

EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Austria, CERD, A/57/18 (2002) 15 at para. 28.

28. The Committee is concerned at the wording of article 1, paragraph 1, of the Federal Constitutional Act implementing the Convention, which stipulates that the legislature and the executive shall refrain from any distinction on the "sole" ground of race, colour, or national or ethnic origin. In the Committee's view, this may be regarded as representing a narrower prohibition of discrimination than is provided in the Convention. The Committee recalls that multiple discrimination, for example discrimination based simultaneously on race and sex, falls within the scope of the Convention, and that such phenomena are addressed in the final documents of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Therefore, while noting that an amendment to this provision is currently under consideration, the Committee reiterates its previous invitation to the State party (CERD/C/304/Add.64, para. 11) to consider the possibility of deleting the word "sole" from article 1, paragraph 1, of the Federal Constitutional Act, taking into consideration general recommendation XXV of the Committee.

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 70.

70. The Committee welcomes the recent (January 2002) adoption of a resolution by the Office of the National Control of Propaganda prohibiting any radio broadcast or transmission, or any commercial product depicting bias against women, particularly black women.

- Qatar, CERD, A/57/18 (2002) 38 at para. 188.

188. The Committee welcomes the State party's declared intention to ratify in the near future the Convention on the Elimination of All Forms of Discrimination against Women, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

- Canada, CERD, A/57/18 (2002) 56 at para. 332.

332. The Committee is concerned that some aspects of the Indian Act may not be in

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conformity with rights protected under Article 5 of the Convention, in particular the right to marry and to choose one's spouse, the right to own property and the right to inherit, with a specific impact on Aboriginal women and children. The Committee recommends that the State party examine those aspects, in consultation with Aboriginal peoples...

- Estonia, CERD, A/57/18 (2002) 60 at para. 357.

357. The Committee remains concerned by the situation of the Russian minority residing in Estonia, *inter alia* in relation to issues under article 5 of the Convention, especially economic, social, and cultural rights, including the right to employment, health care, and education. The Committee is particularly concerned about double discrimination against women based on gender and on national or ethnic origin.

- New Zealand, CERD, A/57/18 (2002) 69 at para. 423.

423. The Committee continues to be concerned at the low representation of Maori women in a number of key sectors and their particular vulnerability to domestic violence. It encourages the State party to work towards reducing existing disparities through appropriate strategies.

- Senegal, CERD, A/57/18 (2002) 72 at para. 440.

440. The Committee notes with satisfaction the State party's efforts to establish institutions for the protection of human rights, such as the Human Rights Committee, the Inter-Ministerial Committee on Human Rights and the Human Rights and Humanitarian Law Office, and notes the enhanced presence of women in public bodies, their access to ownership of property and the banning of genital mutilation...

- Ecuador, CERD, A/58/18 (2003) 22 at para. 61.

61. The Committee notes that women belonging to ethnic minorities are subject to double discrimination, based on their ethnic origin as well as their gender...In formulating the action plan on the rights of women, the State party should address the problem of double discrimination against women belonging to ethnic minorities as well as their lack of political representation in Ecuador, in line with the Committee's General Recommendation XXV on gender-related dimensions of racial discrimination.

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- Ghana, CERD, A/58/18 (2003) 30 at para. 114.

114. While noting the legislative and other measures adopted to eradicate practices that are harmful to the health and dignity of women, the Committee is concerned that some practices, in particular female genital mutilation, degrading treatment of widows and the Trokosi system, still occur, and wishes to be further informed of their ethnic dimensions. The Committee encourages the State party to continue its efforts in this field and refers the State party to its general recommendation XXV (56) of 20 March 2000 on gender-related dimensions of racial discrimination.

- Saudi Arabia, CERD, A/58/18 (2003) 41 at paras. 214 and 217.

214. The Committee, noting the information provided concerning the acquisition of nationality under the Nationality Regulations, is nevertheless concerned that a Saudi woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Saudi nationality in the same manner as a foreign woman. The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention.

...

217. The Committee is concerned about allegations of substantial prejudice against migrant workers, in particular those coming from Asia and Africa. The Committee invites the State party to report on the situation, in particular, of women domestic workers and draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination.

- Tunisia, CERD, A/58/18 (2003) 47 at para. 251.

251. The Committee welcomes the measures taken in the economic and social sphere, which have resulted in economic growth and a significant reduction of poverty. The Committee notes with interest the establishment of a National Solidarity Fund to combat poverty and marginalization, as well as the creation of a National Solidarity Bank, and appreciates the results they have achieved so far. The Committee also notes the progress already achieved towards ensuring equality between women and men in Tunisian society, as well as the observance of religious freedom, inasmuch as they impact on the promotion of non-discrimination based on ethnic origin. The Committee encourages the State party to continue along this path.

- Albania, CERD, A/58/18 (2003) 53 at para. 314.

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314. The Committee points out that the State party has not provided adequate information about the gender-related dimensions of racial discrimination.

The Committee draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination and recommends that it assess the extent of and prevent racial discrimination against women in general...

- Cape Verde, CERD, A/58/18 (2003) 62 at para. 365.

365. While the Committee welcomes the efforts made by the State party to ensure the implementation of the Convention with respect to women and the existence of civil society organizations working in the field of promotion and protection of women's rights, it is concerned about the stereotyping of women in particular those of foreign origin in Cape Verde, as well as the insufficient representation of women at high political level in the labour market and in cultural affairs.

The Committee recommends that the State party take all appropriate measures to guarantee the equal enjoyment by women, free from racial discrimination, of the rights under the Convention and draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination.

- Malawi, CERD, A/58/18 (2003) 93 at para. 560.

560. The Committee is concerned that, according to certain information, women continue to be victims of discriminatory practices.

The Committee draws the State party's attention to its general recommendation XXV on gender-related dimensions of racial discrimination and recommends that the State party assess and prevent racial discrimination against women in general.

- Bahamas, CERD, A/59/18 (2004) 10 at para. 33.

33. The Committee takes note of the constitutional reform process now in progress but is concerned at the fact that the Constitution contains discriminatory provisions on the subject of women's rights to transmit their nationality to their children and foreign spouses.

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It invites the State party to continue its efforts to remedy such discrimination, and draws its attention to the Committee's general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

- Lebanon, CERD, A/59/18 (2004) 18 at para. 85.

85. The Committee notes that Lebanese citizenship is derived exclusively from the father, which may result in a situation of statelessness for children of a Lebanese mother and non-citizen father, where registration under the father's nationality is not possible.

The Committee urges the State party to review its relevant legislation, so as to bring it in line with the provisions of the Convention... In addition, the Committee recommends that the State party ratify the Convention on the Reduction of Statelessness of 1961.

- Nepal, CERD, A/59/18 (2004) 24 at para. 131.

131. The Committee notes the lack of information in the periodic report on the situation of women belonging to disadvantaged groups who are victims of multiple discrimination, and expresses concern over the situation of forced prostitution of girls and women of the Badi caste.

The Committee recommends that the State party consider issues of political representation, personal security, employment and education, in line with general recommendations XXV (2000) on gender-related dimensions of racial discrimination and XXIX (2002) on descent-based discrimination, in taking measures to eliminate multiple discrimination against women who belong to vulnerable groups...

- The Netherlands, CERD, A/59/18 (2004) 29 at para. 148.

148. The Committee...notes with satisfaction the establishment in 2001 of the Committee on the Employment of Women from Ethnic Minority Groups aimed at promoting participation of ethnic minority women in society and in the labour market.

- Suriname, CERD, A/59/18 (2004) 36 at para. 204.

204. The Committee takes note of the State party's desire to respect the marriage customs of various ethnic groups, its efforts to establish a uniform age of consent at 18

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years, and to ban marriages to which the woman does not consent. On this point, it observes that the 1973 Marriage Act came into force in June 2003.

The Committee recommends continued efforts by the State party to ensure that the rights of women are respected, irrespective of the community they belong to, especially where marriage is concerned...

- Mauritania, CERD, A/59/18 (2004) 61 at para. 345.

345. The Committee notes with concern that the Nationality Code does not appear to comply fully with article 5 (d) (iii) of the Convention, in particular since it lays down rules on access to nationality that differ depending on whether the children are born to a Mauritanian father or a Mauritanian mother, or whether they are born to a foreign father or a mother born in Mauritania.

The Committee recommends that the State party guarantee respect for the principle of non-discrimination in children's access to nationality.

- Portugal, CERD, A/59/18 (2004) 66 at para. 370.

370. While the Committee notes the measures taken by the State party to improve the situation of Roma/gypsies, it remains concerned about the difficulties faced by many members of this community in the fields of employment, housing and education, as well as reported cases of discrimination in daily life. The Committee also invites the State party to take more effectively into account, in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma/gypsy women, who are often victims of double discrimination.

The Committee urges the State party to continue taking special measures in accordance with article 2, paragraph 2, of the Convention to ensure the adequate protection of Roma/gypsies and to promote equal opportunities for the full enjoyment of their economic, social and cultural rights.

- Slovakia, CERD, A/59/18 (2004) 70 at para. 383.

383. The Committee shares the delegation's concern that discriminatory attitudes and feelings of hostility towards members of the Roma community are deep-rooted and widespread throughout the country.

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The Committee wishes to recall its general recommendation XXVII on discrimination against Roma and recommends that the State party continue to endeavour, by encouraging a genuine dialogue, to improve relations between Roma communities and non-Roma communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. The Committee also invites the State party to take more effectively into account, in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma women, who are often victims of double discrimination.

- Bahrain, CERD, A/60/18 (2005) 22 at paras. 85 and 87.

85. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the Labour Code.

In light of its general recommendation XXX and of its general recommendation XXV on gender-related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

...

87. The Committee, noting the information provided regarding the acquisition of nationality, is concerned that a Bahraini woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Bahraini nationality in the same manner as a foreign woman.

The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention. In this connection, it draws the attention of the State party to general recommendation XXV and to general recommendation XXX, which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

- France, CERD, A/60/18 (2005) 26 at para. 107.

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107. The Committee is...concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of employment and education, despite the State party's substantial efforts in this area.

The Committee encourages the State party to follow the recommendations set out in the Court of Audit's report on employment and education for immigrants and population groups of immigrant origin. The Committee draws the State party's attention to its general recommendation XXV on gender-related dimensions of racial discrimination, and also invites it to bear more specifically in mind, in all measures which are adopted or planned, the situation of women, who sometimes fall victim to twofold discrimination.

- Ireland, CERD, A/60/18 (2005) 30 at para. 147.

147. The Committee is particularly concerned about the situation faced by women belonging to vulnerable groups and at the instances of multiple discrimination they may be subject to (art. 5).

The Committee, recalling its general recommendation XXV, encourages the State party to take measures with regard to the special needs of women belonging to minority and other vulnerable groups, in particular female Travellers, migrants, refugees and asylum-seekers.

- Nigeria, CERD, A/60/18 (2005) 54 at paras. 295 and 296.

295. In the light of the "intersectionality" of ethnic and religious discrimination, the Committee remains concerned that members of ethnic communities of the Muslim faith, in particular, Muslim women, can be subjected to harsher sentences than other Nigerians.

While noting the explanations provided by the delegation that all persons have the freedom to make their own choice with regard to the application of statutory, customary or religious law, the Committee notes that concerned persons may not necessarily be in a position to exercise individual choice in the matter (art. 5 (a)).

The Committee reminds the State party that all persons shall have the right to equal treatment before the courts and all other organs administering justice, and draws the attention of the State party to its general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

296. The Committee notes with concern that the provision regarding the acquisition of

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nationality as laid down in section 26 (2) (a) of the Constitution does not appear to comply fully with article 5 (d) (iii) of the Convention, since it stipulates that a foreign man is unable to acquire Nigerian nationality in the same manner as a foreign woman (art. 5).

The Committee recommends that the State party consider reviewing section 26(2)(a) of its Constitution, so as to bring it into line with the provisions of the Convention... In this connection, it draws the attention of the State party to general recommendation XXV (2000) and to general recommendation XXX (2004), which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization.

ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(9).

(9) While recognizing that there has been some progress in achieving equality for women in political and public life, the Committee remains concerned that the level of representation of women in Parliament and in senior positions in both the public and private sectors remains low.

The State party should undertake appropriate measures to give effect to its obligations under articles 3 and 26 so as to improve the representation of women in Parliament and in senior positions, in both the public and private sectors. The State party should consider the adoption of positive measures, including educational measures, to improve the status of women within the society.

See also:

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at para. 78(13).
- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at para. 75(15).

(15) The Committee notes that, despite recent improvements, the proportions of women participating in public life, particularly at senior levels of the executive and judiciary and in Parliament, and also in the private sector, remain at low levels.

The State party should take the necessary steps towards achieving an appropriate representation of women in these fields.

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- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), ICCPR, A/57/40 vol. I (2002) 36 at para. 75(26).

(26) The Committee appreciates the elimination of constitutional rules inconsistent with articles 3 and 26 of the Covenant which discriminated between the rights accorded to spouses of male and female British Virgin Islanders.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at paras. 76(9) and 76(10).

(9) In relation to article 3 of the Covenant the Committee recognizes the progress made since the initial report in promoting equality of men and women and notes in particular the launching of the Plan of Action "Equality between women and men". Nevertheless, it remains concerned that women are still disadvantaged in many areas, especially in the achievement of equal remuneration for work of equal value and in appointment to senior positions, in both the public and private sectors.

The State party should implement its Plan of Action and adopt binding policies to ensure compliance with article 3 of the Covenant in all parts of its territory.

(10) The Committee is concerned that legislation protecting individuals against discrimination in the private sector does not exist in all parts of the State party's territory.

The State party should ensure that legislation exists throughout its territory to protect individuals against discrimination in the private field, pursuant to articles 2 and 3 of the Covenant.

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at paras. 77(18) and 77(19).

(18) The Committee is concerned that the traditional attitudes to women still prevail, whereby a woman's primary role is as wife and mother (articles 3 and 26 of the Covenant).

The State party should take measures to overcome traditional attitudes regarding the role of women in society. It should organize special training programmes for women and regular awareness campaigns in this regard.

(19) The Committee notes that, despite recent improvements, the proportion of women

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participating in public life and the private sector workforce, particularly at senior levels of the executive and in Parliament, remain at unacceptably low levels (article 3 of the Covenant).

The State party should take appropriate steps towards achieving a balanced representation of women in these fields.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(9).

(9) The Committee expresses its concern at the recognition of early marriage involving girls of non-Swedish nationality who are resident in Sweden (articles 3 and 26 of the Covenant).

The State party should take vigorous measures to provide better protection for minors in the matter of marriage and eliminate all forms of discrimination among them.

- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(9).

(9) The Committee is concerned at the low participation of women in political life and at their segregation in the labour market, as well as their low representation in senior levels of government and in the private sector.

The State party should implement positive measures in order to give effect to its Covenant obligations to ensure the equal participation of women in both the public and private sectors (article 3 of the Covenant).

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at paras. 83(7)-83(13).

(7) The Committee notes with concern the situation of discrimination against women in matters of personal status, particularly in matters of marriage and divorce and the rights and duties of spouses.

The State party should review its legislation to ensure that, in all fields in the life of society, women enjoy complete equality with men, both in law and in fact, so as to comply with its obligations under the Covenant (articles 3, 7, 8, 17 and 26 of the Covenant).

(8) The Committee notes with concern that married women may not, at least by law,

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leave their home without the authorization of their husbands (articles 3, 12 and 26 of the Covenant).

The State party should take appropriate measures to combat this practice and make sure, in fact and in law, that women's rights under articles 3, 12 and 26 of the Covenant are observed.

(9) The Committee notes the persistence of the practice of polygamy, which is detrimental to human dignity and discriminatory within the meaning of the Covenant (articles 3 and 26 of the Covenant).

The State party is strongly encouraged to abolish polygamy and combat it socially by effective means.

(10) The Committee expresses its concern about the practice of marriage of young girls and the inequality between men and women as regards marriageable age (articles 3 and 26 of the Covenant).

The State party should protect girls from early marriage and do away with discrimination against women as regards marriageable age.

(11) The Committee notes the discriminatory situation affecting women as regards the acquisition and transmission of nationality (articles 3 and 26 of the Covenant).

The State party must eliminate from its legislation all discrimination between men and women as regards acquisition and transmission of nationality.

(12) The Committee is concerned at the continued detention of women who have served their prison sentences and are held in detention because of the social and family attitudes of rejection towards them (articles 3, 9 and 26 of the Covenant).

The State party is encouraged to find appropriate solutions to enable these women to return to society.

(13) While it welcomes the measures taken by the authorities in recent years to promote the participation of women in public life, the Committee notes the underrepresentation of women in the public and private sectors (arts. 3 and 26).

The State party is encouraged to pursue its efforts to secure better participation of women at all levels of society and of the State.

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- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at para. 84(17).

(17) While welcoming gradual improvements in the representation of women in Parliament and the executive, the Committee remains concerned that they continue to have a disproportionately low level of participation in the political and economic life of the State party, particularly in senior positions in the public sector and in business.

The State party should take appropriate measures to ensure that the participation of women in political, public and other sectors of Moldovan life is on a fair and equal footing with that of men, consistent with the requirements of articles 3 and 26 of the Covenant.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at paras. 77(3) and 77(7)-77(10).

(3) The Committee...notes some improvements in the status of women and welcomes the creation of the National Council for Women and the introduction of legal reforms, in particular the passage of Act No. 1 of 2000, allowing women to end marriages unilaterally, and Act No. 14 of 1999, revoking the earlier law which offered the accused the opportunity of escaping liability for abduction and rape if he married the victim.

...

(7) While welcoming the steps taken by the authorities in recent years to encourage participation by women in public life (in the diplomatic service, for example), the Committee notes that women are underrepresented in most areas of the public sector (for instance, the magistrature) and in the private sector (articles 3 and 26 of the Covenant).

The State party is encouraged to step up its efforts to secure greater participation by women at all levels of society and the State, including decision-making positions, *inter alia* by ensuring that women in rural areas learn to read and write.

(8) The Committee notes with concern that women seeking divorce through unilateral repudiation by virtue of Act No. 1 of 2000 must forego their rights to financial support and, in particular, to their dowries (articles 3 and 26 of the Covenant).

The State party should review its legislation so as to eliminate financial discrimination against women.

(9) The Committee notes the discriminatory nature of some provisions in the Penal Code, which do not treat men and women equally in matters of adultery (articles 3 and 26 of the Covenant).

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The State party should review its discriminatory penal provisions in order to conform to articles 3 and 26 of the Covenant.

(10) The Committee draws attention to the discrimination affecting women as regards transmission of nationality to their children when their spouses are not Egyptian and as regards the rules governing inheritance (articles 3 and 26 of the Covenant).

The State party is encouraged to bring its current inquiries to a conclusion and do away with all discrimination between men and women in its domestic legislation.

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at paras. 78(6), 78(21) and 78(22).

(6) The Committee notes with concern that the process of bringing domestic laws, many of which predate the 1992 Constitution, into line with the provisions of the Constitution and international human rights instruments is at a standstill. Proposals drawn up with the help of the Office of the High Commissioner for Human Rights during the 1990s have not been followed up. The Committee is also concerned at the fact that many proposed reforms dealing in particular with the rights of children and women, some of them announced several years ago, have still not been enacted.

The State party should revise its legislation so as to bring it into line with the provisions of the Covenant.

...

(21) The Committee notes with great concern that the Individuals and Family Code, which has been under review since 1999, still contains provisions that discriminate against women, particularly with respect to the minimum age for marriage, the choice of the matrimonial home and freedom to work; that it authorizes polygamy and designates the husband as head of the family; and that it upholds the primacy of particularly discriminatory customary laws relating to marriage and succession.

The State party should bring the Individuals and Family Code into line with articles 3, 23 and 26 of the Covenant and bear in mind, in this regard, the concerns expressed by non-governmental organizations active in the field of women's rights.

(22) The Committee is worried about continuing discrimination against women and girls with respect to access to education, employment, inheritance and political representation in Togo. Moreover, as the State party itself has acknowledged, certain cultural practices, as well as women's unawareness of their rights, give rise to many violations of women's rights.

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The State party should eliminate all forms of discrimination against women, increase its efforts to educate girls and make the population more aware of women's rights, and carry out new programmes with a view to giving women access to employment and political posts.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at para. 79(6).

(6) The Committee welcomes the measures and legislation adopted by the State party to improve the status of women in Estonian society and to prevent gender discrimination. It particularly notes article 5 of the Wages Act, which now prohibits the establishment of different wage conditions on the basis of gender, and articles 120 to 122 and article 141 of the new Penal Code, which make domestic violence and marital rape specific criminal offences.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at paras. 81(10) and 81(13).

(10) While welcoming the establishment of a Ministry for the Advancement of Women, Children and the Family, the Committee expresses its grave concern at the continued existence in Mali of legislation which discriminates against women, in particular with regard to marriage, divorce, and inheritance and succession, and of discriminatory customary rules relating to property ownership. The Committee, while appreciating that adoption of a Family Code requires wide-ranging consultations, notes with concern that the proposed reform, ongoing since 1998, has not yet concluded. The Committee is also concerned about information that the practice of the levirate, a practice whereby a widow is inherited by the deceased husband's brother or cousin, is said to persist in Mali (articles 3, 16 and 23 of the Covenant).

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

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

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marriage by girls to the same age as for boys.

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

(d) The State party should abolish the levirate once and for all and apply appropriate penalties against those engaging in the practice, and take appropriate measures to protect and support women, especially widows.

...

(13) The Committee states its concern about reports that women do not enjoy rights on an equal basis with men as regards political participation and access to education and employment.

The State party should strengthen its efforts to promote the situation of women in the areas of political participation, access to education and access to employment...

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at para. 82(19).

(19) The Committee has taken note of the position of the delegation as to the reasons for the lack of statistical data with regard to the situation of Roma as well as of women. However, the Committee emphasizes the importance of data in assessing the situation in the State party and in addressing possible inequalities and patterns of discrimination. Furthermore, the Committee is concerned at the large discrepancy between official census figures and data provided by non-governmental organizations as to the size of the Roma population in the State party. Such under-reporting may have a significant impact on the position of Roma in public life, including the exercise of certain rights, for instance under the Minority Language Law (arts. 2, 3 and 26).

While appreciating the complex nature of gathering such data, the Committee urges the State party to take steps to collect, through methods compatible with the principles of data protection, statistical data reflecting the current size of the Roma population, as well as the position of minorities and women in society, including in the workplace, both in the public and the private sectors.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(23).

(23) ...The Committee notes with concern that the percentage of Arab Israelis in the civil service and public sector remains very low and that progress towards improving

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their participation, especially of Arab Israeli women, has been slow (arts. 3, 25 and 26).

The State party should adopt targeted measures with a view to improving the participation of Arab Israeli women in the public sector and accelerating progress towards equality.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(13).

(13) The Committee notes with concern numerous instances of trafficking (art. 8) of women and children in the Philippines, both within the country and across its borders. While noting the importance of existing legislation (R.A. 9208) in this domain, it is concerned that insufficient measures have been taken actively to prevent trafficking and to provide assistance and support to the victims.

The State party should take appropriate measures to combat trafficking in all its forms, by ensuring effective enforcement of the relevant legislation and imposing sanctions on those found responsible. The Committee encourages the State party to ensure gender-specific training to sensitize the officials involved with problems faced by victims of trafficking, in accordance with articles 3, 8 and 26 of the Covenant.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(9).

(9) The Committee reiterates its concern regarding persistent inequality in the enjoyment of Covenant rights by women. In particular, the Committee notes with concern the high level of poverty among women, the prevalence of domestic violence against women, and a marked difference in the wages of men and women for equal work.

The State party should ensure that effective measures are taken to improve the situation of women as to their full enjoyment of Covenant rights (art. 3).

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at paras. 65(12) and 65(14).

(12) The Committee notes the efforts made by the State party to address the situation regarding trafficking in persons, in particular by amending legislation, the adoption of a preventive strategy by providing information to potential victims, and through international cooperation. However, the Committee is concerned about the slow progress made in implementing those policies and notes that it has received only limited statistical information from the State party (arts. 3 and 8).

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The State party should take measures to combat this practice, which constitutes a violation of several Covenant rights, including article 3 and the right under article 8 to be free from slavery and servitude. Strong measures should be taken to prevent trafficking and to impose sanctions on those who exploit women in this way. Protection should be extended to women who are victims of this kind of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings. The Committee encourages the State party to continue its cooperative efforts with other States to eliminate trafficking across national borders...

...

(14) The Committee notes that discrimination against women with regard to remuneration persists, notwithstanding the measures taken by the Government to guarantee equal treatment, including through employment law and the programme on the implementation of gender equality. The Committee regrets that insufficient information was provided by the State party in regard to the number and results of cases brought and whether compensation has been paid. (arts. 3 and 26).

The State party should take all necessary measures to ensure equal treatment of women and men 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.

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

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

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

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(13).

(13) While the Committee appreciates progress made in practice in the area of equality for men and women in the public service, it notes with concern that the number of women in senior positions is still very low. It is also concerned about wide disparities, in the private sector, of remuneration between men and women (arts. 3 and 26).

The State party should ensure equal treatment of men and women at all levels of the

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public service. Furthermore, it should continue to take necessary measures so that women enjoy equal participation in the labour market, in particular in terms of equal wages for work of equal value.

- Suriname, ICCPR, A/59/40 vol. I (2004) 43 at paras. 69(18) and 69(20).

(18) The Committee is concerned that the current Asian Marriage Act provides for “arranged marriages” and sets the minimum age for marriage at 13 years for female and 15 years for male citizens of Asian descent. These ages are incompatible with articles 3 and 26 and article 24, paragraph 1, of the Covenant. Marriage at such a young age, and in particular arranged marriages, is also incompatible with article 23 of the Covenant, which stipulates that no marriage shall be entered into without the free and full consent of the intending spouses. While the State party submits that citizens of non-Asian descent also may marry under this Act, it has not responded to the Committee’s request for statistics on how many non-Asians have actually done so (arts. 23 and 24).

The State party should take steps to change the current marriage legislation and to bring it into conformity with the Covenant.

...

(20) While the Committee welcomes the State party’s Gender Policy Programme, including a timetable for reviewing several provisions in domestic laws that are discriminatory against women, it remains concerned that discriminatory legislation in relation to gender still exists, including in the Personnel Act, the Identity Act, the Nationality and Residence Act and the Elections Act (arts. 3 and 26).

The State party is invited to eliminate any existing legislation that discriminates in relation to gender.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(9).

(9) The Committee notes with concern the continued existence of customs and traditions in the State party that affect the principle of equality of men and women and that may impede the full implementation of many provisions of the Covenant. In particular, the Committee deplores the fact that polygamy is still recognized by law in Uganda; in this context, it refers to its general comment No. 28, which states that polygamy is incompatible with equality of treatment with regard to the right to marry. The provisions in the proposed Domestic Relations Bill which would discourage the practice of polygamy are not sufficient (arts. 3 and 26).

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The State party should take legislative measures to outlaw polygamy in addition to strengthening its ongoing awareness-raising campaigns.

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at para. 73(7).

(7) While noting the numerous measures taken by the State party to address the problem of inequality between men and women, the Committee notes the persistence of a passive attitude in society towards the role of women in many areas, especially in public affairs. The Committee is also concerned about the compatibility with the Covenant of laws governing the succession to the throne (arts. 2, 3, 25 and 26).

The State party should continue to take effective measures, including by legislative amendments, to address inequality between men and women. It is encouraged to take measures designed to enhance the participation of women in Government and decision-making processes, and to further promote equality of men and women in non-public areas. While noting Liechtenstein's interpretive declaration concerning article 3 of the Covenant, the State party may wish to consider the compatibility of the State party's exclusion of women from succession to the throne with articles 25 and 26 of the Covenant.

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

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

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

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at para. 75(16).

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(16) The Committee notes that Serbia and Montenegro is a main transit route for trafficking in human beings and increasingly a country of origin and destination. It welcomes the efforts made by the State party and the measures taken to address the situation regarding trafficking in women and children, including the establishment of national teams to combat trafficking in Serbia and in Montenegro, as well as the introduction of a criminal offence in the criminal codes of Montenegro and of Serbia directed to trafficking in human beings, although some concerns regarding the definition of trafficking remain. The Committee is also concerned at the lack of effective witness protection mechanisms and notes the apparent lack of awareness about trafficking in women and children on the part of law enforcement officials, prosecutors and judges. The Committee notes that shelters and SOS hotlines are managed by non-governmental organizations, which have also organized awareness campaigns, and regrets the lack of adequate involvement by the authorities in these initiatives (arts. 3, 8, 24).

The State party should take measures to combat trafficking in human beings, which constitutes a violation of several Covenant rights, including articles 3 and 24 and the right under article 8 to be free from slavery and servitude. Strong measures should be taken to prevent trafficking and to impose sanctions on those who exploit women and children in this way. Protection should be extended to all victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at paras. 81(3) and 81(9).

(3) The Committee notes with satisfaction the adoption of:

...

(c) Steps that have increased the number of women in senior posts within the administration, including the directors of several ministries. These steps should be followed up in order to allow qualified women greater opportunities to occupy decision-making posts.

...

(9) While aware of the efforts made by the State party to guarantee equality between men and women, the Committee observes that there are still sex-related differences in rates of pay.

The State party should continue its policy of educating society and ensuring that its plans for equality and other forthcoming actions, including the imposition of constraints on employers, are effective, so that women are paid an equal wage for work of equal value thereby satisfying its obligations under articles 3 and 26 of the Covenant.

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- Albania, ICCPR, A/60/40 vol. I (2004) 25 at paras. 82(10) and 82(11).

(10) The Committee is concerned that women continue to face discrimination under customary law and traditional codes (*Kanun*), as well as about reports of high rates of domestic violence, and regrets the lack of detailed information provided on the nature and extent of those problems (arts. 2, 3 and 26).

The State party should adopt and implement appropriate policies to combat effectively and prevent the application of discriminatory customary law, to reinforce its policies against domestic violence and to assist its victims. The Committee recommends in particular that the State party establish crisis-centre hotlines and victim support centres equipped with medical, psychological and legal facilities, including shelters for battered spouses and children. In order to raise public awareness, it should disseminate information on those issues through the media.

(11) The Committee is troubled by the explanation provided in paragraph 196 of the [State party] report. It is concerned about the low level of participation of women in public affairs, and that women continue to have a disproportionately low presence in the political and economic life of the State party, particularly in senior positions of public administration (arts. 2, 3 and 26).

The State party should take immediate steps to change public attitude towards the suitability of women for positions in public affairs and consider adopting a policy of positive action. The State party should take appropriate measures to ensure the effective participation of women in political, public and other sectors of the State party.

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(10).

(10) The Committee notes that under the new Personal and Family Code, only monogamous marriage is recognized, and that custom ceases to have the force of law in all matters covered by the present Code. The Committee is concerned, however, at the possible consequences of polygamous marriages that might nevertheless be concluded under customary law, particularly as regards the protection that would be afforded to women involved in such unions (articles 3 and 23 of the Covenant).

The State party should clearly prohibit the conclusion of new polygamous marriages, in accordance with the Committee's general comment No. 28 on article 3 of the Covenant. It should provide greater protection to women who, once the new Personal and Family Code has entered into force and out of respect for tradition, may enter into polygamous unions when such unions no longer have any legal standing. The Committee invites the

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State party to increase its efforts to inform women and make them aware of these issues, including in the remotest parts of the country.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at paras. 84(26), 84(27), 84(30), 84(32) and 84(33).

(26) While welcoming the progress made in the area of education, the Committee remains concerned about the continuing high number of illiterates, particularly among women.

The State party should continue with the action undertaken to remedy this situation (Covenant, art. 26).

(27) The Committee is concerned about the legal ban on marriages between women of the Muslim faith and men from other religions or with other beliefs (Covenant, arts. 3, 23 and 26).

The State party should comply with the provisions of articles 3, 23 and 26 of the Covenant by revising the legislation concerned.

...
(30) The Committee regrets that the new Family Code, while placing limitations on the practice of polygamy, nevertheless does not ban it, despite the fact that it is detrimental to women's dignity (Covenant, arts. 3, 23 and 26).

The State party should ban polygamy clearly and definitively (Covenant, arts. 3, 23 and 26).

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

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

(33) While welcoming the adoption of the Family Code, the Committee notes with concern that inequalities between women and men persist in the area of inheritance and divorce.

The State party should review its legislation and ensure that any gender-based

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discrimination in the area of inheritance or divorce is eliminated (Covenant, art. 26).

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at paras. 85(5) and 85(10).

(5) The Committee notes with satisfaction improvements made in the area of women's rights, in particular by the appointment of a Government Plenipotentiary on the Equal Status of Women and Men. It also welcomes the extension of the Plenipotentiary's competence to issues relating not only to discrimination on the basis of sex but also on grounds of race and ethnic origin, religion and beliefs, age and sexual orientation.

...

(10) While the Committee appreciates progress made in the area of equality between men and women in the public service, it notes with concern that the number of women in senior positions is still low. The Committee also remains concerned about the disparities in remuneration between men and women (arts. 3 and 26).

The State party should ensure equal treatment of men and women at all levels of public service. Appropriate measures should also be taken to ensure that women enjoy equal access to the labour market and equal wages for work of equal value.

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at para. 86(10).

(10) The Committee notes with concern that systemic discrimination against women persists in Kenya, both in law and practice. This includes a low level of representation of women in Parliament and in public office, despite recent progress in this area; inequalities in claiming property rights; the discriminatory practice of "wife inheritance"; and inequalities in the law of succession or inheritance. In addition, the continued application of some customary laws, including the permissibility of polygamous marriages, undermines the scope of the non-discrimination provisions in the Constitution and other legislative texts (articles 2, 3, 23, 24 and 26 of the Covenant).

The State party should take urgent measures to address the absence of constitutional protection against discrimination in relation to women and gender disparities, and intensify its efforts to ensure their protection, whether through the National Commission on Gender and Development or otherwise. The draft bill that would eliminate inequality of spouses with regard to marriage, divorce, devolution of property and other rights should be adopted without delay. The State party should prohibit polygamous marriages.

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(5).

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(5) While the State party is aware that there are still sex-related differences in rates of pay, the average difference being 15 per cent in 2004, the Committee notes with satisfaction that the burden of proof rests with the employer, who must demonstrate that any difference in wages paid to men and women for work of equal value is based on factors other than the gender of the employees.

- Mauritius, ICCPR, A/60/40 vol. I (2005) 52 at para. 88(8).

(8) While the Committee welcomes the progress achieved with respect to gender parity in the public sector, it notes with concern that few women are employed in the private sector and in executive positions. It also remains concerned over the wage gap between men and women. Finally, the participation of women in political life remains inadequate (Covenant, arts. 3 and 26).

The State party should pursue and strengthen its measures to ensure that women enjoy equal access to the private sector labour market, including executive positions, and to equal pay for work of equal value. Women's participation in political life should also be enhanced through effectively applied positive measures.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(24).

(24) The Committee regrets that even though the Criminal Code prohibits polygamy, the phenomenon persists, violating women's dignity. It is also concerned about the practice of kidnapping young women to force them to marry, which resurfaced after the State party's independence (Covenant, arts. 3, 23 and 26).

The State party should ensure that the relevant provisions of its Criminal Code are fully implemented, so as to put an end to the practice of polygamy. It should combat the practice of forced marriages of kidnapped women.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at paras. 90(8) and 90(10).

(8) The Committee is concerned about the impediments that Muslim women might face as a result of the non-application of the general law of Greece to the Muslim minority on matters such as marriage and inheritance (arts. 3 and 23).

The Committee urges the State party to increase the awareness of Muslim women of their

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rights and the availability of remedies and to ensure that they benefit from the provisions of Greek civil law.

...

(10) The Committee notes that Greece is a main transit route for trafficking in human beings, as well as a country of destination. While welcoming the efforts made by the State party to fight this scourge, it remains concerned, in particular, about the reported lack of effective protection of the victims, many of whom are women and children, including witness protection mechanisms (arts. 3, 8 and 24).

(a) The State party should continue to take measures to combat trafficking in human beings, which constitutes a violation of several Covenant rights, including articles 3 and 24. The human rights of the victims of trafficking should be protected, including by providing a place of refuge as well as an opportunity to give evidence against the persons responsible in criminal or civil proceedings;

...

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at paras. 91(8)-91(10) and 91(21).

(8) The Committee welcomes the adoption of various measures for the advancement of women, as well as the recognition by the State party that stereotypical views of women's and men's social roles and responsibilities have had a negative impact on some aspects of Yemeni legislation. It notes with concern the high rate of illiteracy among women, which clearly hinders the enjoyment of their civil and political rights (arts. 3 and 26).

The State party should increase its efforts to change stereotypical attitudes detrimental to women's rights, and to promote the literacy and education of girls and women.

(9) The Committee reiterates its deep concern about discrimination suffered by women in matters of personal status. It is concerned, in particular, about the persistence of polygamy, apparently without even the possibility for women to enter into a form of marriage that precludes polygamy, and the existence of rules discriminating against women in matters of marriage, divorce, testimony and inheritance (arts. 3 and 26).

The State party should review its laws in order to ensure full equality between men and women in matters of personal status and actively promote measures to combat polygamy, which is not in accordance with the Covenant.

(10) While noting the efforts developed by the State party, the Committee remains concerned at the low level of participation of women in political life, in particular in the House of Representatives, local councils, the leadership structures of political parties, as

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well as in the judiciary (arts. 3 and 26).

The State party should increase its efforts to promote the participation of women in all spheres of public life, appoint more women to the judiciary and higher positions in the executive branch...

...

(21) The Committee notes with concern that the Personal Status Act allows children aged 15 to marry, and that early marriage of girls, sometimes below the age fixed by the law, persists. It is also concerned about marriages of under-age children contracted by their guardians. This practice jeopardizes the effectiveness of the consent given by spouses, their right to education and, in the case of girls, their right to health (arts. 3, 23 and 24).

The State party should raise the minimum age of marriage and ensure that it is respected in practice.

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at paras. 92(4) and 92(7).

(4) The Committee welcomes the existence of legal sanctions against forced marriages and polygamy.

...

(7) Whilst noting the efforts made by the State party to decrease the gender imbalance in government positions and to improve the status and rights of women in society, the Committee considers that much more needs to be done (arts. 3 and 26).

The State party should take more positive measures to ensure higher representation of women in public life.

- Slovenia, ICCPR, A/60/40 vol. I (2005) 74 at para. 93(8).

(8) The Committee is concerned about the level of participation of women in public affairs. The Committee is also concerned that women continue to be disproportionately poorly represented in the political and economic life of the State party, particularly in senior positions of the public administration (arts. 3 and 26).

The State party should take the necessary legal and practical measures to increase the effective participation of women in public affairs and in the political and economic sectors.

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- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at paras. 94(16) and 94(17).

(16) The Committee reiterates its previous concern that, despite article 25 of the Constitution, discrimination against women continues to exist in law and practice in matters related to marriage, divorce and inheritance, and that the Penal Code contains provisions discriminating against women, including providing lesser penalties for crimes committed by men in the name of honour. It notes the statement by the delegation that a commission is currently considering amendments to the personal status laws and that the provisions of the Penal Code with regard to honour crimes are currently being revised (arts. 3, 6 and 26).

The State party should review its laws in order to ensure equality between men and women in matters of personal status, and to eliminate any discrimination against women in the Penal Code.

(17) While noting the statement by the delegation that a national strategy for women has been initiated, the Committee notes that the participation of women in public life remains low (art. 3).

The State party should take appropriate steps towards achieving balanced representation of women in public life.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(11).

(11) The Committee notes with concern that the provisions of the Civil Code are discriminatory against women with regard to grounds for divorce (arts. 3 and 26).

The State party should amend the provisions of the Civil Code governing grounds for divorce in line with articles 3 and 26 of the Covenant.

ICESCR

- Sweden, ICESCR, E/2002/22 (2001) 106 at paras. 726 and 737.

726. The Committee, while commending the State party's efforts with regard to gender equality, notes with concern that there continues to be inequality in wages and that women earn only 83 per cent of men's salaries.

...

737. The Committee urges the State party to intensify its efforts with respect to gender

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equality and to take the necessary measures, including legislative and administrative ones, to ensure that women enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value.

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 762, 764, 765, 775, 783, 785, 786 and 796.

762. The Committee takes note that gender equality has stagnated and even deteriorated since 1997, exposing women to the general impoverishment of the country. The Committee regrets that the National Directorate for Women's Equity, which initially was created as a financially and administratively autonomous institution, has lost its autonomy and had its budget reduced when it was integrated into the Government to become the Presidential Advisory Office on Women's Equity.

...

764. The Committee is deeply concerned about the rapid growth of the unemployment rate. The Committee is particularly concerned that unemployment affects mainly young people and women.

765. The Committee is concerned that the national minimum wage is not sufficient to ensure an adequate standard of living for workers and their families. The Committee is also concerned that there is still a large disparity between the wages of men and women, particularly in the commercial sector, and that according to the Presidential Advisory Office on Women's Equity, women's wages in general are 25 per cent lower than men's.

...

775. The Committee is concerned about the reduction of State subsidies for health care which makes access to health care even more difficult, particularly in the rural areas where health care coverage is already significantly more limited than in urban areas. The Committee also notes that women and indigenous groups are adversely affected by this reduction in subsidies.

...

783. The Committee urges the State party to take the necessary legislative and financial measures to ensure the independence of the Presidential Advisory Office on Women's Equity in order to enable it to address the serious gender issues in the country effectively.

...

785. The Committee encourages the State party to take steps to reduce its high unemployment rate and to address in particular the problem of unemployment of young people and women.

...

786. The Committee calls upon the State party to ensure that the minimum wage enables the workers and their families to have an adequate standard of living. It also

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urges the State party to adopt a policy of equal pay for work of equal value as provided for in the Covenant to reduce the wage gap between men and women.

...

796. The Committee urges the State party to allocate a higher percentage of its GDP to the health sector and to ensure that its system of subsidies does not discriminate against the most disadvantaged and marginalized groups.

- Algeria, ICESCR, E/2002/22 (2001) 116 at paras. 817 and 832.

817. The Committee is deeply concerned about the persisting discrimination in the political, social and economic spheres of life against women in Algerian society, and women's inferior position under the Family Code of the State party, already referred to in the Committee's concluding observations on the initial report of Algeria^{22/}. In this regard, the Committee expresses its serious concern about the considerable divergence existing in the State party between constitutional provisions, on the one hand, and national legislation and practice, on the other, particularly with regard to a number of discriminatory provisions of the Family Code, including provisions on polygamy, unilateral repudiation by the husband, the requirement of a guardian's consent for marriage, the obligation of the wife to obey her husband, gender discrimination with regard to inheritance, as well as the husband's absolute right to keep the conjugal home in the case of divorce.

...

832. The Committee urges the State party to undertake a radical reform of the Family Code in order to give full recognition to the equal rights of women, to conduct an information campaign on gender equality and to introduce gender mainstreaming into all its legislation in accordance with the provisions of the Covenant.

Notes

...

^{22/} See *Official Records of the Economic and Social Council, 1996, Supplement No. 2* (E/1996/22-E/C.12/1995/18), chap. V, para. 299.

- France, ICESCR, E/2002/22 (2001) 121 at paras. 865 and 876.

865. The Committee is concerned that the State party has not yet changed the minimum age for marriage for girls (15 years) in the Civil Code to conform with that for boys (18 years), especially in the light of the delegation's statement that this discrepancy has not had an actual impact on the marriage rate, which has demonstrated an increasing average

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age of marriage for both sexes.

...

876. The Committee recommends that the legal minimum age for marriage for girls be raised to 18 years.

- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 888, 895, 896 and 907-909.

888. The Committee notes with satisfaction that many of the pre-independence laws and post-independence transitional measures are being amended or superseded by new laws that better conform to international human rights principles. Laws have been enacted or amended to make a number of specific types of violence against women an offence prosecutable by the public prosecutor *ex officio*, and the National Policy for the Promotion of Gender Equality 2001-2005 and the proposed amendments to the laws governing elections have among their aims the promotion of political participation by women...

...

895. The Committee is deeply concerned about the scale of unemployment in the State party, which creates conditions in which the right to work cannot be enjoyed by a considerable part of the population, particularly in those areas with large numbers of returnees. The Committee is also concerned about reports of discrimination in employment on the basis of gender, age and ethnic origin.

896. The Committee expresses concern that women are generally employed in lower-paying and lower status jobs and are poorly represented in public service and office. There continues to be no legal prohibition against sexual harassment in the workplace. Despite the welcome inclusion of offences of sexual violence in the reformed Criminal Code (1999) and the offences of marital rape and domestic violence in the new Family Law (1999), the lack of sensitization concerning such crimes among the police and the lack of effective procedures to deal with those crimes leaves women with little practical protection against violence in the home.

...

907. The Committee strongly recommends that the State party undertake a comprehensive review of the situation of women in all aspects of life, as members of the family, in the workforce and as public servants, in order to assess those situations in which women are at a disadvantage and to develop appropriate laws and policies to address their inequality.

908. The Committee recommends that the State party take measures to make sexual harassment in the workplace a prosecutable offence.

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909. The Committee recommends that all present and future policies, laws and practices be reviewed in the light of their potential effects on women and that appropriate measures be taken to ensure that women are not disadvantaged.

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 930-932 and 943-945.

930. A pervading "culture of violence" in the State party has created a climate that is not conducive to the enjoyment of economic, social and cultural rights by members of Jamaican society, particularly women and children.

931. The Committee expresses its concern that section 24, paragraph 3, of chapter III of the Constitution does not include "sex" among the legally prohibited grounds for discrimination. The Committee is also concerned about the existence of laws which are discriminatory on the basis of sex (mostly against women but at times against men), such as section 6, paragraph 1, of the 1947 Pensions Act providing for payments to married males, the 1942 Women (Employment of) Act prohibiting night work by women except in specified circumstances, and the 1958 Children (Adoption of) Act allowing for adoption of female children by males only under specially justified circumstances.

932. The Committee notes with concern the disproportion in the levels of unemployment of women: 33,600 women are unemployed as against 11,000 men. Furthermore, the Committee is concerned that 75 per cent of the unemployed reported that they have no recognized educational or vocational qualifications, thus diminishing their chances for employment.

...

943. The Committee recommends that the State party take steps to amend section 24, paragraph 3, of chapter III of the Constitution to include constitutional prohibition of discrimination on the grounds of sex. The Committee further recommends that the State party consider amending the Acts mentioned above (para. 931) and other legal measures that are discriminatory to men as well as women.

944. The Committee urges the State party to implement without further delay the National Policy Action Statement on Women of 1987, which was accepted by Cabinet with a view to providing the means to mainstream gender into all government ministries and their policies...

945. The Committee recommends that the State party provide proper vocational training and education for men and women in order to enhance their employment opportunities, and formulate work creation strategies and policies aimed specifically at women in the labour force.

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- Czech Republic, ICESCR, E/2003/22 (2002) 25 at paras. 81, 83, 100 and 102.

81. The Committee is alarmed about the increasing rate of unemployment, particularly among women, the Roma and other vulnerable groups.

...

83. The Committee notes with concern that there continues to be inequality in wages between men and women, with women earning approximately 75 per cent of men's salaries.

...

100. The Committee calls upon the State party to take effective action to reduce the unemployment rate, in particular among Roma people, women and other vulnerable groups.

...

102. The Committee urges the State party to intensify its efforts to address the gender inequality and to take the effective measures, legislative or otherwise to ensure that women enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value.
- Benin, ICESCR, E/2003/22 (2002) 34 at paras. 165, 167, 179, 184, 186 and 198.

165. The Committee is concerned that, although the Constitution says that men and women have equal rights (art. 26), women continue to face widespread discrimination, especially where access to employment, land and credit and inheritance rights are concerned.

...

167. The Committee deplores the State party's lack of progress in countering practices - in particular, polygamy and the early and forced marriage of girls - which prevent women and girls from exercising the rights which the Covenant accords them.

...

179. The Committee is concerned at the persistently high illiteracy rate in the State party, which is higher among women than men. It also notes with concern the cultural preference given in educational matters to male children, as can be seen in the markedly higher primary school enrolment rates for boys than for girls.

...

184. The Committee requests the State party to take more energetic and realistic steps to counter inequality between the sexes and discrimination against women in the State party, both in law and in practice. It urges the State party to adopt swiftly the Family Code that has been under discussion in Parliament since 1995.

...

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186. The Committee enjoins the State party to ban customary practices that violate women's rights and to take energetic action to combat such practices and beliefs by all available means, including educational programmes involving traditional chiefs. The State party should concentrate more on eradicating the practice of polygamy and forced marriages.

...

198. The Committee recommends the State party to step up efforts to provide girls and boys with equal access to education. It urges the State party to take effective measures to improve the literacy rate, particularly of women.

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at paras. 265 and 288.

265. The Committee notes with concern that women earn less than men for work of equal value, especially in the private sector.

...

288. The Committee urges the State party to take legislative and other measures to ensure equal pay for work of equal value for men and women.

- Slovakia, ICESCR, E/2003/22 (2002) 50 at paras. 315, 318, 329 and 331.

315. While the Committee appreciates the efforts of the State party in seeking to ensure equal rights for men and women, it notes with concern the inadequate representation of women in the decision-making bodies of the State party and the persistence of patriarchal attitudes in Slovak society.

...

318. The Committee is concerned that there remains a large disparity between the wages of men and women, and that, according to the Slovak Statistical Office, women's wages in general are 25 per cent lower than those of men.

...

329. The Committee calls upon the State party to take effective measures, including increasing the resources allocated to reducing the unemployment rate, in particular among women, Roma people and other disadvantaged and marginalized groups, especially in rural areas.

...

331. The Committee urges the State party to implement effectively measures recently adopted to ensure equal pay for work of equal value, as provided for in the Covenant, and to reduce the wage gap between men and women.

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- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 346, 358-360 and 380-382.

346. The Committee welcomes the establishment in November 2001 of the Government Plenipotentiary for Equal Gender Status with the responsibility of promoting the principle of equality between men and women in government legislation and policies...

...

358. The Committee is...concerned that, despite the measures taken by the State party to combat discrimination against women in employment, the discrepancy persists between the law and actual practice with respect to equal remuneration for work of equal value and to promotion in employment, as acknowledged by the State party's delegation.

359. The Committee is further concerned that there are no specific regulations against sexual harassment in the State party...

360. The Committee notes with concern the different retirement ages for men (65) and women (60), which in practice result in lower pensions for women.

...

380. The Committee reiterates its previous recommendation to the State party to ensure the implementation of the legal provisions and administrative regulations guaranteeing equal remuneration for men and women and the equal opportunity for promotion in employment, subject to no considerations other than those of seniority and competence. The Committee encourages the adoption of the draft legislation on the equal status of men and women, currently being considered by the Senate of the State party.

381. The Committee also reiterates its previous recommendation to the State party that sexual harassment be prohibited by law...

382. The Committee recommends the adoption of the same age of retirement for men and women.

- Solomon Islands, ICESCR, E/2003/22 (2002) 65 at paras. 454, 455, 463, 464, 466, 467, 477 and 478.

454. The Committee is concerned about the inadequate representation of women at all levels of decision-making bodies of the State party and the persistence of patriarchal attitudes in the society.

455. ...The Committee is further concerned at the high rate of unemployment and underemployment in the State party, especially among women and young people.

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...

463. The Committee is concerned that fewer girls than boys enrol in primary schools and that there is a high drop-out rate among girls in both primary and secondary schools.

464. While noting the considerable efforts made by the State party to reduce illiteracy, the Committee remains concerned that illiteracy, especially among women, poses a grave problem.

...

466. The Committee urges the State party to take all effective measures to prohibit discrimination on the basis of nationality or sex in all fields of economic, social and cultural life...

467. The Committee also urges the State party to design and implement a national job-creation programme and to provide vocational training, in particular to women and young people. The Committee recommends that the State party encourage the establishment of small businesses, including through the creation of accessible credit schemes.

...

477. The Committee recommends that the State party take effective measures, including programmes which explicitly target parents, to eliminate gender disparity in enrolment rates both at primary and secondary education levels.

478. The Committee also recommends that the State party increase its efforts to reduce the high rate of illiteracy, especially among women.

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 495, 497, 520 and 532.

495. ...The Committee...notes with concern the high rate of unemployment among older women and single mothers.

...

497. The Committee is also concerned about the marked difference in the wages of men and women. The Committee takes notes that, although it is possible to seek legal redress in cases of discrimination in employment and remuneration, few women have as yet sought such relief.

...

520. The Committee further recommends that the State party intensify its efforts to ensure the right of equal remuneration for men and women for work of equal value, including through public awareness-raising campaigns. The Committee also recommends in this regard that the State party ratify ILO Convention No. 111 (1958) concerning discrimination in employment and occupation.

...

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532. The Committee...recommends that the State party take measures, in line with general comment no. 14 (2000), to ensure that adequate and affordable health care is accessible and available to everyone, especially older women in rural areas.

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 71, 78, 83, 90 and 95.

71. The Committee welcomes the measures taken by the State party to promote equality between women and men at the workplace, including the law of 28 June 2001 reversing the burden of proof in cases of gender-based discrimination.

...

78. The Committee notes that the State party still has not revised the Constitution in order to include the principle of equality between men and women.

...

83. The Committee notes with concern that women are still underrepresented in the workforce. While taking note that the disparities between wages of men and women have been reduced, the Committee also notes with concern that the current level of wage difference (women receiving 15 per cent lower wages than men) remains a matter of concern.

...

90. The Committee recommends that the State party approve the constitutional reform that will guarantee the principle of equality between men and women.

...

95. The Committee calls upon the State party to implement effectively the measures outlined in the national plan of action for employment aimed at increasing the level of participation of women in the labour market and to ensure equal treatment between men and women, including equal remuneration for work of equal value.

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 129 and 152.

129. The Committee is concerned about the widespread discrimination against women, in particular in their access to the labour market, to equal pay for work of equal value and to adequate representation at all levels of decision-making bodies of the State party.

...

152. The Committee urges the State party to adopt all effective measures to ensure equality between men and women as provided for in articles 2, paragraph 2, and 3 of the Covenant. The Committee also requests the State party to adopt in its relevant policies the principle of equal pay for work of equal value as provided for in the Covenant, to reduce the wage gap between men and women...

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- New Zealand, ICESCR, E/2004/22 (2003) 35 at paras. 187 and 200.

187. While noting that measures are being taken by the State party to redress inequality between men and women with regard to employment conditions, the Committee is concerned about the persistence of a gap between the wages of women and men, in contradiction with the principle of equal pay for work of equal value.

...

200. The Committee recommends that the State party continue and intensify programmes to reduce inequality between men and women in the workplace, including ensuring equal pay for work of equal value.

- Iceland, ICESCR, E/2004/22 (2003) 39 at paras. 217, 223 and 232.

217. The Committee notes with appreciation the new Act on Maternity/Paternity Leave and Parental Leave which reconciles family life and work, provides for time for parents to devote to their children, and promotes the sharing of parental responsibilities and gender equality in the labour market.

...

223. The Committee notes with concern that inequality between men and women continues to exist, particularly with respect to wages.

...

232. The Committee calls upon the State party to intensify its efforts to ensure that women and men enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value. In this regard, the Committee recommends that the State party review its mechanisms for obtaining statistical information so as to enable an effective assessment of the progress achieved.

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 266 and 282.

266. The Committee expresses concern about the fact that the Jewish religious courts' interpretation of personal status law with respect to divorce is discriminatory as regards women, especially the regulation that allows the husband to remarry even when the wife is opposed to the divorce, whilst the same rules do not apply to the wife.

...

282. The Committee recommends that the State party take steps to modify the Jewish religious courts' interpretation of the law concerning divorce to ensure equality between men and women, as provided for in article 3 of the Covenant.

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- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 303, 305, 325 and 327.

303. The Committee is concerned about the extent to which gender inequality persists in the Republic of Moldova.

...

305. The Committee is concerned about the persistent gap in wages between women and men despite Law No. 847-XV on Wages of 14 February 2002, which prohibits discrimination on the grounds of sex in determining remuneration.

...

325. The Committee recommends that the State party strengthen its efforts to promote gender equality in all spheres of life, including by ensuring the effective implementation of the National Plan for the Promotion of Gender Equality in Society.

...

327. The Committee recommends that the State party take effective measures to reduce inequality between men and women in the labour market, including by ensuring equal pay for work of equal value...

- Yemen, ICESCR, E/2004/22 (2003) 55 at paras. 352, 355, 368, 371, 374 and 387.

352. Despite the measures taken by the State party to advance the status of women in Yemen, the Committee is concerned about the existence of certain customs, traditions and cultural practices which lead to substantial discrimination against women and girls and that there are still persisting patterns of discrimination, particularly in family and personal status law, as well as inheritance law. The Committee is also concerned about the widespread discrimination faced by women in their access to an adequate representation at all levels of decision-making bodies in the State party.

...

355. The Committee is concerned about the gap in wages between men and women even if they perform the same work under the same conditions and specifications.

...

368. The Committee remains concerned that the high level of illiteracy, especially among women in rural areas amounting to over 70 per cent, poses a major problem and has a deep impact on the enjoyment of their economic, social and cultural rights.

...

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

...

374. The Committee recommends that the State party undertake effective measures to ensure in practice the principle of equal remuneration for work of equal value.

...

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387. The Committee requests the State party to adopt effective measures to combat illiteracy and to provide, in its second periodic report, information on the measures it has undertaken and on the results of these measures. The Committee also requests the State party to include disaggregated and comparative statistics in its second periodic report.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 397, 404, 408, 422 and 426.

397. The Committee welcomes the establishment of the Office for the Defence of Indigenous Women for the promotion and development of proposals for government policies, plans and programmes for the defence of the rights of indigenous women.

...

404. The Committee is concerned about the *de facto* inequality between women and men, which is perpetuated by traditional prejudices and social conditions, in spite of an important number of legal instruments adopted by the State party.

...

408. The Committee is...concerned about sexual harassment of women in the workplace.

...

422. The Committee calls upon the State party to ensure equality between men and women in all spheres of life, in particular by taking effective measures to combat discrimination in the education of the girl-child, in access to employment, in equal pay for work of equal value and in access to land and credit services. The Committee urges the State party to increase the level of representation of women in public services.

...

426. The Committee urges the State party to amend all its relevant legislation in order to define sexual harassment as a crime and to take effective measures to combat the crime.

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 448, 456, 457, 462, 484, 485 and 490.

448. The Committee welcomes the adoption of the federal Political Parties Act which contains provisions aiming at enhancing women's participation in political life.

...

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

457. The Committee remains concerned about the relatively high rates of

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unemployment in the State party, particularly among young people, women, people of pre-pensionable age and persons with disabilities. It also notes with concern the significant regional disparities, with unemployment rates ranging from 32.4 to 56.5 per cent in the nine worst affected regions.

...

462. The Committee is concerned about the difference in wages between men and women as well as about working conditions for women. It is also concerned about sexual harassment of women in the workplace.

...

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

485. The Committee urges the State party to ensure that programmes to promote employment are targeted to the regions and groups that are most affected.

...

490. The Committee recommends that the State party undertake effective measures, including through affirmative action, to improve the working conditions for women and to ensure equal pay for work of equal value. The Committee also recommends that the State party enact legislation criminalizing sexual harassment in the workplace.

- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 522, 530, 542 and 551.

522. The Committee expresses its concern about the persistence of traditional societal attitudes and practices prevailing in the State party with regard to women that negatively affect the enjoyment of their economic, social and cultural rights. The Committee is concerned about the lack of domestic legislation on non-discrimination against women and about the persistence of *de facto* inequality between men and women in decision-making positions, both in political and administration bodies, as well as in the industrial sector as a whole.

...

530. The Committee is concerned about the consequences of the widespread famine suffered by the country from the mid-1990s and that certain groups, in particular women, children and older persons, have been more severely affected than others and have not received proper assistance in order to alleviate their plight.

...

542. The Committee suggests that domestic legislation be reviewed with the aim of giving full effect to the principle of non-discrimination against women and that the State

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party adopt and implement a programme containing specific measures for awareness-raising, aimed at promoting the rights of women and their advancement in all fields of political, economic and social life.

...

551. The Committee recommends that the State party establish appropriate mechanisms to guarantee equal access for the more vulnerable groups to international food aid and give priority to these groups in food programmes.

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 76 and 98.

76. The Committee expresses its concern that, despite the various measures taken to improve the situation of women, including the National Programme of Equal Opportunities for Men and Women 2003-2004, women continue to be in a disadvantaged position in society, notably with regard to employment and equal pay for work of equal value and participation in decision-making.

...

98. The Committee recommends that the State party continue to strengthen its efforts to enhance the status of women, including through extending the National Programme of Equal Opportunities for Women and Men and other adequate measures...

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 126, 133 and 154.

126. The Committee welcomes the recent legislative amendments to ban discrimination, in particular gender-based discrimination, in the employment sector, including the abolition of quotas restricting access by women to police schools or a recent Presidential decree placing the burden of proof on the employer if an employee complains about discriminatory practices.

...

133. While appreciating the measures taken by the State party to ensure a legal framework to promote gender equality, the Committee is concerned that women are still underrepresented at the decision-making level in the political, economic and academic fields.

...

154. The Committee encourages the State party to take effective measures to increase the level of representation of women at all decision-making levels.

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 187 and 206.

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187. Despite the various measures taken by the State party to improve the situation of women, the Committee is concerned about the persistence of *de jure* and *de facto* discrimination against women, particularly with regard to their participation in the political decision-making process, especially in the Parliament, as well as in their enjoyment of economic, social and cultural rights.

...

206. The Committee urges the State party to continue to take all necessary measures to grant women the right to vote. The Committee also urges that the State party harmonize its domestic legislation with the principles and provisions of the Covenant with regard to the law on personal status and the Civil Code so as to abolish differences with regard to rights and responsibilities between women and men and to achieve full gender equality.

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 235 and 252.

235. The Committee is concerned that the level of unemployment remains high (11.3 per cent), particularly among young people and women (15.7 per cent as compared to 8.1 per cent among men)...

...

252. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected regions and groups. It also recommends that the State party take further measures to make it easier for women to reconcile work and family life. The Committee encourages, in this regard, the State party to improve childcare facilities for children under the age of 3.

- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 281, 292, 297, 304, 317 and 323.

281. The Committee expresses its concern about the *de facto* inequality that exists between men and women in Ecuadorian society despite legislative guarantees of equality, owing to the perpetuation of traditional stereotypes and the lack of implementation of legislative guarantees of equality. Such inequality is reflected in unequal wages for equal work, the high percentage of illiteracy amongst women particularly in rural areas, the low level of representation of women in public service and administration, and limited access to credit, professional work and skilled trades. The Committee is also concerned that insufficient resources are allocated to programmes that aim at eliminating gender-based discrimination.

...

292. The Committee is deeply concerned about the persistent and growing level of poverty in the State party, affecting primarily women, children, indigenous and Afro-Ecuadorian communities.

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...

297. The Committee is concerned about the high rate of illiteracy and school dropouts in the State party. The Committee is particularly concerned in this regard about the situation of young girls and of indigenous and Afro-Ecuadorian children.

...

304. The Committee urges the State party to adopt all effective measures to ensure equality between men and women in all fields of life as provided for in article 2, paragraph 2 and article 3 of the Covenant, including through implementing the principle of equal pay for work of equal value as provided for in the Covenant, increasing the level or representation of women in public services and reducing the wage gap between men and women...

...

317. The Committee encourages the State party to intensify its efforts and activities to combat poverty, including the setting up of an antipoverty strategy to improve the living conditions of the disadvantaged and marginalized groups...In this regard, the Committee refers the State party to its statement adopted on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights.

...

323. The Committee urges the State party to take all possible measures to combat illiteracy, particularly amongst the most disadvantaged and marginalized groups...

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 340, 343, 344, 358, 361 and 362.

340. The Committee is concerned that persistent cultural stereotypes of the role of women negatively affect the equal enjoyment of rights by both men and women. The Committee notes with concern in this regard that women remain largely underrepresented in public service and that there are no female judges in the State party.

...

343. The Committee is concerned that the participation of women in the labour market remains very low. It also notes with concern the significant gap between the wages of men and women and the very low representation of women in senior management positions.

344. The Committee is concerned that it is still difficult for women to balance employment and family responsibilities in the State party. Moreover, the Committee notes with concern that certain measures introduced, including more flexible parental leave schemes, are mainly aimed at women working in the public service and do not apply to women working in the private sector.

...

358. The Committee recommends that the State party further strengthen efforts to raise

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public awareness about gender equality, including by providing the National Commission for the Promotion of Equality for Men and Women with adequate support...

...

361. The Committee recommends that the State party continue and strengthen its efforts to increase the participation of women in the labour market and to ensure equal treatment between women and men, including equal remuneration for work of equal value.

362. The Committee urges the State party to take further measures to enable working parents to reconcile professional and family responsibilities, including by ensuring access to affordable childcare and flexible parental leave schemes for workers in both the public and private sectors.

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 388, 389, 399 and 400.

388. While appreciating the measures taken by the State party to promote equality between men and women, the Committee remains concerned about the persistent gender inequalities in the State party, particularly with regard to wages (a differential of 12-19 per cent) and the low participation of women in certain levels of decision-making.

389. The Committee is concerned about the level of long-term unemployment, affecting men aged 55-59, and the high rate of unemployment among immigrants, refugees, new college graduates and women, which are well above the national average.

...

399. The Committee calls upon the State party to adopt effective measures to ensure equality between men and women as provided for in article 2, paragraph 2, and article 3 of the Covenant, including by implementing the principle of equal pay for work of equal value and ensuring the participation of women in decision-making...

400. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected groups, including immigrants, refugees, men in the age group 55-59, new college graduates and women. It also recommends that the State party take further measures to assist men and women to reconcile professional and family life.

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 434 and 455.

434. The Committee is concerned that women with children face increased difficulties in finding and keeping a job, partly due to the lack of services for small children.

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...

455. The Committee strongly recommends that the State party extend the network of affordable, accessible and available childcare services.

- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 481, 482, 507 and 508.

481. While welcoming the measures taken by the State party to promote equality between men and women, including the establishment of the State Committee for Women's Issues and the adoption of the National Plan of Action on Women's Policy, the Committee on Economic, Social and Cultural Rights is concerned about the persistent gender inequalities in Azerbaijan, particularly in the field of employment.

482. While acknowledging the efforts made by the State party to reduce unemployment, including the adoption in 2004 of the Programme for Socio-Economic Development of the Regions of Azerbaijan for 2004-2008, the Committee is concerned about the persistently high unemployment in the State party, in particular among women, youths, refugees and internally displaced persons.

...

507. The Committee calls upon the State party to adopt all effective measures to ensure equality between men and women in all fields of life, as provided for in articles 2, paragraph 2, and article 3 of the Covenant...

508. The Committee recommends that the State party continue strengthening programmes to reduce unemployment, targeting on a priority basis the most affected groups...

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 543, 546, 548, 552, 555, 563, 569, 572, 583 and 585.

543. The Committee notes with concern that the labour-force participation of women remains among the lowest in Latin America (35 per cent in 2002). The Committee notes in this regard the range of barriers to the full integration of women in the labour force identified by the State party in its written replies to the Committee's list of issues.

...

546. The Committee is deeply concerned that the private pension system, based on individual contributions, does not guarantee adequate social security for a large segment of the population that does not work in the formal economy or is unable to contribute sufficiently to the system, such as the large group of seasonal and temporary workers. The Committee notes that women are particularly affected in this regard: "housewives"

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and about 40 per cent of working women do not contribute to the social security scheme and are consequently not entitled to old-age benefits. Moreover, the Committee is concerned at the fact that working women are left with a much lower average pension than men as their retirement age is five years earlier than that of men.

...

548. The Committee notes that section 349 of the Commercial Code discriminates against women who are not covered by the marital regime of the individual ownership of property.

...

552. The Committee is concerned about the consequences for women's health of the legal prohibition on abortion, without exceptions, in the State party. While there are no official statistics on the number of abortions performed annually, the large number of women who are hospitalized for abortion complications every year (34,479 in 2001) gives an indication of the extent of this problem.

...

555. While noting the progress made in increasing education coverage, the Committee is concerned at the disparity in the quality of education offered in municipal and private schools. The Committee is also concerned about the relatively high drop-out rates, especially among teenage girls.

...

563. The Committee urges the State party to take effective measures to address the many barriers to women's participation in the labour market. In particular, the State party should promote family-friendly working conditions and provide adequate funding and support to programmes to enable parents to reconcile family life and work, such as the blueprint for childcare being prepared by the National Women's Service. It also recommends that the State party incorporate the principle of equal remuneration for men and women workers for work of equal value in its legislation.

...

569. The Committee recommends that the State party take effective measures to ensure that all workers are entitled to adequate social security benefits, including special measures to assist those groups who are currently not able to pay into the private social security system, paying special attention to the disadvantaged position of women and the large number of temporary and seasonal workers and workers in the informal economy.

...

572. The Committee recommends that the State party amend section 349 of the Commercial Code to ensure that women can exercise their commercial activities under equal conditions with men.

...

583. The Committee recommends that the State party ensure that women in the reproductive age are not discriminated against in the private health-care system.

...

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585. The Committee recommends that the State party continue to strengthen efforts to improve the quality of education in municipal schools and to address the issue of dropouts, especially among teenage girls, including by securing adequate support for teenage mothers to continue their education.

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 78, 83, 85, 92, 95, 96, 101, 106, 108, 114, 117, 119 and 125.

78. The Committee notes with appreciation the State's policy of allowing pregnant girls to continue in their education.

...

83. The Committee notes that the prevalence of customary law, that is, certain traditions, customs and cultural practices, leads to substantial discrimination against girls and women, in particular widows, thereby preventing them from fully exercising their rights under the Covenant.

...

85. While welcoming the efforts made by the State party to promote shared responsibilities between men and women and the fact that it regards equitable access to decision-making positions and processes as crucial to women's enjoyment of economic, social and cultural rights, the Committee remains concerned, however, about the persistent inadequate representation of women at all levels of decision-making bodies of the State party.

...

92. The Committee is concerned about the large number of widows and orphans, a situation further exacerbated by the HIV/AIDS pandemic. It is also concerned about the harsh living conditions of widows and girl orphans due to, *inter alia*, harmful traditional practices such as "widow-cleansing", early marriages and denial of inheritance.

...

95. The Committee is deeply concerned that the extent of extreme poverty in the State party has negatively affected the enjoyment of economic, social and cultural rights as enshrined in the Covenant, especially by the most disadvantaged and marginalized groups, including girl children and those afflicted by HIV/AIDS.

96. The Committee is concerned that customary land, which represents over 80 per cent of all land, is traditionally inherited by the man's family in accordance with rules of male primogeniture, to the detriment of widows and, in particular, girl children.

...

101. While noting the activities undertaken by the State party such as the Programme for the Advancement of Girls' Education aimed at encouraging girls to stay in the school system, especially in the rural areas, the Committee remains concerned that traditional attitudes continue and that discrimination against girl children is prevalent in the State

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party.

...

106. The Committee welcomes the establishment of the Zambian Law Development Commission and recommends that it codify and review customary law so as to ensure that it is in full compliance with articles 2 (2) and 3 of the Covenant.

...

108. The Committee strongly recommends that the State party adopt effective measures to ensure equality between men and women in all walks of life as provided for in articles 2(2) and 3 of the Covenant...

...

114. The Committee recommends that the State party take adequate measures to address the difficulties faced by widows and orphans, and in particular to eliminate harmful traditional practices.

...

117. The Committee recommends that the State party undertake all necessary measures to guarantee an adequate standard of living, including through the provision of social safety nets for the most disadvantaged and marginalized groups, in particular those women and children who have been the hardest hit by structural adjustment programmes, privatization and debt servicing... The Committee also refers the State party to its statement adopted on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights...

...

119. The Committee recommends that the State party ensure that the draft land policy with regard to the allocation of land to women does not contradict articles 3 and 11 of the Covenant.

...

125. The Committee recommends that the State party strengthen its efforts and continue to undertake educational campaigns for all sectors of society, including traditional rulers, parents and guardians, on the value of educating girl children.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 146-148, 177 and 178.

146. The Committee notes with concern the persistence of gender inequalities in practice in the State party, particularly with regard to employment and participation in decision-making. The Committee regrets that it has not received sufficient information from the State party regarding affirmative action to promote gender equality and measures to prevent sexual harassment in the workplace.

147. The Committee is deeply concerned about the high rate of abortion of the girl foetus.

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148. The Committee is concerned about the problem of the sale of women and girl children and of the abandonment of elderly women.

...

177. The Committee calls upon the State party to undertake effective measures to ensure the equal right of men and women to enjoy economic, social and cultural rights as provided for in article 3 of the Covenant, *inter alia*, by implementing the principle of equal pay for work of equal value, eliminating wage gaps between men and women, and providing equal opportunities for both men and women.

178. The Committee strongly recommends that the State party undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices and traditional practices that are harmful to women and girls...

- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 207 and 219.

207. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the recommendations contained in its concluding observations of 2001.^{9/} The Committee wishes to reiterate in particular its concern at the following issues:

...

(e) The exclusion of many individuals, including women who are homemakers, persons with disabilities and older persons, from the Mandatory Provident Fund Scheme, due to their inability to make sufficient voluntary contributions;

...

219. The Committee once again urges the Hong Kong Special Administrative Region to implement the Committee's relevant suggestions and recommendations contained in its concluding observations adopted in 2001,^{9/} as well as in the current ones, and urges it to undertake whatever relevant concrete measures may be necessary towards their implementation.

Notes

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^{9/} *Official Records of the Economic and Social Council, 2002*, Supplement No. 2 (E/2002/22-EC.12/2001/17), chap. IV, paras. 189 to 210.

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- China (Macao Special Administrative Region), ICESCR, E/2006/22 (2005) 38 at paras. 237, 239, 247 and 249.

237. The Committee expresses its concern that women continue to be in a disadvantaged position in society in the Macao Special Administrative Region, especially with regard to employment and equal pay for work of equal value and participation in decision-making.

...

239. The Committee is concerned that no legislation exists to criminalize sexual harassment in the workplace.

...

247. The Committee recommends that the Macao Special Administrative Region establish a State institution responsible for the promotion and protection of gender equality and engage in sensitization campaigns to raise awareness on gender equality, particularly in employment...

...

249. The Committee urges the Macao Special Administrative Region to consider enacting legislation to criminalize sexual harassment in the workplace.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 275, 276, 303 and 304.

275. The Committee regrets the absence of a law on gender equality as well as the low representation of women in government offices and in the parliaments of both Republics and of the State Union.

276. The Committee is concerned about the high unemployment rate in Serbia and in Montenegro, especially among women, persons with disabilities, Roma and internally displaced persons.

...

303. The Committee recommends that, in addition to the establishment of a Council on Gender Equality in Serbia and of the Office for Gender Equality in Montenegro, the State party expedite the adoption of a law on gender equality with a view to ensuring greater access for women to positions of responsibility in the Government and public employment sectors.

304. The Committee requests the State party to intensify its efforts to reduce the unemployment rate, including through the implementation of its National Employment Strategy 2005-2010, to promote employment of persons belonging to vulnerable groups through special measures, for example, special training, the removal of physical barriers limiting workplace access by persons with disabilities, and wage subsidies or other

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incentives for employers...

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 338, 339, 355 and 357.

338. The Committee is concerned about problems faced by persons of immigrant background, in particular women, in accessing the labour market. The Committee notes in this regard the limited effect of the measures taken so far by the State party to increase immigrants' participation in the labour market.

339. The Committee notes with concern the persistent salary differences between men and women, despite the substantial measures taken to end discrimination against women in the workplace.

...

355. The Committee encourages the State party to continue and strengthen its measures to overcome the obstacles faced by persons of immigrant background, in particular women, in accessing the labour market.

...

357. The Committee encourages the State party to continue and strengthen its efforts to ensure that women and men have equal access to the labour market and receive equal pay for work of equal value. In particular, the State party should take measures to encourage women to choose occupations and professions that are traditionally exercised by men and which are better remunerated.

CEDAW

- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 46-53, 56, 57, 60, 61 and 64-67.

46. The Committee expresses concern that the Constitution of 1997 does not contain a definition of discrimination against women. The Committee notes the absence of effective mechanisms to challenge discriminatory practices and enforce the right to gender equality guaranteed by the Constitution in respect of public officials and non-State actors. The Committee is concerned that the Convention is not specified in the mandate of the Human Rights Commission, and that it is not assured funds to continue its work.

47. The Committee recommends that proposed constitutional reform should address the need to incorporate a definition of discrimination. The Committee urges the State party to include a clear procedure for enforcement of fundamental rights and enact an equal opportunities law to cover the actions of non-State actors. The Committee also

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recommends that the mandate of the Human Rights Commission be expanded to include the Convention, and that the Commission be provided with adequate resources from State funds.

48. The Committee is concerned that the Social Justice Act and the "Blue Print", which proposes affirmative action for the indigenous Fijian population, do not integrate a gender perspective.

49. The Committee recommends that the Social Justice Act and the Blue Print be evaluated for their impact on both ethnicity and gender, to ensure respect for gender equality, and human rights in Fiji's multicultural plural society. The Committee urges the State party to introduce an effective monitoring mechanism to ensure that these programmes conform with fundamental rights guaranteed by the Constitution and the Convention's concept of temporary special measures, and contributes to the elimination of discrimination against all Fijian women.

50. The Committee is concerned that, despite significant gains in education, some equal employment opportunities policies and an accessible database on qualified women professionals, women's political participation and access to decision-making positions remain limited.

51. The Committee recommends the introduction of temporary special measures in accordance with article 4.1 of the Convention to increase the representation of women in national and local assemblies, and in decision-making positions at all levels.

52. The Committee notes the active participation of women's civil society organizations, and recommends that this rich resource continue to be used for sustainable development and the promotion of gender equality in Fiji.

53. The Committee recommends that the participation of women's civil society organizations in the Women's Advisory Council be strengthened, and that the various governmental machineries work in a coordinated manner with them in implementing the Women's Plan of Action 1999-2008.

...

56. The Committee notes with concern that women do not receive equal wages for work of equal value and are denied equal access to employment and promotion. Furthermore, the working conditions of women, particularly in the tax-free zones, contravene article 11 of the Convention. The Committee also notes with concern that pregnancy leave is not mandatory.

57. The Committee recommends the very early adoption of the Industrial Relations Bill

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and Equal Opportunity legislation and a repeal of outdated labour laws. Legal reforms should make pregnancy leave mandatory and deal with sexual harassment in the workplace. The Committee calls upon the State party to promote the adoption of a code of ethics for investors, including in the tax-free zones.

...

60. The Committee notes with concern that an increase in levels of poverty and adverse economic conditions are undermining Fiji's gains in women's education. These conditions have led to a higher incidence of girls dropping out of school, with connected problems of early marriage, teenage pregnancies and sexual exploitation.

61. The Committee recommends the introduction of targeted policies and programmes to reduce poverty, prevent early marriage, teenage pregnancies and girls dropping out of school.

...

64. The Committee is concerned that there is a growing problem of prostitution due to economic hardship, and that a colonial law from 1944 which penalizes the conduct of only women who engage in prostitution continues to be enforced.

65. The Committee recommends an holistic and integrated programme of law reform, and policies and programmes to facilitate reintegration, and the criminalization of the actions of only those who profit from the sexual exploitation of women.

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

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

- Estonia, CEDAW, A/57/38 part I (2002) 13 at paras. 81, 82, 84, 87-94, 103-108, 113 and 114.

81. The Committee notes with satisfaction that the Convention is incorporated into Estonian law and has precedence over conflicting national legislation, and that *de jure* equality is becoming a reality in Estonia. Furthermore, the Committee notes with appreciation the efforts undertaken to improve the situation of women and the achievement of gender equality, particularly considering the recent independence and restructuring of the country.

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82. The Committee commends the State party on Estonia's high level of education, stressing in particular the situation of women in higher education, increasingly in non-traditional areas. The Committee also notes the measures adopted to promote women entrepreneurs and the progressive achievements in this area.

...

84. The Committee notes with satisfaction that the State party recognizes the important role of the increasing number of non-governmental organizations working on women's issues, in particular in the rural sector and with respect to women's political participation.

...

87. The Committee expresses its concern that, although the Constitution recognizes that everyone is equal before the law and contains a prohibition of discrimination on the ground of sex, Estonian law does not contain a specific definition of discrimination against women modelled on article 1 of the Convention, which prohibits both direct and indirect discrimination.

88. The Committee urges the State party to include the definition of discrimination against women in its Constitution and national legislation. It recommends the adoption of the draft Gender Equality Act containing provisions to allow the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention...

89. While welcoming the fact that, in accordance with articles 3 and 123 of the Constitution, the Convention is integrated into domestic legislation and takes precedence over such legislation, the Committee is concerned that there is still a lack of familiarity among the judiciary, law enforcement agents and women themselves about the opportunities for the application of the Convention in domestic decision-making.

90. Acknowledging the effort already made with regard to human rights education, including human rights of women, and the transparency and participatory nature of the law making process, the Committee recommends a review of law school curricula and the development of continuing education programmes for judges and lawyers that include the application of the Convention at the domestic level. It also recommends that awareness-raising campaigns addressed to women be undertaken to allow them to avail themselves of the legal remedies that assist them...

91. The Committee expresses its concern that the existing national mechanism for the advancement of women, the Gender Equality Bureau, a sub-unit of the Ministry of Social Affairs, although tasked with the responsibility of mainstreaming gender equality, does not have sufficient strength, visibility or human and financial resources to promote effectively the advancement of women and gender equality. The Committee also expresses its concern about the insufficient overall integrated policy of gender

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mainstreaming.

92. The Committee recommends that the State party strengthen the existing national machinery in order to give it more visibility and strength, as well as review its mandate to carry out effectively the mainstreaming of a gender perspective in all policies. It also recommends that the Government reassess the capacity of the national machinery, provide it with the necessary human and financial resources at all levels and foster more effective coordination among the existing mechanisms for the advancement of women and the promotion of gender equality.

93. The Committee is concerned that a clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention, as well as the reason for their application, seems to be lacking in large parts of Estonian society and in public administration.

94. The Committee recommends that the State party raise public awareness about the importance of such measures in accelerating the process of gender equality. It also recommends that the State party introduce temporary special measures, *inter alia*, in the educational, employment, professional and political fields, including through encouragement to pursue disciplines and areas of work and of political intervention in which one sex is underrepresented. Such provisions should be designed with measurable goals, targets or quotas and time lines to allow their effective monitoring.

...

103. While welcoming the information that the new Government will have 5 women ministers out of 14 Cabinet posts, including in portfolios traditionally held by men, the Committee expresses its concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

104. The Committee recommends that the State party utilize temporary special measures in accordance with article 4.1 of the Convention to increase the number of women in decision-making levels in governmental bodies, and State-owned enterprises. It also recommends that the State party strengthen its efforts in offering or supporting special training programmes for current and future women leaders and conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making.

105. While noting with appreciation the high level of education among women, the Committee expresses its concern at the continuing gender disparities regarding educational options of boys and girls, as well as the fact that this high level of education does not result in the elimination of the wage differential between men and women, in particular the gap between female- and male-dominated sectors of employment. It also

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expresses concern at the indirect discrimination in the recruitment, promotion and dismissal of women.

106. The Committee encourages the State party to analyse the lack of correlation between the high level of educational attainments of women and their income levels. It recommends the introduction of measures, including through the use of temporary special measures, to accelerate the representation of women at all levels of decision-making in educational institutions and economic life. It urges the State party to continue to review and reform the curricula and textbooks in order to combat the traditional attitudes towards women and to help to create an enabling environment for promoting women's presence in high-level and well-paid positions.

107. The Committee notes with concern that the position of women in the labour market is characterized by discrimination and by a strong occupational segregation with a concomitant wage differential. The Committee is also concerned at the situation of young women who face additional difficulties in the labour market owing to the domestic and family responsibilities assigned to them, placing them in a vulnerable position and leading to a higher incidence in part-time or temporary work among them.

108. The Committee recommends that efforts be made to eliminate occupational segregation through the adoption of the new Employment Contracts Act under preparation, as well as 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...It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be envisaged and that the sharing of domestic and family tasks between women and men be encouraged.

...

113. The Committee expresses its concern that the report does not contain sufficient information on the situation of rural women, including older rural women, including with regard to their cash income, social security, access to free health-care services and social and cultural opportunities. It also expresses concern at the situation of women spouses in family business, whose work is not reflected in official statistics.

114. ...The Committee recommends that the State party monitor existing programmes and develop comprehensive policies and programmes aimed at the economic empowerment of rural women, ensuring their access to training, productive resources and capital, as well as to health-care services, social security and to social and cultural opportunities.

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- Trinidad and Tobago, CEDAW, A/57/38 part I (2002) 19 at paras. 139-142, 144, 149 and 150.

139. The Committee is concerned that the Convention has not been incorporated into domestic legislation. The Committee regrets, in particular, that article 1 of the Convention which defines “discrimination against women” is not part of the legislation of the State party.

140. The Committee recommends that the State party give consideration to the incorporation of the Convention into domestic law. It points particularly to the importance of the incorporation of article 1 of the Convention...

141. The Committee notes with concern that, despite provisions in the Constitution, laws exist in the State party which may allow for discrimination against women.

142. The Committee recommends that an inventory be made of the laws that discriminate against women, with a view to their revision, amendment or repeal.

...

144. The Committee encourages gender mainstreaming in all government ministries, as well as the creation of an impact assessment of these efforts. It recommends that the State party clearly define the mandates of the various committees and councils concerned with gender issues and the level of interaction among them. The Committee encourages the State party to continue its process of restructuring the national machinery and to allocate the necessary human and financial resources to ensure effective implementation of governmental policies and programmes related to gender equality. It also encourages gender mainstreaming in all ministries.

...

149. The Committee is concerned about women’s underrepresentation in politics and economic leadership. It is concerned that factors impeding women’s participation in these areas include stereotypical attitudes, women’s disproportionate share of household and family responsibilities, as well as structural and cultural barriers, such as the lack of maternity leave for women parliamentarians, which reinforce the idea that politics is a male sphere.

150. The Committee recommends the introduction of strategies to increase the number of women in decision-making bodies at all levels and in all areas. To this end, the Committee recommends that the State party utilize temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women in decision-making levels in government, governmental bodies, public administration and State-owned enterprises. It also recommends that the State party strengthen its efforts to organize special training programmes for women and to conduct

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on a regular basis, awareness-raising campaigns in this regard.

See also:

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at paras. 186 and 187.
- Iceland, CEDAW, A/57/38 part I (2002) 27 at paras. 235 and 236.

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at paras. 180, 181, 184, 190, 191, 198-201 and 204-207.

180. The Committee takes note of the fact that the Constitution guarantees the protection of the rights of women and men, as individuals and as groups, and that reference is made in particular to the right of *amparo*.

181. The Committee notes with satisfaction that a significant number of Uruguayan women are highly educated and have a high rate of participation in the labour market.

...

184. The Committee commends the State party on its initiative to encourage the participation of women's non-governmental organizations in programmes for the implementation of the Convention.

...

190. The Committee expresses its concern that the National Institute for Family and Women's Affairs, as a national mechanism for the advancement of women, has no real power to initiate and implement regulatory measures designed to eliminate discrimination against women. The Committee is concerned that the national mechanism may have inadequate financial and human resources.

191. The Committee recommends that the State party clearly define the mandates of the various institutions and commissions and the level of interaction between them. The Committee encourages the State party to allocate to the national machinery the human and financial resources required to ensure the effective implementation of governmental policies and programmes for gender equality. It also encourages the State party to mainstream a gender perspective within all the ministries, and to establish mechanisms for assessing its impact.

...

198. The Committee notes that although Uruguayan women are highly educated and have a high rate of labour-market participation, this is not reflected in their employment status and conditions, particularly with respect to private-sector pay. Furthermore, the Committee is concerned at the high proportion of women in the service sector, especially personal services, an area in which pay is traditionally low.

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199. The Committee recommends that both in the public and in the private sector the State party endeavour to ensure strict compliance with labour legislation, and take action to eliminate discrimination in employment and with respect to pensions and private-sector pay, as well as promoting participation by women in sectors traditionally regarded as male.

200. The Committee is concerned at the low participation of women in politics and government administration, particularly as regards decision-making.

201. The Committee urges the State party to take appropriate action and implement broad strategies, including temporary special measures under article 4, paragraph 1, of the Convention, with a view to promoting greater participation by women in public life, particularly decision-making and promoting changes in attitudes and perceptions, held by both women and men, as regards their respective roles in the household, the family, at work and in society as a whole. In particular, the Committee recommends that the State party take account of general recommendations 21 concerning equality in marriage and family relations, and 23 concerning women in public life, that it should strengthen and step up action to promote awareness of the importance of the role, activities and many contributions of women in the community and in the family, and that it should in general promote equality of men and women with respect to rights and opportunities.

...

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

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

206. The Committee is concerned that there is limited awareness, including among legal and law enforcement personnel, of the provisions of the Convention and the procedures available under its Optional Protocol.

207. The Committee recommends that educational programmes on the Convention, the Optional Protocol and women's rights be introduced, in particular for, the judiciary, law enforcement officials and lawyers. The Committee also recommends that additional steps be taken to increase the number of women occupying high positions in the judiciary and law-enforcement agencies.

- Iceland, CEDAW, A/57/38 part I (2002) 27 at paras. 229-231, 239-244, 249 and 250.

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229. The Committee commends the State party for the progress towards gender equality and for its efforts to incorporate gender mainstreaming in its policy framework and at all stages of policy-making processes.

230. The Committee commends the passage of the Gender Equality Act (2000) and the large number of studies, pilot projects and research initiatives conducted in order to advance the equality between women and men.

231. The Committee commends the State party for its recognition of the common responsibility of women and men in the promotion of equality and for having taken a number of measures to involve the participation of men in strategies to increase equality between women and men, *inter alia*, in the area of paternal leave.

...

239. The Committee notes with concern the apparent contradiction between the high level of education of women and the lack of women's equality in the labour market, particularly the persistent wage gap of 10-16 per cent in the public sector to the detriment of women.

240. The Committee encourages the State party to continue its efforts to address the wage gap for women in the public sector, initiate job evaluations and reduce the gap...

241. The Committee is also concerned that the long-standing high rate of part-time employment of women suggests that, despite the State party's efforts to facilitate the reconciliation of family life and work, women still bear a larger share of family responsibilities.

242. The Committee encourages the State party to continue its efforts to take measures to assist women and men in striking a balance between family and employment responsibilities, *inter alia*, through further awareness-raising and education initiatives for both women and men, including with respect to sharing tasks within the family and ensuring that part-time employment is not taken up exclusively by women.

243. The Committee notes that, although progress was made with regard to women's political representation, women are still underrepresented in elected office, senior positions and the diplomatic service. The Committee is also concerned that despite their high educational achievement, very few women are university professors.

244. The Committee encourages the State party to take further temporary special measures in accordance with article 4.1 of the Convention to increase the representation of women in decision-making positions in all sectors, *inter alia*, on all public committees. It also recommends that the State party take measures to increase the number of women

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in senior positions at universities.

...

249. The Committee expresses concern about the change of the pension system, which has negatively impacted on women more than men.

250. The Committee recommends that the State party study the impact of the pension system on women and take appropriate measures to avoid poverty among older women.

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 269, 270, 272, 274-281, 290, 291 and 294-297.

269. The Committee commends the efforts to implement the Convention despite the difficult socio-political situation. It welcomes efforts to strengthen the national machinery on women, the introduction of gender mainstreaming and the adoption of a range of policies and programmes to eliminate discrimination against women, including the Women's Charter, the establishment of the Ministry of Women's Affairs, the National Committee on Women and the formulation of a National Plan of Action for Women.

270. The Committee commends the introduction of legal reforms that have been adopted since 1995, in particular the amendments to the Penal Code, which introduced new offences and more severe punishments with regard to violence against women, as well as the revision of the marriage laws, which increased the age of marriage, except in the case of Muslims, to 18 for both women and men.

...

272. The Committee welcomes the very active and lively participation of women's organizations in monitoring and implementing the Convention.

...

274. The Committee expresses its concern at the contradiction between the constitutional guarantees of fundamental rights and the existence of laws that discriminate against women. It is also concerned that constitutional provisions on fundamental rights do not create accountability for the actions of non-State actors and the private sector, and the fact that there is no opportunity for judicial review of legislation pre-dating the Constitution. The Committee is also concerned at the existence of discriminatory legislation, such as the Land Development Ordinance, and the provisions allowing for Muslim personal law, which, *inter alia*, does not provide a minimum age of marriage, as well as the nationality law which precludes Sri Lankan women from passing nationality to their children on an equal footing with men.

275. The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention and the Constitution. It urges the State party to ensure that constitutional rights are applicable to

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the activities of non-State actors and the private sector. The Committee further recommends that, in its efforts to eliminate discriminatory legislation, the State party take into account, where appropriate, suggestions and recommendations from bodies such as the Muslim personal law reforms committee set up by the Ministry of Muslim Religious and Cultural Affairs. The Committee also encourages the Government to obtain information on comparative jurisprudence, including that which interprets Islamic law in line with the Convention.

276. While welcoming the efforts of the State party to strengthen the national machinery for women and to introduce gender mainstreaming, the Committee notes with concern that the legal framework, institutional structures and human and financial resources remain insufficient to implement the Convention.

277. The Committee encourages the State party to expedite the establishment of the National Commission on Women, strengthen the gender focal points in government ministries, ensure sufficient human and financial resources for the implementation of the National Plan of Action, and strengthen the implementation of the Women's Charter, including through giving legal force to its provisions where appropriate to give effect to the principles of the Convention.

278. Despite the fact that women have occupied the position of head of Government of Sri Lanka, the Committee is concerned that, on the whole there is a very low level of representation of women in politics and public life.

279. The Committee urges the State party to take all necessary measures to increase the representation of women in politics and public life at local, provincial and national levels, including through the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

280. Despite the progress in education for women and girls, the Committee is concerned about the underrepresentation of women in engineering and technology-related courses in tertiary education.

281. The Committee urges the State party to take all necessary measures to increase the representation of women in engineering and technology-related courses in tertiary education.

...

290. The Committee is concerned about the low level of women's economic participation, the high unemployment rate of women, the complete lack of protection for women working in the informal sector, such as domestic service and the lack of enforcement of laws to protect women workers in the export processing zones. The Committee is also concerned that no data is available on the wage gap between women

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and men.

291. The Committee urges the State party to take all the necessary measures to increase the economic participation of women and ensure that women have equal access to the labour market and equal opportunities to, and at, work. The Committee calls on the State party to provide adequate protection and ensure enforcement of labour laws for the benefit of all women workers in all areas. The Committee recommends...that the State party take measures to ensure that a gender perspective is incorporated into all labour policies.

...

294. Noting that the majority of women live in rural areas, the Committee is concerned that economic policies do not incorporate a gender perspective and do not take into account rural women's role as producers.

295. The Committee urges the State party to recognize rural women's contributions to the economy by collecting sex-disaggregated data on rural production and to ensure the incorporation of a gender perspective in all development programmes, with special attention to minority rural women.

296. The Committee is concerned about the high percentage of households headed by women, many of whom are elderly, many illiterate and with meagre means of living.

297. The Committee urges the State party to develop policies and programmes to improve the situation of women-headed households and elderly women, including recognizing women-headed households as equal recipients and beneficiaries of development programmes.

- Portugal, CEDAW, A/57/38 part I (2002) 35 at paras. 319, 321, 327, 328, 337, 338, 343 and 344.

319. The Committee welcomes the amendments to the Constitution adopted in 1997, which, *inter alia*, established the promotion of equality between women and men as a fundamental task of the State...

...

321. The Committee notes with satisfaction the high level of women's educational achievement and the increasing diversification in the types of studies pursued by women. The Committee commends the State party on its efforts to recruit women into the police forces and on its system to disseminate information on violence against women.

...

327. While recognizing the efforts made by the State party to integrate a gender perspective into all policies, the Committee is concerned about the limited resources

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available for the machinery responsible for gender equality.

328. The Committee urges the State party to increase the financial and human resources available for the machinery and all policies and programmes to eliminate discrimination against women.

...

337. The Committee is concerned about the low participation of women in elected and appointed bodies, including as members of parliament and local assemblies, government ministers and secretaries of state, mayors, and high-ranking judges and diplomats.

338. The Committee urges the State party to take measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making.

...

343. The Committee is concerned at the apparent lack of legal actions or court decisions where the Convention and/or Constitution have been used to claim the right of equality and obtain redress for acts of discrimination.

344. The Committee urges the State party to ensure that adequate mechanisms and access to legal aid are available to enable women to seek redress from the courts on the basis of the Convention and the Constitution.

- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at paras. 373-378, 381-388, 397, 398, 401 and 402.

373. The Committee is concerned that the Constitution which recognizes women's right to equality before the law does not contain a definition of discrimination or expressly prohibit discrimination on the ground of sex. The Committee notes that the Constitution has not become an effective instrument to prevent discrimination.

374. The Committee urges the State party to incorporate in the Constitution a specific right of non-discrimination on the ground of sex, and a definition of discrimination, in conformity with article 1 of the Convention. It calls on the State party to introduce effective enforcement procedures and take necessary measures, including public awareness-raising campaigns to ensure effective implementation of women's right to equality.

375. The Committee notes that there is a lack of legislation in critical areas where there

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is discrimination against women. It is concerned that women are not invoking court procedures to combat sex discrimination because of gaps in the law, evidentiary barriers, a general lack of legal awareness and distrust of the legal system.

376. The Committee recommends that specific legislation and effective enforcement procedures be adopted to combat and eliminate discrimination and respond to violence against women. All such legislation and enforcement procedures be accompanied by access to legal aid and a vigorous awareness-raising campaign to inform women of their rights.

377. The Committee is concerned that the national machinery for the advancement of women, including the Commission on Enhancement of the Status of Women, may be weakened through its lack of clear legal status and mandate, and insufficient financial and human resources.

378. The Committee urges the State party to confer a clear mandate on, and allocate sufficient financial and human resources to, the national machinery for the advancement of women to enable it to ensure the practical realization of equality for women.

...
381. The Committee is concerned that the representation of women in the political arena at all levels has been decreasing steadily.

382. While acknowledging the Federal Act on Political Parties of July 2001, the Committee recommends that the State party take further measures to give practical and concrete effect to the Act. It requests the State party to adopt additional temporary special measures in accordance with article 4, paragraph 1 of the Convention, in order to increase the number of women at all levels of political decision-making.

383. The Committee is deeply concerned at the deteriorating situation of women in employment and that women are the overwhelming majority of workers in lower level and low-paying jobs in the various parts of the public sector. It is concerned that women experience significant discrimination in the private sector, and have a low share of the high-paying jobs in that sector. It is also concerned that women constitute the majority of the long-term unemployed.

384. The Committee urges the enactment of an equal employment opportunity law, prohibiting discrimination in hiring, promotion, employment conditions and dismissal, requiring equal pay for work of equal value and providing for effective enforcement procedures and remedies. It recommends that such legislation include temporary special measures, with time-bound targets, in accordance with article 4, paragraph 1, of the Convention, to increase the number of women in higher-level jobs in the public and

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private sectors.

385. While noting the State party's policy of protecting women against unsafe working conditions, the Committee is concerned that 12 per cent of women work in conditions which do not meet health and safety standards. It is also concerned about the exclusion of women of childbearing age from a list of 456 jobs, which may result in the effective exclusion of women from certain employment sectors. The Committee notes that the list is under reconsideration and also notes that employers may employ women in the prohibited jobs if the necessary standards are in place.

386. The Committee recommends that the State party require all employers to conform to the mandated standards, which would allow both women and men to work in proper conditions of health and safety. Bearing in mind article 11.3 of the Convention, it recommends continued review of the list of prohibited jobs, in consultation with women's non-governmental organizations, with a view to reducing their number.

387. The Committee is concerned at the feminization of poverty and, in particular, that women constitute a large proportion of single-parent families and of the working poor, and at the disproportionate impact of the remaining debt in unpaid back-wages on women in public employment and the poverty of older women.

388. The Committee recommends that, in addition to the measures to reduce poverty in the Programme for Socio-Economic Development of July 2001, the State party collate accurate data on the extent of women's poverty and its causes and, urgently, take special positive measures to alleviate women's poverty as a distinct structural problem.

...

397. Noting the measures taken by the State party to combat the effect of HIV/AIDS on pregnant women, the Committee is concerned that the State party regards HIV/AIDS as primarily resulting from the conduct of individuals in the context of drug abuse and alcoholism.

398. The Committee urges the State party to address the gender aspects of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls on ways to protect themselves from HIV/AIDS. The Committee urges the State party to ensure the equal rights and the access of women and girls to detection, health care and social services.

...

401. The Committee expresses concern with regard to the situation of rural women and, in particular, their degree of access to income-generating activities.

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402. The Committee...recommends that the State party pay greater attention to the situation of rural women and develop special policies and programmes aimed at their economic empowerment, ensuring their access to capital and productive resources.

- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 33, 35, 37, 39-42 and 55-68.

33. The Committee commends the State party for drafting its report in collaboration with civil society, particularly non-governmental organizations. It notes with satisfaction that the State party recognizes the important role of the non-governmental organizations working on women's rights and gender equality.

...

35. The Committee commends the State party on the appointment in 2001 of a Commission on Gender Legislation and reviewing draft laws related to the international conventions on gender equality and to present recommendations on new legislation.

...

37. The Committee commends the State party for its sponsorship and promotion of the issue of older women at the international level.

...

39. The Committee is concerned that the Convention has not been incorporated into domestic legislation and that no domestic remedies have been introduced into domestic legislation to enforce the Constitutional provision on discrimination based on sex.

40. The Committee recommends that the State party take steps to incorporate the Convention into domestic law and introduce procedures that will allow women to effectively enforce the prohibition on discrimination based on sex. The Committee also recommends that the State party introduce programmes to create awareness about the Convention, the Constitution and such remedies...

41. The Committee notes with concern that a number of provisions exist in domestic law, including the Personnel Act, the Identity Act, the Nationality and Residence Act and the Elections Act, which allow for discrimination against women. The Committee is also concerned at the slowness of legal reform with respect to discrimination against women. In particular, it notes that an amendment to the Penal Code criminalizing gender-based discrimination, presented to the State Council in 1993, is still pending.

42. The Committee recommends that the State party review existing laws and amend discriminatory provisions to bring them into line with the Convention and the Constitution and to ensure compatibility between all national legislation and international conventions.

...

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55. Noting the importance of ensuring the broadest possible participation of women to achieve adequate representation at all levels in Suriname, the Committee is concerned about women's underrepresentation in decision-making bodies in political and economic structures. The Committee notes that, although there are numerous women participating in training programmes, with respect to diplomatic careers the participation of women at the higher levels of the diplomatic service is low.

56. The Committee recommends the adoption of strategies to increase the number of women in decision-making bodies at all levels and in all areas. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women in decision-making levels in government, governmental bodies, public administration and diplomatic missions. It also recommends that the State party strengthen its efforts to organize special training programmes for women and to conduct, on a regular basis, awareness-raising campaigns in this regard.

57. The Committee is concerned that, in some educational institutions, teenage mothers are not always readmitted to junior secondary schools because of the perception that "the young mothers would have a negative influence on other girls", while teenage fathers are not prevented from attending schools.

58. The Committee requests the State party to include age-appropriate sex education in school curricula and to conduct awareness campaigns so as to prevent teenage pregnancy... The Committee also urges the State party to adopt the necessary legal or administrative measures to prohibit schools from barring young mothers and pregnant teenagers.

59. The Committee expresses concern at discriminatory practices and certain legal labour provisions that could lead to discrimination against women workers with regard to reproductive health and maternity and notes that, in the civil service, women are discriminated against when entering into marriage or becoming pregnant. It notes that regulations on flexible working hours are lacking and that the employer has the right to decrease the number of vacation days during the year in which maternity leave is enjoyed.

60. The Committee recommends that the State party remove discriminatory labour legislation in accordance with article 11 of the Convention and ensure that women workers have working conditions and social security benefits equal to those enjoyed by men, as well as protection for maternity without discrimination under article 4, paragraph 2 of the Convention.

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61. The Committee notes with concern that rates of HIV/AIDS infection have increased and that the majority of those who are HIV positive are young people between the ages of 15 and 29, with girls tending to become infected at a younger age than boys.

62. The Committee urges the State party to address the gender aspects of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls on ways of self-protection. The Committee urges the State party to ensure that women and girls have equal rights and access to health care and social services.

63. The Committee notes with concern that there are provisions in the penal code regarding family planning, including prohibiting the display and offering of contraceptives for the prevention of pregnancy, although these provisions are not enforced. Noting that male condom use is very low, the Committee is concerned that only women are targeted with regard to contraception...

64. The Committee recommends that the laws restricting family planning activities be repealed. It urges the State party to provide women and men with information on family planning and to introduce programmes to encourage men to take part in family planning responsibilities. The Committee underlines the importance of article 12 of the Convention and urges the State party to implement policies and programmes in accordance with the Committee's general recommendation 24...

65. The Committee is concerned about the situation of rural women, in particular the indigenous Amerindians and the Maroons, in the coastal plain and in the interior of Suriname, who are disadvantaged by poor infrastructure, limited markets, obstacles in availability and accessibility of agricultural land and agricultural credit, low literacy rates, ignorance of existing regulations, lack of services and environmental pollution. It notes with concern the serious absence of specific policies in all these areas, including on family planning and preventing the spread of sexually transmitted diseases, including HIV. The Committee is also concerned that women's work in rural areas is not considered productive labour and that they are hardly represented at all in local government bodies. The Committee is also concerned about the absence of detailed information on the situation of older women in rural areas.

66. The Committee urges the State party to give full attention to the needs of rural women, including older women, particularly Amerindian and Maroon women, to ensure that they benefit from policies and programmes in all areas, in particular access to health, education, social services and decision-making...

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67. The Committee is concerned at the scarcity of details as to the legal capacity of women, in particular unmarried women, under articles 15 and 16 of the Convention in the report of the State party. It is also concerned at the very low age of marriage for some communities.

68. The Committee urges the State party to review the law on marriage in line with articles 15 and 16 of the Convention...

See also:

- Barbados, CEDAW, A/57/38 part III (2002) 177 at paras. 247 and 248.
- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at paras. 90, 93-100, 109 and 110.

90. The Committee is pleased to note that the State party has achieved great success in promoting gender equality in the information media through close collaboration with the Ministry of Gender Affairs. In this respect, the Committee particularly appreciates the prohibition laid down in the Law Reform Act on reporting or broadcasting matters which might lead to the identification of the defendants in sex offence cases.

...

93. The Committee is concerned that the provisions of the Convention cannot be invoked in the courts.

94. The Committee encourages the State party to accord the Convention the legal status it deserves as the most important and binding international legal instrument in the sphere of the advancement of women and the elimination of discrimination against them.

95. The Committee expresses concern about the underrepresentation of women in decision-making posts and in political bodies, particularly Parliament.

96. The Committee urges the State party to introduce a range of legal, political and administrative options, in line with, temporary special measures, in accordance with the provisions of article 4, paragraph 1, of the Convention, in order to improve the access of women to decision-making. The Committee recommends the adoption of programmes to change the tenor of the political discourse in campaigns in order to achieve greater female participation in them.

97. The Committee expresses concern at the low number of women in the diplomatic service, particularly in higher posts.

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98. The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1 of the Convention, to encourage women to enter into diplomatic careers.

99. The Committee is particularly concerned that, although women have a higher level of education than men, this has not been translated into promotion of women to senior posts in the public and private sectors and/or increased economic returns for women, who continue to be concentrated mainly in the informal sector and in the jobs that pay the least.

100. The Committee recommends the adoption of legislation which guarantees equal pay for work of equal value. It also recommends that measures should be taken to deal with the situation of unemployed women, and the large number of women who work in the informal sector, with a view to their inclusion in the formal sector, and access to social benefits.

...

109. The Committee expresses concern about the lack of legal aid for women and the lengthy process which makes it difficult for women to take men to court in order to obtain child support. The Committee is also concerned that such a lengthy process allows men to serve a prison sentence instead of paying maintenance.

110. The Committee urges the State party to take adequate legislative measures to make it easier for women to obtain child support and access to legal aid.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 136, 141, 142, 145-150 and 161-166.

136. The Committee commends the State party on its employment policy, which integrates equality between women and men. It notes with satisfaction the affirmative action measures provided for by Belgian legislation since the late 1980s, in order to bring about *de facto* equality between women and men in the public and private sectors. In particular, it expresses satisfaction at the actions taken to create a better distribution of working and household tasks between women and men.

...

141. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and European Union provisions, the Committee is concerned that the Convention has not been given central importance as a binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

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142. The Committee urges the State party to place emphasis on the Convention as a binding human rights instrument, and to view the Platform for Action as a complementary policy document to the Convention in its efforts to achieve the goals of equality. It furthermore urges the State party to take proactive measures to raise awareness about the Convention.

...

145. The Committee expresses concern that, in defining a broad concept of equality, the Constitution of Belgium does not specifically address discrimination on the basis of sex. While noting that the report addresses discrimination against men, the Committee emphasizes that the obligations in the Convention are directed at the elimination of discrimination against women.

146. The Committee calls on the Government to make the necessary legislative changes to deal with discrimination on the basis of sex. It urges the Government to frame its gender policy in both the elimination of discrimination and the promotion of equality, which are two different but equally important goals in the quest for women's empowerment. The Committee recommends that, when addressing discrimination against men, the State party should retain its focus on the Convention, and the need to achieve gender equality by eliminating discrimination against women.

147. While recognizing the impressive gains achieved in the participation of women in public life resulting from the implementation of the 1994 law to promote balanced representation of men and women in electoral candidate lists, the Committee is concerned that, in some cases, the quotas for candidate lists have not necessarily led to the expected results.

148. The Committee urges the State party to analyse the challenges that it has encountered in achieving the goals set in the 1994 law and to evaluate achievements on the basis of final results. It calls on the State party to ensure that women and men participate on an equal footing in the political sphere.

149. The Committee is concerned about the significant decline, in recent years, in women's participation in the entrance examinations for the diplomatic service.

150. The Committee urges the State party to accelerate its efforts to increase the female presence in the diplomatic service.

...

161. The Committee is concerned about the continuing high level of unemployment among women, the high number of women in part-time and temporary jobs and the wage discrimination faced by women.

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162. The Committee calls upon the State party to intensify its measures to increase women's employment, to make sure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.

163. The Committee is concerned about the discrimination women face concerning issues of social security and taxation.

164. The Committee urges the State party to analyse the various forms of discrimination on issues of social security and taxation faced by women [and] to remedy such discrimination...

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

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

See also:

- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 321 and 322.
- Tunisia, CEDAW, A/57/38 part II (2002) 102 at paras. 184, 187, 190-193 and 198-203.

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

...

187. The Committee notes with appreciation the progress made in increasing the enrolment and retention of girls in schools at all levels, including in higher education, the diversification in their areas of study, and reduction of female illiteracy. The Committee also commends the measures taken to improve women's health, including

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through the provision of reproductive health services and reduction of maternal and child mortality rates. The Committee also notes that rural women are enjoying an overall improvement in the quality of rural life due to a combination of regional development and overall sectoral policies, and that these women are benefiting from technical and financial support through the efforts of the economic and financial authorities in Tunisia.

...

190. While welcoming the legislative reforms introduced by the State party aimed at eliminating discrimination against women, the Committee is concerned about the remaining discriminatory provisions, especially in the nationality law and the Personal Status Code.

191. The Committee urges the State party to continue the process of legislative reform and review relevant existing laws in consultation with women's groups.

192. The Committee expresses concern that, although the Constitution provides for the equality of all citizens and the 1997 amendment to the Constitution introduced the concept of non-discrimination with regard to political parties, the Constitution does not contain a specific definition prohibiting discrimination against women and there is no definition of such discrimination in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination. The Committee is concerned at the lack of legal remedies to ensure the Constitutional provision on equality is enforced or court decisions in which women have obtained redress for acts of discrimination.

193. The Committee urges the State party to include the definition of discrimination against women in accordance with article 1 of the Convention in its national law and to ensure access for women to seek and obtain redress from the courts for violation of the rights protected by the Convention and the Constitution, with appropriate remedies. The Committee recommends the intensification of education and training programmes on the Convention to enhance the knowledge of judges, lawyers and law enforcement personnel...

...

198. While noting the measures taken to increase women's political participation, the Committee is concerned about the low representation of women in high-level decision-making positions, including as members of the Chamber of Deputies, in government positions, in the central council and executive committee of the Tunisian Union for Agriculture and Fisheries, as high-ranking diplomats and as full professors in the universities.

199. The Committee urges the State party to take measures to increase the representation of women in high-level decision-making positions through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1,

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of the Convention in order to realize women's right to participate in all areas of public life and, particularly, at high levels of decision-making.

200. The Committee is concerned at the low level of women's labour force participation and at the lack of information regarding its causes. The Committee welcomes Act No. 83-112, which prohibits discrimination on the basis of sex with regard to public entities, but is concerned that such legislation does not extend to the private sector...

201. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment. The Committee also urges the State party to adopt and enforce appropriate legislation to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment...

202. While noting the reduction in the general illiteracy rate of women, the Committee is concerned that the rate is still high among certain groups of women, particularly rural women and older women.

203. The Committee encourages the State party to further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women.

See also:

- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 488 and 489.
- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 228-237, 240, 241, 244-251, 254 and 255.

228. The Committee commends the efforts made by the State party to review existing laws that discriminate against women. It also notes the enactment of the Marriage Act and the Intestate Succession Act, which provide protection for women in marriage and inheritance.

229. The Committee commends the introduction of the Programme for the Advancement of Girl Child Education, the reservation of 25 per cent of government scholarships exclusively for women who qualify for entry into universities and the lowering of cut-off points for girls to qualify for entry to grades 8 and 10 in schools in order to redress inequality in the education sector.

230. The Committee expresses concern at the contradictory provisions contained in the

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Constitution whereby article 11 guarantees the equal status of women and article 23 (4) permits discriminatory laws to exist in the area of personal law, namely: revenue allocation, adoption, marriage, divorce, burial, devolution of property on death, or other matters of personal law and customary law with respect to any matter.

231. The Committee urges the State party to repeal article 23 (4) of the Constitution, which permits discrimination in the area of law which most affects women.

232. The Committee is concerned that the Convention has not been directly incorporated into domestic law and its provisions cannot be invoked before the Courts.

233. The Committee recommends that the State party incorporate the Convention into domestic law.

234. The Committee is concerned that the provisions in existing laws, including new laws such as the Marriage Act and the Employment Act, discriminate against women directly or indirectly.

235. The Committee calls upon the State party to review and reform its legislation to ensure it is in harmony with the Convention.

236. The Committee is concerned that existing constitutional and other legal rights of women to redress for discrimination are not being properly implemented or enforced.

237. The Committee calls upon the State party to strengthen law enforcement and to provide effective remedies through the courts for women who experience discrimination.

The Committee requests the State party to develop training programmes on women's human rights for judges and law enforcement officers and to disseminate information to the public, especially women.

...

240. While welcoming the State parties commitment to achieving 30 per cent participation by women in politics by 2005, the Committee notes with concern that the participation of women in political and public life is limited, and that women are underrepresented at all levels of decision-making in Government, parliament, political parties, the private sector, special public service committees and other institutions in the community.

241. The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women

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to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

...

244. The Committee expresses concern at the increasing rate of HIV/AIDS and the absence of measures for the care of women and girls infected with HIV/AIDS.

245. The Committee urges the State party to take holistic measures to combat the HIV/AIDS pandemic and to take further practical preventive measures, including by providing access to condoms for women and men. It also urges the State party to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance...

246. Despite the State party's effort in the area of education, the Committee is concerned at the low rate of female literacy, the low enrolment of girls in school in rural and urban areas and the high dropout rate of girls due to pregnancies. These negative factors are reinforced by stereotyping in textbooks. It notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights.

247. The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to prevent girls dropping out of school. It encourages the State party to introduce further special measures in the area of education, including incentives for parents to send girls to school and to encourage the recruitment of more qualified women teachers.

248. The Committee expresses concern at the high rate of unemployment among women. It also expresses concern at disparities between women's and men's wages, sexual harassment, and the lack of social security for women.

249. The Committee urges the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention in creating employment opportunities for women. Efforts should be made to expand the community-based public workers programme into areas where the number of unemployed women is particularly high. The Committee calls on the State party to review its legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention.

250. The Committee expresses concern that marriage and family relations are governed by dual legal systems of statutory and customary law, and that many of these laws are not

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in harmony with the Convention. It also notes that customary law is mostly unwritten, often administered by male justices without a legal background, and that discrimination against women is not addressed in their decisions.

251. The Committee recommends that statutory law be reformed and customary law is revised and codified to conform with article 16 of the Convention. It also recommends the introduction of programmes on legal education, gender sensitization and human rights for judges.

...

254. The Committee is concerned that aspects of the law nationality as described in the report continue to discriminate against female spouses.

255. The Committee recommends that these laws be amended in conformity with article 9 of the Convention, and that court decisions recognizing women's equal rights be enforced.

- Ukraine, CEDAW, A/57/38 part II (2002) 114 at paras. 274, 275, 277-282, 293 and 294.

274. The Committee welcomes the range of laws and programmes that have been introduced, including the law on the prevention of domestic violence, the criminal law that also makes trafficking in persons a criminal offence and the new family code, as well as other efforts undertaken to improve the situation of women and promote gender equality, such as the elaboration of a draft law on equal opportunities.

275. The Committee expresses its satisfaction with the presence of an increasingly active civil society on women's issues in Ukraine, including many women's political parties. The Committee also commends the Government's recognition of the important role of the large number of NGOs working on women's issues.

...

277. The Committee is concerned that there is still a lack of familiarity with the Convention and the opportunities for its application, including among the judiciary, law enforcement personnel and women themselves.

278. The Committee recommends the introduction of education and training programmes on the Convention, in particular for judges, lawyers and law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken so that women can avail themselves of legal remedies for violations of the rights under the Convention...

279. The Committee is concerned at the apparent lack of understanding of discrimination against women as a multi-faceted phenomenon that entails indirect and

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unintentional as well as direct and intentional discrimination. This understanding is a prerequisite for the effective elimination of both *de jure* and *de facto* discrimination against women.

280. The Committee recommends that policies and efforts be directed at addressing both direct and indirect discrimination against women.

281. The Committee expresses concern that, although the Convention is incorporated in domestic law and the Constitution provides for the equality of all citizens, Ukrainian law does not contain a specific definition of discrimination against women and does not provide effective enforcement procedures or remedies...

282. The Committee recommends that the State party include in its legislation a definition of discrimination, enforcement procedures and remedies for violation of women's rights under the Convention. It also recommends the inclusion of a provision allowing the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention.

...

293. While noting with appreciation the high level of education among women, the Committee expresses its concern about the situation of women in the labour market, including the high rate of unemployment among women and the strong occupational segregation with a concomitant wage differential. The Committee is concerned that women are not able to receive adequate retraining to compete in the market. It is further concerned that the State party's protective labour laws restricting women's participation in night work and other areas, may create obstacles to women's participation in the labour market.

294. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that efforts be made to eliminate occupational segregation, including through education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to close the wage gap between these and male-dominated sectors. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers that women face in the labour market. It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.

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- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 314, 319, 320, 323-332 and 341-344.

314. The Committee commends the State party for appointing a Minister for Gender Equality, thereby making gender equality policy a part of the Government's politics and affording a greater potential to directly influence the political decision-making process, and for establishing the Gender Equality Board, comprising a judge and two lawyers with expertise in the areas of gender equality and labour market conditions, respectively, that handles complaints about gender-based discrimination in the labour market, the education, health, social and finance sectors, and in private enterprises.

319. The Committee is concerned that the Convention has not been incorporated into domestic legislation. It notes that the Committee on Incorporation of Human Rights Conventions into Danish Legislation, appointed by the Minister of Justice in 1999 to examine the advantages and disadvantages of incorporating the general human rights treaties into Danish legislation, on completing its work in October 2001, recommended that the Convention, despite being considered central to the protection of human rights, should not be incorporated into Danish legislation. The Committee also notes that the Constitution does not contain a specific provision on discrimination against women.

320. The Committee recommends that the State party take steps to incorporate the Convention into domestic law, when considering the recommendations of the Committee on incorporation of human rights conventions into Danish legislation. . . .

...

323. The Committee is concerned at the closure of the Danish Board for Ethnic Equality, which had been established in June 1997, *inter alia*, to provide advice on the question of discrimination and ethnic equality for the Danish Parliament, the Government, the central and local administration and private organizations, and the Danish National Centre for Research and Information on Gender Equality, which had been established in May 2000 under the Act on Gender Equality. The Committee notes that some of the work of the former Centre will be done without State funding under different institutional arrangements.

324. The Committee recommends that the State party reconsider its decision to close these two institutions and continue, in all circumstances, to earmark funds for their activities if those will be undertaken under other institutional arrangements, to enable them to continue their independent contribution to the achievement of gender equality in the State party.

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325. While noting the creation of an equal pay network for companies interested in exchanging experience on the reasons for the gender-based division of labour, the pay differential and methods of guaranteeing equal pay and that women's participation in the labour market is at an impressive 75 per cent and their unemployment rate is low at 5.6 per cent, the Committee is concerned at the persistence of the wage gap between women and men.

326. The Committee urges the State party to develop policies and adopt proactive measures 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 for social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women in order to address the gender segregation in the labour market...

327. While commending the State party for having surpassed the critical 30 to 35 per cent threshold in terms of representation of women in decision-making in Parliament, the Committee expresses concern that women's representation remains low in executive and decision-making positions in municipalities and counties as well as in the private economic sector.

328. The Committee urges the State party to take additional measures to increase the representation of women in decision-making positions in all sectors, including in the municipalities and counties as well as in the private economic sector. It recommends that the State party take steps to facilitate the options available to women in the private sector, *inter alia*, through the implementation of temporary special measures in accordance with article 4, paragraph 1, of the Convention, wherever possible. It also recommends that the State party improve the design of the temporary special measures in accordance with article 4 paragraph 1, of the Convention and monitor their application.

329. Noting the high number of women in the lower ranks of the Foreign Service, the Committee expresses concern about the low level of representation of women in the higher levels of the service, in particular in ambassadorial posts.

330. The Committee recommends that the State party introduce special temporary measures in accordance with article 4, paragraph 1, of the Convention to increase the representation of women at higher levels in the Foreign Service, particularly as ambassadors.

331. The Committee expresses concern that, despite the high achievement of women in tertiary education, there are distressingly few women professors in the universities. It also expresses concern at the apparent imbalance in the access of women academics, as compared with men academics, to research grants and other resources.

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332. The Committee urges the State party to adopt policies to ensure that women professors are not discriminated against with regard to access to professorships and senior positions, resources and research grants so as to increase the number of women in senior positions in universities.

...

341. The Committee is concerned that the Aliens Act, which although gender-neutral, indirectly discriminates against women.

342. The Committee recommends that the State party review the Aliens Act and revoke those provisions that are incompatible with the provisions of the Convention, particularly article 2, which prohibits direct and indirect discrimination.

343. The Committee expresses concern about the situation of migrant, refugee and minority women in Denmark, including discrimination in education and employment and at the gender-based discrimination and violence that they experience.

344. The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against migrant, refugee and minority women, both within their communities and in society at large, to combat violence against them, and increase their awareness of the availability of social services and legal remedies.

- Armenia, CEDAW, A/57/38 part III (2002) 150 at paras. 42, 43, 56-61, 64 and 65.

42. The Committee is concerned that women are underrepresented in decision-making and political bodies, in particular in the National Assembly where they hold only 4 out of 131 seats. The Committee is concerned that women's skills and potential are not sufficiently utilized in Armenia's efforts to battle the serious economic and social challenges the State party is facing, including the refugee problem. The Committee is also concerned that, despite their participation in the NGO sector, women are not active in politics generally, and that their level of participation in political parties is less than 20 per cent.

43. The Committee recommends the adoption and implementation of measures to increase women's participation in the political sphere and to consider applying temporary special measures set forth in article 4, paragraph 1, of the Convention, such as quotas. The Committee recommends that the State party offer support training programmes for current and future women leaders and carry out awareness-raising campaigns on the

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importance of women's participation in political decision-making.

...

56. The Committee expresses concern at the higher level of women's unemployment than men's. The Committee is concerned at the lack of sex-disaggregated data relating to specific employment issues, in particular wages. It is concerned that there is no equal employment opportunities legislation, providing appropriate civil and criminal remedies for discrimination in hiring, promotion, dismissal and sexual harassment in the public and private sectors. The Committee is also concerned that some of the protective provisions for women in employment are formulated in a way that perpetuates disadvantageous stereotypes.

57. The Committee recommends that the State party adopt equal employment opportunities legislation. The Committee also recommends the setting up of training programmes aiming to facilitate women's employment and urges the State party to collate sex-disaggregated data on all aspects of women's employment, and especially wages, so as to address the employment situation in an informed way. In addition, the Committee recommends that the State party review its protective legislation in order to address any negative impact it may have on women's employment.

58. The Committee expresses concern regarding the situation of rural women, including their access to health-care services and income-generating activities.

59. The Committee encourages the State party to develop special policies and programmes aimed at the economic empowerment of rural women and their access to health-care services.

60. The Committee is concerned that the situation of growing economic hardship and extreme poverty in the country, especially the feminization of poverty, negatively impacts on women's enjoyment of their human rights.

61. The Committee urges the States party to develop poverty reduction programmes targeted to women, including for the predominantly female refugee population.

...

64. The Committee is concerned that the minimum legal age for marriage is 17 years for women and 18 years for men. It is also concerned that in exceptional circumstances girls may marry at 16.

65. The Committee recommends that the State party raise the age of marriage for women to 18 years.

- Czech Republic, CEDAW, A/57/38 part III (2002) 157 at paras. 87-92, 99 and 100.

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87. The Committee is concerned that women have seldom used laws to challenge acts of discrimination and that there is a lack of court decisions in which women have obtained redress for such acts. The Committee is also concerned that there is still a lack of familiarity with both the Convention itself and the opportunities for its application and enforcement, as well as with legislative reforms aimed at eliminating discrimination against women, including among the judiciary, law enforcement personnel and women themselves.

88. The Committee urges the State party to ensure that Czech law provides adequate and accessible enforcement procedures and legal remedies for violations of women's rights. The Committee recommends the strengthening of education and training programmes in particular for judges, lawyers and law enforcement personnel on the Convention and on the legislative reforms aimed at eliminating discrimination against women. It urges the State party to ensure that Czech law provides adequate enforcement procedures and legal remedies for violation of women's rights. It recommends that awareness-raising campaigns targeted at women be undertaken so that women can avail themselves of procedures and remedies for violations of the rights under the Convention... It encourages the State party to further reflect, within the framework of the intended legislation on discrimination, on the establishment of quasi-judicial mechanisms.

89. While recognizing the efforts of the State party to strengthen the national machinery for the advancement of women, the Committee remains concerned that the existing national machinery does not have sufficient power, visibility or financial and human resources to effectively promote the advancement of women and gender equality.

90. The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate power, visibility and human and financial resources at all levels and enhancing coordination among the existing mechanisms for the advancement of women and the promotion of gender equality. It also recommends the strengthening of the State party's gender mainstreaming efforts, and encourages, within the framework of the State party's efforts at decentralization, the establishment of regional and local equal opportunities machinery.

91. While recognizing that the number of women in the Chamber of Deputies has increased and that there are currently two women ministers in the Government, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including Parliament, and as high-ranking officials within the executive bodies, the judiciary, the civil and diplomatic services and international organizations.

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92. The Committee urges the State party to take measures, including improvements in the election law, to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in political decision-making. The Committee also recommends that, parallel to efforts at the local level, efforts at promoting gender balance in the public sector at the national level be introduced.

...
99. While welcoming the high labour force participation rate of women and the legislative reforms in the area of employment, including the amendments to the Employment Act, the Labour Code, the Act on Wages and the Act on Salaries, the Committee expresses concern about the situation of women in the labour market, including women's high unemployment rate as compared with that of men and the strong vertical and horizontal segregation and wage differentials between women and men. The Committee is concerned at the lack of enforcement mechanisms and thus at the lack of *de facto* enforcement of the equal opportunity standards which have been introduced by law.

100. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, horizontal and vertical, through, *inter alia*, education, training and retraining and enforcement mechanisms. It also recommends wage increases in female-dominated sectors of public employment to close the wage gap between these and male-dominated sectors. The Committee recommends that measures allowing for the reconciliation between family and professional responsibilities be strengthened and that the equal sharing of domestic and family tasks between women and men be promoted...

See also:

- Ukraine, CEDAW, A/57/38 part II (2002) 114 at paras. 285 and 286.
- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 125, 127-132, 137-144, 149-154, 157 and 158.

125. The Committee commends the State party for the promulgation in 1995 of a new Constitution, which incorporates a gender-sensitive approach to the definition of

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discrimination on the grounds of sex, in harmony with the Convention.

...

127. The Committee welcomes the adoption of the 1997 National Gender Policy and the formulation of the National Action Plan on Women in 1999, which provide guidelines for the development of strategies and interventions for the empowerment of women. It also welcomes the adoption of the affirmative action policy, resulting in an increase in women's representation in decision-making positions from 16.9 per cent in 1994 to 39 per cent in 2002. The Committee welcomes the fact that women occupy a number of key high-level positions.

128. The Committee commends the State party for formulating and implementing the Universal Primary Education Programme, which facilitated the enrolment of 3.3 million girls in school by 2001. It also welcomes the application of temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the population of women students in tertiary education and the Functional Adult Literary Programme, which has particularly benefited women.

129. The Committee is concerned that, despite the adoption of its gender-sensitive Constitution in 1995, legislative provisions that discriminate against women continue to exist. It is also concerned that, although progress has been made towards the preparation of legislation to eliminate discrimination, much of this has not been enacted. It is particularly concerned at the slow progress in removing *de jure* discrimination and preventing and eliminating *de facto* discrimination against women.

130. The Committee recommends that the State party accelerate its law reform process to harmonize its domestic legislation with its constitutional principles relating to non-discrimination and equality between women and men. It recommends the speedy enactment of the draft Land Act, the Domestic Relations Bill and the Sexual Offences Bill. The Committee further recommends that the State party introduce public education and legal literacy campaigns relating to the Convention and the Constitution to raise awareness of the State party's international and national commitments on the elimination of discrimination against women.

131. The Committee is concerned that, although laws and customs which contravene the constitutional guarantees on equality are considered to be void, mechanisms to enforce the constitutional provisions on non-discrimination are not widely known and are inaccessible to women.

132. The Committee recommends the adoption of an accessible complaints procedure to enforce constitutional guarantees. It also calls for the introduction of legal literacy campaigns to make women aware of their rights under the Constitution and the means to

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enforce them. The Committee recommends the development, in cooperation with women's groups, of legal aid programmes to enable women to demand enforcement of their rights.

...

137. While noting the increasing number of women in decision-making positions as a result, *inter alia*, of temporary special measures in accordance with article 4, paragraph 1, of the Convention, the Committee expresses concern that this number remains low. It is also concerned that the persistence of patriarchal attitudes that view men as natural leaders may preclude women from seeking positions of leadership.

138. The Committee urges the State party to intensify its efforts to encourage women to take up leadership positions through further temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party offer or support programmes for current and future women leaders and undertake awareness-raising campaigns on the importance of women's participation in decision-making.

139. The Committee is concerned at the low number of women in the diplomatic service, particularly in postings outside Uganda, and the fact that few Ugandan women work in international organizations.

140. The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1, of the Convention, to encourage women to enter the diplomatic service. It also recommends the introduction of measures to encourage women to seek employment in international organizations.

141. While welcoming the constitutional provisions and the amended Uganda Immigration and Control Act, 1999 that provide for equal citizenship and nationality rights for women and men, the Committee expresses concern that the Passport Regulations contravene these provisions and discriminate against women. It is concerned that a married woman will not be issued a passport without her husband's written consent, and that the father as legal guardian must consent to the inclusion of a women's minor children in her passport.

142. The Committee urges the State party to take urgent steps to reconcile its Passport Regulations with the provisions of the Constitution and article 9 of the Convention in order to eliminate all provisions that discriminate against women in the area of nationality and citizenship...

143. The Committee expresses concern...at the high rate of unemployment among women, disparities between the wages of men and women, even in the public sector,

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disparities in social security and the lack of legal protection for women against sexual harassment at the workplace. It also expresses concern that the draft national employment policy, which promotes equal employment opportunities for men and women, has still not been adopted. It is also concerned that legislation required by article 40 of the Constitution to provide the right to work under satisfactory and safe and healthy conditions, equal pay for equal work, paid leave and maternity protection have still to be enacted.

144. The Committee...urges the State party to enact legislation to protect the rights of persons in employment which complies with the provisions of article 11 of the Convention. The Committee also urges the State party to adopt the draft national employment policy. It further urges the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention to create employment opportunities for women. The Committee recommends that the State party introduce specific legislation, with accessible procedures and compensation for victims, and penalties for perpetrators, to address sexual harassment in the workplace.

...

149. Despite the State party's development strategy, the Poverty Eradication Action Plan, for improving the livelihoods of all Ugandans, including women, the Committee is concerned that poverty is widespread among women, *inter alia*, as a consequence of gender-insensitive privatization and the implementation of structural adjustment policies.

150. The Committee urges the State party to continue to intensify the implementation of gender-sensitive poverty reduction programmes in rural and urban areas. The Committee also recommends that the State party continue to develop targeted policies and support services for women aimed at alleviating and reducing poverty.

151. The Committee expresses concern at the situation of rural women, who constitute the majority of the female population in the country. The Committee also expresses concern that customs and traditional practices, prevalent in rural areas, prevent women from inheriting or acquiring ownership of land and other property.

152. The Committee urges the State party to pay increased attention to the needs of rural women so as to ensure that they benefit from policies and programmes adopted in all spheres, as well as participate in decision-making, have full access to education and health services and credit facilities. The Committee also urges the State party to eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land. It also urges the introduction of measures to address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women.

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153. While noting that Article 33 (6) of the Constitution “prohibits laws, customs or traditions which are against the dignity, welfare or interest of women”, the Committee notes with concern the continued existence of legislation, customary laws and practices on inheritance, land ownership, widow inheritance, polygamy, forced marriage, bride price, guardianship of children and the definition of adultery that discriminate against women and conflict with the Constitution and the Convention.

154. The Committee urges the State party, in line with Article 33 (6) of the 1995 Constitution, to amend these laws and prohibit such practices. The Committee requests the State party to work with the 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 and legal literacy.

...

157. While recognizing the progress that has been made in the implementation of the Convention in the State party, the Committee is concerned that, without comprehensive, systematic strategies and support mechanisms, the programme for implementation may not be sustainable in the long term.

158. The Committee recommends that the State party introduce a comprehensive programme of gender mainstreaming in all government ministries and a comprehensive awareness campaign, including for civil servants with regard to the Convention.

- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 176, 177, 182, 183, 186, 187, 190, 191, 194-197, 202 and 203.

176. The Committee commends the State party for involving women in the negotiation of the peace accords and for ensuring the incorporation of gender issues in the various components of those accords.

177. The Committee commends the State party for the steps taken to introduce co-ownership and the positive measures in granting housing subsidies to female-headed households.

...

182. The Committee notes with concern that, while the Constitution refers to the principle of equality, the terms “equity” and “equality” appear to be used synonymously in the State party’s reports and programmes.

183. The Committee calls upon the State party to recognize that the terms “equity” and “equality” are not synonymous and interchangeable and that the Convention is aimed at the elimination of discrimination and ensuring equality of women and men.

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...

186. The Committee expresses concern that, while the human rights of women are explicitly recognized in a number of laws, there does not appear to be wide awareness among women of their rights under these laws or the means by which those laws can be enforced. The Committee notes that, despite the introduction of protections and social security rights in the area of labour, including domestic workers and those working in the *maquila* industries, this legislation is not complied with or enforced and that some employers in this industry require women seeking employment to undergo pregnancy tests. The Committee notes that non-enforcement of such labour legislation constitutes “discrimination of effect” as defined in article 1 of the Convention.

187. The Committee calls upon the State party to ensure that State authorities implement all current legislation concerning women’s human rights, in particular labour legislation through proactive investigations of alleged violations of female workers’ rights and take measures to strengthen the enforcement powers of labour inspection authorities. The Committee further urges the State party to take appropriate measures, including the promotion of stronger private sector codes of conduct, to ensure compliance with existing legislation, in particular with regard to the rights of women enshrined in the Convention, which forms part of Guatemalan law. The Committee also calls upon the State party to take steps to raise awareness among women of their legal rights and the means by which those rights can be enforced.

...

190. Although recognizing the introduction of temporary special measures for the advancement of women in the area of education, the Committee notes the reduced participation of women in political activities, in particular the minimum participation in the Congress and at decision-making levels in both the public and the private sectors.

191. The Committee recommends that the State party strengthen current measures and adopt and implement further measures in accordance with article 4.1 of the Convention to promote women’s participation in public and political life in Guatemala, in particular by promoting the adoption of the proposed quota system for women candidates in the next five federal elections, offering or supporting training programmes for current and future women leaders and undertaking awareness-raising campaigns on the importance of women’s participation in decision-making aimed at decision makers in both the public and private sectors.

...

194. The Committee also expresses concern about the limited autonomy that women have over decisions on the number and spacing of their children, and the limited sex education and knowledge of family planning. The Committee is also concerned about prevalent social attitudes that measure a man’s masculinity by the number of children he fathers.

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195. The Committee calls upon the State party to improve its family planning and reproductive health policy and programmes by, *inter alia*, making affordable contraceptive means widely available and accessible to both women and men, in particular in the rural areas. It encourages the State party to redouble its efforts to eliminate the view that the sole role of women is reproduction, as stated in its combined third and fourth periodic report.

196. The Committee expresses concern about the disparity between the legal age of marriage for girls and boys, which is discriminatory. The Committee is further concerned that the minimum age at which a girl can legally contract matrimony - 14 years - is too low and can impact negatively on their health and impede their education.

197. The Committee urges the State party to take steps to remove the disparity in the legal age of marriage of women and men and take measures to raise the minimum age of marriage for girls, in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18, and the provision on child marriage in article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee urges the State party to develop awareness campaigns on the negative implications of early marriage on the health and education of girls.

...

202. The Committee notes with concern the high incidence of child labour in Guatemala, in particular among girls, and its implications for their personal development and enjoyment of the right to education and health care.

203. The Committee urges the State party to take steps to ensure that all children, especially girls, have access to basic education, health care and the protection of minimum labour standards elaborated by the International Labour Organization.

See also:

- Hungary, CEDAW, A/57/38 part III (2002) 189 at paras. 333 and 334.
- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 394 and 395.
- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 488 and 489.

- Barbados, CEDAW, A/57/38 part III (2002) 177 at paras. 225-230 and 241-246.

225. The Committee is concerned that the Constitution, which recognizes women's right to equality before the law and guarantees the fundamental rights and freedoms of all individuals, does not prohibit discrimination on the grounds of sex, and that there is no

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legislative definition of “discrimination against women” reflecting article 1 of the Convention, which prohibits both direct and indirect discrimination. It is further concerned about the lack of information provided about procedures available to women to enforce their rights under the Convention, challenge discrimination and obtain redress.

226. The Committee recommends that the State party take steps to include in the Constitution and/or legislation a specific right of non-discrimination on the grounds of sex, defined in accordance with article 1 of the Convention. It calls on the State party to introduce procedures that will allow the enforcement of the prohibition on discrimination based on sex and to introduce effective measures, including public awareness-raising campaigns about the Convention, the Constitution and remedies to implement women’s right to equality...

227. The Committee notes the lack of information on whether the Office of the Ombudsman established to address public grievances has received and considered complaints of violations of women’s rights.

228. The Committee...recommends that the State party take measures to ensure that the Office of the Ombudsman incorporates a gender perspective in its work.

229. The Committee is concerned that the Bureau of Gender Affairs within the Ministry of Social Transformation, tasked with mainstreaming the concept of gender into all policies, plans and programmes of the Government, monitoring their implementation and carrying out sensitivity training in public and private agencies, does not have adequate human, financial and material resources. It notes that a National Advisory Committee on Gender Affairs has been created to assist the Bureau and advise the Government on trends and developments in gender issues, and that focal points have been appointed to form an inter-ministerial committee and ensure that programmes within their agencies and departments are gender-focused.

230. The Committee recommends that the State party ensure that the Bureau of Gender Affairs is provided with adequate human, financial and material resources to give it sustainability, visibility and effectiveness and to ensure continual effective implementation of governmental policies and programmes related to gender equality. It also encourages gender mainstreaming in all ministries.

...

241. The Committee is concerned that, despite the fact that the State party has identified women’s participation in decision-making as one of its five priorities and despite the high level of education of Barbadian women, little has been achieved in terms of women’s representation in decision-making positions in the political sphere. In this context, the Committee expresses concern that the State party lacks a clear understanding

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of the application of temporary special measures, according to article 4, paragraph 1, of the Convention.

242. The Committee recommends the adoption of strategies to increase the number of women in decision-making positions, both in appointed and elected government bodies. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase women's representation. It also recommends that the State party organize special training programmes for women and to conduct, on a regular basis, awareness-raising campaigns in this regard. It recommends that the State party sensitize political parties and social partners about the importance of these measures.

243. The Committee notes...the absence of statutory parental leave for fathers and the apparent lack of equal employment opportunity legislation.

244. The Committee... recommends the adoption of an equal employment opportunity law and a legislative provision on parental leave for fathers.

245. While acknowledging the State party's social policy, which has introduced services and programmes, including the Poverty Eradication Fund, to boost entrepreneurial activities and increase self-employment and create more employment among women and youth, the Committee is concerned at the feminization of poverty and, in particular, that women head approximately 44.4 per cent of households.

246. The Committee recommends that the State party ensure that governmental policies to eradicate poverty are sustainable, incorporate a gender perspective and do not marginalize women.

- Greece, CEDAW, A/57/38 part III (2002) 184 at paras. 268, 271, 277, 278, 281-290 and 293-296.

268. The Committee welcomes the 1999 revision of the Constitution, particularly the revision of article 116, paragraph 2, which legalizes the use of temporary special measures as provided for by article 4, paragraph 1, of the Convention in order to achieve substantive equality between women and men.

...

271. The Committee notes with appreciation the numerous policies implemented through the six-year action plan in order to promote gender equality and the advancement of women. It particularly commends the State party for its successful policies in reducing the illiteracy rate generally and among women in particular.

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...
277. The Committee is concerned about the absence of specific legal provisions and measures to address sexual harassment, especially in the workplace.

278. The Committee urges the State party to take all necessary measures, including introducing specific legislation, in order to empower women to take action with regard to sexual harassment.

...
281. The Committee is concerned about the limitations women face in gaining access to employment in the police and the fire brigade.

282. The Committee recommends that the law governing women's employment in police and the fire brigade be reviewed in order to eliminate discrimination against women.

283. While noting a major decline in unemployment during 1999-2001, especially among women, the Committee expresses concern that women, especially young women holding university diplomas, still constitute the majority of the unemployed in the State party. It is also concerned about the persisting wage gap between women and men, and that women are paid lower salaries than men for the same work and work of equal value.

284. The Committee urges the State party to continue developing policies and adopting proactive measures to increase the employment rate of women, in particular young women, and accelerate the elimination of the wage gap between women and men...

285. The Committee is concerned that fathers are not taking childcare leave and that this reinforces negative stereotypes regarding working matters.

286. The Committee requests that the State party introduce individualized paid paternal leave for childcare.

287. While noting the high rate of women acquiring degrees, the Committee is concerned about the underrepresentation of women in decision-making and political bodies, particularly in Parliament, the economic sector and academia.

288. The Committee recommends that the State party take measures, *inter alia* in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making. It also urges the State party to adopt proactive measures to encourage more qualified women to apply for high-ranking posts in academia and to implement temporary special measures, such as quotas, with goals and timetables, where necessary.

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289. The Committee is concerned at the low number of women in the diplomatic service, particularly in postings abroad, and the fact that few Greek women work in international organizations.

290. The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1, of the Convention to encourage women to enter the diplomatic service and to provide opportunities to access the highest rank of the diplomatic service. It also recommends the introduction of measures to provide information to women on options for employment in international organizations.

...

293. The Committee expresses concern at the discrimination against minority women living in Greece, particularly Roma women, including with respect to access to education, who suffer from double discrimination based on both their sex and ethnic background, in society at large and within their communities.

294. The Committee urges the Government to take effective measures to eliminate discrimination against minority women. It urges the State party to respect and promote the human rights of women and to take effective and proactive measures, including awareness-raising programmes, to sensitize public opinion at large, and particularly the police, on the issue of minority women. It also urges the State party to address the forms of discrimination including with regard to access to education, by minority women through its legal, administrative and welfare systems.

295. The Committee is concerned about the marginalization of Muslim women with regard to education, employment, and by the non-application of the general law of Greece to the Muslim minority on matters of marriage and inheritance, resulting particularly in the practice of polygamy and repudiation. The Committee is concerned that this situation leads to discrimination against Muslim women and negatively impacts on the realization of their human rights as protected under the Greek Constitution and the Convention.

296. The Committee urges the State party to accelerate its efforts aimed at improving Muslim women's education and employment opportunities. The Committee also urges the State party to increase the awareness of Muslim women of their rights and remedies and to ensure that they benefit from the provisions of Greek law.

- Hungary, CEDAW, A/57/38 part III (2002) 189 at paras. 313, 314, 317, 318 and 325-328.

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313. The Committee expresses concern that, although the State party indicated that the Convention is incorporated in domestic law and the Constitution contains a provision prohibiting discrimination based on sex, there is no legislative definition of “discrimination against women” reflecting article 1 of the Convention. The Committee is further concerned that Hungarian law does not provide for procedures accessible to women to enforce their rights under the Convention or the Constitution or provide remedies to redress violations of their rights as set forth in these instruments.

314. The Committee recommends that the State party take steps to include in its legislation a specific right to non-discrimination on the grounds of sex, defined in accordance with article 1 of the Convention. It calls on the State party to introduce procedures that will allow effective enforcement of the prohibition on discrimination based on sex and introduce measures, including awareness-raising campaigns about the Convention, the Constitution and remedies to uphold women’s right to equality, including for, *inter alia*, the judiciary and parliamentarians...

...

317. While welcoming the fact that the Parliamentary Commissioner for Civil Rights (Ombudsman) may investigate cases of violations of women’s rights and may recommend remedies in this context, the Committee notes that the Commissioner has only considered one case of discrimination against women. The Committee is concerned that the Parliamentary Commissioner for Civil Rights has not made efforts to initiate legislation or regulations concerning gender issues.

318. The Committee recommends that the State party take measures to ensure that the institution of the Parliamentary Commissioner for Civil Rights actively and fully incorporates a gender perspective in its work.

...

325. While noting that there has been an increase of three seats occupied by women in Parliament since the latest elections, in May 2002, and that the Speaker of Parliament is a woman and three women are ministers in the Government, the Committee is concerned about the overall low representation of women in high-level elected and appointed bodies and in the diplomatic service.

326. The Committee urges the State party to take measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women’s right to participation in all areas of public and political life and, particularly, at high levels of decision-making. The Committee recommends that the State party increase its efforts to offer or support programmes for current and future women leaders and to carry out awareness-raising campaigns targeting both women and men regarding the importance of women’s equal participation in political decision-making as a *sine qua non* of democracy. In this regard, the Committee

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urges the State party to carry out research into the obstacles to the participation particularly of young women in political decision-making.

327. The Committee expresses concern about women's disadvantaged position in the labour market, including the decline in women's employment and vertical and occupational segregation with wage differentials between women and men. The Committee is also concerned that government policy regarding these wage differentials rests on general job classification schemes and does not specifically address the need for women to be guaranteed equal pay for work of equal value. The Committee is concerned about discrimination in hiring women of childbearing age, mothers with small children and older women.

328. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, *inter alia*, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It recommends that efforts be made to eliminate occupational segregation, *inter alia*, through education, training and retraining. The Committee urges the State party to collate sex-disaggregated data regarding the type and extent of wage differentials and to apply job classification analysis to eliminate the practice of women receiving unequal pay for work of equal value. The Committee recommends that measures allowing for reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.

- Argentina, CEDAW, A/57/38 part III (2002) 196 at paras. 356-359, 362, 363 and 368.

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

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

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358. The Committee is concerned at the precarious nature of women's employment, in particular the situation of unemployed women in the informal sector.

359. The Committee recommends that the State party should make all necessary efforts to guarantee compliance with the labour legislation and protect women from the violation of their basic labour rights and from discriminatory dismissals.

...

362. The Committee is concerned at the fact that the crisis has affected access by women, particularly girls, to public education because they lack the resources needed either to begin or continue their studies.

363. The Committee recommends that the State party should make every possible effort to guarantee access by girls to education under conditions equal to those of boys, with special attention to girls from the most vulnerable sectors.

...

368. The Committee recommends that the State party should include and involve women in the process of economic, financial, political and social reconstruction of the country.

- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 384-387, 392, 393 and 400-405.

384. The Committee is concerned at the existence of many discriminatory legal provisions which contradict the Constitution and the Convention.

385. The Committee recalls the State party's obligation to implement the provisions of the Convention, particularly to ensure that article 1 of the Convention is fully reflected in the Constitution or other legislation. The Committee also urges the State party to engage in and continue the process of comprehensive legislative review and reform to ensure that all laws are in harmony with the Constitution and the Convention.

386. While acknowledging the statement made by the State party that education is a cornerstone for development and a key element in the improvement of the status of women and the achievement of equality between women and men, the Committee notes with concern the high levels of illiteracy among women and girls, particularly in rural areas, and the high rate at which girls drop out of school.

387. The Committee calls upon the State party to strengthen its efforts to eradicate female illiteracy, especially among girls, particularly in rural areas, and to take general as well as temporary special measures to ensure primary and secondary education for girls

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and lower the high dropout rate among girls. The Committee recommends the introduction of measures to create an environment that increases the enrolment and retention rates of girls in schools at all levels through increased training and employment of women teachers, addressing parents' concerns related to co-education and the setting of precise targets and timetables to measure progress.

...

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

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

...

400. In view of the fact that rural women constitute the majority of women in Yemen, the Committee notes with concern that the traditional division of labour in agricultural production disadvantages women and that, for cultural and social reasons, women do not control the means of production and face difficulties in obtaining loans. The Committee is concerned that rural women have little or no access to health-care services.

401. The Committee urges the State party to take special measures to support the integration of rural women in all sectoral policies and programmes and to eliminate discriminatory practices through awareness-raising and educational programmes targeted at women and men. The Committee also recommends the State party to take urgent measures to increase rural women's access to health-care services.

402. While welcoming the State party's plans to ensure women's participation in the upcoming electoral registration process, the Committee is concerned about the low rate of registration of women as voters and their low representation on electoral lists and in political decision-making bodies.

403. The Committee requests the State party to take measures to increase the political

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representation of women as voters and as candidates at all levels. It also calls upon the State party to explore the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, such as quotas, in order to increase women's access to decision-making positions. The Committee also suggests that the State party offer support and training programmes to women leaders and candidates to future elections and carry out awareness-raising programmes on the importance of women's participation in political decision-making aimed at both women and men and throughout the society.

404. While acknowledging the economic difficulties faced by the State party, the Committee notes the close connection between the success of development policies and the promotion of gender equality. The Committee considers that the combined effects of high illiteracy rates among women and girls, the high rate of school dropouts and early marriage of girls, the high rate of child labour among girls and the low level of women's political participation negatively impact on the implementation of national development policies.

405. The Committee encourages the State party to ensure that measures to achieve the goal of gender equality are fully integrated into all national development policies and programmes in line with the provisions of the Convention and welcomes the National Women's Committee's plan to increase awareness of the human rights of women within the public at large.

- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 425, 426, 429, 430, 433, 434, 441-444, 449 and 450.

425. The Committee appreciates the effort made by the State party to bridge the gap between girls and boys in terms of school retention and promotion, particularly through the National Programme of Scholarships for Higher Education.

426. The Committee commends the State for putting into effect in its cooperation programme with INMUJERES, the initiative put forward by the United Nations Development Fund for Women (UNIFEM) of establishing an interactive monitoring system for the Convention on the Elimination of All Forms of Discrimination against Women as a mechanism for monitoring and exchanges of information on the reports submitted to the Committee by Latin American and Caribbean States parties to the Convention.

...
429. The Committee expresses its concern at the fact that no instances are mentioned in which the Convention has been invoked before the courts and the lack of a compilation of judicial decisions in this regard.

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430. The Committee calls on the State party to undertake dissemination, education and awareness-raising campaigns on the provisions of the Convention aimed at society as a whole, particularly officials responsible for the administration and protection of justice and especially Mexican women, in order to make them aware of their rights in the judicial arena at the national and state levels.

...

433. The Committee is concerned that while the State party has implemented poverty reduction strategies, poverty constitutes a serious obstacle to enjoyment of rights by women, who make up the majority of the most vulnerable sectors, especially in rural and indigenous areas.

434. The Committee calls on the State party to give priority to women in its poverty eradication strategy, with special attention to women in rural and indigenous areas; in this context, measures and specific programmes should be adopted to ensure that women fully enjoy their rights on an equal footing in the areas of education, employment and health, with special emphasis on joint work with non-governmental organizations and on women's participation not only as beneficiaries, but also as agents of change in the development process.

...

441. The Committee expresses its concern about the poor conditions of employment of Mexican women, particularly the wage discrimination, the vertical and horizontal segregation to which they are exposed and the inadequate social benefits they receive. The Committee is especially concerned about women working in the informal sector, including domestic workers, and those employed in the maquila industry whose basic labour rights are not respected; in particular, the Committee is concerned about the pregnancy test demanded by employers which exposes women to the risk of being let go or fired in the event that it proves positive.

442. The Committee recommends that the State party speed up the adoption of the reforms that must be made in the Labour Act, including the prohibition of discrimination against women, in an effort to ensure their participation in the labour market on a footing of genuine equality with men. It also urges the State party to give effect to the labour rights of women in all sectors. To that end, it recommends that the State party strengthen and promote the role of INMUJERES in negotiating the Labour Act so as to give special attention to the needs of women workers and to implement the principle of equal pay for work of equal value and prohibit the requirement of a pregnancy test for maquiladora workers.

443. The Committee expresses its concern about the small percentage of women in high-level posts in all activities, namely political, legislative, trade union and educational.

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444. The Committee recommends the adoption of strategies for increasing the number of women in decision-making posts at all levels, particularly in the municipalities, by taking temporary special measures as specified in article 4, paragraph 1, of the Convention; it recommends further that the State party strengthen its efforts to promote women to management positions in the public and private sectors through special training programmes and sensitivity campaigns stressing the importance of women's participation in decision-making at all levels.

...

449. The Committee notes with concern that the minimum legal age of marriage, which is set at 16 in most of the states, is very young and not the same for girls and boys.

450. The Committee recommends that the law be revised by raising the minimum legal age of marriage in order to bring it into line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and make it equally applicable to girls and boys.

- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 468, 474, 475, 478-481, 494 and 495.

468. The Committee commends the State party for the establishment of norms envisaging a minimum quota of 30 per cent for women on candidate lists for the National Congress, which resulted in an increase in the participation of women in decision-making at the municipal level and in their representation in Congress.

...

474. Although there is a new poverty relief strategy for 2001-2006, the Committee is concerned about the lack of poverty eradication programmes geared specifically to the female population.

475. The Committee recommends that the State party include a gender perspective in poverty eradication strategies and programmes and, when appropriate, introduce temporary special measures, in conformity with article 4, paragraph 1, of the Convention, with a view to eradicating poverty among women, especially rural women.

...

478. The Committee notes with concern that gender-based discrimination persists in the labour market, including limited and low-level job access for women and their reduced access to resources and new technologies. The Committee is also concerned about wage discrimination and vertical and horizontal segregation. The Committee is concerned at the precarious conditions of women working in the informal sector and at part-time work, who have no labour protection, no access to social security and no due respect for their labour rights. It is also of concern to the Committee that legislation preventing

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discrimination in employment appears to be based on criminal penalties only and that appropriate civil remedies do not exist.

479. The Committee recommends that the necessary measures should be taken to guarantee implementation of the provisions of article 11 of the Convention and application of the International Labour Organization Conventions, in particular those on non-discrimination in employment and equal remuneration for women and men. The Committee recommends that measures should be taken to eliminate occupational segregation, in particular through education and training.

480. The Committee is concerned that, although progress is observed in the composition of Congress and in local government, as a result of the provisions adopted, the participation of women in Congress, in the judicial area and at the country's senior levels of politics and administration still seems inadequate.

481. The Committee recommends that strategies should be adopted to increase the number of women involved in decision-making at all levels, through the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and that the State party should strengthen its activities to promote women to posts of responsibility in both the public and private sectors, with special training programmes and publicity campaigns on the importance of women's participation in development planning and decision-making.

...

494. Although the Committee recognizes that the State party is taking action in the Amazon region, through the National Institute for Family Well-Being, primarily for children and adolescents living in situations of risk or abandonment, it is concerned that there are no specific programmes for indigenous women.

495. The Committee recommends that the State party should strengthen the current programme and set up specific programmes for indigenous women in order to improve their economic, social and family situation and develop their economic skills, and to promote respect for their rights on an equal footing with men.

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 56, 58-65 and 74-81.

56. The Committee welcomes the early establishment of a national machinery for the advancement of women and gender equality and the establishment of the Office of the People's Advocate (Ombudsman), which may investigate claims of violations of human rights, including women's rights, and make recommendations to redress the violations.

...

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58. While noting with satisfaction that, in principle, the Convention is incorporated into Albanian law and thus has precedence over conflicting national laws in those provisions of the Convention which are deemed to be directly applicable, the Committee is nevertheless concerned about the lack of clarity regarding the direct applicability of the Convention in Albania.

59. The Committee urges the State party to clarify the issue of the direct applicability of the Convention within the national legal order of Albania.

60. While noting that the Constitution and a number of laws prohibit discrimination on the basis of sex, the Committee expresses concern that the State party has not undertaken a comprehensive review of laws to ensure conformity with the Convention and that some provisions discriminating against women may continue to exist.

61. The Committee urges the State party to review all existing laws and amend remaining discriminatory provisions so that they become compatible with the Convention and the Committee's general recommendations. It encourages the speedy adoption of the Family Code under revision, including the provision for equality between women and men in the minimum age of marriage.

62. The Committee is concerned that women have seldom used existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

63. The Committee urges the State party to ensure that Albanian law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human right ...

64. The Committee is concerned that there is a lack of familiarity with the Convention and the opportunities for its application and enforcement, including among the judiciary, law enforcement personnel, non-governmental human rights and women's organizations and women themselves.

65. The Committee recommends the introduction of education and training programmes on the Convention, in particular for parliamentarians, the judiciary and law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken so that women can avail themselves of procedures and remedies for violations of their rights under the Convention.

...

74. The Committee is concerned about the higher unemployment rate among women than among men. The Committee is concerned that women are not able to receive adequate training and retraining to compete in the job market. The Committee is

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concerned about discrimination in hiring women, especially in the emerging private sector.

75. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

76. The Committee is concerned about the situation of rural women, as the majority of the female population, who are discriminated against in practice with respect to owning and inheriting property, and who are disadvantaged by poverty, poor infrastructures, lack of credit, and limited access to education, health-care services and social insurance. Noting the decrease in the school dropout rate of girls, the Committee remains concerned about this continuing problem. The Committee is also concerned that rural women are hardly represented in local government bodies.

77. The Committee urges the State party to give full attention to the needs of rural women and to develop comprehensive policies and programmes aimed at their economic empowerment, ensuring their access to productive resources, capital and credit, as well as education, health-care services, social insurance and decision-making. The Committee requests the State party to undertake a study of the ownership and inheritance of land by rural women and of their general economic, educational and social situation...

78. While welcoming the use of minimum targets for women candidates by some political parties in local elections, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, as high-ranking officials within the executive bodies of the Government, the judiciary and civil and diplomatic service, and within local government bodies.

79. The Committee urges the State party to take measures, including improvements in the election law, to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out

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awareness-raising campaigns regarding the importance of women's participation in political decision-making.

80. While welcoming the State party's collaboration with and recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern the insufficient capacity and resources of these organizations, which makes it difficult for them to implement various projects and programmes in support of the human rights of women. The Committee is also concerned that the State party passes on its own responsibilities for protecting and fulfilling women's enjoyment of their human rights to non-governmental organizations and international donors.

81. The Committee recommends that the State party strengthen its support for the work of women's non-governmental organizations and ensure that its obligations under the Convention are fully integrated into its overall governmental responsibilities and not carried out by non-governmental organizations alone.

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 101, 102, 104, 106-111, 122, 123, 126-131 and 134-137.

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

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: the Marriage Law (1988), which replaced the husband's preponderant role in the family with a partnership based on equality of rights and obligations on the part of each spouse; the amended Federal Act on the acquisition and loss of Swiss nationality (1992), with identical conditions for both sexes; the new Equality Act (1996), prohibiting discrimination against women in labour relations, which applies to both public and private employers; the tenth revision of the Federal Act on old-age and survivors' insurance (1997), establishing a system of individual pensions independent of civil status; and the new Divorce Law (2000), regulating the economic consequences of divorce. The Committee also notes with appreciation the adoption of the National Plan of Action for Equality between Women and Men (1999) in order to further the advancement of women and gender equality.

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...

104. The Committee commends the State party for systematically integrating a gender dimension into the various aspects of its development cooperation programmes.

...

106. The Committee notes with concern that, although the doctrine of monism is applied in the State party, the Federal Council has expressed the view that the Convention is largely programmatic and that its provisions are not, in principle, directly applicable. The Committee is therefore concerned that Swiss law may not provide women with the necessary means to enforce all their rights under the Convention.

107. The Committee recommends that the State party ensure effective enforcement of the rights enshrined in the Convention and provide women with appropriate remedies in the courts for violations of the rights protected by the Convention. It also recommends awareness-raising campaigns about the Convention aimed at parliamentarians, the judiciary and legal professionals...

108. The Committee is concerned that there is no definition in domestic law of “discrimination against women” reflecting article 1 of the Convention. It is concerned at the information given in the report that differentiated treatment of women and men is permissible in cases where equality of treatment is ruled out by biological or “functional” differences.

109. The Committee recommends that the State party take steps to include in its legislation a provision for non-discrimination on the grounds of sex, as defined in article 1 of the Convention.

110. The Committee is concerned that the different levels of authority and competencies in the State party create difficulties in respect of the implementation of the Convention throughout the Confederation and with regard to coordination and accountability. The Committee is also concerned that the federal structure and the form of grass-roots democracy practised in the State party have slowed progress in eliminating discrimination against women and achieving gender equality.

111. The Committee recommends to the State party that it ensure uniformity of results in the implementation of the Convention within the Confederation, through effective coordination and the establishment of a mechanism to monitor compliance with the provisions of the Convention at all levels and in all areas.

...

122. The Committee expresses concern at the situation of migrant women in Switzerland, particularly the discrimination in education and employment they experience and the risk of exploitation and violence that they face. The Committee is

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concerned that foreign women sometimes encounter additional difficulties in obtaining access to health care and that the percentage of women with HIV/AIDS is increasing among foreign women, those from sub-Saharan Africa being the most affected. The Committee is also concerned about the special visa regulations for foreign cabaret dancers and the potential dangers and risks that their situation may entail. The Committee is further concerned that the State party has yet to carry out studies on the extent of discrimination against migrant women and the multiple discrimination they often face on the basis of their race, sex, ethnicity and religious affiliation.

123. The Committee urges the State party to take effective measures to eliminate discrimination against migrant women. It encourages the State party to be proactive in its measures to prevent discrimination against them, 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. The Committee recommends that foreign women's health needs, in particular as regards information on preventing HIV infection, be fully addressed. The Committee requests the State party to review and reconsider the special visa regulations for cabaret dancers and to study their *de facto* situation in the light of the potential dangers and risks that their situation may entail. It also requests the State party to take appropriate measures to protect the women concerned from all forms of exploitation and to take action aimed at changing men's and society's perception of women as sex objects. The Committee also urges the State party to conduct regular and comprehensive studies on discrimination against migrant women and to collect statistics on their situation in employment, education and health and on the various forms of violence they experience so as to enable the Committee to form a clear picture of their *de facto* situation.

...

126. The Committee is concerned that, while women make up 54 per cent of the electorate, they are significantly underrepresented in elected and appointed posts in political decision-making bodies. While acknowledging some positive developments, the Committee is also concerned at women's low rate of participation in the administration, the judiciary and the diplomatic service as well as their low representation at the international level. The Committee is further concerned that, while regional, linguistic and other quotas are generally accepted, the adoption of quotas in political life that would aim at gender balance has been systematically rejected in the State party.

127. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to equal participation in public and political life. The Committee also recommends that adequate measures be taken with the aim of achieving balanced

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participation of women and men in the various areas and levels of public life, particularly in the administration, the judiciary and the diplomatic service.

128. The Committee is concerned that, despite the constitutional mandate to ensure gender equality in the field of education, gender inequality prevails in the stereotyped choices both sexes make regarding vocational training and higher education, particularly technical education. The Committee is also concerned that similar patterns can be found among teaching staff, both as regards their professional level and the traditional subjects they teach.

129. The Committee recommends that the State party intensify its efforts to encourage diversification of the educational choices of boys and girls, mainly through counselling, to help them to fully develop their personal potential.

130. The Committee is concerned that, although women's rate of participation has been steadily rising and notwithstanding the constitutional mandate to establish gender equality in work and the constitutional provisions on the right to equal pay for work of equal value, as well as the Equality Act, women remain disadvantaged in the labour market. The Committee is particularly concerned at the pay differentiation between women and men and some criteria used to justify it, particularly as regards considerations of a social nature, such as family responsibilities. The Committee is further concerned by the high prevalence of women in part-time work, the higher rate of unemployment among women as compared with men, and the difficulties mainly faced by women in reconciling their personal and family lives with professional and public responsibilities.

131. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education, training and retraining, and effective enforcement mechanisms. It also recommends that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that equal sharing of domestic and family tasks between women and men be promoted.

...

134. The Committee is deeply concerned that, in spite of the high level of development of the State party, there are groups of women, mainly those who are single heads of household and elderly women, who have been particularly affected by poverty.

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135. The Committee recommends that the State party closely monitor the poverty situation of women in the most vulnerable groups and implement effective measures and training programmes that will allow them to fully enjoy the benefits of the State party's development.

136. The Committee is concerned that, under Swiss law, the status of spouses is still unequal as regards cantonal and communal domicile rights. It notes that attempts to abolish that inequality were defeated in Parliament in June 2001.

137. The Committee calls upon the State party to ensure that the legislation that regulates cantonal and communal domicile rights is brought into harmony with the Convention.

- Congo, CEDAW, A/58/38 part I (2003) 29 at paras. 156, 158-161, 168-173 and 176-183.

156. The Committee commends the State party for having initiated a three-year plan of action for the advancement of women and for initiating the review and reform of domestic legislation that is discriminatory to women.

...

158. The Committee expresses concern that, while article 8 of the Constitution guarantees equality between women and men, no specific definition of discrimination has been incorporated into domestic legislation.

159. The Committee recommends that a definition of discrimination against women in line with that set out in article 1 of the Convention be incorporated into the domestic legislation of the Congo.

160. The Committee expresses concern at the continued existence of legal pluralism with discriminatory components and obsolete provisions in customary law and statutory law, the latter including criminal law regarding adultery; the labour and taxation laws; and family law, particularly with regard to the difference in ages at which women and men may enter into marriage.

161. The Committee urges the State party to accelerate the process of law reform in order to bring its laws into conformity with the provisions of the Convention and with the principle of equality between women and men enshrined in its Constitution.

...

168. While noting a slight increase in the number of women elected to parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is particularly

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concerned at the absence of women in decision-making positions in the foreign service.

169. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

170. The Committee is concerned at the low rate of female literacy, the low number of girls who complete primary education in both the urban and rural areas, and the high drop-out rate of girls due to, *inter alia*, pregnancies and early marriage.

171. The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee further urges the State party to encourage an increase in the enrolment of girls at all levels and recommends that such efforts include further use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

172. The Committee is concerned that there is unequal access to the labour market and that women are confined to work in agriculture and the informal sectors, which are related to low incomes and wages. The Committee is further concerned at the lack of social benefits and a regulatory framework to protect women's human rights within these sectors.

173. The Committee urges the State party to take all possible measures to ensure that women have access to the labour market on an equal basis with men. The Committee recommends that the State party take measures to provide a regulatory framework for the informal sector.

...

176. The Committee expresses concern that the State party has not developed a strategic plan to address the issue of HIV/AIDS as it affects women, nor has it taken measures for the care of women and girls infected with and affected by HIV/AIDS.

177. The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance.

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178. The Committee expresses concern about the situation of rural women, particularly in view of their extreme poverty and lack of access to health, education, credit facilities and community services.

179. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making and have full access to education, health services and credit facilities. The Committee also urges the State party to take appropriate measures, including review of legislation, in order to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land.

180. The Committee expresses concern at the continued existence of the practice of polygamy in the Congo, which is discriminatory to women. The Committee wishes to draw the State party's attention to the Committee's general recommendation number 21, paragraph 14, which states:

"...polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches the provisions of article 5 (a) of the Convention."

181. The Committee recommends action without delay by the State party to bring marriage laws, particularly as they relate to polygamy, into compliance with the Constitution and the Convention.

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

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

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- Kenya, CEDAW, A/58/38 part I (2003) 35 at paras. 205-208, 215-218 and 221-224.

205. Although the draft constitution, once enacted, should provide for the applicability of international conventions ratified by the State party in domestic courts of law, the Committee is concerned that the Convention on the Elimination of All Forms of Discrimination against Women has not yet been incorporated into domestic law and its provisions have not been invoked before the courts.

206. The Committee recommends that the State party incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women into domestic law without delay and requests the State party to ensure that the provisions of the Convention are fully reflected in the constitution and in all legislation.

207. The Committee is concerned that legislative provisions as well as customary laws and practices that discriminate against women in areas such as marriage, divorce, burial and devolution of property on death continue to exist. The Committee is further concerned at the continued existence of multiple laws governing marriage and divorce.

208. The Committee recommends that the State party take appropriate action to eliminate all discriminatory laws, practices and traditions and to ensure women's equality with men particularly in marriage and divorce, burial and devolution of property upon death in accordance with the provisions of the Convention. In this regard, the Committee recommends speedy enactment of the relevant bills, including the Domestic violence (family protection) bill of 2002; the Equality bill of 2001; the National Commission on Gender and Development bill of 2002; the Criminal law amendment bill of 2002; the HIV/AIDS Prevention and Control bill of 2002; and the Public Offices Code of Ethics bill of 2002. The Committee also recommends that the State party's relevant ministries continue working with civil society, including non-governmental organizations, in order to create an enabling environment for legal reform, effective law enforcement and legal literacy.

...

215. While recognizing an increase in the number of women recently appointed to key decision-making positions, the Committee expresses concern that this number remains low in parliament, the judiciary and the diplomatic and civil service.

216. The Committee recommends that the State party take measures to increase the number of women in decision-making positions. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns, taking into account the Committee's general recommendation 23.

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217. The Committee expresses concern at the discriminatory nature of Kenyan laws relating to citizenship and nationality.

218. The Committee urges the State party to reconcile Kenyan citizenship laws with the provisions of the draft constitution and article 9 of the Convention in order to eliminate all provisions that discriminate against women in the area of citizenship and nationality...

...

221. While noting the State party's commitment to combating the spread of HIV/AIDS and the reduction in infection rates from 14 per cent to 10.2 per cent in 2002, the Committee is concerned at the lack of sex-disaggregated data on HIV/AIDS and the absence of strategic measures for the care of women and girls infected with and affected by HIV/AIDS.

222. The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also emphasizes that the collection of reliable data on HIV/AIDS is critical in order to understand the impact of the pandemic on women and men.

223. Despite the State party's National Policy on Gender and Development to implement existing land and inheritance laws concerning women's rights in rural areas, the Committee is concerned that discriminatory customs and traditional practices remain prevalent in rural areas, thus preventing women from inheriting or acquiring ownership of land.

224. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making and have full access to education, health services and credit and marketing facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land.

- El Salvador, CEDAW, A/58/38 part I (2003) 41 at paras. 248-250, 253-256, 267-270, 273 and 274.

248. The Committee welcomes the inclusion of gender issues at all levels of the educational system, as well as the incorporation of teaching materials in such programmes and activities.

249. The Committee is concerned that, although legislative reforms have been

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introduced in many spheres, such laws and policies have yet to be effectively implemented. The Committee is also concerned that the Constitution of El Salvador does not include a specific prohibition against sex-based discrimination or the definition of discrimination contained in the Convention and that El Salvador's legislation provides for equality in the exercise of civil and political rights but makes no mention of economic, social and cultural rights. The Committee is likewise concerned that only "serious" discrimination is punished by the Penal Code and that the Agrarian Code still contains discriminatory concepts.

250. The Committee encourages the State party to incorporate fully into its legislation the principle of non-discrimination set forth in the Convention, in order to progress towards *de jure* equality as an essential prerequisite for achieving *de facto* equality of women. The Committee also recommends that concepts that are not in keeping with the provisions of the Convention be amended or abolished, with a view to protecting and guaranteeing women's human rights.

...

253. Although the Committee welcomes the establishment of the Salvadoran Institute for the Advancement of Women as the government entity which oversees the implementation of the National Policy on Women, it is concerned at the fact that the Institute has neither the lead and normative role that it should have, nor the political, institutional and budgetary capacity to define, implement, monitor and guarantee a comprehensive policy for the elimination of discrimination against women to be executed effectively by the various sectors of government. The Committee further expresses its concern that there are insufficient active linkages between the Institute and women's organizations representing civil society.

254. The Committee encourages the State party to continue to strengthen the role of the Salvadoran Institute for the Advancement of Women as a lead and normative body by giving it an adequate budget and the requisite authority among State institutions to ensure the effective mainstreaming of a gender perspective and the promotion of gender equality. The Committee also recommends that the Institute establish, in practice, greater cooperation and joint work with women's organizations of civil society.

255. The Committee notes with concern that, while the Constitution refers to the principle of equality, the terms "equality" and "equity" are used as synonyms in plans and programmes.

256. The Committee urges the State party to note that the terms "equity" and "equality" are neither synonymous nor interchangeable and that the Convention is intended to eliminate discrimination against women and to ensure equality between women and men.

...

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267. The Committee is concerned at the lack of priority given to women in employment policy, which could result in their increased vulnerability in the economic adjustment process taking place in the country, in particular, the insufficient measures taken to enable them to reconcile their family and professional responsibilities and the persistence of wage disparities for work of equal value.

268. The Committee recommends that the necessary measures should be taken to ensure compliance with the provisions of article 11 of the Convention and of the relevant International Labour Organization conventions ratified by El Salvador.

269. The Committee notes with particular concern the precarious employment conditions of women working in maquila industries, where their human rights are frequently violated, especially insofar as safety and health are concerned.

270. The Committee urges the State party strictly to enforce labour legislation in maquila industries, including their supervision and monitoring, especially occupational safety and health measures...

...

273. The Committee is concerned at women's low level of participation in politics and in high-level posts in all areas.

274. The Committee recommends the adoption of strategies to achieve an increase in the number of women who participate in decision-making at all levels, including the application of temporary special measures in accordance with article 4 of the Convention, and the strengthening of activities to promote women to leadership posts in both the public and private sectors through special training programmes and awareness-raising campaigns on the importance of women's participation in the political life of the country.

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at paras. 295, 297-305, 310, 311 and 314 - 319.

295. The Committee commends the State party for adopting new laws in support of the goal of gender equality: the law on pensions, which plays a key role in preventing poverty among older people, particularly women; the law with respect to the burden of proof in cases of discrimination on the basis of sex; the law concerning protection for workers who are pregnant, have recently given birth or are breastfeeding; and the law on protection from sexual harassment in the workforce.

...

297. The Committee welcomes the support for enterprises that have adopted special measures to increase women's participation in the workforce, including the obligation to

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negotiate equality plans and create equality delegates in private enterprises.

298. The Committee welcomes the fact that the number of men taking parental leave has increased, indicating a heightened awareness of shared parental responsibility.

299. The Committee commends the State party for the integration of gender perspectives in its development cooperation projects.

300. While welcoming the positive developments with regard to the ongoing process of amending the Constitution in order to integrate the principle of equality between women and men and to allow for the withdrawal of the reservation to the Convention with regard to article 7 as well as the draft law related to the withdrawal of the reservation to article 16 of the Convention, the Committee remains concerned that these processes have not yet been concluded.

301. The Committee calls upon the State party to accelerate the process of revising the Constitution to integrate the principle of equality between women and men and to withdraw the reservation to article 7 of the Convention, and to adopt the draft law which will allow for the withdrawal of the reservation to article 16 of the Convention.

302. The Committee expresses concern that there is no definition of discrimination on the basis of sex as stipulated in article 1 of the Convention within the legal framework of the State party despite the State party's commitment to promote equality between women and men.

303. The Committee calls upon the State party to make the necessary legislative changes to integrate the concept of discrimination on the basis of sex within its legal framework with a view to eliminating such discrimination.

304. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and the European Union provisions, the Committee is concerned that the Convention has not been given central importance as a legally binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

305. The Committee urges the State party to place emphasis on the Convention as a legally binding human rights instrument and to view the Platform for Action as a programmatic policy framework in its efforts to achieve the goals of equality. It also urges the State party to take proactive measures to raise awareness about the Convention, in particular among parliamentarians, the judiciary and the legal profession.

...

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310. The Committee notes that little progress has been made to increase women's role in decision-making in all sectors.

311. The Committee calls upon the State party to develop further measures to increase women's role in decision-making in all sectors, including through awareness-raising campaigns targeted at women and men and the use of special measures in accordance with article 4, paragraph 1, of the Convention, with the goal to accelerate *de facto* equality between women and men. It also recommends that such measures be monitored and evaluated.

...

314. The Committee is concerned about ongoing discrepancies in salaries and wages between women and men for work of equal value.

315. The Committee urges the State party to develop policies and adopt proactive measures to accelerate the eradication of pay discrimination against women, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women

316. The Committee, while recognizing the adoption of a wide range of gender equality policies, particularly in relation to employment issues, is concerned that a certain number of those policies have yet to be implemented or evaluated.

317. The Committee urges the State party to implement all policies that have been formulated and to make an assessment of the measures already implemented with a view to future improvements.

318. The Committee reiterates its concern expressed after considering the third periodic report with regard to the law on the waiting period of 300 days before a widow or divorced woman can remarry.

319. The Committee urges the State party to take measures to amend that discriminatory legislation without delay.

- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 340-343, 346, 349-364, 371-378 and 381-384.

340. The Committee commends the State party's policy, at the international level, in setting women's human rights standards, providing financial and other assistance to women's rights projects in developing countries as well as mainstreaming gender in its development assistance programmes and projects.

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341. The Committee commends the State party for ongoing efforts towards improving the legal and *de facto* situation of women in Canada; in particular, it notes that the Canadian Human Rights Act as well as provincial and territorial human rights legislation have been amended or reinterpreted through court rulings and that additional laws have been formulated, all of which are directed towards the prohibition of all kinds of discrimination, including, *inter alia*, the practice of female genital mutilation.

342. The Committee notes with appreciation the recruitment and promotion measures taken to increase women's participation in the Foreign Service.

343. The Committee expresses satisfaction to the State party with the efforts undertaken in some provincial jurisdictions in order to increase the number of female students in the technical and scientific disciplines at the universities.

...

346. The Committee commends the State party for the creation, in 2000, of the Institute of Gender and Health to contribute to the reduction of health disparities and the promotion of equity for vulnerable populations of women, including women with disabilities. The Committee notes with appreciation the adoption of the Guidelines on the Inclusion of Women in Clinical Trials to ensure that women are enrolled in such trials at all stages of drug development.

...

349. The Committee acknowledges the State party's complex federal, provincial and territorial political and legal structures. However, it underlines the federal Government's principal responsibility in implementing the Convention. The Committee is concerned that the federal Government does not seem to have the power to ensure that governments establish legal and other measures in order to fully implement the Convention in a coherent and consistent manner.

350. The Committee recommends that the State party search for innovative ways to strengthen the currently existing consultative federal-provincial-territorial Continuing Committees of Officials for human rights as well as other mechanisms of partnership in order to ensure that coherent and consistent measures in line with the Convention are achieved. The Committee also recommends that the existing mechanisms be used to introduce best practices in order to achieve substantive equality of women with men in the enjoyment of their human rights under all governments.

351. The Committee is concerned that, within the framework of the 1995 Budget Implementation Act, the transfer of federal funds to the provincial and territorial levels is no longer tied to certain conditions which previously ensured nationwide consistent standards in the areas of health and social welfare. It is also concerned about the negative

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impact that the new policy has had on the situation of women in a number of jurisdictions.

352. The Committee recommends that the federal Government reconsider those changes in the fiscal arrangements between the federal Government and the provinces and territories so that national standards of a sufficient level are re-established and women will no longer be negatively affected in a disproportionate way in different parts of the State party's territory.

353. While noting recent efforts at gender-based impact analysis of legislation, programmes and other measures at the federal and some provincial levels, the Committee is concerned that such efforts are not mandatory for all levels and bodies of the various jurisdictions.

354. The Committee recommends that the State party consider making gender-based impact analysis mandatory for all legal and programme efforts at the federal level and, through its respective Consultative Continuing Committees of Officials, at the provincial and territorial levels.

355. While appreciating the fact that funds are available under the Court Challenges Programme for test cases under the equality guarantee in the Canadian Charter of Rights and Freedoms, the Committee is concerned that the Programme applies only to federal laws and programmes. The Committee is also concerned that federal legal aid funds in civil and family law and for legal matters related to poverty issues, in contrast to legal aid for criminal cases, are channelled to the provinces and territories at their discretion. That, in practice, turns out to have a disproportionately restrictive impact on women seeking legal redress as compared with men.

356. The Committee urges the State party to find ways for making funds available for equality test cases under all jurisdictions and for ensuring that sufficient legal aid is available to women under all jurisdictions when seeking redress in issues of civil and family law and in those relating to poverty issues.

357. While appreciating the federal Government's various anti-poverty measures, the Committee is concerned about the high percentage of women living in poverty, in particular elderly women living alone, female lone parents, aboriginal women, older women, women of colour, immigrant women and women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.

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358. The Committee urges the State party to assess the gender impact of anti-poverty measures and increase its efforts to combat poverty among women in general and the vulnerable groups of women in particular.

359. The Committee is concerned about a number of recent changes in British Columbia which have a disproportionately negative impact on women, in particular aboriginal women. Among these changes are: a cut in funds for legal aid and welfare assistance, including changes in eligibility rules; a cut in welfare assistance; the incorporation of the Ministry of Women's Equality under the Ministry of Community, Aboriginal and Women's Services; the abolition of the independent Human Rights Commission; the closing of a number of courthouses; and the proposed changes regarding the prosecution of domestic violence as well as a cut in support programmes for victims of domestic violence.

360. The Committee, through the State party, urges the government of British Columbia to analyse its recent legal and other measures as to their negative impact on women and to amend the measures, where necessary.

361. While appreciating the federal Government's efforts to combat discrimination against aboriginal women, including the pending amendment to the Canadian Human Rights Act, and to achieve substantive equality for them, the Committee is seriously concerned about the persistent systematic discrimination faced by aboriginal women in all aspects of their lives. The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence. The Committee is further concerned that the First Nations Governance Act currently under discussion does not address remaining discriminatory legal provisions under other Acts, including matrimonial property rights, status and band membership questions which are incompatible with the Convention.

362. The Committee urges the State party to accelerate its efforts to eliminate *de jure* and *de facto* discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It urges the State party to take effective and proactive measures, including awareness-raising programmes, to sensitize aboriginal communities about women's human rights and to combat patriarchal attitudes, practices and stereotyping of roles. It also recommends to the State party to ensure that aboriginal

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women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality.

363. While appreciating the inclusion of trafficking in persons as constituting a criminal offence under the new Immigration and Refugee Protection Act, as well as other aspects protecting refugee and immigrant women, the Committee notes that other provisions and practices may still contribute to devaluing women's educational skills and previous economic contributions to their families' well-being.

364. The Committee requests the State party to implement fully the gender-based impact analysis and the reporting requirements provided in the new Act with a view to eliminating remaining provisions and practices which still discriminate against immigrants.

...

371. While appreciating the progress made as regards increased women's political representation and the new legal provisions that benefit female candidates for political office in particular, the Committee is concerned that women are still underrepresented in all areas of political and public life.

372. The Committee urges the State party to take additional measures to increase the representation of women in political and public life. It recommends the introduction of temporary special measures with numerical goals and timetables to increase the representation of women in decision-making positions at all levels.

373. The Committee notes with concern the lack of women's *de facto* equality in the labour market, including the fact that, owing to their unpaid tasks in the family, a large percentage of them work in part-time jobs, marginal jobs and self-employment arrangements, which often do not carry adequate social benefits.

374. The Committee recommends that the State party monitor closely the situation of women's non-standard jobs and to introduce employment-related measures which will bring more women into standard employment arrangements with adequate social benefits.

375. While commending the State party's efforts directed towards the implementation of the principle of equal pay for work of equal value, the Committee notes with concern that the auditing process is too slow and that that principle is not implemented in practice by all provincial and territorial governments.

376. The Committee urges the State party to accelerate its implementation efforts as

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regards equal pay for work of equal value at the federal level and utilize the respective federal-provincial-territorial Continuing Committees of Officials to ensure that that principle is implemented under all governments.

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurs may not lead to aboriginal women's economic independence.

378. The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.

...

381. While noting improvements in the Employment Insurance Act, the Committee is concerned that the number of women eligible for unemployment benefits is lower as compared with men. While appreciating the increase in the number of months of parental leave, the Committee is concerned that the low benefit level of the parental leave may not encourage great numbers of fathers to avail themselves of that leave.

382. The Committee recommends to the State party to reconsider the eligibility rules of that Act based on a gender-based impact analysis in order to compensate for women's current inequalities in accessing those benefits owing to their non-standard employment patterns. It also encourages the State party to consider raising the benefit level for parental leave.

383. The Committee, although recognizing the efforts undertaken by the State party concerning the provision of social housing, is concerned that such efforts might be inadequate to address the needs of women with low incomes and those of female single parents.

384. The Committee recommends that the State party reconsider and, if necessary, redesign its efforts towards socially assisted housing after a gender-based impact analysis for vulnerable groups of women.

- Norway, CEDAW, A/58/38 part I (2003) 61 paras. 405, 406, 417, 418 and 425-430.

405. The Committee...commends the State party for its innovative strategy to increase the number of women on the executive boards of public joint stock companies and State-owned companies. According to that strategy, legislation making it mandatory for the boards of those companies to have a minimum of 40 per cent from each sex in their membership would come into force in 2006, if that target had not been reached voluntarily by the end of 2005.

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406. The Committee welcomes the State party's policy of strengthening the promotion and protection of women's human rights and of integrating a gender dimension into its development cooperation programmes.

...

417. The Committee expresses concern that the policy of decentralization has reduced the number of institutions responsible for gender equality issues at the municipal level, which may have a negative impact on the advancement of women and gender equality.

418. The Committee recommends that the State party undertake a gender-impact analysis of its decentralization policy and guarantee, if necessary through legislation, that there are institutions responsible for gender equality issues in all communities in Norway.

...

425. While noting that the State party has placed the issue of forced marriages and female genital mutilation on the political agenda for the past few years, and has developed action plans and taken other political measures, the Committee is concerned at the extent of these practices.

426. The Committee requests the State party to continue its efforts to eradicate those practices.

427. The Committee is concerned about the noticeable decline in recent years in women's representation in Parliament and notes that the increase in women's participation in municipal and county councils is slow. The Committee is also concerned about the low level of representation of women in the higher levels of the diplomatic service, in particular as ambassadors or as consuls general.

428. The Committee recommends that the State party introduce measures to increase the representation of women in Parliament, in municipal and county councils and at higher levels in the Foreign Service, particularly as ambassadors and consuls general.

429. The Committee is concerned that women remain disadvantaged in the labour market, particularly that a wage gap between women and men persists and that the presence of women, as compared with that of men, predominates in part-time work.

430. The Committee urges the State party to adopt policies and concrete measures to accelerate the eradication of pay discrimination against women, to further study the underlying causes of the wage gap and to work towards ensuring *de facto* equal opportunities for women and men in the labour market. The Committee recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that the equal sharing of domestic and

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family tasks between women and men be promoted.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 49, 50, 52, 53, 58, 59 and 62-71.

49. The Committee noted with satisfaction that the State party had given the Convention the rank of a constitutional law, as a legally binding treaty taking precedence over national legislation. The Committee also commended the State party for the adoption of the National Policy on Gender Equality and Equity 2002-2006, for the purpose of incorporating the gender approach in the Government's national programme.

50. The Committee noted with satisfaction that the Constitution proclaimed the equality of all persons before the law and prohibited discrimination, and that the Act Promoting the Social Equality of Women explicitly proclaimed the equality of women and men...

...

52. Although the Constitution proclaims the equality of all persons before the law and prohibits discrimination, the Committee notes with concern that the Convention is not directly invoked in legal proceedings and that social resistance and sociocultural patterns still exist that impede the practical implementation of these legal norms.

53. The Committee recommends that the State party launch at the national level a broad programme of dissemination of the Convention and its implications for protection of the rights of women, and that it conduct legal education and training activities for women, lawyers, officials in charge of law enforcement and judges and magistrates, with a view to ensuring that the provisions of the Convention are known and are made use of in judicial processes.

...

58. The Committee notes that the provisions of the Electoral Code establishing minimum 40 per cent quotas for women's participation have not been fully respected by political parties.

59. The Committee recommends that the State party redouble its efforts and strengthen legislative or procedural measures, as necessary, to ensure proper application of the legislation in force, and that it seek approval of the reforms to articles 5 and 6 of the Act Promoting the Social Equality of Women with the view to ensuring women's participation both in party structures and in elective posts, including the alternation of men and women in lists of candidates submitted for election by political parties. The Committee also recommends that the State party consider adopting temporary measures, in conformity with article 4.1 of the Convention, to promote the establishment of effective mechanisms designed to secure greater participation by women at the

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decision-making level in government bodies.

...

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity...The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.

64. The Committee notes with concern that some groups of women workers do not benefit from the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector.

65. The Committee requests the State party to promote adequate regulations under the Act on Sexual Harassment in the Workplace and in Education in order to show that it is complied with without exception and duly implemented by the private sector.

66. The Committee notes with concern that the impact of poverty is greater among women and that the State does not apply the gender perspective in its national activities to combat poverty.

67. The Committee requests the State party to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.

68. The Committee notes with satisfaction the comprehensive health-care programmes for women and the progress achieved, as well as the establishment of the Inter-Institutional Commission on Sexual and Reproductive Health, the 1994 Reproductive and Sexual Health and Rights Counselling Services and the new comprehensive health-care model. Nevertheless, the Committee expresses its concern at

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the limited dissemination of women's comprehensive health-care rights and the absence of a national sexual education and family planning information and/or education programme to permit the creation of awareness among women and men of their rights and responsibilities in relation to the reproductive process. It is also concerned that, despite the steps taken and the adoption of the Adolescent Mothers' Protection Act, there is continued increase in teenage pregnancies and apparent lack of awareness among men, teenage or adult, of their responsibility as fathers.

69. The Committee requests the State party to strengthen its health-care programmes, including those for sexual and reproductive health, and to launch as soon as possible a national programme to provide women and men with timely and reliable information on the available contraceptive methods and those capable of allowing them to exercise their right of free and informed choice of the number and spacing of the children they wish to have, as well as to reinforce the measures for preventing sexually transmitted diseases and HIV/AIDS, including the availability of condoms. It also requests the State party to continue strengthening support programmes for pregnant teenagers and mothers and sex education programmes aimed at preventing pregnancies among the teenage population.

70. The Committee takes note of the interpretation given by the Constitutional Chamber of Costa Rica to the principle of equality and of the State party's view regarding the need to utilize the two concepts of equity and equality also in the legal sphere. Nevertheless, the Committee expresses its concern over the fact that the terms "equality" and "equity" appear to be used as synonyms in the State party's plans and programmes.

71. The Committee requests the State party to take note of the fact that in the context of implementation of the Convention the terms "equity" and "equality" are not interchangeable or synonymous and that the Convention includes the obligation of States to eliminate discrimination against women and ensure *de jure* and *de facto* equality of women and men.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 92-94, 98, 99, 102, 103, 110, 111, 118-127 and 130-133.

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

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93. ...The Committee...welcomes the recent reform of the Civil Code that introduces equality between spouses in gender-neutral terms, but acknowledges that some anachronistic provisions remain.

94. The Committee welcomes the creation of the Special Secretariat for Women's Policies, which, reports directly to the President and has advisory, coordinating and monitoring functions with respect to women's policies. The Committee considers that the placement of the new national machinery at the ministerial level reflects strong political will and the Government's commitment to working towards achieving equality between women and men in compliance with the Convention.

...

98. The Committee expresses concern about the wide gap between the constitutional guarantees of equality between women and men and the present *de facto* social, economic, cultural and political situation of women in the State party, which widened with respect to women of African descent and indigenous women.

99. The Committee requests the State party to ensure full implementation of the Convention and constitutional guarantees through comprehensive legislative reform to provide for *de jure* equality and to establish a monitoring mechanism to ensure that the laws are fully implemented. It recommends that the State party ensure that those who are responsible for implementing such laws at all levels be made fully aware of their content.

...

102. The Committee is concerned that sharp economic and social regional disparities, particularly in access to education, employment and health care, are posing difficulties in ensuring uniform implementation of the Convention throughout the country.

103. The Committee recommends to the State party that it ensure uniformity of results in the implementation of the Convention in Brazil, not only at the federal level, but also at the State and municipal levels, through effective coordination and the establishment of a mechanism to monitor compliance with the provisions of the Convention at all levels and in all areas.

...

110. The Committee is concerned about the impact of poverty on Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women and about their disadvantaged position with respect to access to education, health, basic sanitation, employment, information and justice.

111. The Committee urges the State party to ensure that its poverty eradication measures give priority attention to Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of

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women through adequately funded programmes and policies addressing their specific needs.

...

118. While commending the recent appointment of five women ministers and noting the significance of the legal provisions adopting quotas for women's participation in elected bodies, the Committee remains concerned that women are still significantly underrepresented at all levels and instances of political decision-making. It is further concerned that implementation of the quotas is controversial and lacks efficacy.

119. The Committee recommends the adoption of a comprehensive strategy to accelerate the participation of women in decision-making positions in political life, both in appointed and elected bodies, until a balanced representation of women and men was attained. The Committee recommends that non-compliance with the existing provisions aiming at a minimum and maximum percentage of each sex be duly sanctioned and that other effective means to support implementation be adopted.

120. The Committee is concerned at the under-representation of women in qualified positions in some areas of professional and public life, such as the judiciary and external affairs, particularly at the highest echelons. It is also concerned that women's participation in high-ranking positions in economic life remains much lower than men's.

121. The Committee recommends that pro-active policies for women's increased participation at those levels be adopted and, when appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention be taken to ensure women's real empowerment on equal terms with that of men.

122. Although women's access to education has improved, the Committee is concerned at the high rate of illiteracy and the low percentage of women having education beyond primary school. It is further concerned at the persistence of gender segregation in educational fields and its consequences for professional opportunities. The Committee is also concerned that, even though teaching is a preponderantly female profession, women are under-represented in higher education.

123. The Committee recommends that pro-active measures for women's access to all levels of education and teaching be strengthened, particularly for marginalized groups of women, and that diversification of educational and professional choices be actively encouraged for women and men.

124. The Committee is concerned about discrimination against women in the labour market, where women earned significantly less than men in all states, irrespective of their skills or education. It is concerned that the poor conditions of employment of women,

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in general, including vertical and horizontal segregation, are compounded by race and ethnicity. The Committee is particularly concerned about the precarious situation of domestic workers, the vast majority of whom are denied rights that other categories of workers enjoy, such as mandatory limitation of the workday.

125. The Committee recommends that measures be taken to guarantee implementation of article 11 of the Convention and the application of relevant International Labour Organization conventions, in particular those on non-discrimination in employment and equal remuneration for equal work and work of equal value for women and men. It recommends that measures be taken to eliminate occupational segregation, in particular through education and training. The Committee calls on the State party to bring all domestic workers within the bounds of its labour legislation.

126. The Committee is concerned at the high maternal mortality rate, particularly in the more remote regions where access to health facilities is very limited. The Committee is also concerned at the health condition of women from disadvantaged groups and at the high rate of clandestine abortion and its causes, linked to, among others, poverty, exclusion and a lack of access to information. The Committee is further concerned that, notwithstanding progress in relation to the control of HIV/AIDS, the number of infected women, particularly young women, had increased.

127. The Committee recommends that further measures be taken to guarantee effective access of women to health-care information and services, particularly regarding sexual and reproductive health, including young women, women from disadvantaged groups and rural women. Those measures are essential to reduce maternal mortality and to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase the knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners. The Committee also recommends that sex education be widely promoted, particularly targeting adolescents, with special attention to the prevention and further control of HIV/AIDS.

...

130. The Committee is concerned at the State party's use of the term "affirmative action" to describe some of its measures aimed at eliminating discrimination, rather than to describe temporary special measures aimed at accelerating equality.

131. The Committee recommends that the State party, in devising policies for the achievement of gender equality, not only eliminate discrimination, but in line with article 4, paragraph 1, of the Convention adopt temporary special measures to accelerate the process of achieving equality.

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132. While appreciating the fact that the State party's views on the concept of "equity" take into account concrete unequal situations and lay the foundation for temporary special measures, the Committee notes that the terms "equality" and "equity" are used synonymously throughout the report in describing laws, policies, plans and strategies.

133. The Committee recommends that the terms "equity" and "equality" not be used synonymously or interchangeably and that a clear understanding of the term equality, both formal and *de facto*, should underpin laws, policies, plans and strategies to ensure the State party's compliance with its obligations under the Convention.

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 154-156, 160-165, 170, 171 and 174-179.

154. The Committee welcomes the State party's commitment to the implementation of the provisions of the Convention as reflected in a range of legal reforms such as the new Penal and Labour Codes, policies, plans and institutional arrangements. The Committee also welcomes the State party's ongoing cooperation with civil society, in particular with women's organizations.

155. The Committee welcomes the legislative changes and the voluntary quota system established by political parties to increase women's representation in the House of Representatives, which has led to a significant increase in the number of women elected during the last elections.

156. The Committee appreciates the fact that a Royal Commission has been established with the principal goal of revising the Personal Status Code. The Committee commends the State party for the draft bill on the nationality law which would give Moroccan women the right to pass on their nationality to their children on the same basis as men.

...

160. The Committee is concerned that although the Constitution guarantees equality before the law, it does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex. The status of international instruments, including the Convention, with respect to the Constitution and national law has not yet been clarified.

161. The Committee encourages the State party to incorporate the principle of equality between women and men in the Constitution and to reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. The Committee urges the State party to clarify the status of international conventions within its domestic legal framework and to ensure that the provisions of the Convention are fully

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reflected in all legislation.

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

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

164. While welcoming the State party's efforts and achievements to increase women's political participation at the national level, the Committee remains concerned about the low rate of representation of women in decision-making positions in all spheres, particularly in political representation at all levels, the public and private sectors, the judiciary, the foreign service and academia.

165. The Committee requests the State party to take effective and sustained measures to increase the political representation of women at all levels, taking into account article 4, paragraph 1, of the Convention. It also calls upon the State party to increase women's representation in decision-making positions in all spheres. The Committee also suggests that the State party offer support and leadership training programmes to women and carry out awareness-raising campaigns concerning women's participation in decision-making, including in the public and private sectors, the foreign service, the

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judiciary and academia.

...

170. While noting the efforts made by the State party to set concrete targets and develop a national strategy on education, the Committee notes with concern the continuing high levels of illiteracy of women and girls, in particular in rural areas.

171. The Committee calls upon the State party to develop gender-sensitive measures to eradicate female illiteracy, in particular in rural areas, and to strengthen measures to create an environment that increases the enrolment and retention rates of girls in schools at all levels, through increased training and employment of teachers, the development of gender-sensitive educational materials and the monitoring and evaluation of progress achieved towards time-bound targets.

...

174. The Committee notes the absence of information on the situation of women in the informal sector and is concerned about the low level of women's participation in the paid labour force and about the persistent wage gap between women and men. The Committee notes also with concern that women are discriminated against in their access to loans and other forms of financial support as well as in the enjoyment of their right to property.

175. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment, to adopt and enforce appropriate legislation according to its commitments to the relevant conventions of the International Labour Organization to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment, training and remuneration. The Committee also calls on the State party to ensure that women, particularly in rural areas, have full and equal access to loans and other forms of financial support and that they face no obstacles in the enjoyment of their right to ownership of land.

176. The Committee notes that, although they constitute a large proportion of the population, rural women and girls continue to be marginalized in their access to government services.

177. The Committee urges the State party to take special measures to ensure that the needs and concerns of rural women are fully integrated in the formulation and implementation of all sectoral policies and programmes and to ensure that rural women and girls have full access to education and health-care facilities.

178. The Committee notes the slow progress in the implementation of the Convention by the State party and the modest responses to the Committee's concluding comments presented after the discussion of the State party's initial report. The Committee also

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notes the persistence of societal attitudes that discriminate against women and girls. Consequently, the combined effects of high illiteracy rates for women and girls, low representation of women in decision-making positions and a low employment rate for women negatively affect the impact of the national policies for gender equality.

179. The Committee encourages the State party to expedite the implementation of the Convention, the concluding comments of the Committee and the national strategy for the achievement of gender equality and to strengthen its efforts to change societal attitudes in order to eliminate discrimination against women and girls. The Committee encourages the State party to establish a national mechanism with sufficient human and financial resources to strengthen cooperation and partnership between the Government and civil society, including women's organizations.

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 199, 200, 202, 203, 210-213 and 218-221

199. The Committee commends the State party for adopting new laws in support of the goal of gender equality, including the Act on Equal Opportunities for Women and Men, which, *inter alia*, introduces a legal basis for the elaboration of temporary special measures to promote *de facto* equality between women and men; the Employment Relationships Act, which provides for equal opportunities and equal treatment of women and men in employment; the Parental Care and Family Income Act, providing parental leave for fathers; and the special provision guaranteeing non-sexist use of language in legislation.

200. The Committee notes with satisfaction the high percentage of female students in particular in postgraduate studies. The Committee also notes with satisfaction that four out of nine judges on the Constitutional Court are women and that women make up a large share of judges on other courts.

...
202. While noting the steps taken to promote gender equality, particularly legislative reforms, the Committee is concerned at the slow progress in preventing and eliminating *de facto* discrimination against women.

203. The Committee requests the State party to strengthen its efforts to ensure *de facto* equality of women...

...
210. While welcoming the efforts made to encourage women's participation in political and public life, including provisions in the Act on Equal Opportunities for Women and Men and the proposed draft constitutional amendment to encourage equal opportunities

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between women and men with regard to standing as candidates in elections, and noting the high level of women's educational achievement, the Committee is concerned about the low representation of women in elected and appointed bodies, including the National Assembly, executive bodies of the Government and local government bodies.

211. The Committee urges the State party to adopt the proposed draft constitutional amendment to encourage equal opportunities between women and men, and to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political decision-making.

212. While welcoming the adoption of the Employment Relationships Act, the Committee expresses concern about the situation of women in the labour market, including the strong vertical and horizontal segregation and wage differentials between women and men, in particular in companies and businesses. The Committee is particularly concerned that women's high educational levels do not seem to result in commensurate opportunities and success in the labour market. The alarmingly high and growing unemployment rate of young female first-job seekers is also a particular concern for the Committee.

213. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

...

218. While noting that the State party's efforts to promote gender equality appear to be oriented primarily towards the framework of European Union provisions, the Committee is concerned that the Convention has not been given central importance as a legally binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

219. The Committee urges the State party to base its efforts to achieve gender equality on the wide scope of the Convention, as a legally binding human rights instrument. It

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therefore urges the State party to take proactive measures to raise awareness about the Convention, in particular among parliamentarians, the judiciary and the legal profession.

220. While welcoming the State party's recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern that the State party seems to rely too heavily on such organizations in connection with the implementation of the Convention.

221. While encouraging the State party to involve non-governmental organizations in all stages of the implementation of the Convention, including policy-making on a regular basis and in a structured way, the Committee emphasizes the State party's obligations under the Convention and urges it to ensure that implementation of the Convention is fully integrated into its overall governmental responsibilities.

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 247-250, 259-268, 271, 272, 275 and 276 .

247. The Committee warmly welcomes the constitutional amendment adopted in June 1999 and the Act of 6 June 2000 (the Parity Act), which establish the principle of equal access for men and women to electoral mandates and elective posts, as a way to achieve balanced participation of men and women in political life.

248. The Committee commends the State party for preparing the yellow budget paper, to be used as a tool for analysing the State's budgetary activities with respect to achieving equality between men and women within each ministry.

249. The Committee commends the State party for adopting Act No. 2002-305 concerning parental authority, which sets out to apply a concept of co-parenting based on the three principles of equality between parents, equality between children, and the child's right to her or his two parents.

250. The Committee commends the State party for its efforts to create a national council on equality, expected in 2003, which would bring together representatives of Government and civil society in order to formulate policies on gender equality and the advancement of women.

...

259. The Committee expresses its concern that women are underrepresented in high-level positions in many areas, particularly in the civil service, the diplomatic service and academia.

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260. The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, and where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

261. While welcoming the adoption of legislative and regulatory measures on equal opportunity between men and women, the Committee expresses its concern that women continue to be overrepresented among the unemployed and in part-time and temporary jobs. It is also concerned about the continuing wage discrimination faced by women.

262. The Committee calls upon the State party to intensify its measures to increase women's employment, to ensure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.

263. The Committee expresses concern about actual and potential poverty situations among older women on account of having experienced multiple forms of discrimination throughout their economically active years. It also expresses concern that the structuring of the welfare system might affect older women more negatively than men.

264. The Committee recommends that the State party research the needs of older women and develop measures that adequately address their health, economic and emotional situation in order to avoid poverty and isolation. It also recommends that the State party take women's unpaid and paid employment patterns and family responsibilities into account when altering legal and policy measures in order to avoid discrimination of effect.

265. The Committee is concerned that traditional customary practices, including polygamy, continue to exist in the French overseas territories, in contravention to the provisions of the Convention.

266. The Committee urges the State party to strengthen the implementation of the Convention in the French overseas territories. It also urges the State party to disseminate information on the Convention and the Optional Protocol to the Convention in the French overseas territories.

267. The Committee notes with concern that the minimum legal age of marriage is set at 15 for girls and 18 for boys.

268. The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls, in order to bring it into line with article 1 of the Convention on

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the Rights of the Child, which defines a “child” as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.

...

271. The Committee is concerned about the manner in which article 18 of the Internal Security Act is implemented with regard to passive soliciting, as its implementation may affect women who are not engaged in passive soliciting.

272. The Committee urges the State party to ensure that article 18 of the Internal Security Act is implemented in a non-discriminatory fashion with full respect for the human rights of the women concerned.

...

275. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities. The Committee regrets the very limited information provided in the reports with regard to violence, including domestic violence, against immigrant women and girls.

276. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against women in immigrant and minority communities. The Committee also recommends that the State party undertake research on the issue of violence against immigrant women and girls and implement policies and programmes to address this issue adequately.

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 297, 301-304, 307, 308, 313, 314, 317-324, 327, 328, 331 and 332.

297. The Committee commends the State party for the proclamation of the State Constitution in 1998 which enshrines the fundamental principles of protection and promotion of the human rights of women, and for the adoption of a series of important laws and new laws aimed at achieving equality.

...

301. Although the Committee welcomes with satisfaction the laws recently adopted and the legislative reforms and bills submitted to the National Congress, it is concerned that discriminatory provisions still remain in criminal and civil law, family law in particular.

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Furthermore, the Committee is concerned at the disparity between the *de jure* and *de facto* situation regarding legal protection for women. It is also concerned at the lack of an integrated policy to institutionalize a gender perspective among the major elements of the State party's strategic priorities.

302. The Committee urges the State party to repeal the remaining discriminatory provisions in its criminal, civil and family law to ensure the enforcement of laws prohibiting discrimination against women, and to streamline procedures for review of the compatibility of those laws with the Convention, thereby strengthening its political will to incorporate a gender perspective in the formulation and enforcement of laws. The Committee also urges the State party to consider the incorporation of a gender perspective in its normative framework as a main focus among its strategic priorities and to consider the possibility of designing and implementing an integrated policy to institutionalize a gender perspective.

303. Although the Committee welcomes the establishment of the National Council for Women by executive decree in 1997, it is concerned at the lack of a law institutionalizing the Council and regulating its normative capability, operations and financing. It is also concerned that this body does not have an explicit mandate allowing it to guarantee, and require from the different sectors of government, the enforcement of laws, plans and programmes for gender equality, and that a Director still has not been appointed. The Committee is also concerned that the participation of civil society organizations in the Council could be weakened and that movements of indigenous women and women of African descent are still not represented.

304. The Committee urges the State party to strengthen the regulatory and normative role of the National Council for Women by adopting a law institutionalizing and regulating its activities and giving it a more active role in monitoring the enforcement of standards to promote gender equality, and to allocate to it the financial resources necessary for its operation and the exercise of its functions. Furthermore, the Committee encourages the State party to appoint a director to head the National Council for Women. The Committee encourages the State party to ensure the participation of civil society in the Council and to promote the participation of movements of indigenous women and women of African descent.

...

307. The Committee is concerned at the high levels of poverty and extreme poverty among women, and notes in particular the situation of rural and indigenous women. Despite the existence of isolated anti-poverty plans, the Committee is concerned at the lack of a general and comprehensive poverty eradication policy specifically targeting rural and indigenous women.

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308. The Committee urges the State party to develop a general poverty eradication policy incorporating a gender perspective and focusing particularly on rural and indigenous women.

...

313. The Committee is concerned at the Government's lack of attention to the problem of prostitution and at the fact that current legislation fails to penalize pimps for managing premises for this type of exploitation. This is the case under the rules established by the administrative authorities, and those rules are incompatible with article 6 of the Convention.

314. The Committee recommends that appropriate attention should be given to the problem of prostitution and that the law should penalize those who engage in the exploitation of prostitution.

...

317. The Committee is concerned that, although there is a National Education Plan for Love and Sexuality, it is not applied consistently and little is done to publicize women's right to sexual and reproductive health care, which would help to make both sexes aware of their rights and responsibilities in the area of reproduction. The Committee is also concerned at the high rate of pregnancy and abortion among teenagers, particularly in rural areas.

318. The Committee urges the State party to implement the National Education Plan for Love and Sexuality and to strengthen its health-care programmes, including sexual and reproductive health, and, as soon as possible, to implement a national programme that provides women and men with adequate and reliable information on available contraceptive methods and methods that can enable them to exercise their right to make a free and informed decision concerning the number and spacing of their children and to strengthen methods for preventing sexually transmitted diseases and HIV/AIDS, including the availability of condoms. It also requests the State party to continue strengthening support programmes for pregnant teenagers and teenage mothers and sexual education programmes to prevent pregnancies among the teenage population...

319. The Committee is concerned at the persistent problem of illiteracy, especially in rural areas, and the high rate of school dropouts among the female population, in particular in rural and indigenous areas.

320. The Committee recommends that efforts to address this problem should be stepped up, through the sustained implementation of programmes and plans, especially in rural and indigenous areas.

321. Although there is a bilingual education plan and gender mainstreaming programmes designed to be applied at the different levels of basic education and teacher

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training, the Committee notes with concern that the plan is not applied systematically and in all centres responsible for applying it.

322. The Committee urges the State party to implement the bilingual education plan and the gender mainstreaming programmes.

323. Although labour legislation exists, the Committee notes with concern the lack of a general employment policy giving priority attention to women, the failure to apply labour legislation and the persistence of inequalities, manifested in particular by a gap between men's and women's salaries. The Committee is especially concerned at the persistent high rate of child labour in Ecuador.

324. The Committee recommends that the necessary steps should be taken to guarantee that the provisions of article 11 of the Convention are enforced and that the relevant International Labour Organization conventions ratified by Ecuador are applied, in particular concerning the prohibition of discrimination in employment, the prohibition of child labour and equal pay for women and men. It recommends the adoption of a gender-sensitive employment plan and labour code and the prohibition of child labour.

...

327. Despite the reform of the Electoral Law, the Committee is concerned at the low percentage of political participation of women and the failure to apply, alternatively and sequentially, article 40 of the Electoral Law, which stipulates that there must be a 30 per cent quota of women on the electoral lists. The Committee is also concerned at the possibility that this article might be removed from the Law.

328. The Committee recommends that the State party should adopt strategies to increase the number of women taking part in decision-making positions at all levels, including the introduction of temporary special measures, in conformity with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power in both the public and private sectors, supported by special training programmes and campaigns to raise awareness of the importance of women's participation in the country's political life.

...

331. The Committee notes with concern that the terms "equality" and "equity" are used synonymously in the State party's reports.

332. The Committee urges the State party to note that the terms "equity" and "equality" are not synonymous or interchangeable terms and that the Convention is aimed at the elimination of discrimination against women and at ensuring equality between women and men.

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- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 355, 357, 358, 367-372 and 375.

355. The Committee commends the State party for allocating, under the Initiative on Women in Development, approximately 10 per cent of its official development assistance over the last decade for women's education, health and economic and social participation, to a number of developing countries in various parts of the world.

...

357. The Committee expresses concern that, while the Constitution stipulates equality between the sexes, no specific definition of discrimination has been included in domestic legislation.

358. The Committee recommends that a definition of discrimination against women, encompassing both direct and indirect discrimination in line with article 1 of the Convention, be included in domestic legislation. It also recommends campaigns to raise awareness about the Convention, in particular the meaning and scope of indirect discrimination, aimed, *inter alia*, at parliamentarians, the judiciary and the legal profession in general.

...

367. While welcoming the guidelines for the expansion of recruitment and promotion of women in national advisory councils and the setting of a numerical goal of 30 per cent for leadership positions in all sectors of society by the year 2020, the Committee is concerned about the low representation of women in high-level elected bodies including in the Diet, local assemblies, the judiciary and the diplomatic service, and as mayors, prosecutors and police.

368. The Committee recommends that the State party take further measures to increase the representation of women in political and public life through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of policy- and decision-making. The Committee urges the State party to support training programmes for future women leaders and carry out awareness-raising campaigns regarding the importance of women's representation in decision-making for achieving gender equality.

369. The Committee is concerned at the existing wage gap between women and men, stemming largely from the difference in type of work, horizontal and vertical employment segregation as expressed by the two-track employment management system, and the lack of understanding regarding the practice and the effects of indirect discrimination as expressed in governmental guidelines to the Equal Employment Opportunity Law. The Committee is further concerned by the high percentage of women in part-time work and by women who are "dispatch workers", whose salaries are

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lower than those working in a regular situation. The Committee is deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities.

370. The Committee urges the State party to amend its guidelines to the Equal Employment Opportunity Law and to increase its efforts towards accelerating the achievement of *de facto* equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education and training, effective enforcement mechanisms and systematic monitoring of progress. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be intensified, that equal sharing of domestic and family tasks between women and men be promoted, and that changes to the stereotypical expectations of women's roles in the family and labour market be encouraged.

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

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

...

375. The Committee encourages the State party to continue to consider the ratification of the Optional Protocol to the Convention, while noting the concerns expressed by the State party in its fifth periodic report. The Committee strongly believes that the mechanisms available under the Optional Protocol would strengthen the independence of the judiciary and assist it in understanding discrimination against women.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 405-412 and 417-426.

405. The Committee notes with concern that the Convention on the Elimination of All Forms of Discrimination against Women has not acquired a specific statute to achieve domestic implementation.

406. The Committee recommends that the State party take appropriate measures to

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incorporate all the provisions of the Convention into domestic law.

407. While appreciating the fact that women are in some of the highest decision-making positions and the progress made as regards women's increased political representation, the Committee notes with concern the declining number of women in Parliament and in local government it also notes with concern that not all political parties see this issue as also their responsibility. The Committee further notes with concern that women are underrepresented in public life, *inter alia*, with respect to chief executives in the public sector, on Crown Company Boards, and that the State party does not pursue an overall policy of target setting in its Ministries. The Committee is further concerned about inequality, which persists within the private sector, in which action on equal opportunities is taken up only reluctantly.

408. The Committee urges the State party to bring to the attention of all political parties their responsibility to achieve equality between women and men in political life, in accordance with the Committee's general recommendation 23. It also recommends that the State party adopt a comprehensive strategy including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to increase the number of women in policy- and decision-making positions at all levels and in all areas in the public sector, and to strengthen its policies in supporting the private sector's efforts towards the promotion of women in decision-making positions.

409. The Committee is concerned about difficulties women are facing at the university level, as reflected in the fact that men are more likely than women to complete postgraduate programmes, and in the decline in the number of women among university teachers in higher posts. The Committee is also concerned about the potential unfavourable impact on women of the existing Student Loan Scheme.

410. The Committee recommends that the State party promote the adoption of policies within universities aimed at creating a more favourable climate for women in order to achieve equality. The Committee also recommends that the State party review the Student Loan Scheme so that it does not result in additional difficulties for women.

411. While acknowledging the efforts undertaken by the State party to address discrimination faced by women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market, that prerequisites and criteria [to] qualify for paid parental leave may add to women's difficulties in entering the labour market and that the level of benefits does not provide an incentive for men to take up parental leave. The Committee is concerned about the persistence of a gender pay gap, occupational segregation, the high number of women in part-time work and in temporary jobs, affecting their eligibility for paid maternity leave, and the low wages paid to women.

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The Committee is also concerned about the difficulties women face in reconciling their personal and family lives with their professional and public responsibilities.

412. The Committee recommends that the State party ensure equal opportunities for women and men in the public and private sectors, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also recommends that the State party design and implement targeted job-training programmes for different groups of unemployed women. The Committee further recommends that efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment. The Committee recommends that the State party consider further amending the Parental Leave and Employment (Paid Parental Leave) Amendment Act with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits level so that men are encouraged to take parental leave.

...

417. The Committee is concerned that women who complain about sex discrimination, including sexual harassment, in the workplace run a serious risk of being dismissed.

418. The Committee recommends that the State party take measures to ensure that women who file complaints against sexual harassment have a legal right to remain in their job.

419. The Committee notes with concern that women face difficulties in accessing legal services, *inter alia*, because of the high fee for civil court proceedings.

420. The Committee urges the State party to take measures to lower the threshold for women to access legal services, *inter alia*, through the implementation of an adequate legal aid scheme.

421. While applauding the State party's progressive disability strategy, the Committee is concerned that discrimination against women with disabilities still exists, particularly in the areas of loans, employment and childcare, and about the situations of economic hardship they may encounter. The Committee is also concerned about the lack of economic independence of married women with disabilities.

422. The Committee recommends that the State party take appropriate measures to ensure that disabled women do not suffer from discrimination, in particular in the areas of employment and access to health care and loans. It also recommends that the State

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party pay attention to the situation of disabled married women with a view to ensuring their economic independence.

423. While recognizing the State party's efforts to address the needs of Maori and Pacific women and girls through the "Reducing Inequalities" programme, the Committee is concerned that the situation of Maori and Pacific women and girls remains unsatisfactory in many areas, particularly with regard to employment, political participation, decision-making positions in the public and private sector, the judiciary and tertiary education and economic independence. The Committee is also concerned about Maori and Pacific women and girls' unfavourable health situation, including their limited access to health care and their high mortality rate as well as the high incidence of domestic violence and of arranged marriages. The Committee is also concerned that the Human Rights Act, 1993, does not explicitly cover non-discrimination on the basis of language and the cultural field, which are of particular relevance to Maori and Pacific women.

424. The Committee urges the State party to continue to implement the "Treaty of Waitangi" and to monitor the impact of measures taken through the "Reducing Inequalities" programme on Maori and Pacific women and girls, in particular in the social, economic and political areas and in criminal justice. It also recommends that the State party implement targeted measures to respond to the needs of Maori and Pacific women and girls, and to continue to invest in Maori and Pacific women and girls, taking into account their linguistic and cultural interests.

425. Taking note of the efforts made by the State party to combat discrimination against refugee and migrant women in New Zealand, the Committee expresses concern at the continuing discrimination suffered by immigrant, refugee and minority women and girls, based on their ethnic background, particularly with respect to education, health, employment, violence against women, and in regard to permanent residence status.

426. The Committee urges the State party to take effective measures to eliminate discrimination against refugee, migrant and minority women and girls, and to strengthen its efforts to combat xenophobia and racism in New Zealand. It also encourages the State party to be more proactive in its measures to prevent discrimination against these women and girls 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, and to provide for their needs with respect to education, employment and health care...

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at paras. 60-67 and 72-75.

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60. The Committee expresses concern at the reservations entered by the State party to article 7 (a), article 9, paragraph 2, and article 16 (f) of the Convention. While welcoming the State party's stated intention to introduce legislation during the current legislative period that is expected to create the conditions for the withdrawal of the reservation to article 7 (a), the Committee is concerned at the failure of the State party to ensure that women have, on equal terms with men, the right to vote in all elections and public referendums, and to be eligible for election to all publicly elected bodies. The Committee considers the lack of political rights of women a very serious limitation of their rights, which also has a significant negative impact on women's enjoyment of other rights protected under the Convention.

61. The Committee calls upon the State party to take all necessary steps, as a matter of the utmost urgency, to introduce and actively support the adoption of legislation to amend the discriminatory provisions of the Electoral Law in line with the constitutional guarantee of equality and in order to ensure compliance with the Convention. The Committee encourages the State party to expedite the necessary steps for the withdrawal of its reservation to article 7 (a) of the Convention, which it believes to be contrary to the object and purpose of the Convention. The Committee draws the State party's attention to its general recommendation 23, on women in political and public life...

62. The Committee is concerned that, although the Constitution of Kuwait embodies the principles of the Convention, there is a lack of clarity with regard to the primacy of the Convention over conflicting or contradictory national laws, and the direct applicability and enforceability of the Convention in Kuwaiti courts.

63. The Committee requests the State party to ensure the primacy, direct applicability and enforceability of the Convention within the national legal framework of Kuwait. The Committee recommends that the State party launch a comprehensive programme of dissemination, education and training on the Convention, in particular for government officials and legislators, as well as judicial officers, including law enforcement officials and the judiciary, and for civil society and the public at large with a view to ensuring that the provisions of the Convention are known and implemented in Kuwait.

64. The Committee, while noting that general principles of equality and non-discrimination are guaranteed in articles 7 and 29 of the Constitution and contained in domestic legislation, is concerned at the lack of specific definitions of discrimination against women, in national law, in accordance with article 1 of the Convention.

65. The Committee calls on the State party to take urgent steps to incorporate the definition of discrimination against women as contained in article 1 of the Convention in

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its national legislation.

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

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

...

72. The Committee expresses its concern at the lack of diversified employment opportunities for women despite the high level of education attained by girls and women in all areas. The Committee notes with concern that restrictions on women's employment, as well as protective employment legislation, policies and benefits for women, perpetuate traditional stereotypes regarding women's roles and responsibilities in public life and in the family.

73. The Committee urges the State party to increase its efforts towards accelerating the achievement of *de facto* equal opportunities for women and men in the area of employment through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee recommends that measures be taken to promote change concerning the stereotypical expectations of women's roles and to promote the equal sharing of domestic and family responsibilities between women and men.

74. The Committee expresses its concern at the lack of detailed information and statistical data on women's representation, particularly in decision-making positions, in various areas of public life, including in law enforcement, the judiciary and the diplomatic corps.

75. ...The Committee...recommends that the State party take measures to increase the

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representation of women in all areas of public life, including at the decision-making level, and in law enforcement, the judiciary and the diplomatic corps, through the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25, as well as general recommendation 23. The Committee encourages the State party to undertake and support awareness-raising programmes on the importance of women's representation, in particular at decision-making levels, in all areas of public life.

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 99, 100, 105-110, 113, 114, 117, 118 and 125-128.

99. The Committee is concerned that existing legislation does not contain a specific definition of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination.

100. The Committee urges the State party to take full advantage of the ongoing process of elaborating a constitution to include the principle of equality between women and men, as well as a definition of discrimination against women, in the draft Constitution. The Committee recommends that, in drafting its Constitution, the State party also be guided by other International human rights instruments. The Committee calls on the State party to adopt its draft Constitution in an expeditious manner.

...

105. The Committee expresses concern that policies and programmes are mostly gender neutral and that they were formulated without attention to gender perspectives and to discrimination and inequality faced by women and girls.

106. The Committee urges the State party to mainstream gender perspectives when formulating and implementing policies and programmes, as well as in monitoring and assessing progress achieved. It also urges the State party to implement policies and programmes specifically addressed to women and girls, including the next five-year plan for women, 2006-2010, in order to accelerate the achievement of substantive equality. It urges the State party to apply temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25, *inter alia*, in the education, employment and professional fields, in order to accelerate the progress in achieving gender equality.

107. The Committee, while welcoming the progress in promoting women's political participation and noting that several women hold high ministerial posts, expresses concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

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108. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and in the light of general recommendations 23 and 25, to increase the number of women at national and local decision-making levels in government, governmental bodies and public administration, provide targeted training programmes for women, and conduct, on a regular basis, awareness-raising campaigns to encourage women to participate in public life in decision-making positions.

109. The Committee is concerned about the lack of special policies and programmes to promote equal employment opportunities for women in the country. It is also concerned that the national labour legislation currently in preparation recognizes “equal pay for equal work” but not “equal pay for work of equal value”.

110. The Committee recommends that the State party implement targeted policies and programmes, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to increase the number of women in the formal work force. It also urges the State party to ensure that the draft Labour Act also takes into account the right to “equal pay for work of equal value” and contains provisions to facilitate women’s access to justice in instances of discrimination.

...

113. While welcoming the significant progress achieved in the increase in the enrolment rate in primary education, where girls now constitute 45 per cent of the enrolled students, the Committee is concerned about the low participation of girls and women in secondary and tertiary education, including in technology- and science-related courses.

114. The Committee encourages the State party to continue its efforts to close the gender gap in primary education and to take all necessary measures to increase the number of women in secondary and tertiary education in the country, including in technology- and science-related courses, in order to ensure that girls and women are accorded an equal opportunity to study, develop and benefit from science and technology. It also urges the State party to ensure that women have equal access with men to governmental loans and scholarships for pursuing higher education abroad.

...

117. Noting that the overwhelming majority of women live in rural areas, the Committee is concerned about their situation, in particular with regard to their access to education and vocational training. It is particularly concerned about the continuing high rates of illiteracy among rural women, and about their limited representation in rural leadership positions and limited participation in agricultural and animal husbandry

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training programmes.

118. The Committee urges the State party to ensure that the rights, needs and concerns of rural women are given greater attention and visibility, and that rural women participate fully in the formulation and implementation of all sectoral policies and programmes. It also recommends that the State party ensure that rural women and girls have full access to education and vocational training in the areas where they live.

...

125. The Committee is concerned about the practice of common-law marriages, which allows girls to be married at 15 years of age, while the statutory age of marriage is 18. It is also concerned about the fact that restrictive citizenship laws might prevent women from freely choosing a spouse.

126. The Committee urges the State party to eliminate the practice of common-law marriages and ensure that marriages are contracted under the 1980 Marriage Act, amended in 1996, which raised the legal age for marriage to 18 years for both sexes so as to comply with article 16 (b) of the Convention, requiring free and full consent to enter into marriage. The Committee also urges the State party to take all appropriate measures to end the practice of forced marriages. The Committee recommends that the State party amend its citizenship and nationality laws to bring them into conformity with article 9 of the Convention.

127. The Committee is concerned about the situation of ethnic Nepalese women who lost their Bhutanese citizenship following the enactment of the 1985 Citizenship Act and now live in refugee camps in Nepal. It is also concerned about the situation of girls born of Bhutanese parents in refugee camps who can obtain naturalization only after the age of 15 years.

128. The Committee urges the State party to step up its efforts to conduct negotiations with the Government of Nepal, and to collaborate with the Office of the United Nations High Commissioner for Refugees, in order to find a prompt, just and durable solution to the situation of Bhutanese women and girls living in refugee camps in Nepal, including the possibility of return to Bhutan for those Bhutanese women who wish to do so.

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 147, 149, 151-156, 163-166 and 169-174.

147. The Committee commends the State party for enacting new laws in support of the goal of gender equality, including the law on the bases for State guarantees of gender equality, which prohibits direct and indirect gender discrimination and allows for the

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adoption of temporary special measures to promote *de facto* equality between women and men....

...

149. The Committee welcomes the initiative to open centres for gender studies at higher educational institutions.

...

151. While noting that, in accordance with the Constitution of Kyrgyzstan, the Convention is an integral and directly applicable part of Kyrgyz law, and that a number of laws have been adopted to promote gender equality, the Committee is concerned that women have seldom, if at all, used the Convention or existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

152. The Committee urges the State party to ensure that Kyrgyz law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human rights...

153. The Committee is concerned that the judiciary, law enforcement personnel and women in general are not familiar with the Convention or with existing laws to promote gender equality, including the law on social and legal protection against violence in the family, and the procedures for their application and enforcement.

154. The Committee urges the State party to introduce education and training programmes on the Convention and on existing laws to promote gender equality, in particular for the judiciary, law enforcement personnel and parliamentarians. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention and those laws.

155. The Committee expresses concern about the situation of women in the labour market, including the concentration of women in traditional spheres of employment, in low-paying jobs and in the informal sectors; the wage differentials between women and men; women's rising unemployment rate; and the employment of women in unfavourable working conditions.

156. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully

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benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men; and to ensure that both women and men work under proper conditions of health and safety. It also recommends that effective measures allowing for the reconciliation of family and job responsibilities be strengthened and that further measures be taken to promote the sharing of domestic and family responsibilities between women and men.

...

163. The Committee is concerned about the increase in poverty among women.

164. The Committee recommends that the State party closely monitor the poverty situation of women and ensure that all programmes aimed at poverty alleviation take full account of the gender dimensions of poverty.

165. While noting that the law on the bases for State guarantees of gender equality provides for gender quotas in the appointment of judges to the Constitutional Court and the Supreme Court, the staff of the Central Commission on Elections and Referendums, and the auditors of the Auditing Chamber, the Committee is concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels, including the Zhogorku Kenesh (Parliament) and regional and district parliaments, State executive and administrative organs and the diplomatic service.

166. The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to realize women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23 concerning women in public life and promote changes in the attitudes and perceptions of both women and men with regard to their respective roles in the household, the family, at work and in society as a whole. The Committee recommends that the State party increase its efforts in carrying out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making and in the diplomatic service.

...

169. The Committee is concerned at the continuing existence of bride abduction and polygamy, despite the legal prohibition of these practices.

170. The Committee recommends action without delay by the State party to enforce its laws penalizing these practices. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and

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law enforcement officials and public awareness-raising campaigns, to eliminate these practices.

171. The Committee is concerned that provisions in the laws on land and agrarian reform and in other laws, as well as customs and traditional practices, regarding ownership, transfer and inheritance of land discriminate against women and prevent them from exercising their rights to land.

172. The Committee requests the State party to undertake a study on women's *de jure* and *de facto* ownership and inheritance of land...The Committee urges the State party to take appropriate measures, including review and amendment of legislation, awareness-raising and adequate enforcement of the law, to eliminate all forms of discrimination against women with respect to ownership, transfer and inheritance of land.

173. The Committee is concerned that the law on nationality precludes Kyrgyz women from passing their nationality on to their children on the same basis as men.

174. The Committee urges the State party to take immediate steps to amend the nationality law and bring it into conformity with article 9 of the Convention.

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 192, 194-199, 202-205, 208, 209 and 214-217.

192. The Committee commends the State party for identifying gender equality as a priority in its national development plan and welcomes new laws and legal reforms, such as the Country Code (Eleventh Amendment) Act, which, *inter alia*, enhances women's right to property; the Legal Aid Act, under which free legal aid is available in cases of abortion, trafficking, sexual exploitation and domestic violence; the Civil Service (First Amendment) Act, containing special provisions with regard to entry regulations, career development and conditions of service for women; and the Local Self-Governance Act, which includes a quota of at least 20 per cent representation by women in local bodies...

...

194. The Committee commends the State party's partnership with civil society on women's issues and its cooperation with civil society in disseminating information on the Convention, including the concluding comments that followed the consideration of the initial report. It welcomes the fact that these concluding comments were translated into Nepali to foster a better understanding of the human rights of women.

195. The Committee acknowledges that the judiciary has rendered a number of gender-sensitive decisions, thereby contributing to enhancing the status of women and protecting their rights in the territory of the State party.

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196. While noting that a high-level committee has submitted a report identifying remaining discriminatory laws to the Prime Minister and that the Ministry of Women, Children and Social Welfare has been directed to take immediate action, the Committee reiterates the concern already expressed in the concluding comments on the initial report that the State party has not taken sufficient action to amend prevailing discriminatory laws.

197. The Committee urges the State party to expedite action and to establish a specific timetable for amending discriminatory laws without further delay in order to comply with its obligation under article 2 of the Convention.

198. The Committee expresses concern that the Constitution, in contradiction to article 9 of the Convention, precludes Nepalese women from passing their nationality on to their children or to a spouse of foreign nationality.

199. The Committee urges the State party to repeal or amend article 9 of the Constitution, which permits discrimination against women in the area of citizenship.

...

202. The Committee expresses its concern about the internal armed conflict that has continued in Nepal since 1996 and its impact on women. It is also concerned about the dissolution of the House of Representatives since May 2002, as this has an adverse impact on the capacity of the State party to implement the Convention, in particular in respect of the passage of legislation.

203. The Committee calls on the State party to ensure the full and equal participation of women in the process of conflict resolution and peace-building. It urges the State party to allocate sufficient resources to meet the needs of women who have suffered damage as a result of the conflict and to ensure their security and protection from violence. The Committee also calls on the State party to ensure that legislative functions are not abandoned or neglected to the detriment of women in the period until the House of Representatives is reconvened. It encourages the State party to prepare a legislative agenda for action by Parliament.

204. While recognizing that education is a national priority of the State party and that substantial progress has been made, including a decline in the overall illiteracy rate, the Committee is concerned about the continuing significant gap between the literacy rates of women and men. It is concerned about the low female enrolment in primary and secondary schools, high dropout rates and the very limited access for women to tertiary education. The Committee is also concerned that educational opportunities are fewer for women in rural areas and for women of different castes and ethnic groups.

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205. The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups. The Committee also recommends that the State party strengthen its efforts to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee calls on the State party to allocate more financial and human resources to the education sector, to recruit more women teachers and to ensure that school textbooks do not carry stereotyped images of women.

...

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

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

...

214. While noting the 5 per cent constitutional minimum for the fielding of women candidates for elections by political parties, the Committee is concerned at the very poor representation of women in decision-making positions in the political and administrative spheres. It is also concerned at the very low numbers of women within the judiciary as well as the nominal participation of women at the international level.

215. The Committee recommends that the State party intensify its efforts to encourage women to take up leadership positions through temporary special measures, including timetables and numerical targets, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also recommends that the State party undertake awareness-raising campaigns on the importance of women's participation in decision-making.

216. The Committee is concerned that women's access to land is still more limited than

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that of men.

217. The Committee requests the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to access to land.

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 240-244, 249-254 and 259-264.

240. The Committee commends the State party for the temporary special measures introduced in the civil service and in education, in particular the allocation of at least 30 per cent of the total number of university seats to female students. It also commends the State party for the introduction of the girl's scholarship programme, covering 28 schools in 7 regions, and the incorporation of gender mainstreaming in the school curriculum.

241. The Committee, while welcoming the integration of the Convention and the inclusion of equality provisions in the Constitution, is concerned about the slow progress in the implementation of the provisions of the Convention in the State party since the consideration of the State party's combined initial, second and third periodic report in 1996.

242. The Committee urges the State party to enforce the supremacy of the Constitution over regional laws and encourages it to proceed, as a matter of urgency, with the full implementation of the provisions of the Convention throughout the country, including through enhanced cooperation between the federal and regional governmental bodies and institutions, so as to achieve uniformity of results in the implementation of the Convention. It calls on the State party to enhance its efforts for, and systematically monitor progress achieved in, the implementation of the Convention at all levels and in all areas. To that end, the Committee recommends that the State party place particular focus on improving the capacity of all public officials in the area of women's human rights and seek resources through international development assistance programmes, as necessary. The Committee also calls on the State party to launch, at the national level, a comprehensive programme of dissemination of the Convention, targeting women and men, in order to enhance awareness about and promote and protect the rights of women.

243. The Committee, while welcoming the revision of the family code regulating marriage and family relations, is concerned that it has not yet been adopted by all regions.

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

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revised Family Code.

...

249. The Committee, while welcoming the State party's efforts in the area of education, is concerned at the low rate of female literacy, the continuing gap between boys and girls in the school enrolment rate and at the high drop-out and repetition rates among girls.

250. The Committee urges the State party to strengthen its efforts to improve the literacy rate of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to take measures to reduce and eliminate the high drop-out and repetition rates of girls. It encourages the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 at primary and secondary levels of education, including incentives for parents to send girls to school. It also recommends that the State party take steps to ensure that rural women and girls have full access to education and vocational training.

251. The Committee is concerned about the continuing persistence of entrenched traditional discriminatory practices, including the 80 per cent of girls and women who undergo female genital mutilation and inheritance of a widow with all her property, and strong stereotypical attitudes in respect of the roles and responsibilities of women and men in the family and society, which negatively affect women's enjoyment of their human rights.

252. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes targeting women and men in order to foster a better understanding of equality between women and men at all levels of society, with a view to changing negative social and cultural patterns of conduct and stereotypical attitudes about the roles and responsibilities of women and men in the family and society and to eliminate female genital mutilation and widowhood practices. The Committee also calls upon the State party to periodically review the measures taken in order to better assess their impact...The Committee recommends that the State party take action without delay to end all discriminatory traditional practices.

253. The Committee, while welcoming the fact that the age of marriage has been set at 18 years for both girls and boys, is concerned about the persistence of the practice of early marriage, which may be perpetuated further by the non-registration of births.

254. The Committee recommends that the State party take measures to achieve free and timely registration of all births and undertake awareness-raising measures, throughout the country, particularly in rural areas, on the importance of registering births and the negative effects of early marriage on women's enjoyment of human rights, especially the

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rights to health and education.

...

259. The Committee, while welcoming the implementation of the Women's Development Initiative Project and the Ethiopian Women's Development Fund, is concerned that the Fund currently reaches only a small percentage of women, and that poverty among women, in particular rural women, continues to persist at a high level.

260. The Committee urges the State party to expand its specific programmes aimed at enhancing the socio-economic well-being of women and step up its efforts to fully integrate gender perspectives in its sustainable development and poverty reduction programme. It also urges the State party to take measures to ensure that the rights, needs and concerns of rural women are given greater attention and visibility and that rural women participate fully in the formulation, implementation and evaluation of all sectoral policies and programmes. It calls upon the State party to put in place policies to protect women's right to property and to ensure that women have access to land and water resources on an equal basis with men.

261. The Committee is concerned about the discrimination faced by women in the labour market, especially in the emerging private sector.

262. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures, according to article 4, paragraph 1, of the Convention and general recommendation 25. The Committee recommends that the State party take effective measures to promote the reconciliation of family and work responsibilities between women and men...

263. The Committee, while noting the slight increase in women's political participation, is concerned that the representation of women in decision-making positions in the various areas and levels of political and public life is still low.

264. The Committee requests the State party, in accordance with article 4, paragraph 1, of the Convention, to take effective measures, such as implementation of targeted training programmes and awareness-raising campaigns, to encourage women to participate in public life and to highlight the importance to the society as a whole of women's full and equal participation in the development and decision-making processes, in accordance with general recommendation 23 on women in public and political life.

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at paras. 287, 288, 291-296, 299, 300 and 303-310.

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287. The Committee commends the State party for including the right to freedom from discrimination on grounds of sex in its 1999 Constitution. It also welcomes the attention given in the ongoing constitutional review process to the elimination of remaining provisions that are discriminatory to women, including those regarding nationality.

288. The Committee welcomes the adoption of new federal laws in support of the goal of gender equality and the implementation of the provisions of the Convention, including the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the Child Rights Act, 2003. It also welcomes the adoption of a number of State laws prohibiting discrimination against women in critical areas such as female genital mutilation, widowhood practices and early marriage. It appreciates the State party's efforts, in collaboration with civil society organizations, to collate all remaining discriminatory aspects of legal provisions and practices, with a view to eliminating them, and to harmonize statutory, customary and religious laws.

...

291. The Committee is concerned that, although Nigeria ratified the Convention in 1985, the Convention still has not been domesticated as part of Nigerian law. It notes with concern that, short of such full domestication, the primacy of the Convention over domestic law is not clarified nor is the Convention justiciable and enforceable in Nigerian courts.

292. The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.

293. The Committee is concerned that the State party's Constitution continues to contain provisions that discriminate against women, in particular in the area of nationality and employment, a fact that is explicitly recognized by the State party. It is further concerned at the slow pace of legislative reform to bring discriminatory legislation into conformity with the provisions of the Convention and to eliminate customary practices that discriminate against women.

294. The Committee calls on the State party to set priorities, as well as a concrete timetable, for amending provisions in the Constitution and in Federal and State legislation that discriminate against women. It urges the Government of the State party to intensify its collaboration with parliamentarians and civil society in order to enhance understanding by all stakeholders of the State party's obligations under the Convention and to ensure speedy progress towards achieving *de jure* equality as an essential

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prerequisite for realizing *de facto* equality of women and compliance with the provisions of the Convention.

295. The Committee notes with concern the existence of a three-pronged legal system, namely, statutory, customary and religious law, which results in a lack of compliance by the State party with its obligations under the Convention and leads to continuing discrimination against women.

296. The Committee urges the State party to take proactive and innovative measures, including full domestication of the Convention, to remove contradictions among the three legal systems and to ensure that any conflict of law with regard to women's rights to equality and non-discrimination are resolved in full compliance with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations. It also urges the State party to step up its efforts at awareness-raising with regard to the Convention in order to create an enabling environment for legal reform and legal literacy.

...

299. The Committee expresses concern about the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

300. The Committee urges the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation. It calls on the State party to intensify its efforts to develop and implement a national plan of action, including public awareness-raising campaigns targeted at women and men, in order to eliminate the practice of female genital mutilation and widowhood practices. It urges the State party to ensure full compliance with the Child Rights Act, 2003, which set the statutory minimum age of marriage at 18 years in all parts of the country. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention.

...

303. The Committee expresses concern at the low enrolment rates and educational achievement of girls and women, the continuing high rates of illiteracy of women and girls, in particular in rural areas, and the decline in the quality of education.

304. The Committee urges the State party to ensure full implementation of its Universal Basic Education Policy, launched in 1999, and the educational objectives contained in the National Policy on Women, including with the support of the international community. It

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calls on the State party to further prioritize action in the field of girls' and women's education and to raise awareness about the importance of education as a fundamental human right and the basis for the empowerment of women. It urges that targeted measures with a concrete time frame be taken, in accordance with general recommendation 25, to increase the literacy level of girls and women, in particular in rural areas, to ensure equal access of girls and young women to all levels of education, to prevent girls from dropping out of school, in particular because of early pregnancy, and to overcome traditional attitudes that constitute obstacles to girls' education. It also encourages the State party to ensure the accessibility of schools to all children, particularly girls, to create further incentives for parents to send girls to school and to step up the recruitment of qualified women teachers at all levels of education.

305. The Committee expresses concern about the persistence of discriminatory legislation, administrative provisions and practices in the labour market. It is also concerned about women's higher unemployment rates, the persistent wage gap in the private and public sector and the lack of adequate social protection for women in the private sector.

306. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25.

307. The Committee expresses concern at the precarious situation of women's health, the insufficient and inadequate health-care facilities and family planning services and the lack of access to such facilities and services. The Committee is concerned about the high rates of maternal mortality as a result of unsafe abortions. It is also concerned about the persistence of traditional practices that are harmful to the physical and mental health of women and girls.

308. The Committee urges the State party to allocate adequate resources to improving the status of women's health, in particular with regard to maternal and infant mortality. It urges the State party to increase women's and adolescent girls' access to affordable health-care services, including reproductive health care, and to increase access to affordable means of family planning for women and men. It urges the State party to take measures to assess the impact of its abortion laws on women's health. The Committee urges the State party to introduce a holistic and life cycle approach to women's health, taking into account general recommendation 24 on women and health.

309. The Committee, while recognizing the efforts made to achieve 30 per cent representation of women in public office, notes with concern the low number of women

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in political and public life, especially in leadership and decision-making positions. It also notes with concern that the persistence of stereotypical and patriarchal attitudes, which view men as natural leaders, may preclude women from seeking positions of leadership.

310. The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to strengthen its efforts to promote women to positions of leadership, including in the diplomatic service. To that end, the Committee urges the State party to increase the availability of training programmes and to enhance its awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 329-338, 341-344, 351-354, 357 and 358.

329. The Committee commends the State party for the legislative reforms in support of the goal of gender equality, including the marriage and family code of 1999, the civil code of 1999, the labour code of 2000 and the criminal code of 2001. The Committee welcomes the efforts of the State party to review existing legislation and to enact new legislation in conformity with international standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women. The Committee welcomes the intention of the State party to elaborate and adopt a new law on gender equality.

330. The Committee commends the State party for the amendments to the Citizenship Act of October 1991, which grant women equal rights with men with respect to the nationality of children and with respect to the procedure for acquiring, changing or retaining nationality.

331. The Committee welcomes the increase in representation of women in the House of Representatives of the National Assembly and in the local councils of deputies. It also welcomes the use of a quota-based principle in forming the National Assembly's Council of the Republic.

332. The Committee welcomes the increase in the number of women members of the Supreme Court. It notes with satisfaction the high numbers of women judges and lawyers.

333. The Committee expresses concern that, while article 22 of the Constitution states

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that all citizens have the right, without any discrimination, to equal protection of their rights, the Constitution does not contain a prohibition of discrimination on the basis of sex or an explicit provision on gender equality.

334. The Committee urges the State party to include in its Constitution a provision prohibiting discrimination on the basis of sex or an explicit provision on gender equality.

335. While noting the incorporation in a number of laws of provisions prohibiting discrimination on the basis of sex, the Committee expresses concern that the State party has not yet adopted a law on gender equality.

336. The Committee encourages the speedy elaboration and adoption of a law on gender equality that includes a definition of direct and indirect discrimination according to the Convention and a basis for applying temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25.

337. The Committee is concerned that the State party lacks a holistic approach to policies and programmes aimed at achieving women's equality with men, including mainstreaming a gender perspective in all areas.

338. The Committee recommends that the State party ensure a holistic approach to all policies and programmes devoted to achieving equality between women and men. The Committee recommends that gender-mainstreaming in all public institutions, policies and programmes be introduced through gender training and the creation of focal points...

341. The Committee is concerned that there is insufficient awareness of the Convention and the procedures for its application and enforcement, as well as of women's human rights in general, including among the judiciary, law enforcement personnel and women themselves.

342. The Committee urges the State party to introduce education and training programmes on the Convention, in particular for parliamentarians, the judiciary, the police and other law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their human rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention.

343. The Committee is concerned about the insufficient cooperation of the authorities with non-governmental organizations and women's associations in the implementation of the Convention. The Committee is further concerned about the lack of an enabling environment for the establishment and operation of women's non-governmental

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organizations and for encouraging the more active involvement of civil society in promoting gender equality.

344. The Committee urges the State party to cooperate more effectively with non-governmental organizations and women's associations in the implementation of the Convention, including follow-up to the concluding comments. The Committee recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report. The Committee also recommends that the State party enable the establishment and operation of women's non-governmental organizations, and encourage and facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women's human rights.

...

351. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by high female unemployment, the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors. The Committee is concerned that the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

352. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, *inter alia*, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market.

353. The Committee is concerned about the feminization of poverty, particularly among vulnerable groups of women, such as those heading households, older women and rural women.

354. The Committee requests the State party to ensure that all poverty alleviation programmes fully benefit women, according to their needs...

...

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357. While recognizing an increase in the representation of women in the House of Representatives of the National Assembly, in the local councils of deputies and on the Supreme Court, as well as the use of a quota-based principle in forming the National Assembly's Council of the Republic, the Committee remains concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels and in decision-making positions, including the diplomatic service.

358. The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to implement women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making.

- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 380-382 and 388-397.

380. The Committee commends the State party for adopting a substantial number of laws and amendments with a view to improving the legal position of women, including the Act Amending the Aliens Act, providing for an independent right of residence for foreign spouses in the event of separation after two years of cohabitation in Germany or earlier under the hardship clause; the Federal Act on Implementing the Concept of Equal Opportunities between Women and Men, which allows preference to be given to women under certain conditions in areas where women are underrepresented; the Act to Protect against Violence, which provides for court orders against offenders, including violent partners, and the Job-Aktiv Act, which expands specific labour market policy measures for women.

381. The Committee is pleased to note the active role played by non-governmental organizations working on gender equality and their cooperation with the State party, including through regular consultations, membership in supradepartmental working parties, contribution to the legislative process and membership in the German delegation to the Commission on the Status of Women since the twenty-third special session of the General Assembly.

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382. The Committee welcomes the State party's policy of integrating a gender dimension into its development cooperation programmes and promoting women's human rights in that framework.

...

388. While noting the agreement to promote the equal opportunities of women and men in private industry, the Committee expresses concern at the high level of long-term unemployment of women, the increase in the number of women in part-time work and in low-paid and low-skilled jobs, the continuing wage discrimination women face and the discrepancy between their qualifications and occupational status. The Committee is also concerned that, notwithstanding the adoption of new regulations in the Child-raising Benefits Act, men seem to continue to resist taking parental leave.

389. The Committee calls upon the State party to intensify its efforts to increase women's *de facto* equal opportunities in the labour market, including their access to full-time employment, *inter alia*, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to promote equal pay for work of equal value. The Committee recommends that the State party continue to monitor the impact of regulations on part-time work and on parental leave and increase incentives, as necessary, so as to counteract the possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits, and to encourage fathers to make greater use of parental leave.

390. The Committee is concerned that the Convention has not received the same degree of visibility and importance as regional legal instruments, particularly European Union directives, and is therefore not cited regularly as the legal basis for measures, including legislation, for the elimination of discrimination against women and the advancement of women in the State party.

391. The Committee urges the State party to place greater emphasis on the Convention as a legally binding human rights instrument in its efforts to achieve the goal of gender equality. It also urges the State party to take proactive measures to enhance awareness of the Convention, in particular among parliamentarians, the judiciary and the legal profession at both the Federal level and the level of the Länder.

392. The Committee expresses concern that some aspects of the Federal Government's reform policy, Agenda 2010, might have a particularly negative impact on women.

393. The Committee recommends that the State party study and carefully monitor the impact of its economic and social reforms on women at all stages of planning, implementation and evaluation so as to introduce changes where necessary to counteract possible negative effects.

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394. The Committee is concerned about the situation of migrant and minority women, including Sinti and Roma women, who suffer from multiple forms of discrimination based on sex, ethnic or religious background and race, and at the vulnerability of some of these women to trafficking and sexual exploitation. The Committee regrets the lack of specific information provided in the reports with regard to their access to health, employment and education, as well as various forms of violence committed against them and, in particular, data and information about forced marriages. The Committee is also concerned about the situation of some foreign women domestic workers in the households of diplomats.

395. The Committee urges the State party to take effective measures to eliminate discrimination against migrant and minority women, both in society at large and within their communities, and to respect and promote their human rights, through effective and proactive measures, including awareness-raising programmes. The Committee recommends that the State party continue to undertake research on the situation of migrant and minority women and girls...The Committee also recommends that the State party intensify efforts to protect the human rights of foreign women domestic workers in diplomatic households.

396. While appreciating that women's participation in political life has exceeded the critical threshold of 30 per cent, the Committee is concerned that women are underrepresented in the higher echelons of several other sectors of public life, particularly in the civil service, the diplomatic service, science and research and academia.

397. The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to remove existing obstacles and, where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

- Latvia, CEDAW, A/59/38 part II (2004) 103 at paras. 43-48, 51, 52, 57-64, 67, 68, 71 and 72.

43. The Committee welcomes progress in legislative reform, in particular the Labour Law (1 June 2002) which prohibits direct and indirect discrimination, and regulates job advertisements, job interviews and issues of equal remuneration and liability for gender-based discrimination...

44. The Committee notes with appreciation that, since 1999, a woman has held the highest public office, that of President. It also notes with appreciation that women parliamentarians chair the Parliament (Saeima) Commissions on Human Rights and

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Public Affairs, on the Implementation of the Citizenship Law, and on Social and Labour Affairs.

45. The Committee expresses concern that, while the Constitution includes the prohibition of discrimination and the principle of equality, neither the definition of discrimination in article 1 of the Convention nor the principle of the equality of men and women as set forth in article 2 (a) of the Convention has been included in the Constitution or other appropriate legislation.

46. The Committee recommends that a definition of “discrimination against women” in line with that set out in article 1 of the Convention and the principle of equality of men and women in line with article 2 (a) of the Convention be included in the Constitution or other appropriate domestic legislation, including the new anti-discrimination law.

47. Although international human rights treaties are directly applicable, the Committee is concerned that neither women in general, nor the judiciary or law enforcement personnel in particular are sufficiently familiar with the Convention and the opportunities for its application by domestic courts.

48. The Committee calls upon the State party to take additional measures to disseminate information about the Convention and implement programmes for judges and lawyers that include the application of the Convention at the domestic level. It also recommends that sustained awareness-raising campaigns targeting women and non-governmental organizations working on women’s issues be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention.

...

51. The Committee is concerned at the lack of a comprehensive gender equality law. The Committee is furthermore concerned that the State party’s apparent hesitation in utilizing temporary special measures in accordance with article 4, paragraph 1, of the Convention may indicate a lack of understanding of the purpose of such measures and the reasons for their application.

52. The Committee recommends that the State party adopt a comprehensive gender equality law. It furthermore recommends that the State party clearly distinguish between general social policies adopted to improve the situation of women and girls, such as the Programme for the Implementation of Gender Equality, and temporary special measures taken under article 4, paragraph 1, of the Convention to accelerate the achievement of a concrete goal for women of *de facto* equality, in line with general recommendation 25, in various areas of their lives.

...

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57. While recognizing the legislative and other measures, including the adoption of the National Action Plan to Combat Trafficking in Persons of 2002, that have been taken to address the issue of trafficking in women and girls, including the establishment of a special police unit and the strengthening of international cooperation and the promotion of awareness-raising events, the Committee is concerned at the increase in trafficking in women and girls. It regrets that insufficient information is given as to the actual size of the problem.

58. The Committee recommends the full implementation and funding of a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends that the State party address the causes of trafficking and introduce measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives and social support, and rehabilitation and reintegration measures for women and girls who have been victims of trafficking, including special shelters for women victims of trafficking. The Committee further urges the State party to make the issue of trafficking in women and girls a high priority...

59. The Committee is concerned about the lack of sufficient information and data on prostitution in Latvia. Moreover, the Committee is concerned about the involvement of under-age girls in prostitution, and the high demand for under-age prostitutes, as well as the reported insufficient rehabilitation and social integration services available to them.

60. The Committee calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the demand for prostitution. The Committee calls upon the State party to ensure that under-age girl prostitutes are offered the support they need to be rehabilitated and reintegrated into society. The Committee also urges the development of programmes of action and the adoption of all appropriate measures to create educational and employment opportunities for young girls at risk of entering prostitution, and to combat and eradicate the exploitation of these young girls, including the prosecution of, and strong penalties for, those who exploit them.

61. While welcoming the information that there has been a slight increase of women elected to the eighth Saeima (Parliament), the Committee is concerned that women's representation in that body is low. It is also concerned at the low representation of women in decision-making bodies in political and public life in general.

62. The Committee recommends that the State party utilize temporary special measures

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in accordance with article 4, paragraph 1, of the Convention to increase the number of women at decision-making levels in both elected and appointed governmental bodies, and towards that end, to establish clear timetables and targets. It also recommends that the State party conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making.

63. The Committee is concerned about the limited efforts of the State party to involve women's non-governmental organizations in the preparation of the report. It is also concerned about a lack of transparency guiding interaction between the State party and non-governmental organizations as service providers, *inter alia*, with respect to funding of such services.

64. The Committee recommends that the State party engage in a broader consultative process with women's non-governmental organizations, including organizations that represent minority women, when preparing its next periodic report. It also recommends that the State party develop widely accessible regulations on funding of women's non-governmental organizations as service providers, and apply the regulations with transparency.

...

67. The Committee notes with concern that, despite law reform in the field of employment, the position of women in the labour market remains disadvantaged and is characterized by strong occupational segregation, a substantial wage gap, *inter alia*, between rural and urban areas, higher unemployment than that among men, and hidden gender discrimination in the workplace and in remuneration.

68. The Committee recommends that efforts be made to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market in rural as well as in urban areas through, *inter alia*, the use of gender bias-free job evaluation and wage-setting schemes and temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

...

71. The Committee is concerned at the spread of HIV/AIDS, the increase in the infection rates of women and the absence of a strategic national plan to address the issue of HIV/AIDS and how it affects women.

72. The Committee urges the State party to take comprehensive measures to combat the spread of HIV/AIDS, to take strong preventive measures and to ensure that women and

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girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also recommends that sex education, particularly targeting adolescents, be made widely available, with special attention to the prevention and further control of HIV/AIDS.

- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 93, 94, 97, 98, 101, 102 and 107-112.

93. The Committee commends the State party for the creation of the Office of the Ombudsman whose mandate includes the consideration of complaints concerning discrimination on the grounds of sex.

94. The Committee commends the State party for its extensive social measures, particularly its strong support for the reconciliation of work and family responsibilities of women and men, *inter alia*, through State kindergartens that are free of charge for children between the ages of 3 and 5.

...

97. While noting that the Constitution and other domestic legislation stipulate equality between women and men and non-discrimination on the grounds of sex, the Committee is concerned that the comprehensive approach of the Convention covering all forms of discrimination in all fields has not been incorporated into domestic laws and thus is not directly applicable.

98. The Committee urges the State party to take all necessary action to ensure that the provisions of the Convention are fully incorporated into domestic law. In order to ensure wide understanding and implementation of the Convention, the Committee recommends that the State party consider making the text of the Convention available in both Maltese and English. It also recommends that the State party continue to organize information and awareness-raising campaigns on a regular basis on the content of and obligations resulting from the Convention and the general recommendations of the Committee, with particular focus on the role of legislators, policy makers, senior public officials, the judiciary, and the legal profession, in the implementation of the Convention. It also recommends that the impact of such campaigns be evaluated at regular intervals.

...

101. The Committee is concerned that the regulation requiring the Director of Social Security to determine the head of household may result in unintentional discrimination against women and may contradict civil law that gives parental authority to both parents.

102. The Committee calls upon the State party to revisit this regulation, including the criteria on the basis of which the Director of Social Security determines the head of

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household...

...

107. While noting that the proportion of women represented in local councils as of June 2004 was 17.6 percent, the Committee is concerned that they are significantly underrepresented at the national level in elected and appointed posts, in the judiciary, and in political decision-making, including the administration and the foreign service.

108. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies in all areas of the public sector and in the judiciary. The Committee recommends the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 in all areas of public life including adequate measures with clearly defined goals and time-bound targets aimed at achieving balanced representation of women and men in general and at high levels of decision-making in particular. The Committee also suggests that the State party continue to offer leadership training programmes to women and carry out awareness-raising campaigns on women's participation in decision-making.

109. The Committee is concerned that women are severely underrepresented in the labour market in general and in senior and decision-making positions in particular. Furthermore, the Committee notes with concern the strong occupational segregation, both horizontal and vertical, the concentration of women in part-time jobs, and the persistent wage gap between women and men. The Committee is also concerned about the lack of information on women working part-time for less than 20 hours, who seem to be less protected and seem to have access to fewer entitlements.

110. The Committee urges the State party to ensure that women have *de facto* equal opportunities in the labour market. Efforts should be made to eliminate occupational segregation in the public and private sectors through skills training and encouraging women to work in non-traditional fields and by the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee further requests the State party to address the wage gap, *inter alia*, through job evaluation systems...

111. Noting that a significant number of women drop out of the labour market by age 25, the Committee is concerned about the lack of information regarding the number of women who want to re-enter the labour-market at a later stage in their lives as well as about the apparent lack of overall labour market policies for these women.

112. The Committee recommends that the State party conduct thorough research on the current and future potential of women wanting to re-enter the labour market and to design,

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based on such research, a comprehensive policy for counselling, training and retraining these women aimed at reintegrating them into the labour market.

- Angola, CEDAW, A/59/38 part II (2004) 118 at paras. 140-149, 154, 155, 158-161, 164 and 165.

140. The Committee is concerned that the Convention has not yet been domesticated as part of Angolan law. It notes that, short of such full domestication, the status of the Convention *vis-à-vis* domestic law is not clarified, nor is it clear if the Convention is justiciable and enforceable in Angolan courts. The Committee also notes with concern that the provisions of the Convention have not yet been widely disseminated nor are they widely known by judges, lawyers and prosecutors. The Committee is further concerned about the lack of proper understanding of and respect for women's human rights and that women themselves are not made aware of their rights, and thus lack the capacity to claim them.

141. The Committee recommends that the State party take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system. It calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination. It also calls on the State party to disseminate the Convention widely to the general public so as to create awareness of women's human rights. It invites the State party to take special measures to enhance women's awareness of their rights and legal literacy so that they can claim all their rights.

142. The Committee expresses concern that, while article 18 of the Angolan Constitution guarantees equality between women and men and prohibits discrimination on the basis of sex, it does not contain a definition in line with article 1 of the Convention.

143. The Committee urges the State party, as part of its current constitutional review process, to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination and to enshrine in the Constitution a definition of equality and non-discrimination against women, in line with article 1 of the Convention, so as to create a solid constitutional basis for the practical realization of women's *de facto* equality.

144. While noting the existing positive elements for the protection and promotion of women's human rights in the current legal framework the Committee is concerned about

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other legislative provisions that discriminate against women, including in the Civil Code, the Commercial Code and the Penal Code, as well as about legislative gaps in certain areas, including violence against women.

145. The Committee calls on the State party to embark on a law review process to identify laws that discriminate against women or legislative gaps in the area of equality between women and men with a view to revising such laws or drafting new legislation in order to eliminate provisions that are discriminatory.

146. The Committee is concerned at the strong persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights.

147. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment to transform and change discriminatory stereotypes and allowing women to exercise their human rights.

148. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is especially concerned about the situation of women in rural areas, women heads of households, women refugees and internally displaced women returning to their places of origin or migrating to the cities, who often lack access to health, education, services and means and opportunities for economic survival.

149. The Committee urges the State party to make the promotion of gender equality an

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explicit component of all its national development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement, as well as those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, women heads of household, refugee women and internally displaced women, ensuring that they participate in decision-making processes and have access to health, education, services and income-generation projects. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.

...

154. The Committee expresses concern over the fact that the number of women in decision-making positions remains low in political and public life, including in the National Assembly, the civil service and the judiciary. It is also concerned at the low representation of women in decision-making positions in the national foreign service.

155. The Committee recommends that the State party undertake measures to increase the number of women in decision-making positions in all spheres, in accordance with its general recommendation 23 on women in political and public life, including in the National Assembly, in political parties, the judiciary and the civil service, including the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and to establish concrete goals and timetables to accelerate women's equal participation in public and political life. The Committee urges the State party to implement training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country, especially at a time of rebuilding and reconstruction after the long war.

...

158. The Committee is concerned at the poor educational infrastructure, as reflected in the very low budgetary allocation; the lack of, or insufficient number of, schools and teachers; and the poor quality of education. The Committee is concerned that these shortcomings result in a high rate of illiteracy among girls and women, their low enrolment rates in primary, secondary, vocational and higher education, in both urban and rural areas, and in their high drop out rates. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights and the achievement of women's empowerment.

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159. The Committee urges the State party to increase its investment in education as a fundamental human right and as a basis for the empowerment of women. It recommends that the State party continue and further prioritize efforts to: improve the literacy level of girls and women; ensure equal access of girls and women to all levels of education in both urban and rural areas; increase the enrolment rates for girls; and take measures to retain girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25, so as to implement article 10 of the Convention.

160. The Committee expresses concern at the insufficient information about women's *de facto* situation in the formal and informal labour market. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, and the effective application of existing labour legislation in the private sector, the vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities.

161. The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the provisions of the General Labour Law by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from these programmes...

...

164. Noting that the majority of women live in the rural areas, the Committee is concerned that many live in extreme poverty and lack access to education and vocational training, health care and income-generation opportunities. It is particularly concerned that the State party's rural development strategy does not seem to include attention to the situation of rural women.

165. The Committee urges the State party to ensure that the rights, needs and concerns of rural women are given greater attention and visibility in the country's rural rehabilitation and development strategy. It also calls on the State party to ensure that rural women can participate fully in decision-making in the formulation and implementation of policies and programmes in rural areas. It urges the State party to ensure that rural women and girls have full access to health-care services, education and vocational training, as well as to income-generation opportunities.

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 185-198, 201-204, 207-210 and 213.

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185. The Committee expresses concern about the State party's limited understanding of its obligations under the Convention, and in particular the State party's exclusive focus on formal equality and the lack of progress in achieving *de facto* equality in all sectors.

186. The Committee recommends that the State party take all appropriate measures in all sectors to ensure that women enjoy *de facto* equality with men...

187. The Committee expresses concern that, while article 13 of the Constitution guarantees equality between women and men, no specific definition of discrimination has been incorporated into domestic legislation. The Committee is also concerned about the lack or insufficiency of legislation in important areas covered by the Convention, such as violence against women and civil and family matters.

188. The Committee recommends that a definition of discrimination against women in line with that set forth in article 1 of the Convention be included in the Constitution or other appropriate legislation and urges the State party to give high priority to putting in place comprehensive legislation in conformity with the Convention.

189. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to health care, education, credit facilities and community services.

190. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, and in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.

191. The Committee is concerned about the existence of the dual legal system of civil law and customary law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee is also

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concerned about the lack of legislation regulating customary marriages and other aspects of family law that discriminate against women, including in respect of polygamy, inheritance and child custody, and that efforts to adopt legislation regulating customary marriages have so far not been successful. The Committee is further concerned that most women lack the necessary information and resources to gain access to the civil courts and are still subject to the jurisdiction of traditional courts that apply customary law.

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

193. The Committee is concerned at the low rate of female literacy, the low rate of enrolment of girls in schools and the high dropout rate of girls due to pregnancy, early marriages and the low priority given to girls' education by families. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights.

194. The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women and to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It also recommends that the State party prioritize efforts to improve the literacy level of girls and women, ensure equal access of girls and young women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies providing for girls to return to school after pregnancy. The Committee further urges the State party to take measures to increase the enrolment of girls at all levels and recommends the introduction of further special measures, including incentives for parents to send girls to schools.

195. The Committee is concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, widowhood practices, levirate and the use of the dowry, as well as the prevalence of stereotypes that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to

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directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

196. The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society, and to creating an enabling and supportive environment for women to exercise their human rights. The Committee urges the State party to address cultural and traditional customs and practices such as forced and early marriages, discriminatory widowhood practices, levirate and the use of the dowry through effective measures aimed at their elimination. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures...

197. While welcoming the abolition, by presidential decree, of imprisonment of women for non-repayment of dowries following separation or divorce from their husbands, the Committee remains concerned about lack of knowledge and implementation of the decree.

198. The Committee recommends that the State party put in place measures to raise awareness about the decree prohibiting imprisonment of women for non-repayment of dowries.

...

201. The Committee is concerned that the number of women in decision-making positions remains extremely low in politics, the judiciary, and the civil service. It notes with concern that the persistence of stereotypical and patriarchal attitudes may preclude women from seeking positions of leadership.

202. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to decision-making positions. To that end, the Committee urges the State party to implement and strengthen training and

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awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels and to create enabling, encouraging and supportive conditions for such participation.

203. The Committee expresses concern that prostitution continues to thrive, particularly in urban areas. The Committee also expresses concern about the lack of adequate enforcement of the law and imposition of penalties on those who exploit prostitutes.

204. The Committee requests the State party to take all appropriate measures to combat the exploitation of prostitution of women with a view to address its root causes including poverty, as well as through the discouragement of the demand for prostitution. It recommends that a holistic approach be pursued in order to provide women with economic alternatives to prostitution and to facilitate the reintegration of prostitutes into society and urges the State party to provide rehabilitation and other programmes to women and girls exploited in prostitution. The Committee urges the State party to ensure the prosecution and punishment of those who exploit prostitutes.

...

207. The Committee notes with concern the high incidence of HIV/AIDS among women, particularly younger women, and the absence of an adequately funded strategic plan to address HIV/AIDS.

208. The Committee urges the State party to take comprehensive measures and allocate sufficient funds to combat HIV/AIDS, to take strong preventive measures, including education and awareness-raising, and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance and medical treatment.

209. The Committee is concerned that the law relating to nationality precludes foreign women from retaining their own nationality on marriage to a national of the State party.

210. The Committee requests the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention.

...

213. The Committee recommends that the State party take concrete steps to create an enabling environment for the establishment and operation of women's non-governmental organizations and to encourage and facilitate the active participation of civil society in the full implementation of the Convention, including in the follow-up to the concluding comments, for the promotion and protection of women's human rights...

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 232-240 and 245-258.

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232. The Committee welcomes progress achieved in the integration of women in the economy of the country, particularly through the introduction of innovative microcredit schemes for women.

233. The Committee commends the State party for the achievement of gender parity in school enrolment at the primary and secondary levels, and has succeeded in decreasing girls' dropout rates. The Committee also appreciates the successful efforts to increase girls' and women's literacy rates.

234. The Committee welcomes the fact that women have held the highest political offices of the country, and the measures to increase women's participation in the political life of the country, including the increase in the number of women in the National Parliament and in local governments.

235. While noting the State party's reference that the withdrawal of reservations is currently before the Cabinet for adoption, the Committee is concerned that reservations to article 2 and article 16 (1) (c) of the Convention which in the opinion of the Committee go against the object and purpose of the Convention, continue to be retained.

236. The Committee urges the State party to expedite the decision on the withdrawal of the remaining reservations to the Convention within a concrete time frame.

237. The Committee expresses concern that, while the Constitution guarantees equal rights to men and women, the definition of discrimination in the State party's legislation is not in line with the Convention.

238. The Committee requests that the definition of discrimination against women be brought into conformity with article 1 of the Convention, and in particular that the State party's responsibility to eliminate all forms of discrimination against women be extended to discrimination perpetrated by private actors.

239. The Committee is concerned that the Convention has not yet been incorporated into domestic law and its provisions cannot be invoked before the courts.

240. The Committee calls upon the State party to incorporate without delay the provisions of the Convention into its domestic law and requests the State party to ensure that the provisions of the Convention be fully reflected in the Constitution and all legislation.

...

245. The Committee expresses concern that traditional and cultural discriminatory

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practices, including polygamy, and strong stereotypical attitudes persist with respect to the roles and responsibilities of women in the family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

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

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

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

249. Although acknowledging that the State party has initiated the amendment of the 1951 Citizenship Act, the Committee is concerned that women are still unable to transmit their nationality to their foreign husbands and children.

250. The Committee urges the State party to ensure that a new citizenship law, which is in line with article 9 of the Convention, is adopted without delay, in order to eliminate all provisions that discriminate against women in the area of nationality.

251. While welcoming the lifting of the ban on overseas employment of women domestic workers which had been imposed in 1998, the Committee is concerned about the vulnerability of Bangladeshi women migrant workers whose rights are not adequately protected by the State party.

252. The Committee recommends the adoption of a comprehensive gender-sensitive migration policy and the conclusion of bilateral and multilateral agreements with

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destination countries, in order to ensure the promotion and protection of the human rights of Bangladeshi women migrant workers. The Committee also urges the State party to strengthen its information activities so as to ensure that potential women migrants are fully aware of their rights, as well as of the potential risks of such employment.

253. The Committee expresses concern about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, and about the lack of childcare facilities for working mothers. It is also concerned that women working in the private sector and industry do not enjoy the same maternity leave benefits of women working in the public sector.

254. The Committee recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, ensure that maternity leave is available in all public and private employment, especially through the enactment of a law on maternity leave, and expand the number of crèches available for working mothers.

255. While welcoming the measures taken to increase the number of women in the National Parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary, the civil service and the foreign service. The Committee is further concerned that a lack of a women-friendly environment in these sectors may contribute to women's low representation.

256. The Committee recommends that the State party adopt proactive policies for women's increased participation at all levels and, when necessary, adopt temporary special measures and establish effective policies and a timetable to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce legislation providing for the direct election of women to the National Parliament rather than through selection by members of the Parliament. The Committee furthermore calls on the State party to sensitize government officials on the issue of gender discrimination in order to promote a women-friendly environment that would encourage the participation of women in the public life of the country.

257. The Committee expresses concern that although in Bangladesh the minimum age of marriage for girls is 18 years, child marriage continues to be practised widely.

258. The Committee urges the State party to enact into law the proposed Child Marriage Restraint Act, 2002 and ensure its enforcement, in order to eliminate child marriage.

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- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 282, 283, 286-289, 298-303 and 306-309.

282. The Committee views with concern the serious problems the country is experiencing as a result of the economic crisis, which are having adverse effects on the population in general and women in particular, who constitute one of the most vulnerable groups, since they are at a disadvantage in terms of jobs and wages, and head 33 per cent of households.

283. The Committee urges the State party to develop and implement effectively a general policy of poverty eradication that incorporates a gender perspective and accords special attention to households headed by women.

...

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

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

288. The Committee notes with concern that, although the Constitution refers to the principle of equality, the term used in plans and programmes is “equity”, which the State party considers to be a compensatory means of achieving equality.

289. The Committee asks the State party to take note that the terms “equity” and “equality” are not synonymous or interchangeable, and that the Convention is directed towards eliminating discrimination against women and ensuring equality between women and men.

...

298. Although the Committee notes the Government’s efforts to increase the number of women in political party structures and in municipal government, it remains concerned that there are so few women in decision-making posts in the Government and that article 4, paragraph 1, of the Convention on temporary special measures has not been understood and implemented correctly.

299. The Committee recommends that the State party redouble its efforts to bring about the necessary legislative or procedural changes to ensure the participation of women in political party structures as well as in public and political life. The Committee also

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recommends that the State party consider adopting temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, to accelerate the full participation of women in political and public life and in decision-making at all levels of government.

300. The Committee takes note of the draft immigration bill which has been submitted to the National Congress; however, it remains concerned about the discriminatory nature of the definition of nationality, which directly affects one of the most vulnerable groups in the country, namely Dominican women and girls of Haitian descent. The Committee fears that this definition could hamper their access to education and other basic services. It is also concerned about the discriminatory rule that foreigners who marry Dominican women are not automatically granted Dominican nationality, as is the case when a Dominican man marries a foreigner.

301. The Committee urges the State party to promote discussion of the draft immigration bill and to ensure that it complies with article 9 of the Convention through elimination of all the provisions that discriminate against Dominican women and girls of Haitian descent, or any foreigners who find themselves in a similar situation, and against Dominican women who marry foreigners...

302. The Committee notes with concern the increase in the rate of unemployment among women, which is three times the rate among men, the persistent wage gap between men and women and the lack of information on the causes of this discrepancy. The Committee is also concerned about the lack of public knowledge of the rights of female domestic workers and the lack of compliance with those rights in accordance with the provisions of Act No. 103-99 on Male and Female Domestic Workers amending the Labour Code. It is particularly concerned that compliance with the rights of female domestic workers is being left to the discretion of the employer and that there may be non-compliance in cases where the female domestic workers are hired by private companies.

303. The Committee urges the State party to ensure *de facto* equal opportunity for men and women in the labour market through a review of labour legislation to ensure that it is consistent with article 11 of the Convention and is implemented in compliance thereof. It particularly recommends that the State party take the necessary action to guarantee equal pay for women and men in both the public and private sectors by developing policies and measures to that end, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. With respect to the rights of female domestic workers, the Committee urges the State party to take practical measures to monitor closely and enforce

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compliance with Act No. 103-99 and assess its effectiveness. It recommends the adoption of legislative, administrative and other measures guaranteeing access to social security and other labour benefits, including paid maternity leave, for female domestic workers, temporary employees and workers in the informal and rural sectors.

...

306. The Committee is deeply concerned about the situation of women working in the free-trade zones, who make up 53 per cent of the total workforce in this sector, in view of the persistence of discriminatory practices, such as the exclusion of women on the grounds of pregnancy, compulsory pregnancy tests as a condition for employment and the incidence of violent acts such as sexual harassment in contravention of Article 209 of the Penal Code, which protects women from sexual harassment in the workplace, and in contravention of Act No. 24-97, which protects women against all types of violence. The Committee also is concerned about the working conditions of women in the free-trade zones, which violate health and industrial safety regulations.

307. The Committee recommends that steps be taken to ensure the implementation of labour legislation in free-trade zones, in accordance with article 11 of the Convention and to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy. The Committee also recommends the institution of measures for the implementation and enforcement of legislation on sexual harassment and other forms of violence against women, in order to guarantee the protection of women employed in free-trade zones and the punishment of the perpetrators.

308. The Committee notes with concern the increase in the number of cases of sexually transmitted diseases and HIV/AIDS. It is also concerned about the violation of the human rights of infected persons, the majority of whom are women, who are denied access to employment and adequate medical services. The Committee is concerned that these women are largely prevented from obtaining adequate health services, including those directed towards cancer prevention. The Committee expresses concern about the high rates of female mortality and morbidity, of which unsafe abortions are among the primary causes.

309. The Committee recommends the adoption of measures to ensure that women, especially young women, the disabled and women living in rural areas, have access to information and health services, particularly those relating to sexual and reproductive health and cancer prevention. Such measures are essential in order to reduce the rate of maternal mortality, prevent women from resorting to unsafe abortion and protect women against the negative effects on their health. In this regard, the Committee recommends that the State health services should provide an abortion when the pregnancy is a result of rape or when the mother's health is in danger. It also recommends the development of programmes and policies to increase knowledge of and access to contraception, bearing

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in mind that family planning is the responsibility of both members of the couple. The Committee also recommends promoting sex education widely, particularly for adolescents, with special emphasis on combating sexually transmitted diseases and HIV/AIDS. The Committee also requests the State party to adopt measures to eliminate discrimination against women infected with HIV/AIDS.

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 326, 328, 330, 331 and 338-351.

326. The Committee commends the State party for the appointment of an equal number of women and men to ministerial posts within the new Government and the high level of commitment and political will to achieve gender equality that this demonstrates.

...

328. The Committee welcomes the fact that gender equality and the promotion and protection of human rights and fundamental freedoms are among the principles, objectives and priorities of the State party's policy on international development cooperation.

...

330. The Committee expresses concern that, while the concept of equality of opportunities for women and men is based on a number of constitutional precepts, including the prohibition of discrimination on grounds of sex, no specific definition of discrimination against women in line with article 1 of the Convention has been included in domestic legislation.

331. The Committee recommends that a definition of discrimination against women as set out in article 1 of the Convention be included in domestic legislation.

...

338. Noting that since 1999, there has been a quadrupling of immigration into Spain, the Committee is concerned about the multiple forms of discrimination migrant women, including those who are undocumented, may face by public authorities, private employers and individuals, as well as the difficulties in becoming integrated into Spanish society.

339. The Committee urges the State party to take effective measures to eliminate discrimination against migrant women, both within immigrant communities and in society at large, and to ensure that the women concerned are made aware of available social services and legal remedies and are being supported in accessing them.

340. While noting an increase in women's political participation at the national, legislative and executive level, the Committee remains concerned that the representation of women in political life is still low.

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341. The Committee recommends that the State party consider amending the Constitutional Act on the General Electoral Regime in order to achieve a balance of men and women in political office. It further suggests that the number and placement of women candidates on the electoral lists of political parties be a factor in determining the allocation of grants to them.

342. The Committee is concerned at the under-representation of women in senior positions in some areas of professional and public life, such as the judiciary and the Foreign Service, particularly at the highest echelons.

343. The Committee recommends that proactive policies for women's increased participation at those levels be adopted and, when appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 be taken to ensure the acceleration of the achievement of women's real empowerment on equal terms with that of men.

344. The Committee is concerned that Roma women remain in a vulnerable and marginalized situation, especially with regard to education, employment, housing and health.

345. The Committee recommends that the State party promote and protect the human rights of Roma women, in particular with regard to their access to education, employment, housing and health.

346. Despite the progress made by women in education in recent years, the Committee remains concerned about discrimination in this area, in particular about early drop out rates from school of Roma girls.

347. The Committee recommends that the State party intensify its efforts to promote the access of Roma girls to education and their retention in the system. It recommends that the State party conduct research into the subject and, on the basis of its findings, provide incentives to Roma parents to encourage them to ensure that their daughters attend school.

348. The Committee is concerned about information that women who begin doctoral studies do not complete their dissertations at as high a rate as men.

349. The Committee recommends that the State party increase women's access to resources, including grants, and to childcare facilities, to enable them to complete their dissertations at the same rate as men do.

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350. The Committee is concerned about the continuing high level of unemployment among women that is reported twice that of men, the high number of women in part-time and temporary jobs as well as the wage discrimination faced by women. Furthermore, the Committee is concerned at the high proportion of women in the service sector, indicating a sex-segregated labour market with a negative impact on women's wages.

351. The Committee calls upon the State party to intensify its measures to increase women's employment, to make sure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for equal work and work of equal value. It also calls upon the State party to promote participation by women in sectors traditionally regarded as male and vice versa.

- Argentina, CEDAW, A/59/38 part II (2004) 155 at paras. 368 and 372-377.

368. The Committee commends the State party for its measures to increase the participation of women in public life in the renewal process of the country. It particularly welcomes the fact that two women judges have been appointed to the Supreme Court of Justice, and that women now constitute 41.67 per cent of senators, 33 per cent of members of Parliament and 27 per cent of deputies in the provincial legislatures. It also welcomes the fact that, further to the adoption of National Law No. 25.674 and Decree No. 514/2003, known as the Law on Trade Union Quotas, a woman is now part of the presiding body of the confederation of labour.

...

372. While welcoming the adoption and implementation of social and economic policies and programmes aimed at offsetting the impact of the crisis in the country, including the National Plan for Food Security, the National Plan for Local Development and Social Economy, the Family Plan, the Economic Emergency Law, the Emergency Health Law, the National Programme on Food Emergency and the Unemployed Head of Household Programme, the Committee is concerned that women are mainly beneficiaries of these measures rather than being equal participants and actors in their design and implementation. The Committee is concerned that this approach will perpetuate stereotypical views of the role of women and men rather than effectively support women's political and economic empowerment.

373. The Committee recommends that the State party emphasize a women's-empowerment approach and incorporate gender perspectives in all its social and economic policies, programmes and projects so as to ensure that they support the goal of gender equality and women's enjoyment of their human rights. It invites the State party to periodically assess such measures and their impact on women so as to ensure that they do not perpetuate discrimination against women.

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374. The Committee is concerned about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, which are discriminatory, and about the lack of social benefits and services for women. The Committee is concerned that in the prevailing situation of economic difficulty and uncertainty, women may face even greater obstacles than usual in claiming their rights and taking steps against discriminatory practices and attitudes in their employment and economic activities.

375. The Committee urges the State party to make all necessary efforts to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, as well as efforts to ensure that women receive adequate social benefits and services. It also calls on the State party to ensure full adherence to existing legislation so that women can use means of redress without fear of reprisals from employers.

376. The Committee is concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to health care, education, credit facilities and community services.

377. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to education, health services and credit facilities.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 43, 44, 48, 49, 52-55 and 60-63.

43. The Committee commends the State party on making primary education compulsory and on the progress made in implementing article 10 of the Convention in regard to the education of girls and women at all levels. The Committee also commends the State party for the very high rate of female literacy.

44. The Committee commends the State party for adopting temporary special measures in the police services, where women are under-represented.

...

48. While noting that the Government has identified several areas where legislation inadequately protects women against discrimination, namely, in regard to gender-based violence and in family and employment law, the Committee is concerned that no time line or benchmarks are in place for undertaking the legal reform efforts necessary to bring domestic legislation into conformity with the Convention. The Committee is also concerned that, although the Law Reform Commission Act was passed in 2002, the office

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has not yet been established for lack of resources.

49. The Committee recommends that the State party put in place without delay a plan, with a clear timetable and priorities, for the revision of existing discriminatory legislation and the drafting and submission to Parliament of new laws to promote gender equality. The Committee also recommends the establishment of the office of the Law Reform Commission in order to expedite the legal reform process. The Committee encourages the Government to consult with women's organizations in the development and prioritization of such a legislative reform agenda.

...

52. The Committee is concerned about the continuing low representation of women in public life and decision-making, including women's limited access to family chiefly titles (*matai*) and their resulting low representation in the Parliament. It is concerned that sociocultural stereotypes and traditions continue to prevent women from seeking public, and especially elective, office.

53. The Committee encourages the State party to take sustained and proactive measures to increase the representation of women in elected and appointed bodies in all areas of political and public life. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in the Parliament and in local government bodies. It calls upon the State party to carry out awareness-raising campaigns on the importance of women's participation in public and political life and in decision-making positions, with a view to eliminating customs and practices that discriminate against women, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee requests the State party to evaluate regularly the impact of such measures, including temporary special measures, so as to ensure that they lead to the desired goals...

54. The Committee is concerned about the situation of women in the employment sector and their lower level of participation in the labour force. The Committee is concerned that existing legislation is discriminatory or has significant gaps with respect to articles 11 and 13, such as lack of provisions on equal pay for work of equal value, on protection against discrimination on the basis of pregnancy and against sexual harassment in the workplace. The Committee is also concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. The Committee calls upon the State party to bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such legislation. The Committee also requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to

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promote the reconciliation of family and work responsibilities between women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to enhance implementation of article 11 of the Convention...

...

60. The Committee is concerned about the persistence of discriminatory provisions in family law, especially in regard to marriage, as well as the persistence of traditions that discriminate against women and girls. In particular, the Committee is concerned at the age of consent to marriage for girls being 16 years, whereas it is 18 for boys, at the fault-based divorce system and at the lack of legislation on the division of marital property.

61. The Committee urges the State party to give high priority to the planned revision of the law governing marriage, its dissolution and family relations so as to ensure compliance with article 16 of the Convention and in line with the Committee's general recommendation 23 on marriage and family relations. The Committee also recommends that the State party undertake awareness-raising measures to address cultural patterns of conduct that are discriminatory against women and girls in these areas.

62. While appreciating that proposals submitted to the Cabinet Development Committee must include a report on the gender implications and a gender analysis of the proposed project, insufficient information was provided about the attention given to the provisions of the Convention.

63. The Committee requests the State party to ensure that the Convention serves as the framework for assessing the suitability of development projects from a gender perspective. It also requests the State party to develop adequate capacity within the Government to undertake such assessments within the framework of the Convention.

- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 85, 88, 89, 92-97, 104-107, 112 and 113.

85. The Committee commends the State party for increasing considerably the proportion of women in the National Assembly, from 9.4 per cent in the third legislature (1992-1997) to 21.1 per cent in the fourth legislature (1997-2002) and to 22.9 per cent in the fifth legislature (2002-2007).

...

88. The Committee is concerned that the status of the Convention *vis-à-vis* domestic legislation is unclear. While noting that the legal framework of the Lao People's Democratic Republic is relatively new, the Committee is concerned that no definition of

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discrimination against women exists in national laws.

89. The Committee recommends that the State party take measures to bring the Convention into the domestic legal system and ensure that it can be invoked in the courts. It also recommends that the definition of discrimination against women set forth in article 1 of the Convention be incorporated in the Constitution or other appropriate legislation.

...

92. While noting that 80 per cent of the population lives in rural areas, the Committee is deeply concerned about the pervasive poverty and underdevelopment of women, especially in rural and ethnic minority communities. The Committee is also concerned that ethnic minority women, having no alternative sources of income, depend on the production of opium poppies for their livelihood. While welcoming the reinvestigation into the matter of land titling, the Committee is concerned that the current reinvestigation and the reissuance of land titles are limited to nine provinces. The Committee is also concerned that, while rural women carry out more than half of total agricultural production in every field, the additional workloads of housework and child-rearing also fall primarily on their shoulders. The Committee is very concerned that rural women are not fully represented in important decision-making regarding development programmes, nor on the village council.

93. The Committee urges the State party to accelerate its plan to eradicate poverty among women, especially rural and ethnic minority women, by more actively seeking international assistance and at the same time by applying gender perspectives in all development programmes and fully integrating women into decision-making on those programmes, as well as in their implementation processes. The Committee also urges the State party to step up its efforts to provide ethnic minority women who depend on opium poppy production with alternative and sustainable means of livelihood. The Committee recommends that the reinvestigation and re-registration of land titles be carried out in all provinces, with the expected result of eradicating discrimination against women...The Committee also recommends that the State party take measures to ease the double burden of women, including by providing new technologies for women farmers and educating men regarding the sharing of family responsibilities. The Committee strongly recommends that the State party ensure the full and equal representation of rural women on the various committees at the village level.

94. Despite some progress, the Committee is alarmed at the still very high illiteracy rate of women, 40 per cent, and the large discrepancy between male and female literacy rates and between urban and rural women's education. The Committee is especially concerned at the extremely low literacy rate among ethnic minority women. The Committee is concerned that the initial plan to make primary education compulsory was postponed from 2000 to 2010.

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95. The Committee urges that the State party immediately take all appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to reduce the illiteracy rate of women and to provide education, both formal and informal, to women, including ethnic minority women, especially in rural areas. The Committee also recommends that free and compulsory primary education at the national level be implemented as soon as possible. It further recommends that the State party consider seeking international assistance for these purposes.

96. While noting improvement during the past few years, the Committee is seriously concerned about the very high maternal and infant mortality rates and the high fertility rate, especially among women in rural and remote areas and among ethnic minorities. The Committee is concerned about the lack of health-care facilities and medical professionals in rural villages and remote areas as well as the lack of awareness among women and adolescents regarding reproductive health and family planning, including the use of contraceptives and birth spacing.

97. The Committee recommends that the State party accelerate the implementation of its national population policy, focusing on expanding its network of health-care facilities and personnel throughout the nation and reaching out to rural and remote areas, *inter alia* to the benefit of ethnic minority women; that it enhance its educational programmes, not only for women, but also for men and adolescents, on reproductive health and family planning; and that it make contraceptives easily available.

...
104. The Committee is concerned about the generally low representation of women in the administration, at both the national and local levels, and in the judiciary. Considering the fact that 80 per cent of the population lives in rural areas and that the village chiefs and the village councils handle most everyday matters, the Committee is very concerned that less than 1 per cent of the village chiefs are women and only one member of the Lao Women's Union represents women in the village council.

105. The Committee recommends that the State party take measures to increase the representation of women in administrative and judicial organs at the national, provincial and village levels, in accordance with the Committee's general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to increase the percentage of women at all levels of decision-making and to make sure that the interests of women are fully reflected and that gender equality is guaranteed at all levels of decision-making. The Committee urges the State party to take measures to

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empower village women so that they can participate equally in village matters.

106. The Committee is concerned about the situation of women in the employment and labour areas, on which insufficient information was provided, especially about women's ability to take advantage of new economic opportunities and to benefit fully from the State party's reforms towards a market-based economy and its integration into the regional and world economy.

107. The Committee recommends that the State party study the impact of its economic reforms on women, with a view to improving equality between women and men in the labour market, including strengthening formal and informal mechanisms for the resolution of labour disputes through appropriate representation of women. It recommends that targeted measures be taken to upgrade and improve women's entrepreneurial skills and their access to technology, and to create opportunities for women in trade and commerce on the basis of equality between women and men. It also calls upon the State party to assess and to take remedial measures regarding any disadvantageous impact of economic reforms on women, including on women in the civil service.

...

112. Noting the essential role of active women's and human rights organizations for the effective implementation of the Convention and the achievement of gender equality, the Committee is concerned that the Lao People's Democratic Republic is lacking lively, autonomous and active women's and human rights organizations.

113. The Committee recommends that the State party introduce measures, including legislative and administrative measures as necessary, to create space for autonomous women's and human rights organizations.

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 132-134, 140-146, 151, 152 and 155-162.

132. The Committee notes with satisfaction the increase in women's enrolment in institutions of higher learning, from 39.5 per cent in 1990 to approximately 55.4 per cent in 2003. It also appreciates that girls now comprise 57.53 per cent of students in secondary education.

133. The Committee welcomes the increasing number of women in the judiciary, who now account for approximately one third of magistrates, and in leadership posts, such as the presidency of the State Council, courts and tribunals.

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134. The Committee notes the improvement in women's participation in public life and welcomes the inclusion of four women ministers in the current Government.

...

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

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

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

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

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

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

145. The Committee is concerned that, although women's access to justice is provided for by law, their ability in practice to exercise this right and to bring cases of

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discrimination before the courts is limited.

146. The Committee requests the State party to remove impediments women may face in gaining access to justice, including through sensitization about available legal remedies against discrimination, and to monitor the results of such efforts.

...

151. The Committee is also concerned that insufficient progress has been made in achieving *de facto* equality between women and men in all sectors and about the State party's apparent lack of understanding of the purpose of temporary special measures and the reasons for their application.

152. The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors to ensure that women enjoy *de facto* equality with men.

...

155. While welcoming the progress achieved over time in women's political participation, the Committee remains concerned about the low level of representation of women in decision-making positions, particularly their political representation at all levels and their representation in the administration and the foreign service.

156. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life. The Committee also suggests that the State party implement leadership training programmes and carry out awareness-raising campaigns on the importance of women's participation in decision-making, and that it evaluate the impact of such measures.

157. The Committee notes the absence of information on the situation of women in the informal sector and expresses concern that women constitute only 14.18 per cent of the total employed population.

158. The Committee requests the State party to undertake studies to assess the situation of women working in the informal sector...The Committee also requests the State party to step up its efforts to address impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities of women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to accelerate implementation of article 11 of the Convention.

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159. The Committee notes that insufficient information was provided on the situation of rural women.

160. The Committee requests the State party to ensure that the needs and concerns of rural women are fully integrated in the formulation and implementation of sectoral policies and programmes, and that temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 are applied whenever necessary so as to accelerate the realization of the substantive equality of rural women...

161. The Committee is concerned about the apparent lack of cooperation of the authorities with non-governmental organizations in the implementation of the Convention, including in follow-up to the concluding comments. The Committee notes with concern that women's non-governmental organizations were not consulted in the process of preparing the report.

162. The Committee urges the State party to cooperate more effectively with non-governmental organizations in the implementation of the Convention, including in the follow-up to the concluding comments. The Committee further recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report.

- Croatia, CEDAW, A/60/38 part I (2005) 30 at paras. 194-197 and 200-203.

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

195. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, effective implementation of labour legislation and the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It urges the State party to encourage women to use existing complaints mechanisms in cases of possible labour market discrimination. The Committee recommends that efforts be made to eliminate occupational segregation and age discrimination against women through education, training and retraining measures, and better use of enforcement mechanisms. It also recommends that the State party

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consider implementing wage increases in female-dominated public sector areas, such as the judiciary, education and health sectors. The Committee further recommends that measures allowing for the reconciliation of family and professional responsibilities be strengthened and promoted, including awareness-raising for equal sharing of domestic and family tasks between women and men.

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

197. The Committee requests the State party to take effective measures to eliminate discrimination against Roma women, both in society at large and within their communities, and to enhance respect for their human rights through effective and proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and awareness-raising programmes...

...
200. The Committee is concerned about the persistence of sex-stereotyping in educational curricula and in textbooks. It is also concerned that girls and women in secondary schools and universities continue to choose study areas traditionally seen as "female areas" and that they are underrepresented in the sciences.

201. The Committee encourages the State party to intensify its efforts to eliminate gender stereotyping and to strengthen the mainstreaming of gender perspectives in curricula and textbooks. It also requests the State party to enhance the training of teaching staff in regard to gender equality issues. It calls on the State party to further encourage diversification of the educational choices of boys and girls and, at the tertiary level, to attract more women to the field of science and technology, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market.

202. The Committee is concerned that women are significantly underrepresented in the executive bodies of local authorities.

203. The Committee recommends that the State party take appropriate measures to increase the representation of women in the executive bodies of local authorities, *inter alia* by implementing temporary special measures in accordance with article 4, paragraph

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1, of the Convention and the Committee's general recommendation 25. The Committee recommends that the State party assess the causes for the successful increase of women in public and political life at the national level, including in Parliament and the Government, and to use the lessons learned to increase women's participation in local government structures.

- Gabon, CEDAW, A/60/38 part I (2005) 37 at paras. 223, 229-232, 239-244, 247 and 248.

223. The Committee notes with satisfaction that, following ratification and official publication, international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, prevail over national laws and are directly applicable at the national level.

...

229. While noting that women's access to justice and redress for alleged violations of their rights is provided for by law, the Committee is concerned that their ability to exercise this right in practice and to bring cases of discrimination before the courts may be inhibited by economic or cultural obstacles.

230. The Committee urges the State party to remove impediments and ensure access to affordable, effective and expeditious means of redress for women, including through awareness-raising about the availability of remedies against discrimination, and the provision of legal aid. The Committee also encourages the State party to monitor the effectiveness of such efforts.

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

232. The Committee urges the State party to accelerate the process of legal reform to eliminate discriminatory provisions, especially in the Civil and Penal Codes to ensure their full compliance with articles 2 and 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations. The Committee urges the State party to establish a concrete programme and timetable for such a reform process and to activate fully the inter-ministerial committee established for the purpose of

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reviewing the discriminatory aspects of the various codes. The Committee also encourages the State party to step up its efforts to increase awareness about the importance of legal reform for achieving *de jure* and *de facto* equality for women in accordance with its obligations under the Convention.

...

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

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

241. The Committee expresses concern that, although education is compulsory for all children aged 6 to 16 under Act No. 16/66 of 10 August 1966, the attendance rates for girls drop precipitously at higher levels of education, with 39.94 per cent in junior high school and 7.20 per cent in upper high school. The Committee is also concerned that the attendance rates for girls drop to 2.63 per cent in higher education.

242. The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women. It recommends that the State party prioritize efforts to ensure equal access of girls and young women to all levels of education and to increase their rates of enrolment and retention, including through the use of temporary special measures in accordance with

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article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, by giving incentives to parents and scholarships to girl students. The Committee encourages the State party to use its educational and training systems systematically for enhancing knowledge about the Convention and women's right to equality and non-discrimination.

243. While the Committee commends the State party for introducing temporary special measures to increase the number of women in public life and decision-making, it is concerned at the low level of women's participation, particularly in the National Assembly and the Senate, and at the international level, and the insufficient information provided about the implementation of articles 7 and 8 of the Convention and the Committee's general recommendation 23 on women in public life and decision-making.

244. The Committee recommends that the State party implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in decision-making positions. The Committee urges the State party to implement and strengthen training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation.

...

247. The Committee is concerned about the situation of rural women, particularly in view of their geographic isolation and lack of access to adequate nutrition and sanitation, health care, education and income-generating opportunities. This situation leads to multiple forms of discrimination against rural women...

248. The Committee urges the State party to implement, on a priority basis, measures to ensure that rural women have full access to adequate nutrition and sanitation, health-care services, education and income-generating opportunities. The Committee invites the State party, as necessary, to seek assistance from relevant specialized agencies of the United Nations to improve the standard of living of rural women.

- Paraguay, CEDAW, A/60/38 part I (2005) 44 at paras. 275-278, 285, 286 and 289-292.

275. The Committee expresses concern that, while the Constitution recognizes equality of women and men in its articles 47 and 48, a definition of discrimination in accordance with article 1 of the Convention and prohibition of such discrimination is lacking in the Constitution or in other national legislation. The Committee is also concerned that, although the Convention forms part of national legislation and may be invoked before the courts, there are no cases in which this has actually occurred. The Committee is furthermore concerned about the lack of legal literacy programmes for women.

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276. The Committee calls upon the State party to take urgent steps to incorporate a definition of discrimination against women as contained in article 1 of the Convention into the Constitution or other national legislation. It also requests the State party to take steps to ensure that the provisions of the Convention can be effectively enforced within the national legal framework. The Committee invites the State party to take steps to enhance women's awareness of their rights so that they can claim all their rights.

277. The Committee notes with concern that, although the Constitution refers to the principle of equality, the term mostly used in plans and programmes is "equity", which the State party considers to be a compensatory means of achieving equality.

278. The Committee urges the State party to take note that the terms "equity" and "equality" are not synonymous or interchangeable and that the Convention is directed towards eliminating discrimination against women and ensuring *de jure* and *de facto* equality between women and men. The Committee therefore recommends that the State party use the term "equality" henceforth.

...

285. While taking note of the amendments to the Labour Code in regard to domestic workers, the Committee remains concerned about the lack of enforcement of the Code in the public and private sectors, the poor working conditions for women in the informal sector, the low participation of women in the formal labour market, persistent wage disparities between women and men, and discriminatory practices *vis-à-vis* domestic workers, such as workdays of 12 hours and remuneration below the minimum wage. The Committee is particularly concerned about the high number of girls performing domestic work without remuneration.

286. The Committee urges the State party to put in place effective monitoring mechanisms to ensure the enforcement of existing legislation, particularly as it applies to domestic workers. It also urges the State party to implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 in order to increase the number of women in the formal workforce. The Committee requests the State party to address the issue of girls performing domestic work by bringing its legislation and policies into line with its obligations under International Labour Organization Conventions No. 138 and No. 182, concerning respectively the minimum age of 14 years for admission to employment and the elimination of the worst forms of child labour. It also encourages the State party to implement awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work. The Committee urges the State party to address the underlying causes of the high incidence of girls performing domestic work.

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...

289. The Committee remains concerned about the situation of rural women, who continue to have limited access to land ownership and to credit facilities and extension services, thus perpetuating their poor social and economic conditions, notwithstanding the adoption of the Agrarian Act. It is also concerned about the extensive use of fertilizers and pesticides, which, when improperly used, are harmful to the health of rural women and their families.

290. The Committee urges the State party to address the rights, needs and concerns of rural women through the effective implementation of the Agrarian Act without delay and to implement vocational training programmes for rural women to ensure equal opportunities and access to the labour market. It further encourages the State party to ensure the participation of rural women in the development of policies aimed at benefiting rural areas and to enhance their access to environmentally sound technologies that are not harmful to their health.

291. The Committee is concerned about the poor conditions of indigenous women, including monolingual Guaraní women, reflected in their high illiteracy rates, which surpass the national average, low school enrolment rates, poor access to health care and significant levels of poverty, which lead them to migrate to urban centres where they are even more vulnerable to multiple forms of discrimination.

292. The Committee urges the State party to ensure that all policies and programmes explicitly address the high illiteracy rates and the needs of indigenous women, including monolingual Guaraní women, and to actively seek their participation in the formulation and implementation of sectoral policies and programmes. It recommends that the State party strengthen its efforts to implement bilingual educational programmes at all levels of education and to ensure indigenous women's access to education and health care. The Committee also encourages the State party to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to accelerate such access for indigenous women. The Committee recommends that the State party strengthen its programmes of dissemination, education and training on the Convention and its Optional Protocol for indigenous women, including monolingual Guaraní women.

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 310, 324-327, 332 and 333.

310. The Committee commends the State party for amending article 51 of the Constitution which, as was stated by the delegation, is the vehicle through which the Convention will become part of the law of the land and forms the constitutional basis for

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the use of temporary special measures, including the use of quotas for accelerating the increased participation of women in political and public life.

...

324. While noting with appreciation the increase in the number of Italian women in the European Parliament, the Committee remains deeply concerned about the severe underrepresentation of women in political and public positions, including in elected bodies, the judiciary and at the international level. The Committee is especially concerned that the political participation of women at the national level has fallen in recent years and remains among the lowest in Europe.

325. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies and in the judiciary and at the international level. It recommends that the State party introduce appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in political and public positions. It further encourages the State party to step up efforts to pass legislation under article 51 of the Constitution to increase the number of women in political and public positions, including through the use of quotas, and to ensure adequate representation in such positions of Roma and migrant women, and women from the south of the country. The Committee recommends that the State party carry out awareness-raising campaigns among both men and women on the importance of women's participation in political and public life and in decision-making, and that it create enabling, encouraging and supportive conditions for such participation.

326. While noting the sharp increase in the employment rate among women, the Committee is concerned about the serious disadvantages women face in the labour market, including the underrepresentation of women in senior positions, the concentration of women in certain low-wage sectors and in part-time work, the considerable wage gap between men and women and the lack of implementation of the principle of equal pay for work of equal value. While noting that Law 53/2000 recognizes the right of both parents to take leave from work to care for a child during early infancy, the Committee is concerned that a very small percentage of men take advantage of this opportunity.

327. The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to ensure equal pay for work of equal value. It also recommends that the State party extend full social security benefits to part-time workers, the majority of whom are women, and take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to give women more

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access to full-time employment and to improve the availability of affordable childcare facilities, and encourage men, including through awareness-raising, to take equal responsibility for childcare.

...

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

333. The Committee urges the State party to take effective measures to eliminate discrimination against vulnerable groups of women, including Roma and migrant women, and to enhance respect for their human rights through all available means, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25...The Committee also encourages the State party to revisit the provisions of Law 189/2002 with a view to removing the current restrictions on migrant women, and to adopt laws and policies which recognize gender-related forms of persecution in the determination of refugee status.

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 355, 363, 364 and 371-374.

355. The Committee commends the State party for amending article 10 of its Constitution, which now explicitly sets out the State's responsibility to ensure women's enjoyment of equality and establishes a firm basis for adopting temporary special measures aimed at accelerating de facto equality between men and women. The Committee also commends the State party on its amendment of article 90 of the Constitution, ensuring the primacy of international treaties regarding basic rights and freedoms, including the Convention, over domestic law.

...

363. The Committee is concerned that some provisions of the Penal and Civil Codes continue to discriminate against women and girls. In particular, the Committee is concerned that genital examinations of women, or virginity tests, may still be carried out under certain circumstances without the consent of the woman; and that the use of the term "custom killing" instead of "honour killing" in the Penal Code may result in less vigorous prosecution of, and less severe sentences for, the perpetrators of such crimes against women. It is also concerned that the penalization of consensual sexual relations among young people between 15 and 18 years of age may have a more severe impact on young women, especially in the light of the persistence of patriarchal attitudes. The

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Committee is further concerned that the amendment to the Civil Code regarding joint ownership of acquired property as the default legal property arrangement does not apply retroactively.

364. The Committee calls upon the State party to give priority to amending remaining discriminatory legal provisions without delay so as to bring its legislation into line with article 2 of the Convention. In particular, it urges the State party to ensure that the consent of the woman be made a prerequisite for genital examinations under all circumstances; that any crime committed in the name of custom or honour be classified as aggravated homicide and the severest penalties provided for it by the law; and that the penalization of consensual sexual relations among young people between 15 and 18 years of age be reconsidered. It also recommends that the State party consider the impact on women of the lack of retroactive applicability of the amendment to the Civil Code regarding joint ownership of acquired property, with a view to remedying the law's disadvantageous consequences for women who were married prior to its entry into force.

...

371. The Committee is concerned at the high rate of female illiteracy and the lower enrolment and completion rates of girls and women at all levels of education, and that these discrepancies are further aggravated by urban-rural, regional and ethnic differences. The Committee is further concerned that girls and women continue to predominate in traditionally female areas of education and are particularly underrepresented in technical and vocational schools. The Committee is concerned about the disadvantages that result from these educational choices for women's professional and employment opportunities. It is also concerned that women and girls whose mother tongue is not Turkish may face multiple forms of discrimination in access to and achievement in education. The Committee is also concerned about the impact on girls and women of the ban on wearing headscarves in schools and universities. The Committee is further concerned that stereotypical attitudes continue to create disadvantages for girls in education.

372. The Committee recommends that the State party take proactive measures to decrease the high rate of female illiteracy and to strengthen girls' and women's access to all levels of education and teaching and to actively encourage diversification of educational and professional choices for women and men. The Committee recommends that such measures include the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee calls on the State party to implement further targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to diverse ethnic groups and those whose mother tongue is not Turkish, particularly in rural areas, as well as to address regional disparities. The Committee requests the State party to monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and

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universities because of the ban. It also calls on the State party to undertake further awareness-raising on the importance of education for women's equality and economic opportunities, and to overcome stereotypical attitudes.

373. The Committee is concerned about direct and indirect discrimination against women in the labour market, where women earn significantly less than men in both the public and private sectors. The Committee is concerned about women's high level of unemployment, very low participation in the labour force, particularly in urban areas, and their concentration in agriculture as unpaid family workers and in unregistered work with low or no income or wages and lack of social security benefits. The Committee is further concerned that a barrier to women's participation in the labour market is that too few childcare facilities exist.

374. The Committee calls on the State party to take measures to ensure full implementation of article 11 of the Convention. It recommends that the State party take measures to eliminate occupational segregation, in particular through education and training. It urges the State party to improve the availability of affordable childcare facilities for pre-school-age children to facilitate women's entry and re-entry into the labour market.

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 32-34, 37-46, 53, 54, 59-62, 65, 66, 69 and 70.

32. The Committee welcomes the availability of such support services as nurseries, kindergartens, children's wards, kitchens in workplaces and breastfeeding breaks for working mothers, as well as the use of temporary special measures to increase the number of women in certain management positions.

33. While appreciating the State party's willingness to amend national legislation and subsequently consider lifting the reservations to article 2, paragraph (f), and article 9, paragraph 2, the Committee considers that the reservations to articles 2 and 9 are contrary to the object and purpose of the Convention.

34. The Committee urges the State party to expedite its efforts towards the withdrawal of reservations to the Convention within a concrete time frame.

...

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

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

39. While welcoming the existence of the Law on Sex Equality of July 1946, the Committee is concerned that the law has not been revised in the light of the fact that the country became party to the Convention in 2001.

40. The Committee recommends to the State party that the Law on Sex Equality of July 1946 be revised in accordance with the provisions of the Convention as a matter of priority.

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

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

43. While the Committee notes that the people's committees address and regulate almost every aspect of people's lives, including women's lives at every level, it is concerned that the committees and their procedures may not address women's rights and needs on an equal basis with those of men. It is also concerned about the apparent lack of effective remedies for complaints of violations of the rights of women.

44. The Committee recommends that the State party ensure adequate representation of women in the people's committees and that training be given to the committees concerning women's rights to equality and the obligations under the Convention. The Committee urges the State party to put in place effective remedies for all forms of discrimination against women, in line with article 2(c) of the Convention. It also

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recommends that the State party establish a mechanism to monitor the effectiveness of such remedies.

45. The Committee is concerned that there are many instances of indirect and hidden discrimination against women, as evidenced by the fact that women do not choose to take on management positions because they have no time and are unwilling to participate in public and social life owing to ascribed duties in the family. The Committee is also concerned about the prevailing perception that the public and social spheres are “men’s spheres”.

46. The Committee urges the State party to recognize and analyse the persistence of indirect and hidden discrimination as an obstacle to the implementation of the Convention, and to take measures to identify where it occurs, raise awareness and be proactive in its elimination.

...

53. The Committee notes with concern the persistence of traditional and stereotyped assumptions and attitudes in respect of the roles and responsibilities of women and men, which are discriminatory against women and have a pronounced impact, particularly in the areas of education and employment as well as in other areas of their lives. For example, the Committee is concerned at the stereotyping of women, which perceives them exclusively as caregivers and homemakers and assigns them in areas such as education and employment to spheres suitable to their “characteristics”. The Committee is concerned that such expectations of women have serious consequences, preventing them from accessing rights and entitlements on an equal basis with men and creating a dependency on men, husbands and family for housing, food entitlements and other services. It is also concerned that in times of economic crisis, as in the current situation of the country, women’s prescribed roles and lesser entitlement intensifies their hardship and amounts to multiple discrimination.

54. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men, including the hidden patterns that perpetuate direct and indirect discrimination against women and girls in the areas of education and employment and in all other areas of their lives, in accordance with articles 2 (f) and 5 (a) of the Convention. Those efforts should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men to address stereotypes regarding the roles of women and men.

...

59. In the light of the widespread famine and natural disasters that have affected the country from the mid-1990s, the Committee expresses concern about the insufficient explanation provided with respect to the impact of those phenomena on women, in

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particular on women from rural areas, on women who are the main providers of the household and on young girls. The Committee is concerned that they may become vulnerable to trafficking and other forms of exploitation, such as prostitution.

60. The Committee urges the State party to introduce specific poverty alleviation measures aimed at improving the situation of women to eliminate their vulnerability. The Committee recommends that the State party seek international assistance in guaranteeing that women, particularly women from rural areas, have equal access to food supplies. It urges the State party to assist women economic returnees who went abroad without valid travel permits to reintegrate into their families and society and to protect them from all forms of violations of their rights. It calls on the State party to train law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation so as to enable them to render support to women who might be at risk of becoming victims of trafficking or commercial sexual exploitation. It also recommends that the State party conduct nationwide awareness-raising campaigns on the risks and consequences of trafficking targeted at women and girls. The Committee further urges the State party to evaluate those phenomena and systematically compile information on them with a view to formulating a comprehensive strategy that includes measures of prevention, prosecution and punishment of offenders, as well as measures to rehabilitate and reintegrate victims. The Committee also urges the State party to intensify its efforts to deal with these phenomena through increased international, regional and bilateral cooperation...

61. While noting that women make up approximately 20 per cent of the deputies to the eleventh Supreme People's Assembly, and 30 per cent of the local people's assemblies, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is also concerned at the low participation of women in decision-making positions in the foreign service.

62. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that women's representation in the foreign service be increased, including in missions abroad. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

...

65. While welcoming the efforts of the Government to raise awareness of the risks and

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effects of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) pandemic, the Committee expresses concern that stigma might affect the disclosure of actual cases of infection.

66. The Committee emphasizes that the collection of reliable data on HIV/AIDS is critical in order to understand the extent of the problem, specifically the impact of the pandemic on women and men, and to ensure that women infected with HIV/AIDS are not discriminated against or stigmatized and are given appropriate assistance. The Committee urges the State party to strengthen HIV/AIDS prevention measures for women and men; to conduct a nationwide awareness-raising campaign on the risks and effects of HIV/AIDS; to develop a comprehensive HIV/AIDS research and control programme based on partnerships with stakeholders; and to ensure access to affordable antiretroviral drugs.

...
69. The Committee is concerned about the lack of women's (human rights) organizations and of an independent human rights institution to monitor the implementation of the State party's obligations under the Convention.

70. The Committee recommends that the State party provide an environment that encourages the establishment of women's (human rights) organizations, in accordance with article 7(c) of the Convention. It also calls on the State party to create an independent human rights institution with oversight responsibilities for the implementation of the State party's obligations under the Convention.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 90-92, 95 -100, 107-110, 113, 114 and 117-120.

90. The Committee appreciates the progress achieved in the area of women's education, particularly in institutions of higher education where, in 2002/03, women constituted 53.9 per cent of the total number of students.

91. The Committee notes with satisfaction the growth in women's representation in the judiciary, where 5 of the 37 judges at the Court of Cassation and 71 of the 112 apprentice judges are now. It also welcomes the fact that in November 2004, for the first time ever, a woman judge was appointed as public prosecutor to the Court of Cassation, thus having the opportunity to enter the High Council of the Judiciary.

92. The Committee welcomes the fact that women's participation in the labour market has increased to 25 per cent and that there have been improvements in women's participation in both the private and public sectors of the economy.

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...

95. The Committee is concerned that the State party's legislation does not contain provisions guaranteeing equality on the basis of sex as required under article 2 (a) of the Convention.

96. The Committee urges the State party to include provisions guaranteeing equality on the basis of sex, in line with article 2 (a) of the Convention, in the Constitution or in other appropriate legislation. In this regard, the Committee recommends that consideration be given to including the Convention on the Elimination of All Forms of Discrimination against Women among the international human rights instruments mentioned in the preamble to the Constitution.

97. The Committee is concerned that the State party's efforts to reform discriminatory legislation so as to bring it into compliance with the Convention have been proceeding on an *ad hoc* basis. The Committee expresses concern about the State party's limited understanding of its obligations under the Convention, and in particular about the State party's focus on formal equality and lack of progress in achieving *de facto* equality in many sectors, including the absence of time-bound targets.

98. The Committee recommends that the State party put in place a strategy, including time-bound targets, for a systematic review and revision of all legislation so as to achieve full compliance with the provisions of the Convention. The Committee recommends that the State party take all appropriate measures to ensure that women enjoy *de facto* equality with men, according to the Convention. It requests the State party to systematically monitor the impact of its legislation, policies and programmes...

99. The Committee is concerned that no unified personal status law exists in the country and that each Lebanese citizen is subject to the laws and courts pertaining to his or her religious community in regard to the regulation of personal status. The Committee notes that insufficient information has been provided in the reports and oral presentation on the religious communities existing in the country, including information on the various personal status codes governing these communities, in particular their scope and impact on women's equality.

100. The Committee urges the State party to adopt a unified personal status code which is in line with the Convention and would be applicable to all women in Lebanon, irrespective of their religious affiliation...

...

107. While welcoming the fact that the percentage of women deputies in the National Assembly has doubled from 2.3 per cent in 1992 to 4.3 per cent in 2005, the Committee remains concerned about the very low level of representation of women in

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decision-making positions, particularly in elected and appointed bodies at all levels, and their representation in the administration and foreign service.

108. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life.

109. The Committee notes with concern that, despite law reform in the field of employment, women remain disadvantaged in the labour market, which is characterized by strong occupational segregation and the persistence of a gender wage gap.

110. The Committee requests the State party to step up its efforts to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market. It also recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for work of equal value. The Committee requests that effective measures be taken to support the reconciliation of family and professional responsibilities and to promote the sharing of domestic and family responsibilities between women and men.

...

113. The Committee notes with concern the high incidence of HIV/AIDS among women, who make up 18.2 per cent of those infected, and that no special programmes have been designed to protect women from HIV/AIDS.

114. The Committee urges the State party to design and implement comprehensive gender-sensitive programmes and allocate sufficient funds to combat HIV/AIDS, to step up preventive measures, including awareness-raising, and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance and treatment.

...

117. While noting the reduction in the general illiteracy rate of women, the Committee is concerned that the illiteracy rate remains high among rural women. The Committee is also concerned about the insufficient legislative protection of the status of rural women.

118. The Committee encourages the State party to implement further programmes specifically designed to reduce illiteracy rates among rural women and to introduce new laws relating to this group of women, so as to ensure the full implementation of article 14 of the Convention.

119. While welcoming the presence of a vibrant civil society, the Committee is concerned about the lack of cooperation of the authorities with non-governmental

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organizations in the implementation of the Convention. The Committee expresses concern about the apparent lack of understanding on the part of the State party about the obligations of the State and the role of non-governmental organizations in regard to the implementation of the Convention and the promotion of gender equality.

120. The Committee urges the State party to cooperate more effectively with non-governmental organizations in the implementation of the Convention, while assuming full responsibility for fulfilling its obligations under the Convention.

- Benin, CEDAW, A/60/38 part II (2005) 116 at paras. 145-148 and 151-158.

145. While the Committee notes with satisfaction that, following ratification, international treaties prevail over national laws, it remains concerned about the status of implementation of the Convention. In particular, the Committee is concerned about limited compliance in national laws and policy with the provisions of the Convention and the definition of discrimination contained in article 1. The Committee is especially concerned about the State party's narrow focus primarily on *de jure* equality rather than the realization also of *de facto*, or substantive, equality of women as required under the Convention. The Committee is concerned about lack of efforts to assess the impact of laws and policies on women's equality in such sectors as decision-making, education, employment and health.

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

147. While welcoming the adoption of the Personal and Family Code in 2004, aimed at eliminating discrimination against women and abolishing many discriminatory provisions of the customary law of Dahomey, including polygamy, levirate marriage and discrimination in inheritance rights and the age of marriage, the Committee remains concerned about the application of customary practices and the consequences thereof. It is also concerned about the prevalence of structural patriarchal attitudes and deep-rooted

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stereotypes that may undermine the effectiveness of the Code and prevent compliance with its provisions. The Committee expresses similar concerns regarding the effectiveness of the law on female genital mutilation. The Committee is concerned about the status of marriages concluded prior to the Code's coming into force.

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

...

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

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

153. The Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, including at the international level. It notes with concern the absence of proactive measures to increase women's participation in political and public life. The Committee further expresses its concern regarding the State party's position that the use of temporary special measures such as quotas might be considered to be in violation of the principle of equality between women and men of the country's Constitution.

154. The Committee draws the State party's attention to general recommendation 23 on the participation of women in public life and urges full implementation of the measures recommended therein. The Committee also urges the State party to implement

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temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making positions. The Committee encourages the State party to implement and strengthen training and awareness-raising programmes to highlight the link between the application of temporary special measures and the achievement of substantive equality between women and men, as well as the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation.

155. The Committee is concerned at the poor educational infrastructure and the insufficient number of schools and teachers, which constitute particular obstacles to the education of girls and young women. The Committee expresses its concern about the low rate of enrolment of girls in schools, preference for the education of boys and the high dropout rate of girls due to pregnancy and early and forced marriage. The Committee is especially concerned about the extremely high rate of illiteracy among women and girls, 81 per cent for women and girls between the ages of 15 and 49.

156. The Committee urges the State party to increase its investment in education, including through international donor assistance, and to raise awareness of the importance of education as a human right and as a basis for the empowerment of women. It also encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It recommends that the State party take steps to ensure equal access of girls and young women to all levels of education, to retain girls in school and to strengthen the implementation of re-entry policies providing for girls to return to school after pregnancy. The Committee recommends that the State party make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes, in collaboration with civil society, at the formal and non-formal levels and through adult education and training. The Committee encourages the State party to take temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the improvement of women's and girls' educational situation.

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

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

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 183, 184, 186-192, 197-200 and 207-212.

183. The Committee commends the State party for having incorporated in its Constitution the principle of non-discrimination against women, as well as provisions to accord women equal rights with men in respect of nationality.

184. The Committee expresses satisfaction with the adoption, in June 2005, of the Children's Act, aimed at promoting equality between boys and girls.

...

186. The Committee welcomes the progress made in women's political representation, especially the appointment of a woman as Vice-President of the country, and three women ministers, and the election, for the first time, at the most recent elections, of five women *alkalos* (village heads).

187. The Committee is concerned that, although the Convention was ratified in 1993, it has not yet been fully incorporated into Gambian law. It notes with concern that, without such full incorporation, the Convention's provisions are not justiciable and enforceable in the Gambian courts.

188. The Committee urges the State party to place high priority on completing the process of full incorporation of the Convention in national legislation. It calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.

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

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

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

192. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the transformation of discriminatory stereotypes and allowing women to exercise their rights under the Convention.

...

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

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198. The Committee requests the State party to introduce legislation on the prohibition of trafficking, to implement effectively legislation on the exploitation of the prostitution of women and to prosecute offenders. It recommends that the State party put in place programmes for promoting women's economic independence so as to eliminate their vulnerability to exploitation, and measures for the rehabilitation and social reintegration of women and girls who are victims of exploitation and trafficking. The Committee calls upon the State party to ensure the implementation of the 2003 Tourism Offence Act and to enhance cooperation with tourists' countries of origin aimed at preventing and combating sex tourism...

199. While acknowledging the increase in women's political representation, the Committee remains concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service.

200. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public and political life and at all levels.

...

207. While noting the efforts made by the State party to revise its policy on education in order to address the needs of the girl child, the Committee expresses its concern about the low enrolment of girls in school, especially at the secondary and higher levels, and their high dropout rates. The Committee is particularly concerned that, according to the 1993 census, only 27 per cent of women in the Gambia are literate and that in the rural areas the proportion is only 18.3 per cent.

208. The Committee urges the State party to take measures on the importance of realizing women's and girls' right to education as a fundamental human right, including for the empowerment of women. It also calls upon the State party to strengthen measures to create an environment that increases the enrolment and retention rates of girls in school at all levels, including through the development of gender-sensitive educational material. The Committee calls upon the State party to step up its efforts to eradicate female illiteracy, particularly in rural areas, including through comprehensive education programmes at the formal and non-formal levels, as well as programmes specifically targeting adult women. The Committee encourages the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate the improvement of women's and girls' education.

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209. While welcoming the adoption of the Children's Act, which includes provisions against child marriage and child betrothal, the Committee expresses concern about the high incidence of early marriage in the country.

210. The Committee urges the State party to ensure the implementation of the Children's Act and to undertake awareness-raising measures throughout the country on the negative effects of early marriage on women's enjoyment of their human rights, especially the rights to health and education.

211. The Committee is concerned about the situation of rural women, many of whom live in extreme poverty and lack access to health care, education, vocational training, credit facilities and income-generation opportunities. It is particularly concerned that the State has not yet designed a gender-sensitive rural development strategy.

212. The Committee urges the State party to design and implement a gender-sensitive rural development strategy. It calls upon the State party to ensure that rural women can participate fully in the formulation and implementation of policies and programmes in rural areas. It urges the State party to ensure that rural women and girls have full access to health-care services, education and vocational training, as well as credit facilities and income-generating opportunities.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 237-246, 251, 252, 255-258, 261 and 262.

237. The Committee is concerned that the right to equality between women and men and the prohibition of both direct and indirect discrimination against women has not been reflected in the Constitution or in a basic law.

238. The Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of the Convention, be included in the new Constitution that is in the process of being drafted, or in a basic law.

239. The Committee is concerned that only some provisions of the Convention have been incorporated into the domestic legal order. The Committee is also concerned about the lack of mechanisms to monitor and ensure the compatibility of domestic laws with the State party's obligations under the Convention.

240. The Committee urges the State party to fully incorporate the provisions of the Convention into its legal order and regularly assess the compatibility of its domestic laws with its obligations under the Convention. The Committee recommends that the State

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party implement training and awareness-raising programmes to familiarize judges, prosecutors and other members of the legal profession with the provisions of the Convention.

241. The Committee is aware that the persistence of conflict and violence hinders the full implementation of the Convention and notes that recently steps have been taken towards its resolution. In this regard, the Committee welcomes the draft law on women in peacemaking, which will require 25 per cent participation of women in the peacemaking process.

242. The Committee encourages the State party to continue its efforts towards conflict resolution and to fully involve all women concerned in all stages of the peace process.

243. The Committee regrets the State party's position that the Convention does not apply beyond its own territory and, for that reason, the State party refuses to report on the status of implementation of the Convention in the Occupied Territories, although the delegation acknowledged that the State party had certain responsibilities. The Committee further regrets that the delegation did not respond to questions by the Committee concerning the situation of women in the Occupied Territories. The Committee notes that the State party's view that the Convention is not applicable in the Occupied Territories is contrary to the views of the Committee and of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture, and also of the International Court of Justice, which have all noted that obligations under international human rights conventions as well as humanitarian law apply to all persons brought under the jurisdiction or effective control of a State party and have stressed the applicability of the State party's obligations under international human rights conventions to the Occupied Territories.

244. The Committee urges the State party to reconsider its position and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories...

245. The Committee remains concerned that the State party continues to retain its reservations to articles 7 (b) and 16 of the Convention. The Committee is particularly concerned at the State party's statement that such reservations are "unavoidable at this point in time" and its position that laws based on religious values cannot be reformed.

246. The Committee urges the State party to consider withdrawing its reservations to articles 7 (b) and 16, which are contrary to the object and purpose of the Convention.

...

251. While noting the increase in the number of women in the Knesset, the Committee

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remains concerned about the low level of representation of women in decision-making positions in local authorities. It is also concerned that the number of women in high-level positions in the civil service and foreign service remains low. The Committee is further concerned about the low level of representation of Israeli Arab women in these areas.

252. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Israeli Arab women, in elected and appointed bodies in all areas of public life.

...

255. While appreciating the progress made in the fields of women's education and health, the Committee is concerned that Israeli Arab women remain in a vulnerable and marginalized situation, especially in regard to education and health. While efforts have been made to eliminate gender stereotypes from textbooks, the Committee is concerned that these persist in the Arab education system.

256. The Committee recommends that the State party take urgent measures to reduce the drop-out rates of Israeli Arab girls and increase the number of Israeli Arab women at institutions of higher education, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee also urges the State party to review and revise textbooks in the Arab education system in order to eradicate gender stereotypes. The Committee recommends that the State party allocate adequate resources to improve the status of Israeli Arab women's health, in particular with regard to infant mortality...

257. The Committee is concerned about the number of incidents at Israeli checkpoints which have a negative impact on the rights of Palestinian women, including the right of access to health-care services for pregnant women.

258. The Committee calls upon the State party to ensure that the Israeli authorities at the checkpoints are instructed to ensure access to health-care services for pregnant women, while protecting the security of Israel.

...

261. The Committee is concerned by the State party's assertion that it is not in a position to implement the law prohibiting polygamy and enforce the minimum age of marriage owing to respect for the privacy rights of persons engaging in such practices. The Committee is further concerned that petitions for the under-age marriage of girls are regularly granted.

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262. The Committee urges the State party to take active measures to enforce the prohibition of polygamy and enforce adherence to the minimum age of marriage. The Committee recommends that the State party take comprehensive and effective measures, including public awareness-raising campaigns, aimed at eliminating the practices of polygamy and early-age marriage.

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 287-292, 299, 300 and 305-308.

287. The Committee notes with concern that, although the Constitution refers to the principle of equality, the term most commonly used in government plans, programmes and official statements is “equity”, which the State party considers to mean “substantive” or *de facto* equality as required under the Convention.

288. The Committee urges the State party to take note that the terms “equity” and “equality” are not synonymous or interchangeable and can lead to conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring *de jure* and *de facto* (formal and substantive) equality between women and men. The Committee therefore recommends that the State party use the term “equality” henceforth.

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

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

291. While welcoming laws to eliminate discrimination against women, including the Equal Rights Act of 1990 and the Prevention of Discrimination Act of 1997, the Committee is concerned about the lack of systematic enforcement of existing legislation,

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of mechanisms to monitor and ensure compliance, and of effective remedies in case of breach. The Committee is also concerned about the insufficient availability of legal aid to women, in particular women living in rural areas and hinterlands; their lack of awareness about legislation aimed at eliminating discrimination against women; and continuing reluctance, or inability of women to seek legal redress in cases of discrimination.

292. The Committee urges the State party to strengthen its efforts to protect women against any act of discrimination, including strengthening existing complaints mechanisms such as the Ombudsman and Chief Labour Officer, and putting in place sanctions for acts of discrimination against women. The Committee further urges the State party to ensure full compliance by public authorities and institutions with legislation aimed at prevention of discrimination against women, increase the availability of legal aid to women in all parts of the country and sensitize the judiciary and law enforcement personnel to gender equality issues. The Committee urges the State party to take special measures to enhance women's awareness of their rights and legal literacy so that they can better avail themselves of available remedies and mechanisms of redress against violations of their rights under the Convention.

...

299. The Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be widely understood in the State party and that such measures, which aim at accelerating *de facto* equality as well as programmes and policies targeted specifically at women, may be considered as discriminating against men.

300. The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies that also benefit women and temporary special measures under article 4, paragraph 1, of the Convention that are necessary to accelerate the achievement of *de facto* equality for women in various areas, as clarified by the Committee in general recommendation 25. It also recommends that the State party implement information and awareness-raising campaigns on a regular basis on the content of, and obligations resulting from, the Convention and the general recommendations of the Committee, with particular focus on the role of legislators, policymakers, senior public officials, the judiciary and the legal profession. The Committee urges the State party to design, implement and strengthen awareness-raising measures to foster a better understanding of equality between women and men at all levels of society.

...

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

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

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

307. While noting that women are disproportionately affected by poverty, and noting the existence of the National Development Strategy and a poverty reduction strategy paper, the Committee is disappointed that these policies insufficiently address the gender dimensions of poverty and do not target women specifically, notwithstanding the participation of women's groups in consultations for their preparation. The Committee is especially concerned about the consequences of this omission for Amerindian women and women living in rural and hinterland areas.

308. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development strategies, in particular those aimed at poverty alleviation and sustainable development. It encourages the State party to include programmes that target vulnerable groups of women, such as Amerindian women and poor women living in rural and hinterland areas. The Committee invites the State party to strengthen these policies so as to enhance compliance with the Convention, especially article 14 on rural women. It encourages the State party to place emphasis on implementation of the Convention and women's human rights in all development cooperation programmes with international organizations and bilateral donors. It recommends that the State party channel resources available through the highly indebted poor countries initiative towards the empowerment of women, especially Amerindian women and women in rural and hinterland areas...

- Burkina Faso, CEDAW, A/60/38 part II (2005) 144 at paras. 339-342, 347 and 348.

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

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17 years for girls and 20 years for boys, and the legality of polygamy under the Code.

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

341. While welcoming legislation prohibiting female genital mutilation, forced and early marriage, levirate and sororate, dowry and practices that prevent women from owning land and inheriting from their husbands, the Committee remains concerned about the continuing strong prevalence of patriarchal attitudes and deep-rooted stereotypes and of customs and traditions that discriminate against women, particularly women in rural areas, and constitute violations of their human rights. The Committee is concerned that these practices persist in contravention of the provisions of the Convention, as well as national legislation. The Committee is also concerned that women are not informed of remedies under relevant legislation.

342. The Committee calls upon the State party to take all necessary measures to ensure full compliance with the provisions of the Convention, the Individual and Family Code, the Penal Code and other laws in regard to harmful traditional or customary practices that violate women's rights. The Committee recommends that these efforts be undertaken in combination with educational programmes designed to raise awareness and challenge discriminatory customs and traditions and stereotypic attitudes regarding the roles and responsibilities of women in the family and society, as required under articles 2(f) and 5(a) of the Convention. The Committee encourages the State party to undertake these efforts in collaboration with civil society and women's and human rights organizations, and target women and men in all segments of society, including public officials at all levels of government and community and traditional leaders, as well as the general public. It also urges the State party to improve women's access to remedies, including through awareness-raising efforts and measures to enhance women's legal literacy.

...
347. The Committee is concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to adequate nutrition and sanitation, health care, education and income-generating opportunities. This situation leads to multiple forms of discrimination against rural women. The Committee is also concerned about the absence of statistical information related to the situation of rural women.

348. The Committee urges the State party to pay special attention to the situation of rural women so as to enhance compliance with article 14 of the Convention. In particular, the Committee calls upon the State party to ensure that rural women have full access to education, health services and credit facilities, and can fully participate in

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decision-making processes. The Committee also urges the State party to implement provisions of the Agrarian and Land Reform that give women equal access to arable land and housing and provisions of the Individual and Family Code so as to eliminate all forms of discrimination against women with respect to ownership and inheritance of land.

It also urges the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women and sociocultural causes of poverty of women, especially those affecting women in rural areas, through all available sources of support. The Committee urges the State party to put into operation the principle of gender equality as a key factor in eradicating poverty as outlined in the strategic and regional frameworks for poverty reduction...

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 380-385 and 390-395.

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

381. The Committee recommends that the State party take appropriate measures to incorporate all the provisions of the Convention into domestic law and to ensure that effective remedies are available to women whose rights are violated. It also recommends the inclusion of a definition of discrimination against women in line with article 1 of the Convention, and the principle of the equality of women and men as set forth in article 2 (a) of the Convention in the Constitution or other appropriate legislation. It also recommends campaigns to raise awareness of the Convention, including its interpretation by the Committee through its general recommendations, aimed, *inter alia*, at parliamentarians, government officials, the judiciary and the legal profession.

382. The Committee is concerned at the persistence of traditional stereotypical views of the social roles and responsibilities of women and men in the family and in society at large, which are reflected in article 41.2 of the Constitution and its male-oriented language, as recognized by the All-Party Oireachtas Committee on the Constitution, in women's educational choices and employment patterns, and in women's low participation in political and public life.

383. The Committee recommends that the State party take additional measures to

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eliminate traditional stereotypical attitudes, including through sensitization and training of all educational actors and sustained awareness-raising campaigns directed at both women and men. It recommends that the All-Party Oireachtas Committee on the Constitution take the Convention fully into account in considering any amendments to article 41.2 of the Constitution, as well as including a provision to underline the obligation of the State to pursue actively the achievement of substantive equality between women and men. The Committee also suggests that the State party consider replacing male-oriented language with gender-sensitive language in the Constitution to convey the concept of gender equality more clearly. Considering the important role of the media in regard to cultural change, the Committee furthermore recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

384. The Committee is concerned that, in spite of a large variety of measures and programmes envisaged or already in place, including under the Equality for Women Measure, there seems to be no comprehensive strategic view and framework for the achievement of gender equality in all areas of life and with the involvement of all sectors and all social actors.

385. The Committee recommends that an effort be made to speed up the completion and adoption of the National Women's Strategy and to take a comprehensive and integrated approach to women's human rights under which all current gender inequalities and problems faced by different categories of women, including women of the most vulnerable groups in Irish society, may be considered and addressed effectively. The Committee further recommends that the national machinery for gender equality be fully empowered, staffed and funded to pursue effectively coordination and monitoring of the National Women's Strategy, while promoting gender mainstreaming into all areas and sectors of governance and maintaining at the same time women-targeted projects aiming at gender equality.

...

390. While acknowledging that the President, the Deputy Prime Minister and three members of the Cabinet are women, and that women occupy other visible decision-making positions, including three Supreme Court judges, the President of the District Court, the President of the Law Reform Commission and the Ombudsman, the Committee is concerned at the significant underrepresentation of women in elected political structures, particularly in the Oireachtas. The Committee is further concerned at the low representation of women in the civil service and in the Department of Foreign Affairs at the higher grades.

391. The Committee encourages the State party to take sustained measures to increase the representation of women in elected bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general

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recommendation 25 on temporary special measures. It recommends that research be carried out under the aegis of a parliamentary committee into the root causes of the lack of progress in this area.

392. While recognizing that the second National Action Plan against Poverty and Social Exclusion and the National Anti-Poverty Strategy provide for an integrated focus on addressing the needs of specific groups, including women, the Committee is concerned at the situation of vulnerable groups of women who are considered to be at high risk of consistent poverty and social exclusion, including rural women, older women, Traveller women, women who are single parents and women with disabilities. The Committee is particularly concerned at the barriers faced by those vulnerable groups in relation to access to education, employment, health care and other social services.

393. The Committee recommends that the State party closely monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of the State party's prosperity. The Committee also recommends that a gender impact analysis of all social and economic policies and anti-poverty measures be conducted regularly. It further recommends that the State party consider allowing for the Homemaker's Scheme (1994) to be applied retroactively so as to benefit older women.

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

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

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CAT

- Norway, CAT, A/57/44 (2002) 40 at para. 84.

84. The Committee notes with satisfaction:
...
(g) The high percentage of women among members of the judiciary, police force and prison staff.

- Saudi Arabia, CAT, A/57/44 (2002) 48 at para. 101.

101. The Committee recommends, in particular, that the State party:
...
(c) Ensure that its laws are in practice applied to all persons, regardless of nationality, gender, religious affiliation or other distinction, insofar as issues arising under the Convention are concerned;
...

- Latvia, CAT, A/59/44 (2003) 48 at para. 98.

98. The Committee notes with appreciation the ongoing efforts by the State party aimed at strengthening human rights in Latvia. In particular, the Committee welcomes the following:

(a) Legislative measures:
...
(vii) The draft new Amnesty Law, providing either for the release or the reduction of the term of imprisonment of those groups at risk, such as minors, pregnant women, women with infant children, disabled persons and the elderly;

- Yemen, CAT, A/59/44 (2003) 64 at para. 143.

143. The Committee welcomes the ongoing efforts of the State party to reform its legal system, revise its legislation and uphold democratic values, in particular:
...
(g) The assurances received from the delegation that it intends to establish special institutions ("halfway houses") to receive vulnerable women leaving prison;
...

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- Greece, CAT, A/60/44 (2004) 20 at para. 46.

46. The Committee notes the following positive developments:
...
(c) The lifting of restrictive quotas (of 15 per cent) for the entry of women into the police force;
...

- Switzerland, CAT, A/60/44 (2005) 28 at para. 63.

63. The Committee notes the following positive aspects:
...
(d) The measures contained in the revised law on asylum as well as those taken by the Federal Office for Migration to address cases of gender-based persecution;
...

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 52, 53, 72 and 73.

52. The Committee is concerned by the persistence of discrimination in the State party. In particular, the Committee is concerned by the occurrence of discrimination against children belonging to minorities, children with disabilities and, at the cultural level, girls...

53. In light of article 2 of the Convention, the Committee recommends that the State party:

(a) Make concerted efforts at all levels to address discrimination, notably discrimination based on gender, national, ethnic or social origin and disability, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups;

(b) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination...
...
72. While noting the increase in the number of schools and classrooms, the Committee is nevertheless concerned that only approximately 60 per cent of children attend school

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and that there are great gender and regional disparities...

73. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:

(a) Enforce the act that makes basic education compulsory for all children between the ages of 6 and 14;

(b) Undertake appropriate measures to ensure regular attendance at schools and the reduction of drop-out rates, in particular among girls;

...

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 103 and 104.

103. The Committee is concerned about the various legal minimum ages which are inconsistent, discriminatory and/or too low...

104. The Committee recommends the State party take the necessary legislative measures:

...

(b) To correct the disparity between the legal minimum ages for marriage of boys and girls, preferably by increasing the legal minimum age for marriage of girls under the Marriage Act (Laws of Kenya, chap. 150) and the Hindu Marriage and Divorce Act (Laws of Kenya, chap. 157);

...

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 172 and 173.

172. Noting significant achievements with regard to the status of women, the Committee is nevertheless concerned that discrimination contrary to article 2 of the Convention persists in the State party. In particular, the Committee is concerned about discrimination against females and children born out of wedlock under the 1997 Personal Status Law...

173. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Undertake all possible measures to reconcile fundamental human rights with Islamic texts;

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(b) Take effective measures, including enacting or rescinding 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;

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and

(d) Train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

See also:

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 293 and 294.
- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 291, 292, 314 and 315.

291. The Committee is concerned that the minimum ages for marriage and employment are unclear under Qatari law.

292. The Committee recommends that the State party review its legislation so that the minimum-age requirements for marriage and employment conform to the principles and provisions of the Convention, are gender neutral and are explicit, and ensure that they are enforced by law.

...

314. The Committee is concerned that the aims of education presented in the report do not adequately reflect the aims outlined in article 29 of the Convention, in particular that:

...

(b) The choice of some preparatory- and secondary-level programmes may be restricted for girls; and

(c) The development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities are not explicitly part of the curricula.

315. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:

...

(b) Direct education to the development of the child's personality, talents and mental and physical abilities to their fullest potential;

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(c) Include in the curricula, human rights education, including on children's rights, particularly with respect to the development and respect for human rights, tolerance, and equality of the sexes and religious and ethnic minorities; and

(d) Seek assistance from, among others, UNICEF and UNESCO.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 348 and 349.

348. The Committee is concerned at the difference between the minimum legal ages for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory and allows for the practice of early marriage, which is still widespread...

349. The Committee recommends that the State party:

(a) Raise the minimum age for marriage to 18 for both boys and girls; and develop sensitization programmes involving community leaders and society at large, including children themselves, to curb the practice of early marriage;

...

See also:

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 272 and 273.

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 452 and 453.

452. The Committee notes the efforts of the State party to improve the situation of education in the country, including the recent launching of the Third Education Sector Programme. Nevertheless, the Committee expresses concern that primary education is not free in practice, which further limits access to education, especially for girls, children from economically disadvantaged families and those living in remote rural communities...The Committee is particularly concerned about the high rate of illiteracy within the State party, especially in relation to girls...

453. The Committee urges the State party to take legal and other measures to guarantee the right to education for all children within its territory. The Committee recommends that the State party take effective measures, including the allocation and distribution of adequate financial, human and technical resources, to make primary education free, train teachers, including female teachers effectively, enhance the quality of education and improve the literacy rate. It is further recommended that the State party reinforce its

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efforts to increase enrolment in schools by, *inter alia*, abolishing and/or rationalizing user fees at all levels of the educational system...

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 545 and 546.

545. Noting that a person reaches the age of majority at 18 years under the 1996 Civil Code, the Committee is concerned about:

...

Differences in the minimum age for marriage of males and females under the 1998 Family Code;

The inadequate enforcement of minimum-age standards (i.e. with respect to early marriage, purchase of alcohol, etc.).

546. The Committee recommends that the State party review its legislation so 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 effectively enforced by law.

See also:

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 243 and 244.

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 623 and 624.

623. The Committee is concerned that the Constitution does not include provisions prohibiting discrimination against children with disabilities and that discrimination against women, which may have an impact on their children, remains commonplace in practice.

624. The Committee recommends that the State party:

...

(b) Strengthen its efforts to end discrimination against women through, *inter alia*, the use of information campaigns and programmes promoting the advancement of women.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 50-53, 77, 78, 81 and 82.

50. Noting the average age at which a marriage is concluded (31 years for men and 28 years for women), the Committee is nevertheless concerned that there are many different

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minimum ages for marriage owing to the existence of 15 personal status laws administered by different confessional groups, and above all that some confessional groups permit marriage to be entered into by boys as young as 14 and girls as young as 9.

The Committee is concerned in particular that its previous recommendations to review the minimum age for marriage and to adopt legislative measures with a view to ensuring respect for the rights of girls, especially in relation to preventing early marriage, have not been followed up ([CRC/C/15/Add.54], para. 28)...

51. The Committee recommends that the State party:

(a) Take all necessary steps to increase awareness among the confessional groups - e.g. via information campaigns highlighting the *de facto* average age of marriage - about the need to harmonize the minimum age for marriage, to raise it and to make it the same for boys as for girls;

...

52. The Committee welcomes the information on regional policies to eliminate social disparities and promote equal opportunities. However, it is concerned that the principle of non-discrimination (article 2 of the Convention) is not fully implemented for girls, refugee and asylum-seeking children, Palestinian children, children with disabilities, and children living in less advantaged regions and rural areas, especially with regard to their access to health and adequate educational facilities.

53. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Make concerted efforts 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 for programmes targeting the most vulnerable groups;

(b) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination; and

(c) In line with the previous recommendation regarding gender discrimination ([CRC/C/15/Add.54], para. 28), ensure respect for the rights of girls, especially in relation to the prevention of early marriage.

...

77. While noting with appreciation the number of initiatives undertaken, in particular the law making basic education free and compulsory until the age of 12 and the intention to raise it further to 15, the Committee is nevertheless concerned about the implementation of the law, including that public education is not entirely free. The

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Committee is furthermore concerned at the lack of public structures in early childhood education, regional disparities, the differences in cost and quality between State and private schools, which create inequality, the high drop-out rates after primary education, the low number of trained teachers, as well as reports of family preference for male over female children when fees are charged.

78. The Committee recommends that the State party:

(a) Take all appropriate measures, including the allocation of adequate financial, human and technical resources, to improve the situation and aims of education, taking into account general comment No. 1 on article 29 (1) of the Convention (aims of education), both with regard to quality as well as relevance, and to ensure that all children enjoy the right to education;

(b) Take the necessary steps to achieve its goal of making education free and compulsory until the age of 15;

...

81. The Committee is concerned at the absence of legislative or administrative provisions to protect refugee children. Issues of concern include the fact that only men may confer citizenship upon their children, instances of separation of children from their asylum-seeking parents during detention, as well as difficulties regarding full access to education.

82. The Committee reiterates its previous recommendation ([CRC/C/15/Add.54], para. 41) that the State party accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It further encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness...

- Greece, CRC, CRC/C/114 (2002) 25 at para. 168.

168. Welcoming the State party's recent bill in this regard, the Committee remains concerned:

...

(d) At the lack of protection under the law of boy prostitutes.

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 196 and 197.

196. The Committee is concerned at the difference between the minimum legal ages for

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marriage of boys (18 years) and girls (15 years), which is gender discriminatory and allows for the practice of early marriages.

197. The Committee recommends that the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving community leaders, and the society at large, including children themselves, to curb the practice of early marriage.

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 274, 275, 297, 298, 305 and 306.

274. While noting that the State party's Constitution prohibits discrimination, the Committee is concerned that:

- (a) Girls are particularly vulnerable to gender discrimination and that some aspects of customary law, particularly in the context of property rights, reinforce such discrimination;
- (b) Aspects of domestic legislation, including the Law on the Family and Inheritance, are discriminatory against women and, in this context, may negatively affect respect for the rights of children, especially girls;
- (c) Discrimination against children with disabilities is prevalent, as indicated in the State party's report, and girls with disabilities may suffer multiple forms of discrimination.

275. The Committee recommends that the State party:

- (a) Continue its efforts to ensure the compatibility of all domestic legislation and of customary law practices with article 2 of the Convention, giving particular attention to gender discrimination;
- (b) Make every effort to implement the 1999 Land Law in such a way as to address some aspects of discrimination against women;
- (c) Make every effort to address all forms of discrimination against children with disabilities and ensure that such discrimination is prohibited under the law;
- (d) Undertake public education campaigns directed towards ending all forms of discrimination, as provided for in the Convention;
- (e) Seek assistance from, *inter alia*, UNICEF, particularly with regard to the education

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of girls, and the involvement of communities in eliminating gender inequalities.

...

297. While noting the State party's 1999 national policy on disabled persons, the Committee remains concerned that:

...

(b) Societal discrimination against children with disabilities remains serious, with girls with disabilities suffering the additional burden of gender discrimination, and that, in some cases, parents do not allow their disabled children to leave their home;

...

298. The Committee recommends that the State party:

...

(d) Take action to address societal discrimination against children with disabilities, noting also links with gender discrimination, including through children's rights information programmes targeting parents, teachers, social workers, communities in general and children;

...

305. While noting the State party's significant efforts in this domain, including the construction or renovation of many primary schools in the 1990s, the provision of free school materials to many children, increases in primary school enrolment rates, efforts to improve the access to education of girls and to train teachers, the fall in the repetition and drop-out rates, the Committee remains concerned that:

...

(e) Girls continue to have less access to education than boys above the primary school level; literacy levels among girls, particularly those over 15, are extremely low; less importance is placed by parents and communities on the education of girls than of boys; some practices, such as excessive domestic work required of girls, early marriage and early pregnancy, contribute to limiting girls' access to education; and only 20 per cent of students who enter higher (tertiary) education are girls;

...

306. Noting the State party's own recommendations in its initial report, the Committee recommends that the State party:

...

(e) Make greater efforts to ensure that girls have the same opportunities as boys to attend formal education; take steps to ensure that the education of girls is seen, by parents, families and communities, as of equally important as that of boys and that education is seen as a right of all children; address traditional and other practices, such as excessive domestic work, which prevent girls from attending formal education; ensure that pregnancy does not lead to the banning of girls' attendance at school; consider recruiting and training more women teachers; make particular efforts to support girls seeking higher education; make every effort to implement its own policies; seek technical assistance from UNICEF in this regard;

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...

- Chile, CRC, CRC/C/114 (2002) 90 at paras. 346 and 347.

346. The Committee expresses its concern at the low minimum age for marriage (12 years of age for girls and 14 for boys with the parents' consent), although this provision is outdated and not implemented in practice...

347. The Committee recommends that the State party review its legislation with a view to making the minimum age for marriage of girls the same as that for boys and to bring it into full conformity with the provisions and principles of the Convention...

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 397, 398, 434 and 435.

397. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low...

398. The Committee recommends that the State party take the necessary legislative measures:

...

(c) To establish clear minimum ages for marriage and correct the discrimination between boys and girls;

...

434. ...The Committee is...concerned at the gender and regional disparities in enrolment in schools, absenteeism, the high drop out and repeat rates, the low quality of education, the insufficient numbers of trained teachers, insufficient schools and classrooms, and the lack of relevant learning material...

435. The Committee recommends that the State party:

...

(c) Progressively ensure that girls and boys, as well as children from urban, rural and least developed areas, have equal access to educational opportunities;

...

- Bahrain, CRC, CRC/C/114 (2002) 122 at paras. 470, 471, 476 and 477.

470. The Committee is concerned that there is no defined minimum age for marriage, and that there are inconsistencies in other areas of Bahraini law with respect to minimum

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ages.

471. The Committee recommends that the State party:

(a) Continue to review, and accordingly take steps to amend, its legislation so that the minimum-age requirements are gender neutral, are explicit, and are enforced by law; and, in particular,

(b) Establish a minimum age for marriage which is the same for males and females.

...

476. Noting the significant achievements in the status of women in Bahrain, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the Convention, persists in the State party. In particular, the Committee is concerned about:

(a) Discrimination against females and children born out of wedlock under existing personal status law (e.g. inheritance, custody and guardianship); and

(b) Certain vocational courses at the secondary level are restricted to one sex.

477. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding 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;

(b) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and

(c) Train members of the legal profession, especially the judiciary, to be gender sensitive. Religious leaders should be mobilized to support such efforts.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 49-52, 74 and 75.

49. The Committee is concerned that:

(a) Differences in the minimum legal age of marriage for girls (14) and boys (16) is discriminatory and that, in practice, the marriage of girls at age 13 or 14 is common;

...

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50. The Committee recommends that the State party:

(a) Raise the minimum legal age of marriage of girls so that it is the same as for boys and enforce respect for this minimum age;

...

51. The Committee is concerned that:

...

(b) As noted in the State party's report (para. 140) "girls are highly penalized not only at the level of the family but in society in general";

...

52. The Committee recommends that the State party:

...

(b) Formulate policies and programmes with a view to addressing discrimination against specific groups of children, in particular girls and children with disabilities.

...

74. Despite increases in school enrolment over the past decade, the Committee remains concerned that:

...

(c) Literacy and enrolment among girls are much lower than the already worrying rates for boys;

...

75. The Committee recommends that the State party:

...

(e) Urgently give special attention to raising the proportion of girls completing their primary and secondary education, including through affirmative action and similar special measures, and by ensuring that girls have the same opportunities as boys to attend formal education, that the education of girls is seen by parents, families and communities, as being of equal importance to that of boys and that education is seen as the right of all children;

...

- Belgium, CRC, CRC/C/118 (2002) 29 at paras. 116 and 117.

116. The Committee is concerned that the aims of education outlined in article 29 of the Convention, including the development and respect of human rights, tolerance and equality of the sexes and religious and ethnic minorities is not explicitly part of the curricula throughout the State party.

117. The Committee recommends that the State party, taking into account the Committee's General Comment No. 1 on the aims of education, include human rights

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education, including children's rights, in the curricula of all primary and secondary schools, particularly with respect to the development and respect of human rights, tolerance and equality of the sexes and religious and ethnic minorities.

See also:

- Bahrain, CRC, CRC/C/114 (2002) 122 at para. 494.
- Niger, CRC, CRC/C/118 (2002) 37 at paras. 148, 149, 152, 163 and 164.

148. The Committee is concerned at the difference between the minimum legal age for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory. The Committee is also concerned at the fact that the Civil Code is rarely applied in this regard and that girls can marry at a much earlier age according to customary law, which leads to a widespread practice of early marriage and early pregnancy...

149. The Committee recommends that the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving traditional and religious leaders, and society at large, including children themselves, to curb the practice of early marriage...

...
152. While noting that discrimination is prohibited under the Constitution (art. 8), the Committee is concerned at the persistence of *de facto* discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights and at the social discrimination experienced by children belonging to the most vulnerable groups, such as girls, children with disabilities and children living in rural areas.

...
163. The Committee is concerned at the practice of repudiation of women, which can lead to the separation of the child from his/her mother, and at the custom applicable in divorce cases which holds that children are entrusted to their mothers before they are 7 years old and to their fathers when older, without the views of the child and his/her best interests being taken into account. In addition, the Committee is concerned that the recovery of maintenance is not ensured.

164. The Committee recommends that the State party take all necessary measures to stop these practices and reinforce its efforts to sensitize the population on the obvious negative impact and the contradiction of these practices with the best interests of the child and other relevant provisions of the Convention. In addition, the Committee recommends that the State party take all necessary measures to ensure the recovery of maintenance.

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- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 276 and 277.

276. While noting the positive measures taken to bring the different age requirements into full compliance with the Convention and measures taken to follow-up on the Committee's previous recommendation by raising the minimum age of admission to employment to 16 years so as to harmonize it with the end of compulsory education, the Committee is concerned at the disparity in the minimum age of marriage for boys and girls, particularly that the age for girls is set at 17 years, although noting with appreciation that it was raised from 15 years.

277. The Committee recommends that the State party rectify the disparity in the minimum age of marriage for boys and girls by raising the minimum age of marriage for girls.

- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 387 and 388.

387. Noting the significant achievements in the status of women, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the Convention, persists in the State party. In particular, the Committee is concerned about discrimination against girls and women, and children born out of wedlock under existing personal status law (e.g. inheritance, custody and guardianship).

388. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding 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;

(b) Undertake all possible measures to reconcile the interpretation of Islamic texts with fundamental human rights;

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family;

(d) Train members of the legal profession, especially the judiciary, to be gender sensitive. Religious leaders should be mobilized to support such efforts; and

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(e) To continue and strengthen efforts to address these issues at the regional level, such as the Gulf Cooperation Council.

- Saint Vincent and the Grenadines, CRC, CRC/C/116 (2002) 101 at paras. 428 and 429.

428. The Committee is concerned that:

...

(b) The difference in the minimum legal age of marriage for girls (15) and boys (16) is discriminatory and both ages are low.

429. The Committee recommends that the State party:

...

(b) Raise the minimum legal age of marriage of girls to the one of boys (16).

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 583 and 584.

583. The Committee is concerned at:

...

(c) Legislation making sexual exploitation of children only a criminal offence up to the age of 16 and not 18, and the exclusion of boys from this legislation.

584. In light of article 34 of the Convention, the Committee recommends that the Netherlands Antilles:

...

(b) Extend coverage of legislation to ensure protection of children from sexual exploitation up to the age of 18;

...

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 50 and 51.

50. The Committee reiterates its concern at the disparity between the ages of marriage for boys and girls in Argentine law ([CRC/C/15/Add.36], para. 10).

51. In light of articles 1 and 2 and other related provisions of the Convention, the Committee recommends that the State party review its legislation with a view to increasing the minimum age of marriage of girls to that of boys.

See also:

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 180 and 181.

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- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 393 and 394.
- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 139 and 140.

139. ...The Committee is concerned at...the sharp differences in educational outcomes for children according to their socio-economic background and to other factors such as gender, disability, ethnic origin or care status...The Committee is further concerned that the majority of children in the care system, as well as teenage mothers, do not attain basic qualifications...

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations ([CRC/C/15/Add.34], para. 32), the Committee recommends that the State party:

...

(c) Take all necessary measures to eliminate the inequalities in educational achievement and in exclusion rates between children from different groups and to guarantee all children an appropriate quality education;

...

(h) Develop educational programmes for teenage mothers to facilitate and encourage their further education;

...

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 224, 245, 246, 250, 251, 256, 257 and 273-275.

224. The Committee welcomes the establishment of children's and women's rights services within several ministries and bodies; the establishment of a Commission on Human Rights and Public Obligations in the National Assembly; the establishment of the Sudan National Committee for the Eradication of Harmful Practices; and the State party's various measures to improve respect for the rights of women, including the campaigns against female genital mutilation and early marriage, and the encouragement of child spacing.

...

245. The Committee is concerned that:

...

(c) Throughout the State party traditional patterns of discrimination limit the opportunities available to girls and women.

246. The Committee recommends that the State party:

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...

(c) Conduct a study to assess the scope and causes of discrimination between boys and girls and take steps to address such discrimination, giving particular attention to the impact of traditional and cultural practices upon girls and women with a view to adopting a proactive and comprehensive strategy for the elimination of discrimination against them.

...

250. While welcoming efforts to establish children's parliaments, the Committee remains concerned that the views of the child, especially girls, are not often respected and may be seen as contrary to traditional concepts of the role of the family, clan and tribe.

251. The Committee recommends that the State party:

(a) Ensure full respect for the views of the child and consider ways of ensuring that a child's views are given due consideration in accordance with the age and maturity of the child within the family, clan and tribe;

(b) Give particular attention to ensuring respect for the views of girls.

...

256. The Committee is concerned that:

...

(b) The severe legal penalties applied to women who become pregnant outside of marriage are such that many women and adolescent girls seek to conceal their pregnancies and then abandon their newborn children, and that the survival rate of these children is extremely low.

257. The Committee recommends that the State party:

...

(b) Give particular attention to the protection of children born out of wedlock and ensure that their mothers receive protection and support.

...

273. The Committee recommends that the State party:

...

(e) Give particular attention to ensuring the enrolment in school of girls, children with disabilities, refugee children and children from nomadic groups...

...

274. The Committee is deeply concerned at the fact that the availability, accessibility and quality of education in the southern part of the country is much worse than in the rest of the country (e.g. only 16-18 per cent of children have access to education and not more than 20 per cent of those are girls; the drop out rate is still high; teachers are not paid salaries and most of them are not qualified; schools are often too far away and education

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is regularly disrupted by the armed conflict; and availability of educational material is very limited)...

275. The Committee recommends that the State party:

(a) Urgently implement measures to raise the number of children enrolling in education and, as far as possible, support children so that they enrol at the correct age;

...

(d) Give particular attention to increasing the number of girls enrolling in and completing education;

...

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 318 and 319.

318. The Committee is concerned that despite its previous recommendation ([CRC/C/15/Add. 42], para. 17) there remain disparities in the minimum age of marriage for boys (18) and girls (17)...

319. The Committee reiterates its previous recommendation that the State party rectify disparities in the age of marriage between boys and girls by raising the minimum age of marriage for girls to 18...

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 450, 451, 467, 468, 477 and 478.

450. While noting that discrimination is prohibited under the Constitution, that acts of discrimination are an offence under the new Penal Code and that several measures have been taken to promote the rights of girls and women (establishment of the Ministry for the Advancement of Women and of the Department for the Promotion of Girls' Education, etc.), the Committee is concerned at the persistence of *de facto* discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights, e.g. in education, experienced by children belonging to the most vulnerable groups, among others, girls, children with disabilities, children born out of wedlock, children born of incest and children living in rural areas.

451. In line with its previous recommendations ([CRC/C/15/Add. 19], para. 14), the Committee recommends that the State party:

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

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(b) Prioritize and target social services to children belonging to the marginalized and most vulnerable groups through a proactive and comprehensive strategy;

(c) 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.

...

467. ...The Committee is...concerned at the particular situation of girls, given, for instance, the very high percentage of early marriages, which can have a negative impact on their health.

468. The Committee recommends that the State party:

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of children and adolescents, and use this study as a basis for the formulation of adolescent health policies and programmes, paying particular attention to adolescent girls;

...

477. The Committee notes with appreciation the adoption of the 1996 Education Act, the increase in budget allocations for education, the adoption of the 10-year Development Plan for Basic Education (2001-2010), the focus put on education in the Poverty Reduction Strategy Paper and the creation of "satellite schools", but remains deeply concerned at the high illiteracy rate in the State party, which affects more women than men...The Committee... welcomes the efforts undertaken by the State party to increase the school enrolment of girls, but remains concerned at the disparities in school enrolment between boys and girls...

478. The Committee recommends that the State party:

(a) Ensure that all children, especially girls, wherever they live, including the least developed areas, have equal access to educational opportunities;

...

(j) Provide teachers with adequate training and encourage more women to become teachers;

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 576, 577, 606 and 607.

576. The Committee is concerned that discrimination, contrary to article 2 of the Convention, persists in the State party, and that non-discrimination is not expressly guaranteed under the Constitution. In particular, the Committee is concerned about

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discrimination against girls and women, especially in the context of religious laws, discrimination on religious grounds, inequalities in the enjoyment of the economic, social and cultural rights (i.e. access to education, health care and social services) of Israeli Arabs, Bedouins, Ethiopians and other minorities, children with disabilities and children of foreign workers, and of the rights and freedoms of Palestinian children in the occupied territories.

577. The Committee recommends that the State party:

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

(b) Strengthen its efforts with respect to affirmative-action initiatives;

(c) Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard;

(d) Mobilize religious leaders to support such efforts;

...

606. The Committee is concerned that the aims of education outlined in article 29 of the Convention, including the development of respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities, are not explicitly part of the curricula throughout the State party.

607. The Committee recommends that the State party and all relevant non-State actors, including the Palestinian Authority, taking into account the Committee's General Comment No. 1 on the aims of education, include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with regard to the development of respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities. Religious leaders must be mobilized in this effort.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 105, 106, 109, 110, 130 and 131.

105. The Committee remains concerned about the difference in the minimum age of marriage of girls (16) and boys (18)

106. The Committee reiterates its previous recommendation to the State party that it raise the minimum age of marriage of girls to that of boys.

...

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109. The Committee notes with concern the absence of information in the State party's report on racial discrimination, and the limited amount of information regarding acts of discrimination against children from single-parent families, children born out of wedlock, children with disabilities, girls and migrant families...

110. ...[T]he Committee recommends that the State party undertake all necessary proactive measures to combat societal discrimination, in particular against children from single-parent families, children born out of wedlock, children with disabilities, children of migrant workers and girls through, *inter alia*, public education and awareness campaigns.

...

130. The Committee is concerned that, despite the State party's relatively high level of economic development, only primary education is free, while welcoming the information that the State party is in the process of making middle school education free. Similarly, while there is no disparity in enrolment rates of girls and boys in primary education, significantly fewer girls than boys are enrolled in higher education...

131. The Committee recommends that the State party:

...

(c) Take effective measures to ensure that higher education is accessible to all on the basis of capacity, by promoting the enrolment of girls and addressing persistent gender stereotypes;

...

- Italy, CRC, CRC/124 (2003) 36 at paras. 184 and 185.

184. The Committee welcomes the adoption of Act 9/99, which extends the duration of compulsory education from 8 to 10 years, and the various programmes to improve teacher training, but remains concerned at the high rate of drop-out in upper secondary education, the variations in educational outcomes for children according to their cultural and socio-economic background and to other factors such as gender (more girls than boys obtain a secondary education diploma), disability and ethnic origin...

185. The Committee recommends that the State party:

(a) Strengthen its efforts to curb the drop-out rate in upper secondary education;

(b) Take all necessary measures to eliminate the inequalities in educational achievement between girls and boys and among children from different social, economic

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or cultural groups and to guarantee quality education to all children;

...

- Romania, CRC, CRC/124 (2003) 49 at paras. 219 and 220.

219. The Committee is concerned that, despite its previous recommendation (CRC/C/15/Add.16, para. 8), and the concerns expressed by the Committee on the Elimination of Discrimination against Women (CEDAW) (A/55/38, para. 318), the disparity in the minimum age of marriage for boys (18 years) and girls (16 years, and exceptionally 15) is discriminatory.

220. The Committee reiterates its previous recommendation to the State party to raise the minimum age of marriage for girls to that of boys...

- Viet Nam, CRC, CRC/C/124 (2003) 67 at paras. 312 and 313.

312. ...[T]he Committee is concerned at the low enrolment rates in pre-primary education, the high number of repeaters of the first grade and the significant disparity in enrolment in nursery schools between boys and girls.

313. The Committee recommends that the State party:

(a) Take all appropriate measures to increase enrolment in pre-primary education, in particular for girls and in rural areas, and ensure the right to quality, free primary education for all children;

...

- Haiti, CRC, CRC/124 (2003) 95 at paras. 395, 444 and 445.

395. The Committee welcomes:

...

(b) The establishment of the National Committee for the Education of Girls to enhance the enrolment of girls in education.

...

444. ...The Committee...welcomes the increasing budget allocated to education, as well as the establishment of the National Committee for the Education of Girls. However, the Committee is concerned at the still low enrolment ratios, and the disparities in enrolment between girls and boys and between rural and urban areas...The Committee is

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also concerned that pregnant girls are excluded from schools...

445. In the light of articles 28 and 29 and other relevant provisions of the Convention, the Committee recommends that the State party:

...

(b) Continue its efforts to ensure that all children, especially girls, have equal access to educational opportunities, paying special attention to those living in rural and remote areas;

...

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 27, 69, 70, 75 and 76.

27. The Committee notes with appreciation the State party's successful efforts, following its independence in 1993:

...

(c) To develop programmes to improve girls' access to education, including through participation in the African Girls Education Initiative;

...

69. While the Committee notes with appreciation the adoption of a strategy to eliminate female genital mutilation (FGM), it is very concerned at the widespread practice of FGM, which affects almost 90 per cent of girls in the State party. It is also concerned about other harmful traditional practices, including early marriage, which contributes to the high rate of maternal mortality.

70. The Committee recommends that the State party continue to strengthen the implementation of its Strategy to Eliminate Female Genital Mutilation (1999) and undertake legislative reform to expressly prohibit the practice. It also recommends that the State party undertake similar educational and awareness programmes, in cooperation with NGOs and community leaders, with regard to other harmful traditional practices such as early marriage.

...

75. The Committee is encouraged by the State party's efforts to increase enrolment rates in basic education, reduce illiteracy, promote cultural and recreational activities and provide education in the native language of all nine ethnic groups. However, it is concerned that enrolment and literacy levels are still low, particularly in secondary and pre-primary education, and that there is a significant disparity between the number of boys and girls in school...

76. The Committee recommends that the State party:

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(a) Continue to strengthen measures aimed at increasing enrolment rates in primary and basic education, in particular for girls;

...

(e) Prioritize and continue to strengthen and expand efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups for education in mother-tongue programmes;

...

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 115, 116, 127, 128, 137 and 138.

115. The Committee is encouraged by positive developments, as noted by the Committee on the Elimination of Racial Discrimination (CERD) in August 2001, with respect to legislative reform. However, the Committee reiterates the concern of CERD relating to the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment. Furthermore, the Committee is concerned that certain factors linked to discriminatory attitudes may persist, in particular those related to acquisition of nationality, children born out of wedlock and Cypriot children of Turkish origin. It further notes that certain pieces of legislation do not apply equally to girls and boys.

116. The Committee recommends that the State party consider reviewing legislation, and amending it where necessary, with a view to ensuring that all children are accorded equal rights without discrimination based on their ethnic origin, sex, or other grounds. Furthermore, it encourages the State party to pursue information campaigns to eliminate stereotyping in terms of traditional roles of men and women in society.

...

127. The Committee is concerned that, given the situation on the island following the events of 1974, certain categories of children wishing to attend secondary school must be separated from their parents, and may not be allowed to visit their parents regularly or return upon completion of their education. Furthermore, the Committee notes that boarding schools for these children are available only for boys, and that there is one boarding home for girls.

128. The Committee urges the State party to create equal opportunities for all children wishing to pursue education beyond primary school, including by making boarding schools available to both boys and girls and pursuing efforts to reduce periods of separation from parents.

...

137. The Committee notes that the limits for receiving social benefits for children are extended beyond the age of 18 years for persons attending full-time education; however,

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it notes that the age is not the same for males and females.

138. The Committee encourages the State party to ensure that social benefits for girls and boys are equal so that this is not a factor in their decisions relating to higher education.

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 207 and 208.

207. The Committee notes the adoption of the National Policy on Education (1996), the Basic Education Subsector of the Education Programme, the Zambian Education Capacity-Building Programme, and the Programme for the Advancement of Girl Child Education...The Committee is...concerned at the decreasing budget allocation to education, gender and regional disparities in enrolment in schools, absenteeism, the high dropout (especially among girls) and repeat rates, the poor quality of education, the insufficient number of trained teachers, insufficient schools and classrooms, the lack of relevant learning material and the limited access to pre-school education, notably in rural areas...

208. The Committee recommends that the State party:

...

(b) Progressively ensure that girls and boys, as well as children from urban, rural and least developed areas, have equal access to educational opportunities;

(c) Take the necessary measures to improve the quality of education and to improve internal efficiency in the management of education, notably by decreasing the dropout rate, especially for girls;

...

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 263 and 264.

263. The Committee is concerned that a significant number of children with disabilities, in particular girls, are not able to attend school and that not all special schools managed by NGOs [non-governmental organizations] are registered by the Ministry of Education, and they are concentrated in the more developed and urbanized Western Province.

264. In light of the recommendations of the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights in 2002 (see CRC/C/121), the Committee recommends that the State party:

(a) Ensure that all children with disabilities, particularly girls, have access to education

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by increasing spending and expanding special education programmes, including non-formal special education in rural areas, and by training teachers in mainstream education about special needs;

...

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 304 and 305.

304. The Committee is concerned that:

(a) There continues to be widespread discrimination against women and girls and that girls are underrepresented in schools;

...

305. The Committee recommends that the State party monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination and develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 376 and 377.

376. With reference to the recommendations contained in its previous concluding observations on this matter, the Committee welcomes the information that the Higher Committee is considering the possibility of adopting a rule that would permit a Libyan mother to transfer her nationality to her children, irrespective of her husband's nationality.

377. The Committee recommends that the State party support the Higher Committee in this regard with a view to guaranteeing that children of Libyan mothers have the same right to Libyan nationality as children of Libyan fathers.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 418, 442 and 443.

418. The Committee recommends that the State party amend its legislation, including the Constitution, to ensure that it fully corresponds to the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions, giving special attention to children infected with or affected by HIV/AIDS, children with disabilities, equality between boys and girls and racial discrimination.

...

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442. The Committee welcomes the State party's progress in the field of education, but remains concerned about:

...

(c) The equality of access to education, in particular concerning boys and children from poor families;

...

443. The Committee recommends that the State party, in the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education):

...

(c) Seek to further implement participatory measures to encourage children, especially boys, to stay in school during the period of compulsory education; take further measures to facilitate the accessibility to education of children from all groups in society, particularly children from poor backgrounds, including reviewing the system of school fees; and make every effort to raise awareness in society of the importance of education for all children;

...

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 479, 480, 492 and 493.

479. The Committee welcomes the efforts undertaken to fight against gender discrimination within the framework of a national plan of action, but remains concerned by the persistence of, in particular, direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. inheritance, custody and guardianship), which is incompatible with article 2 of the Convention. The Committee is further concerned that a child born of a Moroccan mother and a non-national father cannot acquire Moroccan citizenship by birth...

480. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The Committee further recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

...

492. The Committee welcomes the adoption of Dahir No. 1-02-172 in June 2002 revising Dahir No. 1-93-165 which regulates the *kafalah* system, but is concerned that its implementation may encounter difficulties. In addition, the Committee is concerned

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that in practice more girls than boys benefit from *kafalah*.

493. The Committee recommends that the State party take all necessary measures to fully implement the new dahir on the *kafalah* system in order to ensure that:

- (a) A judicial decision is at the origin of the placement of the child;
- (b) All social benefits are attributed to these children in the same way as is done for other children;
- (c) Effective mechanisms to receive and address complaints from children are established, standards of care are monitored and, in light of article 25 of the Convention, placement is reviewed periodically;
- (d) Boys and girls are given the same opportunities under *kafalah*.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 551, 552, 558, 559, 572 and 573.

551. The Committee is concerned that both direct and indirect discrimination against the child or his or her parents or legal guardians persists, contrary to article 2 of the Convention, particularly with respect to:

- (a) Girls, children born out of wedlock and children belonging to minorities;

...

552. The Committee recommends that the State party:

- (a) Take effective measures, for example by enacting or rescinding legislation where necessary, and implementing disparity-reduction programmes to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;
- (b) Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard;
- (c) Take due regard of general comment No. 28 of the Human Rights Committee on the equality of rights between men and women;
- (d) Mobilize religious leaders to support such efforts.

...

558. The Committee is concerned that article 3 of the Syrian Nationality Act No. 276 of

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1969 does not automatically grant citizenship to children of Syrian women married to non-nationals as it does where the father is Syrian...

559. The Committee re-emphasizes that articles 2 and 7 of the Convention require that all children within the State party's jurisdiction have the right to be registered and acquire a nationality, irrespective of the child's or his or her parents' or legal guardians' sex, race, religion or ethnic origin. The Committee recommends that the State party:

(a) Ensure the right of a child to a nationality without discrimination on the basis of either parent's sex;

...

572. The Committee notes the adoption of the Global Education Initiative to improve the quality of basic education and that some efforts have been undertaken towards curriculum reform. Nevertheless, it remains concerned that the aims of education presented in the report do not adequately reflect the aims outlined in article 29 of the Convention and, in particular, that:

...

(b) The development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities are not explicitly part of the curriculum.

573. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:

...

(c) Include human rights education, including children's rights, in school curricula, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and of religious and ethnic minorities. Religious leaders must be mobilized in this regard;

...

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 91 and 93.

91. The Committee reiterates its previous concern relating to the emerging problem of child poverty and shares the concerns expressed by the Committee on the Elimination of Discrimination Against Women (CEDAW) relating to economic and structural changes and deepening poverty among women, which particularly affects single mothers and other vulnerable groups, and the ensuing impact this may have on children.

...

93. The Committee recommends that the State party continue to address the factors responsible for the increasing number of children living in poverty and that it develop programmes and policies to ensure that all families have adequate resources and facilities,

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paying due attention to the situation of single mothers, as suggested by CEDAW (A/52/38/Rev.1, para. 336), and other vulnerable groups.

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 195, 196, 210, 211, 222 and 223.

195. While acknowledging the actions taken to address discrimination against girls in education, the Committee is concerned at the persistence of discriminatory social attitudes and discrimination against minority children and against girls, early and forced marriages, low school enrolment and high dropout rates, honour killings, mutilation and violence...

196. The Committee recommends that the State party:

(a) Make greater efforts to ensure that, in accordance with article 2, all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, particularly girl children, children belonging to a religious or other minority group, children with disabilities and other vulnerable groups of children;

(b) Target social services at children belonging to the most vulnerable groups

...

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

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

...

222. The Committee reiterates its concern at the existence of harmful traditional practices, including forced and/or early child marriages and dowry-related violence, which pose very serious threats to children, and emphasizes the lack of interventions on the part of the State party to address these issues.

223. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, which affect the girl child in particular.

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- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 359 and 360.

359. The Committee is concerned that under the Brunei Nationality Act (cap. 15), citizenship is not automatically granted to children of Brunei women married to non-nationals, while it is where the father is Brunei.

360. The Committee recommends that the State party revise the Brunei Nationality Act in order to ensure that children who have a Brunei parent acquire Brunei citizenship in an equal manner, regardless of whether the Bruneian parent is the father or the mother.

- Singapore, CRC, CRC/C/133 (2003) 84 at paras. 406, 407, 413 and 414.

406. The Committee is concerned that the principle of non-discrimination is restricted to citizens, that the Constitution does not expressly prohibit discrimination against women or persons with disabilities, and that societal discrimination against girls, children with disabilities and non-residents persists.

407. The Committee recommends that the State party amend its legislation to prohibit discrimination on the basis of gender or disability and ensure that it is applicable to all persons in the State party. The Committee further recommends that the State party undertake all necessary proactive measures to combat societal discrimination, in particular against girls, children with disabilities and non-residents, through, *inter alia*, public education and awareness campaigns.

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

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

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 460, 461, 471, 472, 493-495 and 497.

460. The Committee welcomes the measures undertaken by the State party to enhance the situation of girls, especially in relation to education. It remains deeply concerned

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about persistent discriminatory attitudes towards girls, which are deeply rooted in traditional stereotypes and limit access to resources and services...

461. The Committee recommends that the State party take adequate measures to ensure implementation of the principle of non-discrimination in full compliance with article 2 of the Convention, and strengthen its proactive and comprehensive efforts to eliminate discrimination on any grounds and against all vulnerable groups. The Committee also recommends that the State party undertake an education campaign for boys and men on gender issues and sex discrimination.

...

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

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

...

493. The Committee is deeply concerned at the existence of harmful traditional practices, such as child marriages and dowry-related violence, which are widespread and pose very serious threats, in particular to the girl child.

494. The Committee recommends that the State party continue and intensify its efforts to eradicate harmful traditional practices, by strengthening awareness-raising programmes and enforcement of the law.

495. The Committee welcomes the progress made by the State party in the field of education, notably with regard to increases in primary and secondary enrolments, the reduction in gender disparities in enrolment and improvement in the literacy rates. The Committee also notes with great appreciation the abolition of tuition fees for primary schools and the establishment of a Tk 500 million stipend programme, of the "food for education" programme, and the pilot project on early childhood education. However, the Committee is concerned that challenges remain in the above-mentioned areas, that free compulsory education ends after grade 5, that the school dropout rate is high and that gender-based discrimination persists within schools. Other concerns include reports of abuse and sexual molestation, especially of girls, inaccessibility to schools, inadequate sanitation and the misuse of allocated resources.

...

497. The Committee recommends that the State party:

...

(b) Continue to address gender-based discrimination and other difficulties encountered by girls within the educational system and school environment;

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...
(d) Provide appropriate sanitation facilities, especially for females, in all schools;
...

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 46, 47 and 83.

46. The Committee is concerned that:

(a) Despite the Committee's previous recommendation, the legal age of marriage of females (16) and males (19) is still discriminatory;

(b) A very large proportion of children, especially girls, are married by the age of 15, and that they are thereby legally considered to be adults, meaning that the Convention no longer applies to them.

47. The Committee recommends that the State party review the age limits affecting children set by different legislation in order to ensure that they conform to the principles and provisions of the Convention. The Committee also specifically recommends that the State party:

(a) Ensure that no discrimination based on sex remains, and that the age of marriage for girls is the same age as that for boys;

(b) Take all other necessary measures to prevent early marriage;

(c) Undertake awareness-raising campaigns on the harm and danger resulting from early marriage.

...
83. The Committee recommends that the State party:

...
(b) Progressively ensure that girls and boys, from urban, rural and least developed areas, have equal access to educational opportunities, without any financial obstacles;
...

- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 137 and 138.

137. The Committee is concerned that, as noted by the State party, societal discrimination persists against girls and vulnerable groups of children, including children living in poverty, Amerindian children and children with disabilities...

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138. The Committee recommends that the State party increase its efforts to adopt appropriate legislation, to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 200 and 201.

200. Noting that discrimination is prohibited under the law, the Committee remains concerned at persistent *de facto* discrimination on the grounds of gender as well as at discrepancies in the enjoyment of rights in relation to certain vulnerable groups, including children with disabilities, refugee children, children living in rural areas, children from poor families, street children, and children living in institutions.

201. The Committee encourages the State party to ensure the effective enforcement of protective laws, to undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, and to sensitize society to the situation and needs of children within the society and particularly within the family...

- India, CRC, CRC/C/137 (2004) 75 at paras. 381, 403, 404, 407-412, 424, 425, 436-439, 442 and 443.

381. The Committee welcomes the many activities undertaken at the federal and State level for the implementation of the Convention, *inter alia*:

...

(b) The adoption of the 2003 amendment to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

(c) The launch of a national programme for the formation of women's self-help groups, which have an important impact on children's rights;

...

403. In light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by girls, children living in certain states, rural areas and slums, and children belonging to certain castes and tribal and indigenous groups.

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404. The Committee recommends that concerted efforts at all levels be taken to address social inequalities by reviewing and reorienting policies, including increasing budgetary allocations for programmes targeting the most vulnerable groups, and that technical assistance be sought from, among others, UNICEF.

...

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

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

409. While welcoming the special temporary programmes and other activities to improve the enjoyment of rights by girls and vulnerable groups such as children belonging to Scheduled Castes and Tribes, the Committee expresses its concern at the possibility that other children in situations similar to that of those groups are not receiving the same benefits.

410. The Committee recommends that all existing and future special temporary programmes be provided with specified goals and timetables, in order to evaluate their success and justify their continuation, expansion and dissemination. The Committee further recommends that the State party start to develop special programmes for the allocation of educational and other benefits that are based on the child's needs and rights rather than on the basis of sex, caste or tribe, or any other characteristic that may result in unjustifiable discrimination.

411. The Committee notes the 2003 amendment to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, but remains deeply concerned that the sex ratio in the age group 0-6 years has worsened over the past decade.

412. In addition to its recommendations regarding gender discrimination, the

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Committee strongly recommends that the State party:

(a) Take all necessary steps to ensure the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

(b) Further develop massive awareness campaigns, involving parents, communities, law enforcement officers, etc., and take the necessary measures, including imposing sanctions to end the practice of selective abortions and female infanticide; and

(c) Undertake gender impact studies when planning programmes relating to economic and social policies.

...

424. While noting the judgement of the Supreme Court that the mother was as much the child's natural guardian as the father (*Githa Hariharan v. Bank of India*, 18 February 1999), the Committee expresses its concern that under the law, the father still has the main responsibility with regard to the child.

425. In line with article 18 of the Convention, the Committee recommends that the State party take all necessary measures to ensure recognition and implementation of the principle that both parents have common responsibilities for the upbringing and development of their child.

...

436. The Committee is deeply concerned at the existence of harmful traditional practices such as incidents relating to dowries and to devadasis.

437. The Committee recommends that the State party:

(a) Enforce the Dowry Prohibition Act, 1961 and the Karnataka Devadasis (Prohibition of Dedication) Act, 1982 and Rules, 1982;

(b) Take legislative and awareness-raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls; and

(c) Reinforce its sensitization programmes, with the involvement of community leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas.

438. The Committee is concerned at the very high percentage of early and forced marriages of girls, which can have a negative impact on their health, education and social development.

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439. The Committee recommends that the State party:

- (a) Take all necessary steps to implement the Child Marriage Restraint Act 1929;
- (b) Strengthen educational and awareness programmes, in cooperation with NGOs and community leaders, with a view to preventing early and forced marriage; and
- (c) Strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents.

...

442. The Committee welcomes the adoption of the Constitution (86th Amendment) Act, 2002 providing for free and compulsory education for all children aged 6-14, the continued efforts of the State party to increase girls' enrolment in school and the Midday Meal Scheme... The Committee is...concerned at the high, although decreasing, level of illiteracy and the striking disparities in terms of access to education, attendance at primary and secondary school and dropout rates between boys and girls...

443. The Committee recommends that the State party:

...

- (b) Strengthen its efforts to progressively ensure that that all girls and boys, in urban, rural and least developed areas and children belonging to Scheduled Castes and Tribes, have equal access to educational opportunities;

...

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 489, 490, 516 and 517.

489. The Committee is concerned that, as noted by the State party, societal discrimination persists against girls and women and vulnerable groups of children, such as children with disabilities, children living in poverty, children born out of wedlock, adopted children and children of mixed parentage...

490. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds, in particular against girls and all vulnerable groups.

...

516. The Committee is encouraged by the State party's efforts to reform its national education system and to address the key issues of participation and quality of education...

However, it is concerned that enrolment, literacy and retention rates are still low,

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particularly in primary education, and that there is a significant disparity between the number of boys and girls in school...

517. The Committee recommends that the State party continue to strengthen its efforts to complete the reform of its national education system and in particular to strengthen measures aimed at increasing enrolment and retention rates in primary and basic education, in particular for girls...

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 573 and 574.

573. The Committee...is...concerned about the low enrolment of female children with disabilities in school.

574. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), the Committee encourages the State party to ensure the expeditious adoption of implementing measures concerning the Law on Guiding Children with Special Needs, and to address the low enrolment of female children with disabilities in school.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 653 and 654.

653. ...[T]he Committee welcomes the adoption and implementation of the Law on Punishing Acts related to Child Prostitution and Child Pornography and on Protecting Children (1999). However, it is concerned that:

(a) The Penal Code maintains a narrow definition of rape as an act committed by a male against a female;

...

654. The Committee recommends that the State party:

(a) Amend legislation on sexual exploitation and abuse to ensure equal protection for boys and girls;

...

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- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 45-48, 79 and 80.

45. The Committee expresses its concern that the Family Code allows marriage to be contracted by children as young as 14 years of age, who have reached puberty or have had a child together or if the girl is pregnant.

46. The Committee recommends that the State party review the rules regarding the possibility of concluding a marriage below the general minimum age of 18 years, with a view to increasing the minimum age for this exception and set them at the same level for boys and girls. This should be accompanied by awareness-raising campaigns and other measures to prevent early marriages.

47. The Committee is concerned at the persistent discrimination faced in the State party by indigenous children, children with disabilities and girls.

48. In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of *de facto* discrimination against indigenous children, children with disabilities and girls.

...

79. The Committee welcomes the progressive increase in elementary education coverage in recent years and the elimination by law, in October 2003, of the so-called voluntary fees, which used to be levied in elementary education. However, it is concerned at persisting gaps between urban and rural areas in coverage and quality of education; high drop-out rates, particularly among rural children; persistent high illiteracy rates among children in rural areas, particularly among girls... The Committee is also concerned that pregnant adolescents face discrimination in access to education...

80. The Committee encourages the State party:

...

(b) To strengthen efforts to bridge the gaps in coverage and quality of education, including vocational training, throughout the country, giving special attention to promoting education of rural girls;

...

(e) To ensure that pregnant adolescents are not prevented from continuing their schooling;

...

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 338, 339, 352 and 353.

338. The Committee welcomes the new legislative amendments with regard to marriage,

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inheritance and child custody. However, the Committee is concerned about the *de facto* gender discrimination in the sharing of parental responsibilities.

339. The Committee recommends that the State party, in collaboration with community and religious leaders, initiate laws, programmes and policies to prevent and combat the *de facto* discriminatory practices with regard to parental responsibilities and child custody.

...

352. The Committee notes with concern that, according to the New Domestic Relations Law, the minimum legal age for marriage is 21 for males and 18 for females, while according to the Revised Administrative Law Governing the Hinterland this age-limit is of 15 years only. The Committee is concerned that in practice, the custom of early marriage is widespread, particularly for girls in rural areas who can get married as early as 12 or 13 years old. The Committee is further concerned that such girls, once married, are not afforded protection and that the enjoyment of their rights as children is not ensured as enshrined in the Convention.

353. The Committee recommends that the State party amend the Revised Administrative Law Governing the Hinterland by raising the age of marriage to similar ages defined in the New Domestic Relations Law in order to prevent early marriages. It also recommends to the State party that it take measures to ensure that when under age girls are married, they continue fully enjoying their rights as set out in the Convention. The Committee also recommends that the State party develop sensitization programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriages.

- Myanmar, CRC, CRC/C/140 (2004)81 at paras. 399 and 400.

399. The Committee notes that the 1993 Child Law makes a distinction between a child (up to the age of 16 years) and a youth (between 16 and 18 years) and is concerned that youth as defined by the Law do not have the same rights as children... Furthermore, the Committee is concerned that there is no minimum age for marriage for boys and that marriage of girls as young as 14 is allowed with parental consent.

400. The Committee recommends that the State party recognize that all persons below the age of 18 are entitled to special protection measures and specific rights as enshrined in the Convention... The Committee also recommends that the State party raise the minimum age for marriage for girls to an internationally acceptable age.

- Dominica, CRC, CRC/C/140 (2004) 101 at paras. 499 and 500.

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499. ...[T]he Committee is deeply concerned about the quality of education, access to education by pregnant girls and teenage mothers and the high drop-out rate, in particular among boys.

500. The Committee recommends that the State party, in the light of the Committee's General Comment No. 1 (2001) on the aims of education:

...

(d) Provide education opportunities for pregnant girls and teenager mothers so that they can complete their education;

...

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at para. 566.

566. The Committee welcomes the recent efforts of the State party to increase the quality of its education system and encourages that these efforts be pursued. It also recommends that the State party:

...

(b) Ensure that female pupils have the same opportunities as male pupils to access higher education;

(c) Sensitize the general public and children in particular to ensure that traditional gender stereotypes do not dictate the subjects studied by male and female pupils;

...

- France, CRC, CRC/C/140 (2004) 124 at paras. 595, 596, 604 and 605.

595. ...The Committee...reiterates its concern that national legislation establishes a different minimum age for marriage for girls (15 years), and for boys (18 years). In addition to discrimination based on sex and effects it may have on the survival and development of young girls, such legislation makes the combating of forced marriages more difficult.

596. The Committee...recommends that the State party consider reviewing the minimum age for marriage with a view to raising the age for girls to that for boys, creating conditions conducive to countering forced marriages and ensuring to the maximum extent possible the development of the child.

...

604. The Committee notes that the Constitution provides for freedom of religion and that the law of 1905 on the separation of church and State prohibits discrimination on the

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basis of faith. The Committee equally recognizes the importance the State party accords to secular public schools. However, in the light of articles 14 and 29 of the Convention, the Committee is concerned by the alleged rise in discrimination, including that based on religion. The Committee is also concerned that the new legislation (Law No. 2004-228 of 15 March 2004) on wearing religious symbols and clothing in public schools may be counterproductive, by neglecting the principle of the best interests of the child and the right of the child to access to education, and not achieve the expected results. The Committee welcomes that the provisions of the legislation will be subject to an evaluation one year after its entry into force.

605. The Committee recommends that the State party, when evaluating the effects of the legislation, use the enjoyment of children's rights, as enshrined in the Convention, as a crucial criteria in the evaluation process and also consider alternative means, including mediation, of ensuring secular character of public schools, while guaranteeing that individual rights are not infringed upon and that children are not excluded or marginalized from the school system and other settings as a result of such legislation. The dress code of schools may be better addressed within the public schools themselves, encouraging participation of children. The Committee further recommends that the State party continue to closely monitor the situation of girls being expelled from schools as a result of the new legislation and ensure they enjoy the right of access to education.

- Brazil, CRC, CRC/C/143 (2004) 10 at para. 37.

37. The Committee notes with extreme concern the dramatic inequalities based on race, social class, gender and geographic location which significantly hamper progress towards the full realization of the children's rights enshrined in the Convention.

- Botswana, CRC, CRC/C/143 (2004) 25 at paras. 139 and 140.

139. The Committee notes with concern that there is an increasing number of children without adequate parental support due to various reasons, *inter alia*, the lack of child support by fathers.

140. The Committee recommends that the State party:

...

(b) Take the necessary legislative and other measures to ensure that the best interests of the child are of primary consideration and that guardianship with one of the parents after divorce is not automatically granted to the father;

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(c) Take measures to improve the enforcement of child support by fathers, in particular of children born out of wedlock, *inter alia*, by providing mothers with information about the legal provisions in this regard and with the necessary legal or other assistance free of charge for mothers who cannot afford it, not only for initiating legal actions but also for enforcing court decisions.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 267 and 268.

267. ...The Committee is...concerned at the increasing discrimination against the girl child, in particular girls living in rural areas, due to re-emerging trends such as bridal kidnappings and forced marriages.

268. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups. The Committee urges the State party to pay particular attention to the situation of the girl child, in particular girls living in rural areas, in order to halt the practices of forced marriage and bridal kidnapping, which prevent the girl child from fully enjoying the rights enshrined in the Convention.

- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 332, 333, 351, 352, 365 and 366.

332. The Committee notes that the State party's legislation sets 18 years old as the age of majority, but is concerned about the application of the Spanish laws from before 1968 with regard to the minimum legal age for criminal responsibility and marriage. It is also concerned about the young age at which girls can marry according to traditional customs and about the high number of girls who do marry early.

333. The Committee recommends that the State party review the age limits set by different legislation affecting children, in particular the Spanish laws from before 1968, to fully ensure that they are in conformity with the principles and provisions of the Convention. The Committee also recommends that the State party take all necessary measures to prevent illegal, early and/or forced marriages.

...

351. The Committee is concerned that some customary laws automatically grant

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parental authority to the father in the event of parental separation or divorce.

352. The Committee recommends that the State party ensure that when judicial proceedings or family councils decide to grant one parent custody of the child, the decision be taken based on the principle of the best interests of the child and with the child expressing his/her views. The State party should also ensure that both parents have common responsibilities for the upbringing and development of the child and receive adequate legal and other assistance in this regard, and that they are adequately informed of their rights and responsibilities, particularly in the case of separation or divorce.

...

365. The Committee notes the adoption of the Education Law (1995) and welcomes the establishment of the National University of Equatorial Guinea (1995) and the State party's efforts to increase enrolment rates in primary education, e.g. through the National Plan on Education for All. However, it is concerned that enrolment and literacy levels are still low, particularly in secondary and pre-primary education, and that there is a significant disparity between the number of boys and girls attending school. It also notes with concern the persistence of cultural and traditional perceptions of girls that limit their access to education...

366. The Committee recommends that the State party:

...

(b) Continue to strengthen measures aimed at increasing enrolment rates in primary and basic education, in particular for girls;

...

(d) Strengthen and expand efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups for education in mother tongue programmes;

...

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 398, 399, 429 and 430.

398. The Committee is concerned at the discrimination faced by children with disabilities, girls, and children belonging to the San communities in the State party.

399. The Committee recommends that the State party take the necessary legislative measures to explicitly prohibit all forms of discrimination, in accordance with article 2 of the Convention... The Committee also recommends that the State party undertake the necessary actions, including awareness-raising and educational campaigns, to reduce and prevent discrimination in practice, particularly against girls.

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...

429. The Committee notes with appreciation a number of initiatives, including the National Plan on Education for All, to rebuild the educational infrastructure and expand the educational system so as to enrol more children and improve pre-school education. The Committee notes with concern, however, the very low enrolment of children in pre-school and primary school and the even lower enrolment in secondary school, in particular of girls...

430. The Committee urges the State party to take all necessary measures:

...

(f) To prevent and eliminate gender and urban-rural disparities in school attendance and completion rates;

(g) To undertake campaigns to instil awareness among parents of the importance of sending their children, particularly girls, to school;

...

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 499, 500, 510, 511, 516 and 517.

499. The Committee welcomes the adoption of the Sexual Offences Act of 1995 which protects the child against incest, but is concerned that the Offences Against the Person Act protects only girl children from rape and not boys, and that there are no local laws that specifically deal with the issue of protecting children against psychological violence...

500. The Committee recommends that the State party take the necessary measures to prevent child abuse and neglect by, *inter alia*:

...

(c) In addition to existing procedures, establishing effective mechanisms to receive, monitor and investigate complaints in a child-sensitive manner and ensuring proper prosecution of perpetrators of child abuse and neglect;

...

510. The Committee is...concerned that a significant number of pregnant teenagers do not generally continue their education, and that the Golden Opportunity Programme initiated by the Ministry of Education seems to have had little success. The Committee is also concerned that girls and young women are often forced to leave school because of pregnancy.

511. The Committee recommends that the State party carefully examine the budgetary allocations for and measures taken within the field with regard to their impact on the

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progressive implementation of the child's right to education and leisure activities. In particular, the Committee recommends that the State party:

...

(c) Provide education opportunities for pregnant teenagers;

...

516. The Committee is concerned that the Sexual Offences Act of 1995 does not afford the same protection to boys as it does to girls...

517. The Committee recommends that the State party:

(a) Take appropriate legislative measures and ensure protection from sexual abuse and exploitation for boys and girls under 18 years;

...

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 98 and 99.

98. ...[T]he Committee regrets the general lack of information related to discrimination against girls.

99. The Committee urges the State party to undertake concerted actions to develop and implement policies aimed at countering the various forms of discrimination in the country. This would include revision of existing legislation, introduction of comprehensive anti-discrimination legislation and conducting educational campaigns to address discrimination against the Roma and other minorities, as well as discrimination on grounds such as disability, sex, birth status or others.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 360, 361, 364 and 365.

360. The Committee...notes with concern that the sex offence legislation of the State party is discriminatory, leaving boys without equal legal protection from sexual assault and abuse. Furthermore, the reported cases of the so-called "sugar daddies", adult men having sexual relations with girls and providing both girls and their families with monetary and material benefits in exchange for sex, give rise to serious concerns.

361. The Committee recommends that the State party continue and strengthen its efforts:

...

(e) To critically review its sex offence legislation in order to ensure equal legal protection from sexual assault and abuse for girls and boys;

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(f) To pay particular attention to the phenomenon of the so-called “sugar daddies” and existing risk factors, such as the growing tourism in the region, and to take all necessary preventive measures, in close cooperation with the tourism industry, in this respect;

...

364. ...The Committee notes with concern that it is generally difficult for girls belonging to minorities and indigenous peoples to be heard in society and that their right to participate and to be heard in proceedings affecting them is often limited.

365. ...The Committee...recommends that the State party take measures to promote respect for the views of children, especially girls, belonging to minorities and indigenous peoples and facilitate their participation in all matters affecting them.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 457-460, 462, 463, 470, 471, 495 and 496.

457. The Committee reiterates its deep concern that the age of majority is set at pre-defined ages of puberty for boys at 15 and for girls at 9, because it implies that boys from 15 to 18 years and girls from 9 to 18 years are not covered by the provisions and principles of the Convention. The Committee notes the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary marriages.

458. The Committee urges the State party to review its legislation so that the age of majority is set at 18 years of age and that minimum age requirements conform with all the principles and provisions of the Convention and with internationally accepted standards, and in particular that they are gender neutral, in the best interests of the child, and ensure that they are enforced. It should also take the necessary steps to prevent and combat forced, early and temporary marriages.

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

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vulnerable.

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

...

462. The Committee regrets that in all actions or decision-making relating to children the general principle of the best interests of the child, as provided for under article 3 of the Convention, continues not to be a primary consideration, including in matters relating to family law. In particular, the Committee regrets that article 1169 of the Civil Law relating to the custody of children after divorce prevents the court from taking the best interests of the child into account. In the Committee's view, custody determined solely on the basis of a child's age is both arbitrary and discriminatory against the mother.

463. The Committee reiterates its previous recommendation that the State party review its legislation and administrative measures to ensure that article 3 is reflected therein and implemented in all actions concerning children.

...

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

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

...

495. The Committee is...concerned about the disparity that continues to exist between boys and girls; the high dropout rates of girls in rural schools upon reaching puberty; the lack of female teachers in rural areas...

496. While welcoming the State party's initiatives with respect to youth, the Committee encourages the State party to continue its efforts to reach its goal of universal basic education and recommends that the State party:

...

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(b) Ensure that all children, including refugee children, have equal educational opportunities on all levels of the educational system without discrimination based on gender, religion, ethnic origin, nationality or statelessness;

...

(d) Better equip schools with textbooks, and other materials, and well-trained teachers, particularly female teachers, and introduce active, creative, and cooperative learning methods in schools to promote children's capacities in a knowledge-based economy and society;

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 538, 539, 547, 549, 569-571 and 574.

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

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

...

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

...

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

...

569. The Committee welcomes the promulgation of Act No. 98-106 prohibiting female genital mutilation. However, the Committee is deeply concerned at its persistence along with other practices harmful to the health of children, particularly the girl child, including

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forced and early marriages, dowry disputes, initiation rites such as scarification, and rites regarding girls training in voodoo priesthood.

570. While noting the measures taken to combat harmful traditional practices, the Committee recommends that the State party:

- (a) Evaluate the campaign against female genital mutilation undertaken in 1998 in collaboration with the Division for the Advancement of Women and UNICEF;
- (b) Strengthen existing measures and adopt further measures, including by establishing and implementing international and bilateral agreements and programmes with neighbouring States and by working with traditional and religious leaders, to ensure that harmful traditional practices are effectively banned;
- (c) Using the media, raise awareness within the family and extended family and among traditional and religious leaders of the harmful impact of female genital mutilation and other harmful traditional practices on the psychological and physical health and welfare of the girl child as well as her future family;
- (d) Assist and empower practitioners of female genital mutilation to find an alternative source of income;
- (e) Continue discussions with voodoo priests to ensure that the best interests of the girl child are protected at all times;
- (f) Continue and strengthen its cooperation in this regard with, among others, UNICEF and the Division for the Advancement of Women.

571. The Committee is concerned that public spending on education is low, that primary education is not free and that the enrolment rate, especially of girls, is low. The Committee is also concerned that, despite the waiving or reducing of fees for girls and economically disadvantaged children, education is not free, that secondary education is not affordable to many children, and consequently that universal compulsory free education has not been achieved.

...

574. The Committee recommends that the State party:

...

(b) Ensure that girls and boys, from urban and rural areas, all have equal access to educational opportunities, without any financial obstacles;

...

(d) Take the necessary measures to prevent and punish the abuse of school pupils by

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teachers, including sexual harassment and economic exploitation, *inter alia*, by promoting the hiring of female teachers;

...

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 616-619, 646 and 647.

616. While welcoming the abandoning of the use of a biological criterion for puberty and the age of maturity, in line with its previous recommendations (CRC/C/15/Add.95, para. 16), the Committee is concerned at the low legal minimum age for contracting marriage and that different minimum legal ages for marriage are set for girls (14) and boys (16).

617. The Committee recommends that the State party set the minimum age for marriage for girls and for boys at a higher and equal level. The State party is also advised to undertake awareness-raising campaigns and other measures to prevent early marriages.

618. The Committee is deeply concerned about the significant disparities in the State party in the implementation of the rights enshrined in the Convention, reflected in a range of social indicators like enrolment in and completion of education, infant mortality rates and birth registration, indicating persistent discrimination against indigenous children, girls, children with disabilities and children living in rural areas.

619. In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of *de facto* discrimination against indigenous children, children with disabilities, girls and children living in rural areas.

...

646. While welcoming the recent reform of the education system and the increase in coverage of both primary and secondary education achieved in the last years, the Committee is concerned at continuing low enrolment rates, especially among girls and indigenous children; the considerable disparities in the coverage and quality of education between urban and rural areas; and high dropout rates and persistently high illiteracy rates, particularly among rural and indigenous children and girls...

647. The Committee encourages the State party:

...

(c) To strengthen efforts to bridge the gender disparity in education, giving special attention to promoting the education of rural girls;

...

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- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 718, 719, 725 and 726.

718. While acknowledging that the minimum age of marriage is set federally at 18 years, the Committee notes with concern that the legislation of most states and the customary law allows for early marriages, and girls can be forced into marriage as soon as they reach puberty. The Committee is particularly concerned at the reports of a large number of young women suffering cases of vesico-vaginal fistula, a condition caused by giving birth when the cervix is not well developed. The Committee is further concerned that such girls, once married, are not afforded protection and that the enjoyment of their rights as children is not ensured as enshrined in the Convention.

719. The Committee recommends that the State party amend existing legislation to prevent early marriages. It also recommends to the State party that it take measures to ensure that when underage girls are married, they continue fully enjoying their rights as set out in the Convention. The Committee also recommends that the State party develop sensitization programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriages.

...
725. The Committee welcomes that education was given the highest priority in the State party's annual budget. It also notes with appreciation the initiatives of some State Governments to facilitate children's access to education and to increase school enrolment, including the "school meal plus programme" and the development of the Strategy for Acceleration of Girls' Education in Nigeria (SAGEN)... However, in the light of the Committee's general comment No. 1 on article 29 (1) of the Convention (aims of education), the Committee remains concerned about the various number of problems in the State party's education system, including:

...
(b) High illiteracy, particularly among girls and women;

...
(d) Gender and regional disparities in school enrolment;

...
(f) Mandatory requirement by law in some states of segregation of boys and girls in schools; and

...
726. The Committee recommends that the State party:

...
(b) Prioritize equal accessibility to educational opportunities for girls and boys from urban and rural areas;

...
(g) Ensure that children who drop out of school and pregnant teenagers are provided

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with the opportunity to resume their studies;

...

(j) Increase availability of vocational training programmes for young people, in particular, for girls, with the view to facilitate their access to the labour market, and in this connection, ratify the 1989 UNESCO Convention on Technical and Vocational Education...

...

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 65, 66, 95 and 96.

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

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

...

95. The Committee notes with appreciation that the problem of sexual abuse has been recognized by the State party, however it remains concerned that the scope of the issue has not been fully and systematically uncovered and that existing legislation protecting children from sexual abuse and exploitation does not explicitly refer to the male child.

96. The Committee recommends to the State party that it:

...

(b) Adopt legislative measures and ensure protection from sexual abuse and exploitation for both boys and girls;

...

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

123. ...The Committee is particularly concerned about the *de facto* discrimination faced by girls in everyday life, which is often multiple discrimination based on their gender...

124. In the light of article 2 of the Convention, the Committee recommends that the State party increase its efforts to ensure effective implementation of existing laws guaranteeing the principle of non-discrimination and adopt a proactive and

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comprehensive strategy to eliminate all forms of discrimination, including forms of multiple discrimination, against all vulnerable groups of children. The Committee recommends that the State party pay particular attention to the equal status and full enjoyment of all human rights and fundamental freedoms by girls...

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 316, 318, 346-349, 356 and 357.

316. While noting that discrimination is prohibited under the Constitution and other relevant legislation, as well as the various efforts undertaken by the State party to eliminate discrimination, the Committee reiterates its deep concerns about the widely prevailing *de facto* discrimination against girls and children belonging to the most vulnerable groups such as the *Dalit* community, children belonging to indigenous or ethnic minority groups, refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas. The Committee notes with grave concern that as a consequence of prevailing discriminatory attitudes, children belonging to vulnerable groups are particularly likely to fall victim to abuse and exploitation.

...

318. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritize and target social services for children belonging to the most vulnerable groups, and to take all effective measures to ensure their protection from exploitation. The Committee encourages the State party to launch comprehensive public information campaigns to prevent and combat all forms of discrimination.

...

346. While acknowledging that the minimum age of marriage for girls is 18 years, the Committee shares the concern of the State party that the custom of early marriage is widespread in practice, in particular within certain ethnic and religious communities, and that girls, once married, are not afforded the protection for the enjoyment of their rights as children as enshrined in the Convention, including the right to education.

347. The Committee recommends that the State party strengthen its enforcement of the existing legislation to prevent early marriage and that the State party develop sensitization programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriage. It also recommends to the State party that it take measures to ensure that when underage girls are married, they continue to fully enjoy their rights as set out in the Convention, including the right to education.

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348. The Committee notes with concern that certain harmful traditional practices continue to prevail in the State party, most notably the caste system and traditions such as the *Deuki*, *Kumari*, *Jhuma*, *Badi*, *Kamlari* and *Chaupadi*, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address the harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices.

349. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt legislation prohibiting such practices.

...

356. ...The Committee is...concerned about the high dropout rate, and that significant inequality exists in access to education, in part due to the hidden costs associated with schooling, and that a large proportion of girls and children from disadvantaged backgrounds such as *Dalit* children and children with disabilities remain deprived of educational opportunities.

357. The Committee recommends that the State party carefully examine the budget allocations and measures taken within the field, with regard to their impact on the progressive implementation of the child's right to education and leisure activities. In particular, the Committee recommends that the State party:

...

(d) Take further measures to improve the accessibility, in particular for girls, to education of all children, with a view to eliminating the prevailing disparities between girls and boys, as well as between urban and rural areas;

...

(f) Prioritize efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups;

...

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 566 and 568.

566. ...The high number of primary-school-aged children not enrolled in school, including gender and regional disparities in school enrolment, the increasing rates of illiteracy and the high rate of school drop-outs, especially in rural areas, give cause for serious concerns.

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...

568. The Committee recommends that the State party take immediate measures to allocate adequate financial and human resources in order:

(a) To progressively ensure that all children, without any distinction by gender, from all areas of the country, have equal access to quality education without any financial obstacles and to also consider the reinstatement of neighbourhood schools in order to facilitate children's access to education;

...

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 762, 763, 789, 790, 793 and 794.

762. The Committee is deeply concerned at the persistence of discriminatory social attitudes against girls...

763. The Committee recommends that the State party:

(a) Strengthen its efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, particularly with regard to girl children, in accordance with article 2;

...

(d) Train school teachers, media and members of the legal profession, particularly the judiciary, to be gender-sensitive; and

(e) Mobilize religious leaders to support such efforts.

...

789. While taking note of the efforts made by the State party to address the issue of female genital mutilation (FGM) and harmful traditional practices, the Committee reiterates its concern at the existence of harmful traditional practices in certain regions of the State party, including FGM, early marriages and deprivation of education.

790. The Committee recommends that the State party, as a matter of urgency, undertake all necessary measures to eradicate harmful traditional practices, particularly those affecting the girl child, and those harmful to the physical and psychological well-being of children.

...

793. The Committee welcomes the information regarding the efforts made by the State party to enhance the quality of education and improve the quality of teaching and working conditions of teachers. However, it remains deeply concerned that:

...

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(b) The level of illiteracy of women is high;

...

(f) Negative stereotypes of girls remain in school curricula...

...

794. The Committee recommends that the State party:

...

(c) Continue its efforts to ensure that all children have equal access to educational opportunities with a view to eliminating the prevailing disparities between girls and boys as well as in urban and rural areas;

...

(e) Taking into account the Committee's general comment No. 1 (2001) on the aims of education, strengthen its efforts to include human rights education in school curricula at all levels, particularly with respect to the development of and respect for human rights, tolerance and equality of the sexes and ethnic minorities;

...