

## **EFFECTIVE REMEDIES - SPECIAL MEASURES**

### **IV. CONCLUDING OBSERVATIONS**

#### **CERD**

- Sweden, CERD, A/46/18 (1991) 55 at para. 222.

Rather than trying to assimilate the Samis into mainstream society, the Government should endeavour to preserve their specific cultural identity. To that end, the possible establishment of a Sami parliament is encouraged.

- 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 areas of education, employment, housing, land rights and health services.

- Bosnia and Herzegovina, CERD, A/48/18 (1993) 87 at para. 469.

The principle of multi-ethnic societies and States is strongly supported and, to that end, it is recommended that active and effective measures be urgently taken in support of efforts to promote inter-ethnic tolerance and understanding in the State party and to end ethnic divisions. To that end, multi-ethnic organizations and movements should be encouraged and an ongoing dialogue should be fostered on an urgent basis among leaders and representatives of the various communities with a view to reducing tension, building confidence and ending the conflict.

- 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.

- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at para. 543.

In conformity with articles 2 and 4 of the Convention, the Government should prohibit racial discrimination and should urgently take vigorous steps to ban racist activities and propaganda. In this

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connection, it is vital that paramilitary groups be disbanded, that reports of ethnically motivated attacks, including allegations of arbitrary arrests, disappearance and torture, be promptly investigated and that those responsible be punished. The importance of providing proper training in human rights norms for law enforcement officials in accordance with General Recommendation XIII is emphasized as is ensuring equitable representation among their ranks of national minorities.

- France, CERD, A/49/18 (1994) 20 at para. 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 to promote 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 on the one hand and the Pakeha continue to be matters of concern.

- Colombia, CERD, A/51/18 (1996) 15 at para. 51.

Efficient mechanisms should be created immediately by the Government to coordinate and evaluate the various policies of protection of the rights of indigenous and Afro-Colombian communities, including their institutional aspects. Such mechanisms should promote full enjoyment of all human rights by the members of these communities and guarantee their life and security, as well as real and adequate participation by representatives of these communities in public life.

- 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.

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

Increased attention is recommended to the protection of the Gypsies' civil, political, economic, social and cultural rights. 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.

- 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, thorough investigations should be conducted 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.

- China, CERD, A/51/18 (1996) 57 at para. 414.

Consideration should be given to the inclusion of more members of minority nationalities in positions of leadership, not only in the Government but also in the Party and other institutions at both the national and local levels.

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- 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.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/52/18 (1997) 9 at para. 36.

Concern is expressed with respect to the continuing failure to incorporate questions relating to the racial or ethnic origin of persons in the Northern Ireland population questionnaire. The identification of minority groups and the analysis of their civil, political, economic and social status are a precondition for identifying the difficulties that they may be facing and for assessing whether and how such difficulties may be due to racial discrimination, and thus for evaluating the need to adopt specific measures, laws and regulations to overcome those difficulties.

- 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.

- Germany, CERD, A/52/18 (1997) 25 at para. 165.

Concern is expressed at the fact that while the State party has accorded the status of ethnic minority and provided special protection to four small ethnic groups, much larger ethnic groups are left without any specific protection, in particular, members of those ethnic groups who have long-term residence status or who have become citizens.

- 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.

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- Mexico, CERD, A/52/18 (1997) 42 at para. 319.

The State party should take the necessary steps to allow citizens from indigenous populations to be elected in political elections and to have access to the civil service.

- Panama, CERD, A/52/18 (1997) 46 at para. 352.

The State party should take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service.

- 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 the population by including persons of non-Danish ethnic origin are noted with satisfaction.

- Poland, CERD, A/52/18 (1997) 62 at paras. 478 and 479.

### *Paragraph 478*

The State party should take measures to more fully guarantee economic, social and cultural rights for minority groups, as defined in article 5 (e), including the right to work and to housing, and should adopt a comprehensive programme of action to promote and protect the rights of the Roma population.

### *Paragraph 479*

Efforts to give children belonging to minorities fuller access to education in their own language should be increased. It is recommended that appropriate measures be taken to meet the specific educational needs of Roma children.

- The Former Yugoslav Republic of Macedonia, CERD, A/52/18 (1997) 67 at paras. 524 and 526.

### *Paragraph 524*

The State party is encouraged to 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.

### *Paragraph 526*

The State party should continue its efforts to facilitate the participation of different ethnic minorities

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in the educational system, in particular at the secondary and higher educational level, and to provide for the training of teachers for minority languages in public establishments.

- 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 and intended to ensure the adequate development and protection of less developed groups, in accordance with article 2, paragraph 2, of the Convention.

- Israel, CERD, A/53/18 (1998) 30 at para. 84.

The State party should reinforce its efforts to reduce the persisting gap between the living standards and the involvement in national affairs of the Jewish majority and the Arab minority. This should be done in a manner consistent with the measures adopted for assisting the integration of Ethiopian Jews. The State party is encouraged to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis. The rights of migrant workers, including undocumented workers, are also of concern.

- Cameroon, CERD, A/53/18 (1998) 53 at paras. 263 and 271.

### *Paragraph 263*

Protection of the rights of minorities and indigenous peoples to enable them to live in harmony in their environment, especially as regards the Pygmies and Boro, is a subject of concern in the light of article 2, paragraph 2, of the Convention.

### *Paragraph 271*

With a view to promoting and protecting the rights of minorities and indigenous peoples, the State party should take all appropriate measures, particularly as regards deforestation that may harm such population groups.

- Croatia, CERD, A/53/18 (1998) 59 at para. 319.

With respect to article 2 of the Convention, the Committee recommends that the State party reinstate the provisions for the fair and proportionate representation of the Serbian ethnic community in the Croatian Parliament.

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- 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 to the highest political organs, is welcomed.

- Nepal, CERD, A/53/18 (1998) 73 at para. 432.

The affirmative action programmes, aimed at improving the living conditions of less developed groups, are welcomed.

- Costa Rica, CERD, A/54/18 (1999) 24 at para. 202.

The State party should intensify its efforts to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population. The importance that the land holds for indigenous peoples and their spiritual and cultural identity, including the fact that they have a different concept of land use and ownership, is stressed. In this regard, the approval by the Legislative Assembly of the Bill for the autonomous development of indigenous people is of great importance.

- 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 level traditionally predominant among members of this minority. This contributes to the continued unacceptable prevalence of the negative and stereotyped image of the group 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.

### *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 to assert its rights.

- Islamic Republic of Iran, CERD, A/54/18 (1999) 32 at para. 307.

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The State party should continue to promote economic, social and cultural development in areas inhabited by disadvantaged ethnic and tribal minorities and groups, and should encourage the participation of these minorities in such development.

- 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 the enjoyment of all their 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 paras. 475 and 476.

### *Paragraph 475*

Recognizing that many Afro-Colombians live in extreme poverty in urban slum areas, the State party should take steps to address *de facto* racial segregation in urban centres.

### *Paragraph 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.

- Australia, CERD, A/55/18 (2000) 17 at para. 30.

The Commonwealth Government should undertake appropriate measures to ensure the consistent application of the provisions of the Convention, in accordance with article 27 of the Vienna Convention on the Law of Treaties, at all levels of government, including states and territories, and if necessary by calling on its power to override territory laws and using its external affairs power with regard to state laws.



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- Spain, CERD, A/55/18 (2000) 34 at para. 165.

Concern is expressed about the recent incidents of violence against persons of Moroccan nationality in El Ejido in the region of Almería and about reports that the underlying socio-economic problems which provoked these events are also found in other regions of the country. Therefore, it is recommended that the State party take measures to resolve the underlying causes of tension and unrest, not merely on an emergency basis, but as part of a long-term strategy to combat racial discrimination and violence, so as to prevent the recurrence of such incidents.

- 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, *inter alia*, affirmative measures to advance and protect persons subjected to caste-based discrimination.

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

- United States of America, CERD, A/56/18 (2001) 64 at para. 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.

## ICCPR

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- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at para. 305.

The Government is urged to adopt effective measures to ensure the full implementation of article 24 of the Covenant, including preventive and punitive measures in respect of all acts of child murder and assault and protective, preventive and punitive measures in respect of children caught up in the activities of guerrilla and paramilitary groups. Specifically, effective measures should also be taken to eliminate employment of children and inspection mechanisms should be established to this effect.

- Portugal (Macau), ICCPR, A/52/40 vol. I (1997) 50 at para. 327.

The Government should initiate or strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries who are brought into Macau for the purpose of prostitution. Strong measures should be taken to prevent this form of trafficking and to impose sanctions on those who exploit women in this way. Protection should be extended to women who are the victims of this kind of trafficking so that they may have a place of refuge and an opportunity to stay, in order that they may give evidence against the person responsible in criminal or civil proceedings.

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

- Morocco, ICCPR, A/55/40 vol. I (2000) 24 at paras. 102 and 103.

### *Paragraph 102*

That there are no special programmes, legal sanctions or protective measures to counter violence and sexual abuse of women, including marital rape, and that aspects of the criminal law (such as the crime of honour defence) fail to provide equal protection of women's rights, are of concern.

### *Paragraph 103*

Legal and protective measures should be adopted to guarantee women's rights to personal security.

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at para. 79(20).

The traditional attitudes to women, whereby a women's role continues to be seen by the State

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primarily as that of wife and mother, exclusively responsible for children and the family, make the establishment of equality for women very difficult. The limited contribution by women to civil society is of concern (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 take steps to increase the number of women in decision-making bodies at all levels and in all areas. It should also organise special training programmes for women and regular awareness campaigns in this regard.

- 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. 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.

- 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

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at para. 81.

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

- Spain, ICESCR, E/1997/22 (1996) 27 at para. 108.

Special steps should be taken to protect the most vulnerable groups in society as effectively as possible against the impact of the budget cuts currently affecting the social sector.

- Zimbabwe, ICESCR, E/1998/22 (1997) 24 at para. 80.

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

- 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. Although 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.

- Armenia, ICESCR, E/2000/22 (1999) 54 at para. 309.

The Government is requested to take measures which will promote employment for women and their greater participation in public life.

- Japan, ICESCR, E/2002/22 (2001) 90 at para. 631.

Discriminatory provisions in statutes should be abolished and a law should be adopted against all kinds of discrimination relating to persons with disabilities. Further, the State party is urged to continue and speed up progress enforcing the employment rate for persons with disabilities in the public sector that is provided in legislation.

## CEDAW

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

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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.

- Cyprus, CEDAW, A/51/38 (1996) 9 at para. 59.

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

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at para. 116.

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

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 199 and 204.

### *Paragraph 199*

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

### *Paragraph 204*

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

- 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.

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- 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 para. 103.

The Committee is concerned that the issue of maternity leave is dealt with under article 4 of the Convention as such a measure is not a measure of affirmative action.

- Argentina, CEDAW, A/52/38/Rev.1 part II (1997) 101 at para. 308.

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

- 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.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at paras. 234, 254 and 255.

### *Paragraph 234*

As embodied in the Convention, temporary special 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.

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### *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 255*

Legislative measures protecting women against all forms of violence, both public and private, should be strengthened. In particular, provision should be made for the prosecution of offenders even in the absence of a complaint by the victim. An array of medical, psychological and other measures should be developed to assist women victims of violence. Prevailing attitudes to domestic violence should move away from viewing domestic violence as a private problem. Women should be encouraged to seek redress. A range of strategies are available, including the utilization of popular music or theatre, with the cooperation of civil society, and women's organizations.

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

The economic consequences of women's poverty are of deep concern. Women's migration to urban areas and to foreign countries render them susceptible to sexual exploitation, including trafficking 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. Considering 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.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at para. 130.

Special temporary measures should be used to address the low number of women in the judiciary.

- 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.

- China, CEDAW, A/54/38/Rev.1 part I (1999) 26 at para. 286.

The Government should examine and revise its laws and policies on violence against women. This should include adoption of a special law on domestic violence and provision of services for survivors, such as shelters and hotlines. The handling of domestic violence cases should be systematically included in the training of law enforcement officials and health-care personnel. The Government is urged to regulate sexual harassment and to provide legal remedies for women victims of sexual harassment in the workplace.

- Nepal, CEDAW, A/54/38/Rev.1 part II (1999) 57 at paras. 150 and 156.

### *Paragraph 150*

The Government is urged to take effective steps to review existing legislative provisions on prostitution and trafficking in women and their compatibility with the Convention, and to ensure their full implementation and compliance. The Government should also initiate regional and bilateral cooperation, taking into account subregional, regional and international agreements and standards on this issue. The Government is urged to review its criminal code, to punish persons who procure women for prostitution or for trafficking, to establish repatriation and rehabilitation programmes, and to support services for victims of trafficking.

### *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 and introduce special measures to encourage women to participate in all sectors of employment.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 45, 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.



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### *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*

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 State party 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. 207, 218 and 220-222.

### *Paragraph 207*

It is noted with satisfaction that a ministry has been set up to deal with matters concerning equality between men and women. The establishment of the National Women's Council, which is responsible for ensuring that a gender-specific approach is integrated into development programmes, and in particular its plan of action, which incorporates the Beijing and Cairo Programmes of Action, is welcomed.

### *Paragraph 218*

The Government should adopt specific and structural measures, including legislation to protect

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women from acts of violence and provide to women victims of violence psychosocial support and socio-economic integration measures.

### *Paragraph 220*

The Government is urged to adopt and enforce laws that prohibit the prostitution of girl children and introduce appropriate measures for the social rehabilitation of prostitutes and to ensure that psycho-educational services are provided, in particular to these very young prostitutes.

### *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. 271-273.

### *Paragraph 271*

The Government should take adequate legislative and structural measures and provide assistance to women who are victims of domestic and sexual violence. It is also recommended that, as in the case of the campaign to combat genital mutilation, education and awareness-raising activities on the phenomenon of violence within the family and sexual violence should be directed towards the police force, judges, health-care providers and the media so that their efforts can be more effective. A legal education campaign directed at women is desirable, so that they are better aware of their rights.

### *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 as set forth in article 4 (1) of the Convention and should use a quota system in order to achieve a substantial improvement in the number of women in Parliament and increase their participation in political life and decision-making.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 299, 306, 310, 314, 316 and 318.

### *Paragraph 299*

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The Government is commended on its wide-ranging legislative and policy initiatives, and the programmes and projects aimed at giving effect to the constitutional guarantee of equal rights of women and men. In particular, the adoption of the second Equal Rights Act of 1994, the amendment of the Penal Law, making marital rape and sexual coercion a punishable offence, and the action plan to combat violence against women, are welcomed. The Government is further commended on its women and work programme aimed at ensuring women's equal participation in all sectors of society. The 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 also welcomed.

### *Paragraph 306*

The Government is urged to place greater emphasis on the assessment and evaluation of all measures taken to eliminate discrimination against women in all areas of their lives, and to set time-frames within which it intends to achieve its goals.

### *Paragraph 310*

The Government is urged to take measures to ensure that public officials, including law enforcement officials, contribute to the realization of the principle of *de facto* equality for women in the entire territory of the country. The Government should ensure that tertiary and continuing legal education of lawyers and the judiciary adequately covers the evolving understanding of equality and non-discrimination and international norms and standards in that regard. The Government is also urged to ensure the availability of effective domestic remedies and their accessibility to women, especially in the light of the pending entry into force of the Optional Protocol to the Convention. Direct reference to the Convention in its legislative, policy and programmatic initiatives is also encouraged, since the Convention is legally binding and such use would increase awareness of the international commitments entered into by the State party.

### *Paragraph 314*

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

### *Paragraph 316*

Legislative and regulatory efforts should be increased to ensure that women are protected against all forms of discrimination in the private sector and to increase measures aimed at achieving *de facto* equality. The Government is also encouraged to intensify its interaction with the private sector,

## EFFECTIVE REMEDIES - SPECIAL MEASURES

including through incentives and other non-legislative measures, as well as with unions and with women's organizations to achieve that goal.

### *Paragraph 318*

The Government is requested to undertake a comprehensive assessment of the situation of foreign women, including their access to education and training, work and work-related benefits, health care and social protection. The Government is further called upon to improve the collection of data and statistics disaggregated by sex and race/ethnicity of victims of violence motivated by xenophobia and racism, to put in place adequate protection mechanisms and to ensure that foreign women victims of such attacks are made aware of their rights and have access to effective remedies. The Government is also urged to strengthen its efforts for the social integration of foreign women through educational and employment services, and through awareness-raising of the population. Steps should be taken to combat domestic violence and violence within the family and to increase foreign women's awareness about the availability of legal remedies and means of social protection.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at para. 366.

The Government is urged to establish a legislative basis that ensures women equal access to the labour market and equal opportunities to work and to create protection against direct and indirect discrimination with regard to access and opportunities. The Government should implement unemployment policies targeted at women. In particular, measures to facilitate women's entry into growth sectors of the economy, rather than into traditionally female-dominated employment, are recommended. The Government should support women's entrepreneurship through the creation of a conducive legislative and regulatory environment and access to loans and credit.

- Cameroon, CEDAW, A/55/38 part II (2000) 53 at para. 52.

Poverty alleviation programmes should be designed and implemented so that women and girls do not have to resort to prostitution for their livelihoods. The Government should develop programmes to reintegrate prostitutes, raise public awareness and prevent such exploitation.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 97, 98, 104-106 and 108.

### *Paragraph 97*

The persistence of stereotyped attitudes and behaviour patterns about the roles of women and men

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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. Urgent measures should also be taken 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.

### *Paragraph 104*

The Government should implement a holistic approach to combat trafficking in women for commercial or sexual purposes. This should include a legislative framework to prosecute and punish traffickers, preventive measures aimed at improving women's economic situation so as to reduce their economic vulnerabilities, and measures to rehabilitate and reintegrate trafficked women where necessary. The Government is also urged to increase international and cross-border cooperation, especially with receiving countries, to reduce the incidence of trafficking and prosecute traffickers, as well as to ensure the protection of the human rights of trafficked women.

### *Paragraph 105*

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

### *Paragraph 106*

The Government should undertake curriculum reforms and textbook revisions addressing stereotyped images. The Government's educational policy should include measures to encourage girls and women to seek education and training in non-traditional fields, as well as in growth areas of the economy. The Government is called upon to implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to accelerate women's representation in educational decision-making.

### *Paragraph 108*

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Legislation should be put in place prohibiting both direct and indirect discrimination against women in the labour market, and guaranteeing to women equal opportunities in accordance with article 11 of the Convention and relevant ILO conventions ratified by the State party. The Government should consider establishing an equal opportunities ombudsman to monitor implementation of such legislation, and with the power to receive complaints about violations. It is also recommended that the Government review protective legislation with a view to reducing barriers for women in the labour market. The Government's labour market and employment policies should target explicitly those groups of women who are particularly disadvantaged by the impact of transition. The Government is invited to increase measures to adopt the sharing of family responsibilities between spouses. Sexual harassment in the workplace should be covered by legislation that is fully implemented.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 131, 138-141, 143, 145, 147, 157 and 162.

### *Paragraph 131*

That high priority is placed on a policy to ensure equal opportunities for men and women is welcomed. The revision of various legal provisions, the adoption of the Law on Equal Opportunities and the establishment of the Office of the Equal Opportunities Ombudsman, are also welcomed. The broad mandate of the Ombudsman to monitor the implementation of the Law is further welcomed. It is commended that the Law's definition of discrimination fully corresponds to the definition articulated in article 1 of the Convention, that it allows for positive discrimination according to article 4, paragraph 1, of the Convention, prohibits sexual harassment, and allows for administrative sanctions to be imposed on both private and public persons and institutions. It is noted with satisfaction that the Office of the Equal Opportunities Ombudsman has close connections with the Lithuanian Parliament, with State institutions and with non-governmental organizations, and that its budget significantly increased in less than a year.

### *Paragraph 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 139*

The Government should design and implement comprehensive programmes in education and the mass media in order to promote roles and tasks of women and men in all sectors of society.

### *Paragraph 140*

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

### *Paragraph 143*

The Government should design and implement specific targeted programmes for different groups of unemployed women, addressing their training needs in different employment areas with a view to future-oriented jobs.

### *Paragraph 145*

Efforts should be made to eliminate occupational segregation through efforts in education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to decrease the wage differential in comparison with male-dominated sectors.

### *Paragraph 147*

The Government should closely monitor the poverty situation of women of various groups, including those of various ages, and should implement effective poverty alleviation programmes.

### *Paragraph 157*

The Government should strengthen its efforts in offering or supporting special training programmes for current and future women leaders, and should conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making. It should also involve the mass media in promoting positive images of women leaders.

### *Paragraph 162*

The situation of older women, who constitute a large proportion of the population, is of concern. Gender-sensitive policies and programmes that address the specific needs of older women should be designed and implemented..

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras 181, 195, 196, 201 and 202.

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### *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.

### *Paragraph 201*

The fact that sanctions have had a negative impact on women and children in areas such as health care, nutrition, employment and other basic social services, is recognized. Nevertheless, concern is expressed at the failure of the Government to put in place specific and targeted measures to address these problems.

### *Paragraph 202*

The Government should assess the differential impact of sanctions on women and children, especially on particularly vulnerable groups of women, and should put in place measures aimed at countering such a negative impact. In that regard, the Government should use resources available from programmes such as the oil-for-food programme in a manner that directly benefits women, including through diverting resources currently allocated for other purposes.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 229, 232, 234 and 238.

### *Paragraph 229*

Policies should be adopted that acknowledge gender-specific grounds for women seeking asylum in Austria, including gender violence and persecution and female genital mutilation.

### *Paragraph 232*

The Government should also introduce affirmative action to increase the appointment of women to academic posts at all levels and to integrate gender studies and feminist research in university curricula and research programmes.



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### *Paragraph 234*

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

### *Paragraph 238*

The decrease in women's representation in the legislature in the recent elections is of concern. In this respect, temporary special measures should be undertaken, in accordance with article 4, paragraph 1, of the Convention, and the use of federal funding for political parties should be considered 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 paras. 264 and 270.

### *Paragraph 264*

A comprehensive assessment should be made of the possible incidence of violence against women, including domestic violence and sexual harassment in the workplace, as well as, in case of incidents, the root causes of such violence. The Government should increase public awareness of the need to take measures to prevent such violence, consider launching a zero-tolerance campaign on violence against women, and increase the awareness of public officials and the judiciary about the seriousness of such violence. The Government is further invited to increase the availability of support measures for women victims of domestic violence, such as telephone helplines and shelters for battered women.

### *Paragraph 270*

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

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 302, 309, 311 and 313.

### *Paragraph 302*

Efforts should be increased to combat stereotypical attitudes. Temporary special measures should be implemented, in accordance with article 4, paragraph 1, of the Convention, to increase the number

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of women in all decision-making posts, including in Government and Parliament.

### *Paragraph 309*

Urgent further steps should be taken to prevent and eliminate trafficking in women, especially through a firm anchoring of this crime in legislation. This should include increased cross-border and international cooperation, especially with recipient countries, to eliminate the incidence of trafficking and to prosecute traffickers. The State party should also focus on the causes of trafficking through measures aimed at poverty alleviation and women's economic empowerment.

### *Paragraph 311*

Measures should be taken to increase the literacy levels of older women, and to reduce the literacy gap between urban and rural women. Efforts should also be made to ensure that education, including continuing education and adult literacy programmes, are targeted to women and include training in new information and communications technologies to provide women and girls with the skills required in a knowledge-based economy.

### *Paragraph 313*

The Government's labour market and employment policies should explicitly address the situation of women workers in order to ensure that women do not carry a disproportionate share of the burden of the transition to a market-based economy. Urgent targeted measures should be put in place to facilitate women's entry into new growth sectors of the economy, including women's entrepreneurship, and to ensure that women's health and retirement benefits are protected. The Government is encouraged to ensure that women can take full advantage of jobs created by foreign investment, ensuring non-discriminatory protection of their rights. The Government should adopt, as a matter of priority, a forward-looking equal opportunities law that extends to the private sector and includes the creation of a specific office of ombudsman for equal opportunities for women, with powers to receive complaints of violations of the laws on equal opportunities and to investigate discriminatory situations experienced by women.

- Burundi, CEDAW, A/56/38 part I (2001) 7 at paras. 51 and 58.

### *Paragraph 51*

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

### *Paragraph 58*

The Government is urged to continue its efforts to improve the access of girls to all levels of

## EFFECTIVE REMEDIES - SPECIAL MEASURES

education and to prevent their dropping out of school. The Government is also encouraged to introduce corrective measures that address all stakeholders involved, including incentives for parents, and to consider requesting international assistance to improve women's and girls' education.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 89, 90, 98, 100 and 102.

### *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. Traditional attitudes towards women are also reflected in the lack of sharing of family responsibilities by men and there is no legislative provision for parental leave. Further concern is expressed over the lack of targeted educational programmes and mass media campaigns to eliminate those stereotypes.

### *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 98*

A comprehensive strategy to combat trafficking in women should be formulated, which should include the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. Measures aimed at improving the economic situation of women should be introduced, so as to reduce their vulnerability to traffickers. Rehabilitation and reintegration measures for women and girls who have been victims of trafficking, are also recommended.

### *Paragraph 100*

The Government is encouraged to analyse the correlation between the high level of educational attainments of women and their income levels. Measures to accelerate the representation of women at all levels of decision-making should be introduced. The Government is urged to implement the planned curriculum reform and revision of textbooks in order to combat the traditional attitudes towards women, and to help create an enabling environment for promoting women's presence in high-level and well-paid positions.

### *Paragraph 102*

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The State party is urged to enforce appropriate legislation and to ensure equal opportunities for women and men in the public and private sectors of the labour market. The structuring of the social benefits system and of protective legislation should be reviewed with a view to reducing the barriers against the participation of women in the labour market. Also, training and retraining programmes should be designed and implemented for different groups of unemployed women according to their percentage of the unemployed population and their skills and education. Wage increases in female-dominated sectors are further recommended, in order to decrease the wage differentials between those and male-dominated sectors.

### *See also:*

- Guinea, CEDAW, A/56/38 part I (2001) 55 at paras. 132 and 133.
- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at para. 253.
  
- 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, 169, 171, 179, 181, 183 and 190.

### *Paragraph 167*

The Government is called upon to include the definition of discrimination against women in article 1 of the Convention in its Constitution and national legislation. A comprehensive law should also be drafted on equal opportunities for women and men, including provisions to allow temporary special

## EFFECTIVE REMEDIES - SPECIAL MEASURES

measures in accordance with article 4, paragraph 1 of the Convention.

### *Paragraph 169*

The Government should take urgent measures to overcome traditional stereotypes regarding the role of women and men in the society. It is emphasized that gender equality policy in compliance with the Convention will require the reconceptualization of the role of women in society from that of mother and wife, exclusively responsible for children and the family, to that of individual person and actor in society. The number of women in decision-making bodies at all levels and in all areas should be increased. Efforts to organize special training programmes for women and to conduct on a regular basis awareness-raising campaigns in this regard should be strengthened.

### *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 179*

Comprehensive measures should be developed and introduced in order to address the problem of trafficking in women and girls effectively, including the dimension of prevention, reintegration and prosecution of those responsible for trafficking.

### *Paragraph 181*

Urgent measures should be taken to prevent the decline of women in higher education. Raising awareness and providing incentives to encourage young women to enter male-dominated fields of study are recommended.

### *Paragraph 183*

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

### *Paragraph 190*

Attention should be paid to the specific situation of rural women and special strategies, policies and programmes should be developed that are aimed at the economic empowerment of rural women, ensuring their access to capital and productive resources, as well as to health care services and educational and social opportunities.

### *See also:*

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at para. 110.

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- 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.

Temporary special measures should be introduced in conformity with the Convention, as well as 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*

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. The mainstreaming of gender studies in all areas of education as a way to raise the awareness of students of all disciplines to gender issues is also urged. Such mainstreaming should be in addition to the promotion of specific gender study and research programmes.

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- 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.

- 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 paras. 218-220.

### *Paragraph 218*

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

### *Paragraph 219*

There is a political party represented in parliament that excludes women from membership, which is a violation of article 7 of the Convention.

### *Paragraph 220*

Urgent measures to address this situation should be taken, including through the adoption of legislation that brings the membership of political parties into conformity with its obligations under article 7.

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- Nicaragua, CEDAW, A/56/38 part II (2001) 72 at paras. 308 and 309.

### *Paragraph 308*

While the efforts to combat domestic violence are welcomed, concern is expressed at the continuing extent of domestic violence against women. It is stressed that, since violence against women is an infringement of human rights, it is the Government's responsibility to prevent such violence and to take measures to protect its victims.

### *Paragraph 309*

Practical measures should be taken to follow up and monitor legislation, and to strengthen policies and programmes addressing violence against women, including by assessing their effectiveness and adjusting them accordingly.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 332, 345, 349 and 351.

### *Paragraph 332*

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

### *Paragraph 345*

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

### *Paragraph 349*

Current policies to increase the representation of women in the foreign service, particularly as ambassadors, should continue and measures should be taken to ensure that women in the foreign service are not disadvantaged in terms of posting to locations requiring senior staff.

### *Paragraph 351*

The State party is urged to facilitate, by means of its policies, an increase in the number of women in high-ranking posts at universities and to ensure that women professors are not discriminated against regarding access to resources, including research grants.



## EFFECTIVE REMEDIES - SPECIAL MEASURES

### CRC

- Peru, CRC, CRC/C/20 (1993) 16 at para. 70.

Investigations should be conducted into cases of extrajudicial executions, disappearances and torture which are carried out in the context of the internal violence prevailing in several parts of the country. Those accused of such abuses should be tried and, when found guilty, punished. Furthermore, special measures should be taken to ensure that children are protected against the occurrence of such human rights violations and that they benefit from recovery and reintegration programmes in an environment which fosters the dignity and the self-confidence of the child.

- Ukraine, CRC, CRC/C/46 (1995) 11 at para. 75.

The clear prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as a ban on corporal punishment in the family, should be reflected in the national legislation. Procedures and mechanisms should be developed to monitor complaints of maltreatment and cruelty within or outside the family. Special programmes should be set up to promote physical and psychological recovery and social reintegration of child victims of any form of neglect, abuse, exploitation, torture or ill-treatment in an environment which fosters the health, self-respect and dignity of the child.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 47.

The lack of awareness and information on ill-treatment and abuse of children, including sexual abuse, both within and outside the family, and the lack of appropriate measures and mechanisms to prevent and combat such abuse are of concern. The lack of special structures for children victims of abuses and their limited access to justice, the persistence of corporal punishment within the family and its acceptance by the society, and the lack of rehabilitation measures for such children are also matters of concern.

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

In accordance with article 17 of the Constitution and article 2 of the Convention, steps should be taken 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

## EFFECTIVE REMEDIES - SPECIAL MEASURES

prevent and combat caste-based discrimination.

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

### *Paragraph 566*

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.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 275 and 276.

### *Paragraph 275*

It is noted that the State party has launched an action plan for the psychological rehabilitation of children affected by the armed conflict based on a preventive programme with community participation. However, concern is expressed at the lack of professional staff prepared to work in these communities and at the insufficient number of services to meet demand. It is also noted with concern that a large number of children were internally displaced or forcibly disappeared during the armed conflict and that the State party did not investigate these disappearances effectively.

### *Paragraph 276*

In light of article 39 of the Convention, the State party should consider complying with the recommendations of the Truth Commission regarding a national reparation programme that would also include children affected by the internal armed conflict, and it should effectively investigate all cases of children who were forcibly disappeared by allocating human and financial resources to and cooperating with the National Commission for Searching for Disappeared Children. Further, it is recommended efforts be strengthened to implement the Programme to Support Resettlement of Displaced Groups and to ensure adequate protection to internally displaced children, paying special attention to the problem of lack of identification papers. The State party is encouraged to continue its international cooperation programmes with, among others, UNDP, UNHCR and UNCHS (Habitat).