

## **EQUALITY AND DISCRIMINATION - TEMPORARY SPECIAL MEASURES (AFFIRMATIVE ACTION)**

### **III. CONCLUDING OBSERVATIONS**

#### **CERD**

- Australia, CERD, A/46/18 (1991) 58 at para. 245.

The situation of the Aboriginal and Torres Strait Islander people requires further affirmative action. Improvements are particularly needed in the area of education, employment, housing, land rights and health services.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/48/18 (1993) 73 at para. 421.

Effective legislative and other practical measures should be taken with a view to preventing incidents of incitement to racial hatred and racially motivated attacks; in particular, the causes of such attacks should be more accurately analysed; current efforts to encourage the recruitment into the police of members of ethnic minorities should be reinforced; and the activities of organizations of a racist nature should be prohibited and the dissemination of ideas based on racial hatred declared punishable by law.

- Croatia, CERD, A/48/18 (1993) 90 at para. 504.

Continuous monitoring of the actual situation pertaining to minority communities would be necessary in order to measure the success of government policies and to indicate where changes, including affirmative action, should be considered in regard to minority groups which were particularly vulnerable or disadvantaged.

- France, CERD, A/49/18 (1994) 20 at paras. 145 and 154.

#### *Paragraph 145*

Concern is expressed over procedures concerning identity controls which confer on the police, for preventive reasons, broad discretion in checking the identity of foreigners in public, a measure which could encourage discrimination in practice. Concern is also expressed that the law enforcement services should reflect the ethnic diversity of the population and that adequate training with respect to racial discrimination should be organized.

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### *Paragraph 154*

The training of law enforcement officials in human rights standards should be strengthened and their recruitment should be broadened to include more members of differing ethnic backgrounds.

- Mexico, CERD, A/50/18 (1995) 66 at para. 394.

It is strongly recommended that the State party make an increased effort in promoting affirmative measures in the field of education and training.

- New Zealand, CERD, A/50/18 (1995) 72 at para. 452.

While the policy and special programmes to improve the situation of the Maori, Pacific Island and other ethnic minorities are commended, the existing social and economic disparities between the Maori and Pacific Islanders and the Pakeha in New Zealand continue to be a matter of concern.

- Zimbabwe, CERD, A/51/18 (1996) 20 at para. 87.

Satisfaction is expressed concerning the land resettlement programmes undertaken by the authorities, *inter alia*, to provide land to the landless and displaced persons and to support and promote emergent black large-scale commercial farming and a more balanced racial composition of the large-scale commercial sector.

- Hungary, CERD, A/51/18 (1996) 22 at para. 126.

Increased attention to the protection of the Gypsies' civil, political, economic, social and cultural rights is recommended. The efforts to implement measures of affirmative action in that respect should be strengthened. Adequate indicators and other means of monitoring the economic and social conditions of this group should be developed.

- Russian Federation, CERD, A/51/18 (1996) 25 at para. 149.

Where appropriate, the State Party should take special and concrete measures to ensure the adequate development and protection of less developed groups within the Federation, in accordance with article 2, paragraph 2, of the Convention.

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- Finland, CERD, A/51/18 (1996) 29 at para. 191.

It is suggested that special measures be taken on behalf of the Romany people to ensure their full and equal enjoyment of human rights, especially in the field of education.

- India, CERD, A/51/18 (1996) 51 at para. 365.

Special measures should be taken by the authorities to prevent acts of discrimination towards persons belonging to the scheduled castes and scheduled tribes, and, in cases where such acts have been committed, to conduct thorough investigations, to punish those found responsible and to provide just and adequate reparation to the victims. The importance of the equal enjoyment by members of these groups of the rights to access to health care, education, work and public places and services, including wells, cafés or restaurants is stressed.

- Namibia, CERD, A/51/18 (1996) 67 at para. 503.

Affirmative measures should be adopted to overcome vestiges of the past that still hamper the possibilities for black people, including vulnerable groups among them, to have access to secondary and higher education and to enjoy just and favourable conditions of work in the private sector. Similarly, additional measures should be taken in the field of land redistribution.

- Guatemala, CERD, A/52/18 (1997) 14 at para. 94.

Efforts should be increased to promote affirmative measures in the fields of education and training and to introduce bilingual education for all parts of the population.

- Bulgaria, CERD, A/52/18 (1997) 39 at para. 288.

The effort to implement measures of affirmative action for the protection of the Roma's civil, political, economic, social and cultural rights should be strengthened. Adequate indicators and other means of monitoring the economic and social living conditions of that group should be developed.

- Denmark, CERD, A/52/18 (1997) 59 at para. 445.

Efforts made by the State party to ensure that the composition of the police service reflects that of

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the population by including persons of non-Danish ethnic origin are noted with satisfaction. Improvements in the human rights training of the police, designed to combat negative attitudes towards minorities and to promote good relationships with ethnic minorities, are welcomed.

- The Former Yugoslav Republic of Macedonia, CERD, A/52/18 (1997) 67 at para. 524.

The State party should continue its programmes of affirmative action in order to increase the representation of the ethnic minorities in public life; including the civil service, army and police.

- Russian Federation, CERD, A/53/18 (1998) 25 at para. 43.

Increased attention should be given to programmes intended to improve relations between ethnic groups, as well as to ensure the adequate development and protection of less developed groups, in accordance with article 2, paragraph 2, of the Convention.

- Cuba, CERD, A/53/18 (1998) 64 at para. 350.

The policy of promoting blacks to managerial positions at all levels within the country, including the highest political organs, is welcomed.

- Nepal, CERD, A/53/18 (1998) 73 at para. 434.

Affirmative action programmes aimed at improving the living conditions of the less developed groups are welcomed.

- Romania, CERD, A/54/18 (1999) 30 at paras. 282 and 286.

### *Paragraph 282*

The situation of Roma is a subject of particular concern since no improvements have been noted in the high unemployment rates and the low educational levels traditionally predominant among members of this minority; this contributes to the continued unacceptable prevalence of the negative and stereotyped image of the minority in the rest of society. Given its disadvantaged situation in society, particular concern is caused by the absence of economic and social measures of the kind envisaged in article 2 (2) of the Convention in favour of this minority.

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### *Paragraph 286*

Measures of affirmative action should be adopted in favour of the Roma population, especially in the areas of education and vocational training, with a view, *inter alia*, to placing Roma on an equal footing with the rest of the population in the enjoyment of economic, social and cultural rights, removing prejudices against the Roma population and enhancing its capacity in asserting its rights.

- Uruguay, CERD, A/54/18 (1999) 41 at paras. 427 and 430.

### *Paragraph 427*

The State party should establish specific protection measures, such as affirmative action programmes, for members of the Afro-Uruguayan and indigenous communities, to guarantee their enjoyment of all the rights enumerated in the Convention.

### *Paragraph 430*

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

- Colombia, CERD, A/54/18 (1999) 44 at para. 476.

The State party should implement affirmative and effective measures to ensure increased employment opportunities for minority and indigenous communities in both the public and private sectors and to advance the social, political, economic, and educational status of historically marginalized communities.

- Denmark, CERD, A/55/18 (2000) 22 at para. 68.

All effective measures should be taken to reduce unemployment among foreigners and facilitate the professional integration of all persons belonging to ethnic minorities in the public administration.

- Slovakia, CERD, A/55/18 (2000) 47 at para. 264.

In light of the fact that the Roma are among the populations hardest hit by unemployment because of inadequate skill levels and low levels of education, the State party should ensure that the National Employment Plan contains adequate job-training initiatives, and implement affirmative action programmes to improve the employment situation among the Roma in various levels of employment.

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- Nepal, CERD, A/55/18 (2000) 52 at para. 299.

Concern remains at the existence of caste-based discrimination, and the denial which this system imposes on some segments of the population of the enjoyment of the rights enshrined in the Convention. The State party is encouraged to implement affirmative measures to advance and protect persons subjected to caste-based discrimination.

- The Netherlands, CERD, A/55/18 (2000) 55 at para. 319.

While acknowledging the efforts to recruit members of minorities into government service, including the police and armed forces, concern remains about the disproportionately high number of members of minorities leaving the police forces. The State party should strengthen its efforts to create a police force reflective of the total population.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/55/18 (2000) 60 at paras. 353 and 365.

### *Paragraph 353*

The Committee welcomes the use of ethnic monitoring to ascertain the number of persons of particular ethnic and national origins in various kinds of employment and the setting of targets to increase the employment of persons of minority origins in fields where they are under-represented, as well as the use of ethnic monitoring in the criminal justice system, including the prison population, in order to identify points at which discrimination occurs and to develop means of rectifying it.

### *Paragraph 365*

It is noted with concern that positive action is only practised “by training bodies, by employers and by trade unions and employers’ organizations”. The State party should consider introducing affirmative measures in accordance with article 2, paragraph 2, of the Convention, when circumstances so warrant, for certain racial groups or individuals belonging to ethnic minorities who are experiencing disadvantage with respect to educational achievement and other elements of their socio-economic profiles.

- Bangladesh, CERD, A/56/18 (2001) 21 at para. 66.

Affirmative action programmes to ensure the enjoyment of the rights contained in article 5(e) of the Convention by the socially and economically disadvantaged groups are welcomed. This is particularly the case with the tribal population of the Chittagong Hill Tracts.

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- United States of America, CERD, A/56/18 (2001) 64 at paras. 398 and 399.

### *Paragraph 398*

While noting the numerous laws, institutions and measures designed to eradicate racial discrimination affecting the equal enjoyment of economic, social and cultural rights, concern is expressed about persistent disparities in the enjoyment of, in particular, the right to adequate housing, equal opportunities for education and employment, and access to public and private health care. The State party should take all appropriate measures, including special measures according to article 2, paragraph 2, of the Convention, to ensure the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to the enjoyment of the rights contained in article 5 of the Convention.

### *Paragraph 399*

With regard to affirmative action, the position taken by the State party that the provisions of the Convention permit, but do not require States parties to adopt affirmative action measures to ensure the adequate development and protection of certain racial, ethnic or national groups is noted with concern. It is emphasized that the adoption of special measures by States parties when the circumstances so warrant, such as in the case of persistent disparities, is an obligation stemming from article 2, paragraph 2, of the Convention.

## **ICCPR**

- Ireland, ICCPR, A/48/40 vol. I (1993) 128 at para. 615.

Additional affirmative action aimed at improving the situation of the "Travelling Community" and, in particular, facilitating and enhancing the participation of "Travellers" in public affairs, including the electoral process should be undertaken.

- Bulgaria, ICCPR, A/48/40 vol. I (1993) 156 at para. 746.

More energetic measures had to be taken to eliminate discrimination against ethnic and religious minorities and to encourage tolerance. To that end, a full human rights teaching programme should be set up and effective penalties should be provided for against persons who abused their authority, particularly law enforcement officials. It is stressed that, under article 27 of the Covenant, minorities should not only have the same economic and political status as other Bulgarian citizens, but should also benefit from special measures of protection.

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

With respect to the rights of women, affirmative measures should be taken to strengthen their participation in the conduct of public affairs and in the economic and social life of the country, as well as to ensure effective protection against violence of all kinds.

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

### *Paragraph 295*

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

### *Paragraph 303*

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

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

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

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

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



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- Mauritius, ICCPR, A/51/40 vol. I (1996) 26 at para. 158.

It is recommended that the proposed Equal Opportunity Commission consider whether affirmative action measures, including educational measures, are necessary to overcome remaining obstacles to equality, such as outdated attitudes concerning the role and status of women.

- Zambia, ICCPR, A/51/40 vol. I (1996) 31 at para. 207.

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

- Chile, ICCPR, A/54/40 vol. I (1999) 47 at para. 215.

Where participation is inadequate, steps should be taken to improve the participation of women in political life, public service and the judiciary, if necessary, by adopting affirmative action programmes.

*See also:*

- Lesotho, ICCPR, A/54/40 vol. I (1999) 54 at para. 268.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(21).

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

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

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

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

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

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

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

### **ICESCR**

- Paraguay, ICESCR, E/1997/22 (1996) 22 at para. 86.

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

- Guatemala, ICESCR, E/1997/22 (1996) 29 at para. 140.

All legislative and other reforms should take into account the need to promote equality and reverse the devastating effects of discrimination against the indigenous populations, in particular through affirmative action.

- Portugal (Macau), ICESCR, E/1997/22 (1996) 48 at paras. 259 and 261.

#### *Paragraph 259*

It is recommended that appropriate measures be taken to secure the economic, social and cultural rights of disabled persons, particularly through funding for special programmes aimed at helping the physically and mentally disabled to gain better access to employment, education and public facilities.

#### *Paragraph 261*

The Portuguese Administration should take affirmative steps to facilitate the integration of persons

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of Chinese origin into the placement programme of the civil service.

- Peru, ICESCR, E/1998/22 (1997) 33 at para. 156.

The introduction and implementation of social-justice measures, i.e. political, economic and social reforms, are needed in order to break the vicious circle of violence and counter-violence and to win over the indigenous population, the peasants and other underprivileged sectors of society.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at para. 75.

Deep concern is expressed at the lack of anti-discrimination mechanisms in the area of employment with regard to women and minority groups. While it is noted that a system of ethnic recruitment quotas is in place in the public sector, there is no effort to ensure that promotions in the public sector and employment in the private sector are free from discrimination. In particular, the concept of equal pay for work of equal value is not applied effectively in Sri Lanka, particularly in the private sector where women have no legal protection against discrimination in employment.

- Germany, ICESCR, E/1999/22 (1998) 54 at para. 331.

Affirmative and effective measures should be taken against trafficking in women and their exploitation for whatever purpose.

- Bulgaria, ICESCR, E/2000/22 (1999) 46 at para. 238.

Having in mind the increase in the number of older persons in the State party, it is recommended that the State party take affirmative action for the well-being of older persons.

- Republic of Korea, ICESCR, E/2002/22 (2001) at para. 234.

It is noted with concern that despite the State party's attempts to promote employment of the disabled, the previous 2% quota for workers with disabilities, in relation to all workers in enterprises employing over 300 employees, has not been met, even within Government agencies. Concern is expressed that enforcement mechanisms for this purpose do not seem to have been established.

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### **CEDAW**

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

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

- Russian Federation, CEDAW, A/50/38 (1995) 99 at para. 549.

In light of the serious consequences of the current economic restructuring during the period of transition, the Government should implement, as a matter of priority, emergency economic measures to alleviate the acute suffering of women.

- Ethiopia, CEDAW, A/51/38 (1996) 19 at para. 158.

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

- Morocco, CEDAW, A/52/38/Rev.1 part I (1997) 11 at para. 72.

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

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at paras. 108, 112, 113, 115 and 116.

### *Paragraph 108*

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

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### *Paragraph 112*

New efforts should be directed at the political education of women and men and of political parties in order to ensure more effective temporary measures that would increase the representation of women at all levels of political life.

### *Paragraph 113*

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

### *Paragraph 115*

Revised labour legislation should contain equality and anti-discrimination provisions and strong sanctions for non-compliance. In order to overcome employment segregation, temporary special measures with concrete numerical goals and timetables are recommended.

### *Paragraph 116*

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

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

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

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 183 and 199.

### *Paragraph 183*

Concern is expressed over the fact that sufficient appropriate measures had not yet been taken to

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prevent and combat the acceptance of male dominance and violence against women in rural as well as urban areas, as reflected in such practices as beating women and requiring silent obedience from them. Equally, there was a lack of concrete measures to prevent the high number of suicides among women victims of violence.

### *Paragraph 199*

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

- Denmark, CEDAW, A/52/38/Rev.1 part I (1997) 34 at para. 267.

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

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at paras. 62 and 63.

### *Paragraph 62*

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

### *Paragraph 63*

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

- Namibia, CEDAW, A/52/38/Rev.1 part II (1997) 82 at paras. 103, 114 and 122.

### *Paragraph 103*

Concern was expressed over the fact that the issue of maternity leave was dealt with under article 4 of the Convention, as such a measure was not a measure of affirmative action.

### *Paragraph 114*

The implementation of affirmative action measures should have time-frames and should include

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educational and other programmes that would sustain the objectives and achievements of existing affirmative action programmes.

### *Paragraph 122*

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

### *See also:*

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at para. 130.
- Nigeria, CEDAW, A/53/38/Rev.1 part II (1998) 61 at para. 163.
  
- Italy, CEDAW, A/52/38/Rev.1 part II (1997) 106 at para. 355.

Specific affirmative actions targeted to numerical goals and quotas are encouraged, in particular in those areas such as political and decision-making positions of public life, where women's *de facto* equality had not been improving at the desired pace.

### *See also:*

- Croatia, CEDAW, A/53/38/Rev.1 part I (1998) 10 at para. 110.
  
- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at para. 463.

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

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at paras. 62 and 72.

### *Paragraph 62*

That the adoption of temporary special measures aimed at accelerating *de facto* equality between women and men has not been used to eliminate the inequality between women and men, particularly in the context of the integration of women into politics and employment and with regard to assistance for displaced and refugee women is of concern.

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### *Paragraph 72*

Appropriate institutions should consider the utility and necessity of affirmative action, in particular, to encourage greater participation of women in decision-making bodies.

- Zimbabwe, CEDAW, A/53/38/Rev.1 part I (1998) 13 at para. 155.

Temporary special measures of affirmative action should be adopted to promote the status of women in all spheres of society.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at paras. 185, 201 and 206.

### *Paragraph 185*

While the Government is eager to improve the living conditions of women, concern is expressed over the structural and cultural causes of gender inequality which are not fully appreciated by the Government. Having emerged from the restrictions of a totalitarian State, where full employment of women and institutional care-taking of children has been emphasized, the current policies directed at women and family overemphasize motherhood and family roles for women. The absence of special measures to elevate women's status, save those pertaining to the protection of pregnancy and motherhood, is considered to be a major constraint to the full implementation of the Convention.

### *Paragraph 201*

The Government should review its perspective on special temporary measures in the area of women's political and economic participation in leadership positions. In this context, numerical goals and targets, as well as a plan of action with timetables to boost women's participation in these areas, should be instituted.

### *Paragraph 206*

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

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at paras. 234, 254 and 259.



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### *Paragraph 234*

As embodied in the Convention, special, temporary measures or affirmative action means the establishment of programmes that advantage women more than men. They require undermining formal equality for a certain period of time in order to achieve *de facto* equality in the long term. The reference by the representative of the Government of Bulgaria to earlier retirement age for women than men is not regarded as a measure of affirmative action.

### *Paragraph 254*

Temporary special measures should be adopted in all necessary areas, particularly in the areas of employment and political decision-making, to accelerate the *de facto* situation of equality for women. Further consideration should be given to the nature and role of affirmative action. Experts could be called upon to provide further information and assistance to the Government in that respect.

### *Paragraph 259*

Special measures should be taken to encourage women to become entrepreneurs. Training should be provided and measures taken to facilitate access to credit and loans for women, in particular, rural women.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at para. 333.

The economic consequences of women's poverty is of deep concern. Women's migration to urban areas and to foreign countries render them susceptible to sexual exploitation, including trafficking and sex tourism, and prostitution. The lack of creation of jobs for women in growth sectors, including in the tourism industry, contributes to the high percentage of women migrating abroad in search of work. Notwithstanding the high level of poverty among women, and especially of women-headed households, concern is expressed over the fact that no affirmative action measures are being taken to support women's efforts to break the cycle of poverty.

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at paras. 75 and 76.

### *Paragraph 75*

Concern is expressed over the fact that the definitions of affirmative action and temporary special measures as outlined in the Convention have been misunderstood and misinterpreted by the Government to be protective measures. While legislation and institutional structures are essential to the advancement of women's status, they are not sufficient to address the ongoing preference for men in employment and politics. While it is recognized that the establishment of quotas and other temporary special measures to promote women are often controversial, they have been shown to address effectively structural discrimination against women in politics and employment and to

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accelerate *de facto* equality of women.

### *Paragraph 76*

The Government should reconsider its position on temporary special measures and note should be taken of the information and practice developed internationally in structural discrimination. Such discrimination can be eliminated through temporary special measures. Therefore, the provision of such measures, combined with numerical goals of a minimum of 30 per cent presence of women, as well as timetables to ensure women's increased presence in political parties, and in all sectors, segments and levels of employment, is recommended.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at para. 132.

The Government should focus, as a matter of priority, on creating income generating activities for women. Existing efforts, including the use of quotas in job creation schemes, such as the community-based public works programme, should be expanded into areas where the number of unemployed women workers is particularly high.

- United Republic of Tanzania, CEDAW, A/53/38/Rev.1 part II (1998) 66 at para. 231.

Although legislation is in place to ensure equality between women and men in the United Republic of Tanzania, concern is expressed over the fact that women's human rights were often violated. Although some temporary special measures have been introduced to ensure the participation of women in policy-making, the number of women in the Parliament and authorities is still very small. The fact that more women than men are confined to low-paid, insecure jobs with no legal protection is further noted.

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at para. 270.

Temporary special measures should be used proactively in the public and private sectors to accelerate women's *de facto* equality in employment.

- Peru, CEDAW, A/53/38/Rev.1 part II (1998) 72 at para. 320.

The Committee recommends that "any objective and reasonable justification" be used only as a basis

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for the implementation of temporary special measures which accelerate the *de facto* equality between women and men. The Government should include information on the manner in which the criterion of “objective and reasonable justification” has been implemented and whether a definition of discrimination reflecting article 1 of the Convention is now an enforceable part of the law.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at para. 88.

Temporary incentives with quantitative targets aimed at increasing women’s employment in both the public and private sectors should be implemented along with the creation of childcare centres and kindergartens in sufficient numbers to allow women to reconcile their family and professional responsibilities. Unemployed women should also be required to participate in traineeships and retraining programmes, including in non-traditional areas, and benefit from job-creation measures to a degree proportional to the unemployment rate for women.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at para. 119.

A broad range of temporary special measures, including quotas, should be introduced to improve the representation of women in politics, at all levels of decision-making and in non-traditional fields of employment.

- Liechtenstein, CEDAW, A/54/38/Rev.1 part I (1999) 18 at para. 165.

Temporary special measures should be implemented in order to accelerate the advancement of women in all areas.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 193.

That the legality of affirmative action and temporary special measures is unclear is a concern.

- Thailand, CEDAW, A/54/38/Rev.1 part I (1999) 24 at para. 234.

The under-representation of women in politics and decision-making structures, including the judicial system, is a concern. The introduction of affirmative action policies or temporary special measures, with goals and timetables to address the situation, is recommended.

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- China, CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 293 and 295.

### *Paragraph 293*

The Government is urged to adopt temporary special measures to increase the number of women at the higher echelons of Government. The Government should also encourage gender-balance in the composition of village committees.

### *Paragraph 295*

Special measures and incentives should be introduced to ensure that girls are able to fully utilize access to primary education, and are given opportunities for secondary and higher education and vocational training.

- China (Hong Kong), CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 322 and 330.

### *Paragraph 322*

The Government should make use of affirmative action and temporary special measures to realize women's right to participation in all areas of public life and particularly at high levels of decision-making.

### *Paragraph 330*

Temporary special measures aimed at increasing *de facto* equality between women and men should be adopted to increase the number of women in non-traditional areas of education, especially in science, technology and engineering, and to promote women from junior and auxiliary positions in teaching and academia to senior positions. The Government is urged to address the perpetuation of gender stereotypes and to allocate adequate resources for gender studies programmes.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at para. 370.

Consideration should be given to the possibility of adopting temporary special measures to promote the increased integration of women in decision-making in the country's administrative and political life.

- Georgia, CEDAW, A/54/38/Rev.1 part II (1999) 53 at paras. 98, 104 and 106.

### *Paragraph 98*

## **EQUALITY AND DISCRIMINATION - TEMPORARY SPECIAL MEASURES (AFFIRMATIVE ACTION)**

The review of the negative attitudes towards concepts and provisions such as, for example, temporary special measures, including quotas in the areas of political participation and in employment, is recommended.

### *Paragraph 104*

The Government should consider introducing a broad range of measures within the framework of article 4.1 of the Convention to accelerate the improvement of the position of women in all areas and particularly in regard to political representation.

### *Paragraph 106*

Comprehensive measures aimed at the improvement of women's economic status through training and retraining, as well as the introduction of quotas for women in the governmental job creation schemes should be implemented. Programmes to encourage women to participate in modern sectors of the national economy, as well as in entrepreneurship are also recommended.

- Nepal, CEDAW, A/54/38/Rev.1 part II (1999) 57 at paras. 152 and 156.

### *Paragraph 152*

The Government should take appropriate steps, including the introduction of temporary special measures, to ensure greater participation by women at all levels of decision-making.

### *Paragraph 156*

The Government is urged to adopt labour legislation prohibiting wage discrimination. The Government should also introduce special measures to encourage women to participate in all sectors of employment, and develop special credit facilities for women to enable them to establish small enterprises.

- Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 60 at para. 190.

The Government is urged to make full use of temporary special measures to increase women's participation in politics and decision-making. Awareness-raising and educational measures are recommended to redress cultural stereotypes, increase men's sharing of domestic work and encourage mentoring, networking and support systems to facilitate women's entry into public life.

- Chile, CEDAW, A/54/38/Rev.1 part II (1999) 64 at para. 225.

The Government is urged to strengthen actions undertaken through comprehensive strategies,

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including temporary special measures, intended to encourage greater participation of women in public life, particularly in political decision-making, and to promote changes in attitudes and perceptions both of women and of men, with regard to their respective roles in the home, the family, the workplace and society as a whole. In particular, it is recommended that the Government strengthen and intensify actions aimed at raising awareness of the importance of the multiple roles, activities and contributions of women in the community and family, and in general, promote equality of rights and opportunities between women and men.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 45, 49, 65, 75, 80 and 81.

### *Paragraph 45*

India has guaranteed in its Constitution fundamental human rights that can be enforced by an application to the Supreme Court. In particular the recognition of a fundamental right to gender equality and non-discrimination and a specific enabling provision on affirmative action in the Constitution is commended.

### *Paragraph 49*

The Government is commended for introducing affirmative action measures that have enabled 33 per cent of seats in local government bodies to be reserved for women. The proposed bill to reserve 33 per cent seats in state and national assemblies for women, and the assurance that 30 to 40 per cent coverage will be provided for women in programmes that give access to credit, are welcomed.

### *Paragraph 65*

The Government is urged to take affirmative action, set a time-frame and provide adequate resources for primary and secondary education so as to give girls equal access to education and eradicate adult illiteracy among women.

### *Paragraph 75*

The Government is urged to enforce laws preventing discrimination against Dalit women and prohibiting the devadasi system, and to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Government is called upon to set a time-frame for those interventions.

### *Paragraph 80*

The low participation of qualified women in the administration and the judiciary, including family courts and *lok adalats* or conciliation tribunals, is of concern.

### *Paragraph 81*

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The Government is urged to take affirmative action to increase women's participation in the judiciary and *lok adalats*.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 183 and 189.

### *Paragraph 183*

The Government is urged to work with political parties, unions and other stakeholders to increase the number of women elected and appointed to political office and decision-making positions. In particular, the Government is encouraged to take temporary special measures, including the introduction of quotas, to remedy the low representation of women in the political sphere.

### *Paragraph 189*

The Government is called upon to ensure that special measures are in place to support the full integration of rural women in national development.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 221 and 222.

### *Paragraph 221*

The under-representation of women in political life and in the governing bodies of the State party, including those of the judicial system, is of concern. The importance of a social and political environment conducive to improving the situation of women in all sectors of public life and in private life is stressed.

### *Paragraph 222*

The adoption of temporary special measures with specific objectives, in accordance with article 4, paragraph 1 of the Convention, is recommended.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at paras. 272 and 273.

### *Paragraph 272*

Concern is expressed at the low level of representation of women, particularly in elective bodies.

### *Paragraph 273*

The State party should implement temporary special measures set forth in article 4 (1) of the Convention and should use a quota system in order to achieve a substantial improvement in the

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number of women in Parliament and increase their participation in political life and decision-making.

- Germany, CEDAW, A/55/38 part I (2000) 29 at para. 299.

The Government's extensive use of temporary special measures, in accordance with article 4 (1) of the Convention, for the realization of *de facto* equality for women, is welcomed.

- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 396 and 397.

### *Paragraph 396*

The legislation of July 1998 requiring the appointment of equality officers in enterprises with at least 15 employees, is welcomed.

### *Paragraph 397*

The fact that the law of July 1998 now provides the legal basis for instituting affirmative action for women in the private sector is welcomed.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 97, 98, 105 and 106.

### *Paragraph 97*

The persistence of stereotyped attitudes and behaviour patterns about the roles of women and men in the family and in society is noted with concern. It is also of concern that there is no clear understanding of article 4, paragraph 1, of the Convention. Stereotyped attitudes are reflected, for example, in the low level of women's participation in decision-making in political life, where women hold fewer than 10 per cent of the seats in Parliament. Such stereotyped behaviour is also reflected in the lack of sharing of responsibilities between women and men for household and family duties.

### *Paragraph 98*

Urgent measures should be taken to overcome stereotyped and patriarchal societal attitudes. The Government should use article 4, paragraph 1, of the Convention to increase the number of women in decision-making at all levels, and in all areas, including the establishment of targets and of timetables to monitor progress. The Government should also take urgent measures to modify social and cultural patterns of behaviour, including through information and public awareness-raising campaigns, so as to facilitate the emergence of non-discriminatory attitudes about the roles and responsibilities of women and men. The Government is invited to take fully into account general recommendation 23 on women in public life.



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### *Paragraph 105*

While women's high educational levels are noted, the predominance of women in low-level educational sectors is of concern. The lack of statistical information concerning women's representation in various fields of teaching, and in administrative and high-level posts at all levels of education, is also of concern.

### *Paragraph 106*

Temporary special measures should be implemented, in accordance with article 4, paragraph 1, of the Convention, to accelerate women's representation in educational decision-making.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 131, 138, 140 and 141.

### *Paragraph 131*

The revision of various legal provisions, the adoption of the Law on Equal Opportunities and the establishment of the Office of the Equal Opportunities Ombudsman, are welcomed. It is commended that the Law's definition of discrimination fully corresponds to the definition articulated in article 1 of the Convention, that it allows for positive discrimination according to article 4, paragraph 1, of the Convention, prohibits sexual harassment, and allows for administrative sanctions to be imposed on both private and public persons and institutions.

### *Paragraph 138*

The persistence of traditional stereotypes regarding the role of men and women in the family, in employment and in society, is of concern. Further concern is expressed about the lack of targeted educational programmes, mass media campaigns and temporary special measures in education, employment and politics to eliminate these stereotypes.

### *Paragraph 140*

A clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention and the Lithuanian Law on Equal Opportunities, as well as the reason for their application, seems to be lacking in large parts of Lithuanian society and in the government bureaucracy.

### *Paragraph 141*

The Government should raise public awareness about the importance of temporary special measures and programmes by pointing to the positive example of Vilnius University and should encourage similar programmes in various areas, especially that of political decision-making. The Government should also introduce such special provisions in the educational field, including admission to disciplines in which one sex is under-represented, in government commissions and in public

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administration. Such provisions should be designed with measurable goals or quotas and time lines in order to accelerate the achievement of *de facto* equality between women and men in those areas.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 181, 195 and 196.

### *Paragraph 181*

The Government should review discriminatory legislative provisions and should take measures, including temporary special measures, aimed at creating a non-discriminatory legislative and *de facto* environment for women.

### *Paragraph 195*

While noting that, apparently, there is a quota provision in place in the country's main political party, the Ba'ath Party, to increase the number of women in leadership positions, concern is expressed about the continuing low representation of women in public life.

### *Paragraph 196*

Measures should be introduced in accordance with article 4, paragraph 1, of the Convention, especially to increase the number of women in the political sphere.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 232 and 238.

### *Paragraph 232*

Affirmative action should be introduced to increase the appointment of women to academic posts at all levels and to integrate gender studies and feminist research in university curricula and research programmes.

### *Paragraph 238*

The decrease in women's representation in the legislature in the recent elections is of concern. The Government should undertake in this respect temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and should consider the use of federal funding for political parties as an incentive for the increased representation of women in Parliament, as well as the application of quotas and numerical goals and measurable targets aimed at increasing women's political participation.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at para. 270.

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Temporary special measures targeted at women should be implemented to reduce the level of unemployment and of disparities in access to some sectors of the labour market. Such measures should ensure that women benefit equally from the country's economic recovery. Efforts should be increased to create new opportunities for women in non-traditional and high-growth areas, including in new information and communications areas and in the service sector, and to strengthen efforts to ensure that they can take full advantage of the mixed economy, in accordance with their high levels of education and skills.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 302 and 313.

### *Paragraph 302*

Temporary special measures should be implemented, in accordance with article 4, paragraph 1, of the Convention, to increase the number of women in all decision-making posts, including in Government and Parliament.

### *Paragraph 313*

The Government's labour market and employment policies should explicitly address the situation of women workers in order to ensure that women do not carry a disproportionate share of the burden of the transition to a market-based economy. Urgent targeted measures should be put in place to facilitate women's entry into new growth sectors of the economy, including women's entrepreneurship, and to ensure that women's health and retirement benefits are protected. The Government is encouraged to ensure that women can take full advantage of jobs created by foreign investment, ensuring non-discriminatory protection of their rights.

- Burundi, CEDAW, A/56/38 part I (2001) 7 at para. 51.

When introducing quotas for ethnic groups, the Government should also consider introducing measures, as permitted under article 4, paragraph 1, of the Convention and outlined in general recommendation 23 on women in public life, to increase the participation of women in decision-making at all levels. The importance of strict adherence to principles of gender equality in all reconstruction efforts is emphasized.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 89, 90 and 100.

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### *Paragraph 89*

Concern is expressed over the lack of clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention. Concern is also expressed that stereotypical attitudes regarding the role of women and men in society are reflected in the low representation of women in decision-making bodies, and the fact that women hold only 11 per cent of the seats in Parliament.

### *Paragraph 90*

Urgent measures should be taken to overcome traditional stereotypes of women and men in society. Steps should be taken to create an understanding of temporary special measures in accordance with article 4, paragraph 1, of the Convention and implement such measures to increase the number of women in decision-making at all levels and in all areas. Efforts to promote women to positions of power should be strengthened by organizing special training programmes for women and by conducting awareness-raising campaigns on the importance of women's participation in decision-making at all levels.

### *Paragraph 100*

The Government is encouraged to analyse the correlation between the high level of educational attainments of women and their income levels. Measures to accelerate the representation of women at all levels of decision-making should be introduced.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at paras. 134 and 135.

### *Paragraph 134*

The Government has not yet introduced temporary special measures according to article 4, paragraph 1, of the Convention to improve women's access to higher education, decision-making positions and legislative bodies at the national and local levels.

### *Paragraph 135*

Temporary special measures should be introduced in a short-term and long-term framework. The Government should combine them with public awareness and legal literacy programmes that challenge sexual stereotypes and should recognize the right of women to equality. The Government is urged to give priority to developing such programmes in areas of the country with high literacy levels.

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at paras. 167, 171 and 183.

### *Paragraph 167*

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A comprehensive law should be drafted on equal opportunities for women and men, including provisions to allow temporary special measures in accordance with article 4, paragraph 1 of the Convention.

### *Paragraph 171*

Temporary special measures should be utilized according to article 4, paragraph 1, of the Convention, in order to increase the number of women in decision-making levels in government, governmental bodies, public administration and State-owned enterprises.

### *Paragraph 183*

Equal opportunities for women and men in the labour market should be ensured, including through the use of temporary special measures. Regular reviews of legislation should be conducted with a view to reducing the barriers for women in the labour market. Special training and retraining programmes for different groups of unemployed women should be designed and implemented.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at paras. 219 and 220.

### *Paragraph 219*

The State party lacks a clear understanding of the full range of temporary special measures, according to article 4, paragraph 1, of the Convention and this is of concern.

### *Paragraph 220*

A full range of temporary special measures should be implemented to increase the number of women in decision-making at all levels, as well as in the public and private sectors. The social partners should be sensitized about the importance of these measures.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at para. 260.

The Government is urged to introduce temporary special measures, in conformity with the Convention, and public awareness and human rights education programmes that will create a supportive environment for women's greater participation in public life.

- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 294, 299 and 300.

### *Paragraph 294*

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The State party is commended for the positive changes in the Finnish Constitution which provide that in case of conflicting legislation, fundamental rights, including women's right to equality, shall prevail, and explicitly provide for temporary special measures.

### *Paragraph 299*

Concern is expressed over the low percentage of women in high-ranking posts in many areas, particularly in academia, where the presence of women has been declining as they move up the academic ladder and where they currently hold only 18.4 per cent of professorships. The current system of hiring professors by invitation, instead of open competition, places women at a disadvantage.

### *Paragraph 300*

Efforts should be made to facilitate an increase in the number of women in high-ranking posts. Proactive measures should be adopted to encourage more women to apply for high-ranking posts and temporary special measures, such as quotas, should be implemented where necessary.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at para. 341.

The number of women at all levels of decision-making should be increased, including in Government and Parliament. Temporary special measures, such as numerical goals and quotas connected to time frames, should be implemented in accordance with article 4, paragraph 1, of the Convention, in order to increase the representation of women at decision-making levels in all areas.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at para. 88.

Efforts to increase women's representation in politics and decision-making should be enhanced through a gender-sensitive application of the meritocracy principle and by taking measures to guarantee the equal opportunity of women to participate in these areas. Such measures may include the imposition of minimum quotas for women political candidates.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 132 and 133.

### *Paragraph 132*

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Stereotypical attitudes regarding the role of women and men in society are reflected in the low representation of women in decision-making bodies, including the National Assembly, the Government and the judiciary. It is noted that the Government has not applied the temporary special measures provided for in article 4, paragraph 1, of the Convention.

### *Paragraph 133*

The concept of temporary special measures should be applied to increase the number of women in decision-making at all levels and in all areas. Efforts to promote women to positions of power should be strengthened by organizing special training programmes for women and by conducting awareness-raising campaigns on the importance of women's participation in decision-making at all levels.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at para. 159.

The Government is commended for the mandatory representation of 33 1/3 per cent women on the lists of all political parties contesting the general elections and regional elections and a representation of a critical mass of women in a range of professions in the public sector.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at para. 218.

Efforts should be made to facilitate an increase in the numbers of women in high-ranking posts, including in decision-making in politics, the economy and academia. Proactive measures should be adopted to encourage more women to apply for these posts and, where necessary, temporary special measures should be implemented, as provided for in article 4, paragraph 1, of the Convention.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at para. 253.

The number of women in decision-making at all levels and in all areas, including macroeconomic policy, should be increased. Temporary special measures should be introduced, in accordance with article 4, paragraph 1, of the Convention, to strengthen efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns promoting the importance of women's participation in decision-making at all levels.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 332 and 345.

### *Paragraph 332*

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The Government is commended for the progress made in ensuring gender equality in women's political participation and decision-making, where it is regarded by many other countries as a model. The fact that the application of measures in line with article 4, paragraph 1, of the Convention has led to concrete results in some areas is noted with satisfaction.

### *Paragraph 345*

Steps should be taken to facilitate options insofar as employment of women in the private sector are concerned, through the implementation of temporary special measures in accordance with article 4, paragraph 1, wherever possible. Measures should be taken to increase the representation of women in decision-making positions in all sectors, including central governmental boards, county and municipal boards, particularly as chairs of those boards, and in government-controlled companies.

### **CRC**

- Iraq, CRC, CRC/C/80 (1998) 15 at para. 74.

All appropriate measures, including legislative measures, should be taken to ensure non-discrimination at all levels of society and to encourage equality between boys and girls. In this regard, additional measures should be taken to ensure the school enrolment of girls, especially in rural areas, and to reduce their drop-out rate, particularly during the compulsory education period.

- India, CRC, CRC/C/94 (2000) 10 at para. 63.

In accordance with article 17 of the Constitution and article 2 of the Convention, it is recommended that the State party take steps to ensure States abolish the discriminatory practice of "untouchability", prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, *inter alia*, affirmative measures to advance and protect these groups. The State party is encouraged to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination. In line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13), the Committee stresses the importance of the equal enjoyment by members of these groups of the rights in the Convention, including access to health care, education, work, and public places and services, such as wells.

- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 566 and 567.

### *Paragraph 566*



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It is noted that the 1999 Strategy envisages an analysis of the existing situation concerning discrimination on ethnic grounds against the Roma including, if necessary, amendments to relevant laws or the drafting of new laws.

### *Paragraph 567*

The State party should consider as an affirmative action the review of its legislation on a provisional basis with the aim of including the right of the Roma and their children to benefit from the development policies mentioned in the Strategy.