear to be disproportionately affected by unemployment and that little concrete action has been taken by the State party to discourage discriminatory dismissal or hiring on the basis of sex or to provide meaningful remedies to the victims of such discrimination.

Paragraph 117

Vigorous steps should be taken to ensure the protection of women against sexual discrimination in employment, and that victims of sexual discrimination receive compensation from employers who act illegally.

- Peru, ICESCR, E/1998/22 (1997) 33 at paras. 141, 160 and 161.

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Paragraph 141

The greatest obstacles to the fulfilment of economic, social and cultural rights are, *inter alia*, the acute forms of discrimination that particularly affect women, indigenous people and other minority groups, and the great inequalities permeating society.

Paragraph 160

The Government should take steps to guarantee equality between men and women in all fields.

Paragraph 161

The State party should make the necessary efforts to ensure compliance with the legislation on minimum wage, safety and health in the workplace, and equal pay for equal work for men and women, and to ensure the legal recognition of young people from 16 to 25 years of age as workers.

- 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.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 214 and 231.

Paragraph 214

Concern is expressed that women do not fully enjoy their economic, social and cultural rights under the Covenant with particular reference to the persistence of a traditional male-dominated society detrimental to gender equality, to the lack of protection afforded to women workers who are victims of discrimination in employment or arbitrary dismissal owing to pregnancy, to the lack of family-planning services, to the high maternal mortality rate, to unequal pay between women and men, and to the absence of legal recognition of *de facto* marriages.

Paragraph 231

The Government should pursue its policies designed to achieve full equality between men and women, in all areas of economic, social and cultural life. In particular, a thorough review of domestic legislation should be undertaken with a view to eliminating any remaining discriminatory legal provisions, especially with respect to the labour, family, criminal, civil and social security laws; specific remedies should be made available to women victims of sexual discrimination; and

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information and education campaigns should be carried out. Positive measures should also be taken to promote the participation of women, on an equal basis with men, in public life, in the labour market and in social and cultural activities.

- Iraq, ICESCR, E/1998/22 (1997) 50 at paras. 258 and 274.

Paragraph 258

With respect to article 3 of the Covenant, concern is expressed about discrimination against women, 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. It is noted with concern that the unemployment rate is higher among women than among men.

Paragraph 274

It is recommended that the Government pursue its policies designed to achieve full equality between men and women in all areas of economic, social and cultural life. In particular, a thorough review of domestic legislation should be carried out in order to eliminate any remaining discriminatory legal provisions, specific remedies should be made available to women victims of sexual discrimination, and information and education campaigns should be carried out to that end.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1998/22 (1997) 56 at para. 295.

There continues to exist, to a significant degree, *de facto* discrimination against women, Blacks and other ethnic minorities. It is noted that women continue to occupy a significantly lower percentage of managerial positions, particularly in the private sector, and a disproportionate percentage of lower-paid jobs and part-time work.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at paras. 372 and 381.

Paragraph 372

Concern is expressed about the continued existence, in practice, of discrimination between men and women in terms of salaries received for equal work.

Paragraph 381

It is urged that greater attention be given to the problem of *de facto* discrimination against women and that programmes be implemented for the eradication of inequalities between men and women, in both the public and private sectors. Appropriate legal measures should be undertaken in relation

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to crimes of violence against women within or outside the family.

- Luxembourg, ICESCR, E/1998/22 (1997) 69 at paras. 391 and 400.

Paragraph 391

Concern is expressed that a clear definition of the principle of gender equality is not expressly entrenched in the Constitution. The persistence of inequitable gender disparities, particularly in conditions of work and in salary scales in the private sector is noted.

Paragraph 400

The State party should take all appropriate measures to ensure equal treatment of men and women in employment, especially in the private sector.

- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at para. 423.

With respect to article 3 of the Covenant, it is noted that women are accorded low wages, low status and little opportunity for economic development. Moreover, it is noted that obstacles remain for women at the tertiary education level, that occupational segregation in the labour market persists, in particular at the decision-making level and in the public sector, and that women have limited access to credit and land ownership. Concern is expressed about domestic violence, which seems to be on the rise.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 73, 75, 88 and 89.

Paragraph 73

The existence of disparities between statutory law and customary law is noted with concern. The age for marriage in statutory law is 18 years but girls as young as 12 years of age are able to marry under customary law, as long as the parents consent. The practice of early marriage has negative impacts on the right to health, the right to education and the right to work, particularly of the girl child. In statutory law, there is equality of inheritance among siblings while customary law discriminates against married women who, unlike married men, may not inherit family property. In allowing customary law to prevail over statutory law in this regard, the Government is not complying with its obligation to protect the rights of women against discrimination.

Paragraph 75

Deep concern is expressed at the lack of anti-discrimination mechanisms in the area of employment

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with regard to women and minority groups. In particular, the concept of equal pay for work of equal value is not applied effectively in Sri Lanka, particularly in the private sector where women have no legal protection against discrimination in employment.

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.

Paragraph 89

The State party should adopt policies and implement relevant measures to combat discrimination in employment against women and minority groups in both the private and public sectors. Particular attention should be paid to the enjoyment by women and men of the right to equal pay for work of equal value.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at paras. 108 and 116.

Paragraph 108

It is of concern that women suffer discrimination in the workplace, particularly with respect to access to employment, promotion to higher positions and equal pay for work of equal value.

Paragraph 116

It is noted with concern that polygamy, a practice which is very often incompatible with the economic, social and cultural rights of women, is widespread in Nigeria.

- Poland, ICESCR, E/1999/22 (1998) 32 at paras. 152, 160 and 161.

Paragraph 152

It is of deep concern that the right to work is not fully enjoyed by women. It is noted that the principle of equal pay for equal work is not being respected. The fact that women earn on average only 70 per cent of the wages earned by men, despite their generally higher levels of education, is deplored. The existence of discriminatory practices, such as job advertisements specifying the preferred gender of the employees sought and women candidates for jobs being asked to take pregnancy tests, despite the existence of legislation prohibiting such practices, is noted.

Paragraph 160

The 1962 citizenship law, which discriminates against women by not granting them the same right as men to transmit citizenship to their foreign-born spouses, should be abolished.

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Paragraph 161

The right to work should be fully protected for women as well as for men on the basis of equal pay for equal work. A study should be undertaken on the subject.

- The Netherlands, ICESCR, E/1999/22 (1998) 37 at paras. 178 and 188.

Paragraph 178

The continuing discrimination against women at work is of concern. Their higher rate of unemployment, their lower position on the wage scale and their disproportionate representation in part-time work reveal that the principle of equality established by the law is not effectively enforced.

Paragraph 188

Efforts should be intensified to guarantee men and women equal access to employment and equal wages for work of equal value.

- The Netherlands (Aruba), ICESCR, E/1999/22 (1998) 40 at para. 205.

Efforts should be intensified to guarantee the effective implementation of equality between men and women, particularly with regard to equal wages for work of equal value.

- The Netherlands (Antilles), ICESCR, E/1999/22 (1998) 41 at paras. 216 and 222.

Paragraph 216

The inequalities between men and women, particularly with respect to equal access to employment and equal wages for work of equal value, are of concern.

Paragraph 222

Efforts to guarantee effective equality between men and women, particularly with regard to equal access to employment and equal wages for work of equal value, should be intensified.

- Israel, ICESCR, E/1999/22 (1998) 43 at para. 263.

All necessary steps should be taken to reduce unemployment and to ensure proper enforcement of Israel's protective labour legislation, including assigning additional personnel to enforce such

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legislation. Special attention should be accorded to enforcing the Minimum Wage Law, the Equal Pay for Men and Women Law, and the Equal Opportunities in Employment Law.

- Cyprus, ICESCR, E/1999/22 (1998) 50 at paras. 284 and 291.

Paragraph 284

The continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated), is of concern. This appears to be caused by structural and cultural factors.

Paragraph 291

The State party should intensify its efforts to guarantee the equal enjoyment by men and women of their economic, social and cultural rights, in particular:

- (a) By engaging in a large-scale public awareness campaign to eradicate social prejudices concerning gender roles;
- (b) By taking all necessary steps to guarantee fully the principle of equal pay for work of equal value, in particular in the private sector of the economy;
- (c) By promulgating the draft regulations concerning the employment and working conditions of pregnant women and nursing mothers and ensuring that they comply with the Covenant;
- (d) By abrogating the discriminatory provisions of the social security legislation; and
- (e) By enacting the bill aimed at abolishing discrimination in the acquisition and transmission of nationality.

- Germany, ICESCR, E/1999/22 (1997) 54 at paras. 329 and 334.

Paragraph 329

Pension plans and social security benefits need thorough revision to ensure gender equality and fairness among all eligible beneficiaries in all the Länder, in the East and in the West.

Paragraph 334

More adequate assistance should be provided to persons with HIV/AIDS, without any discrimination

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on the basis of race, origin, nationality or gender.

- Switzerland, ICESCR, E/1999/22 (1998) 59 at paras. 355, 356 and 370.

Paragraph 355

It is noted with concern that in many areas, such as access to higher education, access to posts of responsibility and equal remuneration for work of equal value, equality between men and women has not yet been achieved in practice.

Paragraph 356

The relatively high proportion of women in lower-paid jobs and among part-time and "on-call" workers, and also the comparatively low proportion of women in higher education is regretted.

Paragraph 370

Efforts should be intensified to guarantee men and women equal access to employment and equal wages for work of equal value.

- Canada, ICESCR, E/1999/22 (1998) 63 at paras. 391, 398, 404, 417, 428 and 429.

Paragraph 391

The inadequate legal protection in Canada of women's rights guaranteed under the Covenant, such as the absence of laws requiring employers to pay equal remuneration for work of equal value in some provinces and territories, restricted access to civil legal aid, inadequate protection from gender discrimination afforded by human rights laws and the inadequate enforcement of those laws, is of concern.

Paragraph 398

It is noted with grave concern that the repeal of the Canada Assistance Plan (CAP) and cuts in social assistance rates, social services and programmes have had a particularly harsh impact on women, in particular single mothers, who are the majority of the poor, the majority of adults receiving social assistance and the majority among the users of social programmes.

Paragraph 404

It is noted that aboriginal women living on reserves do not enjoy the same right as women living off reserves to an equal share of matrimonial property at the time of marriage breakdown.

Paragraph 417

Federal and provincial agreements should be adjusted so as to ensure, in whatever ways are

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appropriate, that services such as mental health care, home care, child care and attendant care, shelters for battered women and legal aid for non-criminal matters, are available at levels that ensure the right to an adequate standard of living.

Paragraph 428

Necessary measures should be adopted to ensure the realization of women's economic, social and cultural rights, including the right to equal remuneration for work of equal value.

Paragraph 429

A greater proportion of federal, provincial and territorial budgets should be directed specifically to measures to address women's poverty and the poverty of their children, affordable day care, and legal aid for family matters. Measures should also be implemented that will establish adequate support for shelters for battered women, care-giving services and women's non-governmental organizations.

- Iceland, ICESCR, E/2000/22 (1999) 26 at para. 70.

The State party's acknowledgement that formal or legal equality is not sufficient if it does not result in real equality between both sexes in practice is welcomed.

- Denmark, ICESCR, E/2000/22 (1999) 29 at paras. 106 and 114.

Paragraph 106

Although equality between men and women is established in law, it is a concern that it is not fully achieved in practice, in particular in the field of equal remuneration, and that, in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

Paragraph 114

The State party should continue its endeavour to eliminate the persisting inequality between men and women in relation to equal wages for work of equal value.

- Tunisia, ICESCR, E/2000/22 (1999) 36 at paras. 165, 169 and 173.

Paragraph 165

The fact that inequalities between men and women continue to persist, including with regard to access

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to positions of responsibility and to remuneration is of concern. It is of particular concern that, according to the laws on inheritance, females are entitled to receive only half of the inheritance of males.

Paragraph 169

With respect to articles 3 and 13 of the Covenant, it is noted that illiteracy still affects one third of the population, 42 per cent of women and 23 per cent of men, and that serious disparities continue to exist between the literacy rates of boys and girls at all age levels and between urban and rural areas.

Paragraph 173

It is strongly recommended that all men, women and children of both sexes be enabled to enjoy the right to inherit on a basis of equality.

- Solomon Islands, ICESCR, E/2000/22 (1999) 40 at para. 199.

It is noted with concern that, despite a constitutional non-discrimination clause and the recent adoption of a national women's policy, women remain subject to patriarchy. Although women's place and role are respected, their status is nevertheless inferior to that of men. As a consequence, women have limited access to the political and economic life of the country. Women comprise only 3 per cent of administrators and managers and 27 per cent of professional and technical employees. Furthermore, women do not hold any government positions at the ministerial or sub-ministerial level; only one of the 47 members of Parliament is female.

- Argentina, ICESCR, E/2000/22 (1999) 49 at paras. 265 and 280.

Paragraph 265

It is noted with concern that various *de facto* discriminatory practices against women exist, particularly in the areas of employment and pay.

Paragraph 280

The Government should take steps to guarantee equality in law and in practice between men and women in the enjoyment of economic, social and cultural rights.

- Armenia, ICESCR, E/2000/22 (1999) 54 at para. 300.

Despite equality between men and women before the law, there are still discrepancies in practice in the enjoyment of economic, social and cultural rights by men and women. For instance, despite the

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high level of education enjoyed by women and the high number of professionally qualified women, the unemployment rate of women remains high and there is a relatively low percentage of women in high-level positions, particularly in Parliament.

- Cameroon, ICESCR, E/2000/22 (1999) 56 at paras. 327, 328, 341, 343, 346 and 347.

Paragraph 327

It is of deep concern that the Government has not yet repealed laws which maintain the unequal legal status of women, particularly in relation to the right to own property and the laws regarding credit and bankruptcy, which restrict women's access to the means of production. These are in flagrant violation of the non-discrimination and equal treatment provisions of the Covenant.

Paragraph 328

The lack of progress made by the Government in combating the continuing discriminatory practices against women and girls, which impede the enjoyment of their rights under the Covenant, is deplored. Such practices include polygamy, the forced early marriage of girls and discriminatory laws which prevent women from inheriting land.

Paragraph 341

It is noted with deep concern that there is no legislation in the State party which provides for free primary education. The requirement of a parental contribution in the form of compulsory fees levied by primary schools, which in view of high levels of poverty greatly restrict access to primary education, particularly for girls, is regretted.

Paragraph 343

The high level of illiteracy still existing in the State party is of concern, as is the cultural preference given to the education of male children. This is reflected in the higher illiteracy rate of women, which is 49.9 per cent compared with 30 per cent for men.

Paragraph 346

The State party should take more active and positive steps to address the inequality of and discrimination against women in law and in fact. In particular, the State party is urged to repeal all provisions of the Civil and Commercial Codes which discriminate against women.

Paragraph 347

The Government is urged to prohibit customary practices which violate the rights of women and to take active measures to combat such practices and beliefs by all means, including educational programmes. Government action should focus, in particular, on the elimination of the practices of

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polygamy, forced marriages, female genital mutilation, and the bias in favour of the education of boys.

- Mexico, ICESCR, E/2000/22 (1999) 62 at paras. 383 and 399.

Paragraph 383

Deep concern is expressed about the situation of women workers in the *maquiladoras* (assembly plants), some of whom are subjected to pregnancy tests upon recruitment and at intervals during work, and are dismissed if found to be pregnant.

Paragraph 399

The State party is urged to adopt immediate steps towards the protection of women workers in the *maquiladoras*, including prohibiting the practice of demanding medical certification that prospective workers are not pregnant and taking legal action against employers who fail to comply.

- Georgia, ICESCR, E/2001/22 (2000) 30 at paras. 87, 88, 100 and 101.

Paragraph 87

It is noted with concern that women suffer more than men from unemployment and that they are under-represented in the labour force, especially in public service, including Parliament.

Paragraph 88

It is of concern that the National Plan of Action, which aims to eliminate the inequalities faced by women in the economic and social spheres, has not yet been implemented by the State party.

Paragraph 100

Recognizing that the resources available to the State party are limited, it is suggested that measures be taken to concentrate their use on major priorities, such as measures to address the existing inequality between men and women in public service and the formulation of a National Plan of Action on Human Rights.

Paragraph 101

The State party is urged to start implementing gradually the National Plan of Action with regard to women. In addition, it is strongly recommended that the State party take effective measures to combat violence against women, including appropriate legislation.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 152, 155, 159, 166, 175 and 182.

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Paragraph 152

The persistence of traditional practices and attitudes, deeply entrenched in Egyptian society, with regard to women and children hampers the ability of the Government to protect and promote their economic, social and cultural rights.

Paragraph 155

Grave concern is expressed about the considerable divergence in Egypt between the constitutional provisions on the one hand and the national legislation and practice on the other, with respect to the social status of women in general, women's participation in political life, the provisions in criminal law with respect to adultery, and female genital mutilation.

Paragraph 159

Although the efforts by the State party in promoting equality of men and women through a new divorce law are welcomed, it is noted with concern that the new law contains provisions that may disadvantage women. In addition, the Nationality Law does not grant equal citizenship status to children of Egyptian women married to non-nationals.

Paragraph 166

It is noted with concern that despite the achievements of Egypt in the field of education, inequality of access to education between boys and girls, high drop-out rates for boys and high illiteracy rates among adults, particularly women, persist.

Paragraph 175

It is recommended that the Government undertake to review the provisions of the new divorce law with a view to removing all provisions that discriminate against women and place them at a disadvantage. The Nationality Law, which discriminates against children born to Egyptian women married to non-nationals, should be revised.

Paragraph 182

The State party is urged to undertake measures to address the economic, social and cultural factors that are the root causes of the problem of inequality of access to education, high drop-out rates for boys and high illiteracy rates among adults, in particular women.

- Congo, ICESCR, E/2001/22 (2000) 43 at paras. 202 and 211.

Paragraph 202

Deep concern is expressed about discrimination against women. Marriage and family laws overtly discriminate against women (for instance, adultery is illegal for women but, in certain circumstances,

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not for men; while the Legal Code provides that 30 per cent of the deceased husband's estate goes to the wife, in practice the wife often loses all rights of inheritance). Domestic violence, including rape and beatings, is widespread but rarely reported, and there are no legal provisions for punishing the offenders. Furthermore, despite the provision in Congolese legislation that endorses the principle of equal pay for equal work, women in the formal sector are under-represented and encounter discriminatory promotion patterns. Women in rural areas are especially disadvantaged in terms of education and employment conditions, including wages.

Paragraph 211

The State party is urged to address the inequalities affecting women in society with a view to eliminating them, *inter alia* by adopting and enforcing appropriate legislative and administrative measures.

- Jordan, ICESCR, E/2001/22 (2000) 49 at paras. 234 and 249.

Paragraph 234

Concern is expressed about discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.

Paragraph 249

It is recommended that the State party take all effective legal measures to prohibit discrimination on grounds of sex in all fields of civil, political, economic, social and cultural life. The State party should take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat discriminatory treatment and negative societal attitudes in this regard, particularly within the family.

- Mongolia, ICESCR, E/2001/22 (2000) 53 at paras. 270 and 281.

Paragraph 270

Deep concern is expressed about the adverse effects of the prevailing traditional values and practices and of poverty on women. The Committee deplores the lack of facilities and the inefficiency of remedies for victims of domestic violence, which is estimated to affect a third of the country's women. Concern is also expressed about discrimination against pregnant women and sexual harassment of women in the workplace. Furthermore, the absence of women at senior levels, both at work and in public office, is of concern.

Paragraph 281

The State party is called upon to enforce efficiently in practice labour legislation prohibiting

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discrimination against women in employment, such as prohibition of the dismissal of pregnant women and the criminalization of sexual harassment. The State party is urged to organize public campaigns to raise awareness about domestic violence, to criminalize spousal rape and to provide victims with shelters and adequate remedies.

- Sudan, ICESCR, E/2001/22 (2000) 57 at paras. 297, 307, 315, 321 and 325.

Paragraph 297

The Committee welcomes the establishment of the Sudan National Committee for the Eradication of Harmful Practices, as well as the State party's various measures to improve the status of women, to alleviate or remove some of the obstacles to their freedom to travel, the Government's active campaign against female genital mutilation and against early marriage, the encouragement of child spacing, safe motherhood, women's and children's rights and reproductive health, and measures to increase the number of women working in government service.

Paragraph 307

Deep concern is expressed over the considerable divergence in the Sudan between the Constitutional provisions guaranteeing rights and freedoms, on the one hand, and some of the legal provisions, as well as traditional customs and practice, on the other hand. A flagrant example is the societal and legal status of women in general, the low degree of women's participation in public life and the provisions in criminal and family law regarding equality in marital relations.

Paragraph 315

The high illiteracy rate, especially among rural women, deprives the State party of the much needed economic and social contribution that Sudanese women could and should make to their society, especially if and when the State party finds its way to eliminating all aspects of discrimination against women in the Sudan.

Paragraph 321

It is strongly recommended that the State party reconsider existing legislation, particularly the 1996 Public Order Act, in order to eliminate discrimination against women, thereby ensuring their full enjoyment of human rights in general and economic, social and cultural rights in particular.

Paragraph 325

The State party should develop specific measures to eliminate ingrained harmful traditions, customs and prejudices against women, such as female genital mutilation, the limitation of their freedom of movement and expression, and any obstacles that hinder women's full participation in society.

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- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at paras. 344, 346, 351 and 358.

Paragraph 344

The reassertion of traditional attitudes towards women in Kyrgyz society is disturbing. It is noted with concern that although polygamy is illegal, it is nonetheless practised in some regions. Deep concern is also expressed about the re-emergence of the old tradition of bride kidnapping.

Paragraph 346

The Committee notes with alarm the repressive measures taken against female journalists for their protest against inequality between men and women in Kyrgyz society. It is noted with concern that the unemployment rate among women is high, and that women predominantly work in spheres characterized by low wages.

Paragraph 351

In regards to education, concern is expressed about the phenomenon of children dropping out of school to provide for their families. The situation of girls is particularly alarming, as their access to education is being curtailed by a revival of the tradition of early marriage, and a decrease in the prestige of having a formal education.

Paragraph 358

The State party should actively implement the law with regard to the practices of polygamy and bride kidnapping. The State party should proceed to remove lesbianism from the Penal Code. The Government is advised to step up its efforts to promote the rights of women in employment.

- Portugal, ICESCR, E/2001/22 (2000) 70 at paras. 414, 420 and 422.

Paragraph 414

The persistence of discrimination against women in the fields of employment and equality of wages and opportunity with men is of concern. Another subject of concern is the phenomenon of violence against women, including marital violence.

Paragraph 420

The State party is urged to intensify its efforts to create a culture of tolerance and to eliminate all forms of discrimination, in so far as they affect women, Roma, asylum seekers and immigrants.

Paragraph 422

The State party should ensure the stricter application of the legal provisions guaranteeing men and women equal pay for equal work.

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- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 472, 473 and 484.

Paragraph 472

The discriminatory effects against women of the so-called "cohabitation rule" in the unemployment insurance regime are of concern.

Paragraph 473

Concern is expressed about the persistent gap between the unemployment rates of men and women and the discrepancy between them with regard to wages.

Paragraph 484

The State party is urged to revise the "cohabitation rule" in the unemployment insurance regime, in order to eliminate its indirect discriminatory impact on women.

- Morocco, ICESCR, E/2001/22 (2000) 82 at paras. 527 and 551.

Paragraph 527

Despite the measures taken by the State party to advance the status of women, concern is expressed that there are still persisting patterns of discrimination against women in national legislation, particularly in family and personal status law, as well as inheritance law.

Paragraph 551

It is strongly recommended that the State party proceed as expeditiously as possible with the adoption and full implementation of the Action Plan for Integrating Women into Development. In particular, the State party is urged to amend existing legislation that institutionalizes discrimination against women, such as provisions of family, inheritance and personal status law, with a view to strengthening the legal status of women.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 120 and 139.

Paragraph 120

Concern is expressed about the *de facto* inequality that exists between men and women in Honduran society, despite legislative guarantees of equality, which is particularly reflected in unequal wages for equal work, and the low-level of representation of women in public services and administration.

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Paragraph 139

The State party is urged to implement existing legislation vigorously and to incorporate a gender perspective in legislation, with a view to ensuring greater equality of men and women, especially in the areas of employment, labour conditions and representation in public services and administration.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 179, 183, 195 and 198.

Paragraph 179

There is concern that the Women's Commission may not have appropriate resources and powers to ensure that a gender perspective is integrated into the formulation of policy.

Paragraph 183

There is concern that many individuals, including women who are homemakers, persons with disabilities and older persons, are excluded from the Mandatory Provident Fund Scheme.

Paragraph 195

The Women's Commission should be provided with sufficient powers and resources to enable it to improve the status of women in Hong Kong, and to integrate gender in its policy-making and ensure wider participation of women in all spheres of public life.

Paragraph 198

A comprehensive pension system should be adopted that provides adequate retirement protection for the entire population, in particular for housewives, self-employed persons, older persons and persons with disabilities.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at paras. 220, 226, 238, 247 and 253.

Paragraph 220

It is noted that deeply rooted traditions and cultural prejudices marginalize certain categories of persons, such as migrant workers and many women.

Paragraph 226

The continued unequal status of women is noted with deep concern. Persisting problems include the traditional preference for sons, which is manifested in a high incidence of induced abortions of girl fetuses that threaten the reproductive rights of women; the patriarchal head of family system ("ho-ju") as defined in law; the high incidence of domestic violence; the relatively low access by women to tertiary education; discrimination against women and sexual harassment in the workplace; and a large

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gap in the average salaries paid to women and to men.

Paragraph 238

The predominance of private institutions in higher education is noted with concern. This is a fact detrimental to the lower income groups. Furthermore, over two-thirds of the students in higher education are males, which is contrary to the principle of gender equality.

Paragraph 247

It is recommended that the State party allocate the necessary resources to enable the newly established Ministry for Gender Equality to function effectively and to apply a gender perspective in legislation and in society.

Paragraph 253

In so far as traditional practices pose an obstacle to the fulfillment of some rights or perpetuate discrimination of any kind, including the preference for sons and the abortion of girl fetuses, the State party should carry out large-scale public campaigns to promote understanding among the general public about human rights.

- Bolivia, ICESCR, E/2002/22 (2001) 52 at paras. 270 and 286.

Paragraph 270

Notwithstanding the impressive number of legal instruments and policies adopted by the State party to ensure gender equality, concern is expressed about the *de facto* inequality between men and women, which is exacerbated by the perpetuation of traditional prejudices and social conditions, such as discrimination in education of the girl child in rural areas. Such discrimination is particularly reflected in the low level of representation of women in public service, the high female illiteracy rate, the unequal wages for work of equal value, and the high proportion of women working under inadequate conditions in the informal sector or as domestic workers.

Paragraph 286

The State party is urged to take effective measures to combat discrimination against women in public, economic and social life.

- Togo, ICESCR, E/2002/22 (2001) 57 at paras. 315, 318 and 323.

Paragraph 315

The position of women in Togolese society is of concern. Despite a constitutional declaration of equality under the law, women continue to experience wide-spread discrimination, especially in

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relation to the rights to education, to social security (in particular pension benefits), family protection (particularly family law regulation of inheritance), and in relation to traditional law practices.

Paragraph 318

Particular concern is expressed with regard to the education of children. A pattern of discrimination against children, especially girls, is prevalent in the State party. According to the 2000 UNDP Human Development Report, only 70.2% of primary school age girls attend primary school, which is 74% of the male ratio. Only 40.0% of the secondary school age girls attend secondary school, which is 52% of the male ratio. At the university level, women's enrolment constitutes only 21% of the ratio for male tertiary education enrolment. This inequality is also reflected in the difference in literacy rates, which is 38.4% for adult women, only 53% of the male rate.

Paragraph 323

The persistence of discrimination, particularly in relation to women and girls, and between the various ethnic minorities living in Togo should be addressed, with a view to eliminating such discrimination by adopting appropriate legislative and administrative measures, developing non-discrimination policies and by taking effective steps to enforce such measures and policies.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 341, 342, 347 and 364-366.

Paragraph 341

Concern is expressed about the *de jure* and *de facto* inequality that exists between men and women in society. For example, article 152 of the Family Code discriminates against women, notably in the fields of taxation, allocation of seeds and family allowances. There is particular concern about the lack of progress made by the State party in eradicating the enduring discriminatory practices against women and girls. Such practices include polygamy, restricted access to land, property, housing and credit facilities, and the inability to inherit land.

Paragraph 342

The State party is not taking appropriate measures to address discrimination against women with regard to access to employment.

Paragraph 347

Appropriate measures are not being taken to protect the rights of domestic workers, mostly women and girls, especially with regard to their lack of access to basic social services, their unfavourable working conditions and their wages, which are far below the minimum wage.

Paragraph 364

The State party is called upon to take remedial action to address the inequality of and discrimination

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against women and girls, both in law and in practice. In particular, the State party is urged to consider repealing article 152 of the Family Code.

Paragraph 365

The State party is urged to enact or enforce legislation prohibiting customary practices, such as polygamy, female genital mutilation, restricted access by women to land, property, housing and credit facilities and the inability to inherit land, and to take measures to combat such practices by all means, including national education programmes.

Paragraph 366

Immediate measures should be taken to address the problem of discrimination against women in access to employment and to monitor closely, both in the private and public sectors, the implementation of the law on maternity leave.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at paras. 402, 404 and 421.

Paragraph 402

The prevalence of certain traditions, customs and cultural practices continues to impede the full enjoyment by women and girls of their rights under the Covenant.

Paragraph 404

Concern is expressed about the persisting discrimination in the political, social and economic spheres of life against women in society, which is particularly reflected in limited participation by women in the political and economic decision-making process, a low legal age of marriage for girls, more severe punishment of women for adultery and "honour crimes", and unequal treatment insofar as personal property and social security laws are concerned. It is regretted that the State party has not adopted any significant legislative or administrative measures to eliminate this discrimination, nor ratified the Convention on the Elimination of All Forms of Discrimination against Women.

Paragraph 421

Effective measures should be taken to incorporate a gender equality perspective in both legislation and in governmental policies and administrative programmes, with a view to ensuring equality of men and women and addressing, in particular, the problems of the low legal age of marriage for girls, the more severe punishment of women for adultery and "honour crimes", and the unequal treatment of women insofar as personal, property, succession and social security laws are concerned. The State party is also encouraged to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

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See also:

- Senegal, ICESCR, E/2002/22 (2001) 61 at para. 337.

- Panama, ICESCR, E/2002/22 (2001) 73 at paras. 442, 449 and 468.

Paragraph 442

The enactment of laws promoting equality between men and women, such as the adoption of Act No. 4 of 1999 on equal opportunities for women and the adoption of Act No. 38 of 2001 that changes the provisions of Act No. 27 of 1995 on domestic violence, are noted with satisfaction. The setting up of the National Women's Council and other women's offices in various ministries and the active participation of organizations of civil society in this process of legal reform, is welcomed.

Paragraph 449

Notwithstanding the important number of legal instruments and other measures adopted to ensure gender equality, there is concern about the flagrant inequality of wages for equal work and about the significantly higher rates of unemployment among women.

Paragraph 468

Effective measures should be taken to combat the high rates of unemployment, in particular for women and in the area surrounding the Colón Free Zone.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 485, 487, 491, 503, 504 and 509.

Paragraph 485

The national plan of action to improve the situation of women and enhance their role in society is welcomed.

Paragraph 487

The State party's willingness to cooperate with specialized agencies and other international organizations in such areas as poverty reduction, gender equality, integration of the Crimean Tartars, women and children's health, the review of human rights legislation, support for the Authorized Human Rights Representative of the Parliament, and the fight against trafficking of persons, is welcomed.

Paragraph 491

Concern continues to be expressed at the situation of women in society and the insufficient measures

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taken to eliminate discrimination against them. Most low-paid workers and 80 per cent of the unemployed are women. They are also frequently victims of violence in the family and of sexual harassment in the workplace.

Paragraph 503

Legal provisions should be strengthened with respect to the prohibition of discrimination in accordance with article 2 (2) of the Covenant, in particular on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Paragraph 504

The State party is called upon to take all effective legal measures to prohibit gender discrimination in all fields of civil, political, economic, social and cultural life.

Paragraph 509

All appropriate measures should be adopted to prevent and combat incidents of domestic violence and sexual harassment, as well as appropriate measures to reduce unemployment among women.

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 532-534, 552, 558 and 559.

Paragraph 532

The Extent of poverty in the State party is of deep concern, particularly in rural areas where poverty and discrimination against women are most pronounced. In this regard, it is noted that the targets set by the Ninth Plan, which aim at the progressive reduction of the poverty rate from 42 per cent to 32 per cent, were not reached. Further, it is noted that the National Poverty Alleviation Commission has not yet been established.

Paragraph 533

The legal inequalities between women and men in the field of inheritance, the regime of shared assets in marriage, divorce, child custody in case of divorce and remarriage, and the conferring of nationality to children on equal terms are noted with concern. Concern is also expressed about the *de facto* inequality that exists between men and women in the Nepalese society, despite legislative guarantees of equality. The low representation of women in public service, the high female illiteracy rate and unequal wages for equal work are further noted with concern.

Paragraph 534

The high number of women and girls being trafficked for prostitution is of deep concern. The continuation of polygamy and the practices of dowry, *deuki* and prostitution among the Badi caste, particularly in rural areas, are also regretted.

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Paragraph 552

Although the State party has initiated free primary education, the policy of compulsory education is yet to be implemented. Further, the great disparity in enrolment in primary schools between girls and boys, the high drop-out rate among pupils, and the low quality of education in public schools is noted.

Paragraph 558

Existing legislation on gender equality should be implemented more vigorously, and a gender equality perspective should be incorporated in legislation, with a view to ensuring greater equality of men and women, especially in the areas of family, employment, labour conditions and representation in public services and administration.

Paragraph 559

The State party is urged to enact or enforce legislation prohibiting customary practices, such as polygamy, dowry, *deuki* and prostitution among the Badi caste, and restricted ownership by women of land and family property, which violate the rights of women and girl children and to take measures to combat such practices by all means, including national educational programmes.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 594, 596, 603, 621, 623 and 630.

Paragraph 594

Concern is expressed about widespread discrimination against women and the *de facto* inequality that still exists between men and women in Japanese society in professional and decision-making positions, in political representative bodies, public services and administration, and in the private sector.

Paragraph 596

The continuing *de facto* inequality in wages between men and women for work of equal value is of concern, particularly, the persisting practice in many enterprises of employing women primarily in the clerical services, with little or no chance of promotion to the professional ranks. These inequalities persist despite legislative, administrative and other measures, such as the 1997 amendment to the Equal Employment Opportunity Law.

Paragraph 603

Concern is expressed about the absence of a minimum pension and the persistent *de facto* gender inequality in the pension system, which perpetuates the income gap between men and women.

Paragraph 621

The State party is urged to implement more vigorously existing legislation and to adopt new legislation with an appropriate gender perspective, with a view to ensuring greater equality of men and women, especially in the fields of employment, labour conditions, wages and representation in

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higher positions in political representative bodies, public services and administration.

Paragraph 623

The State party should continue to address the issue of *de facto* inequality between men and women regarding wages for work of equal value by more actively implementing existing legislation, such as the Equal Employment Opportunity Law, and relevant administrative and other programmes and policies, such as the guidelines concerning employment management differentiated by career track, as referred to by the ILO, and by adopting appropriate new measures to that effect.

Paragraph 630

A minimum pension should be incorporated into the national pension system. The persisting *de facto* gender inequality in the pension system should be remedied to the maximum possible extent.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 661, 665, 668, 679 and 686.

Paragraph 661

Concern is shared with the ILO about the persisting impediments to women in German society, in terms of promotion in employment and equal wages for work of equal value, both in the private and public sectors, and especially in federal bodies and academic institutions, despite the efforts to give a new impetus to the equal participation of women in the labour market.

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 668

The shortage of child day care institutions constitutes an obstacle to women's equal participation in the labour market, as well as the efforts to promote gender equality.

Paragraph 679

The necessary measures should continue to be undertaken, including legislative and administrative ones, to ensure that women enjoy full and equal participation in the labour market, particularly in terms of promotion and equal wages for work of equal value.

Paragraph 686

The availability of child day care institutions should be increased, especially in the western Länder.

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- Guatemala, CEDAW, A/49/38 (1994) 23 at paras. 80 and 86.

Paragraph 80

Concern is expressed at the discrepancies that exist to the detriment of women, with regard to: education and employment, remuneration and involvement in economic activity, what is being done to prevent and punish violence against women, and ways of dealing with prostitution.

Paragraph 86

The Government should urgently take all necessary measures and adopt policies in compliance with the Convention to improve the situation of women in Guatemala.

- Libyan Arab Jamahiriya, CEDAW, A/49/38 (1994) 38 at paras. 180 and 184.

Paragraph 180

The contradiction in the State party's report is noted with concern. While the State party was on the one hand introducing revolutionary measures for the emancipation of women, it was on the other hand emphasizing their role as mothers and housewives, thus reinforcing what was already stiff cultural resistance to substantial change.

Paragraph 184

The State party should, in particular, ensure that social and cultural prejudices do not raise new obstacles to women's development, especially in rural areas.

- Madagascar, CEDAW, A/49/38 (1994) 45 at paras. 235, 236 and 240.

Paragraph 235

Education and training are considered the springboard to development. In giving females education and training, care must be taken not to concentrate on traditional female occupations to avoid stereotyping and also to give them the opportunity of having better-paid occupations.

Paragraph 236

As a matter of priority, obstacles to female employment need to be identified and addressed by the Government. This will help change the false conception of women's capabilities and their role in the field of employment.

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Paragraph 240

The two unequal laws on adultery should be abolished. Those laws were very discriminatory. The law on inheritance also needs urgent review to ensure that a woman's right to inherit is equal to that of a man.

- Zambia, CEDAW, A/49/38 (1994) 63 at paras. 361 and 362.

Paragraph 361

The persistence of traditional sex roles, which are deeply embedded in the cultural life of the Zambians and which generally seem to impede equality, is of concern. Great concern is also expressed regarding the violation of women's rights in general, particularly the rights of women under customary marriage laws.

Paragraph 362

The lack of women's access to formal employment, and the difficulties encountered by women working in the informal sector in general and from governmental officials are matters of concern.

- Barbados, CEDAW, A/49/38 (1994) 80 at para. 446.

Concern is expressed at the serious lack of female participation in politics, and in the representation of Barbados at the international level and in other decision-making positions.

- Ecuador, CEDAW, A/49/38 (1994) 94 at para. 539.

Deep concern is expressed at the serious discriminatory conditions affecting Ecuadorian women. The steady reduction in the capacities of the agency concerned, the National Directorate for Women of the Ministry of Social Welfare, as demonstrated by the fact that, over the past three years, officials held only provisional appointments and lacked any support, is regretted. The Directorate is short of economic resources, enjoys little political support and has only very limited capacity in terms of coordinating programmes with other bodies. The fact that the few programmes it operates are dependent on international cooperation resources is a cause for concern.

- New Zealand, CEDAW, A/49/38 (1994) 111 at paras. 660 and 661.

Paragraph 660

Women's annual income is not equal to that of men, particularly because of their need to

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accommodate family responsibilities. Although the Government has taken measures to improve women's income, it has also abolished pay equity legislation during the reporting period. More efforts need to be taken to alleviate the burden on women in that respect.

Paragraph 661

In the field of employment, more affirmative action needs to be taken by the Government, in cooperation with the private sector, to help women cope with both family and work responsibilities. Such affirmative action would help integrate women in full-time employment and avoid limiting their participation in the workforce to part-time or lower-paid jobs.

- Bolivia, CEDAW, A/50/38 (1995) 25 at paras. 100 and 102.

Paragraph 100

For the effective political participation of women, quotas should be established for women's high-level representation in public administration and the attention of political parties should be called to that effect.

Paragraph 102

The Government should look into the various aspects of prostitution, which is regarded as a severe human rights violation and one of the most heinous forms of slavery.

- Mauritius, CEDAW, A/50/38 (1995) 44 at para. 213.

Non-academic training such as embroidery, industrial sewing, etc., conducted as a positive discrimination programme will only contribute to keeping women in the feminized sector of the economy.

- Tunisia, CEDAW, A/50/38 (1995) 52 at paras. 267 and 276.

Paragraph 267

The high rate of illiteracy among women is of concern, since access to education is fundamental to the empowerment of women. Equally important is the fact that the number of school drop-outs among girls is high.

Paragraph 276

Ways and means should be envisaged to encourage women and girls to enrol in science fields.

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- Uganda, CEDAW, A/50/38 (1995) 61 at paras. 332 and 341.

Paragraph 332

Concern is expressed over the existing prevalent religious and cultural practices that perpetuate domestic violence and discriminate against women in the field of inheritance.

Paragraph 341

Legal measures should be taken against all religious and customary practices that discriminate against women. Furthermore, awareness programmes must be put in place to change mentality and attitudes. Laws should also be amended to empower women in matters of inheritance and succession.

- Finland, CEDAW, A/50/38 (1995) 71 at para. 393.

The relative absence of women from high decision-making professional and administrative positions in both the public and private sectors (the glass-ceiling phenomenon) is of concern despite the recent legislation mandating 40 per cent representation of both sexes in government-appointed bodies at national and local levels.

- Peru, CEDAW, A/50/38 (1995) 79 at paras. 440 and 449.

Paragraph 440

The high unemployment rate among women is a matter of concern. It has forced women to seek employment in the informal sector without access to credit, social benefits and other supportive infrastructure.

Paragraph 449

Measures should be taken in which the strengthening of the family would simultaneously lead to a strengthening of individual rights of women and to an equal distribution of responsibilities between women and men.

- Norway, CEDAW, A/50/38 (1995) 89 at para. 491.

The high number of women working part-time and their pay differentials, which are also reflected in the pensions, are of concern.

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- Russian Federation, CEDAW, A/50/38 (1995) 99 at paras. 543, 547 and 548.

Paragraph 543

Concern is expressed over the following consequences of the transformation from a Marxist society to a market economy with deregulated and privatized property and the inherent economic, political and social changes: (a) Difficulties in achieving the goals of the Convention; (b) Increase in the social vulnerability of part of the population; and (c) Severe constraints on women's ability to exercise their equality of opportunity.

Paragraph 547

Concern is expressed over the inadequate public health financing, which led to a reduction in guaranteed state medical aid to women and children, while state expenditure for education in general is being curtailed.

Paragraph 548

Concern is expressed over the fact that women's unemployment has increased ninefold and that it affected women with little and with high-level training equally. Concern is also expressed about the fact that women receive on average 30 per cent less pay than men.

- Croatia, CEDAW, A/50/38 (1995) 110 at paras. 588 and 590.

Paragraph 588

A national mechanism should be established to protect and expand the rights of women and encourage participation by women in the political field, decision-making and the struggle for peace. Although women were used by men as "a weapon of war," their solidarity and their organization in non-governmental organizations can constitute an instrument for peace.

Paragraph 590

The Government should continue its efforts and its social integration programmes, particularly for girls who are just beginning their lives.

- Australia, CEDAW, A/50/38 (1995) 116 at para. 600.

Concern is expressed over the Government's policy to encourage part-time work among women. Women need access to full-time work to achieve independent status and to improve their economic situation.

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- Colombia, CEDAW, A/50/38 (1995) 117 at para. 613.

Policies to promote equality should be stepped up, with regard to the most impoverished women and their low level of training. The differences that still exist between urban women and rural women should be eliminated.

- Japan, CEDAW, A/50/38 (1995) 120 at para. 636.

The Government of Japan should ensure that the private sector complies with the provisions of the Equal Employment Opportunity Act and should report on the measures taken to address the indirect discrimination faced by women, both in terms of promotion and wages in the private sector.

- Cyprus, CEDAW, A/51/38 (1996) 9 at paras. 59, 61 and 65.

Paragraph 59

The Government should explore the proposal of non-governmental organizations to establish an equal opportunities commission to deal with complaints by women and to serve in a mediatory capacity.

Paragraph 61

Additional measures should be taken through local and international law-enforcement authorities to combat the international trafficking and sexual exploitation of women. Education, training and support should be provided to migrant women to facilitate their entry into other occupations in the formal labour market.

Paragraph 65

The Government should extend full social security coverage to self-employed rural women and abolish existing discrimination in this respect between married and unmarried women.

- Iceland, CEDAW, A/51/38 (1996) 12 at paras. 100 and 101.

Paragraph 100

Information programmes among migrant women, in particular those that pertain to the rights of women in Iceland, should be intensified. In order to ensure the protection of migrant women, the Government should continue the provision of adequate health and counselling services and monitoring of the increasing number of intermarriages between Icelandic men and migrant women.

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Paragraph 101

The Equal Status Act should be amended to ensure representation of at least 40 per cent of each sex in public bodies.

- Paraguay, CEDAW, A/51/38 (1996) 16 at paras. 124 and 130.

Paragraph 124

The State party's initiatives to provide bilingual education are acknowledged, but there is concern at the inadequacy of those initiatives, which pose a major obstacle to women's access to social and economic opportunities, since a large percentage of the female population speak only Guaraní, the predominant aboriginal language. The high illiteracy and drop-out rates are major impediments to the advancement of women.

Paragraph 130

The State party should strengthen and broaden its initiatives to extend bilingual education to all citizens, in particular women, and to combat the social, economic and cultural factors causing the high drop-out and illiteracy rates among women.

- Ethiopia, CEDAW, A/51/38 (1996) 19 at paras. 149, 150, 157, 158 and 163.

Paragraph 149

The prevalence of prostitution and male promiscuity, which increase the spread of AIDS is of concern. Early marriage is also a great concern.

Paragraph 150

The low representation of women at higher decision-making levels is noted with concern. The effectiveness of programmes formulated and adopted with the involvement of women at those levels is doubtful. The efficiency of any measures to eradicate poverty, as long as the percentage of women in Government remains as low as it is at present, is also doubtful.

Paragraph 157

The number of women in decision-making positions in public administration should be increased and programmes should be developed to encourage women to take decision-making positions.

Paragraph 158

Measures, including temporary special measures and programmes, must be adopted to give girls and women equal access to high quality education and training.

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Paragraph 163

Every effort must be made to attain a stable and peaceful environment in order to reconstruct the country and create the conditions necessary for the sustainable development and the integration of women.

- Belgium, CEDAW, A/51/38 (1996) 22 at paras. 187, 190 and 191.

Paragraph 187

The issue of discrimination against women in social security and taxation is of concern. The high number of women working part-time as compared to men and the hidden discrimination this represents is also of concern.

Paragraph 190

Measures should be taken to address the hidden discrimination in social security and taxation between different groups of women and to balance the number of women and men working part-time.

Paragraph 191

To address the wage gap, job re-evaluation and reclassification should be explored with a view to upgrading women's job categories.

- Cuba, CEDAW, A/51/38 (1996) 26 at paras. 225 and 226.

Paragraph 225

Every effort should be made to check further the re-emergence of prostitution, to offer more and better job opportunities to women who engage in prostitution, and not to place the sole responsibility for prostitution on the women themselves. Stronger measures must be adopted to prosecute procurers and clients who violate these women's rights.

Paragraph 226

An empirical study is needed to determine whether women are paid the same wages as men for work of equal value and to document occupational segregation and its relationship to income.

- Hungary, CEDAW, A/51/38 (1996) 29 at paras. 250, 254, 261 and 263.

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Paragraph 250

The undue emphasis placed on women's role as mothers without balancing it with their role as citizens is of concern.

Paragraph 254

The state of health of the female population is unsatisfactory when judged by international standards. In particular, the high cost of contraceptives prevents women from freely planning when to have children. The very high increase in the rate of abortions is of concern.

Paragraph 261

All necessary measures should be taken to rehabilitate and reintegrate prostitutes into society.

Paragraph 263

The Government should support women's non-governmental organizations. It should also facilitate the establishment of a network of non-governmental organizations with a view to strengthening their actions.

- Ukraine, CEDAW, A/51/38 (1996) 32 at paras. 286, 288 and 299.

Paragraph 286

Concern is expressed over sexual stereotyping and overprotective labour legislation. Protective labour laws have had the sole effect of restricting women's economic opportunities, and are neither legitimate nor effective as measures for promoting women's reproductive health. Women should have a right to free choice as to their employment, and the high rates of infant mortality and fetal abnormality resulting from ecological disaster should be addressed as a matter of public health.

Paragraph 288

Concern is expressed at the fact that the rate of women's economic activity has declined significantly in recent years. Women constitute 80 to 90 per cent of the unemployed. This is due to the reduction of the public sector as the main employer of women and the non-recruitment of women by the emerging private sector.

Paragraph 299

Legislation that allows the activities of numerous sex services and the practice of hiring women as dancers, waiters or other staff to work abroad, often leading to prostitution, should be reviewed and amended, and measures should be taken to prosecute criminal offenders and to rehabilitate the victims through education, training and support services.

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- Rwanda, CEDAW, A/51/38 (1996) 36 at paras. 321, 323, 324 and 329.

Paragraph 321

The Committee is dismayed at the deep psychological trauma, the unwanted pregnancies and the massive rape of women and girls during the genocide, which resulted in widespread HIV/AIDS and other sexually transmitted diseases. This can eventually lead to further illness and death for thousands of women and girls.

Paragraph 323

The Government should support women's quest for equal rights and their contributions in all areas of society, in particular in the reconciliation process and maintenance of peace.

Paragraph 324

Women and men should be equally represented on the International Tribunal for Rwanda; it must also have a focus on women's rights.

Paragraph 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 guardian must be put into place.

- Morocco, CEDAW, A/52/38/Rev.1 part I (1997) 11 at paras. 64, 65, 71, 72, 74 and 75.

Paragraph 64

Cultural characteristics should not 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 in the areas of marriage, conjugal relations, divorce and the custody of children still exists. Laws regarding the punishment of adultery and the ability to pass on nationality continue to benefit the husband, to the detriment of the wife.

Paragraph 65

Discrimination is not limited to the private sphere but also affects the public realm. Blatant inequalities can be observed in women's recruitment, wages and leave entitlements, as well as in legal restrictions on women's, but not men's, employment, which reflect stereotypical attitudes regarding appropriate work for women.

Paragraph 71

The Government should continue its efforts to amend legislation that is still discriminatory. While respecting the stages in Morocco's political, economic, sociological and cultural evolution and the

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need for the population to support any reform concerning women's rights, the Government should persevere in using *ijtihad*, which is the evolving interpretation of religious texts, so as to give the necessary impetus to the improvement of the status of women and thus to change attitudes gradually.

Paragraph 72

The establishment of specific machinery located at the highest policy level, with adequate financial and human resources, that would coordinate and guide action in favour of women, that would be able to prevent the persistence of attitudes, prejudices and stereotypes that discriminate against women and that would narrow the gap between *de jure* and *de facto* equality is recommended.

Paragraph 74

The competent national bodies, the women's sections of the different political parties and associations and non-governmental organizations should do their utmost to bring about as great a change in men's traditional role in the family and in society as in women's, so as to ensure genuine equality of opportunity between men and women in all spheres. Revising the content and orientation of school textbooks in order to eliminate stereotypes and negative images of women could help to speed up a change of mentality and remove certain obstacles.

Paragraph 75

Particular attention should be paid to vulnerable groups, women heads of household, abandoned women and disabled women, and the necessary steps should be taken to protect them from any form of exclusion or marginalization. Overcoming inequality contributes to poverty reduction and to the country's economic development.

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at paras. 103, 105, 106, 108, 109, 111, 113, 116 and 118.

Paragraph 103

The clustering of female students in certain disciplines, at both schools and universities, that do not provide optimum employment opportunities, is of concern.

Paragraph 105

That women are clustered in certain jobs and professions and at certain job levels is noted with concern. The feminization of the medical profession and the low wages in that sector are also noted. The high number of young unemployed women who are looking for a first job is alarming. Failure to find such employment might confine women to the role of homemaker. In that context, account is taken of the unfortunate fact that market economies tend to favour male employees who, by virtue of traditional roles and work allocation, are deemed to be unencumbered by family responsibilities.

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Paragraph 106

Concern is expressed over the fact that temporary work for women might be institutionalized and that women would thus be marginalized in the labour market and become victims of indirect discrimination. Occupational health standards for women might result in discrimination against women in employment.

Paragraph 108

The ongoing revision of laws should take into account hidden, indirect and structural discrimination, and sufficient attention should be paid to the formulation of temporary special measures in the fields of politics, education, employment and the implementation of *de jure* and *de facto* equality for women. The judiciary should be made aware of the meaning of indirect and structural discrimination, *de facto* equality and the concept of temporary special measures.

Paragraph 109

The concept of privacy of family life and the reproductive role of women could be utilized to hide violence against women and reinforce sex-role stereotypes.

Paragraph 111

A formal complaint procedure and a formal evaluation board outside the Chamber of Commerce, which would include all sectors of society, to address sexist advertisements is recommended. That procedure should incorporate sanctions against offending advertising agents.

Paragraph 113

Systematic efforts should be taken to ensure that women students are encouraged to enter diverse disciplines so as to overcome the clustering of female students in certain disciplines at schools and universities. Such measures could include special counselling and gender-specific temporary measures with numerical goals and timetables. Women's studies should also be formally established at universities and made part of the school curriculum. The Government should also review its gender-neutral educational framework and develop positive measures to counteract hidden stereotypical educational messages and practices.

Paragraph 116

The Government is encouraged to create assistance programmes for women who wish to start their own businesses, to educate banks and other relevant institutions about women's capacities in that area, to create specific government-subsidized employment opportunities for young women and to address their unemployment with specific measures, including quotas related to their percentage of the unemployed population.

Paragraph 118

Current efforts to restructure the financial systems underlying health care and social security benefits,

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including pensions, should be designed to avoid detrimental effects on women as wage earners and beneficiaries in those sectors.

- Saint Vincent and the Grenadines, CEDAW, A/52/38/Rev.1 part I (1997) 21 at paras.139 and 147.

Paragraph 139

The very high rate of unemployment among women, which increases their vulnerability to domestic violence, is of concern. Concern is also expressed over the fact that the Government has not made use of affirmative action to redress that problem. The feminization of migration is also of concern.

Paragraph 147

The Government, in collaboration with non-governmental organizations, churches and all individuals and competent authorities, should introduce gender-sensitive reproductive and sexual health education, information and counselling in order to curb the very high rate of pre-teen and teenage pregnancy and should integrate reproductive and sexual-health services, including family planning, into primary health care.

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 178, 183, 190, 192, 196, 197, 199-202 and 204.

Paragraph 178

The practice of forced gynaecological examinations of women in the investigation of allegations of sexual assault, including of women prisoners while in custody, is noted with grave concern. Such coercive practices are degrading, discriminatory, unsafe and constitute a violation by the authorities of the bodily integrity, person and dignity of women.

Paragraph 183

Sufficient appropriate measures have not yet been taken to prevent and combat the acceptance of male dominance and violence against women in rural as well as urban areas, as reflected in such practices as beating women and requiring silent obedience from them. Equally, there is a lack of concrete measures to prevent the high number of suicides among women victims of violence.

Paragraph 190

The high number of women in rural areas working in family enterprises is of concern. Since their work is not recognized in the formal economy, they do not receive social security benefits and their access to health services is limited.

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Paragraph 192

The Government is invited to review the Civil Code, particularly with regard to family law, with a view to remove the reservations to the Convention. The related provisions of the Penal Code should also be revised in order to ensure women the full protection of the law on equal terms with men.

Paragraph 196

The requirement of spousal consent for abortion should be reviewed.

Paragraph 197

The media should be mobilized in support of advancing the status and the rights of women, including through the non-sexist and non-stereotypical portrayal of women in the media and through programmes to address violence against women. Efforts to increase the number of women in the media, particularly in decision-making positions, should be intensified.

Paragraph 199

Temporary special measures with numerical goals and timetables should be initiated in the political sphere and the public sector.

Paragraph 200

Consideration should be given to the revision of the Citizenship Law in order to give women rights equal to men's in all areas of nationality law.

Paragraph 201

Continuing support should be given to female students in order to increase the rate of female university graduates and their participation in non-traditional fields.

Paragraph 202

Adequate measures should be taken to provide skills training, retraining and credit facilities or other support services that would provide employment opportunities or self-employment for urban migrant workers, to correct occupational segregation through concrete measures and to provide the necessary protection to working women to ensure their safety and healthy working conditions.

Paragraph 204

Measures should be taken to recognize rural women's work in family enterprises for the purposes of pension entitlement.

- Venezuela, CEDAW, A/52/38/Rev.1 part I (1997) 30 at paras. 236 and 239.

Paragraph 236

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The reduction in health budgets, the rise in the maternal mortality rate, the lack of and limited access to family-planning programmes (especially for teenagers), and the lack of statistics on acquired immunodeficiency syndrome are of concern. In addition, legislation that criminalizes abortion, even in cases of incest or rape, remains in force.

Paragraph 239

Concern is expressed over the fact that a Venezuelan man has the right to confer his nationality on his wife upon marriage, but a Venezuelan woman does not have the right to confer her citizenship on her husband.

- Denmark, CEDAW, A/52/38/Rev.1 part I (1997) 34 at paras. 263, 267, 269, 270 and 272.

Paragraph 263

The inadequacy of culturally and gender-sensitive measures and programmes for immigrant and refugee women, to enable them to benefit from legal and social services available, is noted with concern.

Paragraph 267

Temporary special measures should be maintained and strengthened, particularly in the areas of reducing unemployment among women; ensuring that women and men receive equal pay for work of equal value; increasing women's participation in private-sector decision-making; increasing the number of female university professors and researchers; and encouraging men to devote more time to child care and housework. Such initiatives should include quantitative targets, time limits for their achievement, specific measures and sufficient budgetary resources.

Paragraph 269

Further efforts should be made to determine whether trafficking in women and exploitation of prostitution are taking place and whether new communications technologies, especially the Internet, are being used for such purposes.

Paragraph 270

The gender and culture course, which is currently optional in pre-university curricula, should be made mandatory in secondary education.

Paragraph 272

Denmark should continue to include among the objectives of its development assistance programmes the promotion of the rights of women and the elimination of discrimination against women and, in particular, the implementation of the Convention in beneficiary countries.

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- Philippines, CEDAW, A/52/38/Rev.1 part I (1997) 38 at paras. 296, 297 and 299.

Paragraph 296

A top-priority policy should be adopted to create safe and protected jobs for women as a viable economic alternative to the current unemployment of women and their participation as subcontractors and, in the informal sector, as workers in free-trade zones, as prostitutes or as overseas contract workers.

Paragraph 297

The Government should ensure that its economic policy does not lead to marginalization and exploitation so that women are encouraged to seek overseas employment to the detriment of society.

Paragraph 299

Measures for dealing with prostitution should focus on penalizing traffickers and creating alternative job opportunities for women.

- Canada, CEDAW, A/52/38/Rev.1 part I (1997) 42 at para. 333.

Concern is expressed over the programmes directed at aboriginal women that might have discriminatory effects.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at paras. 54, 56, 58 and 61-63.

Paragraph 54

The absence of a specific national machinery for the advancement of women and the elimination of discrimination against women is of grave concern.

Paragraph 56

The high rate of unemployment (over 60 per cent according to the report), the occupational segregation of women in low-paying sectors and the small number of women in positions at the senior management level are matters of concern.

Paragraph 58

The paternalistic restrictions imposed by labour laws, which are aimed at protecting maternity and result in the legal limitation of women's employment opportunities and choices, are noted with concern.

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Paragraph 61

A national machinery for the advancement of women, fully staffed and resourced, should be established so as to integrate the perspective of women's human rights and gender analysis into all ongoing policy-making and strategic development planning activities.

Paragraph 62

Temporary special measures should be taken to create employment opportunities for women, including special credit and loan programmes for women entrepreneurs.

Paragraph 63

Temporary special measures should be adopted to remedy the severe decrease in the political representation of women since independence, and to increase their participation in all areas of public life.

- Namibia, CEDAW, A/52/38/Rev.1 part II (1997) 82 at paras. 103, 105, 106, 108-110, 112, 121-123 and 127.

Paragraph 103

It is of concern that the issue of maternity leave is dealt with under article 4 of the Convention, since such a measure was not a measure of affirmative action.

Paragraph 105

Concern is expressed over the fact that the health of prostitutes is not taken into account and that, unlike other women, they do not have access to health care.

Paragraph 106

The low level of participation of women in higher education and the high drop-out rate of girls from the formal education system is noted with serious concern.

Paragraph 108

Concern is expressed about pregnant teenage women who are punished by expulsion from school.

Paragraph 109

The incidence of discrimination against women in the labour market is noted with concern.

Paragraph 110

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

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Paragraph 112

Dissatisfaction is expressed over the fact that although the Director-General of the Department of Women Affairs has been upgraded to cabinet level, she does not have the right to vote in the Cabinet.

Paragraph 121

The importance of measures, such as improving the economic empowerment of women to reduce their dependence on men and their vulnerability to domestic violence, is emphasized. Awareness-raising programmes should also be introduced for health professionals, the police and the judiciary to improve their understanding of the problem that violence poses for women.

Paragraph 122

Measures and programmes, including affirmative action, should be introduced to increase women's participation at all levels of the judiciary.

Paragraph 123

The Government should endeavour to bring about legal change with regard to land ownership by women, especially in rural areas.

Paragraph 127

The necessary measures should be adopted to review the laws containing punitive measures against women who have undergone illegal abortions.

- Israel, CEDAW, A/52/38/Rev.1 part II (1997) 87 at paras. 157, 160, 161, 165, 166, 174, 176 and 179.

Paragraph 157

It is regretted that women cannot become religious judges and that the religious laws, which govern family relations to a considerable degree, discriminate against women.

Paragraph 160

Concern is expressed over the fact that there is no specific governmental machinery responsible for promoting and coordinating policies for women.

Paragraph 161

Non-Jewish women have worse living conditions than Jewish women. They receive a lower level of education, participate less in the government service and occupy limited decision-making posts.

Paragraph 165

The existing marked disparity between the average earnings of women and men in many sectors and

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that women are also disproportionately represented in part-time employment are matters of concern.

Paragraph 166

Many more women than men work in the informal sector and perform unpaid work, thereby prospectively limiting their access to benefits associated with the formal sector.

Paragraph 174

All necessary measures should be taken to ensure peace with the full participation of all women, Jewish and Christian, Muslim and Druze alike. This is necessary to create an environment where women can enjoy their rights fully and so that equality of opportunities in economic and social development, especially of rural women, can be assured.

Paragraph 176

Measures should be intensified to guarantee the exercise of human rights of non-Jewish women, including those living in the rural areas, particularly in relation to health, education and employment. Special measures should be taken to close the gap between Arab and Jewish schools and to address the higher drop-out rates of Arab and Bedouin girls. Adequate resources should be allocated for school facilities and education opportunities, including scholarships. Further, the participation of Arab women in the civil service and in decision-making posts should be increased.

Paragraph 179

Satellite accounts should be used to evaluate the value of unpaid work and they should be incorporated into the national accounts.

- Luxembourg, CEDAW, A/52/38/Rev.1 part II (1997) 92 at paras. 201, 208, 211, 212, 214, 217, 218, 223 and 224.

Paragraph 201

The fact that a clear definition of the principle of equality between the sexes is not expressly enshrined in the Constitution is of concern. The failure to include an express constitutional provision requires legislative amendment on a case-by-case basis to ensure equality in each sector.

Paragraph 208

Concern is expressed over the existing national provisions concerning the implementation of article 6 of the Convention, in particular the lack of effective measures for the protection and rehabilitation of women prostitutes.

Paragraph 211

The fact that no adequate steps have been taken to ensure that the high number of women foreigners

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in Luxembourg are able to take advantage of the guarantees in the Convention is of concern.

Paragraph 212

The restrictions on women in relation to remarriage after divorce are of concern.

Paragraph 214

Constitutional reforms should include the incorporation of the principle of equality in the text of the Constitution.

Paragraph 217

The gap between women and men in the labour force, particularly in the context of part-time work, should be examined.

Paragraph 218

Concrete measures should be taken to implement fully the conclusions of The Hague Ministerial Declaration.

Paragraph 223

Legislative steps should be taken to remove outdated restrictions on women's right to remarry after divorce.

Paragraph 224

The action plan should include provisions for the better integration of refugee and migrant women into the social and economic life of the State party.

- Antigua and Barbuda, CEDAW, A/52/38/Rev.1 part II (1997) 97 at paras. 255, 263, 268 and 270.

Paragraph 255

The low level of occupational achievement by educated women and male dominance in technical and professional fields, on the one hand, and the concentration of women in the lower-paid service sector, including the tourist industry, on the other, are of concern.

Paragraph 263

The Directorate of Women's Affairs should be elevated to a higher rank and thus upgraded and strengthened.

Paragraph 268

International Labour Organization (ILO) Convention No. 100 concerning Equal Remuneration for

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Men and Women Workers for Work of Equal Value should be considered for ratification and the necessary measures should be taken for its implementation.

Paragraph 270

Culture is a positive vehicle for influencing the advancement of women. Cultural art forms should be used as a vehicle to promote respect for women. The media should be used to promote positive attitudes towards women.

- Argentina, CEDAW, A/52/38/Rev.1 part II (1997) 101 at paras. 300, 302, 303, 306, 308, 313 and 319.

Paragraph 300

The very low number of women occupying managerial posts in the private sector is of concern.

Paragraph 302

Concern is expressed over the fact that there are no regulations governing the labour relations of domestic employees.

Paragraph 303

Concern is expressed over the fact that there are no regulations to penalize sexual harassment in the workplace in the private sector.

Paragraph 306

The Penal Code should be reformed as soon as possible to bring it into line with the provisions of the Convention on the Elimination of all Forms of Discrimination against Women, the Committee's general recommendations and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

Paragraph 308

Efforts should be made to increase the number of women pursuing technical careers and occupying positions considered to be within the male preserve, and to ensure that men share with women the task of caring for the children.

Paragraph 313

Labour relations of domestic employees should be regulated.

Paragraph 319

Legislation that penalizes mothers who have abortions should be reviewed.

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- Italy, CEDAW, A/52/38/Rev.1 part II (1997) 106 at paras. 345, 354 and 363.

Paragraph 345

The feminization of poverty, indicated by data showing that over 60 per cent of families headed by women are under the poverty line, constitutes a serious obstacle to the full implementation of the Convention.

Paragraph 354

While the shift in emphasis from the concept of man as breadwinner that underpinned current welfare reforms is intended to give women autonomy and reduce humiliating financial dependence, it is of concern that the reforms pose real risks for women who were homemakers, and not part of the paid workforce, or whose careers were interrupted by childcare and other responsibilities, and for older women who have little earning capacity.

Paragraph 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 a fair share of the matrimonial assets, including measures which would enable the courts to set aside provisions intended to or having the effect of concealing assets and income and thereby depriving women of their entitlements.

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at paras. 396, 397 and 406.

Paragraph 396

New legislation on industrial relations providing for the negotiation of individual contracts between employer and employee might have a disproportionately negative impact on women. Part-time and casual workers, of whom women form a disproportionate share, are usually in a weaker position than other workers to negotiate favourable working agreements, in particular with regard to benefits. The reservation to the Convention with regard to paid maternity leave, and Australia's non-ratification of ILO Convention No. 103 concerning maternity protection, remain a concern for women workers with family responsibilities.

Paragraph 397

The continuing adverse situation of Aboriginal and Torres Strait Islander women is of concern. Major causes of concern include a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence, including domestic violence, and high unemployment rates. Their situation, as well as that of migrant women, is further

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compromised by an apparent rise in racism and xenophobia.

Paragraph 406

The Government should strengthen its support for women's studies, provide funding for research and teaching, and facilitate international academic exchange and cooperation in that field.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at paras. 433, 438, 443, 447 and 463.

Paragraph 433

The Government's remaining reservations to articles 2 and 16, paragraph 1 (a) are of concern. Article 2 is a fundamental and core provision of the Convention, while article 16 is critical to the full enjoyment by women of their rights.

Paragraph 438

Concern is expressed over the fact that maternal mortality and infant mortality rates remain high and that available primary health and reproductive health services are still inadequate and often inaccessible to poor, rural and marginalized women. Moreover, family planning services still mainly target women, and not enough education on male responsibility in reproduction has been introduced.

Paragraph 443

The absence of special prisons for women, which pose serious threats to the security and protection of women committed to prison, is of serious concern.

Paragraph 447

The reported imposition of *fatwas*, using religious justification to punish women, is of serious concern.

Paragraph 463

The continuance of affirmative action measures such as quota seats for women in Parliament, in local bodies and in the civil service is recommended. This should be accompanied by capability building and skills training to enable women to participate actively in electoral politics as well as in the civil service.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at paras. 56, 58, 60, 65, 67, 68, 74 and 75.

Paragraph 56

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Concern is expressed over the fact that although the Constitution proclaims that men and women have equal rights and freedoms, there is no definition of discrimination in the Constitution or in the laws and no mechanisms to strengthen the prosecution of discriminatory practices against women.

Paragraph 58

Although Azerbaijan is a secular State in which the provisions of the Convention should be relatively easy to implement, there is, as yet, insufficient governmental commitment to eliminating deeply rooted patriarchal attitudes and to avoiding the danger of the resurgence of fundamental tendencies, which impede the full implementation of the Convention, in particular the measures outlined in article 5(a).

Paragraph 60

Discrepancies still exist between *de jure* and *de facto* equality, particularly in the context of the implementation of articles 10 and 11 of the Convention. The great number of highly educated women who are living below the poverty line is noted with concern.

Paragraph 65

The situation of women victims of prostitution and trafficking is a serious concern. The content and the implementation of legislation to address those problems may be discriminatory and might not always respect the rights of victims or produce positive results. For example, forced medical control of prostitutes, where such measures are not implemented with respect for clients, is discriminatory and might be counterproductive.

Paragraph 67

The situation of women in rural areas, in particular with regard to basic health protection and education, as well as social protection, is a concern.

Paragraph 68

While understanding the difficult economic situation and the difficulty of reaching durable solutions to the refugee problem, the precarious material and psychological conditions of women refugees are of concern. Insufficient attention has been paid to refugee women, including through failure to seek the support of relevant international agencies.

Paragraph 74

Legislation relating to the exploitation and trafficking of women should be reviewed so as to eliminate the discriminatory content of such legislation.

Paragraph 75

Refugee and migrant women should be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

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- Croatia, CEDAW, A/53/38/Rev.1 part I (1998) 10 at paras. 102, 103, 106-110, 112 and 113.

Paragraph 102

Concern is expressed at the view expressed in the State party's report that women themselves bear full responsibility for their low level of participation in public life. This suggests that the Government lacks understanding of indirect and structural discrimination and its impact on women.

Paragraph 103

The consistent emphasis placed on women's roles as mothers and caregivers in legislation pertaining to a variety of areas is of concern. While legislative provisions protecting maternity are important, the prioritizing of that aspect of women's lives reinforces traditional and stereotypical role expectations, which tend to limit women's full participation in society. Despite the fact that women are well-educated and participate in the labour force in large numbers, a careful and gender-sensitive analysis of the emphasis on motherhood *vis-à-vis* women's roles in the public sphere is needed on the part of the Government to assure *de facto* gender equality in the society of the future.

Paragraph 106

The Government's view that there is no need to specify gender inequality every time the issue of equality is raised, is of concern. This might contribute to the concealment and perpetuation of, in particular, *de facto* inequality. In order to increase the visibility of gender issues and to promote a gender-sensitive national agenda, it is crucial to incorporate gender in all discussions of equality.

Paragraph 107

Concern is expressed over the adequacy of measures taken to encourage women to come forward with complaints of domestic violence and about the fact that prosecution by public attorneys *ex officio* or upon the complaint of third parties is not incorporated into legislation on domestic violence.

Paragraph 108

The Committee is concerned about evidence of church-related organizations adversely influencing the Government's policies concerning women and thereby impeding full implementation of the Convention.

Paragraph 109

Concern is expressed over the services pertaining to women's reproductive health, which are the first to be affected as a result of the Government's financial constraints. Information regarding the refusal, by some hospitals, to provide abortions on the basis of conscientious objection of doctors is also of concern as this is considered to be an infringement of women's reproductive rights.

Paragraph 110

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The Government should continue to implement specific affirmative actions targeted to numerical goals and quotas, in particular in those areas such as political and decision-making positions in public life where women's *de facto* equality has not been improving at the desired pace.

Paragraph 112

Further measures should be taken to promote recognition of the variety of roles that women play in society. To that end, it is crucial to educate the public with regard to the importance of an equitable distribution between women and men of family roles and "caring responsibilities."

Paragraph 113

The Government should take advantage of existing bodies of knowledge relating to indirect and structural patterns of discrimination. The Government, rather than women themselves, should have primary responsibility for implementing strategies to eliminate these forms of discrimination.

- Zimbabwe, CEDAW, A/53/38/Rev.1 part I (1998) 13 at paras. 141, 145, 149, 151, 157 and 158.

Paragraph 141

That discriminatory traditional practices, such as *lobola*, polygamy and female genital mutilation, are still accepted is of concern. Although the Constitution criminalizes any act of discrimination on the ground of sex and, furthermore, the practice of *lobola* has been made illegal, tradition and customary law still ensure continued discrimination.

Paragraph 145

The low level of women's participation at the decision-making level is of concern.

Paragraph 149

Concern is expressed that women in rural areas often suffer more as a result of prevailing negative attitudes and discriminatory traditional practices. Furthermore, women in rural areas often work longer hours than any other group.

Paragraph 151

The Government should take a more proactive role by introducing concrete measures to abolish all discriminatory customs and practices.

Paragraph 157

The codification of family and customary laws, incorporating only those customary laws and practices that promote gender equality and the empowerment of women, is recommended.

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Paragraph 158

Article 6 of the Convention should be addressed by putting in place socio-economic programmes that will assist women living by prostitution. The Government should systematically document the prevalence of prostitution so as to enable it to develop assistance programmes in this regard.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at paras. 185, 186, 188, 193, 195, 196, 199 and 203.

Paragraph 185

While the Government is eager to improve the living conditions of women, concern is expressed over the structural and cultural causes of gender inequality that are not fully appreciated. Having emerged from the restrictions of a totalitarian state, where full employment of women and institutional caretaking of children has been emphasized, the current policies directed at women and family overemphasize motherhood and family roles for women. The absence of special measures to elevate women's status, save those pertaining to the protection of pregnancy and motherhood, is considered to be a major constraint to the full implementation of the Convention.

Paragraph 186

Concern is expressed over the fact that Czech law does not provide a clear definition of discrimination and/or address *de facto* inequalities between women and men.

Paragraph 188

The inadequate and declining representation of women in decision-making positions in the political and economic spheres and the Government's apparent lack of attention to this phenomenon are concerning.

Paragraph 193

The policy of creating "household management" schools, which, although not formally sex segregated, basically cater to female students and train them for traditional stereotypical roles, promotes gender stereotyping. The same applies with regard to the practice of some schools admitting only boys because of their "different physical abilities." In stressing the importance of encouraging girls and boys to choose non-traditional fields of study in order to eliminate discrimination against women, heightened concern is expressed about such schools.

Paragraph 195

The prevailing wage disparities between women and men and the segregation of women in low-paying and low-skilled work, which has been one of the results of privatization and economic rationalization, are of concern.

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Paragraph 196

The increase in over-protective measures for pregnancy and motherhood, as well as early retirement policies for women, are noted with concern. The cultural glorification of women's family roles could exacerbate the negative impact of economic rationalization policies on women.

Paragraph 199

A definition of discrimination modelled on article 1 of the Convention should be incorporated in the Constitution and other relevant laws.

Paragraph 203

A comprehensive study and analysis of the effects of the economic and socio-political transition of the country on women is recommended. It is necessary to carry out such a study from a gendered perspective to determine the differential impact of the transition on women and men and to determine the differential policies that are required.

See also:

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at para. 85.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at paras. 234, 236, 238, 241, 250-254 and 260.

Paragraph 234

As embodied in the Convention, special, temporary measures or affirmative action means the establishment of programmes that advantage women more than men. They require undermining formal equality for a certain period of time in order to achieve *de facto* equality in the long term. The reference by the representative of the Government of Bulgaria to earlier retirement age for women than men is not regarded as a measure of affirmative action.

Paragraph 236

While the Bulgarian Constitution does contain the principle of equality between women and men, it is of concern that the Constitution does not contain a definition of discrimination modelled on article 1 of the Convention.

Paragraph 238

Concern is expressed over the fact that there are no special laws aimed at bringing about women's *de facto* as well as *de jure* equality and that the Government has not demonstrated a commitment to

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introduce special temporary measures in the near future.

Paragraph 241

Concern is expressed over the large number of highly educated women that are excluded from decision-making processes and hence their skills are not fully harnessed for the development of the country.

Paragraph 250

A definition of discrimination modelled on article 1 of the Convention should be introduced into the Constitution and other relevant laws.

Paragraph 251

Despite the economic difficulties associated with transition, the Government should give priority to the establishment of a strong and effective national machinery with adequate financial and human resources for advancing the position of women. Special attention should be given to where this machinery should be placed within the Government structure to make it as effective as possible.

Paragraph 252

As the Government embarks upon the procedure of setting up an appropriate national machinery for the promotion of women's rights, recourse should be had to the experience of other European governments that have been through the same procedure in the past.

Paragraph 253

An ombudsperson should be appointed in accordance with the current proposal before Parliament. Sufficient resources should be allocated to enable the office to function effectively. The ombudsperson should also be provided with a clear mandate to address gender issues.

Paragraph 254

Temporary special measures should be adopted in all necessary areas, particularly in the areas of employment and political decision-making, to accelerate women's *de facto* equality. Further consideration should be given to the nature and role of affirmative action. Experts could be called upon to provide further information and assistance to the Government in that respect.

Paragraph 260

The Government is urged to facilitate consultations between Bulgarian women's non-governmental organizations and other European women's non-governmental organizations, in order to discuss Bulgarian women's issues and to receive any necessary assistance.

- Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at paras. 284, 286, 289-292, 298-300,

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302, 307 and 310.

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:

- (a) Family and marriage, including polygamy; age for marriage; divorce and the requirement that a wife obtain her husband's consent for a passport;
- (b) Economic rights, including ownership and inheritance of land; access to loans and credits; entitlement to social, health and other benefits in the labour sector and the requirement that a wife obtain her husband's consent for night employment; and
- (c) Health, including the requirement that the wife obtain her husband's consent with regard to sterilization or abortion, even when her life is in danger.

Paragraph 286

The *de jure* eradication of discrimination of areas, including inheritance is noted, but concern remains about how equal the situation actually is in practice and how many women benefit from the application of civil law.

Paragraph 289

The existing social, religious and cultural norms that recognize men as the head of the family and as breadwinners and confine women to the roles of mother and wife, which are reflected in various laws, government policies and guidelines, are of great concern. The steps the Government is proposing to take to modify such attitudes are unclear, which presents a serious obstacle to the advancement of women. Traditional gender stereotypes are also perpetuated in formal education and textbooks have not been revised to eliminate such stereotypes.

Paragraph 290

Concern is expressed over the fact that the full implementation of the Indonesian national plan of action, which represents Indonesia's follow-up to its commitments at the Fourth World Conference on Women, might be impeded by prevailing religious and cultural norms that constitute the backdrop to Indonesia's legal and policy efforts towards women's equality.

Paragraph 291

Women's low rates of participation in education, as well as the high level of illiteracy among women, especially in the rural areas, are of concern. Education is a basic human right and while the State has made some efforts to facilitate the education of poor but gifted children, concern is expressed over

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the access to education of all children, including those from minority groups.

Paragraph 292

Concern is expressed over the information provided which demonstrates that women are still employed in lower-paid and lower-skilled work. Concern is also expressed over the predominant view which appears to be that married women might provide supplemental income for a family, but that there is very little emphasis on the right of women to develop a career of their own.

Paragraph 298

The limited information provided on the problem of HIV/AIDS is of concern. There is no data on the extent of the problem, rates of increase or any sex-disaggregated data. Concern is particularly expressed over the problem of HIV/AIDS being attributed to women in prostitution. Concern is also expressed about programmes designed to “clean the city streets” of prostitutes whenever there is a major international event in Jakarta. Information provided by other sources suggests that women taken off the streets have been subjected to forced vaginal examinations.

Paragraph 299

The extent of unemployment amongst women, particularly those from female-headed households, in the light of the current economic crisis, is of serious concern. The wage disparities between female and male workers, job-segregation in the workforce, with women disproportionately occupying low-skilled and low-paying jobs, as well as women’s unequal access to social security, employment and health benefits are matters of concern.

Paragraph 300

Concern is expressed over the fact that not enough is being done to address the issue of prostitution and trafficking in women as envisaged in article 6 of the Convention. Also of concern is that not enough is being done to assist these women through socio-economic and health programmes. Preventive measures and re-socialization efforts are aimed at prostitutes and do not address the male clients.

Paragraph 302

Appropriate measures should be taken to mitigate the negative impact that the current economic crisis may have on women in Indonesia, particularly in the areas of education, health and employment.

Paragraph 307

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

Paragraph 310

The issues of trafficking in women and prostitution should be addressed and socio-economic and

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health programmes should be established to assist women in this context.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at paras. 332-334, 336, 339, 341, 344 and 350.

Paragraph 332

Concern is expressed over the fact that, 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, as well as single mothers, persist in social security provisions and in land inheritance rights under the agrarian reform law. The continuing absence of the principle of equality from the country's Constitution is noted with concern.

Paragraph 333

The economic consequences of women's poverty are of deep concern. Women's migration to urban areas and to foreign countries render them susceptible to sexual exploitation, including trafficking, sex tourism and prostitution. The lack of job creation for women in growth sectors, including in the tourism industry, contributes to the high percentage of women migrating abroad in search of work. Given the high level of poverty among women, and especially of women-headed households, concern is expressed over the fact that no affirmative action measures are being taken to support women's efforts to break the cycle of poverty.

Paragraph 334

The rigid social codes adhered to in the country and the persistence of *machismo*, which are reflected in areas such as women's low participation in public life and decision-making, in the stereotypical portrayal of women's role in the family, social life and a segregated labour market are of concern. Emphasizing that legal measures alone are not sufficient, the failure of the Government to undertake comprehensive and systematic public awareness and information campaigns to change stereotypical attitudes that are detrimental to women's equality is noted.

Paragraph 336

The absence of efforts by the Government to ensure and enforce compliance with wage, benefits and workers' safety laws, including compliance with International Labour Organization Conventions, is of concern. Women's overall high unemployment rate and the particularly insecure situation of domestic workers and single mothers are also of concern. Further concern is expressed over the fact that women often have higher levels of education than men but are paid less than men for work of equal value.

Paragraph 339

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The Government is urged to provide the Dirección General with the necessary authority and with adequate human and financial resources to implement special programmes for women, to influence all governmental decision making and to ensure that a gender perspective is consistently applied in all Government policies and programmes.

Paragraph 341

The Government is urged to make women a priority in its poverty eradication strategy. Particular emphasis should be placed on the mainstreaming of a gendered perspective in all poverty eradication efforts and measures should be taken to ensure to women the enjoyment of their rights in such efforts.

Paragraph 344

The Government should improve the collection and use of data disaggregated by sex, so that a strong factual basis for the picture of the *de facto* situation of women in all areas covered by the Convention may be maintained and measures targeted more carefully to specific groups. Areas related to women's health, work, employment, wages, benefits, the types and incidence of violence against women and the impact of measures against violence against women should receive particular emphasis. Data should also be disaggregated by age, and by other criteria such as urban/rural.

Paragraph 350

Full attention should be given to the needs of rural women and an active and participatory role for rural women should be ensured in the design, implementation and monitoring of all policies and programmes that are intended to benefit them, including in areas such as access to health and social services, income-generation projects and housing. The establishment of special banks and of improved access to credit for rural women should be considered.

- Mexico, CEDAW, A/53/38/Rev.1 part I (1998) 32 at paras. 391, 414, 416, 422 and 423.

Paragraph 391

The situation of women workers in factories where, according to information received from various sources, Mexican labour legislation, particularly legislation on the reproductive rights of women workers, is being violated is of concern. The Committee also refers to the situation in certain areas where the principle of equal salary for work of equal value is not applied and where women of child-bearing age are subjected to mandatory pregnancy tests as a condition of employment.

Paragraph 414

New legislation should not discriminate against prostitutes, but should punish pimps and procurers.

Paragraph 416

Action should be taken against employers who discriminate against women on grounds of pregnancy.

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The women concerned should be supported, and society sent a clear signal that such discrimination is not to be tolerated.

Paragraph 422

Education programmes on the provisions of the Convention and the rights of women should be introduced for judicial personnel, law enforcement officers, lawyers and others who are responsible for applying the law. Further steps should be taken to increase the numbers of women at all levels of the judiciary and law enforcement agencies.

Paragraph 423

A campaign should be conducted to educate women about the content of the Convention, alerting them to their economic, political, civil and cultural rights.

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at paras. 75, 76, 89, 90 and 93.

Paragraph 75

Concern is expressed over the fact that the definitions of affirmative action and temporary special measures as outlined in the Convention have been misunderstood and misinterpreted by the Government to be protective measures. While legislation and institutional structures are essential to the advancement of women's status, they are not sufficient to address the ongoing preference for men in employment and politics. While it is recognized that the establishment of quotas and other temporary special measures to promote women are often controversial, they have been shown to address effectively structural discrimination against women in politics and employment and to accelerate *de facto* equality of women.

Paragraph 76

The Government should reconsider its position on temporary special measures and should take note of the information and practice developed internationally in structural discrimination. Such discrimination can be eliminated through temporary special measures. Therefore, the provision of such measures is recommended, combined with numerical goals of a minimum of 30 per cent presence of women, as well as timetables to ensure women's increased presence in political parties, as well as in all sectors, segments and at all levels of employment.

Paragraph 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.

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Paragraph 90

The Government should provide options to women who have children and choose to work, including establishment of and access to public day-care facilities. Further funding and support of pre-school child-care centres at both the local and national levels to ensure women the opportunity to work are also recommended.

Paragraph 93

The absence of development programmes for rural women to assist them in obtaining the skills and resources necessary to become competitive in the labour market is of concern.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at paras. 118-120, 130-133, 135 and 136.

Paragraph 118

The adoption of legislation should be completed as a matter of priority, and its effective implementation should be ensured in order that women's *de jure* and *de facto* equality will be guaranteed. A uniform family code in conformity with the Convention should be prepared, in which unequal inheritance rights, land rights and polygamy are addressed, with the aim of abolishing them.

Paragraph 119

Concern is expressed over the fact that the national machinery and the Commission on Gender Equality do not have sufficient financial and human resources.

Paragraph 120

The Government is encouraged to ensure that the national machinery and the Commission on Gender Equality are provided with adequate resources for entrenching gender equality firmly at this formative stage of the country's development as a democratic, multiracial society.

Paragraph 130

Special temporary measures should be used to address the low number of women in the judiciary.

Paragraph 131

The chronic high rate of unemployment for women and the insufficient implementation of article 11 of the Convention are matters of concern. Given the large number of self-employed women and of women domestic/household workers, the level of their protection, including through insurance or social security schemes, raises grave concerns, as does the move towards regulated flexibility in employment legislation.

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Paragraph 132

The Government should focus, as a matter of priority, on creating income-generating activities for women. Existing efforts, including the use of quotas in job-creation schemes, such as the community-based public works programme, should be expanded into areas where the number of unemployed women workers is particularly high.

Paragraph 133

The uneven distribution of health care services in the country is of concern. The insufficient data disaggregated by sex being kept on birth rates and in disease registers as well as the fact the practice of female genital mutilation has not been given any attention are noted with concern.

Paragraph 135

Vulnerable groups of women, especially rural women, require specific measures to empower them to overcome the constraints of poverty, low levels of education and literacy, high unemployment and high fertility rates. The need for rural women's participation in land reform programmes is noted.

Paragraph 136

Special programmes for vulnerable groups of women in rural areas, including education and employment, should be implemented. The national machinery for women is encouraged to work actively on matters of land reform policy and problems of rural women to ensure their active participation in those areas.

- Nigeria, CEDAW, A/53/38/Rev.1 part II (1998) 61 at paras. 153, 154, 157 and 167.

Paragraph 153

The predominance of cultural stereotypes that are prejudicial to women is noted. The continued existence of such practices as polygamy, inhumane rites undergone by widows, female circumcision and similar customs, which present serious dangers to the physical and emotional health of women and violate their fundamental human rights, is disturbing.

Paragraph 154

The coexistence of three legal systems, civil, religious and customary, makes it difficult to adopt and enforce laws which genuinely protect women's rights.

Paragraph 157

Effective measures should be taken to change laws and cultural norms which allow such practices as polygamy, one-sided repudiation, unequal subsistence rights and shares, and prevent women from traveling without the permission of a male relative.

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Paragraph 167

Efforts should be increased through implementation of a specific programme to reduce illiteracy among women, particularly in rural areas, and to promote access by girls to secondary education. The Government should ensure that primary education is free.

- Panama, CEDAW, A/53/38/Rev.1 part II (1998) 64 at paras. 199 and 203.

Paragraph 199

Concern is expressed at the fact that 53 per cent of the female population is illiterate, the majority of these being indigenous women. The persistence of gender stereotypes, which results in a large number of adolescent girls terminating their education at an early age to marry or to undertake domestic work, is also of concern.

Paragraph 203

The discriminatory treatment received by women engaged in prostitution in Panama, especially the statement that a prostitute would find it difficult to seek legal redress in the case of rape since the Code still requires the victim in that situation to be chaste and virtuous in order to be able to institute legal proceedings, is of concern.

- United Republic of Tanzania, CEDAW, A/53/38/Rev.1 part II (1998) 66 at paras. 226, 227, 229-231 and 235.

Paragraph 226

Concern is expressed at the fact that the Constitution does not explicitly define gender discrimination.

Paragraph 227

A definition of discrimination should be incorporated in the Constitution.

Paragraph 229

It is of concern that prevailing customary laws and religious laws, which sometimes supersede the Constitution, are discriminatory towards women. In particular, the Committee notes that several groups in the United Republic of Tanzania are entitled to practise polygamy. That customary laws and religious laws continue to govern private life is pointed out and the critical importance of eliminating discrimination against women in the private sphere is noted.

Paragraph 230

Immediate action should be taken to modify customary laws and religious laws to comply with the

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Constitution and the Convention. Awareness-raising campaigns should be organized for the general public, as well as training courses to sensitize policy makers, the judiciary and law enforcement officers, and assistance should be sought from United Nations agencies in the region for such activities.

Paragraph 231

Although legislation is in place to ensure equality between women and men, it is of concern that women's human rights are often violated. Although some temporary special measures have been introduced to ensure the participation of women in policy-making, the number of women in the Parliament and authorities is still very small. The fact that more women than men are confined to low-paid, insecure jobs with no legal protection is further noted.

Paragraph 235

The disadvantaged situation of rural women, who comprise the majority of the rural population and the majority of workers in rural areas, are of concern. Customary and religious laws are practised and accepted more widely in rural areas and, *inter alia*, often prevent women from inheriting and owning land and property. Food taboos, which are more prevalent in rural areas, are a serious concern as they are not only harmful to the health of women, including mothers, but also impact on the health of future generations

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at paras. 265, 268, 269, 274 and 283.

Paragraph 265

The existing legislative and *de facto* framework for women in the formal labour market, including pay equity, employment contracts and women's family responsibilities, constitutes a serious impediment to the full implementation of the Convention.

Paragraph 268

Noting that there is an increase of women in part-time or casual work and an insufficient number of full-time jobs for women, concern is expressed that the impact on women of economic restructuring in the country continues to be insufficiently addressed by the Government. Legislation that emphasizes individual employment contracts rather than collective agreements constitutes a major disadvantage for women in the labour market due to their dual responsibilities to work and family.

Paragraph 269

The impact of existing free-market legislation on women's ability to compete on an equal basis with men in the labour market and the benefits that women derived from the favourable economic situation of recent years should be assessed. The Government should recognize maternity as a social function

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which must not constitute a structural disadvantage for women with regard to their employment rights.

Paragraph 274

Further efforts should be undertaken, including through legislation and innovative policies, to reduce the gender pay gap. The impact of the Privacy Act on women's ability to seek redress in court for discriminatory unequal pay should be examined. The Government should consider developing an "equal pay for work of comparable value" strategy, and reinstate respective legislation measures.

Paragraph 283

The Government should consider introducing a broad range of measures, including targets and flexible numerical goals. The advantages and disadvantages of the current electoral system, namely, the Mixed Member Proportional Representation System, on the percentage of women in Parliament should be assessed and, if necessary, amendments introduced to increase the number of women in Parliament.

- Peru, CEDAW, A/53/38/Rev.1 part II (1998) 72 at paras. 331 and 333-335.

Paragraph 331

Concern is expressed about the fact that illiteracy rates among women are very high. The importance of focussing on educating women is stressed so that they can exercise their rights as citizens.

Paragraph 333

The situation of women in the employment area is of concern. Attention is drawn to the need for programmes and projects designed to increase the access of the working female population in the labour force and to increase the number of women in all occupational categories, since they are currently concentrated mainly in commerce, services and jobs where the pay is extremely low. Many women are underpaid and they are paid less than men for work of equal value.

Paragraph 334

Greater efforts should be made to achieve the principles of equal pay and equal pay for work of equal value, to educate women so as to enable them to enter the labour force, to provide training and re-training programmes so as to encourage women to gain access to non-traditional jobs, to guarantee their right to social security and thus to ensure that women are able to be active participants in the development of the country.

Paragraph 335

The high percentage of women heads of household in Peru and the need for systematic programmes to meet the needs of such women are noted with concern.

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- Republic of Korea, CEDAW, A/53/38/Rev.1 part II (1998) 76 at paras. 378 and 379.

Paragraph 378

Concern is expressed about: (a) Sexual harassment in the workplace; (b) Insufficient social protection of female workers in the private sector; (c) Occupational segregation, including concentration in traditional female occupations; (d) Lack of employment opportunities for highly qualified women, as well as the wage differential between women and men; (e) Insufficient support to women entrepreneurs, particularly in non-traditional areas; (f) The situation of women in agriculture, especially of elderly women and in rural areas; and (g) Early lay-off and an increase in the number of part-time women workers.

Paragraph 379

The Committee recommends: (a) Provision of statistical data on the growing number of part-time workers in social protection schemes; (b) Implementation of the principle of equal pay for work of equal value and recognition of women's unpaid work; (c) Provision of equal social protection for women in both the public and private sectors including extension of paid maternity leave to the private sector to bridge the gap between the working conditions in these sectors; (d) Ratification of International Labour Organization conventions, especially Conventions 110 and 111; (e) Elimination of gender-restrictive recruitment and advertisements; and (f) Awareness-raising campaigns and training programmes to encourage the reporting and elimination of sexual harassment in the workplace.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at paras. 71, 72, 74-76, 81-83 and 91.

Paragraph 71

The State party's constant citing of religious principles and cultural specificities to justify why the status of women has not kept up with the overall advances of society is a concern.

Paragraph 72

The State party should take measures to ensure that religious and cultural patterns do not inhibit the development of women's position in Algerian society.

Paragraph 74

The Government, non-governmental organizations, intellectuals and the mass media should encourage enlightened attitudes and accelerate women's emancipation through publicity and public awareness campaigns.

Paragraph 75

The persistence of cultural stereotypes and patriarchal values as well as polygamy, which violate

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women's rights, is a concern.

Paragraph 76

The development and implementation of a legal literacy strategy and training for all levels of society in order to address discriminatory cultural norms and attitudes is recommended.

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 83

The fact that mothers cannot transmit their nationality to their children in the same way that fathers can is a concern. Citizenship is a fundamental right which men and women must be able to enjoy equally.

Paragraph 91

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, is a serious concern.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at paras. 111-114, 117, 120, 121, 127, 132, 134 and 136.

Paragraph 111

The prevailing conditions of poverty and unemployment as well as the negative effects of rapid social and political change on women are major impediments to the implementation of the Convention.

Paragraph 112

The persistence of a strong patriarchal culture, which emphasizes traditional roles of women and men, is also seen as a hindrance to the implementation of the Convention.

Paragraph 113

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There is a lack of understanding of discrimination against women as a multi-faceted phenomenon that entails indirect and unintentional as well as direct and intentional discrimination. This understanding is a *sine qua non* of comprehensive analyses and for policy analysis for the effective elimination of both *de jure* and *de facto* discrimination against women.

Paragraph 114

The principle of equality guaranteed by law should also refer to non-discrimination on the grounds of sex. The introduction of a procedure for enforcing rights through effective judicial and other means is recommended. Policies, including educational, mass media and awareness-raising campaigns should also be introduced and efforts should be directed at countering both intentional and unintentional discrimination.

Paragraph 117

All national programmes to promote the advancement of women should include mechanisms for the assessment of the outcomes of their implementation, the evaluation of their effectiveness and the extent of their outreach.

Paragraph 120

The prevalence of patriarchal culture and the continuing emphasis on the traditional roles of women exclusively as mothers and wives are of concern.

Paragraph 121

The Government should introduce a range of measures, including comprehensive public education and mass media campaigns, to eliminate traditional stereotypes of the roles of men and women.

Paragraph 127

Concern is expressed over the fact that lesbianism is classified as a sexual offence in the Penal Code.

Paragraph 132

The gender dimension of poverty should be considered in the design and implementation of all policies and programmes aimed at the elimination of poverty.

Paragraph 134

Comprehensive measures aimed at the improvement of women's economic status, particularly through a review of the taxation legislation relating to small businesses and the expansion of micro-credit programmes involving commercial and agricultural banks, should be introduced in order to ensure gainful and secure employment for women.

Paragraph 136

The situation of women's health, in particular the increase in the incidence of maternal mortality and

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morbidity, as well as the high rates of infant mortality and the use of abortion as a method of contraception are of concern.

See also:

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at para. 249.
- Liechtenstein, CEDAW, A/54/38/Rev.1 part I (1999) 18 at paras. 158, 159, 163 and 165.

Paragraph 158

It is of concern that patriarchal patterns of behaviour persist and thereby compromise *de jure* equality between women and men.

Paragraph 159

The persistence of *de facto* inequality between women and men, which is particularly reflected in the low participation of women in public life and decision-making, in the economy and in their under-representation in tertiary education, is a concern.

Paragraph 163

The Government should avail itself of the existing body of research and practice on equal pay for work of equal and comparable value in order to overcome pay inequity. The Government should also review the existing system of social security, particularly with regard to marginal part-time work and the law on parental leave, with a view to ensuring that the system, including in its effects, does not discriminate against women.

Paragraph 165

Temporary special measures should be implemented in order to accelerate the advancement of women in all areas.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at paras. 199, 204 and 206.

Paragraph 199

As there has been an apparent decrease in the percentage of women in elected office, gender-sensitive legislative and policy measures should be adopted.

Paragraph 204

The Government should assess, in a comprehensive manner, the changing realities of women's work and develop policies that aim at structural and long-term improvements in the employment situation

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of women. Particular attention should be paid to supporting women who work without pay in family enterprises and on family farms. The Government should also address the issue of women migrant workers.

Paragraph 206

Governmental health policies, research and resources should be adjusted so as to respond adequately to the rights of women and men to a high standard of health care and to the gender factors associated with health.

- Thailand, CEDAW, A/54/38/Rev.1 part I (1999) 24 at paras. 228, 232, 240 and 246.

Paragraph 228

The fact that traditional attitudes that foster discrimination against women and girls continue to prevail and to hinder the full implementation of the Convention is a concern.

Paragraph 232

The introduction of specific anti-discrimination legislation in compliance with article 1 of the Convention is recommended.

Paragraph 240

Legislation and other measures should be introduced to protect effectively the rights of hill-tribe women and girls.

Paragraph 246

The Government is encouraged to give full attention to the needs of rural women and to ensure that they benefit from policies and programmes in all areas, in particular access to decision-making, health, education and social services.

See also:

- Guyana, CEDAW, A/56/38 part II (2001) 60 at para. 175.
- China, CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 280-284, 298, 301, and 303.

Paragraph 280

That the Government's approach to the implementation of the Convention has an apparent focus on the protection of women rather than on their empowerment is a concern.

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Paragraph 281

The Government should re-examine its approach to realizing gender equality, with an emphasis on the human rights framework of the Convention and the empowerment of women. The Government should encourage a country-wide social dialogue that advocates equality between women and men, and a comprehensive public campaign aimed at changing traditional attitudes.

Paragraph 282

The Government should examine and enhance the structure, authority and resources of the national machinery for the advancement of women.

Paragraph 283

That the Women's Law does not contain a definition of discrimination against women is a concern. It is also of concern that the Women's Law does not provide for effective remedies in cases of violation of the law.

Paragraph 284

Legislation should be adopted that expressly prohibits gender discrimination, including unintentional and indirect discrimination. It is also recommended that the Government improve the availability of means of redress, including legal remedies, under the Women's Law. Legal aid should be provided to women who suffer discrimination in its various forms to assist them in the realization of their rights. All these measures should be widely publicized so that adequate enforcement of the law can be ensured. Further, the Government should adopt measures and allocate resources at both the central and provincial levels to monitor implementation of the various laws on gender equality.

Paragraph 298

The Government is urged to analyse, from a gender perspective, the effects of its economic policies and to take steps to mitigate and counteract their negative effects on women. In addition to enforcing existing labour laws, the Government is invited to increase women's means of redress against discrimination and inequality at work, including by promoting the recognition of women's right to participate in workers' organizations and their right to strike.

Paragraph 301

The State party should explicitly address the linkages between economic security in old age and its family planning policies. It should take all appropriate measures to modify and eliminate son preference, *inter alia*, by expanding educational and employment opportunities for women in rural areas. The Government should enforce laws against sex-selective abortion, female infanticide and abandonment of children and remove all legal disabilities from "out-of-plan" and unregistered children.

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Paragraph 303

All government policy and planning for rural areas, including micro-credit, small-enterprise development and other income-generating projects, should be developed with the full and active participation of rural women. Urgent attention should be given to addressing women's suicide rates through measures such as the provision of mental health services and a better understanding of the causes of these suicides. Women's studies centres could be encouraged to undertake the necessary research. The Government is urged to ensure that women have equal enjoyment of land rights independent of their marital status.

- China (Hong Kong), CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 315, 316 and 330.

Paragraph 315

That the Basic Law does not contain a prohibition of discrimination against women is a concern.

Paragraph 316

A constitutional definition of discrimination, both direct and indirect, should be adopted to complement the prohibition of discrimination in civil law under the Sex Discrimination Ordinance.

Paragraph 330

Temporary special measures aimed at increasing *de facto* equality between women and men should be adopted to increase the number of women in non-traditional areas of education, especially in science, technology and engineering, and to promote women from junior and auxiliary positions in teaching and academia to senior positions. The Government is urged to address the perpetuation of gender stereotypes and to allocate adequate resources for gender studies programmes.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at paras. 382, 390, 398 and 399.

Paragraph 382

A systematic effort should be made to educate the population on gender issues by all possible methods and in all sectors. Programmes should be developed with the aim of raising the awareness of media personnel with respect to equality of men and women, with a view to eradicating sexist stereotypes in all media.

Paragraph 390

Steps should be taken to ensure compliance with the law and that those who engage in such discriminatory practices are punished. Women must be made aware of their rights through wider dissemination of legislation providing protection for them as workers.

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Paragraph 398

Existing programmes should be expanded with a view to improving the status of rural women, particularly among displaced populations, and attention should be focused, as a matter of priority, on rural women with a view to improving their health, education and quality-of-life indicators.

Paragraph 399

Those involved in planning and programme implementation should receive gender-sensitive training. Micro-credit programmes should be introduced to improve the economic situation of women, as well as programmes to improve the enjoyment by rural women and displaced women of their human rights to health and education.

- Belize, CEDAW, A/54/38/Rev.1 part II (1999) 49 at para. 51.

The Government is urged to ensure that the Convention's definition of discrimination is fully incorporated into Belize's legislation, and in particular to ensure that women have effective remedies against indirect discrimination and discrimination by non-State actors.

- Georgia, CEDAW, A/54/38/Rev.1 part II (1999) 53 at paras. 95 and 106.

Paragraph 95

The principle of the equality of women and men should be incorporated into the Constitution. Education and awareness-raising campaigns should be initiated utilizing the large number of women in mass media and education. Efforts should be made to obtain a clear understanding of indirect discrimination so as to accelerate its elimination and to put in place new legislation addressing the issue of indirect discrimination. The training of lawmakers and the judiciary, health professionals and the mass media in this respect is also recommended.

Paragraph 106

Comprehensive measures aimed at the improvement of women's economic status should be implemented through training and retraining, as well as the introduction of quotas for women in the governmental job creation schemes. Programmes to encourage women to participate in modern sectors of the national economy, as well as in entrepreneurship are also recommended.

- Nepal, CEDAW, A/54/38/Rev.1 part II (1999) 57 at paras. 153 and 154.

Paragraph 153

It is of concern that traditional customs and practices detrimental to women and girls, such as child

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marriage, dowry, polygamy, *deuki* (a tradition of dedicating girls to a god or goddess, who become “temple prostitutes,” which persists, despite the prohibition of the practice by the Children’s Act) *badi* (the ethnic practice of forcing young girls to become prostitutes) and discriminatory practices that derive from the caste system, are still prevalent.

Paragraph 154

An extensive public awareness campaign should be implemented in order to increase the understanding of gender issues and human rights of women amongst the people of Nepal.

- Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 60 at paras. 181, 182, 184 and 192.

Paragraph 181

It is of concern that almost no women over the age of 50 years are in paid employment. It is also a concern that women hold the majority of part-time jobs and earn less than men, and that little progress is being made in assessing and valuing work of comparable value.

Paragraph 182

The Government is urged to ensure that legislation and policies create the structural and systemic framework that will lead to women’s long-term participation in the labour force on a basis of equality with men. In particular, further measures should be taken to reduce the pay gap in women’s earnings, taking into account developments that have refined the concepts of equal pay for work of comparable value, and to assess the impact of cultural stereotypes and women’s reproductive responsibilities on the continuing pay gap.

Paragraph 184

The Government is urged to monitor and review its work and family life policies and legislation so as to ensure that they create incentives and opportunities for women and men to share equally paid work outside the home and unpaid family work. It is recommended that such regulations and policies be accompanied by awareness-raising and educational efforts aimed at changing attitudes concerning women’s traditional roles and responsibilities for child and family care. It is also recommended that parental leave regulations be assessed with a view to providing for paid parental leave so as to create an incentive for men to take advantage of their legal entitlements.

Paragraph 192

The Government is encouraged to ensure that the Convention on the Elimination of All Forms of Discrimination against Women is included in the terms of reference of the Human Rights Commission, and that the Commission is made up of a balanced number of women and men.

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- Chile, CEDAW, A/54/38/Rev.1 part II (1999) 64 at para. 225.

The Government is urged to strengthen actions undertaken through comprehensive strategies, including temporary special measures intended to encourage greater participation of women in public life, particularly in political decision making, and to promote changes in attitudes and perceptions both of women and of men, with regard to their respective roles in the home, the family, the workplace and society as a whole. In particular, it is recommended that the Government strengthen and intensify actions aimed at raising awareness of the importance of the multiple roles, activities and contributions of women in the community and family, and in general to promote equality of rights and opportunities between women and men.

- United Kingdom of Great Britain and Northern Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 71 at paras. 297, 302 and 308.

Paragraph 297

The Government is urged to ensure that there is a unified national strategy and policy for the implementation of all provisions of the Convention so that all women in the entire territory of the State party can benefit equally as a result of the Government's obligations under the Convention and its stated commitment to the goal of *de jure* and *de facto* equality for women. The Government is urged to extend the legislative provisions for mainstreaming equality for women in Northern Ireland to the rest of the United Kingdom. The Government is also called upon to monitor the implementation of the Convention carefully and, in particular, the practical arrangements that are being put in place on equality issues.

Paragraph 302

Specific strategies should be adopted to encourage women to seek public office and governmental appointments, including mentoring, networking and review of merit qualifications to reflect a broader range of experiences and skills.

Paragraph 308

The new employment policies should be used to address the pay gap between women's and men's earnings, taking into account developments that have refined the concepts of equal pay for equal work and for work of comparable value. The Government should also assess the impact of cultural stereotypes and women's reproductive responsibilities on the continuing pay gap. In this regard, the Government is invited to pursue its efforts towards providing men more opportunities to take on roles traditionally assumed by women and to continue to review and rationalize maternal and parental leave

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and benefits.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 45-52, 54-57, 60, 61, 64-67, 73-75 and 78-82.

Paragraph 45

India has guaranteed in its Constitution fundamental human rights that can be enforced by an application to the Supreme Court. In particular the recognition of a fundamental right to gender equality and non-discrimination and a specific enabling provision on affirmative action in the Constitution is commended.

Paragraph 46

The contribution made by the Supreme Court of India in developing the concept of social action litigation and a jurisprudence integrating the Convention into domestic law by interpreting Constitutional provisions on gender equality and non-discrimination is appreciated.

Paragraph 47

The introduction of a range of policies and programmes by the Governments of India over the years, which have contributed to some extent to improving the quality of social indicators for women in various States of the Union, is commended. The proposal to formulate a new gender empowerment policy and the directives sent from the Prime Minister's office to mainstream gender issues and a rights approach to development at the national level is welcomed.

Paragraph 48

The Government of India is commended for establishing the National Commission for Women and state commissions for women with responsibility for developing action plans on gender and proposals for law reform.

Paragraph 49

The Government is commended for introducing affirmative action measures that have enabled 33 per cent of seats in local government bodies to be reserved for women. The proposed bill to reserve 33 per cent seats in state and national assemblies for women, and the assurance that 30 to 40 per cent coverage will be provided for women in programmes that give access to credit, are welcomed.

Paragraph 50

The introduction of legislation banning sex-selective abortions is commended. The amendments to the law on nationality, which confer equal rights on men and women, are welcomed.

Paragraph 51

India has a very large and mainly rural population living in absolute poverty, and the feminization of poverty and growing income disparities prevent the benefits of economic development being

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transferred to women.

Paragraph 52

Widespread poverty, social practices such as the caste system and son preference, as reflected in a high incidence of violence against women, significant gender disparities and an adverse sex ratio, present major obstacles to the implementation of the Convention.

Paragraph 54

The Convention and the Beijing Platform for Action have not been integrated into policy planning and programmes. While there have been several national plans in the pre and post-Beijing period, these plans adopt a welfare approach towards women.

Paragraph 55

The proposed gender empowerment policy should integrate the Convention and the Beijing Platform for Action and a rights-based approach.

Paragraph 56

Inadequate allocation of resources for women's development in the social sector and inadequate implementation of laws are serious impediments to the realization of women's human rights in India.

Paragraph 57

The allocation of sufficient and targeted resources for women's development in the social sector and full implementation of relevant laws are urged.

Paragraph 60

Steps have not been taken to reform the personal laws of different religious and ethnic groups, in consultation with them, so as to conform with the Convention. The Government's policy of non-intervention perpetuates sexual stereotypes, son preference and discrimination against women.

Paragraph 61

The Government is urged to withdraw its declaration to article 16 (1) of the Convention and to work with and support women's groups as members of the community in reviewing and reforming personal laws of different religious and ethnic groups. The Government should follow the directive principles in the Constitution and Supreme Court decisions and enact a uniform civil code which different ethnic and religious groups may adopt.

Paragraph 64

The fundamental right to education under the Constitution and recognized by the Supreme Court has not been realized by providing girls with access to primary and secondary education. Budgetary allocation for education is still far below India's commitment with regard to the Beijing Platform for Action.

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Paragraph 65

The Government is urged to take affirmative action, set a time-frame and provide adequate resources for primary and secondary education so as to give girls equal access to education and eradicate adult illiteracy among women. The Government should make primary and secondary education compulsory by introducing and enforcing relevant regulations.

Paragraph 66

That the fundamental rights recognized in the Constitution can be enforced only against state actors and in the event of inaction on the part of the state, is of concern. The private sector, where a great number of women are employed, which is expanding in a period of transition to market economic policies, is not covered by Constitutional standards.

Paragraph 67

The introduction of a sex discrimination act to make the standards of the Convention and the Constitution applicable to non-state action and inaction is recommended.

Paragraph 73

In addition to programmes already undertaken, the introduction of gender sensitization and human rights programmes for the police, the security forces and medical professionals is recommended.

Paragraph 74

The continuing discrimination, including violence, suffered by women of the Dalit community, despite the passage of the Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act of 1989, is of concern.

Paragraph 75

The Government is urged to enforce laws preventing discrimination against Dalit women and prohibiting the *devadasi* system, and to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Government is called upon to set a time-frame for those interventions.

Paragraph 78

The adverse sex ratio and the incidence of sex-selective abortions despite the law banning that practice are noted. Family planning is only targeted at women.

Paragraph 79

A holistic approach to women's health throughout the life cycle should be adopted in the country's health programme. The Government is urged to allocate resources from a "women's right to health" perspective, following the guidelines of the Committee's general recommendation 24. The Government is called upon to elicit the support of medical associations in enforcing professional

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ethics and preventing sex-selective abortions. The Government should also obtain the support of the medical profession in creating awareness of the urgent need to eliminate practices associated with son preference.

Paragraph 80

The low participation of qualified women in the administration and the judiciary, including family courts and *lok adalats* or conciliation tribunals, is of concern.

Paragraph 81

The Government is urged to take affirmative action to increase women's participation in the judiciary and *lok adalats*.

Paragraph 82

Significant disparities in economic activity rates for men and women are of concern. The practice of debt bondage and the denial of inheritance rights in land result in gross exploitation of women's labour and their impoverishment.

- Myanmar, CEDAW, A/55/38 part I (2000) 12 at paras. 106, 125, 126, 132 and 133.

Paragraph 106

That in Myanmar women have the same rights as men to acquire, administer and dispose of property and that a wife has the right to transfer half of the marital property into her name upon divorce, is noted with satisfaction.

Paragraph 125

The restricted admission of women to certain courses in higher education contravenes article 10 (b) and (c) of the Convention.

Paragraph 126

The Government is urged to modify the policies on restricted admission, as the women themselves should be entitled to decide which subjects they wish to study and professions they wish to pursue.

Paragraph 132

In rebuilding its economic and political structures, the Government should ensure the full and equal participation of women in an open and pluralistic society.

Paragraph 133

It is hoped that the new Constitution currently being drafted will guarantee gender equality, include a definition of "sex discrimination" and incorporate the Convention in domestic law.

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- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 156, 160, 164, 167-175 and 182-189.

Paragraph 156

Appreciation is expressed over the fact that the National Charter, which is not a legally binding document, expressly affirms the constitutional equality of women and men, who together contribute to the development and modernization of Jordanian society.

Paragraph 160

The increasing trend in women's participation in the labour force, which contributes to women's empowerment and strengthens their participation in public life in general, is noted with satisfaction.

Paragraph 164

The Government is commended on the preparation of a national strategy for women and of a national programme of action for the implementation of the Beijing Declaration and the Platform for Action. The fact that these were prepared in a collaborative effort, involving various government bodies, the national machinery and NGOs, is noted with satisfaction. The inclusion of a gender perspective in the economic and social development plan for 1999-2003 by including women's issues in all of the sectors covered by the plan, is also welcomed.

Paragraph 167

The Government is urged to review, or enact laws that will make cultural practices that discriminate against women illegal. It is also urged to increase awareness-raising programmes, as well as change stereotypical attitudes and perceptions about the roles and responsibilities of women and men.

Paragraph 168

It is of concern that the Jordanian Constitution does not contain a specific provision stating that there shall be no discrimination either *de jure* or *de facto* on the ground of sex.

Paragraph 169

The State party should encourage a constitutional amendment to incorporate equality on the basis of sex in article 6 of the Constitution and to reflect fully article 1 of the Convention in the Constitution.

Paragraph 170

Concern is expressed that although the Convention acquired the force of law within the country upon ratification it has still not been published in the Official Gazette, which is a prerequisite to it becoming legally binding.

Paragraph 171

The Government is urged to publish the Convention in the Official Gazette without delay, and to initiate necessary legislative action to make the Convention enforceable in courts. The Government is further called upon to undertake a review of all existing legislation to bring it fully into compliance with the amended Constitution and the Convention.

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Paragraph 172

It is of concern that Jordanian nationality law prevents a Jordanian woman from passing on her nationality to her children if her husband is not Jordanian. This is an anachronistic situation at a time when Jordan is making major strides in its economic and democratic development and when marriage between persons of different nationalities is increasingly common. That Jordanian law prohibits women from concluding contracts in their own name, from travelling alone and from choosing their place of residence, is also noted with concern. These limitations on the rights of women are inconsistent with the legal status of women under the Jordanian Constitution and the Convention.

Paragraph 173

The State party is called upon to revoke these laws and to withdraw its reservations to articles 9.2 and 15.4 of the Convention.

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 recognize 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.

Paragraph 182

The very low representation of women in elected and appointed office is of concern. In particular, concern is expressed over the fact that there are no women in Parliament and few women are office holders in rural and municipal councils. That women hold a small percentage of ministerial positions is also a matter of concern.

Paragraph 183

The Government is urged to work with political parties, unions and other stakeholders to increase the number of women elected and appointed to political office and decision-making positions. In particular, the Government is encouraged to take temporary special measures, including the introduction of quotas, to remedy the low representation of women in the political sphere.

Paragraph 184

The fact that women make up only 13.6 per cent of the paid labour force, a situation that appears to be largely due to social constraints rather than discriminatory legislation, is of concern. Restrictive employment legislation in the area of night work and regulations on jobs banned to women reinforce women's difficulties in obtaining paid employment. Although Jordan has ratified ILO Convention No.

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100 on equal pay for work of equal value, concern is expressed that there continues to be a wage gap to women's disadvantage. The difference in entitlement to maternity leave in the public and private sectors is also a matter of concern.

Paragraph 185

Legislation and policy in the employment sector should be reviewed to facilitate full implementation of article 11 of the Convention. The Government is also called upon to review ILO recommendations concerning maternity leave, to adapt its national situation to these recommendations and to consider coverage of such leave through social insurance schemes in order to prevent private employers from discriminating against women in recruitment.

Paragraph 186

Concern is expressed over the lack of decision-making and enforcement power of the National Commission for Women.

Paragraph 187

The Government should consider strengthening the National Commission for Women by placing its existence on a legislative basis, by strengthening its decision-making and enforcement powers and by providing adequate human and financial resources. This mechanism should be given the mandate to receive complaints about discrimination.

Paragraph 188

Notwithstanding rural women's important role in Jordan and the Government's efforts at providing education and extension services, these women continue to be marginalized in agriculture.

Paragraph 189

The Government is called upon to ensure that special measures are in place to support the full integration of rural women in national development.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 207, 209-212, 214-216, 221, 222, 225, 226, 230 and 231.

Paragraph 207

It is noted with satisfaction that the Government has set up a ministry to deal with matters concerning equality between men and women. The establishment of the National Women's Council, which is responsible for ensuring that a gender-specific approach is integrated into development programmes, and in particular its plan of action, which incorporates the Beijing and Cairo Programmes of Action, is welcomed.

Paragraph 209

One of the main obstacles to the full implementation of the Convention is the current war. The State

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party has been facing economic, social and political problems related to the war, which have had a negative impact on the whole population, particularly on girls and women, who are often victims of rape and gender-based violence. The situation is also being aggravated by growing inflation, which has eroded the quality of life of millions of women who do not have enough resources to survive.

Paragraph 211

It is noted with concern that the Family Code, the Penal Code and the Labour Code still contain discriminatory provisions.

Paragraph 212

It is recommended that the Government give the highest priority to the adoption of legislation to protect the *de jure* and *de facto* equality of women, and to the enforcement of this legislation.

Paragraph 214

The Government is encouraged to find the necessary resources to entrench the principle of gender equality, particularly ensuring the equal participation of women and men at all levels of decision-making.

Paragraph 215

Concern is expressed at the persistence of traditional customs and practices, which are in violation of women's fundamental rights, such as dowry, the levirate, polygamy, forced marriage and female genital mutilation.

Paragraph 216

Legislation should be enacted to prohibit such traditional practices. The Government should work with NGOs and the media to change attitudes through information and awareness-raising campaigns, the teaching of the Convention in schools and the translation of the Convention into local languages so as to accelerate women's enjoyment of their human rights.

Paragraph 221

The under-representation of women in political life and in the governing bodies of the State party, including those of the judicial system, is of concern. The importance of a social and political environment conducive to improving the situation of women in all sectors of public life and in private life is stressed.

Paragraph 222

The adoption of temporary special measures with specific objectives, in accordance with article 4, paragraph 1 of the Convention, is recommended.

Paragraph 225

Concern is expressed about *de jure* and *de facto* discrimination against women with regard to the right to work, particularly the requirement of the husband's authorization of a wife's paid

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employment and reduction of pay during maternity leave.

Paragraph 226

The Government is urged to amend discriminatory laws in the sphere of employment in accordance with article 11 of the Convention.

Paragraph 230

The situation of rural women, who constitute the majority of the population, is of concern. In addition, customs and beliefs are most broadly accepted and followed in rural areas, preventing women from inheriting or gaining ownership of land and property.

Paragraph 231

The Government is urged to pay the greatest attention to the needs of rural women and to ensure that they benefit from the policies and programmes adopted in all spheres, including recognition of their status as agricultural employees who should benefit from the rights accorded by labour law. Rural women's equal participation in decision-making, and access to health services and credit should be ensured. More studies should be undertaken on the situation of rural women and more statistical data should be collected to provide guidelines for policies in this sphere.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at paras. 256, 260, 263, 265-269, 272, 273 and 277-282.

Paragraph 256

The Government is commended for having adopted new legal and institutional measures to implement the Convention and fulfil its commitments *vis-à-vis* the international community. It is noted with satisfaction that the Individual and Family Code restores to women their fundamental rights and establishes the principles of equal consent to marriage choice of residence of the spouses during the marriage and the right to succession for the surviving spouse. The Code also regulates the marriageable age and establishes monogamy as the legal form of marital union.

Paragraph 260

The establishment of the Ministry for the Advancement of Women, which demonstrates the Government's interest in the development of women's rights, is welcomed. It is also noted with satisfaction that the Ministry for the Advancement of Women has designated a focal point in all the ministries involved in the follow-up of national policies and programmes to benefit women in order to incorporate a gender-specific approach at the level of analysis and to evaluate the results achieved.

Paragraph 263

Economic difficulties, resulting mainly from the scarcity of State resources and the discriminatory customary and traditional practices, which are still a heavy burden for the women of Burkina Faso, exacerbate the very high illiteracy rate in Burkina Faso and therefore hinder the implementation of

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the Convention.

Paragraph 265

The prevalence of discriminatory traditions and customs which accentuate stereotypes and resist all change is of concern. These social practices, attitudes and beliefs derive from an overwhelmingly rural population with low levels of literacy and are contributing to the delay in the advancement of women.

Paragraph 266

The Government is urged to adopt all appropriate measures and policies to develop the sociocultural climate to the benefit of women. The Ministry for the Advancement of Women is called upon, with the cooperation of NGOs, intellectuals, religious leaders and the media, to encourage a change in people's way of thinking and accelerate the process of the emancipation of women through law reform, information, education and communications activities, particularly in rural areas, so that a change takes place in women's view of themselves and society as a whole recognizes that the participation of women is necessary for the development of Burkina Faso.

Paragraph 267

Serious concern is expressed over the female illiteracy rate, particularly in rural areas, which is one of the highest in the world.

Paragraph 268

It is recommended that the Government accord priority to the education of girls and women, including through seeking international assistance, to ensure and promote universal enrolment of girls and preclude drop-out. The government is called upon to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks no longer carry negative images of women.

Paragraph 269

In addition to formal education, the Government should focus its efforts on informal education and the campaign against illiteracy through programmes targeted at girls and women. The Government is urged to take into account the importance of civic education for women and the family and the teaching of human rights throughout the school curriculum.

Paragraph 272

Concern is expressed at the low level of representation of women, particularly in elective bodies.

Paragraph 273

The State party should implement temporary special measures set forth in article 4 (1) of the Convention and should use a quota system in order to achieve a substantial improvement in the number of women in Parliament and increase their participation in political life and decision-making.

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Paragraph 277

Despite the law on agrarian and land reform, which establishes equality between men and women with regard to land, prejudices and customary rights are once again hindering the implementation of this law.

Paragraph 278

The State party should encourage the services concerned to take into account the rights of women to property and to provide them with the necessary credit.

Paragraph 279

It is of concern that although the laws prohibit all discrimination against women at the level of employment, men and women are segregated and differentiated at the time of recruitment and in the allocation of responsibilities, as well as in levels of remuneration.

Paragraph 280

The State party should ensure strict respect for labour laws and take measures to eliminate discrimination in employment, in both the public and private sectors.

Paragraph 281

It is noted that measures have been taken in the Individual and Family Code to place restrictions on the practice of polygamy. However, the fact that the great majority of women are unaware of these rules remains a concern.

Paragraph 282

The Government should work towards the elimination of the practice of polygamy. The Government should ensure enforcement of the Individual and Family Code and protect the rights of women. The Government should embark on a comprehensive public effort, in cooperation with NGOs, directed at both women and men, to change existing attitudes regarding polygamy and particularly to educate women on their rights and how to avail themselves of these rights. Measures should also be taken to protect the human rights of women who are already in polygamous unions.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 297-299, 301, 306-312, 314-318, 325-326, and 328.

Paragraph 297

The Government is commended on its commitment to achieving equal rights and equal opportunities for women, reflected in the progress made in the implementation of the Convention since the consideration of the initial report in 1990. The steps taken by the Government following Germany's reunification to support the many adjustments required from the people, especially the women, of the former German Democratic Republic in the transition to an economic and social system based on parliamentary democracy, federalism and the social market economy, are welcomed.

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Paragraph 298

The amendment of article 3 of the Basic Law, which adds the State's commitment to the promotion of women's *de facto* equality with men and the removal of existing disadvantages to the constitutional guarantee of equal rights of women and men, is welcomed.

Paragraph 299

The Government is commended on its wide-ranging legislative and policy initiatives, and the programmes and projects aimed at giving effect to the constitutional guarantee of equal rights of women and men. In particular, the adoption of the second Equal Rights Act of 1994, the amendment of the Penal Law, making marital rape and sexual coercion a punishable offence, and the action plan to combat violence against women, are welcomed. The Government is further commended on its women and work programme aimed at ensuring women's equal participation in all sectors of society. The extensive use of temporary special measures, in accordance with article 4 (1) of the Convention, for the realization of *de facto* equality for women, is also welcomed.

Paragraph 301

The State party is commended on the extensive network of institutional mechanisms at federal, state and local levels that support and promote the implementation of the country's equal rights policies. The fact that resources for the Federal Ministry aimed at realizing equal opportunities for women have increased continuously between 1986 and 1997 is appreciated.

Paragraph 306

Greater emphasis should be placed on the assessment and evaluation of all measures taken to eliminate discrimination against women in all areas of their lives, and time-frames should be set within which it intends to achieve its goals.

Paragraph 307

It is of concern that, although a series of measures has been adopted, the implementation of the Convention for women living in the new *Laender* continues to lag behind that with regard to those living in the old *Laender*. The fact that women in the new *Laender* used to enjoy full employment but now account for 20.7 per cent of the unemployed, is of concern. That is a disproportionately high percentage compared to that of unemployed men in the new *Laender* as well as to the overall unemployment rate of women in Germany.

Paragraph 308

The Government is urged to continue its targeted efforts to improve the situation of women in the new *Laender* in the area of work and employment, as well as their overall social well-being.

Paragraph 309

It is of concern that the programmes, laws and policies introduced have failed to ensure that the Constitutional obligation to promote the implementation of *de facto* equality for women is understood

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as a societal responsibility and achieved in practice.

Paragraph 310

Measures should be taken to ensure that public officials, including law enforcement officials, contribute to the realization of the principle of *de facto* equality for women in the entire territory of the country. Tertiary and continuing legal education of lawyers and the judiciary should adequately cover the evolving understanding of equality and non-discrimination and international norms and standards in that regard. The Government is also urged to ensure the availability of effective domestic remedies and their accessibility to women, especially in the light of the pending entry into force of the Optional Protocol to the Convention. Direct reference to the Convention in its legislative, policy and programmatic initiatives is also encouraged, since the Convention is legally binding and such use would increase awareness of the international commitments entered into by the State party.

Paragraph 311

Concern is expressed at the continuing disadvantages women face in many aspects of work and the economy. The persistence of the wage gap between women and men, notwithstanding women's high educational achievements, with women earning on average 77 per cent of men's earnings, is of particular concern. It is of concern that, in 1997, although women accounted for 42.1 per cent of the gainfully employed population, they comprised 88 per cent of the persons working in part-time employment and 55.9 per cent of the unemployed. It is a matter of concern that those differences are indicative of the persistence of indirect discrimination against women in the labour market. The fact that part-time work tends to be in low-skilled employment, offering fewer opportunities for professional advancement, is also of concern.

Paragraph 312

The Government is called upon to ensure that the definition of discrimination contained in article 1 of the Convention, in particular the Convention's prohibition of indirect discrimination, is fully integrated into its legislation, especially its labour legislation. In this regard, the Government's intention to prepare a report on equal pay which will examine the primary causes of wage discrimination, is welcomed. The State party should examine existing formulae for the determination of equal work and work of equal value, with a view to developing guidelines or directives to assist the partners in collective wage bargaining in determining comparable wage structures in sectors dominated by women. The Government is urged to monitor closely the impact of its new programme on women and work so as to ensure that it achieves its stated aims of advancing equal opportunities of women and men in the working world and in the family and does not perpetuate gender stereotypes.

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

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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.

Paragraph 315

Concern is expressed over the limited efforts and measures in place to extend women's equal rights and equal opportunities into the private sector.

Paragraph 316

Legislative and regulatory efforts should be increased to ensure that women are protected against all forms of discrimination in the private sector and measures aimed at achieving *de facto* equality should also be increased. The Government is also encouraged to intensify its interaction with the private sector, including through incentives and other non-legislative measures, as well as with unions and with women's organizations to achieve that goal.

Paragraph 317

The often precarious social and economic situation of foreign women living in Germany is of concern. The vulnerabilities that foreign women can face on the multiple grounds of sex, ethnicity and race, are noted.

Paragraph 318

A comprehensive assessment of the situation of foreign women, including their access to education and training, work and work-related benefits, health care and social protection. The Government is further called upon to put in place adequate protection mechanisms and to ensure that foreign women victims of such attacks are made aware of their rights and have access to effective remedies. The Government is also urged to strengthen its efforts for the social integration of foreign women through educational and employment services, and through awareness-raising of the population. Steps should be taken to combat domestic violence and violence within the family and to increase foreign women's awareness about the availability of legal remedies and means of social protection.

Paragraph 325

It is of concern that, although they are legally obliged to pay taxes, prostitutes still do not enjoy the protection of labour and social law.

Paragraph 326

The Government should improve the legislative situation affecting women prostitutes so as to render them less vulnerable to exploitation and increase their social protection.

Paragraph 328

The Government is urged to continue to improve the legislative and social protection of alien women,

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especially of women asylum seekers.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at paras. 348, 351 and 354-368 .

Paragraph 348

The efforts made to establish a national machinery for the advancement of women and to achieve equality between women and men, are welcomed. Appreciation is expressed at the work undertaken by the Administration of Family and Gender Issues Section of the Ministry of Social Welfare and by the Centre for Gender Information and Policy, which has been created within the framework of a project on women in the development process.

Paragraph 351

The Government is commended for recognizing the difficult economic situation women face in Belarus, in particular with regard to women's employment and the incidence of poverty among women. The efforts undertaken by the Government to alleviate the situation are also commended.

Paragraph 354

The negative effects of the ongoing transition of the country to a market-based economy and the resulting levels of women's unemployment and poverty are considered major impediments to the full implementation of the Convention.

Paragraph 355

It is of concern that the absence of an enabling environment in the country prevents women from fully participating in all aspects of public life in accordance with articles 3, 7 and 8 of the Convention. The small number of women holding political and decision-making positions is of particular concern.

Paragraph 356

The Government should take all necessary steps to ensure an open and enabling environment where women have equal opportunity to express their opinions and to participate equally in all aspects of the political process and in civil society organizations. Such an environment is necessary for the advancement of women and the full implementation of the Convention.

Paragraph 357

Concern is expressed over the fact that no unified State policy is in place to eliminate discrimination against women and achieve equality between women and men. That the Government predominantly uses an approach of service delivery to women rather than a human rights approach when implementing the Convention, is of particular concern. In addition, such an approach emphasizes the protection of and the delivery of services to women mainly as mothers and members of families, thus perpetuating stereotypical attitudes concerning the roles and responsibilities of women.

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Paragraph 358

The Government is urged to reassess its overall policy towards women in a manner that recognizes women as individuals entitled to the realization of their human rights in accordance with the Convention. The Government, in its new action plan to improve the situation of women in Belarus 2001-2005, is called upon to take a human-rights-oriented approach. The Government is also urged to ensure that its gender equality efforts target men as well as women.

Paragraph 359

Concern is expressed over the fact that the country's legislation, in particular with regard to women's role in the labour market, appears to be overly protective of women as mothers and thus creates further obstacles to women's participation in the labour market.

Paragraph 360

A comprehensive legislative review should be undertaken so as to ensure that the full meaning of article 1 of the Convention is reflected in the country's Constitution and legislation. The Government is further urged to create adequate remedies for women to obtain easy redress from direct and indirect discrimination, especially in the area of employment. The Government should also improve women's access to such remedies, including access to courts, by facilitating legal aid to women and embarking on legal literacy campaigns.

Paragraph 361

Concern is expressed over the continuing prevalence of sex-role stereotypes and the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which are seen as encouraging women's traditional roles. The issue of whether the introduction of human rights and gender education aimed at countering such stereotyping is being effectively implemented, is also a matter of concern.

Paragraph 362

Human rights education and gender studies should be monitored with regard to the number of educational establishments offering such education, and also the impact of such education.

Paragraph 363

The limited capacity of the national machinery to develop and support the implementation of a national gender equality policy to accelerate the implementation of the Convention is of concern.

Paragraph 364

The Government is urged to strengthen the status, the human and financial resources as well as the capacity of the national machinery to gather and analyse data and information and to develop legislative and policy proposals in all areas covered by the Convention.

Paragraph 365

Concern is expressed at the economic situation of women, which is characterized by poverty and unemployment, displacement of women from the labour market and even from sectors previously

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dominated by women. Re-employed women hold positions below their levels of education and skills. Concern is also expressed over the fact that women are employed predominantly in low paying jobs and that a wage gap between women and men persists. The economic situation of particularly vulnerable groups of women, such as those with sole responsibility for families, older women and women with disabilities, is an additional matter of concern.

Paragraph 366

The Government is urged to establish a legislative basis that ensures women equal access to the labour market and equal opportunities to work and to create protection against direct and indirect discrimination with regard to access and opportunities. The Government should implement unemployment policies targeted at women. In particular, measures to facilitate women's entry into growth sectors of the economy, rather than into traditionally female-dominated employment, are recommended. The Government should support women's entrepreneurship through the creation of a conducive legislative and regulatory environment and access to loans and credit.

Paragraph 367

That poverty is widespread among women is of concern.

Paragraph 368

The Government should collect data and information on women living in poverty, disaggregated by age and according to urban and rural areas, develop targeted policies and support services, and make efforts to prevent more women from falling below the poverty line.

See also:

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at para. 272.
- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 393, 395-398, 400-403, and 406-409.

Paragraph 393

The Government is commended for maintaining a separate Ministry for the Advancement of Women and its intention to continue this institutional arrangement. The Ministry's interest in, and support for, proposals to conduct a gender analysis of the entire State budget, is welcomed. This will contribute to a better understanding of the way in which women and men benefit from governmental expenditures in all areas. The Government's strategic approach to the realization of equality between women and men, which includes awareness-raising about the changing roles and responsibilities of women and men, on the one hand, and the systematic integration of a gender equality perspective into all policies, on the other, is also welcomed.

Paragraph 395

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The Government is commended for its efforts to teach equality, in particular through its project entitled “*Partageons l’égalité-Gleichheit delen-Gleichheit teilen*” (sharing equality), which aims at promoting equality of opportunity between girls and boys from the pre-school stage, by integrating the equality principle in the training curricula of teachers and trainers, including the development of training manuals and modules.

Paragraph 396

The legislation of July 1998 requiring the appointment of equality officers in enterprises with at least 15 employees, is welcomed. The law on implementation of the national action plan on employment, which introduced the right to non-transferable parental leave of six months for every parent, covered by State benefits, is also welcomed.

Paragraph 397

The fact that the law of July 1998 now provides the legal basis for instituting affirmative action for women in the private sector, is welcomed.

Paragraph 398

The efforts already undertaken and the intention to expand the collection of data disaggregated by sex to develop a solid basis for further legislative and policy initiatives, *inter alia*, with regard to disadvantaged groups of women such as immigrant women, are welcomed.

Paragraph 400

The failure of the State party to amend the Constitution to include the principle of equality between women and men is noted with concern. This is not only a failure to comply with the State party’s specific obligations under article 2 of the Convention, but with international human rights law in general.

Paragraph 401

The Government should undertake as a matter of urgency all necessary steps to facilitate the amendment of the Constitution to bring it in line with article 2 of the Convention. Once the Constitution is amended, a time-frame should be set to review all legislation so as to bring it into compliance with the newly amended Constitution. The importance of such legislative review is stressed, to highlight the significance of the Constitutional amendment on equality between women and men, and to ensure effective domestic remedies. The crucial importance of such effective remedies is noted, in light of the pending entry into force of the Optional Protocol to the Convention.

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

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traditions and attitudes which would allow for a withdrawal of the reservation.

Paragraph 403

The Government is urged to take action towards the amendment of article 3 of the Constitution. The Government 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.

Paragraph 406

Concern is expressed over certain laws, for example, the waiting period of 300 days before a widow or divorced woman can remarry, and the legislation governing abortions, which appear anachronistic in a country like Luxembourg. It is of particular concern that the Government appears to lack the commitment to review and adapt this legislation to changing attitudes and developments in the European region.

Paragraph 407

The Government should provide the necessary leadership and develop a comprehensive legislative agenda to amend such laws.

Paragraph 408

Concern is expressed at the lack of equality of opportunity of women in the labour market, as expressed in the relatively low percentage of women in the labour force (37 per cent of the active population), the wage gap between women and men, the higher number of women in part-time work, the ongoing segregation of the labour market and the stereotypical attitudes that tend to portray men as heads of households and breadwinners and women primarily as mothers and homemakers. That there is insufficient understanding of the structural causes that perpetuate the wage gap is also of concern, as women's work remains undervalued compared with men's work.

Paragraph 409

Studies should be undertaken on the causes of the wage gap to improve the factual basis for labour negotiations where collective wages are set. The Government is also urged to analyse the projects now under way to broaden women's participation in the labour market so that the findings can be used for the development of comprehensive policies and legislation to secure the gains made by women in this area.

- Cameroon, CEDAW, A/55/38 part II (2000) 53 at paras. 42, 45-48, 53-58, 61 and 62.

Paragraph 42

The establishment, in December 1997, of the Ministry on the Status of Women, which testifies to the Government's interest in promoting the rights of women, is welcomed. The fact that the Ministry has designated focal points in all the ministries, with a view to taking gender-specific matters into account

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in all national programmes and policies benefitting women, is also noted with satisfaction. The national action plan for the advancement of women is particularly welcomed.

Paragraph 45

Despite the incorporation of the Convention into domestic law and some legislative achievements, a number of discriminatory provisions exist, thus impeding full implementation of the Convention. It is also of concern that the retention of discriminatory laws from two different legal systems, as well as customary law, compounds this problem.

Paragraph 46

The State party should urgently undertake a comprehensive reform of legislation in order to promote equality and human rights for women. Effective legal remedies should be introduced, and a review and revision of customary law that infringes the human rights of women should be undertaken.

Paragraph 47

The inadequate allocation of resources for the advancement of women, with the resultant incomplete execution of programmes and projects, seriously jeopardizes the improvement of women's living conditions.

Paragraph 48

Sufficient resources should be allocated for targeted programmes to promote the advancement of women.

Paragraph 53

The persistence of cultural practices and deep-rooted stereotypes relating to the roles and responsibilities of women and men in all areas of life, which affect their enjoyment of all human rights, is disturbing.

Paragraph 54

The Government is urged to review all aspects of this situation and to adopt legislation to prohibit discriminatory cultural practices, in particular those relating to female genital mutilation, levirate, inheritance, early and forced marriage and polygamy. The Government is also urged to carry out further public-awareness, information and training programmes targeting community leaders and the general public, so as to change ways of thinking and the stereotyped perceptions of the roles and responsibilities of women and men.

Paragraph 55

The extremely low percentage of women candidates for election and appointed to public office and decision-making posts, and the low percentage of women in ministerial posts, are matters of concern.

Paragraph 56

Effective measures should be taken to increase the number of women elected and appointed to public

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office and positions of decision-making.

Paragraph 57

Despite the Government's efforts in the area of education, concern is expressed over the low rate of female literacy, the high female dropout rate, and the low rate of female enrolment in basic education.

Paragraph 58

The Government is encouraged to intensify its efforts to promote female access to basic and secondary education and to develop programmes specifically designed to reduce female illiteracy.

Paragraph 61

It is of concern that, despite the important role of rural women in Cameroon and despite the Government's efforts to provide them with education and extension services, these women are disadvantaged and living in difficult circumstances.

Paragraph 62

The utmost attention should be paid to the needs of rural women and it should be ensured that they benefit from the policies and programmes adopted in all areas. It should also be ensured that rural women are able to participate, on an equal basis, in the adoption of decisions to guarantee them access to literacy, health services, drinking water and credit.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras 90-96, 99, 100, 105-108, 113 and 114.

Paragraph 90

The country's ongoing political and economic change and the resulting high level of women's poverty are considered to be major impediments to the full implementation of the Convention.

Paragraph 91

Although the Constitution provides for the equality of all citizens before the law and public authorities, including on grounds of sex, it does not reflect the definition of discrimination in article 1 of the Convention, which prohibits both direct and indirect discrimination. Concern is also expressed about the status of the Convention in domestic law, and whether its provisions can be directly invoked before the Courts. The lack of information provided about remedies available to women for redress of violations of their rights protected under the Convention, is a further matter of concern.

Paragraph 92

The Government should encourage a constitutional amendment to incorporate equality on the basis of sex in the Constitution and to reflect fully article 1 of the Convention. The Government should to clarify the status of the Convention in domestic law, and to ensure, through legal education and

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continuing professional training, that judicial officers are aware of the Convention.

Paragraph 93

While the efforts undertaken to implement the Convention are appreciated, it is noted with concern that the legislative framework for such implementation has not yet been completed, and that several critical legislative proposals and amendments remain at the drafting stage.

Paragraph 94

The Government should seek, as a matter of urgency, the completion of a non-discriminatory legislative framework that is fully consistent, and in compliance, with the Convention. In particular, all measures should be taken to ensure the early adoption of the law on equal opportunities.

Paragraph 95

Concern is expressed over the lack of an overall, integrated policy for the achievement of gender equality, which contributes to the disproportionately heavy burden of transition carried by the women of the State party.

Paragraph 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.

Paragraph 99

Concern is expressed about the adequacy of the mandate and resources of the national machinery for the advancement of women to provide overall leadership for the elaboration, prioritization and implementation of the Government's equality policy and legislative agenda, including sectoral coordination within the Government, and with civil society.

Paragraph 100

The Government should assess the capacity of the national machinery for the advancement of women, including its location, mandate and resources, with a view to providing it with the full political support and human and financial resources required to lead the Government's efforts to implement the Convention.

Paragraph 105

While women's high educational levels are noted, the predominance of women in low-level educational sectors is of concern. The lack of statistical information concerning women's representation in various fields of teaching, and in administrative and high-level posts at all levels of education, is also of concern. Further concern is expressed about the persistence of stereotyped portrayals of women and men in curricula and teaching materials.

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Paragraph 106

The Government should undertake curriculum reforms and textbook revisions addressing stereotyped images. The Government's educational policy should include measures to encourage girls and women to seek education and training in non-traditional fields, as well as in growth areas of the economy. The Government is called upon to implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to accelerate women's representation in educational decision-making.

Paragraph 107

Concern is expressed over the situation of women in the labour market, including women's unemployment levels, job segregation and the fact that, because of lack of opportunity at home, many women seek employment abroad, often without obtaining work permits. That the country's protective labour laws may create obstacles to women's participation in the labour market is also of concern.

Paragraph 108

Legislation should be put in place prohibiting both direct and indirect discrimination against women in the labour market, and guaranteeing to women equal opportunities in accordance with article 11 of the Convention and relevant ILO conventions ratified by the State party. The Government should consider establishing an equal opportunities ombudsman to monitor implementation of such legislation, and with the power to receive complaints about violations. It is also recommended that the Government review protective legislation with a view to reducing barriers for women in the labour market. The Government's labour market and employment policies should target explicitly those groups of women who are particularly disadvantaged by the impact of transition. The Government is invited to increase measures to adopt the sharing of family responsibilities between spouses. Sexual harassment in the workplace should be covered by legislation that is fully implemented.

Paragraph 113

Concern is expressed over the differential ages of marriage established in the Family Code for boys and girls and the legal recognition of marriages of girl children, which is not in conformity with article 16, paragraph 2, of the Convention.

Paragraph 114

Legislation on the marriage age for women and men should be brought into full conformity with the Convention, taking into consideration general recommendation 21.

See also:

- Kazakhstan, CEDAW, A/56/39 part I (2001) 10 at paras. 87 and 88.

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- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 131, 132, 137, 140-149, 154-157, 160 and 162.

Paragraph 131

That the Government of Lithuania puts high priority on a policy to ensure equal opportunities for men and women is welcomed. The revision of various legal provisions, the adoption of the Law on Equal Opportunities and the establishment of the Office of the Equal Opportunities Ombudsman, are also welcomed. The broad mandate of the Ombudsman to monitor the implementation of the Law is further welcomed. It is commended that the Law's definition of discrimination fully corresponds to the definition articulated in article 1 of the Convention, that it allows for positive discrimination according to article 4, paragraph 1, of the Convention, prohibits sexual harassment, and allows for administrative sanctions to be imposed on both private and public persons and institutions. It is noted with satisfaction that the Office of the Equal Opportunities Ombudsman has close connections with the Lithuanian Parliament, with State institutions and with non-governmental organizations, and that its budget significantly increased in less than a year.

Paragraph 132

The incremental development of several components of a national machinery is appreciated. The creation of a group of women Parliamentarians from all political parties, as well as a Parliamentary commission on the family and the child, is commended. The establishment of a permanent Inter-Ministerial Commission on Equal Opportunities for Women and Men and the fact that the meetings of the Commission can be attended by the Ombudsman as well as by representatives of non-governmental organizations, are also welcomed.

Paragraph 137

The political and economic transition in the last decade has posed serious challenges to the effective implementation of the Convention, as women have been disproportionately affected by the restructuring processes.

Paragraph 140

A clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention and the Lithuanian Law on Equal Opportunities, as well as the reason for their application, seems to be lacking in large parts of Lithuanian society and in the government bureaucracy.

Paragraph 141

The Government should raise public awareness about the importance of temporary special measures and programmes by pointing to the positive example of Vilnius University and should encourage similar programmes in various areas, especially that of political decision-making. The Government should also introduce such special provisions in the educational field, including admission to disciplines in which one sex is under-represented, in government commissions and in public

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administration. Such provisions should be designed with measurable goals or quotas and time lines in order to accelerate the achievement of *de facto* equality between women and men in those areas.

Paragraph 142

Concern is expressed about the situation of women in the labour market, and in particular about the fact that the official unemployment statistics do not take account of the hidden unemployment of women or of their informal employment and underemployment. While the official overall unemployment rate of women is slightly lower than that of men, such general statistics hide the fact that there tends to be a higher number of women among the long-term and the higher-educated unemployed, and in the older age groups that more women than men are unemployed.

Paragraph 143

The Government should design and implement specific targeted programmes for different groups of unemployed women, addressing their training needs in different employment areas with a view to future-oriented jobs. The monitoring of the increasing number of women's businesses in regard to their viability is also recommended.

Paragraph 144

The fact that the position of women in the labour market is characterized by discrimination, in particular of women with children, and by a strong occupational segregation with a concomitant wage differential, is noted with concern. That there may be hidden discrimination against women in the training programmes offered by the Labour Exchange Offices, is also a matter of concern.

Paragraph 145

Efforts should be made to eliminate occupational segregation through efforts in education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to decrease the wage differential in comparison with male-dominated sectors.

Paragraph 146

The increase of poverty among various groups of women, in particular of female-headed households, is a matter of concern.

Paragraph 147

The Government should closely monitor the poverty situation of women of various groups, including those of various ages, and should implement effective poverty alleviation programmes.

Paragraph 148

The fact that the existing national mechanisms do not have sufficient capacity or funding to promote effectively the advancement of women and gender equality, is of concern.

Paragraph 149

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The existing governmental national mechanisms for women should be consolidated and strengthened, including through the provision of financial and human resources, to carry out effectively their mandates. Furthermore, the Government should continually review the budgetary needs of the Office of the Equal Opportunities Ombudsman.

Paragraph 154

The insufficient funding of non-governmental organizations, including women's non-governmental organizations, which makes it difficult for them to build their capacities to fulfil their various roles and functions in supporting human rights of women, is noted with concern.

Paragraph 155

Clear criteria should be developed for rendering and ensuring governmental financial support on the national and local level for the work of women's non-governmental organizations. The Government should also increase awareness among individuals and corporations regarding possible donations to women's organizations.

Paragraph 156

Concern is expressed at the fairly low rate of women holding parliamentary seats and political office at the municipal and national levels.

Paragraph 157

The Government should strengthen its efforts in offering or supporting special training programmes for current and future women leaders, and should conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making. It should also involve the mass media in promoting positive images of women leaders.

Paragraph 160

Concern is expressed over the fact that the Government does not have enough information on the situation of rural women, especially older rural women, as concerns their cash income, health situation, access to free health care services and social and cultural opportunities.

Paragraph 161

The Government should monitor existing programmes and develop additional policies and programmes aimed at the economic empowerment of rural women, ensuring their access to productive resources and capital as well as to health care services and to social and cultural opportunities.

Paragraph 162

The situation of older women, who constitute a large proportion of the population, is of concern. Gender-sensitive policies and programmes that address the specific needs of older women should be designed and implemented. Social workers should be provided with gender-sensitive education and training in order to be able to recognize and meet those needs.

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- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 175, 177-183, 185-188 and 195-204.

Paragraph 175

The Government's stated political will to implement the Convention is welcomed. Furthermore, the legislative reforms implemented, in particular with regard to the Personal Status Code, which brought about a greater degree of women's equality with men, and the Penal Code, which now provides greater protection to women, are noted with appreciation.

Paragraph 177

The establishment, in June 1997, of the high-level National Committee for the Advancement of Iraqi Women, is welcomed. This agency is concerned with the advancement of women and consists of representatives of ministries involved in activities of relevance to women, and of the General Federation of Iraqi Women.

Paragraph 178

The effects of sanctions and embargo are reflected in the difficult economic and social situation prevailing in the country, which has had repercussions on the advancement of women and on their socio-economic well-being. The situation impedes the full implementation of the Convention. Notwithstanding difficulties, the State party remains responsible for implementing its obligations under the Convention in order to ensure elimination of discrimination against women with respect to the rights contained in the Convention.

Paragraph 179

While the current situation in the State party is not favourable to the advancement of women in some respects, the State party has failed to adopt specific policies and take all possible measures to implement the Convention. In particular, the failure of the State party to revoke legislative provisions that discriminate against women is noted.

Paragraph 180

The fact that discriminatory views and attitudes that impede women's enjoyment of their rights have not been addressed by the State party, is noted with concern.

Paragraph 181

Discriminatory legislative provisions should be reviewed and measures, including temporary special measures, should be taken that are aimed at creating a non-discriminatory legislative and *de facto* environment for women.

Paragraph 182

While article 19, subparagraph (a), of the Constitution of 1970 provides for equality of all citizens before the law without discrimination, including discrimination on the basis of sex, concern is

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expressed that it does not specifically prohibit discrimination that has the effect or purpose of adversely affecting women's human rights. The fact that article 19, subparagraph (b), grants equal opportunities to all citizens "within the limits of the law", thus restricting the guarantee of article 19, subparagraph (a), in particular for women, is also of concern.

Paragraph 183

A constitutional amendment which reflects fully article 1 of the Convention is encouraged. The Government is also encouraged to undertake a comprehensive legislative review with a view to bringing all legislation into full conformity with the Convention.

Paragraph 185

The Government should put in place a mechanism to provide for the regular evaluation and qualitative and quantitative assessment of progress in the implementation of the national strategy for the advancement of women.

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 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, attention 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 187

It is of concern that Iraq's nationality law, which is based on the principle that the members of a family should all have the same nationality and that none should have dual nationality or lose their nationality, does not grant women an independent right to acquire, change or retain their nationality or to pass it on to their children.

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 195

While noting that, apparently, there is a quota provision in place in the country's main political party, the Ba'ath Party, to increase the number of women in leadership positions, concern is expressed about the continuing low representation of women in public life.

Paragraph 196

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Measures should be introduced in accordance with article 4, paragraph 1, of the Convention, especially to increase the number of women in the political sphere.

Paragraph 197

The level of illiteracy among women, the increasing rate at which girls drop out of secondary and higher education, and the low representation of women in technical schools, are noted with concern.

Paragraph 198

The Government is called upon to eradicate illiteracy and to ensure primary and secondary education for girls by preventing school dropouts. Furthermore, educational and training opportunities should be broadened for girls and young women at the secondary and tertiary levels and in technical fields. Particular attention should be given to ensuring that girls and women have equal access to new specializations, including the opportunity to acquire skills and knowledge to participate on a basis of equality with men in the labour market and in the future reconstruction of the country.

Paragraph 199

Concern is expressed about women's low participation in the labour market, and the absence of a law establishing minimum wages, which makes it extremely difficult to determine whether women are being paid equal pay for work of equal value. It is of concern that the flexibility granted to employers in labour relations has a negative impact on women's employability and security of employment. Differences in maternity benefits granted to women in the public and the private sector are also a cause of concern.

Paragraph 200

The Government should ensure that women do not bear a disproportionate portion of the economic difficulties facing the country. In particular, non-discriminatory labour legislation should be put in place and be effectively enforced. The Government should also ensure that women's reproductive function does not lead to discrimination against them in employment, job security and social benefits.

Paragraph 201

The fact that sanctions have had a negative impact on women and children in areas such as health care, nutrition, employment and other basic social services, is recognized. Nevertheless, concern is expressed at the failure of the Government to put in place specific and targeted measures to address these problems.

Paragraph 202

The Government should assess the differential impact of sanctions on women and children, especially on particularly vulnerable groups of women, and should put in place measures aimed at countering such a negative impact. In that regard, the Government should use resources available from programmes such as the oil-for-food programme in a manner that directly benefits women, including through diverting resources currently allocated for other purposes.

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Paragraph 203

The overall health situation of women is of concern. The high incidence of maternal mortality and the lack of basic health services, medicines and reproductive health services, including qualified birth attendants, are noted. It is of particular concern that, given the socio-economic difficulties, no measures have been put in place to address the mental and psychological health of women. That no steps have been taken to determine the prevalence of HIV/AIDS in the country, and that no relevant preventive education and information campaigns aimed at women exist, are also matters of concern.

Paragraph 204

The Government is urged to put in place mechanisms to provide the greatest possible protection of women's health rights. Women and children should be targeted effectively so that they benefit from available resources and such resources should not be diverted to other purposes. The Government should take a holistic view of women's health, in line with general recommendation 24 relating to article 12 of the Convention, and should put in place measures to ensure women's mental and psychological well-being.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 219, 223, 225-227, 229, 231-235, and 238-241.

Paragraph 219

The imminent withdrawal of the reservation to article 7 of the Convention in respect of women and the military is welcomed. At the same time, the Government is called upon to make efforts to withdraw the reservation to article 11 of the Convention in respect of night work.

Paragraph 223

The initiative of the Government to promote the participation of women in the field of the new information and communication technologies, as both consumers and entrepreneurs, is welcomed.

Paragraph 225

Concern is expressed over the abolition of the Ministry of Women's Affairs. While acknowledging that the new Government has transferred the responsibility for women's and gender issues from the Ministry within the framework of the Federal Chancellery to the Ministry of Social Security and Generations and that it has set up an inter-ministerial coordinating committee on gender mainstreaming, it is of concern that the broad scope of the responsibilities of the latter Ministry will result in giving lesser priority to the elimination of discrimination against women and obstruct the visibility of government policy in that respect.

Paragraph 226

The Government should ensure, on a regular basis, the evaluation and assessment of the gender impact of the federal budget as well as governmental policies and programmes affecting women. The national machinery for women is urged to increase its cooperation with non-governmental

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organizations.

Paragraph 227

The situation of migrant women is of concern. Work permits should be attained by migrant women on an equal basis with migrant men and the conditions needed for their integration into the economic and social life of Austrian society should be established.

Paragraph 229

Concern is expressed about women seeking asylum in Austria, and in particular about human rights violations by State officials. Policies should be adopted that acknowledge gender-specific grounds for women seeking asylum in Austria, including gender violence and persecution and female genital mutilation.

Paragraph 231

Concern is expressed over the high percentage of the female population in Austria which has no education beyond the compulsory level. The continuing gender role stereotyping in the area of education and vocational training for girls and boys is also a matter of concern.

Paragraph 232

Measures should be taken to encourage girls to continue their education beyond the compulsory level and particularly in the areas of science and technology. The Government should also introduce affirmative action to increase the appointment of women to academic posts at all levels and to integrate gender studies and feminist research in university curricula and research programmes.

Paragraph 233

In the area of women's employment, it is of concern that women continue to remain segregated in low-paid jobs in the labour market.

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 235

The State party should strengthen the powers of the Equal Treatment Commission in order to allow it to be more effective in its efforts to combat discriminatory practices and to guarantee equal opportunity and treatment for women in the workplace.

Paragraph 238

The decrease in women's representation in the legislature in the recent elections is of concern. The

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Government should undertake in this respect temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and should consider the use of federal funding for political parties as an incentive for the increased representation of women in Parliament, as well as the application of quotas and numerical goals and measurable targets aimed at increasing women's political participation.

Paragraph 239

The lack of data disaggregated by sex on the impact of policies and programmes, is of concern. The Government should improve the collection of data on criminal proceedings related to violence against women, to evaluate policy as regards victims of trafficking, to assess the nature and outcome of equal treatment cases in the labour courts and to integrate gender perspectives into health care, taking into account sex-disaggregated data on causes of morbidity and mortality.

Paragraph 240

Governmental initiatives to assess gender policies through pilot projects are commended, but concern is expressed that such initiatives do not go beyond the pilot stage. The Government should apply the results of the projects in ongoing law, policy and programming.

Paragraph 241

Human rights education, and in particular women's human rights education on the basis of the Convention should be introduced into school curricula.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 255-257, 260 and 267-271.

Paragraph 255

The State Party is commended for the adoption, at the level of a law, of a National Plan of Action to follow up the Fourth World Conference on Women, prepared in a consultative process among governmental bodies and entities of civil society, and containing a large number of actions in various fields to be implemented by various government bodies. The Government is also commended for clearly recognizing the link between the Convention as the legal framework, and the Beijing Platform for Action as the operational policy document, for realizing women's human rights.

Paragraph 256

The increases, since 1996, in the women's employment rate in the civil-State sector, which has reached 43.6 per cent, women's participation in the National Assembly at 27.6 per cent, in leadership positions at 32.3 per cent, and in technical and professional mid- and higher-level posts at 66.1 per cent, are welcomed. The fact that women constitute 60 per cent of the judiciary is also welcomed. The improvements in women's socio-economic situation as a result of the country's sustained economic recovery in recent years are welcomed as well.

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Paragraph 257

The State party is commended with appreciation for its encouraging national indicators for social development, especially women's generally high literacy rates, and the favourable indicators in the field of women's health, including access to basic health care, low maternal, infant and women's mortality rates and a decline in abortion rates.

Paragraph 260

The ongoing economic blockade and its particular effects on women and on the full implementation of the Convention is noted. These effects are compounded by the fact that women remain primarily responsible for household work and are clustered in professions that are seriously affected by the blockade.

Paragraph 267

While the introduction of the option of divorce by consent constitutes a viable alternative to a court-supervised divorce, it may involve inherent risks of disadvantage for women.

Paragraph 268

The implementation of divorce by consent should be monitored carefully, and in particular any negative impact this option might have for women with regard to issues such as alimony payments, custody and maintenance of children and distribution of property.

Paragraph 269

While recognizing the increase since 1996 in women's employment rate in the civil-State sector, it remains of concern that women make up a higher percentage of the unemployed and that obstacles to their full integration in all sectors of the labour market persist, in particular in the joint venture and tourism industries.

Paragraph 270

Temporary special measures targeted at women should be implemented to reduce the level of unemployment and of disparities in access to some sectors of the labour market. Such measures should ensure that women benefit equally from the country's economic recovery. Efforts should be increased to create new opportunities for women in non-traditional and high-growth areas, including in new information and communications areas and in the service sector, and to strengthen efforts to ensure that they can take full advantage of the mixed economy, in accordance with their high levels of education and skills.

Paragraph 271

While recognizing the Government's sustained efforts to ensure women's right to health, the necessity of continued efforts to address HIV/AIDS, and in particular its potential impact on high-risk groups, such as prostitutes and young adults, is emphasized.

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- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 293-297, 300, 302, 304, 305, 310-313 and 316-319.

Paragraph 293

The Government is commended for the efforts undertaken, in particular since the 1995 Fourth World Conference on Women, to implement the Convention and to harmonize Romanian law and policy on gender equality and women's equal opportunities with the provisions of the Convention.

Paragraph 294

The entry into force, in December 1999, of the law on paternal leave aimed at strengthening the principle of sharing of responsibilities in the family and society, is welcomed.

Paragraph 295

Appreciation is expressed over efforts to reform the Romanian legislative framework with a view to eliminating remaining legislative gaps and discriminatory provisions and achieving equality between women and men. In particular, the Government's efforts to prepare a law on equal opportunities for women and men, and to seek amendments to the Criminal Code with regard to domestic violence and trafficking in women, are welcomed.

Paragraph 296

The establishment, in 1998, of the Office of the Advocate of the People with the functions of human rights ombudsman, empowered to protect the human rights of women and children including in the family, is welcomed.

Paragraph 300

The Government is called upon to recognize the urgency of needed legislative and policy changes, and to place the highest priority on the adoption of the proposed legislation on equal opportunities and on domestic violence and trafficking in women. The Government should also make gender equality a priority and develop a holistic and integrated policy for the implementation of the Convention and the achievement of equality between women and men, including a timetable to monitor and evaluate progress in this regard. The Government should consider the adequacy and funding of the national machinery for the advancement of women in leading this effort, including coordination within the Government and with organizations of civil society, awareness-raising and mobilization of public opinion in favour of equality measures and elimination of stereotypes.

Paragraph 302

Efforts should be increased to combat stereotypical attitudes. Temporary special measures should be implemented, in accordance with article 4, paragraph 1, of the Convention, to increase the number of women in all decision-making posts, including in Government and Parliament.

Paragraph 304

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While welcoming the fact that in accordance with article 20 of the Constitution, the Convention is integrated into domestic legislation and takes precedence over such legislation, it is of concern that there is a lack of familiarity among the judiciary about the opportunities created by article 20 of the Constitution for the application of the Convention in domestic decision-making.

Paragraph 305

Law school curricula and continuing judicial education should include the Convention and its applicability at the domestic level.

Paragraph 310

Concern is expressed over the high rate of illiteracy of women over 50 years of age and the extremely wide gap in illiteracy between the urban and rural populations, as well as the high dropout rates for girls at secondary level. While the number of women working in the education sector is high, it is of concern that the percentage of women in administrative and decision-making positions in this sector is low.

Paragraph 311

Measures should be taken to increase the literacy levels of older women, and to reduce the literacy gap between urban and rural women. Efforts should also be made to ensure that education, including continuing education and adult literacy programmes, are targeted to women and include training in new information and communications technologies to provide women and girls with the skills required in a knowledge-based economy.

Paragraph 312

The situation of women in the labour market, especially women's higher unemployment rates, the decrease in women's share in the economically active population and the concentration of women particularly in low-paid occupational areas and sectors, are matters of concern. Concern is also expressed over the high percentage of women working as unpaid family workers, especially in rural areas.

Paragraph 313

The Government's labour market and employment policies should explicitly address the situation of women workers in order to ensure that women do not carry a disproportionate share of the burden of the transition to a market-based economy. Urgent targeted measures should be put in place to facilitate women's entry into new growth sectors of the economy, including women's entrepreneurship, and to ensure that women's health and retirement benefits are protected. The Government is encouraged to ensure that women can take full advantage of jobs created by foreign investment, ensuring non-discriminatory protection of their rights. The Government should adopt, as a matter of priority, a forward-looking equal opportunities law that extends to the private sector and includes the creation of a specific office of ombudsman for equal opportunities for women, with powers to receive complaints of violations of the laws on equal opportunities and to investigate discriminatory situations experienced by women.

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Paragraph 316

The growing number of elderly women living in poverty is of concern.

Paragraph 317

While the adoption of the law on pensions and the law on assistance for the elderly is appreciated, the proposed Social Security Code, which will include social assistance for persons without pension benefits, mostly elderly women in need, should be adopted.

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.

- Burundi, CEDAW, A/56/38 part I (2001) 7 at paras. 45, 48, 50-53, 55, 56 and 58.

Paragraph 45

The State party's efforts to implement the Convention despite the difficult socio-political and economic situation are welcomed. The creation of a national plan of action in follow-up to the Fourth World Conference on Women, which is testimony to the importance given to the advancement of women, is particularly welcomed.

Paragraph 48

The civil war and the economic crisis in Burundi pose serious challenges to the full implementation of the Convention. Deep-seated prejudice and stereotypical perceptions of the role of women and some customary and traditional practices pose significant obstacles to implementation.

Paragraph 50

In the implementation of the Arusha Accords and in accordance with those Accords, emphasis should be placed on the role of women in reconstruction and the acceleration of women's equality should be integrated in all its aspects. Special efforts should be made to include women in national reconciliation and peace-building initiatives. The Government should encourage women from all ethnic groups and women who are victims of violence and armed conflict to become advocates for peace.

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Paragraph 51

When introducing quotas for ethnic groups, the Government should also consider introducing measures, as permitted under article 4, paragraph 1, of the Convention and outlined in general recommendation 23 on women in public life, to increase the participation of women in decision-making at all levels. The importance of strict adherence to principles of gender equality in all reconstruction efforts is emphasized.

Paragraph 52

Concern is expressed over the situation of displaced women and girls and their living conditions, including those in refugee camps.

Paragraph 53

Greater assistance should be given to refugee and displaced women and girls and rehabilitative efforts should be carried out that are directed at such women and girls. The importance of mainstreaming a gender perspective in all policies and programmes of national and international assistance for displaced people is stressed.

Paragraph 55

The existence of legislative provisions that discriminate against women is noted with concern. Concern is also expressed over the existing gap between *de jure* and *de facto* equality.

Paragraph 56

Steps should be taken to bring discriminatory legislative provisions in the Code of the Person and the Family and the Penal Code into line with the Convention. The review of provisions that predicate differential ages of marriage for women (article 88 of the Code of the Person and the Family), indicate that the man is head of the household (article 122 of the Code of the Person and the Family) and establish discriminatory provisions with regard to adultery (article 3 of the Penal Code), is recommended. In addition, the Government is encouraged to ensure the implementation of laws and policies that provide for *de jure* equality and seek to eliminate discrimination against women. The Government should ensure that those charged with responsibility for the implementation of laws and policies are made fully aware of their contents and public education and legal literacy campaigns should be put in place to ensure wide knowledge of law and policy reform.

Paragraph 58

The Government is urged to continue its efforts to improve the access of girls to all levels of education and to prevent their dropping out of school. The Government is also encouraged to introduce corrective measures that address all stakeholders involved, including incentives for parents, and to consider requesting international assistance to improve women's and girls' education.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 79, 81, 82, 91-94, 99-104, 107 and 108.

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Paragraph 79

The fact that the Government has a national plan of action for the advancement of women is welcomed.

Paragraph 81

The Government's political will to implement the Convention is commended. The incremental establishment of comprehensive national mechanisms for the advancement of women and the efforts of the Government to conduct gender assessment of its legislation are noted with appreciation. The efforts to elaborate a law on equal opportunities and to establish the office of ombudsman are welcomed.

Paragraph 82

The Government is commended for the high levels of education among women. The measures taken by the Government to provide credit to women entrepreneurs are noted with appreciation.

Paragraph 91

The Government lacks an integrated policy and institutional approach to achieving women's equality with men, including the aspect of gender mainstreaming, and this is of concern.

Paragraph 92

A holistic approach to women's equality with men should be integrated in all fields of government activity. A shift from a focus on women solely as wives and mothers, to individuals and actors equal to men in society is required for the full implementation of the Convention. A review of and subsequent shift from a welfare approach directed at women to a human rights approach in which women are perceived as being entitled to their rights, are also recommended.

Paragraph 93

The adequacy of the financial and human resources of the national machinery for the advancement of women is of concern.

Paragraph 94

The resources of the national machinery should be assessed and provided with the necessary human and financial resources to allow it to provide leadership in the implementation of policy to ensure the advancement of women. The strengthening of existing national governmental mechanisms for women by establishing gender focal points in all governmental bodies is also recommended. Furthermore, the creation of an ombudsman's office to address issues of women's advancement and gender equality is recommended.

Paragraph 99

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While noting with appreciation the high level of education among women in a wide range of disciplines, the low representation of women in senior decision-making positions, as well as in highly paid jobs, is of concern.

Paragraph 100

The Government is encouraged to analyse the correlation between the high level of educational attainments of women and their income levels. Measures to accelerate the representation of women at all levels of decision-making should be introduced. The Government is urged to implement the planned curriculum reform and revision of textbooks in order to combat the traditional attitudes towards women, and to help create an enabling environment for promoting women's presence in high-level and well-paid positions.

Paragraph 101

The situation of women in the labour market is of concern, in particular with the high level of women's unemployment and discrimination in recruitment and dismissal. It is also of concern that the present structuring of the social benefits system and the protective labour legislation might create additional obstacles to the employment of women in the labour market, especially in the process of transition to a market economy.

Paragraph 102

The State party is urged to enforce appropriate legislation and to ensure equal opportunities for women and men in the public and private sectors of the labour market. The structuring of the social benefits system and of protective legislation should be reviewed with a view to reducing the barriers against the participation of women in the labour market. Also, training and retraining programmes should be designed and implemented for different groups of unemployed women according to their percentage of the unemployed population and their skills and education. Wage increases in female-dominated sectors are further recommended, in order to decrease the wage differentials between those and male-dominated sectors.

Paragraph 103

Concern is expressed over the high increase in poverty among women compared with men, in particular among households headed by females and older rural women.

Paragraph 104

The specific targeting of poor women and, particularly those who are heads of household and older and rural women, with poverty alleviation programmes is recommended.

Paragraph 107

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The insufficient capacity and resources of women's non-governmental organizations are noted, making it difficult for them to implement various projects and programmes in support of human rights of women.

Paragraph 108

The work of women's non-governmental organizations should be supported by encouraging greater cooperation between them and the specialized agencies of the United Nations system and by increasing the awareness of the private sector and individuals regarding possible donations to women's organizations.

See also:

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at para. 166.
- Mongolia, CEDAW, A/56/38 part I (2001) 26 at para. 253.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at paras. 123-127, 129-135, 139 and 141.

Paragraph 123

The political will expressed in the Maldives "Vision 20/20" to work towards women's human rights as an integral dimension of national development is commended. Efforts at gender mainstreaming in the national plan of action and the national development plan are welcomed.

Paragraph 124

The recent measures taken to increase the participation of women as atoll chiefs and in island women's committees and atoll development committees are commended.

Paragraph 125

The progress achieved and reflected in a very high adult literacy rate for women, and parity among boys and girls in primary and secondary education, is welcomed. The improved indicators on life expectancy for women are further commended.

Paragraph 126

The efforts made to appraise laws for discrimination against women are commended. The ongoing efforts to bring the law on family relations into harmony with the Convention through the adoption of a new Family Law are particularly welcomed.

Paragraph 127

The Government is commended for amending its nationality law and for granting women equal rights with men to acquire, change or retain their nationality, and also to transfer their nationality to their children.

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Paragraph 129

Geographical distances between islands and atolls as well as stereotypes constitute impediments to the full implementation of the Convention.

Paragraph 130

The State party's reservations 7 (a) and 16 of the Convention are of concern. It is of concern that the reservation to article 7 (a) on political participation supports the retention of legislative provisions excluding women from the office of the President and the Vice-President of the country.

Paragraph 131

The Government should withdraw its reservations to articles 7(a) and 16 of the Convention and repeal legislation limiting women's political participation in public life.

Paragraph 132

The fact that there is an absence of an effective machinery to enforce the rights recognized by the Constitution and to claim remedies is regretted. It is of concern that the constitutional provisions on fundamental rights do not include non-discrimination on the ground of sex.

Paragraph 133

The Government is urged to incorporate a provision against sex discrimination into the Constitution and provide for the effective enforcement of fundamental rights.

Paragraph 134

The Government has not yet introduced temporary special measures according to article 4, paragraph 1, of the Convention to improve women's access to higher education, decision-making positions and legislative bodies at the national and local levels.

Paragraph 135

Temporary special measures should be introduced in a short-term and long-term framework. The Government should combine them with public awareness and legal literacy programmes that challenge sexual stereotypes and should recognize the right of women to equality. The Government is urged to give priority to developing such programmes in areas of the country with high literacy levels.

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

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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 paras. 162-165, 167, 170-175, 180-184, 189 and 190.

Paragraph 162

The Government is commended for its political will to implement the Convention. The development of national mechanisms for monitoring the protection of human rights, including the human rights of women, is noted with appreciation. The efforts of the Government to establish a national machinery for the advancement of women and to conduct a review of legislation, especially those laws that directly address the status of women in various areas, are welcomed. The establishment of the Office of the Ombudsman within the Parliament is also welcomed.

Paragraph 163

The Government is commended for its efforts to maintain a high level of education and for its employment policies towards women. The measures of the Government to promote women entrepreneurs are noted with appreciation.

Paragraph 164

The partnership of governmental agencies with women's non-governmental organizations in the promotion of women's human rights and the emergence of women's non-governmental organizations are welcomed.

Paragraph 165

The negative effects of the ongoing economic and political transformation as well as the ecological degradation in the country are considered major impediments to the full implementation of the Convention.

Paragraph 167

The Government is called upon to include the definition of discrimination against women in article 1 of the Convention in its Constitution and national legislation. A comprehensive law should also be drafted on equal opportunities for women and men, including provisions to allow temporary special measures in accordance with article 4, paragraph 1 of the Convention.

Paragraph 170

The low representation of women in decision-making bodies, because of a number of factors, including traditional sex roles, is of concern.

Paragraph 171

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Temporary special measures should be utilized according to article 4, paragraph 1, of the Convention, in order to increase the number of women in decision-making levels in government, governmental bodies, public administration and State-owned enterprises.

Paragraph 172

The fact that the Government has not made sufficient effort to ensure *de jure* equality between women and men is noted with concern. Such efforts are regarded as particularly urgent in view of the increasing *de facto* inequality in the society.

Paragraph 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. A shift from a welfare approach towards a human rights approach, whereby women are claimants of their rights, is also recommended.

Paragraph 174

The existing national mechanism for the advancement of women does not have sufficient strength and visibility as well as funding to promote effectively the advancement of women and gender equality. Concern is also expressed over the lack of an overall, integrated policy of gender mainstreaming.

Paragraph 175

The existing national machinery should be restructured in order to give it more visibility and strength, the mandate to carry out effectively the mainstreaming of a gender perspective into all policies and programmes should be reviewed and the advancement of women should be promoted. The capacity of the national machinery should be assessed and provided with the necessary human and financial resources, and the existing governmental national mechanisms for women at all levels should be strengthened. The Government is urged to consider fostering more effective coordination among the existing mechanisms for women's issues and gender equality and to ensure that they have sufficient financial and human resources.

Paragraph 180

While noting with appreciation the high level of education among women, concern is expressed about the recent decline in the total number of women students.

Paragraph 181

Urgent measures should be taken to prevent the decline of women in higher education. Raising awareness and providing incentives to encourage young women to enter male-dominated fields of study are recommended.

Paragraph 182

The State party's efforts to keep women in the labour market are recognized, but concern is expressed over the existing occupational segregation in the labour market and the considerable wage

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differential between men and women, especially the gap between female- and male-dominated sectors of employment. The high level of unemployment is of serious concern. Concern is also expressed over indirect discrimination in the recruitment, promotion and dismissal of women. The absence of statistical data on wages disaggregated by sex is noted.

Paragraph 183

Equal opportunities for women and men in the labour market should be ensured, including through the use of temporary special measures. Regular reviews of legislation should be conducted with a view to reducing the barriers for women in the labour market. Special training and retraining programmes for different groups of unemployed women should be designed and implemented.

Paragraph 184

The problem of occupational segregation should be addressed and the principle of equal pay for work of equal value should be implemented.

Paragraph 189

Concern is expressed over the situation of rural women, who comprise 60 per cent of all women in Uzbekistan, including their access to health-care services, education and income-generating activities.

Paragraph 190

Attention should be paid to the specific situation of rural women and special strategies, policies and programmes should be developed that are aimed at the economic empowerment of rural women, ensuring their access to capital and productive resources, as well as to health care services and educational and social opportunities.

See also:

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at para. 110.
- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 350 and 351.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at paras. 206, 211-216, 220-222, 227 and 228.

Paragraph 206

The State party is complimented on its work with the United Nations and regional and subregional organizations in defining national and international plans of action on women. The State party's consistent political will in national and regional implementation programmes to strengthen action plans to improve the status of women is also welcomed.

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Paragraph 211

The slowness of legal reform relating to anti-discriminatory legislation is of concern. It is also of concern that although the Constitution provides for the equality of all citizens, there are no constitutional remedies available to women.

Paragraph 212

The Constitution should be amended to allow women to have access to constitutional remedies of redress. The Government is urged to make the necessary legislative reforms to the Constitution in order to create an appropriate legal framework to ensure that the law is consistent with the provisions of the Convention. 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.

Paragraph 213

It is a matter of concern that Jamaica's passport law provides that a married woman may keep her maiden name on her passport only if she insists or for professional reasons and that in those cases, a note would be entered in her passport with the name of her husband and the fact of her marriage.

Paragraph 214

The passport law should be brought into line with article 16 (g) of the Convention.

Paragraph 215

The fact that the Maternity Leave with Pay Act of 1979 does not cover domestic workers is of concern. The disparity of eligibility and benefits to domestic workers under the National Insurance Scheme and other female workers covered under the Maternity Leave with Pay Act are also matters of concern.

Paragraph 216

The Maternity Leave with Pay Act 1979 should be revised to ensure that, in accordance with international standards, all mothers receive leave with pay. The Maternity Leave with Pay Act and the National Insurance Scheme should also be reviewed with a view to removing any disparity between the eligibility of domestic workers and other female workers to benefits.

Paragraph 220

A full range of temporary special measures should be implemented to increase the number of women in decision-making at all levels, as well as in the public and private sectors. The social partners should be sensitized about the importance of these measures.

Paragraph 221

The current system of monitoring gender impact through focal points is not effective and the necessary structure is not in place.

Paragraph 222

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Gender mainstreaming measures should be introduced in all government ministries, institutions and departments, and the responsibility should not fall exclusively under the purview of the Bureau of Women's Affairs. The Bureau of Women's Affairs should have the role of monitoring gender mainstreaming in all government activities.

Paragraph 227

The high incidence of poverty among various groups of women, in particular in households headed by females, is of concern. Those households have been negatively affected by structural adjustment programmes and the changing global situation.

Paragraph 228

The Government should ensure that its policies to eradicate poverty are continuous and do not further marginalize women.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 245, 246, 249-253, 254-260, 263, 264 and 269-271.

Paragraph 245

The progress made in providing women with access to education and the achievement of high levels of participation at the tertiary level are commended.

Paragraph 246

Efforts to undertake a situation analysis of women in Mongolia and to develop a national programme of action for the advancement of women, with technical support from international organizations, are welcomed.

Paragraph 249

The deteriorating situation of women in Mongolia in a period of economic transformation is noted with deep concern. The fact that the Government has failed to prevent the erosion of women's rights to economic advancement, health, education, political participation and personal security is of particular concern.

Paragraph 250

The Government should protect and promote women's human rights and utilize the development and technical resources available as well as the human resources of the country, including civil society and women's groups, so as to reverse this trend.

Paragraph 251

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Concern is expressed over the fact that poverty is widespread among women as a consequence of privatization and other factors linked to the transition to a market economy.

Paragraph 252

The Government is called upon to collect data and information on women living in poverty, disaggregated by age and according to urban and rural areas; to develop targeted policies and support services; to make efforts to prevent more women from falling below the poverty line; and in particular to address the situation of households headed by women.

Paragraph 254

Legal reforms should be undertaken so as to ensure that the full meaning of article 1 of the Convention is reflected in the country's Constitution and legislation, and that constitutional rights are enforceable.

Paragraph 255

It is noted that a series of laws have been enacted but have not been analysed for their potentially discriminatory impact on women. Concern is expressed that laws are not effectively enforced so as to protect women's human rights.

Paragraph 256

All gender discriminatory laws should be reviewed and reformed in consultation with professional and women's groups. Law enforcement should be strengthened and effective remedies provided through the courts. Legal literacy programmes for the community and gender-sensitization programmes for judges and law enforcement officials should be developed.

Paragraph 257

It is noted with concern that Mongolia has not yet specifically developed gender-sensitization and legal literacy programmes for its large youth population.

Paragraph 258

The Government is called upon to extend its distance education programmes for the youth population to include gender education programmes as soon as possible. The youth population can be an important resource in changing stereotypical and patriarchal attitudes in society.

Paragraph 259

Concern is expressed over the fact that the high achievement levels of women in education are not reflected in their participation in legislative national and local government bodies, and in decision-making posts in administration.

Paragraph 260

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The Government is urged to introduce temporary special measures, in conformity with the Convention, and public awareness and human rights education programmes that will create a supportive environment for women's greater participation in public life.

Paragraph 263

It is noted that a range of institutions and agencies deal with gender issues in an *ad hoc* manner and do not coordinate their work. Although the Government has recognized the weakness of the national machinery, concern is expressed that it has not provided information on new initiatives to address this problem.

Paragraph 264

Strong and effective national machinery should be established so that the Convention and the Beijing Platform or Action can be integrated into development plans. Gender mainstreaming must be effectively coordinated and monitored. Gender concerns should be integrated into the work of the Commission on Human Rights and women should be appointed as members of this body.

Paragraph 269

Concern is expressed over the fact that the responsibility of family and childcare is placed 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.

Paragraph 271

The high unemployment level of women is of concern.

- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 294, 297, 299, 300 and 305-308.

Paragraph 294

The State party is commended for the positive changes in the Finnish Constitution which provide that in case of conflicting legislation, fundamental rights, including women's right to equality, shall prevail, and explicitly provide for temporary special measures.

Paragraph 297

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Continuing discrimination in employment is of concern. In particular, the wage gap that exists between women and men, owing primarily to the “horizontal” and “vertical” gender segregation of the labour market, is of concern.

Paragraph 299

Concern is expressed over the low percentage of women in high-ranking posts in many areas, particularly in academia, where the presence of women has been declining as they move up the academic ladder and where they currently hold only 18.4 per cent of professorships. The current system of hiring professors by invitation, instead of open competition, places women at a disadvantage.

Paragraph 300

Efforts should be made to facilitate an increase in the number of women in high-ranking posts. Proactive measures should be adopted to encourage more women to apply for high-ranking posts and temporary special measures, such as quotas, should be implemented where necessary. The mainstreaming of gender studies in all areas of education as a way to raise the awareness of students of all disciplines to gender issues is also urged. Such mainstreaming should be in addition to the promotion of specific gender study and research programmes.

Paragraph 305

Concern is expressed at the continuing discrimination against immigrant and minority women living in Finland, particularly Roma and Sami women, who suffer from double discrimination, based on both their sex and ethnic background.

Paragraph 306

Studies should be undertaken on the participation of minority women in society and effective measures should be taken to eliminate discrimination against them and strengthen efforts to combat racism and xenophobia in Finland.

Paragraph 307

Concern is expressed that the policy of decentralization may have a more negative impact on women than men.

Paragraph 308

A gender-impact analysis, as well as gender-sensitive training, should be introduced in all decentralization efforts, while strengthening the links between the central authority and the municipalities so that gains made through centrally administered programmes will not be lost during the transition to decentralization.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 322, 326-331, 338-341, 346 and 347.

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Paragraph 322

The establishment of the National Council for Women is welcomed. Created by Presidential decree, the Council reports directly to the President and is mandated to monitor laws and policies affecting women's lives, raise awareness and monitor the implementation of the Convention. The establishment of the Council reflects strong political will and the Government's commitment to enhancing the status of women in compliance with the Convention. The fact that non-governmental organizations are represented in the Council and that they participated in the preparation of the reports is commended.

Paragraph 324

The important reduction of female illiteracy rates obtained by implementing special programmes and specific budgetary allocations is noted with appreciation.

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 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.

Paragraph 328

That women who seek divorce by unilateral termination of their marriage contract under Law No. 1 of 2000 (khul) must in all cases forego their rights to financial provision, including the dower, is of concern.

Paragraph 329

A revision of Law No. 1 of 2000 should be considered in order to eliminate the financial discrimination against women.

Paragraph 330

It is of concern that the Egyptian nationality law prevents an Egyptian woman from passing her nationality onto her children if her husband is not Egyptian, while Egyptian men married to non-Egyptians may do so. The hardship faced by the children of Egyptian women married to non-Egyptian men, including financial hardship with regard to education, is of particular concern. This limitation on the rights of women is inconsistent with the Convention.

Paragraph 331

The legislation governing nationality should be revised in order to make it consistent with the provisions of the Convention.

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Paragraph 338

Taking note of the successful efforts to reduce the drop-out rate for girls in primary education, the remaining high level of illiteracy among women and the rate at which girls and young women drop out of secondary school and university are noted with concern.

Paragraph 339

The Government is called upon to continue to strengthen its efforts to eradicate female illiteracy, particularly in the rural areas. Programmes to prevent drop-outs by girls in primary education and to reduce the drop-out rate of girls and young women at secondary school and university should be continued, including through the use of incentives for parents, so as to provide young women with the necessary skills and knowledge to allow them to participate, on the basis of equality, with men in the labour market.

Paragraph 340

Stereotypical attitudes about the roles of women and men in the family and society are reflected in the low level of representation of women in decision-making at all levels and in all areas. In particular, there is concern that, although there is no law that prohibits the appointment of women as judges, no woman has ever been appointed as a judge.

Paragraph 341

The number of women at all levels of decision-making should be increased, including in Government and Parliament. Temporary special measures, such as numerical goals and quotas connected to time frames, should be implemented in accordance with article 4, paragraph 1, of the Convention, in order to increase the representation of women at decision-making levels in all areas.

Paragraph 346

Several provisions of the Penal Code discriminate against women. In particular, in the case of murder following the crime of adultery, men and women are not treated equally. In addition, prostitutes are penalized, while their clients are not.

Paragraph 347

Any discriminatory penal provisions should be eliminated in accordance with the Constitution and the Convention.

- Andorra, CEDAW, A/56/38 part II (2001) 49 at paras. 36, 40, 45-47, 49 and 50.

Paragraph 36

The establishment of the Secretariat for Family Affairs as the machinery to deal with women's issues and to ensure the implementation of the Beijing Platform for Action is noted with satisfaction. The

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Government is commended for its commitment to include the recommendations of the Committee in the next four-year programme of the Secretariat for Family Affairs.

Paragraph 40

While taking into consideration the fact that Andorran society is experiencing important economic, social, cultural and demographic change, the Government is encouraged to take a gender perspective into consideration in the design of future policies and programmes.

Paragraph 45

The situation of women in employment is of concern. The highly segregated labour market and the large percentage of women in low-paid jobs and in unpaid family labour are also matters of concern. Further concern is expressed at the wide gap in pay between women and men, that women may not receive equal pay for work of equal value, and the fact that there is no specific legislation which prohibits discrimination in employment in general, and which guarantees equal pay for work of equal value in particular.

Paragraph 46

The situation of women with respect to paid employment and unpaid family labour should be consistently monitored. The State party should consider the introduction of legislation on equal employment opportunities and for positive action as provided in article 4.1 of the Convention. The State party should avail itself of existing research and practice with regard to equal pay for work of equal and comparable value in order to overcome pay inequity.

Paragraph 47

Concern is expressed at the existence of several discriminatory laws, including the provision of the Marriage Law that requires widowed or divorced women to wait 300 days before remarriage. Existing legislation, including the Marriage Law, should be reviewed to comply with the Convention.

Paragraph 49

Efforts to eliminate *de jure* inequality between women and men have not been matched by efforts to eliminate *de facto* inequality and this is of concern.

Paragraph 50

The State party is encouraged to monitor carefully the impact of legislation, policies and programmes to eliminate inequality between women and men and to take steps to ensure that equal rights are enjoyed *de facto*.

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- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 70, 73-75, 77, 79, 80, 83-89, 92 and 93.

Paragraph 70

The intention to extend the child sick leave provision to fathers working in the civil service is noted with satisfaction.

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.

Paragraph 77

The failure to extend the Employment Act to domestic workers results in discrimination against women domestic workers and denial of legal protection. There is also concern that the requirement of their current employer's consent to transfer employment deters such workers from reporting grievances to governmental authorities.

Paragraph 79

While the importance of the family as the basic social unit is recognized, concern is expressed that the concept of Asian values regarding the family, including that of the husband having the legal status of head of household, might be interpreted so as to perpetuate stereotyped gender roles in the family and reinforce discrimination against women.

Paragraph 80

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The Government is urged to ensure that laws, policies and programmes with regard to the family incorporate the principle of equality between women and men in all spheres, including the family, and the full realization of women's human rights.

Paragraph 83

Concern is expressed about the Government's lack of clear understanding regarding gender mainstreaming with respect to legislation, policies and programmes.

Paragraph 84

The policies should be reviewed with a view to preventing direct and indirect discrimination and achieving *de facto* gender equality.

Paragraph 85

It is of concern that disparities between women's and men's wages may be due to discriminatory attitudes of employers and to gender-stereotyped job and workplace evaluation.

Paragraph 86

The issue of wage differentials between women and men should be reviewed, including through consideration of existing research on the concept of equal pay for work of equal value, both in the public and private employment sectors. The Government is also urged to remedy the situation in the public employment sector where applicable and to initiate sensitization campaigns to encourage social partners to address this issue.

Paragraph 87

Concern is expressed about the very low level of representation of women in politics and decision-making.

Paragraph 88

Efforts to increase women's representation in politics and decision-making should be enhanced through a gender-sensitive application of the meritocracy principle and by taking measures to guarantee the equal opportunity of women to participate in these areas. Such measures may include the imposition of minimum quotas for women political candidates.

Paragraph 89

The State party should improve its complaints procedure with respect to violations of the constitutionally guaranteed rights to equality so that acts of discrimination can be challenged by women.

Paragraph 92

The imposition of a maximum quota on the number of women medical students is of concern.

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Paragraph 93

The maximum quota on the number of women medical students should be removed and childcare arrangements and flexible working hours provided, so as to encourage and enable women doctors to pursue their profession.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 113, 114, 118-127, 131-133, 138 and 139.

Paragraph 113

The adoption of the Gender and Development Framework Programme for 1997 to 2001, which integrates gender perspectives into legislation, policy, power structures, economy and poverty alleviation, education and literacy, and health and institutional mechanisms is welcomed. In particular, the State party's creation of the Ministry for Social Affairs, the Promotion of Women and Childhood, which is responsible for the implementation and monitoring of governmental policy on women and children, is welcomed.

Paragraph 114

The Government is commended for the number of legal reforms introduced since the ratification of the Convention in 1982, in particular the reform of the Constitution, the penal code, the civil code and the code of personal status and family law, which is currently in the process of being further amended to support women's rights.

Paragraph 118

Although the Constitution provides for the equality of all citizens, it does not contain a definition of what constitutes discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination. It is noted with concern that although the Convention, which guarantees the right to equality, is deemed to prevail over domestic law, there are many discriminatory provisions in the general law, and practices reinforce discrimination against women in Guinea.

Paragraph 119

The Constitution should be amended to include a definition of discrimination against women modelled on article 1 of the Convention. The State party is requested to take steps to eliminate the contradiction between constitutional guarantees on the one hand, and remaining discriminatory civil laws on the other, by initiating a comprehensive action plan for legal reform and by adopting a mechanism that enables women to challenge discrimination and effectively enforce the rights guaranteed by the Constitution in the courts.

Paragraph 120

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The existing gap between the *de jure* and *de facto* equality of women and men and the persistence of customary practices that continue to discriminate against women are matters of concern.

Paragraph 121

The Government is encouraged to ensure full implementation of laws and policies that provide for *de jure* equality and seek to eliminate discrimination against women, and to establish a monitoring mechanism to ensure the implementation of those laws. The Government should ensure that those charged with the responsibility for the implementation of such laws and policies at all levels are fully aware of their content and public education and legal literacy campaigns should be introduced to ensure wide knowledge of these laws and policies.

Paragraph 122

It is of concern that despite prohibitions in statutory law, there is wide social acceptance and lack of sanctions for such practices as female genital mutilation, polygamy and forced marriage, including *levirate* and *sororate*, and discrimination with regard to child custody and inheritance. Concern is expressed that the Civil Code contains provisions in family law that discriminate against women and reinforce discriminatory social practices. The Government's use of social practices and customs to justify the non-enforcement of the Civil Code is also of concern.

Paragraph 123

An action plan should be developed, including a public-awareness campaign targeted at both women and men, with the support of civil society and social partners, to eliminate the gap between statutory law and social customs and practices, especially with regard to family law. The State party should work with relevant ministries and non-governmental organizations, including lawyers' associations and women's groups, to create an enabling environment for legal reform and effective law enforcement. The Government is called upon to ensure women's awareness of their rights and to explore and apply innovative methods to reach illiterate women.

Paragraph 124

It is of concern that the concept of male preference continues to be entrenched in some provisions of nationality law.

Paragraph 125

Female and male spouses who marry foreigners should be treated equally in regulations governing nationality. The Government is urged to ensure that the concept of *jus sanguinis* is applied to ensure that children of mixed parentage born outside the country can acquire nationality through their Guinean mother.

Paragraph 126

The high prevalence of illiteracy among women and girls and the low level of schooling of girls, especially in rural areas are matters of concern. Education is a key to the empowerment of women

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and the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of their human rights and to sustainable national development.

Paragraph 127

The Government is encouraged to strengthen its efforts to improve the literacy level of girls and women, to improve the access of girls and young women to all levels of education and to prevent girls dropping out of school. Further special measures should be introduced in the area of education, including incentives for parents to send girls to school and the recruitment of women teachers.

Paragraph 131

Holistic measures should be taken to combat the HIV/AIDS pandemic and further practical preventive measures should be taken by providing access to condoms for women and men. The Government is also urged to ensure that women and girls infected by HIV/AIDS are not discriminated against and are given appropriate assistance. It is emphasized that the collection of reliable data on HIV/AIDS is critical to gaining an understanding of the pandemic.

Paragraph 132

Stereotypical attitudes regarding the role of women and men in society are reflected in the low representation of women in decision-making bodies, including the National Assembly, the Government and the judiciary. It is noted that the Government has not applied the temporary special measures provided for in article 4, paragraph 1, of the Convention.

Paragraph 133

The concept of temporary special measures should be applied to increase the number of women in decision-making at all levels and in all areas. Efforts to promote women to positions of power should be strengthened by organizing special training programmes for women and by conducting awareness-raising campaigns on the importance of women's participation in decision-making at all levels.

Paragraph 138

Concern is expressed about the situation of rural women, who constitute the majority of the female population in the country. It is also of concern that customs and beliefs that prevent women from inheriting or gaining ownership of land and property are most broadly accepted in rural areas.

Paragraph 139

The greatest attention should be paid to the needs of rural women and to ensure that they benefit from policies and programmes adopted in all spheres, that they participate in decision-making and have full access to health services and credit facilities. The elimination of discrimination with respect to the ownership and inheritance of land is also urged.

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See also:

- Burundi, CEDAW, A/56/38 part I (2001) 7 at para. 57.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 157-165.

Paragraph 157

The Committee welcomes the constitutional reform process which led to the recognition of non-discrimination on the basis of sex, gender, marital status and pregnancy as a fundamental human right enshrined in the Constitution. It also welcomes the passage of Bill No. 6 of 2001, which provides for the establishment of constitutional commissions, including the Women and Gender Equality Commission, which will be responsible for ensuring that women are not discriminated against in any sector of society.

Paragraph 158

The Government is commended for achieving an impressive level of representation of women in the highest political offices of the country. The appointment of a young woman of Amerindian descent to a ministerial office, for the first time in the history of Guyana, assigned with the portfolio of Amerindian Affairs, is welcomed.

Paragraph 159

The Government is commended for the mandatory representation of 33 1/3 per cent women on the lists of all political parties contesting the general elections and regional elections and a representation of a critical mass of women in a range of professions in the public sector.

Paragraph 160

The Government is commended for the adoption of its National Plan of Action for Women 2000-2004, which constitutes a comprehensive approach to addressing critical issues affecting women, such as employment, violence against women and women in decision-making.

Paragraph 161

It is recognized that the implementation of structural adjustment programmes and the increasing debt burden, as well as political instability, have impeded progress in the full realization of women's rights.

Paragraph 162

In spite of the legal measures introduced, the successful implementation of such laws and policies is yet to be achieved in many areas. Concern is expressed at the absence of reference to indirect discrimination in the Constitution and legislation seeking to eliminate discrimination. Further concern is expressed that the Constitution does not provide for a complaints procedure to enforce the guarantees on gender equality and fundamental human rights.

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Paragraph 163

Priority should be given to constitutional and legislative reform to address these gaps and strengthen law enforcement so as to ensure that women's *de jure* and *de facto* equality will be realized. In particular, the strengthening of civil remedies so that women can enforce their rights through litigation is recommended. Constitutional commissions should be established as soon as possible.

Paragraph 164

Concern is expressed about the effectiveness of the national machinery engaged with gender issues in Guyana. Concern is also expressed that insufficient human and financial resources have been allocated to the national machinery.

Paragraph 165

The mandates of the various commissions and the level of interaction among them should be clearly defined. The process of restructuring the national machinery should be continued and the necessary human and financial resources should be allocated to ensure effective implementation of governmental policies and programmes related to gender equality. Gender mainstreaming in all ministries is encouraged.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 196, 203-207, 213-220, 223, 224, 227 and 228.

Paragraph 196

The Government is commended on its conceptual approach to the implementation of each article of the Convention which incorporates, wherever possible, three policy levels: achievement of complete equality for women before the law; improvement of the position of women; and efforts to confront the dominant gender-based ideology.

Paragraph 203

Concern is expressed that the policy of balanced division of paid work and unpaid care has not produced the expected results, since the burden of unpaid care still falls mainly upon women. There is also concern that women who work outside the home devote twice as much time as men to unpaid work, and that there are still insufficient child-care places.

Paragraph 204

The policy of balanced division of paid work and unpaid care should be reviewed. Also, greater efforts should be devoted to the development of additional programmes and policies to encourage men to share family and caring responsibilities. In addition, the availability of sufficient childcare places and an uninterrupted, long school day should be ensured.

Paragraph 205

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Despite the efforts made, there is continuing discrimination against immigrant refugee and minority women who suffer from multiple discrimination, based both on their sex and on their ethnic background, in society at large and within their communities, particularly with respect to education, employment and violence against women. Concern is also expressed about manifestations of racism and xenophobia.

Paragraph 206

Effective measures should be taken to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. The Government is urged to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes and programmes to sensitize the community to combat patriarchal attitudes and practices and stereotyping of roles and to eliminate discrimination and violence against women in immigrant and minority communities. The Government is also urged to eliminate xenophobia and racism in the Netherlands by strengthening its efforts to combat the activities of racist and xenophobic groups based in the country.

Paragraph 207

There is concern about the lack of information on the *de facto* situation of women of ethnic and minority communities in respect to their access to education, employment and health services. There is also concern about the limited information on their freedom from violence, including female genital mutilation, domestic violence and honour crimes, as well as other discriminatory practices, such as polygamy, early marriage and forced pregnancy.

Paragraph 213

Although efforts undertaken by the Government to solve the problem of discrimination faced by women at the workplace through all of the legislative measures aimed at improving women's economic status are acknowledged, concern is expressed over continuing discrimination in employment and business enterprises. Concern is also expressed with the "horizontal" and "vertical" gender segregation of the labour market, and the concentration of women in part-time employment. It is also of concern that, in the private sector, women earn on average 23 per cent less than men, although when adjusted in the light of the work they do and their personal characteristics, this differential is reduced to 7 per cent.

Paragraph 214

Efforts to eliminate stereotypes relating to traditional areas of employment and education for women should be increased. Efforts to improve the conditions for working women so as to enable them to choose full-time employment, rather than part-time employment in which they are currently over-represented, are recommended. The discrimination that part-time workers face in relation to overtime should also be eliminated.

Paragraph 215

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Elderly women may be marginalized within, as well as insufficiently covered by, the health insurance and pension systems. Special attention should be paid to the needs of elderly women in “Daily routine” programmes.

Paragraph 216

The low presence of women in high-ranking posts in all areas is of concern, particularly in academia where, according to 1996 figures, women hold only 5 per cent of professorships.

Paragraph 217

The low participation of women in political and public life is of concern. In the present Government, women hold 26.75 per cent of posts in ministries whereas, according to 1998 figures, only 7.5 per cent of posts at the level of ambassador, permanent representative and consul-general are filled by women.

Paragraph 218

Efforts should be made to facilitate an increase in the numbers of women in high-ranking posts, including in decision-making in politics, the economy and academia. Proactive measures should be adopted to encourage more women to apply for these posts and, where necessary, temporary special measures should be implemented, as provided for in article 4, paragraph 1, of the Convention.

Paragraph 219

It is noted with concern that there is a political party represented in the Parliament that excludes women from membership, which is a violation of article 7 of the Convention.

Paragraph 220

Urgent measures to address this situation should be taken, including through the adoption of legislation that brings the membership of political parties into conformity with its obligations under article 7.

Paragraph 223

It is of concern that the new Law on Names provides that where the parents cannot reach an agreement as to the name of a child, the father has the ultimate decision. This contravenes the basic principle of the Convention regarding equality.

Paragraph 224

The Law on Names should be reviewed and amended to comply with the Convention.

Paragraph 227

EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General

Concern is expressed about the status of women in Aruba and the Netherlands Antilles where, despite the strides that have been made towards strengthening the legal position of women, gender equality is far from being achieved and gender-based stereotypes persist. Particular concern is expressed about the negative effects that the structural adjustment programmes might have on women in the Netherlands Antilles and on the limited resources available to the National Bureau of Women's Affairs in Aruba, which might prevent the effective implementation of projects aimed at empowering women.

Paragraph 228

The Government is urged to strengthen its economic support to Aruba and the Netherlands Antilles, in particular support for programmes on capacity-building to better achieve gender equality, including support for the implementation of the Convention.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at paras. 246-248, 250, 252, 253, 256, 257 and 270-273.

Paragraph 246

The Government is commended for its allocation of resources to achieve economic growth with social equity, thus creating an enabling environment for the implementation of the Convention. The progress achieved and the relatively high ranking of the State party in the UNDP human development index and gender development index is noted. The measures of the Government to eliminate poverty are also noted with appreciation.

Paragraph 247

The Government is commended on the preparation of a national strategy for women (2001-2010) and a five-year plan on the advancement of women (2001-2005), as recommended in the Beijing Platform for Action. The inclusion of a gender perspective in the economic and social development plan for 1991-2000 are noted with satisfaction.

Paragraph 248

The country's ongoing economic transformation is considered to pose special challenges to the realization of gender equality - in particular in the areas of women's employment and education of girls and young women - which can undermine the progress achieved in realizing equality between women and men. The Government's social development programme is also considered to be hampered by the 1997 economic crisis in Asia. Continuing poverty poses a significant obstacle to the implementation of the Convention.

Paragraph 250

It is of concern that patriarchal attitudes and behaviour, reflected in women's inferior role in the family, the non-recognition of women's work, son-preference and men's failure to share household and family responsibilities, are deeply entrenched.

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Paragraph 252

The low representation of women in decision-making bodies in political and public life at all levels is a matter of concern.

Paragraph 253

The number of women in decision-making at all levels and in all areas, including macroeconomic policy, should be increased. Temporary special measures should be introduced, in accordance with article 4, paragraph 1, of the Convention, to strengthen efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns promoting the importance of women's participation in decision-making at all levels.

Paragraph 256

Concern is expressed about the considerable gap between the State party's effort to ensure *de jure* equality between women and men and the enjoyment by women of *de facto* equality, in particular in economic, social and political areas.

Paragraph 257

The implementation of legal provisions that guarantee women *de jure* equality should be monitored so as to ensure that they benefit women *de facto*. Gender-sensitization and training programmes for law-enforcement, judicial and health personnel and others responsible for the implementation of legislation should be introduced, so that women's *de facto* enjoyment of equality will be guaranteed.

Paragraph 270

The retirement ages for women and men differ and this has negative effects on women's economic well-being. There is also concern that the retirement age is negatively affecting the access of rural women to land.

Paragraph 271

The existing legal provisions regarding the retirement age of women and men should be reviewed, with a view to ensuring that women are entitled to continue productive employment on an equal basis with men. The Land Law should also be evaluated and any provisions which discriminate, directly or indirectly, against women should be eliminated.

Paragraph 272

The lack of information on segregation by sex in the labour market is noted with concern. It is also of concern that the impact of incentives to encourage the employment of women has not been assessed.

Paragraph 273

EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General

Efforts to collect statistics and information on the position of women and men in the labour market should be increased, especially in the private sector.

- Nicaragua, CEDAW, A/56/38 part II (2001) 72 at paras. 289, 293, 306, 307 and 310-313.

Paragraph 289

The efforts made by the Government to implement the Convention, as reflected in a range of laws, institutions, policies and programmes to address discrimination against women, are welcomed. It is recognized that the Nicaraguan Institute for Women was one of the first national machineries to be established in the region, in 1982. The Government's collaboration with civil society and other actors in reaching a common agenda on women's priorities is also welcomed.

Paragraph 293

The high level of poverty in Nicaragua, aggravated by natural disasters, poses a serious obstacle to the implementation of the Convention and women's full enjoyment of their rights.

Paragraph 306

It is of concern that women workers have been replaced by men in both the formal and informal sectors of the economy, that men's wages are three times greater than those of women and that the rates of unemployment and underemployment of women are high. Concern is also expressed at the indirect discrimination against women because they have limited access to credit owing to their lack of collateral.

Paragraph 307

Measures should be taken to improve the status of working women, including the introduction of training programmes to promote the integration of women into the labour force and to diversify their participation. The State party should ensure the establishment of childcare centres; improved access to credit, with special emphasis on rural women; and greater efforts to achieve equal pay for work of equal value.

Paragraph 310

The establishment of the national machinery for women, the Nicaraguan Institute for Women, is welcomed, but there is concern about the lack of institutional support for the Institute and its dependence on international cooperation.

Paragraph 311

The Government is urged to provide the Nicaraguan Institute for Women with the required finances, personnel and political decision-making capacity to enable it to influence effectively the promotion of gender equality in Nicaragua.

Paragraph 312

EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General

While the adoption of legislation to protect and promote women's human rights, including domestic violence legislation and the Equal Opportunities Law, is welcomed, concern is expressed that discriminatory laws continue to exist and that there is no legislation dealing with education.

Paragraph 313

Existing legislation should be reformed and new legislation enacted to protect the equal rights of women and men in regard to education. The speedy adoption of a non-discriminatory family code is recommended.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 332, 334, 335, 340, 341, 344-351, 356 and 357.

Paragraph 332

The Government is commended for the progress made in ensuring gender equality in women's political participation and decision-making, where it is regarded by many other countries as a model. The fact that the application of measures in line with article 4, paragraph 1, of the Convention has led to concrete results in some areas is noted with satisfaction.

Paragraph 334

The passing of legislation that provides residence permits to individuals who have a well-founded fear of persecution on the basis of sexual orientation or gender, particularly in cases that involve discrimination against women, is commended.

Paragraph 335

The Government is commended for its efforts to incorporate gender mainstreaming into its overall policy framework and at all stages of the policy-making processes, while at the same time implementing women-specific programmes to encourage gender equality.

Paragraph 340

While the Government has taken significant steps to address discrimination against women in the workplace through the passage of the Gender Equality Act and the establishment of the Equal Opportunities Ombudsman, concern is expressed that the wage gap between women and men, in both the public and private sectors, has not narrowed during the past 10 years. This disparity is linked to the persistence of gender segregation in the labour market.

Paragraph 341

Policies and active measures should be adopted to accelerate the eradication of pay discrimination against women, including job evaluations, collection of data, further study of the underlying causes for the wage gap and provision of increased assistance to social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women.

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Paragraph 344

While the Government is commended for the impressive advances made by women in terms of representation in decision-making in politics, women's representation in executive and decision-making positions in the private economic sector, as well as on central governmental boards and boards of government-controlled companies, continues to be low. Concern is also expressed about the low representation of women as chairs of local and municipal boards.

Paragraph 345

Steps should be taken to facilitate the options insofar as employment of women in the private sector are concerned, through the implementation of temporary special measures in accordance with article 4, paragraph 1, wherever possible. Measures should be taken to increase the representation of women in decision-making positions in all sectors, including central governmental boards, county and municipal boards, particularly as chairs of those boards, and in government-controlled companies.

Paragraph 346

The low level of women's representation in the judiciary is a matter of concern.

Paragraph 347

A procedure should be adopted that ensures that women are not discriminated against when appointments to the judiciary are made.

Paragraph 348

While noting the high number of women in the lower ranks of the foreign service, concern is nevertheless expressed about the low level of representation of women in the higher echelons of the service, in particular in ambassadorial posts.

Paragraph 349

Current policies to increase the representation of women in the foreign service, particularly as ambassadors, should continue and measures should be taken to ensure that women in the foreign service are not disadvantaged in terms of posting to locations requiring senior staff.

Paragraph 350

Despite the high achievement of women in tertiary education, there are very few women professors in the universities and this is of concern. There also appears to be an imbalance in the access of women, as compared to men academics, to research grants and other resources.

Paragraph 351

The State party is urged to facilitate, by means of its policies, an increase in the number of women in high-ranking posts at universities and should ensure that women professors are not discriminated against regarding access to resources, including research grants.

Paragraph 356

EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General

Taking note of the efforts of the Government to combat discrimination, concern is expressed about the continuing discrimination against immigrant, refugee and minority women, including in education and employment, and at the gender-based discrimination and violence that they face in their own communities. Concern is also expressed about discrimination against Sami and Roma women.

Paragraph 357

Effective measures should be taken to eliminate discrimination against immigrant, refugee and minority women and to strengthen efforts to combat xenophobia and racism in Sweden. The State party is also encouraged to be more proactive in its measures to prevent discrimination against immigrant, refugee and minority women, both within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies.

CAT

- Venezuela, CAT, A/54/44 (1999) 16 at para. 133.

Paragraph 133

The Act intended to combat violence against women and the family has entered into force; and the Organizational Act for the Protection of Children and Adolescents has been approved, and will enter into force next year. Both laws are intended to improve the protection of these particularly vulnerable sectors who frequently fall victim to discrimination, abuse or cruel, inhuman or degrading treatment.

CRC

- Bolivia, CRC, CRC/C/16 (1993) 13 at para. 36.

The disparities in the status and treatment of children in Bolivia conforming to distinctions based on race, sex, language and ethnic or social origin are of concern. Vulnerable groups of children, including girl children, indigenous children and children living in poverty, are particularly disadvantaged in their access to adequate health and educational facilities and are the primary victims of such abuses as sale and trafficking, child labour and sexual and other forms of exploitation. The diminished level of protection for girl children inherent in the lower minimum age for marriage is discriminatory and, as a result, deprives this group of children of the benefit of other protections afforded by the

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Convention.

- Russian Federation, CRC, CRC/C/16 (1993) 21 at para. 81.

Regarding the implementation of article 28 of the Convention, the situation of the girl child in rural areas is of concern.

- Egypt, CRC, CRC/C/16 (1993) 24 at paras. 98 and 104.

Paragraph 98

Although Egyptian laws and regulations guarantee equality between the sexes, in reality there is still a pattern of disparity between boys and girls, in particular as far as access to education is concerned.

Paragraph 104

The principle of non-discrimination must be vigorously applied. A more active approach should be taken to eliminating discrimination against certain groups of children, in particular girl children and children in rural areas. With regard to the gap in literacy and school enrolment mentioned in the report, obstacles facing girls should be adequately addressed so that they can enjoy their right to go to school; further measures might be taken to increase the awareness of parents in this regard.

- El Salvador, CRC, CRC/C/20 (1993) 19 at para. 93.

Strategies and educational programmes along with the adequate dissemination of information should be undertaken in order to counter certain prejudices which affect children negatively, such as gender-based discrimination (known as "*machismo*") and discrimination against disabled children (especially in rural areas), and to enhance the participation of children, in particular within the family.

- Costa Rica, CRC, CRC/C/20 (1993) 25 at para. 130.

There have been alarming tendencies in recent years of increasing problems concerning vulnerable children, such as discrimination against the girl child and sexual abuse, including incest and other forms of violence perpetrated against children. In this connection, it is noted that there has not always been adequate enforcement of existing legislation nor have public education activities been sufficiently focused on those problems.

- Colombia (preliminary), CRC, CRC/C/24 (1994) 18 at para. 81.

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Educational campaigns should be undertaken to reduce violence in society and in the family and to combat prejudice on the basis of gender.

- Pakistan, CRC, CRC/C/29 (1994) 10 at paras. 41, 52 and 55.

Paragraph 41

The situation of girl children as regards, on the one hand, the effect of legislation in place, measures adopted, and practices and customs which serve to discriminate against girl children, such as early marriage, and, on the other hand, the insufficient attention accorded to their schooling, is of deep concern.

Paragraph 52

Measures must be taken to make the provisions and principles of the Convention widely known among adults and children alike. To assist in these efforts, it is suggested that political, religious and community leaders be encouraged to take an active role in supporting efforts to eradicate traditional practices or customs that discriminate against children, particularly the girl child, or are harmful to the health and welfare of children.

Paragraph 55

In line with international recommendations, the importance of focusing attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and the incidence of children at work, is emphasized. The Government should consider taking active and urgent measures to tackle the problems of the low enrolment of girls in school, and the high incidence of school drop-out and illiteracy, especially of girls and women. Attention is drawn to the possibility of benefitting from the activities of women's groups to improve access to education for girls at the community level.

- Burkina Faso, CRC, CRC/C/29 (1994) 15 at paras. 68 and 74.

Paragraph 68

The persistence of discrimination against girls and women is of serious concern. The low school attendance and high drop-out rates among girls, especially at the primary level, and the continuing practices of female circumcision, forced marriages and domestic violence, as well as the low coverage and acceptance of family planning programmes are also matters of concern.

Paragraph 74

A comprehensive strategy should be elaborated and effectively implemented to eradicate the existing discrimination against girls and women. In that context, special efforts should be made to prevent existing practices of forced marriage, female circumcision and domestic violence. More attention should be paid to the wider dissemination of knowledge about modern methods of family planning.

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- Jordan, CRC, CRC/C/29 (1994) 21 at para. 128.

Measures should be taken to prevent and eliminate discriminatory attitudes or prejudice and to ensure effective protection against discrimination, particularly with regard to the girl child and children born out of wedlock, as well as any differentiation resulting from the status of parents.

- Philippines, CRC, CRC/C/38 (1995) 12 at para. 60.

The lack of practical measures to ensure the full enjoyment of rights by certain categories of children, including girl children, disabled children, children of mixed marriages, children of overseas workers, working children, and children affected by armed conflicts, is of concern.

- Nicaragua, CRC, CRC/C/43 (1995) 10 at para. 42.

The apparent persistence of discriminatory attitudes directed towards girls, children born out of wedlock, children from poorer income groups and children belonging to minority and indigenous groups remains of concern.

- Senegal, CRC, CRC/C/46 (1995) 21 at paras. 126 and 142.

Paragraph 126

The insufficient measures taken to ensure the effective implementation of the principle of non-discrimination are of concern. In this regard, the persistent discriminatory attitudes towards girls, also reflected in their notably lower school attendance and their higher drop-out rate, is noted.

Paragraph 142

Further steps should be taken to strengthen the education system, particularly in the rural areas, to improve the quality of teaching and to reduce drop-out rates. Furthermore, all necessary measures should be adopted to ensure a system of compulsory and free primary education, on the basis of equal opportunity, paying due regard to the situation of girls.

- Portugal, CRC, CRC/C/46 (1995) 24 at para. 157.

The principle of non-discrimination is not fully implemented for girls, disabled children and illegal immigrant children, non-accompanied children and children living in rural areas, especially in the fields of education and health and this is of concern.

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- Holy See, CRC, CRC/C/46 (1995) 27 at para. 179.

Concern is expressed over the fact that discrimination between children may arise in Catholic schools and institutions, in particular with regard to gender.

- Yemen, CRC, CRC/C/50 (1996) 9 at paras. 33, 34, 39 and 45.

Paragraph 33

The persistence of discriminatory attitudes towards girls, hampering the enjoyment of their basic rights including in situations of early marriage, is a deep concern. The lower marriageable age for girls than for boys raises serious questions as to its compatibility with the Convention, in particular article 2.

Paragraph 34

Insufficient measures and programmes have been taken for the protection of the rights of the most vulnerable children, in particular girls, children living in rural areas, children victims of abuse, children affected by armed conflicts, disabled children, "*akhdam*" children and children who are forced to live and/or work in the streets, including child beggars.

Paragraph 39

Special measures should be taken to raise the minimum age for marriage while ensuring that the age is the same for boys and girls.

Paragraph 45

The State Party should undertake all appropriate measures, to the maximum extent of available resources, to ensure budgetary allocations to services for children, particularly in the areas of education and health, and priority attention should be paid to the protection of the rights of children belonging to the most disadvantaged groups, including girls, children living in rural areas, children affected by armed conflicts, disabled children, "*akhdam*" children and children who are forced to live and/or work in the streets.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 108.

The State party should give further consideration to the need to allocate greater resources to education and to reverse any trends in the education system which may perpetuate gender discrimination or stereotyping as well as to addressing other problems, including those relating to teaching in national languages.

- Iceland, CRC, CRC/C/50 (1996) 23 at para. 147.

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Appropriate measures should be taken to counter the inequalities between men and women with regard to remuneration, since it may be detrimental to the child, in particular in homes headed by a single woman.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at paras. 161 and 169.

Paragraph 161

The persistent discriminatory attitudes affecting girls – including in relation to the minimum age for marriage – disabled children and children born out of wedlock are of concern.

Paragraph 169

The Government should develop public campaigns with a view to addressing effectively the problem of persisting discriminatory attitudes, in particular towards girls, disabled children and children born out of wedlock, and adopt proactive measures to improve the status and protection of these groups of children.

- China, CRC, CRC/C/54 (1996) 18 at para. 116.

Inadequate measures taken in the field of social security may have led to an over-reliance on children providing future care and support to their parents. This may have contributed to the perpetuation of harmful traditional practices and attitudes such as a preference for boys, to the detriment of the protection and promotion of the rights of girls and of disabled children.

- Nepal, CRC, CRC/C/54 (1996) 25 at para. 161.

The persistent discriminatory attitudes towards girls, as reflected in the prevailing son preference, the persistence of early marriages, the notably lower school attendance of girls, and their higher drop-out rate, are of particular concern. The different marriage age of girls and boys, which is not in conformity with article 2 of the Convention, is also a concern. A further concern is the caste system and traditions such as the *deuki*, *kumari* and *devis*. The persistence of such traditional practices and attitudes seriously hampers the enjoyment of the rights of the child.

- Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 205 and 216.

Paragraph 205

The low age of marriage for girls, which is different from the one for boys, is incompatible with the

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principles and provisions of the Convention.

Paragraph 216

The State party should review its legislation on the age of marriage for girls in the light of the principles and provisions of the Convention, notably those of articles 2, 3 and 24, with a view to raising it and ensuring the same age for girls and boys.

- Nigeria, CRC, CRC/C/57 (1996) 12 at para. 87.

Further measures should be undertaken as a high priority to prevent and combat discrimination, especially on the grounds of gender and ethnic origin, and differential access to services between the rural and urban populations.

- Mauritius, CRC, CRC/C/57 (1996) 29 at paras. 176 and 189.

Paragraph 176

The provisions of the Penal Code relating to protection against sexual abuse, which provide no safeguard for the protection of boy victims, are of concern.

Paragraph 189

Measures should be taken to prevent a rise in discriminatory attitudes or prejudice towards girl children and children belonging to minority groups.

- Ghana, CRC, CRC/C/66 (1997) 15 at paras. 86 and 116.

Paragraph 86

The persistence of discriminatory attitudes against some groups of children, especially girls and children with disabilities as well as children living in rural areas, which often results in limited access to basic social facilities, such as health and education, remains of concern.

Paragraph 116

Serious efforts are required to address harmful traditional practices such as early marriage, female genital mutilation and *Trokosi* (ritual enslavement of girls). All legislation should be reviewed to ensure its full compatibility with children's rights and public campaigns involving all sectors of society should be developed and pursued with a view to changing attitudes. All appropriate action in this regard should be taken on a priority basis.

See also:

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 131.

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- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 138.

The persistence of discriminatory attitudes and harmful practices affecting girls, as illustrated by serious disparities, sometimes starting at birth and affecting the enjoyment of the rights to survival, health, nutrition and education, are of concern.

- Paraguay, CRC, CRC/C/66 (1997) 29 at para. 208.

All appropriate measures should be undertaken, including information campaigns, to prevent and combat all prevailing forms of discrimination against girls and minority or indigenous children, especially those living in rural areas, with a view to promoting their access to basic services.

See also:

- Togo, CRC, CRC/C/69 (1997) 39 at para. 275.
- Uganda, CRC, CRC/C/69 (1997) 21 at paras. 135 and 143.

Paragraph 135

The fundamental right of free and compulsory primary education is not yet fully and equally implemented and is of concern. Furthermore, the low level of school enrolment and the high drop-out rates for girls due to, *inter alia*, early marriage, the lack of learning and teaching facilities and materials, and the shortage of trained teachers, are also of concern.

Paragraph 143

The prescribed ages in the various national laws should be harmonized so as to eliminate inconsistencies, contradictions and gender disparities.

- Micronesia, CRC, CRC/C/73 (1998) 20 at para. 118.

The difference between boys and girls with regard to the minimum age of marriage, as well as the possibility for girls to marry at an earlier age than 16, are matters of concern.

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at para. 85.

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Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment should be considered, as each has an impact on the rights of the child.

- Fiji, CRC, CRC/C/79 (1998) 18 at para. 112.

Setting the minimum legal age for marriage at different ages, 16 for girls and 18 for boys, is discriminatory.

- Maldives, CRC, CRC/C/79 (1998) 31 at para. 230.

The principle of non-discrimination should be fully implemented. A more proactive approach should be taken to eliminate discrimination against the girl child, children with disabilities, children living on remote islands, and children born out of wedlock. The National Policy on Women, which may bear a positive impact on the status of the girl child, should be enacted and implemented.

- Ecuador, CRC, CRC/C/80 (1998) 9 at paras. 40, 41 and 49.

Paragraph 40

The use of the biological criterion of puberty to set different ages of maturity for boys and girls is of concern as it constitutes a form of gender-based discrimination. Domestic legislation should be reviewed in order to ensure full conformity with the principles and provisions of the Convention.

Paragraph 41

All available measures should continue to be taken to reduce economic and social disparities, including those between rural and urban areas. Measures to prevent discrimination against the most disadvantaged groups of children, including children belonging to indigenous communities, Afro-Ecuadorean children, girl children, children with disabilities, children born out of wedlock, children in institutional care, and children living and/or working on the streets, should be reinforced.

Paragraph 49

The educational system and its policies should be strengthened in order to reduce gender and geographical disparities and to establish retention programmes and vocational training for drop-out students.

See also:

- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 103.

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- Iraq, CRC, CRC/C/80 (1998) 15 at para. 74.

All appropriate measures, including legislative measures, should be taken to ensure non-discrimination at all levels of society and to encourage equality between boys and girls. In this regard, additional measures should be taken to ensure the school enrolment of girls, especially in rural areas, and to reduce their drop-out rate, particularly during the compulsory education period.

- Kuwait, CRC, CRC/C/80 (1998) 28 at paras. 135 and 146.

Paragraph 135

Legislation should be reviewed with a view to prohibiting discrimination. Furthermore, all appropriate measures should be taken to safeguard the rights of Bedoon children, migrant children, other non-citizens, and girls, especially with regard to access to education, health and other social services. Lastly, all appropriate measures should be taken to guarantee that girls are systematically treated equally, especially with regard to the right to inheritance.

Paragraph 146

The practice of early marriage is of concern. All appropriate measures, including legal measures, awareness-raising campaigns with a view to changing attitudes, counselling and reproductive health education, should be taken to prevent and combat this traditional practice, which is harmful to the health and well-being of girls and the development of the family.

- Thailand, CRC, CRC/C/80 (1998) 35 at para. 178.

The number of children, particularly girls, leaving school prematurely to engage in labour is of concern. All appropriate measures should be taken to provide equal access to education for all children in Thailand. Additional measures should be implemented to encourage children, particularly girls and children from poor and hill tribe families, to stay in school, and to discourage early employment.

- Austria, CRC, CRC/C/84 (1999) 7 at para. 44.

Instances of gender discrimination are of concern. An in-depth study of the ages of sexual consent and sexual relations should be undertaken, taking into account present legislation, its implications and its impact on children, with a view to ensuring that the legislation is as conducive to the realization of the rights of girls as of boys and having regard for the best interests of the child.

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- Barbados, CRC, CRC/C/87 (1999) 9 at para. 46.

The growing gender bias faced by boys as shown in, among other areas, academic underachievement by boys and difficulties in placing boys for adoption is of concern. At the same time the rate of girls who attempt or commit suicide is particularly high. Efforts should be increased to address discrimination arising from the socialization of boys and girls into inappropriate gender roles and the resulting determination of social attitudes concerning children based on gender.

- Honduras, CRC, CRC/C/87 (1999) 26 at paras. 113 and 114.

Paragraph 113

The use of the biological criterion of puberty to set different ages of maturity between boys and girls is of concern. This practice constitutes a form of gender-based discrimination which affects the enjoyment of all rights. Adequate reforms to domestic legislation should be introduced in order to bring it into full conformity with the principles and provisions of the Convention.

Paragraph 114

The prevalence of cultural attitudes and traditions, which are patriarchal and discriminatory against the girl child, is particularly of concern. Measures should be increased to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Efforts should be strengthened in order to revise prevailing cultural attitudes and traditional practices which constitute a form of gender-based discrimination, contrary to the principle of non-discrimination. Educational campaigns should be undertaken to raise awareness of the need to prevent and combat discrimination on the grounds of gender and ethnic origin. Furthermore, accession to the International Convention on the Elimination of All Forms of Racial Discrimination should be considered.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 159.

The practice of denying access to education to girls and resisting the new educational policies based on the assertion that the nonpayment of school fees for girls impacts negatively on school budgets is of concern. In this connection, it is also of concern that some children, including those living in poverty and in remote rural communities, still do not have access to education. With respect to the general situation of education: the extent of overcrowding; high dropout, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; and the limited number of trained teachers are noted with concern. Efforts to promote the school attendance of girls and to introduce measures to limit the impact of the policy concerning the nonpayment of fees for girls on school budgets are encouraged. All appropriate

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measures should be taken to improve the quality of education and to provide access for all children. In this connection, the educational system should be strengthened through closer cooperation with UNICEF and UNESCO. Additional measures should be implemented to encourage children to stay in school, at least during the period of compulsory education.

- Chad, CRC, CRC/C/87 (1999) 45 at para. 182.

The situation of girls, in particular in relation to access to education, protection from harmful traditional practices, sexual abuse, forced marriages, early marriage and early pregnancy, is of extreme concern. A more active approach should be taken to eliminating discrimination against vulnerable groups of children, especially girls.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 228.

Economic, social and regional disparities, including between urban and rural areas, should be reduced to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Educational campaigns should also be undertaken to raise awareness of discrimination on the grounds of gender and ethnic origin with a view to its elimination.

See also:

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 224.
- Venezuela, CRC, CRC/C/90 (1999) 10 at paras. 44 and 45.

Paragraph 44

The different minimum age requirements for marriage for boys (16) and girls (14) as established in the State party's Civil Code are contrary to the principles and provisions of the Convention, especially its articles 2 and 3. The State party should harmonize and increase the legal minimum ages for marriages and undertake awareness raising campaigns on the negative effects of early marriage.

Paragraph 45

Effective measures should continue to be taken to reduce economic and social disparities. Measures to prevent discrimination against the most disadvantaged groups of children, including girls, children

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belonging to indigenous and other ethnic groups, children with disabilities, children born out of wedlock and children living and/or working in the streets, should be reinforced.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at para. 85.

The disadvantaged situation of girls in rural areas, particularly with regard to access to education, health and protection from sexual abuse and exploitation, is of concern.

- Vanuatu, CRC, CRC/C/90 (1999) 29 at paras. 148 and 156.

Paragraph 148

The low minimum age for criminal responsibility (10 years) and the disparity between the minimum legal age for the marriage of boys (18 years) and that of girls (16 years) are of concern. Legislation should be reviewed in order to bring it into full conformity with the provisions and principles of the Convention.

Paragraph 156

It is of grave concern that primary education is not compulsory for and free to all children. The limited access to education, the low rate of enrolment of girls, the low literacy rate, the poor quality of education, the general lack of relevant learning material and other resources, and the insufficient numbers of trained/qualified teachers are also matters of concern. A study of the educational system should be undertaken with a view to improving access to education at all levels of the system, increasing the enrolment rate of girls, particularly at the secondary level, introducing local languages as additional tools of instruction, and improving the overall quality of education. Technical cooperation from UNICEF and UNESCO should be sought.

- Mexico, CRC, CRC/C/90 (1999) 34 at paras. 175 and 177.

Paragraph 175

The minimum legal ages for marriage of boys (16) and girls (14) are too low and are different for boys and girls. Legislative reform should be undertaken, both at the federal and state levels, to raise and equalize the minimum legal ages for marriage of boys and girls.

Paragraph 177

The measures implemented to protect the rights of children belonging to vulnerable groups need to be reinforced and increased to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls,

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children with disabilities, children belonging to indigenous and ethnic groups, children living and/or working on the streets and children living in rural areas.

See also:

- Peru, CRC, CRC/C/94 (2000) 64 at para. 369.
 - Colombia, CRC, CRC/C/100 (2000) 64 at paras. 354 and 355.
 - Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 501-504.
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- India, CRC, CRC/C/94 (2000) 10 at paras. 64, 65, 81, 82, 88 and 107.

Paragraph 64

The Committee notes the persistence of discriminatory social attitudes and harmful traditional practices towards girls, including female infanticide, selective abortions, low school enrolment and high drop-out rates, early and forced marriages, and religion-based personal status laws which perpetuate gender inequality in areas such as marriage, divorce, custody and guardianship of infants, and inheritance.

Paragraph 65

In accordance with article 2 of the Convention, the State party is encouraged to ensure the enforcement of protective laws. The State party should continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. To assist in these efforts, political, religious and community leaders should be mobilized to support efforts to eradicate traditional practices and attitudes which discriminate against girls.

Paragraph 81

The State party should undertake studies to determine the socio-cultural factors which lead to practices such as female infanticide and selective abortions, and develop strategies to address them.

Paragraph 82

The health of adolescents, particularly girls, is neglected. For instance, early marriages can have a negative impact on health. Adolescent suicides, especially among girls, and HIV/AIDS affected children are of serious concern.

Paragraph 88

There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between: different states, rural and urban areas, boys and girls, the affluent and poor, and children belonging to scheduled castes and tribes. The importance of focusing attention on improving the provision and quality of education is emphasized,

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especially in view of its potential benefit for addressing various concerns, including the situation of girls and reducing the incidence of child labour.

Paragraph 107

The State party should ensure that laws concerning the sexual exploitation of children are gender neutral.

See also:

- Armenia, CRC, CRC/C/94 (2000) 53 at para. 349.
 - Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at para. 327.
 - Tajikistan, CRC, CRC/C/100 (2000) 53 at para. 318.
 - Egypt, CRC, CRC/C/103 (2001) 36 at para. 247.
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- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 139, 140, 147-150, 183, 184, 200 and 201.

Paragraph 139

The Committee is very concerned at the practice of arranging marriages - under customary law - for very young girls, in particular against the free will of the child. These practices violate the provisions and principles of the Convention.

Paragraph 140

The State party should undertake child rights promotional activities in communities which apply such customary law practices, explaining the rights of children in this regard with a view to ensuring that a minimum age for marriage is established, that it is the same for both boys and girls, and that girls are not forced into marriage.

Paragraph 147

Concern is expressed at the extent to which ethnic and gender discrimination are witnessed in the State party, in spite of domestic legislation prohibiting such discrimination.

Paragraph 148

Recognizing the many different ways in which direct or indirect discrimination affects girls, and that discrimination against women, involving such issues as inheritance rights, can have a major impact on their capacity to provide for the needs of their children, the State party is urged to give particular attention to addressing discrimination against both girls and women, *inter alia* by reviewing domestic legislation so as to ensure that discriminatory provisions are removed and that adequate protection from discrimination is provided.

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Paragraph 149

While the exclusion of girls from the application by domestic courts of corporal punishment is encouraging, this provision is discriminatory between boys and girls.

Paragraph 150

The State party is urged to extend the prohibition of State sanctioned corporal punishment to boys.

Paragraph 183

Concern is expressed about the very high rate of illiteracy among women and the extremely low levels of primary school enrolment and graduation among girls.

Paragraph 184

It is recommended that the State party make every effort to increase the enrolment and graduation rates of girls in primary education, *inter alia* through the promotion of children's rights in rural communities and through the enforcement of compulsory primary education requirements.

Paragraph 200

The Committee is concerned that provisions in national legislation providing protection to children from sexual exploitation and abuse only offer such protection to children up to the age of 14.

Paragraph 201

Domestic legislation should be reviewed in order to raise the age levels of such protection, and to ensure that boys benefit from the same protection as girls.

- Grenada, CRC, CRC/C/94 (2000) 72 at paras. 396, 397 and 402.

Paragraph 396

While acknowledging the difficulties that girls continue to face in many areas, concern is expressed about the situation of boys, particularly in regards to their "low self-esteem" and academic under-achievement in comparison to that of girls. A study should be undertaken on child rearing practices and how they affect boys and girls. The State party should implement programmes to address the self-esteem of boys and address discrimination arising from the socialization of boys and girls into rigid gender roles and the resulting determination of family and social attitudes concerning children based on gender.

Paragraph 397

Concern is expressed that the Criminal Code does not provide boys the same legal protection against sexual abuse and exploitation as girls. In this regard, it is noted that the Code refers to the protection of the "female child" only. Legislation should be amended to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.

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Paragraph 402

The apparent gender bias in favour of girls in the adoption process is also a concern. In the light of article 21 of the Convention, the State party should undertake a study to assess the situation and determine the impact of inter-country adoptions and determine why girls are favoured over boys in the adoption process.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 430.

The legal minimum ages for sexual consent of both boys (14) and girls (12) are low and legislation concerning this issue is discriminatory against girls. The State party should increase the legal minimum ages for sexual consent for both boys and girls and ensure non-discrimination against girls in this regard.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 40 and 41.

Paragraph 40

Concern is expressed that the definition of the child, under Note 1 of article 1212 of the Civil Code and Note 1 of article 49 of the Islamic Penal Law, which provide for the attainment of majority at predefined ages of puberty, result in arbitrary and disparate application of laws and discriminate between girls and boys with respect to legal capacity (including minimum age for marriage), civil liability and age of criminal responsibility.

Paragraph 41

The State party should review its legislation so that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, and in particular they should be gender neutral and it should be ensured that they are enforced.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 173-176, 179 and 180.

Paragraph 173

The efforts to raise the minimum age for marriage to 18 for both boys and girls are noted. Concern is expressed that the existing age-limits of 15 years for girls and 16 years for boys are too low and are discriminatory. Early and forced marriages, primarily in rural areas, are also a concern.

Paragraph 174

Legislation should be reviewed to ensure that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention and are gender neutral, and steps should be taken to enact any necessary amendments promptly and ensure that they are enforced.

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In addition, the State party should continue its efforts in respect of public education campaigns to combat early and forced marriages, particularly in rural areas.

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, result 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 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, its own previous concluding observations 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 paras. 42, 43, 46 and 47.
- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 357 and 358.

Paragraph 357

With regard to article 2 of the Convention, the existing patterns of discrimination on the grounds of gender, ethnic origin, HIV/AIDS status and disability are of concern.

Paragraph 358

The enjoyment by all children of all the rights enshrined in the Convention should be ensured without any distinction. The State party should take effective measures to eliminate discrimination against girls, in particular with regard to their access to education.

- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 469 and 470.

Paragraph 469

The low legal minimum age for marriage of girls (15 years under the Civil Code and 13 years under the Asian Marriage Act) is of concern. The practice of early and forced marriages which affects mostly girls, particularly those living in the interior, is noted with concern. The low legal minimum age for marriage of boys (15 years) under the Asian Marriage Act is also a concern. Concern is also expressed about the disparity between the ages for boys and girls.

Paragraph 470

Legislation relating to the legal ages for marriage should be reviewed and brought into conformity with the provisions of the Convention and to eliminate discrimination. The State party should take all appropriate measures to raise awareness about the harmful effects of early and forced marriages, particularly on girls.

See also:

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 620 and 621.
- Djibouti, CRC, CRC/C/97 (2000) 96 at paras. 534-537, 542, 543, 556 and 557.

Paragraph 534

It is noted that the new draft Family Code will set the legal minimum age for marriage at 18 for both boys and girls. Current traditional practice considers 15 years as a suitable age for marriage for girls, while it is 18 for boys. The marriage age for girls is too low and is a form of gender discrimination

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not acceptable under the provisions of article 2 of the Convention.

Paragraph 535

The State party should continue its efforts to increase the legal minimum age for marriage and eliminate discrimination against girls in this regard, and it should consider the need for effective public information and sensitization activities to discourage early marriage.

Paragraph 536

It is noted that the principle of non-discrimination (art. 2) is reflected in the Constitution as well as in domestic legislation. Efforts made to promote education for girls are acknowledged. Insufficient measures have been adopted to ensure that all children are treated equally and are guaranteed equal access to education, health and other social services. In this regard, the Committee is extremely concerned about the persistent discriminatory attitudes faced by girls.

Paragraph 537

Efforts should be increased to ensure the implementation of the principle of non-discrimination and full compliance with article 2 of the Convention and address those cases which continue to affect all vulnerable groups, particularly girls, refugee children and those from different ethnic groups. 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.

Paragraph 542

The impact of gender discrimination on the sharing of parental responsibility and the impact on children of the continuing practice of polygamy are matters of concern.

Paragraph 543

The State party is encouraged to review its legislation, programmes and policies so as to promote the equal sharing of parental responsibility and to discourage the practice of polygamy.

Paragraph 556

The Committee is seriously concerned about the low rates of school enrolment and attendance and the high drop-out and illiteracy rates, as well as about the extent of gender disparities in this respect.

Paragraph 557

The State party should continue its efforts to promote and facilitate school attendance, particularly among girls and refugee children. In light of article 28 of the Convention, the State party should take effective measures to ensure that primary education is available to all.

See also:

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 640 and 641.

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- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 93, 94, 109-112, 131 and 132.

Paragraph 93

Concerns remain that plans to adopt a single legal instrument gathering together all provisions relating to the rights and duties of children have not been completed, that not all elements of domestic legislation are in conformity with the provisions of the Convention, and that customary law and traditional practices involving, *inter alia*, inheritance violate the rights of children, and of girls in particular.

Paragraph 94

The State party is encouraged to continue its efforts in the area of law reform with a view to ensuring full conformity with the principles and provisions of the Convention, to pursue early adoption of the code of laws on the rights and duties of children, and to ensure that customary law and traditional practices fully respect the provisions of the Convention. The State party should make additional efforts to ensure that legislation is implemented.

Paragraph 109

Concern is also expressed about the difference in the legal minimum ages for marriage of girls and boys.

Paragraph 110

The State party should pursue its efforts to harmonize the minimum ages for marriage of girls and boys.

Paragraph 111

Deep concern is expressed at the gross violations of the right to be protected from discrimination and at the impact of discrimination upon children in the State party. It is noted that discrimination takes different forms including by ethnic origin, gender, geographical origin (within the country) and social status. Other forms of discrimination lead to concerns with regard to, *inter alia*, access to resources, inheritance of property, the right to a nationality and the access of girls to education. The State party does not appear to have taken fully into account either the provisions of article 2 or the Convention's other principles in its legislation and administrative and judicial practice as well as in programmes on behalf of children.

Paragraph 112

The State party is urged to make every effort to end all discriminatory practices, to ensure equal respect for the rights of all children in the State party and to reinforce and ensure the implementation of existing laws related to non-discrimination. It is recommended that the State party commission and publish an independent study on the different types and causes of discrimination which affect children in the State party, with the aim of contributing to public discussion and the identification of solutions. The State party is urged to restate its commitment to protect children from discrimination

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and to work with national and international partners to end discrimination. The State party is further urged to use promotion of and training on child rights as a means of ending discrimination and to prosecute persons who violate non-discrimination provisions of the law.

Paragraph 131

The strong bias in favour of fathers in the context of child custody disputes is of concern.

Paragraph 132

It should be ensured that in granting one parent custody of a child, the decision is made in accordance with the best interests of the child, with the child's participation and with consideration for the emotional needs of the child.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 233 and 234.

Paragraph 233

Insufficient efforts have been made to ensure the full implementation of article 2 of the Convention and discrimination based on gender, sexual orientation and birth status remains apparent in some of the Overseas Territories. In this regard, legislation relating to these issues, particularly with respect to sexual abuse and exploitation, as well as the legal minimum age for sexual consent, refers only to girls and does not provide equal and adequate protection for boys. Concern is expressed at the growing gender bias faced by boys evident in their academic underachievement in many of the Overseas Territories, especially the Falkland Islands and the Territories in the Caribbean. Insufficient effort has been made in many of the Territories to prevent discrimination against teenage mothers and children born out of wedlock.

Paragraph 234

Domestic legislation in the Overseas Territories should be reviewed to ensure full compliance with article 2 of the Convention and to prevent and combat discrimination, especially as regards gender, sexual orientation and birth status. In particular, the legislation should be amended to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation. All appropriate measures should be taken to address discrimination arising from the socialization of boys and girls into inappropriate gender roles and the resulting determination of social attitudes concerning children based on gender.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 289 and 290.

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Paragraph 289

Concern is expressed that discrimination on the grounds of gender persists *de facto*. The persistence of negative stereotypical attitudes relating to the roles and responsibilities of women and men is a concern. In particular, concern is expressed that families cannot afford the costs imposed by school attendance and frequently give preference to the education of male children.

Paragraph 290

The State party is encouraged to launch comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family.

See also:

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 292 and 293.
- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 425 and 426.

Paragraph 425

It is of concern that there is extensive discrimination against girls with regard, in particular, to access to education and inheritance rights.

Paragraph 426

Action should be taken to end discrimination including, in particular, discrimination against girls. The State party should address discrimination through improved implementation of national legislation prohibiting discrimination and through the sensitization of the population.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 507, 508, 525 and 526.

Paragraph 507

The disparity between the minimum legal age for the marriage of boys (18 years) and that of girls (16 years) is of concern.

Paragraph 508

In light of article 1 and other related provisions and principles of the Convention, the State party is encouraged to pursue its efforts to review its legislation with a view to increasing the minimum age of marriage for girls to that for boys in order to bring it into full conformity with the provisions and principles of the Convention.

Paragraph 525

Deep concern is expressed that incest is not expressly prohibited by law, even though it is forbidden by customary practice, and that the legislation protects only girls from sexual abuses.

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Paragraph 526

The State party should adopt appropriate legislative measures to prohibit incest and protect boys as well as girls from sexual abuse.

See also:

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 450 and 451.
- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 618 and 619.

Paragraph 618

The lack of a uniform minimum legal age for marriage for both boys and girls and the occurrence of early marriages are matters of concern.

Paragraph 619

The legal minimum age for marriage should be increased and non-discrimination against girls should be ensured in this regard. The State party should consider the need for effective public information and sensitization activities to discourage early marriage.

- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 102 and 103.

Paragraph 102

Instances of *de facto* gender discrimination are matters of concern.

Paragraph 103

In light of article 2 and other related articles of the Convention, the State party should strengthen its administrative measures to eliminate *de facto* discrimination against girls.

See also:

- Armenia, CRC, CRC/C/94 (2000) 53 at para. 318.
- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 146, 147, 164, 165, 180 and 181.

Paragraph 146

Girls and children with disabilities face extensive discrimination, *inter alia*, in terms of their access

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to education. Furthermore, concern is expressed that societal discrimination against women and against adults with disabilities limits the opportunities for girls and for children with disabilities to achieve full respect for their rights.

Paragraph 147

The State party should make appropriate additional efforts to strengthen the implementation of the non-discrimination provisions of the Constitution, giving particular attention to children with disabilities and to discrimination against women.

Paragraph 164

While noting the very positive changes made to the Family Code, which establish fathers and mothers on a more equal legal base in the context of family separation than was previously the case, concerns remain that traditional and discriminatory practices may continue in spite of the new legislation.

Paragraph 165

The State party should make every effort to ensure that the provisions of the new Family Code are known by the population and respected and implemented in practice, and that structures are put in place to empower parents and children to claim child maintenance payments.

Paragraph 180

Deep concern is expressed at reports from the National Committee on Traditional Practices in Ethiopia (NCTPE) (September 1998) indicating that 72.7 per cent of the female population undergoes some form of female genital mutilation. Other practices reported by the NCTPE, are matters of concern, including uvulectomy, milk-teeth extraction and forced marriage.

Paragraph 181

The State party is urged to continue and strengthen its current efforts to end practices of female genital mutilation, early and forced marriage and other harmful traditional practices. The State party should take advantage of the experience gained by other countries.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 220, 221, 224 and 225.

Paragraph 220

In light of its previous concluding observations, the Committee is concerned that the disparity between the minimum age for marriage for males (18) and females (16) provided in the 1923 Law on Marriage Age is discriminatory. Early and forced marriages are also a concern, primarily in rural areas.

Paragraph 221

The minimum age for marriage for females should be raised to that for males. The State party should continue its efforts in respect of public education campaigns to combat early and forced marriages,

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particularly in rural areas.

Paragraph 224

In light of previous concluding observations, concerns remain about the persistence of discrimination. In particular:

(a) 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, 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 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.

- Lithuania, CRC, CRC/C/103 (2001) 47 at paras. 304 and 305.

Paragraph 304

It is noted that procurement for the purpose of prostitution is punished only in cases involving girls.

Paragraph 305

The State party is encouraged to penalize procurement for the purposes of prostitution involving all

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children, boys as well as girls.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 335, 336, 363 and 364.

Paragraph 335

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.

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.

Paragraph 363

It is noted with deep concern that girls who become pregnant whilst still attending school are often excluded from school and that such action is not only discriminatory against girls but also a violation of the right to education.

Paragraph 364

The State party is urged to ensure that pregnant girls are permitted to continue attending school both during and after their pregnancy.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 383, 384, 395-398, 413 and 414.

Paragraph 383

It is noted with concern that several rights contained in the Convention are not reflected in domestic law. In particular, the Basic Law and other applicable laws do not expressly guarantee non-discrimination on the basis of all the grounds contained in article 2 of the Convention. The incompatibility of certain areas of domestic law with the Convention are noted (e.g. discrimination against females and non-Muslims and the use of judicial punishments such as flogging). Many laws relevant to children's rights (i.e. personal status laws, the criminal code, and the criminal and civil procedure codes) remain uncoded.

Paragraph 384

The State party should conduct a comprehensive review of the Basic Law and domestic laws, including administrative regulations and legal procedural rules, to ensure that they conform to

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international human rights standards, including the Convention, that they are sufficiently clear and precise, are published, and are accessible to the public.

Paragraph 395

Concern is expressed that the definition of the child is unclear under Saudi law and that the age of majority is not defined. For example, the absence of a defined minimum age for marriage may result in the arbitrary and disparate application of laws and discrimination between girls and boys.

Paragraph 396

The State party should review its legislation so that the definition of the child, the age of majority and other minimum age requirements conform to the principles and provisions of the Convention and are gender neutral in particular, and ensure that they are enforced by law.

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.

Paragraph 413

The aims of education presented in the report do not adequately reflect the aims outlined under article 29 of the Convention. In particular:

- (a) The State party's policy on education for girls (e.g. articles 9 and 153 of the 1969 Policy of Education) discriminates against girls and is incompatible with article 29 (a) of the Convention; and
- (b) The development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities are not explicitly included in the curricula.

Paragraph 414

The State party should consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level, in order to address

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discrimination against girls in particular.

- Palau, CRC, CRC/C/103 (2001) 79 at paras. 446 and 447.

Paragraph 446

It is noted with concern that the State party has not yet established legal minimum ages for sexual consent of boys.

Paragraph 447

All appropriate measures should be taken to introduce legal minimum ages for sexual consent of boys and employment of children to ensure conformity with the principles and provisions of the Convention and to guarantee greater protection for all children below the age of 18 years.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 105, 106, 109 and 110.

Paragraph 105

Concern is expressed about the disparity between the minimum legal age for marriage of boys (17 years) and of girls (15 years). In this regard, it is noted that in the draft civil code the minimum legal age for marriage has been raised to 17 for both boys and girls.

Paragraph 106

In light of articles 1 and 2 and related provisions of the Convention, the State party is encouraged to pursue its efforts to review its legislation with a view to increasing the minimum age for marriage of girls to that of boys.

Paragraph 109

It is of concern that the principle of non-discrimination (art. 2) is not fully implemented for children belonging to minorities not recognized under the Treaty of Lausanne of 1923, in particular children of Kurdish origin; children with disabilities; children born out of wedlock; girls; refugee and asylum-seeking children; children who are internally displaced; and children living in the south-eastern region and in rural areas, especially with regard to their access to adequate health and educational facilities.

Paragraph 110

Appropriate measures should be taken to prevent and combat discrimination. The collection of appropriate disaggregated data is also recommended in order to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing comprehensive strategies aimed at ending all forms of discrimination.

See also:

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 169 and 170.

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- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 171, 172, 209 and 210.

Paragraph 171

Deep concern is expressed at the practices of discrimination which continue to affect profoundly many children in the State party, including ethnic and gender discrimination.

Paragraph 172

It is strongly recommended that the State party urgently identify and address the different causes of discrimination and end all practices of discrimination which affect respect for the Convention. Efforts to end gender discrimination, notably against girls and women, should be continued and strengthened. Education and human rights promotion should be used to address discriminatory attitudes among the population in general and in changing discriminatory social practices, including through the promotion of the Convention's provisions and the right of women to non-discrimination. Finally, it is recommended that the State party seek assistance from UNICEF and OHCHR.

Paragraph 209

Great concern is expressed at the high numbers of children who never attend school or who drop out early from their formal education. It is of further concern that in practice primary education is not free and that many parents have to pay school fees as well as related costs such as for uniforms and equipment, which remain too expensive for most families. Furthermore, the low rate of school enrolment of girls, their high drop-out rate and the high female illiteracy rate, especially in rural areas, are matters of deep concern. Some girls are the victims of sexual harassment by teachers.

Paragraph 210

Legislation should be adopted and implemented that establishes a minimum age for the completion of compulsory education and provides for genuinely free primary and, as far as possible, secondary education, with emphasis on assisting children from the most disadvantaged backgrounds. It is further recommended that the State party strengthen efforts to improve the access of girls to education, including by establishing specific programmes to reduce female illiteracy and information campaigns promoting this right. Measure should also be implemented to end the harassment of girls in school.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 249, 250, 253 and 254.

Paragraph 249

It is noted that although a proposal to set the minimum legal age for marriage for both boys and girls at 16 was introduced in Congress, it was never considered.

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Paragraph 250

In light of articles 1 and 2 of the Convention, legislation should be reviewed with a view to increasing the minimum age of marriage for girls to that for boys.

Paragraph 253

It is of concern that the principle of non-discrimination (art. 2) is not fully implemented for children belonging to indigenous groups; urban and rural poor children, girls, children with disabilities, and displaced children, especially with regard to their access to adequate health and educational facilities.

Paragraph 254

All necessary measures should be taken to end discrimination. In this respect, the State party is encouraged to monitor discrimination against children, in particular those belonging to indigenous groups, urban and rural poor children, girls, children with disabilities, and displaced children, and to develop, on the basis of the results of such monitoring, comprehensive strategies for implementing specific and well-targeted actions aimed at ending all forms of discrimination.

See also:

- Paraguay, CRC, CRC/C/111 (2001) 103 at paras. 496 and 497.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 307-310, 337 and 338.

Paragraph 307

Concern remains about the difference between the minimum legal age for marriage of boys (20 years) and that of girls (18 years).

Paragraph 308

Legislation should be reviewed with a view to eliminating all disparities regarding minimum-age requirements, and greater efforts should be made to enforce the requirements.

Paragraph 309

While noting that discrimination is prohibited under the Constitution, the persistence of discrimination in the country is of concern. Of particular concern is the occurrence of discrimination against non-citizen children, children with disabilities, children born out of wedlock, children from ethnic minorities, Muslim children, and girls; particularly the low participation rate of girls in education.

Paragraph 310

In light of article 2 of the Convention, concerted efforts should be made at all levels to address discrimination, notably discrimination based on gender, disability, religion, and national, ethnic or social origin, through a review and reorientation of policies, including increased budgetary allocations

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for programmes targeting the most vulnerable groups. The State party should also ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.

Paragraph 337

Of concern are the low education levels among children in the State party, gender and rural-urban disparities in school attendance, the limited access of children with disabilities to formal or vocational educational opportunities, the number of children who are several years behind in their primary education, and the high drop-out rate of children who do attend school.

Paragraph 338

It should be ensured that children with disabilities have access to formal and vocational educational opportunities and every effort should be made to ensure that girls and boys, as well as children from urban and rural areas, have equal access to educational opportunities. In this regard, assistance should be sought from UNICEF and UNESCO.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 374, 375, 378, 379, 408 and 409.

Paragraph 374

The various legal minimum ages, which are inconsistent, are discriminatory and/or too low.

Paragraph 375

The necessary legislative measures should be taken to establish a clear minimum age for marriage which should be the same for boys and girls.

Paragraph 378

The principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, especially girls (including their inheritance rights), children born out of wedlock (including their maintenance and inheritance rights), young mothers (particularly those belonging to Islamic communities and those living in Zanzibar, including their right to inherit and own property), children with disabilities, children of economically disadvantaged families; children in conflict with the law, children living in institutions, children living and/or working on the streets; child victims of abuse, refugee and asylum seeking children, children belonging to ethnic minorities, children living in rural areas, and those belonging to pastoralist communities. Their limited access to adequate health, education and other social services is of particular concern.

Paragraph 379

All effective measures should be taken to implement laws, policies and programmes to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as

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it relates to vulnerable groups of children.

Paragraph 408

The Education Sector Development Programme, which focuses on access and equity in education, and the Complementary Basic Education Programme which seeks to improve drop-out rates, especially of girls, are welcomed. It is noted with appreciation that the Government is considering the possibility of abolishing school fees and other types of payments for primary school children. However, concern remains about the limited access to education, especially for girls, including pregnant girls, children from economically disadvantaged families and those living in remote rural communities. The reported incidents of sexual abuse and exploitation of girls within the school environment are noted with regret.

Paragraph 409

All appropriate measures, including the allocation and distribution of adequate financial, human and technical resources, should be taken to enhance the quality of education and ensure that all children enjoy the right to education. The State party should reinforce its efforts to increase access to education by abolishing user fees at the primary level. In this regard, the State party is encouraged to further consider rationalizing user fees at the secondary and tertiary levels. All effective measures should be taken to protect children, especially girls, against sexual abuse and violence within the school environment and to facilitate the rehabilitation of child victims in this regard.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 449, 458, 459, 470, 471 and 473.

Paragraph 449

Legislation should be reviewed with a view to ensuring that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, are gender neutral, are explicit and are enforced by law.

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.

Paragraph 470

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Although noting significant achievements in education indicators, it is of concern that primary education is not compulsory; that there is still a significant gender gap in enrolment; and that there are deficiencies in access to education and the quality of teacher training.

Paragraph 471

The State party should ensure that primary education is free and made compulsory; make greater efforts to close the gender gap; and allocate the required resources to address access to education and the quality of teacher training.

Paragraph 473

Taking due regard of the Committee's General Comment No. 1 on the aims of education, the State party should include human rights education in the curricula, particularly with respect to the development and respect for human rights, tolerance, and equality of the sexes and of religious and ethnic minorities and should seek assistance from UNICEF and UNESCO in this regard.

See also:

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 181 and 182.
 - Qatar, CRC, CRC/C/111 (2001) 59 at paras. 304 and 305.
 - Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 61 and 62.
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- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 505-508 and 517-520.

Paragraph 505

It is of concern that domestic legislation discriminates between boys and girls, providing that girls may legally marry without adult consent from age 15 and boys from age 18.

Paragraph 506

The State party should amend its legislation to ensure that both boys and girls are treated equally, and recommends in particular that the legal age of marriage be fixed for both boys and girls at age 18.

Paragraph 507

Discrimination against women in the passing on of parents' nationality persists and this is of concern.

Paragraph 508

The State party should pursue its efforts to adopt legislation that establishes an equal right for men and women to pass on Monegasque nationality to their children.

Paragraph 517

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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.

Paragraph 519

There is concern that parental responsibility is not assigned equally, under law, to fathers and mothers and that this may negatively affect the situation of children.

Paragraph 520

Domestic legislation should be amended to ensure that men and women have equal parenting rights.