

## **EFFECTIVE REMEDIES - SPECIAL MEASURES**

### **IV. CONCLUDING OBSERVATIONS, CONTINUED**

#### **CERD**

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 81.

81. The Committee is...concerned about the lack of representation of minorities at the judicial and governmental levels. The Committee recommends that the State party undertake affirmative action to ensure such minority representation.

- Botswana, CERD, A/57/18 (2002) 53 at para. 303.

303. The Committee notes with concern that, in spite of the significant economic growth achieved in Botswana, 47 per cent of the population remain below the poverty line and that no special and concrete measures have been taken to ensure the adequate development and protection of marginalized ethnic groups. The Committee recommends that the State party identify further the specific needs of persons belonging to minorities and indigenous peoples and adopt special measures to enhance the equal enjoyment of human rights among the various sectors of the population.

- Hungary, CERD, A/57/18 (2002) 63 at para. 372.

372. The Committee...welcomes the positive elements incorporated in...Act XVI of 2001 on the amendment of the Labour Code defining, in particular, "indirect discrimination" and affirming the principle of affirmative action...

- New Zealand, CERD, A/57/18 (2002) 69 at para. 428.

428. The Committee has noted the recent interpretation of the concepts of "affirmative action" and "equality" by the former Complaints Review Tribunal in relation to section 73 of the Human Rights Act, and by the High Court, in relation to section 65 of the Human Rights Act. While it lacks detailed information about the two cases referred to in the report of the State party, it considers that the State party appears to take a narrower view of the scope of special measures than is provided for in articles 1 and 2 of the Convention.

- Ecuador, CERD, A/58/18 (2003) 22 at paras. 49, 55 and 57.

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49. The Committee notes with satisfaction that the 1998 Constitution, as well as other legal provisions, guarantee special measures of protection for indigenous and Afro-Ecuadorian people and criminalize racial discrimination against these and other ethnic minorities. It also notes that the State party has adopted legislation which criminalizes the illegal smuggling of people across the country's borders under often inhumane conditions ("*coyoterismo*").

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55. The Committee expresses its concern about the lack of consistent statistical data on the ethnic composition of the Ecuadorian population. While it recognizes the difficulties in establishing criteria for defining the different ethnic groups, the Committee emphasizes that such data are necessary to ensure the application of special legislation in favour of these groups.

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57. The Committee notes that, despite constitutional and legal guarantees, indigenous and Afro-Ecuadorian people, as well as members of other ethnic minorities are, *de facto* still discriminated against. It urges the State party to ensure the practical application of the constitutional and legal provisions which outlaw racial discrimination and to guarantee special protection measures in favour of indigenous and Afro-Ecuadorian people, as well as members of other ethnic minorities, in particular through the national courts and other competent bodies such as the Ombudsman.

- Fiji, CERD, A/58/18 (2003) 25 at paras. 77, 84-88 and 91.

77. The Committee expresses its appreciation for the inclusion, in the 1997 Constitution of Fiji, of a Social Justice Chapter (sect. 44), calling for the elaboration of programmes designed to achieve, for all groups or categories of persons who are disadvantaged, effective equality of access to education and training, land and housing, and participation in commerce and all levels and branches of State public services.

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84. The Committee welcomes the commitment of the State party to ensure the social and economic development as well as the right to cultural identity of the indigenous Fijian community. None of these programmes, however, should abrogate or diminish the enjoyment of human rights for all, which can be limited solely in accordance with the rules and criteria established under international human rights law. In this regard, the Committee strongly urges the State party to ensure that the affirmative action measures it adopts to pursue the above objectives are necessary in a democratic society, respect the principle of fairness, and are grounded in a realistic appraisal of the situation of indigenous Fijians as well as other communities. The Committee further recommends that the State party guarantee that the special measures adopted to ensure the adequate development and protection of certain ethnic groups and their members in no case lead to the maintenance of unequal or separate rights for different ethnic groups after the

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objectives for which they were taken have been achieved (article 1, paragraph 4, and article 2, paragraph 2, of the Convention).

85. The Committee notes that despite reports that levels of poverty among all Fijian nationals, including Indo-Fijians and Banabans, have worsened over the years, the State party's affirmative action programmes, as adopted under the Social Justice Act of 2001 and the 50/50 by year 2020 plan, mainly target indigenous Fijians and Rotumans. The Committee strongly recommends that the State party ensure that its poverty alleviation programmes benefit all poor Fijian citizens, irrespective of their ethnic origin, to avoid undue stress on already strained ethnic relations. It also recommends that the adoption of any affirmative action programme be preceded by consultations involving all ethnic communities.

86. The Committee is concerned about current perceptions amongst some Fijians that the State party is not paying enough attention to the issue of reconciling the different population groups in Fiji. It encourages the State party to explicitly promote a national identity that unites rather than divides indigenous and Indo-Fijians, as well as other communities, and to include this objective in its development plans.

87. The Committee expresses concern about the underrepresentation of Indo-Fijians and other ethnic minorities in the police, the army and other public services in general, and recommends that specific programmes be adopted to ensure appropriate representation of all ethnic communities in these services...

88. The Committee is concerned that the expiry of many leases of Native land has allegedly led to the "eviction" of numerous farmers, mainly Indo-Fijians, and that the resettlement programme of the State party appears to be insufficient. The Committee underlines the State's responsibility to provide assistance to "exited tenants", and recommends that it increase its efforts to compensate and resettle affected families. The Committee urges the State party to develop measures of conciliation between indigenous Fijians and Indo-Fijians over the land issue, with a view to obtaining a solution acceptable to both communities.

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91. The Committee notes that the word "person" in the relevant provisions of the Penal Code concerning sedition and in the Public Order Act concerning incitement to racial antagonism also includes organizations, and would like to receive further details on this matter. The Committee notes, however, that the legislation provides for sentences such as imprisonment and fines, but not for the prohibition of racist organizations. While taking note of the State party's declaration on article 4 of the Convention, the Committee considers that the State party's legislation does not fully comply with article 4. The Committee recommends that the State party adopt specific and unambiguous legislation relating to the prohibition of racist organizations. The Committee is furthermore

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concerned that the State party has expressed, in its periodic report, its reluctance to prohibit racist organizations in order to preserve the freedoms of expression and association, and refers the State party to its general recommendation XV (42) of 17 March 1993 on article 4.

- Poland, CERD, A/58/18 (2003) 35 at para. 163.

163. The Committee notes efforts to meet the specific educational needs of Roma children, but is concerned that in some cases these efforts have led to segregated classes having a lower standard of education than the Polish counterparts. The Committee recommends that new programmes integrate Roma children into mainstream schools as far as possible, in order to avoid discrimination, and that the State party recruit more teachers and teaching assistants from the Roma minority...

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 194.

194. With regard to the upcoming referendum in Chechnya, the Committee recommends that the State party support public debate on the constitution of Chechen Republic and make every effort to ensure that the referendum will serve as a step towards bringing peace back to the region.

- Slovenia, CERD, A/58/18 (2003) 45 at para. 237.

237. The Committee acknowledges the efforts made by the State party to promote cultural diversity, as well as to promote equal opportunities for the Roma and facilitate their participation in decision-making processes. However, the Committee is concerned that discriminatory attitudes and practices may still persist and that the distinction between “indigenous” Roma and “new” Roma may give rise to further discrimination. The Committee encourages the State party to pursue its current efforts to combat any discriminatory practices and attitudes against Roma which may exist, in particular in the areas of housing, employment and treatment by the police, by, *inter alia*, developing comprehensive proactive strategies in these fields...

- Albania, CERD, A/58/18 (2003) 53 at paras. 311 and 312.

311. The Committee notes that, although efforts have been made to implement article 4 of the Convention, Albanian legislation still does not meet all the requirements of that provision.

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The Committee recommends that the State party, declare as offences punishable by law any assistance to racist activities and the financing thereof, participation in racist organizations, acts of racial violence and incitement to such acts, and any refusal to provide goods or services on racist grounds. It also suggests that an aggravating circumstance of racism should be introduced in the Penal Code so that any offence based on racist grounds can be punished more severely.

312. The Committee is concerned about information that members of the Roma minority, especially the young, are generally regarded with suspicion and subjected to ill-treatment and the improper use of force by police officers.

The Committee recommends that the State party take measures to halt such practices and to increase law enforcement officials' sensitivity to and training in matters involving racial discrimination.

- Bolivia, CERD, A/58/18 (2003) 58 at para. 339.

339. While welcoming the State party's efforts aimed at ensuring the enjoyment and exercise of the rights of indigenous peoples through the adoption of constitutional, legal and institutional reforms, the Committee notes with concern the information received on the issue of indigenous lands allegedly allotted to private companies, especially in the communities of Chiquitano, Beni and Santa Cruz.

The Committee invites the State party to implement consistently in practice the commendable legislation it adopted in order to recognize the fundamental rights of indigenous peoples and to improve their living conditions. In this regard, the Committee draws the attention of the State party to its general recommendation XXIII which, *inter alia*, calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.

- Czech Republic, CERD, A/58/18 (2003) 65 at paras. 385 and 388.

385. The Committee welcomes the information on the housing projects for Roma which the State party has implemented and notes the significant efforts invested in seeking optimal solutions to improve their deteriorating housing conditions. While the Committee notes that, in the short term, construction of housing units that are occupied

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predominantly by Roma may be successful, it is concerned that, in the long term, such solutions may perpetuate segregation. The Committee is further concerned by the evictions from flats or threats to evict reportedly faced by many Roma families.

The Committee encourages the State party to continue its activities in the area of research relating to the problem of housing and to seek solutions that promote the social integration of the Roma. With respect to evictions, the Committee recommends that the State party devise measures to prevent evictions or mitigate their negative effects, in particular on the most vulnerable groups.

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388. The Committee welcomes the anti-racism campaigns conducted annually and the broad population targeted by them, and notes the numerous other initiatives of the State party to combat discriminatory attitudes and practices. Unfortunately, that negative attitudes towards minorities and refugees persist among public officials, in the media and among the general public, is a matter of concern to the Committee. Furthermore, the Committee is concerned that the judiciary, unlike the police, does not seem to be the object of sensitization and educational activities.

The Committee recommends that the State party continue and intensify its anti-racism campaigns and other efforts aimed at combating racial and ethnic stereotyping. It recommends that the State party, while pursuing public education campaigns, continue and diversify targeted training programmes for professionals, such as the police, judges and other public officials working with the Roma and other vulnerable groups.

- Finland, CERD, A/58/18 (2003) 69 at para. 404.

404. The Committee is of the opinion that the State party's approach to the definition of who may be considered a Sami and thus fall under the relevant legislation established in favour of the Sami, as illustrated by the Act on the Sami Parliament and the specific interpretation placed thereon by the Supreme Administrative Court, it too restrictive.

The Committee considers that by relying mainly, if not exclusively, on the criteria of the language spoken and the taxes levied on a person's ancestors, the State party is not taking into account to a sufficient degree the criterion of self-identification. Accordingly, the Committee suggests that the State party give more adequate weight of self-identification by the individual, as indicated in general recommendation VIII.

- Islamic Republic of Iran, CERD, A/58/18 (2003) 72 at para. 418.

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418. The Committee welcomes the social, economic and cultural measures taken by the State party, in accordance with article 2, paragraph 2, of the Convention, such as the new Economic, Social and Cultural Development Plan, which aims to enhance basic social and infrastructural services in less developed areas inhabited by ethnic minority groups, as well as to improve the living conditions of nomadic groups.

- Latvia, CERD, A/58/18 (2003) 75 at paras. 449 and 456.

449. While noting the measures taken by the State party to increase the rate of naturalization of non-citizens, the Committee remains concerned at the limited results of these efforts. The Committee is concerned at the growing number of persons who fail the language examination and at the possible lack of availability or accessibility of Latvian language instruction for all those wishing to benefit from this facility.

The Committee recommends that the State party further study the underlying reasons for the low level of naturalization applications with a view to devising strategies targeting specific groups of potential applicants. The Committee stresses that positive measures should be employed to attract non-citizens to the process, while ensuring that any measures taken do not adversely affect their current status. It also strongly urges the State party to ensure the availability of Latvian language instruction, to the extent possible, for those wishing to avail themselves of such opportunities.

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456. The Committee is concerned at the persistence of negative racial and ethnic stereotypes and notes that educational and training activities undertaken by the State party may not have been sufficient to combat discriminatory attitudes and practices.

The Committee recommends that the State party pursue its efforts to combat prejudices and promote understanding and tolerance through a broad range of measures targeting both professionals working with and persons belonging to minority groups, as well as the general public. The Committee encourages the State party, through the broad-based participatory drafting process of the envisaged National Plan of Action to implement the Durban Declaration and Plan of Action, to create awareness with regard to the diverse issues relating to racial discrimination.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at

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paras. 533, 542 and 543.

533. The Committee remains concerned at reports of attacks on asylum-seekers. In this regard, the Committee notes with concern that antagonism towards asylum-seekers has helped to sustain support for extremist political opinions.

The Committee recommends that the State party adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues, *inter alia* by developing public education programmes and promoting positive images of ethnic minorities, asylum-seekers and immigrants, as well as measures making the asylum procedures more equitable, efficient and unbiased.

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542. The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, *inter alia*, in their higher child mortality rate, exclusion from schools, shorter life expectancy, poor housing conditions, lack of available camping sites, high unemployment rate and limited access to health services.

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party develop further appropriate modalities of communication and dialogue between Roma/Gypsy/Traveller communities and central authorities. It also recommends that the State party adopt national strategies and programmes with a view to improving the situation of the Roma/Gypsies/Travellers against discrimination by State bodies, persons or organizations.

543. The Committee reiterates its concern that besides the Roma/Gypsy/Traveller populations, certain other minority groups or individuals belonging to them experience discrimination in the areas of employment, education, housing and health.

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

- Brazil, CERD, A/59/18 (2004) 14 at para. 60.

60. While the Committee takes note of the State party's objective to complete the demarcation of indigenous lands by 2007 and considers it an important step towards securing the rights of indigenous peoples, it remains concerned at the fact that effective possession and use of indigenous lands and resources continues to be threatened and restricted by recurrent acts of aggression against indigenous peoples.



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In the light of general recommendation XXIII on the rights of indigenous peoples, the Committee recommends that the State party complete the demarcation of indigenous lands by 2007. Furthermore, the Committee recommends that the State party adopt urgent measures to recognize and protect, in practice, the right of indigenous peoples to own, develop, control and use their lands, territories and resources...

- Nepal, CERD, A/59/18 (2004) 24 at paras. 132 and 136.

132. While welcoming the State party's efforts to implement special measures to advance and protect persons subjected to discrimination, the Committee remains concerned over the underrepresentation of disadvantaged groups in government, legislative bodies and the judiciary.

The Committee urges the State party to engage in efforts to promote awareness among the general public, as well as among members of disadvantaged communities, of the importance of their active participation in public and political life. The Committee recommends that the State party continue to enforce special measures to guarantee to members of disadvantaged groups the right to participate in elections, to vote and stand for election, and to have due representation in government, legislative bodies and the judiciary.

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136. The Committee notes that the Government broadcasts in several national languages. The Committee is concerned, however, with the lack of representation of disadvantaged groups in the State-owned media, and that issues such as racial discrimination and human rights receive little coverage by the media in general.

The Committee invites the State party to consider introducing special measures to ensure due representation in the mass media of members of disadvantaged groups, including Dalits.

- The Netherlands, CERD, A/59/18 (2004) 29 at para. 155.

155. While the Committee notes with satisfaction the information that the number of police officers belonging to ethnic minorities has increased in recent years, it remains concerned about the high percentage of resignations among these groups.

The Committee encourages the State party to continue promoting the effective implementation of measures aimed at ensuring that the ethnic composition of the police appropriately reflects the ethnic composition of Dutch society...

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- Suriname, CERD, A/59/18 (2004) 36 at para. 198.

198. The Committee is disturbed at the continuing lack of health and education facilities and utilities available to indigenous and tribal peoples. It regrets that no special measures have been taken to secure their advancement on the grounds that there are no available data suggesting that they need special protection.

The Committee recommends that greater efforts be undertaken by the State party, in particular as regards the education plan of action for the interior. It also recommends the inclusion in agreements with large business ventures - in consultation with the peoples concerned - of language specifying how those ventures will contribute to the promotion of human rights in areas such as education.

- Argentina, CERD, A/59/18 (2004) 45 at para. 243.

243. While taking note with satisfaction of the assurances given by the State party regarding its plan to intensify the human rights training of border and immigration officials, the Committee is concerned about reported cases of *refoulement* of refugees and allegedly unfair refugee status determination procedures. In this connection, the Committee observes that, while the State party generally endeavours to follow the standards of the Convention relating to the Status of Refugees, but within a more limited legislative framework, there is no comprehensive law dealing with the protection of refugees...

The Committee calls upon the State party to increase its efforts to fully respect article 5 (b) of the Convention and the principle of *non-refoulement* and improve refugee protection conditions and safeguards, including interpretation facilities, particularly at airports and other border points. It also urges the State party to ensure that new legislation is adopted that addresses eligibility for refugee status and the rights of refugees and specifies the refugee status determination procedures and rights of review...

- Madagascar, CERD, A/59/18 (2004) 58 at para. 319.

319. The Committee notes with concern that some regions of the country are harder hit than others by the low level of economic development, with lower literacy rates and life expectancy in particular, even if the lack of technical and financial resources objectively contributes to these disparities.

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The Committee points out that the principle of non-discrimination is not subject to the availability of resources, and calls on the State party to ensure that existing resources are distributed fairly among the various regions of the country. As indirect discrimination is forbidden under the Convention, the Committee draws the attention of the State party to the ethnic dimension that these inequalities could have, and invites it to adopt special measures that could be necessary under article 2, paragraph 2, of the Convention.

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

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

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

- Slovakia, CERD, A/59/18 (2004) 70 at paras. 382 and 389.

382. While the Committee notes with appreciation the continuous efforts undertaken to combat racial discrimination and related violence, including the setting up of a commission to deal with racially motivated violence and of the Racism and Xenophobia Monitoring Centre, it remains concerned about the occurrence of racially motivated crimes and incidents in the country.

The Committee encourages the State party to continue monitoring all tendencies that may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee also recommends that the State party intensify its efforts to ensure to everyone within its jurisdiction effective protection against any act of racial discrimination, as well as the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. In this respect, the State party should ensure that victims of racist crimes are afforded wider access to free legal assistance.

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389. The Committee is concerned about reports of cases of sterilization of Roma

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women without their full and informed consent. In this respect, the Committee welcomes the assurances given by the delegation that a draft law on health care, which would address shortcomings in the system by specifying the requirement of free and informed consent for medical procedures and guarantee patients' access to medical files, has been approved by the Government and should shortly be adopted by the Parliament.

The Committee strongly recommends that the State party take all necessary measures to put an end to this regrettable practice, including the speedy adoption of the above-mentioned draft law on health care. The State party should also ensure that just and effective remedies, including compensation and apology, are granted to the victims.

- Australia, CERD, A/60/18 (2005) 13 at para. 35.

35. The Committee notes with concern that it has proved difficult for complainants, under the Racial Discrimination Act, to establish racial discrimination in the absence of direct evidence, and that no cases of racial discrimination, as distinct from racial hatred, have been successfully litigated in the Federal courts since 2001 (arts. 4 and 6).

The Committee, having taken note of the explanations provided by the delegation, invites the State party to envisage regulating the burden of proof in civil proceedings involving racial discrimination so that once an alleged victim has established a *prima facie* case that he or she has been a victim of such discrimination, it shall be for the respondent to provide evidence of an objective and reasonable justification for differential treatment.

- Ireland, CERD, A/60/18 (2005) 30 at para. 146.

146. The Committee notes that members of the Traveller community are not adequately represented in the State party's political institutions and do not effectively participate in the conduct of public affairs (art. 5 (c)).

The Committee invites the State party to consider adopting affirmative action programmes to improve the political representation of Travellers, particularly at the level of Dáil Eireann (Lower House of Parliament) and/or Seanad Eireann (Upper House of Parliament (Senate)).

- Iceland, CERD, A/60/18 (2005) 51 at para. 269.

269. The Committee is concerned at reported cases where access to public places such as bars, discotheques, etc. has been denied on racist grounds, and notes the absence of

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court judgements under article 180 of the General Penal Code prohibiting such discriminatory acts (art. 5 (f)).

The Committee recalls the right of all individuals to access public places without discrimination and recommends that the State party regulate the burden of proof in civil proceedings involving denial of access to public places based on race, colour, descent, and national or ethnic origin so that once an individual has established a *prima facie* case that he or she has been a victim of such denial, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment.

- Nigeria, CERD, A/60/18 (2005) 54 at paras. 291-294.

291. The Committee expresses deep concern about numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of intercommunal, inter-ethnic and interreligious violence. The Committee is particularly disturbed at reports of serious acts of violence targeting members of particular ethnic groups in reprisal for attacks on security forces, including the October 2001 incident in Benue State. While the Committee takes note of the establishment of numerous bodies to investigate these incidents, including panels of enquiry, it is concerned that most of the investigations have failed to produce prosecutions and sentences commensurate with the gravity of the crimes committed, leading to the appearance of impunity (arts. 2, 4 and 5).

The Committee recommends that the State party intensify its action to halt this phenomenon and requests that it submit detailed information about the number of persons who died and their ethnic affiliations, the prosecution of persons in relation to these events, and the sentences, if any, that were pronounced. The Committee urges the State party to make public the results of all investigations previously announced in response to these events and to sanction those responsible.

292. The Committee expresses concern about the absence of an explicit penal provision in the State party's legislation prohibiting organizations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention (art. 4).

In the light of its general recommendation XXX (2004), the Committee recommends that the State party introduce in its criminal law a provision to the effect that committing an offence with racist motivation or aim constitutes an aggravating circumstance...

293. The Committee is concerned about the persistence of discrimination against persons belonging to various ethnic groups in the fields of employment, housing and education, including discriminatory practices by people who consider themselves to be the original inhabitants of their region against settlers from other states. While noting

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the efforts taken by the State party to improve the representation of different ethnic groups in the public service, most notably by the Federal Character Commission, the Committee remains concerned about the reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalization of certain ethnic groups in Government, legislative bodies and the judiciary (arts. 2 and 5).

The Committee recommends that the State party continue to promote equal opportunities for all persons without discrimination in order to ensure their full enjoyment of their rights, in accordance with article 2, paragraph 2, and article 5 of the Convention. In this connection, the Committee urges the State party to strengthen its Affirmative Action Plans in favour of underrepresented or marginalized groups, including women, in its employment policies with regard to the public service...

294. The Committee is deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Delta Region and other River States, in particular, the Ogoni areas. It is concerned at the State party's failure to engage in meaningful consultation with the concerned communities, and about the deleterious effects of the oil production activities on the local infrastructure, economy, health and education. In this regard, the Committee also notes with concern that the Land Use Act of 1978 and the Petroleum Decree of 1969 are contrary to the provisions of the Convention. Furthermore, the Committee is alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement officers as well as by security personnel employed by petroleum corporations (arts. 2 and 5).

In the light of general recommendation XXIII (1997) on the rights of indigenous peoples, the Committee urges the State party to take urgent measures to combat "environmental racism" and degradation. In particular, it recommends that the State party repeal the Land Use Act of 1978 and the Petroleum Decree of 1969 and the adoption of a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards as well as fair and equitable revenue distribution. The Committee reiterates that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population, including effective and meaningful consultation. It further urges the State party to conduct full and impartial investigations of cases of alleged human rights violations by law enforcement officials and by private security personnel, institute proceedings against perpetrators and provide adequate redress to victims and/or their families.

- Zambia, CERD, A/60/18 (2005) 75 at para. 406.

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406. The Committee notes that complaints of racial discrimination have failed before institutions such as the Zambian Human Rights Commission and the Industrial Relations Court, because of the impossibility of proving racial discrimination (art. 6).

The Committee recommends that complaints of racial discrimination be fully dealt with, including when they are coupled with complaints of violation of other rights, such as labour rights. It also recommends that full attention be paid to the possible existence of indirect discrimination, which is prohibited under the Convention. Further, it encourages the State party to envisage regulating the burden of proof in civil proceedings involving racial discrimination so that once a person has established a *prima facie* case that he or she has been a victim of such discrimination, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment.

### ICCPR

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at paras. 79(6) and 79(9).

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

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(9) While welcoming the additional explanations of the delegation on a case of alleged ill-treatment committed by police officers, the Committee remains concerned that acts of ill-treatment or other forms of violence perpetrated or condoned by law enforcement officials are not prosecuted on the basis of the most appropriate criminal charges but only as minor offences.

The State party should ensure that law enforcement officials are effectively prosecuted for acts that are contrary to article 7 of the Covenant, and that the charges correspond to the seriousness of the acts committed. The Committee also recommends that the State party guarantee the independence from police authorities of the newly created “police control department”, which is responsible for carrying out investigations of abuses committed by the police.

- Luxembourg, ICCPR, A/58/40 vol. I (2003) 45 at para. 80(7).

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(7) The Committee notes, on the one hand, that the State party grants financial assistance to the Christian and Jewish communities only and, on the other hand, that the criteria applied (such as membership of a religion recognized worldwide and officially in at least one European Union country) may give rise to problems as far as their compatibility with the provisions of articles 18, 26 and 27 of the Covenant is concerned.

The State party should guarantee non-discriminatory treatment of communities of religion and belief in respect of financial assistance and, to this end, ensure that all criteria in this regard are revised to guarantee that they are in keeping with the Covenant.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at paras. 81(11) and 81(12).

(11) The Committee notes with concern that a very high percentage of women in Mali have reportedly been subjected to genital mutilation. The Committee welcomes the programmes already implemented by the authorities and non-governmental organizations to combat the practice, but regrets that there is no specific legal prohibition...

The State party should prohibit and criminalize the practice of female genital mutilation so as to send a clear and strong signal to those concerned. The State party should strengthen its awareness-raising and education programmes in that regard...

(12) The Committee is concerned about reports of domestic violence in Mali and the failure by the authorities to prosecute the perpetrators of these acts and to take care of the victims. Bearing in mind the delegation's reply, to the effect that domestic violence is punishable under the current provisions of the Penal Code, the Committee stresses the need for special legislation to deal with such violence, given its specific nature (articles 3 and 7 of the Covenant).

The State party should adopt specific legislation expressly prohibiting and punishing domestic violence. Victims should be properly protected. The State party should adopt a policy of prosecuting and punishing such violence, including by issuing clear directives to that effect to its police and through appropriate awareness-raising and training measures for its officials.

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at paras. 82(9), 82(10), 82(12), 82(16) and 82(18).

(9) The Committee is concerned at reports of high rates of domestic violence and regrets that the statistics provided by the State party were inconclusive. While noting some positive steps taken by the State party in the area of legislation, the Committee



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regrets that the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families has been delayed (arts. 3, 9, 26).

The State party should adopt the necessary policy and legal framework to combat domestic violence; specifically, it should provide a framework for the protection of a spouse who is subjected to violence or threats of violence. The Committee recommends that the Government of Slovakia establish crisis centre hotlines and victim support centres equipped with medical, psychological, legal and emotional support services; in order to raise public awareness, it should disseminate information on this issue through the media.

...

(10) The Committee notes the efforts made by the State party to address the situation regarding trafficking in women, in particular by adopting a preventive strategy by providing information to potential victims and through international cooperation. However, the Committee notes that it has received only limited statistical information from the State party. It notes that trafficking is an international crime and therefore not only concerns women trafficked out of Slovakia, but also those being trafficked into Slovakia from neighbouring countries (arts. 3, 8).

The State party should strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries who are brought into its territory for the purpose of prostitution. 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 give evidence against the persons responsible in criminal or civil proceedings. The Committee encourages Slovakia to continue its cooperative efforts with border States to eliminate trafficking across national borders.

...

(12) Despite the oral and written answers provided by the delegation, the Committee remains concerned at reports of forced or coerced sterilization of Roma women. In particular, the Committee regrets that in its written answers submitted after the oral consideration of the report, the State party did not clearly deny or admit breaches of the principle of full and informed consent but asserted that an investigation of maternity wards and gynaecology departments of 12 hospitals did not reveal infringements of “medical indication” of sterilization. The reference made, in the same submission, to “the fact that not all administrative acts were fulfilled in every case” appears to amount to an implicit admission of breaches of the requirement of informed consent (arts. 7, 26).

The State party should adopt all necessary measures to investigate all alleged cases of coerced or forced sterilization, publicize the findings, provide effective remedies to victims and prevent any future instances of sterilization without full and informed

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consent.

...

(16) The Committee is concerned about discrimination against the Roma. The Committee notes that the delegation has acknowledged the problem and stated that the situation of the Roma is both a short-term and a long-term priority of the Government. The Committee takes note of the measures aimed at improving the situation of Roma in various areas such as employment, health care, housing and education. The Committee also welcomes educational campaigns amongst the general public to attack stereotypes. However, the steps taken by the State party to improve the socio-economic condition of the Roma and to change the attitudes of society *vis-à-vis* the Roma do not appear to be sufficient, and *de facto* discrimination persists (arts. 2, 26).

The State party should take all necessary measures to eliminate discrimination against the Roma and to enhance the effective enjoyment of their rights under the Covenant. The State party should also make greater efforts to provide opportunities for Roma to use their language in official communications, to provide readily accessible social services, to provide training to Roma in order to equip them for employment and to create job opportunities for them...

...

(18) The Committee notes the introduction of programmes such as pre-school grades at elementary schools, the inclusion of Romani language education and the inclusion of teacher's assistant positions for Roma pupils. However, the Committee is concerned about the grossly disproportionate number of Roma children assigned to special schools designed for mentally disabled children, which causes a discriminatory effect in contravention of article 26 of the Covenant.

The State party should take immediate and decisive steps to eradicate the segregation of Roma children in its educational system by ensuring that any differentiation within education is aimed at securing attendance in non-segregated schools and classes. Where needed, the State party should also provide special training to Roma children to secure, through positive measures, their access to education without segregation.

### *See also:*

- Latvia, ICCPR, A/49/40 vol. I (2003) 25 at para. 65(13).
- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at paras. 83(8), 83(9), 83(17) and 83(20).

(8) The Committee is concerned about reported cases of disproportionate use of force and ill-treatment by the police, occurring particularly at the time of arrest and during police custody, and resulting, in some instances, in the death of the victims. Police violence against persons belonging to ethnic minorities appears to be recurrent. The

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Committee is equally concerned about the reported failure of the judicial and administrative systems to deal promptly and effectively with such cases, particularly those relating to the deaths of several persons in 2000 and 2001, allegedly caused by police officers (arts. 2, 6, 7 and 26).

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill-treatment, as well as sensitization on issues of racial discrimination, are included in the training of law enforcement personnel. Efforts should also be made to recruit members of minority groups into the police.

(b) The State party should ensure that all alleged cases of torture, ill-treatment and disproportionate use of force by police officers are fully and promptly investigated, that those found guilty are punished, and that compensation is provided to the victims or their families. To this end, a police oversight service, independent from the Ministry of the Interior, should be created...

(9) The Committee notes with concern that Portuguese regulations on police use of firearms, as described in the periodic report, are not compatible with the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials. It is concerned that several persons have been shot dead by the police in recent years and that training in the use of firearms is reported to be insufficient (arts. 6 and 7).

The State party should ensure that principles 9, 14 and 16 of the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials, relating to legitimate cases of use of firearms, are fully integrated into Portuguese law and implemented in practice and that adequate training is effectively conducted.

...

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

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

...

(20) The Committee is concerned that, despite extensive positive measures adopted by the State party, the Roma continue to suffer from prejudice and discrimination, particularly with regard to access to housing, employment and social services, and that

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the State party was unable to submit detailed information, including statistical information, on the situation of these communities as well as on the results achieved by the institutions responsible for the advancement and welfare of the Roma (arts. 26 and 27).

(a) The State party should intensify its efforts to integrate Roma communities in Portugal in a manner that is respectful of their cultural identity, in particular through the adoption of positive action with regard to housing, employment, education and social services.

...

- El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at para. 84(13).

(13) The Committee is concerned about various reports of threats received by the Procurator in the performance of her duties.

In the light of article 2 of the Covenant, the Committee urges the State party to support the Office of the Procurator and provide it with full institutional backing so as to ensure its independence, and furnish the requisite physical and human resources for the Office to be fully operational. It also recommends the State party to take additional steps to guarantee the security of all Office officials in the performance of their functions.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(9) and 85(21).

(9) The Committee notes the efforts by the State party to provide better conditions for migrant workers. It welcomes the amendment to the Foreign Workers Law and the increase in penalties imposed on employers for non-compliance with the law. It also welcomes free access to labour courts for migrant workers and the provision of information to them about their rights in several foreign languages.

...

(21) The Committee is concerned about Israel's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) on 31 July 2003, which suspends, for a renewable one-year period, the possibility of family reunification, subject to limited and subjective exceptions, especially in the cases of marriages between an Israeli citizen and a person residing in the West Bank or in Gaza.

The Committee notes with concern that the suspension order of May 2002 has already adversely affected thousands of families and marriages.

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

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reunification of all citizens and permanent residents...

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at paras. 63(7), 63(9), 63(13) and 63(16).

(7) The Committee regrets the lack of information on the procedure for the implementation of the Committee's Views under the Optional Protocol. In particular, it is concerned by the grave breaches by the State party of its obligations constituted by its lack of compliance with the Committees' requests for interim measures of protection in cases submitted under the Optional Protocol (*Piandiong, Morillos and Bulan v. Philippines*).

The State party should establish procedures to implement Views of the Committee and to ensure compliance with requests for interim measures of protection.

...

(9) The Committee has noted pending legislation related to terrorism awaiting adoption by the Congress of the Philippines. While the Committee is mindful of the security requirements associated with efforts to combat terrorism, it is concerned by the exceedingly broad scope of the proposed legislation, as acknowledged by the delegation.

The draft legislation includes a broad and vague definition of acts of terrorism which could have a negative impact on the rights guaranteed by the Covenant.

The State party should ensure that legislation adopted and measures taken to combat terrorism are consistent with the provisions of the Covenant.

...

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

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

...

(16) The Committee welcomes the adoption of the Indigenous Peoples Rights Act (IPRA) in 1997 and the subsequent establishment of the National Commission on Indigenous Peoples (NCIP), but remains concerned about the lack of effective implementation of the legislation. The Committee welcomes the positive measures noted by the delegation, but considers their scope to be limited. It is further concerned

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at the human rights implications for indigenous groups of economic activities, such as mining operations.

The State party should ensure effective enforcement of the above legislation and ensure that indigenous peoples' land and resource rights enjoy adequate protection in relation to mining and other competing usage, and that the capacity of the National Commission on Indigenous Peoples is strengthened. Positive measures should be expanded to include land rights issues.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(24).

24. The Committee is concerned at the increase of racially motivated violent attacks against ethnic and religious minorities, as well as about reports of racial profiling by law enforcement personnel. It notes with concern reports of xenophobic statements made by public officials.

The State party should take effective measures to combat racially motivated crimes. It should ensure that law enforcement personnel receive clear instructions and proper training with a view to protecting minorities against harassment. The State party is also encouraged to introduce specific legislation to criminalize racist acts as well as racially motivated statements made by those in public office (arts. 2, 20 and 26).

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at paras. 65(12), 65(14) and 65(18).

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

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

...  
(14) The Committee notes that discrimination against women with regard to

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

The State party should take all necessary measures to ensure equal treatment of women and men in the public and private sectors, if necessary through appropriate positive measures, in order to give effect to its obligations under articles 3 and 26.

...

(18) With regard to the status of non-citizens, the Committee notes the policy of the Government to further social integration through naturalization. However, the Committee is concerned about the large proportion of non-citizens in the State party, who by law are treated neither as foreigners nor as stateless persons but as distinct category of persons with long-lasting and effective ties to Latvia, in many respects comparable to citizens but in other respects without the rights that come with full citizenship. The Committee expresses its concern over the perpetuation of a situation of exclusion, resulting in lack of effective enjoyment of many Covenant rights by the non-citizen segment of the population, including political rights, the possibility to occupy certain State and public positions, the possibility to exercise certain professions in the private sector, restrictions in the area of ownership of agricultural land, as well as social benefits (art. 26).

The State party should prevent the perpetuation of a situation where a considerable part of the population is classified as "non-citizens". In the interim, the State party should facilitate the integration process by enabling non-citizens who are long-term residents of Latvia to participate in local elections and to limit the number of other restrictions on non-citizens in order to facilitate the participation of non-citizens in public life in Latvia.

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at paras. 66(9) and 66(10).

(9) The Committee remains concerned about persistent reports of torture and cruel, inhuman or degrading treatment or punishment of detainees by law enforcement officials and members of the armed forces, and that the restrictive definition of torture in the 1994 Convention against Torture Act continues to raise problems in the light of article 7 of the Covenant. It regrets that the majority of prosecutions initiated against police officers or members of the armed forces on charges of abduction and unlawful confinement, as well as on charges of torture, have been inconclusive due to lack of satisfactory evidence and unavailability of witnesses, despite a number of acknowledged instances of abduction and/or unlawful confinement and/or torture, and only very few police or army officers have been found guilty and punished. The Committee also notes with concern reports

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that victims of human rights violations feel intimidated from bringing complaints or have been subjected to intimidation and/or threats, thereby discouraging them from pursuing appropriate avenues to obtain an effective remedy (article 2 of the Covenant).

The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 7 and 9 of the Covenant, and ensure effective enforcement of the legislation. It should ensure in particular that allegations of crimes committed by State security forces, especially allegations of torture, abduction and illegal confinement, are investigated promptly and effectively with a view to prosecuting perpetrators. The National Police Commission complaints procedure should be implemented as soon as possible. The authorities should diligently enquire into all cases of suspected intimidation of witnesses and establish a witness protection programme in order to put an end to the climate of fear that plagues the investigation and prosecution of such cases. The capacity of the National Human Rights Commission to investigate and prosecute alleged human rights violations should be strengthened.

(10) The Committee is concerned about the large number of enforced or involuntary disappearances of persons during the time of the armed conflict, and particularly about the State party's inability to identify, or inaction in identifying those responsible and to bring them to justice. This situation, taken together with the reluctance of victims to file or pursue complaints (see paragraph 9 above), creates an environment that is conducive to a culture of impunity.

The State party is urged to implement fully the right to life and physical integrity of all persons (articles 6, 7, 9 and 10, in particular) and give effect to the relevant recommendations made by the United Nations Commission on Human Rights Working Group on Enforced or Involuntary Disappearances and by the Presidential Commissions for Investigation into Enforced or Involuntary Disappearances. The National Human Rights Commission should be allocated sufficient resources to monitor the investigation and prosecution of all cases of disappearances.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(9).

(9) The Committee is concerned that incidents of domestic violence against women and children are rising. While noting the efforts made by the State party to combat domestic violence, including the National Equal Opportunities Programme and the Action Plan on Violence against Children, the Committee notes that there is no special legislation relating to domestic violence within the legal system (arts. 3 and 7).

The State party should take all necessary measures, including the enactment of appropriate legislation, to deal with domestic violence. New legislation should include



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the introduction of restraining orders as a means of protecting women and children from violent family members. The State party should continue its efforts to provide shelters and other support for victims of domestic violence and take measures to encourage women to report domestic violence to the authorities, and to make police officers more sensitive in their handling of allegations of domestic violence, including rape and its psychological impact on the victim.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at para. 74(17).

(17) The Committee is concerned that the State party is not complying fully with the obligation to ensure the right to be tried without undue delay as enshrined in article 14, paragraph 3 (c), of the Covenant, especially taking into account the number of cases that remain pending.

The State party should take urgent steps to guarantee that trials take place within a reasonable period of time. Special measures should be taken to address the backlog of cases, in particular through the necessary increase in the number of judges.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(12) and 75(17).

(12) While welcoming the measures taken to establish a system for trying war crimes before domestic courts, including the creation of a special war crimes trial chamber of the Belgrade District Court, and the establishment of the Office of a Special War Crimes Prosecutor, concern remains as to the absence of provisions in domestic legislation implementing the principle of command responsibility, the absence of an adequate system for witness protection, and the absence of investigators assigned solely to the prosecutor's office (arts. 2, 6, 7).

The State party should take all necessary measures to ensure that those responsible for war crimes and crimes against humanity are brought to justice, to ensure that justice is carried out in a fair manner and to establish an adequate system for witness protection.

...

(17) The Committee is concerned at reports of high rates of domestic violence...

The State party should adopt the necessary policy and legal framework to effectively combat domestic violence. The Committee recommends in particular that the State party establish crisis-centre hotlines and victim support centres equipped with medical, psychological and legal support, including shelters for battered spouses and children. In order to raise public awareness, it should disseminate information on this issue through the media.

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*See also:*

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

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

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

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(12).

(12) While the Committee welcomes the measures taken to provide support to victims of domestic violence, it expresses its concern about the efficacy of restraining orders (articles 3, 7 and 26 of the Covenant).

The State party is invited to take all necessary steps to ensure appropriate protection of women from domestic violence.

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

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

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

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- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(11).

(11) The Committee is concerned about allegations relating to widespread use of torture and ill-treatment of detainees and the low number of officials who have been charged, prosecuted and convicted for such acts. It is a matter of further concern that no independent inquiries are conducted in police stations and other places of detention to guarantee that no torture or ill-treatment takes place, apart from a small number of inquiries with external participation quoted by the delegation (Covenant, arts. 7 and 10).

The State party should ensure that complaints of torture and/or ill-treatment are examined promptly and independently. Those responsible should be prosecuted and punished in accordance with the seriousness of the crime committed. All places of detention should be subject to regular independent inspection. Provision should also be made for the medical examination of detainees, in particular persons held in pre-trial detention. The use of audio and video equipment in police stations and detention facilities should be considered.

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

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

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

(b) The Committee urges the State party to protect unaccompanied alien children and to avoid the unsupervised release of such children into the general population. The absence of child welfare protection increases the danger of trafficking and exposes the children to other risks. The State party should conduct a judicial investigation concerning the approximately 500 children who went missing from the Aghia Varvara institution between 1998 and 2002...

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at para. 92(8).

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(8) The Committee recalls that in at least two cases, the State party has executed prisoners under sentence of death, even though their cases were pending before the Committee under the Optional Protocol to the Covenant and requests for interim measures of protection had been addressed to the State party. The Committee recalls that in acceding to the Optional Protocol, the State party recognized the Committee's competence to receive and examine complaints from individuals under the State party's jurisdiction. Disregard of the Committee's requests for interim measures constitutes a grave breach of the State party's obligations under the Covenant and the Optional Protocol (art. 6).

The State party should comply fully with its obligations under the Covenant and the Optional Protocol, in accordance with the principle of *pacta sunt servanda*, and take the necessary measures to avoid similar violations in future.

- Slovenia, ICCPR, A/60/40 vol. I (2005) 74 at paras. 93(8) and 93(11).

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

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

...

(11) While the Committee acknowledges the efforts of the State party to address and combat trafficking in women and children, the Committee remains concerned about this phenomenon, and about the lack of prevention and protection mechanisms for victims, including rehabilitation schemes (arts. 3, 8, 24 and 26).

The State party should continue to reinforce its measures to combat trafficking in women and children and prosecute and punish perpetrators. Protection should be provided to all victims of trafficking, including providing a place of refuge and so facilitating their giving evidence against those responsible. Prevention and rehabilitation programmes for the victims should also be established.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(8).

(8) The Committee welcomes the information provided by the delegation on the agreement of 5 May 2005 between the Prime Minister of Lebanon and the President of

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Syria to establish a committee that would meet periodically to further investigate the facts concerning disappearances of Syrian and Lebanese nationals in the two countries. The Committee remains concerned, however, that sufficient information was not provided about concrete steps taken to establish such a committee in Syria, as well as about its envisaged composition and measures to ensure its independence (arts. 2, 6, 7, 9).

The State party should give a particularized account of Lebanese nationals and Syrian nationals, as well as other persons, who were taken into custody or transferred into custody in Syria and who have not heretofore been accounted for. The State party should also take immediate steps to establish an independent and credible commission of inquiry into all disappearances, in line with the recommendations the Committee made in 2001.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at paras. 95(10), 95(12), 95(20) and 95(23).

(10) The Committee is concerned at the persistent allegations of serious human rights violations, including widespread instances of extrajudicial killings and ill-treatment by the police and members of armed forces, illustrated by incidents such as the Tak Bai incident in October 2004, the Krue Se mosque incident on 28 April 2004 and the extraordinarily large number of killings during the “war on drugs” which began in February 2003. Human rights defenders, community leaders, demonstrators and other members of civil society continue to be targets of such actions, and any investigations have generally failed to lead to prosecutions and sentences commensurate with the gravity of the crimes committed, creating a culture of impunity. The Committee further notes with concern that this situation reflects a lack of effective remedies available to victims of human rights violations, which is incompatible with article 2, paragraph 3, of the Covenant (arts. 2, 6, 7).

The State party should conduct full and impartial investigations into these and such other events and should, depending on the findings of the investigations, institute proceedings against the perpetrators. The State party should also ensure that victims and their families, including the relatives of missing and disappeared persons, receive adequate redress. Furthermore, it should continue its efforts to train police officers, members of the military and prison officers to scrupulously respect applicable international standards.

The State party should actively pursue the idea of establishing an independent civilian body to investigate complaints filed against law enforcement officials.

...

(12) Notwithstanding the pending enactment of the Prevention of Domestic Violence Bill and the measures taken by the State party, including the “white ribbons” campaign, the Committee is concerned at reports that domestic violence is prevalent and that

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specific legal provisions on domestic violence, including marital rape, are lacking in the State party's legislation (arts. 3, 7, 26).

The State party should adopt the necessary policy and legal frameworks to effectively combat domestic violence. It should establish crisis-centre hotlines and victim support centres equipped with medical, psychological and legal support, including shelters. Law enforcement officials, in particular police officers, should also be provided with appropriate training to deal with cases of domestic violence, and awareness-raising efforts should be continued to widely sensitize members of the public.

...

(20) Notwithstanding the serious efforts undertaken by the State party to address the issue of trafficking in persons, including the establishment in March 2005 of the National Committee on Prevention and Suppression of Human Trafficking, and while welcoming the planned enactment of the new law on human trafficking, the Committee remains concerned that Thailand is a major country of origin, transit and destination for trafficking in persons for purposes of sexual exploitation and forced labour. The Committee is also concerned that child prostitution remains widespread. The Committee notes with concern that certain groups are at a particularly higher risk of being sold, trafficked and exploited, i.e. street children, orphans, stateless persons, migrants, persons belonging to ethnic minorities and refugees/asylum-seekers (arts. 8 and 24).

The State party should continue and strengthen its measures to prosecute and punish trafficking and to adequately protect the human rights of all witnesses and victims of trafficking, in particular by securing their places of refuge and opportunities to give evidence. The State party should enact the Suppression of Human Trafficking Bill without delay.

...

(23) The Committee is concerned about the lack of full protection of the rights of registered and unregistered migrant workers in Thailand, particularly with regard to liberty of movement, access to social services and education, and access to personal documents. The deplorable conditions in which migrants are obliged to live and work indicate serious violations of articles 8 and 26 of the Covenant. The Committee notes that ethnic minorities and migrants from Myanmar are particularly vulnerable to exploitation by employers as well as to deportation by the Thai authorities. The Committee is also concerned that a significant number of migrant workers, mainly from Myanmar, are still missing in the aftermath of the tsunami in December 2004 and that others were not provided with the necessary humanitarian assistance due to their lack of legal status (arts. 2, 8 and 26).

The State party must take measures to effectively implement the existing legislation providing for the rights of migrant workers. Migrant workers should be afforded full

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and effective access to social services, educational facilities and personal documents, in accordance with the principle of non-discrimination. The State party should consider establishing a governmental mechanism to which migrant workers can report violations of their rights by their employers, including illegal withholding of their personal documents. The Committee also recommends that humanitarian assistance be effectively provided to all victims of the tsunami disaster without discrimination, regardless of their legal status.

### **ICESCR**

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

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

...

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

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

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

...

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

- Israel, ICESCR, E/2004/22 (2003) 42 at para. 248.

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248. The Committee notes with appreciation the various affirmative-action measures taken, as mentioned in the State party's replies to the list of issues, with respect to various disadvantaged sectors such as the Arab, Druze, Circassian and Bedouin communities, despite the decline in economic growth in the State party in recent years.

- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 305, 309, 310, 327, 331 and 332.

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

...

309. The Committee is alarmed about the extent of trafficking in persons, particularly women, despite the various measures taken by the State party to prevent and combat this phenomenon, including the adoption in 2001 of the National Plan of Action to Combat Trafficking in Human Beings and the introduction of sanctions against crimes related to trafficking under the new Penal Code of 2002.

310. The Committee is concerned that violence against women remains widespread. The Committee notes with regret that existing legislation does not define domestic violence as a specific offence. Lack of crisis centres for victims of domestic violence is also a cause for concern.

...

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

...

331. The Committee urges the State party to reinforce its efforts to combat the phenomenon of trafficking in persons, including by ensuring the effective implementation of anti-trafficking legislation and programmes and by improving job possibilities and assistance to women living in poverty. In view of the cross-border character of crimes related to trafficking, the State party is encouraged to seek international assistance and strengthen regional cooperation with countries to which Moldovans are trafficked.

332. The Committee encourages the State party to consider defining domestic violence as a specific offence under the Penal Code. It also encourages the State party to give effect to the planned amendments of the Civil Procedure Code, which aim to protect victims of domestic violence. The Committee also recommends that the State party increase the number of crisis centres where victims of domestic violence could find safe lodging and counselling.



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

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

...

426. The Committee urges the State party to amend all its relevant legislation in order to define sexual harassment as a crime and to take effective measures to combat the crime.
- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 458, 462, 475, 476, 486, 490 and 502-504.

458. The Committee notes with concern that the employment of persons with disabilities has significantly decreased in recent years. The Committee regrets that two important tax benefits, which served as incentives for hiring persons with disabilities and which were commended by the Committee in its previous concluding observations,<sup>28/</sup> have been removed.

...

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

...

475. The Committee remains concerned about the high incidence of tuberculosis in the State party, particularly in prisons, in the Republic of Chechnya and in the regions of the Far North, in particular among indigenous communities.

476. The Committee notes with concern the sharp increase in the HIV-infection rate during the last three years, the increasing incidence of HIV contracted through heterosexual contacts, and the increasing number of children born of HIV-positive mothers.

...

486. The Committee recommends that the State party take effective measures to promote the integration of persons with disabilities into the labour market, including by strengthening the system of job quotas for them, or by providing penalty payments for non-employment.

...

490. The Committee recommends that the State party undertake effective measures, including through affirmative action, to improve the working conditions for women and

## EFFECTIVE REMEDIES - SPECIAL MEASURES

to ensure equal pay for work of equal value. The Committee also recommends that the State party enact legislation criminalizing sexual harassment in the workplace.

...

502. The Committee recommends that the State party address the matter of patients' rights...

503. The Committee recommends that the State party intensify its efforts to combat tuberculosis, under the special federal programme on urgent measures to tackle tuberculosis for the period 1998-2004, including by ensuring the availability of medicines and adequate sanitary conditions in prisons, and by taking special measures to combat the epidemic in the worst affected regions.

504. The Committee, in line with its general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), calls upon the State party to take urgent measures to stop the spread of HIV/AIDS. The State party should ensure that all persons know about the disease and how to protect themselves, including through sex education in schools, and that methods of protection are available at affordable prices.

Moreover, awareness-raising campaigns should aim at preventing discrimination against HIV-positive people.

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### Notes

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28/ [Official Records of the Economic and Social Council, 1998, Supplement No. 2] (E/1998/22-E/C.12/1997/10), chap. IV, para. 93.

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- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 522, 530, 534, 542, 551 and 555.

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

...

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

## EFFECTIVE REMEDIES - SPECIAL MEASURES

...

534. The Committee remains concerned that children with disabilities, whenever possible, are not included in the regular school system.

...

542. The Committee suggests that domestic legislation be reviewed with the aim of giving full effect to the principle of non-discrimination against women and that the State party adopt and implement a programme containing specific measures for awareness-raising, aimed at promoting the rights of women and their advancement in all fields of political, economic and social life.

...

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

...

555. The Committee recommends that the State party change the present system concerning the education of children with disabilities by allowing these children to be educated in the regular school system. Moreover, the State party should take measures to raise awareness among students, teachers and families of the special needs of these children and train teachers to assist them effectively in regular classes.

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 78, 87, 100 and 109.

78. The Committee regrets the lack of information on the integration of people with disabilities in the labour market and expresses its concern that the incentives for employing people with disabilities are limited.

...

87. The Committee is concerned about the high incidence of domestic violence and the lack of shelters for battered women. The Committee is also concerned that victims of domestic violence are not adequately protected under existing legislation.

...

100. The Committee recommends that the State party take effective measures under the National programme for the social integration of the Disabled for 2003-2012 to promote the integration of people with disabilities into the labour market, including through providing incentives to employers and strengthening the system of job quotas for people with disabilities.

...

109. The Committee calls upon the State party to intensify its efforts to combat domestic violence. In particular, the Committee encourages the State party to consider enacting specific legislation criminalizing domestic violence and affording effective protection to victims. The State party should also take effective measures to provide training for law enforcement personnel and judges regarding the criminal nature of

## EFFECTIVE REMEDIES - SPECIAL MEASURES

domestic violence. Moreover, the Committee urges the State party to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 126, 145 and 167.

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

...

145. The Committee notes with concern that the State party has one of the highest tobacco and alcohol consumption rates in Europe, in particular, among minors.

...

167. The Committee recommends that the State party strictly enforce the prohibition of smoking in public areas and of the sale of strong alcoholic beverages to minors, adopt effective measures against “subtle” forms of tobacco and alcohol advertisement, in addition to existing restrictions, and intensify its efforts in the field of anti-smoking education and information campaigns.

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 392 and 405.

392. The Committee is...concerned at the reports of cases of ill-treatment, particularly of migrant women, at the hands of their spouses or partners, which often remain unreported for reasons of economic dependency and fear of deportation. The Committee notes that the situation has been exacerbated by the 2002 amendment to the Aliens Act, which increased the required number of years of residence to seven before a permanent residence permit may be obtained by migrant women married to Danish citizens.

...

405. The Committee recommends that effective measures be taken to ensure that victims of domestic violence receive appropriate care and support for their rehabilitation and that appropriate mechanisms be enforced so that victims are not prevented from seeking assistance for fear of deportation or expulsion from Denmark.

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

146. The Committee notes with concern the persistence of gender inequalities in

## EFFECTIVE REMEDIES - SPECIAL MEASURES

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

...

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

- China (Macao Special Administrative Region), ICESCR, E/2006/22 (2005) 38 at paras. 240 and 250.

240. The Committee expresses its concern that persons with disabilities are not sufficiently integrated in the labour market.

...

250. The Committee recommends that the Macao Special Administrative Region take effective measures to promote the integration of people with disabilities into the labour market, including by providing incentives to employers and strengthening the system of job quotas for persons with disabilities.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 276, 277 and 304.

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

277. The Committee is equally concerned that many persons, especially Roma, internally displaced persons and refugees, work in the informal economy or in the low-income sector without adequate working conditions and social security coverage.

...

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

## EFFECTIVE REMEDIES - SPECIAL MEASURES

incentives for employers...

### CEDAW

- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 48-51.

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

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

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

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

- Estonia, CEDAW, A/57/38 part I (2002) 13 at paras. 88 and 106.

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

...

106. The Committee encourages the State party to analyse the lack of correlation between the high level of educational attainments of women and their income levels. It recommends the introduction of measures, including through the use of temporary special measures, to accelerate the representation of women at all levels of decision-making in educational institutions and economic life. It urges the State party to continue to review and reform the curricula and textbooks in order to combat the traditional attitudes

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towards women and to help to create an enabling environment for promoting women's presence in high-level and well-paid positions.

- Trinidad and Tobago, CEDAW, A/57/38 part I (2002) 19 at para. 150.

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

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at paras. 200 and 201.

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

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

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at para. 279.

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

- Portugal, CEDAW, A/57/38 part I (2002) 35 at paras. 337 and 338.

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

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

- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at paras. 382, 384, 388 and 390.

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

...

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

...

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

...

390. The Committee urges the State party to place a high priority on measures to address violence against women in the family and society, and adopt laws, policies and programmes in accordance with its general recommendation 19 and the United Nations Declaration on Violence against Women. The Committee recommends that the State party increase its programmes on violence against women, in particular awareness-raising campaigns. It also urges the State party to provide training for law enforcement personnel at all levels, lawyers and judges, health-care professionals and social workers with respect to violence against women in the household and society.



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- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 55, 56, 59 and 60.

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

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

...

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

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

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at paras. 95-98.

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

96. The Committee urges the State party to introduce a range of legal, political and administrative options, in line with, temporary special measures, in accordance with the provisions of article 4, paragraph 1, of the Convention, in order to improve the access of

## EFFECTIVE REMEDIES - SPECIAL MEASURES

women to decision-making. The Committee recommends the adoption of programmes to change the tenor of the political discourse in campaigns in order to achieve greater female participation in them.

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

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

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 136, 147 and 148.

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

...

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

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

- Tunisia, CEDAW, A/57/38 part II (2002) 102 at paras. 198 and 199.

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

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

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 240, 241 and 247-249.

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

241. The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

...

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

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

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

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- Ukraine, CEDAW, A/57/38 part II (2002) 114 at paras. 281, 282, 285, 286, 288, 293 and 294.

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

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

...

285. While recognizing that the number of women in elected office in local government has increased in some regions, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, of which only 5 per cent are women, as high-ranking officials within the executive branch, where women occupy only 6 per cent of posts, and within the state administrations and civil and diplomatic service.

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

...

288. The Committee urges the State party to make the issue of trafficking in women and girls a high priority... It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers...

...

293. While noting with appreciation the high level of education among women, the

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

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

### *See also:*

- Armenia, CEDAW, A/57/38 part III (2002) 150 at paras. 42 and 43.
- Czech Republic, CEDAW, A/57/38 part III (2002) 157 at paras. 91 and 92.
- Hungary, CEDAW, A/57/38 part III (2002) 189 at paras. 325 and 326.
  
- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 327-330.

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

328. The Committee urges the State party to take additional measures to increase the representation of women in decision-making positions in all sectors, including in the municipalities and counties as well as in the private economic sector. It recommends that the State party take steps to facilitate the options available to women in the private sector, *inter alia*, through the implementation of temporary special measures in

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accordance with article 4, paragraph 1, of the Convention, wherever possible. It also recommends that the State party improve the design of the temporary special measures in accordance with article 4 paragraph 1, of the Convention and monitor their application.

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

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

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

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

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

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 127, 128, 139, 140, 143 and 144.

127. The Committee...welcomes the adoption of the affirmative action policy, resulting in an increase in women's representation in decision-making positions from 16.9 per cent in 1994 to 39 per cent in 2002. The Committee welcomes the fact that women occupy a

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number of key high-level positions.

128. The Committee...welcomes the application of temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the population of women students in tertiary education and the Functional Adult Literary Programme, which has particularly benefited women.

...

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

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

...

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

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

- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 190 and 191.

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

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

- Barbados, CEDAW, A/57/38 part III (2002) 177 at paras. 241 and 242.

241. The Committee is concerned that, despite the fact that the State party has identified women's participation in decision-making as one of its five priorities and despite the high level of education of Barbadian women, little has been achieved in terms of women's representation in decision-making positions in the political sphere. In this context, the Committee expresses concern that the State party lacks a clear understanding of the application of temporary special measures, according to article 4, paragraph 1, of the Convention.

242. The Committee recommends the adoption of strategies to increase the number of women in decision-making positions, both in appointed and elected government bodies. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase women's representation. It also recommends that the State party organize special training programmes for women and to conduct, on a regular basis, awareness-raising campaigns in this regard. It recommends that the State party sensitize political parties and social partners about the importance of these measures.

- Greece, CEDAW, A/57/38 part III (2002) 184 at paras. 268, 287-290, 293 and 294.

268. The Committee welcomes the 1999 revision of the Constitution, particularly the revision of article 116, paragraph 2, which legalizes the use of temporary special measures as provided for by article 4, paragraph 1, of the Convention in order to achieve substantive equality between women and men.

...

287. While noting the high rate of women acquiring degrees, the Committee is concerned about the underrepresentation of women in decision-making and political bodies, particularly in Parliament, the economic sector and academia.

288. The Committee recommends that the State party take measures, *inter alia* in



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accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making. It also urges the State party to adopt proactive measures to encourage more qualified women to apply for high-ranking posts in academia and to implement temporary special measures, such as quotas, with goals and timetables, where necessary.

289. The Committee is concerned at the low number of women in the diplomatic service, particularly in postings abroad, and the fact that few Greek women work in international organizations.

290. The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1, of the Convention to encourage women to enter the diplomatic service and to provide opportunities to access the highest rank of the diplomatic service. It also recommends the introduction of measures to provide information to women on options for employment in international organizations.

...

293. The Committee expresses concern at the discrimination against minority women living in Greece, particularly Roma women, including with respect to access to education, who suffer from double discrimination based on both their sex and ethnic background, in society at large and within their communities.

294. The Committee urges the Government to take effective measures to eliminate discrimination against minority women. It urges the State party to respect and promote the human rights of women and to take effective and proactive measures, including awareness-raising programmes, to sensitize public opinion at large, and particularly the police, on the issue of minority women...

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

327. The Committee expresses concern about women's disadvantaged position in the labour market, including the decline in women's employment and vertical and occupational segregation with wage differentials between women and men. The Committee is also concerned that government policy regarding these wage differentials rests on general job classification schemes and does not specifically address the need for women to be guaranteed equal pay for work of equal value. The Committee is concerned about discrimination in hiring women of childbearing age, mothers with small children and older women.

328. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, *inter alia*, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention...

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- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 386, 387, 400 and 401.

386. While acknowledging the statement made by the State party that education is a cornerstone for development and a key element in the improvement of the status of women and the achievement of equality between women and men, the Committee notes with concern the high levels of illiteracy among women and girls, particularly in rural areas, and the high rate at which girls drop out of school.

387. The Committee calls upon the State party to strengthen its efforts to eradicate female illiteracy, especially among girls, particularly in rural areas, and to take general as well as temporary special measures to ensure primary and secondary education for girls and lower the high dropout rate among girls. The Committee recommends the introduction of measures to create an environment that increases the enrolment and retention rates of girls in schools at all levels through increased training and employment of women teachers, addressing parents' concerns related to co-education and the setting of precise targets and timetables to measure progress.

...  
400. In view of the fact that rural women constitute the majority of women in Yemen, the Committee notes with concern that the traditional division of labour in agricultural production disadvantages women and that, for cultural and social reasons, women do not control the means of production and face difficulties in obtaining loans...

401. The Committee urges the State party to take special measures to support the integration of rural women in all sectoral policies and programmes and to eliminate discriminatory practices through awareness-raising and educational programmes targeted at women and men...

- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 431, 432, 443 and 444.

431. While noting that the problem of violence is regarded as one of the priority areas of PROEQUIDAD and that major reforms have been enacted to the Penal Code, the Committee expresses great concern at violence against women in Mexico, including domestic violence, which continues to go unpunished in several states.

432. The Committee requests the State party to take into account its Recommendation No. 19 on violence against women and take the steps required to ensure that the law provides appropriate penalties for all forms of violence against women and that appropriate procedures exist for investigating and prosecuting such offences. It recommends that the State party promote the enactment of federal and state laws, as appropriate, to criminalize and punish domestic violence and the perpetrators thereof, and

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take steps to ensure that women victims of such violence can obtain reparation and immediate protection, particularly by establishing 24-hour telephone hotlines, increasing the number of shelters and conducting zero-tolerance campaigns on violence against women, in order that it may be recognized as an unacceptable social and moral problem...

...

443. The Committee expresses its concern about the small percentage of women in high-level posts in all activities, namely political, legislative, trade union and educational.

444. The Committee recommends the adoption of strategies for increasing the number of women in decision-making posts at all levels, particularly in the municipalities, by taking temporary special measures as specified in article 4, paragraph 1, of the Convention; it recommends further that the State party strengthen its efforts to promote women to management positions in the public and private sectors through special training programmes and sensitivity campaigns stressing the importance of women's participation in decision-making at all levels.

- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 468, 480 and 481.

468. The Committee commends the State party for the establishment of norms envisaging a minimum quota of 30 per cent for women on candidate lists for the National Congress, which resulted in an increase in the participation of women in decision-making at the municipal level and in their representation in Congress.

...

480. The Committee is concerned that, although progress is observed in the composition of Congress and in local government, as a result of the provisions adopted, the participation of women in Congress, in the judicial area and at the country's senior levels of politics and administration still seems inadequate.

481. The Committee recommends that strategies should be adopted to increase the number of women involved in decision-making at all levels, through the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and that the State party should strengthen its activities to promote women to posts of responsibility in both the public and private sectors, with special training programmes and publicity campaigns on the importance of women's participation in development planning and decision-making.

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 71-75, 78 and 79.

71. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, which should include the prosecution and

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punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, and social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women and girls have the protection and support they need to enable them to provide testimony against their traffickers. It urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. It recommends that the State party review existing legislation and take steps to ensure that victims of trafficking are not penalized and that all those who exploit prostitutes are punished and prosecuted. The Committee further urges the State party to make the issue of trafficking in women and girls a high priority...

72. The Committee expresses concern about the high incidence of violence against women, including domestic violence. The Committee is concerned that the Albanian Penal Code does not distinguish between acts committed by a stranger and acts committed by a family member, and that no specific legislation has been enacted to combat domestic violence...

73. In the light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee recommends that the State party devise a structure for systematic data collection on violence against women, including domestic violence. The Committee invites the State party to undertake awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.

74. The Committee is concerned about the higher unemployment rate among women than among men. The Committee is concerned that women are not able to receive adequate training and retraining to compete in the job market. The Committee is concerned about discrimination in hiring women, especially in the emerging private

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sector.

75. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

...

78. While welcoming the use of minimum targets for women candidates by some political parties in local elections, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, as high-ranking officials within the executive bodies of the Government, the judiciary and civil and diplomatic service, and within local government bodies.

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

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 115, 123-127, 130 and 131.

115. The Committee urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, and to disseminate information on the Convention, with a view to changing existing stereotypical attitudes on women and men's roles, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

...

123. The Committee urges the State party to take effective measures to eliminate discrimination against migrant women. It encourages the State party to be proactive in its

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measures to prevent discrimination against them, both within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies...The Committee requests the State party to review and reconsider the special visa regulations for cabaret dancers and to study their *de facto* situation in the light of the potential dangers and risks that their situation may entail. It also requests the State party to take appropriate measures to protect the women concerned from all forms of exploitation and to take action aimed at changing men's and society's perception of women as sex objects...

124. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, the Committee remains concerned about the prevalence of this grave problem, which is a human rights violation. The Committee is also concerned about the exploitation of prostitutes in the State party. It considers that measures to address these phenomena are insufficient and that information on these issues is lacking.

125. The Committee urges the State party to continue its efforts to combat trafficking in women and girls. It recommends the formulation of a comprehensive strategy, which should include measures of prevention, the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. It calls on the State party to ensure that trafficked women and girls have the support they need, including residence permits, so that they can provide testimony against their traffickers. It further urges that training of border police and law enforcement officials be pursued so as to enable them to render support to victims of trafficking. The Committee recommends the development of programmes of action for women forced into prostitution by poverty and the adoption of all appropriate measures to combat and eradicate the exploitation of prostitution, including the prosecution of, and strong penalties for, those who exploit prostitutes...

126. The Committee is concerned that, while women make up 54 per cent of the electorate, they are significantly underrepresented in elected and appointed posts in political decision-making bodies. While acknowledging some positive developments, the Committee is also concerned at women's low rate of participation in the administration, the judiciary and the diplomatic service as well as their low representation at the international level. The Committee is further concerned that, while regional, linguistic and other quotas are generally accepted, the adoption of quotas in political life that would aim at gender balance has been systematically rejected in the State party.

127. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to equal participation in public and political life. The Committee also recommends that adequate measures be taken with the aim of achieving balanced participation of women and men in the various areas and levels of public life, particularly

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in the administration, the judiciary and the diplomatic service.

...

130. The Committee is concerned that, although women's rate of participation has been steadily rising and notwithstanding the constitutional mandate to establish gender equality in work and the constitutional provisions on the right to equal pay for work of equal value, as well as the Equality Act, women remain disadvantaged in the labour market. The Committee is particularly concerned at the pay differentiation between women and men and some criteria used to justify it, particularly as regards considerations of a social nature, such as family responsibilities. The Committee is further concerned by the high prevalence of women in part-time work, the higher rate of unemployment among women as compared with men, and the difficulties mainly faced by women in reconciling their personal and family lives with professional and public responsibilities.

131. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education, training and retraining, and effective enforcement mechanisms. It also recommends that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that equal sharing of domestic and family tasks between women and men be promoted.

- Congo, CEDAW, A/58/38 part I (2003) 29 at paras. 165-171.

165. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men - designed, where relevant, with the involvement of the media and civil society, including non-governmental organizations - to address stereotypes regarding the role of women and men with a view to combatting discrimination against women. The Committee also calls upon the State party to periodically review the measures taken in order to identify shortcomings and to adjust and improve those measures accordingly...

166. The Committee expresses concern about the high incidence of violence against women and the apparent lack of clear policies and programmes to address this violation of women's human rights. It is particularly concerned about domestic violence, rape, including marital rape; sexual harassment in the workplace and in institutions of learning;

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and other forms of sexual abuse of women.

167. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual harassment as soon as possible in order to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence or sexual harassment have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends gender-sensitive training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health service providers. It also recommends the establishment of counselling services for victims of violence and sexual harassment; the implementation of public awareness campaigns through the media and public education programmes; and the adoption of a zero-tolerance policy on all forms of violence against women.

168. While noting a slight increase in the number of women elected to parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is particularly concerned at the absence of women in decision-making positions in the foreign service.

169. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

170. The Committee is concerned at the low rate of female literacy, the low number of girls who complete primary education in both the urban and rural areas, and the high drop-out rate of girls due to, *inter alia*, pregnancies and early marriage.

171. The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee further urges the State party to encourage an increase in the enrolment of girls at all levels and recommends that such efforts include further use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.



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- Kenya, CEDAW, A/58/38 part I (2003) 35 at paras. 211-216, 219 and 220.

211. The Committee expresses concern at the continued prevalence of violence against women. It is particularly concerned about domestic violence, sexual harassment in the workplace and in institutions of learning, and other forms of sexual abuse of women.

212. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on all forms of violence against women, including domestic violence, as well as legislation concerning all forms of sexual harassment, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress and that perpetrators of such acts are prosecuted and punished. The Committee also recommends gender-sensitive training for public officials, particularly law enforcement personnel, the judiciary and health services providers. It also recommends the establishment of shelters and counselling services for victims of violence and sexual harassment.

213. The Committee notes with concern that, despite the prohibition of female genital mutilation by the State party, the practice persists and is widely accepted in the country.

214. The Committee recommends that the State party develop a plan of action, including a public-awareness campaign, targeted at both women and men, with the support of civil society, including non-governmental organizations, to eliminate the practice of female genital mutilation and encourages the State party to create an enabling environment for effective law enforcement and to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.

215. While recognizing an increase in the number of women recently appointed to key decision-making positions, the Committee expresses concern that this number remains low in parliament, the judiciary and the diplomatic and civil service.

216. The Committee recommends that the State party take measures to increase the number of women in decision-making positions. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns, taking into account the Committee's general recommendation 23.

...

219. The Committee expresses concern that, despite the laws and sanctions in place, prostitution continues to thrive, particularly in urban areas. The Committee is particularly

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concerned about the lack of information on the extent of the exploitation of prostitution and the lack of measures to combat this, including the lack of adequate penalties for those who exploit prostitutes.

220. The Committee requests the State party to study the phenomenon of prostitution and to take appropriate measures to combat the exploitation of prostitution in urban areas. It recommends that a holistic approach be pursued in order to facilitate the reintegration of prostitutes into Kenyan society and urges the State party to provide rehabilitation and other programmes to women exploited in prostitution. It also recommends prosecution and punishment for those who profit from the sexual exploitation of women and girls.

- El Salvador, CEDAW, A/58/38 part I (2003) 41 at paras. 273 and 274.

273. The Committee is concerned at women's low level of participation in politics and in high-level posts in all areas.

274. The Committee recommends the adoption of strategies to achieve an increase in the number of women who participate in decision-making at all levels, including the application of temporary special measures in accordance with article 4 of the Convention, and the strengthening of activities to promote women to leadership posts in both the public and private sectors through special training programmes and awareness-raising campaigns on the importance of women's participation in the political life of the country.

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at paras. 297 and 306-311.

297. The Committee welcomes the support for enterprises that have adopted special measures to increase women's participation in the workforce, including the obligation to negotiate equality plans and create equality delegates in private enterprises.

...

306. With regard to combatting domestic violence, the Committee welcomes the bill that has been presented to the Chamber of Deputies, but is concerned that adoption of the bill has been delayed.

307. The Committee encourages the State party to take all necessary measures to adopt the law on domestic violence in conformity with the Committee's General Recommendation 19 to prevent violence, punish and rehabilitate offenders and provide services for victims.

308. While noting the efforts undertaken to eliminate stereotypical attitudes towards the roles of women and men in the family and all sectors of society, the Committee is concerned about the persistence of stereotypical attitudes towards women, which threaten

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to impede women's enjoyment of their rights.

309. The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. It also calls upon the State party to assess the impact of such measures in order to identify shortcomings and to adjust and improve such measures accordingly.

310. The Committee notes that little progress has been made to increase women's role in decision-making in all sectors.

311. The Committee calls upon the State party to develop further measures to increase women's role in decision-making in all sectors, including through awareness-raising campaigns targeted at women and men and the use of special measures in accordance with article 4, paragraph 1, of the Convention, with the goal to accelerate *de facto* equality between women and men. It also recommends that such measures be monitored and evaluated.

- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 342, 345, 362, 369-372, 377 and 378.

342. The Committee notes with appreciation the recruitment and promotion measures taken to increase women's participation in the Foreign Service.

...

345. The Committee welcomes the creation of domestic family violence courts in some jurisdictions as a way to improve the justice system's response to domestic violence.

...

362. The Committee urges the State party to accelerate its efforts to eliminate *de jure* and *de facto* discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It urges the State party to take effective and proactive measures, including awareness-raising programmes, to sensitize aboriginal communities about women's human rights and to combat patriarchal attitudes, practices and stereotyping of roles. It also recommends to the State party to ensure that aboriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality.

...

369. Despite the commendable measures taken by the State party to combat violence against women and girls, including criminal law reforms, the Committee notes with

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concern that violence against women and girls persists. The Committee is particularly concerned about the inadequate funding for women's crisis services and shelters.

370. The Committee urges the State party to step up its efforts to combat violence against women and girls and increase its funding for women's crisis centres and shelters in order to address the needs of women victims of violence under all governments.

371. While appreciating the progress made as regards increased women's political representation and the new legal provisions that benefit female candidates for political office in particular, the Committee is concerned that women are still underrepresented in all areas of political and public life.

372. The Committee urges the State party to take additional measures to increase the representation of women in political and public life. It recommends the introduction of temporary special measures with numerical goals and timetables to increase the representation of women in decision-making positions at all levels.

...

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurs may not lead to aboriginal women's economic independence.

378. The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.

- Norway, CEDAW, A/58/38 part I (2003) 61 paras. 405 and 412.

405. The Committee...commends the State party for its innovative strategy to increase the number of women on the executive boards of public joint stock companies and State-owned companies. According to that strategy, legislation making it mandatory for the boards of those companies to have a minimum of 40 per cent from each sex in their membership would come into force in 2006, if that target had not been reached voluntarily by the end of 2005.

...

412. The Committee recommends that the State party take additional measures to eliminate stereotypical cultural attitudes, including through awareness-raising campaigns directed at both women and men, and conduct research into the stereotypical cultural attitudes prevailing in Norway. It suggests that the State party consider changing the name of the Ministry of Children and Family Affairs to convey the concept of gender equality more clearly as a symbolic and important gesture. The Committee furthermore recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and

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public spheres.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 54-59.

54. Although the Committee notes with satisfaction the efforts made by the State party since 1994 to combat and eliminate violence against women, particularly domestic violence, it notes with concern that the problem has been viewed in the context of health, and is not recognized as a human rights violation and as grave discrimination against women. The Committee is also concerned that the Domestic Violence Act does not penalize domestic violence or rape in marriage, and that in applying it the courts do not employ uniform criteria, particularly with respect to the level of application of measures to protect the victims, while at the same time, the practice of holding conciliation meetings between the aggressors and the victims of family violence is promoted.

55. The Committee requests the State party to recognize that violence against women is a human rights violation and a serious form of discrimination against women, to promote the adoption and promulgation of the Act on the Criminalization of Violence against Women and the preparation of the requisite regulations and legal procedures for its better application. The Committee also requests the State party to strengthen programmes to combat violence against women, including training and awareness promotion for court officials and judges, and to encourage judges to reduce the utilization of “conciliation” between aggressors and victims and to ensure that the rights of women are duly protected in such “conciliation meetings”. The Committee also recommends to the State party that in carrying out the measures suggested above and in any others aimed at eliminating and penalizing violence against women, it should take into account the provisions of the Convention and of the Committee’s General Recommendation 19.

56. The Committee takes note of the Government’s efforts to combat sexual exploitation and forced prostitution through the promulgation of Act 7899 on the Sexual Exploitation of Minors and the establishment of the Special Prosecutor for Sexual Offences and of the Sexual Exploitation Unit in the Ministry of Public Security. Nevertheless, the Committee notes with concern that at political and judicial decision-making levels, and in Costa Rican society at large, there does not appear to exist an awareness of the social and cultural implications of the offence of traffic in persons and sexual exploitation of women and girls.

57. The Committee requests the State party to strengthen actions aimed at combatting traffic in persons and sexual exploitation of women and girls, and to encourage awareness in all sectors of Costa Rican society, particularly the judicial and public security authorities, educators and parents, with a view to the implementation of measures to prevent sexual exploitation of children, adolescents and adults. It is also

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recommended that vigorous measures be taken against traffic in women and girls, and that if necessary, the existing institutions responsible for dealing with this problem be remodelled, promoting the reinstatement of participation and cooperation by the non-governmental organizations concerned.

58. The Committee notes that the provisions of the Electoral Code establishing minimum 40 per cent quotas for women's participation have not been fully respected by political parties.

59. The Committee recommends that the State party redouble its efforts and strengthen legislative or procedural measures, as necessary, to ensure proper application of the legislation in force, and that it seek approval of the reforms to articles 5 and 6 of the Act Promoting the Social Equality of Women with the view to ensuring women's participation both in party structures and in elective posts, including the alternation of men and women in lists of candidates submitted for election by political parties. The Committee also recommends that the State party consider adopting temporary measures, in conformity with article 4.1 of the Convention, to promote the establishment of effective mechanisms designed to secure greater participation by women at the decision-making level in government bodies.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 108, 109, 118-121, 130 and 131.

108. The Committee is concerned about the glaring persistence of stereotyped and conservative views, behaviour and images of the role and responsibilities of women and men, which reinforce women's inferior status in all spheres of life.

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

...

118. While commending the recent appointment of five women ministers and noting the significance of the legal provisions adopting quotas for women's participation in elected bodies, the Committee remains concerned that women are still significantly underrepresented at all levels and instances of political decision-making. It is further concerned that implementation of the quotas is controversial and lacks efficacy.

119. The Committee recommends the adoption of a comprehensive strategy to accelerate the participation of women in decision-making positions in political life, both

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in appointed and elected bodies, until a balanced representation of women and men was attained. The Committee recommends that non-compliance with the existing provisions aiming at a minimum and maximum percentage of each sex be duly sanctioned and that other effective means to support implementation be adopted.

120. The Committee is concerned at the under-representation of women in qualified positions in some areas of professional and public life, such as the judiciary and external affairs, particularly at the highest echelons. It is also concerned that women's participation in high-ranking positions in economic life remains much lower than men's.

121. The Committee recommends that pro-active policies for women's increased participation at those levels be adopted and, when appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention be taken to ensure women's real empowerment on equal terms with that of men.

...  
130. The Committee is concerned at the State party's use of the term "affirmative action" to describe some of its measures aimed at eliminating discrimination, rather than to describe temporary special measures aimed at accelerating equality.

131. The Committee recommends that the State party, in devising policies for the achievement of gender equality, not only eliminate discrimination, but in line with article 4, paragraph 1, of the Convention adopt temporary special measures to accelerate the process of achieving equality.

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 199, 201, 206-213, 216 and 217.

199. The Committee commends the State party for adopting new laws in support of the goal of gender equality, including the Act on Equal Opportunities for Women and Men, which, *inter alia*, introduces a legal basis for the elaboration of temporary special measures to promote *de facto* equality between women and men; the Employment Relationships Act, which provides for equal opportunities and equal treatment of women and men in employment; the Parental Care and Family Income Act, providing parental leave for fathers; and the special provision guaranteeing non-sexist use of language in legislation.

...  
201. The Committee welcomes the introduction by the State party of the compensatory alimony scheme which provides compensation for children in the event that those liable to pay alimony fail to do so...

...  
206. The Committee expresses concern about the incidence of violence against women, including domestic violence... The Committee expresses concern at the light penalties for

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crimes of violence against women under the Penal Code and that no specific legislation has been enacted to combat domestic violence.

207. In the light of its general recommendation 19, the Committee urges the State party to place high priority on putting in place comprehensive measures to address violence against women in the family and in society, including quantitative and qualitative research, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide accessible shelters for women victims of violence in sufficient number and with adequate funding, and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and trained to handle such situations adequately... The Committee invites the State party to undertake awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.

208. The Committee is concerned about the problem of trafficking in women and girls in Slovenia and about the lack of detailed data and information on the phenomenon as well as the lack of a comprehensive strategy to combat it.

209. The Committee recommends the adoption and implementation of a comprehensive strategy to combat trafficking in women and girls, which should include measures of prevention, the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. It recommends the introduction of social support for women and girls who have been victims of trafficking. It further recommends that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking...

210. While welcoming the efforts made to encourage women's participation in political and public life, including provisions in the Act on Equal Opportunities for Women and Men and the proposed draft constitutional amendment to encourage equal opportunities between women and men with regard to standing as candidates in elections, and noting the high level of women's educational achievement, the Committee is concerned about the low representation of women in elected and appointed bodies, including the National Assembly, executive bodies of the Government and local government bodies.

211. The Committee urges the State party to adopt the proposed draft constitutional amendment to encourage equal opportunities between women and men, and to strengthen



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and implement measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political decision-making.

212. While welcoming the adoption of the Employment Relationships Act, the Committee expresses concern about the situation of women in the labour market, including the strong vertical and horizontal segregation and wage differentials between women and men, in particular in companies and businesses. The Committee is particularly concerned that women's high educational levels do not seem to result in commensurate opportunities and success in the labour market. The alarmingly high and growing unemployment rate of young female first-job seekers is also a particular concern for the Committee.

213. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

...  
216. The Committee is concerned about the persistence of traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large.

217. The Committee urges the State party to strengthen measures to eradicate traditional sex role stereotypes in the family, in employment, in politics and in society. The Committee recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 259, 260, 263, 264 and 273-276.

259. The Committee expresses its concern that women are underrepresented in high-level positions in many areas, particularly in the civil service, the diplomatic service and academia.

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260. The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, and where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

...

263. The Committee expresses concern about actual and potential poverty situations among older women on account of having experienced multiple forms of discrimination throughout their economically active years. It also expresses concern that the structuring of the welfare system might affect older women more negatively than men.

264. The Committee recommends that the State party research the needs of older women and develop measures that adequately address their health, economic and emotional situation in order to avoid poverty and isolation. It also recommends that the State party take women's unpaid and paid employment patterns and family responsibilities into account when altering legal and policy measures in order to avoid discrimination of effect.

...

273. While commending the State party for its measures against trafficking in women and girls, in particular the imposition of penal sanctions against the perpetrators of trafficking in human beings, the Committee expresses its concern about the inadequacy of protective measures for trafficked women, especially foreign women and girls, who do not testify against their traffickers.

274. The Committee urges the State party to ensure that trafficked women and girls had the support they need, including through witness protection and social reintegration measures. The Committee recommends that the State party consider issuing resident permits to victims of trafficking whether or not they testify against their traffickers, and whether or not the perpetrators are punished.

275. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities...

276. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against

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women in immigrant and minority communities...

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 311, 312, 315, 316, 319, 320, 327 and 328.

311. Although the Constitution guarantees the protection of children and adolescents from trafficking, prostitution, pornography and sexual exploitation, and the law defines the corruption of minors as a serious offence, the Committee is concerned that many such activities are not explicitly defined as serious offences by the Penal Code and that there is insufficient protection for the victims of such offences. The Committee is also concerned at the lack of studies, analyses and gender-disaggregated statistics on the incidence of these activities. The Committee is also concerned that sexual abuse is not defined as an offence; it is especially concerned at the fact that trafficking in women, particularly for the sex industry, is not penalized by law, leaving its victims unprotected.

312. The Committee recommends that the Penal Code should severely penalize these serious offences against children and adolescents, that the appropriate measures should be taken to protect and rehabilitate the victims and that the appropriate studies and analyses should be conducted to enable the Government to deal effectively with the situation. The Committee further believes that trafficking in women, particularly for the sex industry, should be strictly penalized.

...

315. While the Committee welcomes the efforts of the State party to combat violence against women through the enactment of the Law to Combat Violence against Women and the Family, it is concerned at the absence of regulations for the implementation of that Law and at the persistence of violence against women in Ecuador. The Committee also expresses its concern at the fact that the Penal Code defines violence against women not as a serious offence but only a minor offence.

316. The Committee urges the State party to take steps to implement the aforementioned legislation, taking into account the Committee's General Recommendation 19 on violence against women, and to monitor its application and assess its effectiveness. The Committee likewise considers it particularly important that violence against women should be penalized under the Ecuadorian Penal Code. Similarly, it urges the State party to draft and implement regulations to implement the Law to Combat Violence against Women and the Family and recommends that the State party should conduct training and awareness campaigns on domestic violence, mainly for staff in the judicial sector and police officers. It urges the State party to provide sufficient funding for programmes to protect the victims of violence against women, in order to ensure their implementation.

...

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319. The Committee is concerned at the persistent problem of illiteracy, especially in rural areas, and the high rate of school dropouts among the female population, in particular in rural and indigenous areas.

320. The Committee recommends that efforts to address this problem should be stepped up, through the sustained implementation of programmes and plans, especially in rural and indigenous areas.

...

327. Despite the reform of the Electoral Law, the Committee is concerned at the low percentage of political participation of women and the failure to apply, alternatively and sequentially, article 40 of the Electoral Law, which stipulates that there must be a 30 per cent quota of women on the electoral lists. The Committee is also concerned at the possibility that this article might be removed from the Law.

328. The Committee recommends that the State party should adopt strategies to increase the number of women taking part in decision-making positions at all levels, including the introduction of temporary special measures, in conformity with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power in both the public and private sectors, supported by special training programmes and campaigns to raise awareness of the importance of women's participation in the country's political life.

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 352 and 367-370.

352. The Committee notes with appreciation the law reform undertaken by the State party in several areas, including the revision of the Equal Employment Opportunity Law that prohibits discrimination against women from recruitment to retirement and obliges managers to give consideration to the prevention of sexual harassment in the workplace; the 2001 revision of the Child Care and Family Care Leave Law that prohibits disadvantageous treatment of employees because of their taking childcare leave; the 2001 Law for the Prevention of Spousal Violence and the Protection of Victims that provides for protection orders; and the 2000 Law on Proscribing Stalking Behaviour and Assisting Victims that establishes punishment for stalking

...

367. While welcoming the guidelines for the expansion of recruitment and promotion of women in national advisory councils and the setting of a numerical goal of 30 per cent for leadership positions in all sectors of society by the year 2020, the Committee is concerned about the low representation of women in high-level elected bodies including

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in the Diet, local assemblies, the judiciary and the diplomatic service, and as mayors, prosecutors and police.

368. The Committee recommends that the State party take further measures to increase the representation of women in political and public life through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of policy- and decision-making. The Committee urges the State party to support training programmes for future women leaders and carry out awareness-raising campaigns regarding the importance of women's representation in decision-making for achieving gender equality.

369. The Committee is concerned at the existing wage gap between women and men, stemming largely from the difference in type of work, horizontal and vertical employment segregation as expressed by the two-track employment management system, and the lack of understanding regarding the practice and the effects of indirect discrimination as expressed in governmental guidelines to the Equal Employment Opportunity Law. The Committee is further concerned by the high percentage of women in part-time work and by women who are "dispatch workers", whose salaries are lower than those working in a regular situation. The Committee is deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities.

370. The Committee urges the State party to amend its guidelines to the Equal Employment Opportunity Law and to increase its efforts towards accelerating the achievement of *de facto* equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education and training, effective enforcement mechanisms and systematic monitoring of progress. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be intensified, that equal sharing of domestic and family tasks between women and men be promoted, and that changes to the stereotypical expectations of women's roles in the family and labour market be encouraged.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 407, 408, 411, 412, 415 and 416.

407. While appreciating the fact that women are in some of the highest decision-making positions and the progress made as regards women's increased political representation, the Committee notes with concern the declining number of women in Parliament and in local government it also notes with concern that not all political parties

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see this issue as also their responsibility. The Committee further notes with concern that women are underrepresented in public life, *inter alia*, with respect to chief executives in the public sector, on Crown Company Boards, and that the State party does not pursue an overall policy of target setting in its Ministries. The Committee is further concerned about inequality, which persists within the private sector, in which action on equal opportunities is taken up only reluctantly.

408. The Committee urges the State party to bring to the attention of all political parties their responsibility to achieve equality between women and men in political life, in accordance with the Committee's general recommendation 23. It also recommends that the State party adopt a comprehensive strategy including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to increase the number of women in policy- and decision-making positions at all levels and in all areas in the public sector, and to strengthen its policies in supporting the private sector's efforts towards the promotion of women in decision-making positions.

...

411. While acknowledging the efforts undertaken by the State party to address discrimination faced by women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market, that prerequisites and criteria [to] qualify for paid parental leave may add to women's difficulties in entering the labour market and that the level of benefits does not provide an incentive for men to take up parental leave. The Committee is concerned about the persistence of a gender pay gap, occupational segregation, the high number of women in part-time work and in temporary jobs, affecting their eligibility for paid maternity leave, and the low wages paid to women. The Committee is also concerned about the difficulties women face in reconciling their personal and family lives with their professional and public responsibilities.

412. The Committee recommends that the State party ensure equal opportunities for women and men in the public and private sectors, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also recommends that the State party design and implement targeted job-training programmes for different groups of unemployed women. The Committee further recommends that efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment. The Committee recommends that the State party consider further amending the Parental Leave and Employment (Paid Parental Leave) Amendment Act with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits level so that men are encouraged to take parental leave.

...

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415. The Committee expresses concern at the prevalence of gender-based violence, including rape and sexual and domestic violence within the family...

416. ...In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all violence against women is prosecuted and punished... It further recommends that the number of shelters for women victims of violence be increased and that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls upon the State party to create public awareness of violence against women as an infringement of women's human rights that has grave social costs for the whole community.

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at paras. 72-75.

72. The Committee expresses its concern at the lack of diversified employment opportunities for women despite the high level of education attained by girls and women in all areas. The Committee notes with concern that restrictions on women's employment, as well as protective employment legislation, policies and benefits for women, perpetuate traditional stereotypes regarding women's roles and responsibilities in public life and in the family.

73. The Committee urges the State party to increase its efforts towards accelerating the achievement of *de facto* equal opportunities for women and men in the area of employment through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25. The Committee recommends that measures be taken to promote change concerning the stereotypical expectations of women's roles and to promote the equal sharing of domestic and family responsibilities between women and men.

74. The Committee expresses its concern at the lack of detailed information and statistical data on women's representation, particularly in decision-making positions, in various areas of public life, including in law enforcement, the judiciary and the diplomatic corps.

75. ...The Committee...recommends that the State party take measures to increase the representation of women in all areas of public life, including at the decision-making level, and in law enforcement, the judiciary and the diplomatic corps, through the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25, as well as general recommendation 23. The Committee encourages the State party to undertake and support awareness-raising programmes on the importance of women's representation, in particular at

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decision-making levels, in all areas of public life.

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 105-110, 121 and 122.

105. The Committee expresses concern that policies and programmes are mostly gender neutral and that they were formulated without attention to gender perspectives and to discrimination and inequality faced by women and girls.

106. The Committee urges the State party to mainstream gender perspectives when formulating and implementing policies and programmes, as well as in monitoring and assessing progress achieved. It also urges the State party to implement policies and programmes specifically addressed to women and girls, including the next five-year plan for women, 2006-2010, in order to accelerate the achievement of substantive equality. It urges the State party to apply temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25, *inter alia*, in the education, employment and professional fields, in order to accelerate the progress in achieving gender equality.

107. The Committee, while welcoming the progress in promoting women's political participation and noting that several women hold high ministerial posts, expresses concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

108. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and in the light of general recommendations 23 and 25, to increase the number of women at national and local decision-making levels in government, governmental bodies and public administration, provide targeted training programmes for women, and conduct, on a regular basis, awareness-raising campaigns to encourage women to participate in public life in decision-making positions.

109. The Committee is concerned about the lack of special policies and programmes to promote equal employment opportunities for women in the country. It is also concerned that the national labour legislation currently in preparation recognizes "equal pay for equal work" but not "equal pay for work of equal value".

110. The Committee recommends that the State party implement targeted policies and programmes, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to increase the number of women in the formal work force. It also urges the State party to ensure that the draft Labour Act also takes into account the right to "equal pay for work of equal



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value” and contains provisions to facilitate women’s access to justice in instances of discrimination.

...

121. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment in the workplace, and that there is a lack of systematic data collection on violence against women, in particular domestic violence.

122. The Committee urges the State party to ensure the full implementation of all legal and other measures relating to the elimination of violence against women, to systematically monitor the impact of those measures and to provide women victims of violence with accessible and effective means of protection, redress and recovery. In the light of its general recommendation 19, the Committee requests the State party to enact legislation on domestic violence and sexual harassment as soon as possible. The Committee also urges the State party to accelerate the adoption of the draft Bhutan Penal Code, which recognizes marital rape as a crime; to devise a structure for systematic data collection on violence against women, including domestic violence, disaggregated by sex; and to step up its efforts to provide comprehensive training to the judiciary, police, medical personnel and other relevant groups on all forms of violence against women.

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 155, 156, 165 and 166.

155. The Committee expresses concern about the situation of women in the labour market, including the concentration of women in traditional spheres of employment, in low-paying jobs and in the informal sectors; the wage differentials between women and men; women’s rising unemployment rate; and the employment of women in unfavourable working conditions.

156. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men; and to ensure that both women and men work under proper conditions of health and safety. It also recommends that effective measures allowing for the reconciliation of family and job responsibilities be strengthened and that further measures be taken to promote the sharing of domestic and family responsibilities between women and men.

...

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165. While noting that the law on the bases for State guarantees of gender equality provides for gender quotas in the appointment of judges to the Constitutional Court and the Supreme Court, the staff of the Central Commission on Elections and Referendums, and the auditors of the Auditing Chamber, the Committee is concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels, including the Zhogorku Kenesh (Parliament) and regional and district parliaments, State executive and administrative organs and the diplomatic service.

166. The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to realize women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23 concerning women in public life and promote changes in the attitudes and perceptions of both women and men with regard to their respective roles in the household, the family, at work and in society as a whole. The Committee recommends that the State party increase its efforts in carrying out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making and in the diplomatic service.

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 192, 214 and 215.

192. The Committee commends the State party for identifying gender equality as a priority in its national development plan and welcomes new laws and legal reforms, such as the Country Code (Eleventh Amendment) Act, which, *inter alia*, enhances women's right to property; the Legal Aid Act, under which free legal aid is available in cases of abortion, trafficking, sexual exploitation and domestic violence; the Civil Service (First Amendment) Act, containing special provisions with regard to entry regulations, career development and conditions of service for women; and the Local Self-Governance Act, which includes a quota of at least 20 per cent representation by women in local bodies...

214. While noting the 5 per cent constitutional minimum for the fielding of women candidates for elections by political parties, the Committee is concerned at the very poor representation of women in decision-making positions in the political and administrative spheres. It is also concerned at the very low numbers of women within the judiciary as well as the nominal participation of women at the international level.

215. The Committee recommends that the State party intensify its efforts to encourage women to take up leadership positions through temporary special measures, including timetables and numerical targets, in accordance with article 4, paragraph 1, of the

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Convention and general recommendation 25. The Committee also recommends that the State party undertake awareness-raising campaigns on the importance of women's participation in decision-making.

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 240, 249, 250, 261 and 262.

240. The Committee commends the State party for the temporary special measures introduced in the civil service and in education, in particular the allocation of at least 30 per cent of the total number of university seats to female students. It also commends the State party for the introduction of the girl's scholarship programme, covering 28 schools in 7 regions, and the incorporation of gender mainstreaming in the school curriculum.

...

249. The Committee, while welcoming the State party's efforts in the area of education, is concerned at the low rate of female literacy, the continuing gap between boys and girls in the school enrolment rate and at the high drop-out and repetition rates among girls.

250. The Committee urges the State party to strengthen its efforts to improve the literacy rate of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to take measures to reduce and eliminate the high drop-out and repetition rates of girls. It encourages the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 at primary and secondary levels of education, including incentives for parents to send girls to school. It also recommends that the State party take steps to ensure that rural women and girls have full access to education and vocational training.

...

261. The Committee is concerned about the discrimination faced by women in the labour market, especially in the emerging private sector.

262. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures, according to article 4, paragraph 1, of the Convention and general recommendation 25. The Committee recommends that the State party take effective measures to promote the reconciliation of family and work responsibilities between women and men...

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at paras. 299, 300, 309 and 310.

299. The Committee expresses concern about the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

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300. The Committee urges the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation. It calls on the State party to intensify its efforts to develop and implement a national plan of action, including public awareness-raising campaigns targeted at women and men, in order to eliminate the practice of female genital mutilation and widowhood practices. It urges the State party to ensure full compliance with the Child Rights Act, 2003, which set the statutory minimum age of marriage at 18 years in all parts of the country. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention.

...

309. The Committee, while recognizing the efforts made to achieve 30 per cent representation of women in public office, notes with concern the low number of women in political and public life, especially in leadership and decision-making positions. It also notes with concern that the persistence of stereotypical and patriarchal attitudes, which view men as natural leaders, may preclude women from seeking positions of leadership.

310. The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to strengthen its efforts to promote women to positions of leadership, including in the diplomatic service. To that end, the Committee urges the State party to increase the availability of training programmes and to enhance its awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 335, 336, 347-352, 357 and 358.

335. While noting the incorporation in a number of laws of provisions prohibiting discrimination on the basis of sex, the Committee expresses concern that the State party has not yet adopted a law on gender equality.

336. The Committee encourages the speedy elaboration and adoption of a law on gender equality that includes a definition of direct and indirect discrimination according

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to the Convention and a basis for applying temporary special measures according to article 4, paragraph 1, of the Convention and general recommendation 25.

...

347. While noting that a draft law on the prevention and suppression of domestic violence has been elaborated, the Committee expresses concern about the increasing incidence of violence against women in Belarus, including domestic violence.

348. The Committee urges the State party to place high priority on implementing comprehensive measures to address violence against women in the family and in society, in accordance with its general recommendation 19. The Committee calls upon the State party to enact the draft law on the prevention and suppression of domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid, as well as accessible shelters in sufficient numbers and with adequate funding. The Committee also recommends that the State party ensure that public officials, especially the police and other law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to take awareness-raising measures to prevent and combat violence against women through the media and public education programmes...

349. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including provisions on trafficking in persons in the new Criminal Code and the adoption of the national programme of comprehensive measures to prevent traffic in persons and prostitution for the period 2002-2007, the Committee remains concerned about the problem of trafficking in women in Belarus...

350. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the Government to ensure more severe punishment of traffickers, and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers. It recommends that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking...

351. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by high female unemployment, the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors. The Committee is concerned that the State party's

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labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

352. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, *inter alia*, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market.

...

357. While recognizing an increase in the representation of women in the House of Representatives of the National Assembly, in the local councils of deputies and on the Supreme Court, as well as the use of a quota-based principle in forming the National Assembly's Council of the Republic, the Committee remains concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels and in decision-making positions, including the diplomatic service.

358. The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to implement women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23, concerning women in public life. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making.

- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 380, 388, 389, 396 and 397.

380. The Committee commends the State party for adopting a substantial number of laws and amendments with a view to improving the legal position of women, including the Act Amending the Aliens Act, providing for an independent right of residence for foreign spouses in the event of separation after two years of cohabitation in Germany or

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earlier under the hardship clause; the Federal Act on Implementing the Concept of Equal Opportunities between Women and Men, which allows preference to be given to women under certain conditions in areas where women are underrepresented; the Act to Protect against Violence, which provides for court orders against offenders, including violent partners, and the Job-Aktiv Act, which expands specific labour market policy measures for women.

...

388. While noting the agreement to promote the equal opportunities of women and men in private industry, the Committee expresses concern at the high level of long-term unemployment of women, the increase in the number of women in part-time work and in low-paid and low-skilled jobs, the continuing wage discrimination women face and the discrepancy between their qualifications and occupational status. The Committee is also concerned that, notwithstanding the adoption of new regulations in the Child-raising Benefits Act, men seem to continue to resist taking parental leave.

389. The Committee calls upon the State party to intensify its efforts to increase women's *de facto* equal opportunities in the labour market, including their access to full-time employment, *inter alia*, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to promote equal pay for work of equal value. The Committee recommends that the State party continue to monitor the impact of regulations on part-time work and on parental leave and increase incentives, as necessary, so as to counteract the possible adverse consequences of part-time work for women, especially in regard to their pension and retirement benefits, and to encourage fathers to make greater use of parental leave.

...

396. While appreciating that women's participation in political life has exceeded the critical threshold of 30 per cent, the Committee is concerned that women are underrepresented in the higher echelons of several other sectors of public life, particularly in the civil service, the diplomatic service, science and research and academia.

397. The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to remove existing obstacles and, where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

- Latvia, CEDAW, A/59/38 part II (2004) 103 at paras. 51, 52, 55-60 and 68.

51. The Committee is concerned at the lack of a comprehensive gender equality law. The Committee is furthermore concerned that the State party's apparent hesitation in utilizing temporary special measures in accordance with article 4, paragraph 1, of the

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Convention may indicate a lack of understanding of the purpose of such measures and the reasons for their application.

52. The Committee recommends that the State party adopt a comprehensive gender equality law. It furthermore recommends that the State party clearly distinguish between general social policies adopted to improve the situation of women and girls, such as the Programme for the Implementation of Gender Equality, and temporary special measures taken under article 4, paragraph 1, of the Convention to accelerate the achievement of a concrete goal for women of *de facto* equality, in line with general recommendation 25, in various areas of their lives.

...

55. The Committee regrets the lack of sufficient data and information with regard to the prevalence of violence against women, including domestic violence, and the lack of comprehensive legislation on violence against women. It is concerned that this may indicate that violence against women, particularly domestic violence, continues to be considered a private matter between the perpetrator and the victim. The Committee is concerned that marital rape is not a separate offence in the criminal code...

56. ...In the light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished. Women victims of violence should have immediate means of redress and protection, including protection or restraining orders and access to legal aid. The Committee recommends that measures be taken to provide sufficient numbers of shelters for women victims of violence and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and can adequately respond to them. The Committee urges the State party to criminalize marital rape as a separate offence, [and] prosecute offenders...

57. While recognizing the legislative and other measures, including the adoption of the National Action Plan to Combat Trafficking in Persons of 2002, that have been taken to address the issue of trafficking in women and girls, including the establishment of a special police unit and the strengthening of international cooperation and the promotion of awareness-raising events, the Committee is concerned at the increase in trafficking in women and girls...

58. The Committee recommends the full implementation and funding of a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue



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increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends that the State party address the causes of trafficking and introduce measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives and social support, and rehabilitation and reintegration measures for women and girls who have been victims of trafficking, including special shelters for women victims of trafficking. The Committee further urges the State party to make the issue of trafficking in women and girls a high priority...

59. The Committee is concerned about the lack of sufficient information and data on prostitution in Latvia. Moreover, the Committee is concerned about the involvement of under-age girls in prostitution, and the high demand for under-age prostitutes, as well as the reported insufficient rehabilitation and social integration services available to them.

60. The Committee calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the demand for prostitution. The Committee calls upon the State party to ensure that under-age girl prostitutes are offered the support they need to be rehabilitated and reintegrated into society. The Committee also urges the development of programmes of action and the adoption of all appropriate measures to create educational and employment opportunities for young girls at risk of entering prostitution, and to combat and eradicate the exploitation of these young girls, including the prosecution of, and strong penalties for, those who exploit them.

61. While welcoming the information that there has been a slight increase of women elected to the eighth Saeima (Parliament), the Committee is concerned that women's representation in that body is low. It is also concerned at the low representation of women in decision-making bodies in political and public life in general.

62. The Committee recommends that the State party utilize temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women at decision-making levels in both elected and appointed governmental bodies, and towards that end, to establish clear timetables and targets. It also recommends that the State party conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making.

...

68. The Committee recommends that efforts be made to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market in rural as well as in urban areas through, *inter alia*, the use of gender bias-free job evaluation and wage-setting schemes and temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different

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groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 107-110.

107. While noting that the proportion of women represented in local councils as of June 2004 was 17.6 per cent, the Committee is concerned that they are significantly underrepresented at the national level in elected and appointed posts, in the judiciary, and in political decision-making, including the administration and the foreign service.

108. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies in all areas of the public sector and in the judiciary. The Committee recommends the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 in all areas of public life including adequate measures with clearly defined goals and time-bound targets aimed at achieving balanced representation of women and men in general and at high levels of decision-making in particular. The Committee also suggests that the State party continue to offer leadership training programmes to women and carry out awareness-raising campaigns on women's participation in decision-making.

109. The Committee is concerned that women are severely underrepresented in the labour market in general and in senior and decision-making positions in particular. Furthermore, the Committee notes with concern the strong occupational segregation, both horizontal and vertical, the concentration of women in part-time jobs, and the persistent wage gap between women and men...

110. The Committee urges the State party to ensure that women have *de facto* equal opportunities in the labour market. Efforts should be made to eliminate occupational segregation in the public and private sectors through skills training and encouraging women to work in non-traditional fields and by the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee further requests the State party to address the wage gap, *inter alia*, through job evaluation systems...

- Angola, CEDAW, A/59/38 part II (2004) 118 at paras. 154, 155 and 159.

154. The Committee expresses concern over the fact that the number of women in decision-making positions remains low in political and public life, including in the

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National Assembly, the civil service and the judiciary. It is also concerned at the low representation of women in decision-making positions in the national foreign service.

155. The Committee recommends that the State party undertake measures to increase the number of women in decision-making positions in all spheres, in accordance with its general recommendation 23 on women in political and public life, including in the National Assembly, in political parties, the judiciary and the civil service, including the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and to establish concrete goals and timetables to accelerate women's equal participation in public and political life. The Committee urges the State party to implement training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country, especially at a time of rebuilding and reconstruction after the long war.

...

159. The Committee urges the State party to increase its investment in education as a fundamental human right and as a basis for the empowerment of women. It recommends that the State party continue and further prioritize efforts to: improve the literacy level of girls and women; ensure equal access of girls and women to all levels of education in both urban and rural areas; increase the enrolment rates for girls; and take measures to retain girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25, so as to implement article 10 of the Convention.

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 193-196 and 199-202.

193. The Committee is concerned at the low rate of female literacy, the low rate of enrolment of girls in schools and the high dropout rate of girls due to pregnancy, early marriages and the low priority given to girls' education by families. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights.

194. The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women and to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It also recommends that the State party prioritize efforts to improve the literacy level of girls and women, ensure equal access of girls and young women to all

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levels of education, retain girls in school and strengthen the implementation of re-entry policies providing for girls to return to school after pregnancy. The Committee further urges the State party to take measures to increase the enrolment of girls at all levels and recommends the introduction of further special measures, including incentives for parents to send girls to schools.

195. The Committee is concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, widowhood practices, levirate and the use of the dowry, as well as the prevalence of stereotypes that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

196. The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society, and to creating an enabling and supportive environment for women to exercise their human rights. The Committee urges the State party to address cultural and traditional customs and practices such as forced and early marriages, discriminatory widowhood practices, levirate and the use of the dowry through effective measures aimed at their elimination. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures...

...

199. The Committee expresses concern about the absence of policies and programmes, including legislation, to address violence against women. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable...

200. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19, on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and

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legislation concerning all forms of sexual abuse as soon as possible to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health-service providers so as to ensure that they are sensitized to all forms of violence against women. It also recommends the establishment of counselling services for victims of violence, the implementation of public awareness campaigns through the media and public education programmes towards a zero-tolerance policy on all forms of violence against women...

201. The Committee is concerned that the number of women in decision-making positions remains extremely low in politics, the judiciary, and the civil service. It notes with concern that the persistence of stereotypical and patriarchal attitudes may preclude women from seeking positions of leadership.

202. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to decision-making positions. To that end, the Committee urges the State party to implement and strengthen training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels and to create enabling, encouraging and supportive conditions for such participation.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 241-244, 255 and 256.

241. The Committee expresses concern that, despite the adoption of the Prevention of Women and Children Repression Act, 2000, the Acid Control Act, 2002, and the Acid Crime Control Act, 2002, violence against women, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace, continues to exist. The Committee is also concerned that women who are threatened by or subjected to such violence are placed in "safe custody" in shelter homes without their consent.

242. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to ensure the effective implementation of the existing legislation to combat all forms of violence against women and to adopt specific legislation on domestic

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violence within a clear time frame, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress, and perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health services providers. It further encourages the State party to take effective measures to protect women against fatwa-instigated violence. It calls on the State party to establish shelters where women who are threatened by or subjected to violence can be accommodated on a voluntary basis. The Committee also calls on the State party to take measures towards changing social, cultural and traditional attitudes that remain permissive of violence against women.

243. While welcoming the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, the Committee remains concerned about the continuing prevalence of trafficking in women and girls in the country. It is also concerned that, despite the fact that many persons have been accused or are on trial for trafficking-related crimes, only a few have been convicted.

244. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls that should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends the stepping up of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, the introduction of education and employment initiatives for vulnerable groups, including teenage girls, and provide support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women have the support they need to enable them to provide testimony against traffickers. It urges the training of border police and law enforcement officials in order to provide them with the requisite skills to recognize and provide support for victims of trafficking...

255. While welcoming the measures taken to increase the number of women in the National Parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary, the civil service and the foreign service. The Committee is further concerned that a lack of a women-friendly environment in these sectors may contribute to women's low representation.

256. The Committee recommends that the State party adopt proactive policies for women's increased participation at all levels and, when necessary, adopt temporary special measures and establish effective policies and a timetable to increase the number

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of women in decision-making positions in all spheres. It also recommends that the State party introduce legislation providing for the direct election of women to the National Parliament rather than through selection by members of the Parliament. The Committee furthermore calls on the State party to sensitize government officials on the issue of gender discrimination in order to promote a women-friendly environment that would encourage the participation of women in the public life of the country.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 294, 295, 298 and 299.

294. Although the Committee welcomes the efforts of the State party to combat and eradicate violence against women through the adoption of Act No. 24-97 and the establishment of the National Commission for the Prevention of Domestic Violence, it notes with concern the increase in violence against women in the Dominican Republic. The Committee is also concerned about the use of reconciliation proceedings between the perpetrator and the victim during the pretrial phase, since the outcome could be detrimental to the victim, and about the growing trend towards violence against women during the past eight years.

295. The Committee urges the State party in all its efforts to bear in mind general recommendation No. 19 on violence against women. It also urges the State party to take steps to implement and enforce Act No. 24-97 and assess their effectiveness, as well as to investigate the causes of femicide and other forms of violence against women and take measures to prevent it. The Committee strongly urges the State party to allocate the necessary funds to ensure the implementation of programmes for the protection of victims of violence against women and to train and sensitize law enforcement officers, court officials, judges, journalists and health personnel, including through the use of the media, in order to change social, cultural and traditional attitudes that perpetuate violence against women. The Committee requests that the State party eliminate the use of reconciliation proceedings between the victim and the perpetrator during the pretrial phase in cases of violence against women. The Committee strongly urges the State party to ensure that the perpetrators are duly punished and to guarantee the full protection of women's human rights.

...

298. Although the Committee notes the Government's efforts to increase the number of women in political party structures and in municipal government, it remains concerned that there are so few women in decision-making posts in the Government and that article 4, paragraph 1, of the Convention on temporary special measures has not been understood and implemented correctly.

299. The Committee recommends that the State party redouble its efforts to bring about the necessary legislative or procedural changes to ensure the participation of women in

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political party structures as well as in public and political life. The Committee also recommends that the State party consider adopting temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, to accelerate the full participation of women in political and public life and in decision-making at all levels of government.

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 336, 337, 342 and 343.

336. While commending the State party for its legal and other measures against trafficking in women and girls, the Committee expresses its concern about increasing incidence of trafficking in women and girls. It is concerned about the situation of trafficked women, particularly those who claim refugee status on grounds of gender-based persecution.

337. The Committee urges the State party to increase its efforts at international cooperation with countries of origin and transit, within and outside of the European Union, both for dealing with the economic forces that make women victims of trafficking and for the prevention of trafficking through information exchange. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the demand for prostitution. The Committee also urges the State party to continue to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. The Committee calls on the State party to ensure that trafficked women and girls have adequate support to be in a position to provide testimony against their traffickers. It further urges the State party to afford full protection under the 1951 Geneva Convention on Refugees, *inter alia*, to trafficked women who seek asylum on grounds of gender-based persecution in line with the latest developments in international refugee law and the practice of other States.

...

342. The Committee is concerned at the under-representation of women in senior positions in some areas of professional and public life, such as the judiciary and the Foreign Service, particularly at the highest echelons.

343. The Committee recommends that proactive policies for women's increased participation at those levels be adopted and, when appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 be taken to ensure the acceleration of the achievement of women's real empowerment on equal terms with that of men.

- Argentina, CEDAW, A/59/38 part II (2004) 155 at paras. 378 and 379.



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378. The Committee expresses concern about the increase in the incidence of violence against women, including domestic violence and sexual harassment in the workplace, which might be correlated to the crisis in the country. The Committee is also concerned that perpetrators of acts of violence are often unpunished.

379. The Committee urges the State party to ensure that a comprehensive approach is taken to address violence against women and girls, taking into account its general recommendation 19 on violence against women. This must include the effective implementation of the existing legislation, at the provincial level, to combat all forms of violence against women. In addition, the Committee urges the State party to consider enacting a law, at the federal level and applicable to the entire territory of the country, aimed at combating and eradicating violence against women and at ensuring that women who are victims of violence and sexual harassment have access to protection and effective redress, that perpetrators of such acts are effectively prosecuted and punished and that women are effectively protected against reprisals. The Committee also recommends that the State party launch a national public-awareness campaign on violence, against women and the social and moral unacceptability of such violence especially in the current difficult time the country is experiencing, and increase its efforts to provide gender-sensitive training on violence against women as a violation of women's human rights for public officials, particularly law enforcement personnel, the judiciary and health-service providers.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 44 and 50-55.

44. The Committee commends the State party for adopting temporary special measures in the police services, where women are under-represented.

...

50. While noting the State party's intention to review all criminal laws within the next two years and the courts' adoption of a "no-drop" policy in regard to charges of domestic violence, the Committee is concerned that the prevalence of domestic violence needs measures to prevent and combat various forms of violence against women.

51. The Committee recommends that the State party put in place without delay a comprehensive strategy to prevent and combat all forms of violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights. Such a strategy should include measures, including legislation, to prevent violence against women, provide protection, support and rehabilitation services to victims, and punish the offenders. In this regard, the Committee draws attention to its general recommendation 19. The Committee urges the State party to ensure that shelters are available to all women victims of violence. It also

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calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and are adequately trained to respond to them.

52. The Committee is concerned about the continuing low representation of women in public life and decision-making, including women's limited access to family chiefly titles (*matai*) and their resulting low representation in the Parliament. It is concerned that sociocultural stereotypes and traditions continue to prevent women from seeking public, and especially elective, office.

53. The Committee encourages the State party to take sustained and proactive measures to increase the representation of women in elected and appointed bodies in all areas of political and public life. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in the Parliament and in local government bodies. It calls upon the State party to carry out awareness-raising campaigns on the importance of women's participation in public and political life and in decision-making positions, with a view to eliminating customs and practices that discriminate against women, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee requests the State party to evaluate regularly the impact of such measures, including temporary special measures, so as to ensure that they lead to the desired goals...

54. The Committee is concerned about the situation of women in the employment sector and their lower level of participation in the labour force. The Committee is concerned that existing legislation is discriminatory or has significant gaps with respect to articles 11 and 13, such as lack of provisions on equal pay for work of equal value, on protection against discrimination on the basis of pregnancy and against sexual harassment in the workplace. The Committee is also concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. The Committee calls upon the State party to bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such legislation. The Committee also requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to enhance implementation of article 11 of the Convention...

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- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 94, 95, 104 and 105.

94. Despite some progress, the Committee is alarmed at the still very high illiteracy rate of women, 40 per cent, and the large discrepancy between male and female literacy rates and between urban and rural women's education. The Committee is especially concerned at the extremely low literacy rate among ethnic minority women. The Committee is concerned that the initial plan to make primary education compulsory was postponed from 2000 to 2010.

95. The Committee urges that the State party immediately take all appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to reduce the illiteracy rate of women and to provide education, both formal and informal, to women, including ethnic minority women, especially in rural areas. The Committee also recommends that free and compulsory primary education at the national level be implemented as soon as possible. It further recommends that the State party consider seeking international assistance for these purposes.

...

104. The Committee is concerned about the generally low representation of women in the administration, at both the national and local levels, and in the judiciary. Considering the fact that 80 per cent of the population lives in rural areas and that the village chiefs and the village councils handle most everyday matters, the Committee is very concerned that less than 1 per cent of the village chiefs are women and only one member of the Lao Women's Union represents women in the village council.

105. The Committee recommends that the State party take measures to increase the representation of women in administrative and judicial organs at the national, provincial and village levels, in accordance with the Committee's general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to increase the percentage of women at all levels of decision-making and to make sure that the interests of women are fully reflected and that gender equality is guaranteed at all levels of decision-making. The Committee urges the State party to take measures to empower village women so that they can participate equally in village matters.

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 151, 152 and 155-160.

151. The Committee is...concerned that insufficient progress has been made in achieving *de facto* equality between women and men in all sectors and about the State party's apparent lack of understanding of the purpose of temporary special measures and

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the reasons for their application.

152. The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors to ensure that women enjoy *de facto* equality with men.

...

155. While welcoming the progress achieved over time in women's political participation, the Committee remains concerned about the low level of representation of women in decision-making positions, particularly their political representation at all levels and their representation in the administration and the foreign service.

156. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life. The Committee also suggests that the State party implement leadership training programmes and carry out awareness-raising campaigns on the importance of women's participation in decision-making, and that it evaluate the impact of such measures.

157. The Committee notes the absence of information on the situation of women in the informal sector and expresses concern that women constitute only 14.18 per cent of the total employed population.

158. The Committee requests the State party to undertake studies to assess the situation of women working in the informal sector...The Committee also requests the State party to step up its efforts to address impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities of women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to accelerate implementation of article 11 of the Convention.

159. The Committee notes that insufficient information was provided on the situation of rural women.

160. The Committee requests the State party to ensure that the needs and concerns of rural women are fully integrated in the formulation and implementation of sectoral policies and programmes, and that temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 are applied whenever necessary so as to accelerate the realization of the substantive equality of rural women...

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- Croatia, CEDAW, A/60/38 part I (2005) 30 at paras. 194-197 and 200-203.

194. The Committee expresses concern about the serious disadvantages women face in the labour market, as reflected in women's high unemployment rate, the persistence of strong vertical and horizontal segregation, wage differentials between women and men and the predominance of women in low-wage sectors. The Committee expresses its particular concern about the situation of women older than 40 years, as well as the discriminatory treatment of pregnant women in the labour market. The Committee is also concerned that insufficient attention is being given to policies supporting the sharing of work and family responsibilities between women and men.

195. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, effective implementation of labour legislation and the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It urges the State party to encourage women to use existing complaints mechanisms in cases of possible labour market discrimination. The Committee recommends that efforts be made to eliminate occupational segregation and age discrimination against women through education, training and retraining measures, and better use of enforcement mechanisms. It also recommends that the State party consider implementing wage increases in female-dominated public sector areas, such as the judiciary, education and health sectors. The Committee further recommends that measures allowing for the reconciliation of family and professional responsibilities be strengthened and promoted, including awareness-raising for equal sharing of domestic and family tasks between women and men.

196. The Committee is concerned that Roma women remain in a vulnerable and marginalized situation, especially in regard to education, employment, health and participation in public life and decision-making. The Committee is also concerned about Roma women's difficulties in the enjoyment in practice of citizenship rights, in accordance with article 9 of the Convention.

197. The Committee requests the State party to take effective measures to eliminate discrimination against Roma women, both in society at large and within their communities, and to enhance respect for their human rights through effective and proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and awareness-raising programmes...

...

200. The Committee is concerned about the persistence of sex-stereotyping in educational curricula and in textbooks. It is also concerned that girls and women in secondary schools and universities continue to choose study areas traditionally seen as

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“female areas” and that they are underrepresented in the sciences.

201. The Committee encourages the State party to intensify its efforts to eliminate gender stereotyping and to strengthen the mainstreaming of gender perspectives in curricula and textbooks. It also requests the State party to enhance the training of teaching staff in regard to gender equality issues. It calls on the State party to further encourage diversification of the educational choices of boys and girls and, at the tertiary level, to attract more women to the field of science and technology, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market.

202. The Committee is concerned that women are significantly underrepresented in the executive bodies of local authorities.

203. The Committee recommends that the State party take appropriate measures to increase the representation of women in the executive bodies of local authorities, *inter alia* by implementing temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation 25. The Committee recommends that the State party assess the causes for the successful increase of women in public and political life at the national level, including in Parliament and the Government, and to use the lessons learned to increase women’s participation in local government structures.

- Gabon, CEDAW, A/60/38 part I (2005) 37 at paras. 241-244.

241. The Committee expresses concern that, although education is compulsory for all children aged 6 to 16 under Act No. 16/66 of 10 August 1966, the attendance rates for girls drop precipitously at higher levels of education, with 39.94 per cent in junior high school and 7.20 per cent in upper high school. The Committee is also concerned that the attendance rates for girls drop to 2.63 per cent in higher education.

242. The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women. It recommends that the State party prioritize efforts to ensure equal access of girls and young women to all levels of education and to increase their rates of enrolment and retention, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation 25 on temporary special measures, by giving incentives to parents and scholarships to girl students. The Committee encourages the State party to use its educational and training

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systems systematically for enhancing knowledge about the Convention and women's right to equality and non-discrimination.

243. While the Committee commends the State party for introducing temporary special measures to increase the number of women in public life and decision-making, it is concerned at the low level of women's participation, particularly in the National Assembly and the Senate, and at the international level, and the insufficient information provided about the implementation of articles 7 and 8 of the Convention and the Committee's general recommendation 23 on women in public life and decision-making.

244. The Committee recommends that the State party implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in decision-making positions. The Committee urges the State party to implement and strengthen training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation.

- Paraguay, CEDAW, A/60/38 part I (2005) 44 at paras. 283-286, 291 and 292.

283. While appreciating the State party's efforts to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime in 2003, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2004 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2003, and the establishment of an inter-agency board including representatives of civil society to combat trafficking, the Committee is concerned that domestic legislation has not been put in place in line with those instruments and that provisions on sexual exploitation and trafficking of girls and boys are absent from the Childhood and Adolescence Code. It also expresses concern about the lack of a comprehensive plan to prevent and eliminate trafficking of women and to protect victims, as well as the lack of systematic data collection on this phenomenon.

284. The Committee recommends that the State party bring its domestic legislation into line with the ratified international instruments and implement and fully fund a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination of trafficked women and girls. It recommends that the State party address the causes of trafficking and introduce measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers,

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educational initiatives and social support measures, and rehabilitation and reintegration measures for women and girls who have been victims of trafficking.

285. While taking note of the amendments to the Labour Code in regard to domestic workers, the Committee remains concerned about the lack of enforcement of the Code in the public and private sectors, the poor working conditions for women in the informal sector, the low participation of women in the formal labour market, persistent wage disparities between women and men, and discriminatory practices *vis-à-vis* domestic workers, such as workdays of 12 hours and remuneration below the minimum wage. The Committee is particularly concerned about the high number of girls performing domestic work without remuneration.

286. The Committee urges the State party to put in place effective monitoring mechanisms to ensure the enforcement of existing legislation, particularly as it applies to domestic workers. It also urges the State party to implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 in order to increase the number of women in the formal workforce. The Committee requests the State party to address the issue of girls performing domestic work by bringing its legislation and policies into line with its obligations under International Labour Organization Conventions No. 138 and No. 182, concerning respectively the minimum age of 14 years for admission to employment and the elimination of the worst forms of child labour. It also encourages the State party to implement awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work. The Committee urges the State party to address the underlying causes of the high incidence of girls performing domestic work.

...

291. The Committee is concerned about the poor conditions of indigenous women, including monolingual Guaraní women, reflected in their high illiteracy rates, which surpass the national average, low school enrolment rates, poor access to health care and significant levels of poverty, which lead them to migrate to urban centres where they are even more vulnerable to multiple forms of discrimination.

292. The Committee urges the State party to ensure that all policies and programmes explicitly address the high illiteracy rates and the needs of indigenous women, including monolingual Guaraní women, and to actively seek their participation in the formulation and implementation of sectoral policies and programmes. It recommends that the State party strengthen its efforts to implement bilingual educational programmes at all levels of education and to ensure indigenous women's access to education and health care. The Committee also encourages the State party to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to accelerate such access for



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indigenous women. The Committee recommends that the State party strengthen its programmes of dissemination, education and training on the Convention and its Optional Protocol for indigenous women, including monolingual Guaraní women.

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 310, 324-327, 332 and 333.

310. The Committee commends the State party for amending article 51 of the Constitution which, as was stated by the delegation, is the vehicle through which the Convention will become part of the law of the land and forms the constitutional basis for the use of temporary special measures, including the use of quotas for accelerating the increased participation of women in political and public life.

...

324. While noting with appreciation the increase in the number of Italian women in the European Parliament, the Committee remains deeply concerned about the severe underrepresentation of women in political and public positions, including in elected bodies, the judiciary and at the international level. The Committee is especially concerned that the political participation of women at the national level has fallen in recent years and remains among the lowest in Europe.

325. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies and in the judiciary and at the international level. It recommends that the State party introduce appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in political and public positions. It further encourages the State party to step up efforts to pass legislation under article 51 of the Constitution to increase the number of women in political and public positions, including through the use of quotas, and to ensure adequate representation in such positions of Roma and migrant women, and women from the south of the country. The Committee recommends that the State party carry out awareness-raising campaigns among both men and women on the importance of women's participation in political and public life and in decision-making, and that it create enabling, encouraging and supportive conditions for such participation.

326. While noting the sharp increase in the employment rate among women, the Committee is concerned about the serious disadvantages women face in the labour market, including the underrepresentation of women in senior positions, the concentration of women in certain low-wage sectors and in part-time work, the considerable wage gap between men and women and the lack of implementation of the principle of equal pay for work of equal value. While noting that Law 53/2000 recognizes the right of both parents to take leave from work to care for a child during early infancy, the Committee is concerned that a very small percentage of men take advantage of this

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opportunity.

327. The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to ensure equal pay for work of equal value. It also recommends that the State party extend full social security benefits to part-time workers, the majority of whom are women, and take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to give women more access to full-time employment and to improve the availability of affordable childcare facilities, and encourage men, including through awareness-raising, to take equal responsibility for childcare.

...

332. The Committee is concerned that certain groups of women, including Roma and migrant women, remain in a vulnerable and marginalized situation, especially in regard to education, employment, health and participation in public life and decision-making. The Committee is particularly concerned about the impact of Law 189/2002, which imposes far-reaching restrictions on migrant women workers, and about the absence of laws and policies concerning asylum-seekers and refugees, including lack of recognition of gender-related forms of persecution in determining refugee status.

333. The Committee urges the State party to take effective measures to eliminate discrimination against vulnerable groups of women, including Roma and migrant women, and to enhance respect for their human rights through all available means, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25...The Committee also encourages the State party to revisit the provisions of Law 189/2002 with a view to removing the current restrictions on migrant women, and to adopt laws and policies which recognize gender-related forms of persecution in the determination of refugee status.

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 355, 365, 366, 371 and 372.

355. The Committee commends the State party for amending article 10 of its Constitution, which now explicitly sets out the State's responsibility to ensure women's enjoyment of equality and establishes a firm basis for adopting temporary special measures aimed at accelerating *de facto* equality between men and women...

365. The Committee is concerned about the persistence of violence against women, including domestic violence. It is concerned that women victims of violence are unaware of their rights and the protection mechanisms available to them under the law. The Committee is furthermore concerned that support services for women victims of

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violence, including shelters, are inadequate in number. It is also concerned that, under the recently enacted Law on Municipalities, the responsibility for establishing shelters has been delegated to municipalities without adequate mechanisms to monitor implementation and ensure financing.

366. The Committee calls upon the State party to intensify its efforts to prevent and combat violence against women, including domestic violence, which is a form of discrimination against women and a violation of their human rights. The Committee underlines the need to fully implement and carefully monitor the effectiveness of the Law on the Protection of the Family and of related policies in order to prevent violence against women, provide protection and support services to the victims, and punish and rehabilitate offenders. In this regard, the Committee draws attention to its general recommendation 19. The Committee further calls upon the State party to monitor implementation of the Law on Municipalities with a view to ensuring the availability of a sufficient number of shelters throughout the territory of the State party and their adequate financing, taking into account in this monitoring effort research results and practical experiences of non-governmental organizations in this field. The Committee recommends continuous training for public officials, especially law enforcement officials, the judiciary and health-care providers, so that they are fully sensitized to all forms of violence against women and can adequately respond to it. The Committee also invites the State party to undertake sustained awareness-raising measures through the media and public education programmes to reinforce the notion that such violence is socially and morally unacceptable, and constitutes discrimination against women.

...

371. The Committee is concerned at the high rate of female illiteracy and the lower enrolment and completion rates of girls and women at all levels of education, and that these discrepancies are further aggravated by urban-rural, regional and ethnic differences. The Committee is further concerned that girls and women continue to predominate in traditionally female areas of education and are particularly underrepresented in technical and vocational schools. The Committee is concerned about the disadvantages that result from these educational choices for women's professional and employment opportunities. It is also concerned that women and girls whose mother tongue is not Turkish may face multiple forms of discrimination in access to and achievement in education. The Committee is also concerned about the impact on girls and women of the ban on wearing headscarves in schools and universities. The Committee is further concerned that stereotypical attitudes continue to create disadvantages for girls in education.

372. The Committee recommends that the State party take proactive measures to decrease the high rate of female illiteracy and to strengthen girls' and women's access to all levels of education and teaching and to actively encourage diversification of educational and professional choices for women and men. The Committee recommends that such measures include the use of temporary special measures, in accordance with

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article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee calls on the State party to implement further targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to diverse ethnic groups and those whose mother tongue is not Turkish, particularly in rural areas, as well as to address regional disparities. The Committee requests the State party to monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban. It also calls on the State party to undertake further awareness-raising on the importance of education for women's equality and economic opportunities, and to overcome stereotypical attitudes.

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 32 and 59-62.

32. The Committee welcomes the availability of such support services as nurseries, kindergartens, children's wards, kitchens in workplaces and breastfeeding breaks for working mothers, as well as the use of temporary special measures to increase the number of women in certain management positions.

...

59. In the light of the widespread famine and natural disasters that have affected the country from the mid-1990s, the Committee expresses concern about the insufficient explanation provided with respect to the impact of those phenomena on women, in particular on women from rural areas, on women who are the main providers of the household and on young girls. The Committee is concerned that they may become vulnerable to trafficking and other forms of exploitation, such as prostitution.

60. The Committee urges the State party to introduce specific poverty alleviation measures aimed at improving the situation of women to eliminate their vulnerability. The Committee recommends that the State party seek international assistance in guaranteeing that women, particularly women from rural areas, have equal access to food supplies. It urges the State party to assist women economic returnees who went abroad without valid travel permits to reintegrate into their families and society and to protect them from all forms of violations of their rights. It calls on the State party to train law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation so as to enable them to render support to women who might be at risk of becoming victims of trafficking or commercial sexual exploitation. It also recommends that the State party conduct nationwide awareness-raising campaigns on the risks and consequences of trafficking targeted at women and girls. The Committee further urges the State party to evaluate those phenomena and systematically compile information on them with a view to formulating a comprehensive strategy that includes measures of prevention, prosecution and

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punishment of offenders, as well as measures to rehabilitate and reintegrate victims. The Committee also urges the State party to intensify its efforts to deal with these phenomena through increased international, regional and bilateral cooperation...

61. While noting that women make up approximately 20 per cent of the deputies to the eleventh Supreme People's Assembly, and 30 per cent of the local people's assemblies, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is also concerned at the low participation of women in decision-making positions in the foreign service.

62. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that women's representation in the foreign service be increased, including in missions abroad.

It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 103, 104, 107 and 108.

103. The Committee notes with concern that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honour. The Committee is especially concerned about article 562 of the Lebanese penal code, which allows mitigation of the penalty for crimes committed in the name of honour, and the apparent lack of sensitization efforts in the State party to reject a concept of honour that perpetuates and condones the killing of women.

104. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to amend article 562 of the Lebanese penal code, which allows mitigation of the penalty for crimes committed in the name of honour, and to adopt specific legislation on violence against women, including domestic violence, within a clear time frame so as to ensure that women and girls who are victims of violence have access to protection and effective redress, and that perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health service providers, so as to ensure that

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they are sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to take measures towards modifying social, cultural and traditional attitudes, including the concept of honour, that remain permissive of violence against women.

...

107. While welcoming the fact that the percentage of women deputies in the National Assembly has doubled from 2.3 per cent in 1992 to 4.3 per cent in 2005, the Committee remains concerned about the very low level of representation of women in decision-making positions, particularly in elected and appointed bodies at all levels, and their representation in the administration and foreign service.

108. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life.

- Benin, CEDAW, A/60/38 part II (2005) 116 at paras. 153-156.

153. The Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, including at the international level. It notes with concern the absence of proactive measures to increase women's participation in political and public life. The Committee further expresses its concern regarding the State party's position that the use of temporary special measures such as quotas might be considered to be in violation of the principle of equality between women and men of the country's Constitution.

154. The Committee draws the State party's attention to general recommendation 23 on the participation of women in public life and urges full implementation of the measures recommended therein. The Committee also urges the State party to implement temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making positions. The Committee encourages the State party to implement and strengthen training and awareness-raising programmes to highlight the link between the application of temporary special measures and the achievement of substantive equality between women and men, as well as the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation.

155. The Committee is concerned at the poor educational infrastructure and the insufficient number of schools and teachers, which constitute particular obstacles to the

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education of girls and young women. The Committee expresses its concern about the low rate of enrolment of girls in schools, preference for the education of boys and the high dropout rate of girls due to pregnancy and early and forced marriage. The Committee is especially concerned about the extremely high rate of illiteracy among women and girls, 81 per cent for women and girls between the ages of 15 and 49.

156. The Committee urges the State party to increase its investment in education, including through international donor assistance, and to raise awareness of the importance of education as a human right and as a basis for the empowerment of women.

It also encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It recommends that the State party take steps to ensure equal access of girls and young women to all levels of education, to retain girls in school and to strengthen the implementation of re-entry policies providing for girls to return to school after pregnancy. The Committee recommends that the State party make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes, in collaboration with civil society, at the formal and non-formal levels and through adult education and training. The Committee encourages the State party to take temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the improvement of women's and girls' educational situation.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 197-200, 207 and 208.

197. The Committee expresses concern at the limited information provided in the report on the sexual exploitation and trafficking of women and girls in the Gambia, and on measures taken to combat these phenomena effectively. The Committee is particularly concerned about the phenomenon of sex tourism in the country.

198. The Committee requests the State party to introduce legislation on the prohibition of trafficking, to implement effectively legislation on the exploitation of the prostitution of women and to prosecute offenders. It recommends that the State party put in place programmes for promoting women's economic independence so as to eliminate their vulnerability to exploitation, and measures for the rehabilitation and social reintegration of women and girls who are victims of exploitation and trafficking. The Committee calls upon the State party to ensure the implementation of the 2003 Tourism Offence Act and to enhance cooperation with tourists' countries of origin aimed at preventing and combating sex tourism...

199. While acknowledging the increase in women's political representation, the Committee remains concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service.

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200. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public and political life and at all levels.

...

207. While noting the efforts made by the State party to revise its policy on education in order to address the needs of the girl child, the Committee expresses its concern about the low enrolment of girls in school, especially at the secondary and higher levels, and their high dropout rates. The Committee is particularly concerned that, according to the 1993 census, only 27 per cent of women in the Gambia are literate and that in the rural areas the proportion is only 18.3 per cent.

208. The Committee urges the State party to take measures on the importance of realizing women's and girls' right to education as a fundamental human right, including for the empowerment of women. It also calls upon the State party to strengthen measures to create an environment that increases the enrolment and retention rates of girls in school at all levels, including through the development of gender-sensitive educational material. The Committee calls upon the State party to step up its efforts to eradicate female illiteracy, particularly in rural areas, including through comprehensive education programmes at the formal and non-formal levels, as well as programmes specifically targeting adult women. The Committee encourages the State party to use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate the improvement of women's and girls' education.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 251, 252, 255, 256, 259 and 260.

251. While noting the increase in the number of women in the Knesset, the Committee remains concerned about the low level of representation of women in decision-making positions in local authorities. It is also concerned that the number of women in high-level positions in the civil service and foreign service remains low. The Committee is further concerned about the low level of representation of Israeli Arab women in these areas.

252. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Israeli Arab women, in elected and appointed bodies in all areas of public life.

...



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255. While appreciating the progress made in the fields of women's education and health, the Committee is concerned that Israeli Arab women remain in a vulnerable and marginalized situation, especially in regard to education and health. While efforts have been made to eliminate gender stereotypes from textbooks, the Committee is concerned that these persist in the Arab education system.

256. The Committee recommends that the State party take urgent measures to reduce the drop-out rates of Israeli Arab girls and increase the number of Israeli Arab women at institutions of higher education, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee also urges the State party to review and revise textbooks in the Arab education system in order to eradicate gender stereotypes. The Committee recommends that the State party allocate adequate resources to improve the status of Israeli Arab women's health, in particular with regard to infant mortality...

259. The Committee is concerned that Bedouin women living in the Negev desert remain in a vulnerable and marginalized situation, especially in regard to education, employment and health. The Committee is especially concerned about the situation of Bedouin women who live in unrecognized villages with poor housing conditions and limited or no access to water, electricity and sanitation.

260. The Committee requests the State party to take effective measures to eliminate discrimination against Bedouin women and to enhance respect for their human rights through effective and proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in the fields of education, employment and health...

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 291, 292 and 299-302.

291. While welcoming laws to eliminate discrimination against women, including the Equal Rights Act of 1990 and the Prevention of Discrimination Act of 1997, the Committee is concerned about the lack of systematic enforcement of existing legislation, of mechanisms to monitor and ensure compliance, and of effective remedies in case of breach. The Committee is also concerned about the insufficient availability of legal aid to women, in particular women living in rural areas and hinterlands; their lack of awareness about legislation aimed at eliminating discrimination against women; and continuing reluctance, or inability of women to seek legal redress in cases of discrimination.

292. The Committee urges the State party to strengthen its efforts to protect women against any act of discrimination, including strengthening existing complaints mechanisms such as the Ombudsman and Chief Labour Officer, and putting in place

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sanctions for acts of discrimination against women. The Committee further urges the State party to ensure full compliance by public authorities and institutions with legislation aimed at prevention of discrimination against women, increase the availability of legal aid to women in all parts of the country and sensitize the judiciary and law enforcement personnel to gender equality issues. The Committee urges the State party to take special measures to enhance women's awareness of their rights and legal literacy so that they can better avail themselves of available remedies and mechanisms of redress against violations of their rights under the Convention.

...  
299. The Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be widely understood in the State party and that such measures, which aim at accelerating *de facto* equality as well as programmes and policies targeted specifically at women, may be considered as discriminating against men.

300. The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies that also benefit women and temporary special measures under article 4, paragraph 1, of the Convention that are necessary to accelerate the achievement of *de facto* equality for women in various areas, as clarified by the Committee in general recommendation 25. It also recommends that the State party implement information and awareness-raising campaigns on a regular basis on the content of, and obligations resulting from, the Convention and the general recommendations of the Committee, with particular focus on the role of legislators, policymakers, senior public officials, the judiciary and the legal profession. The Committee urges the State party to design, implement and strengthen awareness-raising measures to foster a better understanding of equality between women and men at all levels of society.

301. While noting the Domestic Violence Act of 1996, the Committee expresses concern about the insufficient measures to ensure its effective implementation; lack of an effective monitoring mechanism; and insufficient support measures for victims of domestic violence, such as shelters and legal, medical and psychological support. The Committee is also concerned that victims are reluctant to report cases of abuse for fear of being stigmatized. The Committee regrets that the State party provided only some information on domestic violence, but did not address other forms of violence against women.

302. In the light of its general recommendation 19, the Committee urges the State party to accord priority attention to the effective enforcement and monitoring of legislation on domestic violence to ensure that all women who are victims of violence, including Amerindian women and those living in rural and hinterland areas, have access to immediate means of redress and protection, including protection orders, legal aid and

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shelters in sufficient numbers. The Committee calls on the State party to provide adequate funding for such protection and support measures. The Committee requests the State party to strengthen its efforts to train the police and ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and adequately equipped to support victims of such violence. The Committee also calls on the State party to take measures, through the media and public education programmes, towards changing social, cultural and traditional attitudes that remain permissive of all forms of violence against women, including sexual violence against young girls...

- Burkina Faso, CEDAW, A/60/38 part II (2005) 144 at paras. 337, 338, 351 and 352.

337. The Committee is concerned about the lack of specific legislation to eliminate violence against women, including domestic violence. While the Committee notes the State party's contention that victims of violence receive medical and legal services, it is concerned that the State party did not provide any details about such services, and their accessibility to women. The Committee further expresses concern about the paucity of information and statistics provided on the incidence of various forms of violence against women.

338. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that such violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party also implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. It also recommends the establishment of shelters and counselling services for victims of violence...

...

351. While noting the increase in the number of women in the National Assembly from three in 2000 to 13 in 2005, the Committee remains concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service. It notes with concern the absence of temporary special measures to increase women's participation in political and public life, despite the Committee's recommendation in paragraph 273 of its previous concluding comments (see

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A/55/38, part one).

352. The Committee urges the State party to implement temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to increase the number of women in political and public life and in decision-making positions. The Committee also draws the State party's attention to general recommendation 23 on the participation of women in public life and urges full implementation of the measures recommended therein.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 390 and 391.

390. While acknowledging that the President, the Deputy Prime Minister and three members of the Cabinet are women, and that women occupy other visible decision-making positions, including three Supreme Court judges, the President of the District Court, the President of the Law Reform Commission and the Ombudsman, the Committee is concerned at the significant underrepresentation of women in elected political structures, particularly in the Oireachtas. The Committee is further concerned at the low representation of women in the civil service and in the Department of Foreign Affairs at the higher grades.

391. The Committee encourages the State party to take sustained measures to increase the representation of women in elected bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It recommends that research be carried out under the aegis of a parliamentary committee into the root causes of the lack of progress in this area.

### CAT

- Egypt, CAT, A/58/44 (2002) 22 at paras. 41 and 42.

41. The Committee is concerned about the following:

...

(c) The Committee expresses particular concern at the widespread evidence of torture and ill-treatment in administrative premises under the control of the State Security Investigation Department, the infliction of which is reported to be facilitated by the lack of any mandatory inspection by an independent body of such premises;

...

(e) The reports received concerning ill-treatment inflicted on men because of their real

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or alleged homosexuality, apparently encouraged by the lack of adequate clarity in the penal legislation;

...

42. The Committee recommends that the State party:

...

(f) Eliminate all forms of administrative detention. In addition, the premises controlled by the State Security Investigation Department should be subject to mandatory inspection, and reports of torture or ill-treatment committed there should be investigated promptly and impartially;

...

(k) Remove all ambiguity in legislation which might underpin the persecution of individuals because of their sexual orientation. Steps should also be taken to prevent all degrading treatment during body searches;

...

- Spain, CAT, A/58/44 (2002) 29 at paras. 62 and 66.

62. The Committee continues to be deeply concerned at the fact that *incommunicado* detention up to a maximum of five days has been maintained for specific categories of particularly serious offences. During this period, the detainee has no access to a lawyer or to a doctor of his choice nor is he able to notify his family. Although the State party explains that *incommunicado* detention does not involve the complete isolation of the detainee, who has access to an officially appointed lawyer and a forensic physician, the Committee considers that the *incommunicado* regime, regardless of the legal safeguards for its application, facilitates the commission of acts of torture and ill-treatment.

...

66. The Committee invites the State party to consider precautionary measures to be used in cases of *incommunicado* detention, such as:

(a) A general practice of video recording of police interrogations with a view to protecting both the detainee and the officials, who could be wrongly accused of torture or ill-treatment. The recordings must be made available to the judge under whose jurisdiction the detainee is placed. Failure to do this would prevent any other statement attributed to the detainee from being considered as evidence;

(b) A joint examination by a forensic physician and a physician chosen by the detainee held *incommunicado*.

- Slovenia, CAT, A/58/44 (2003) 44 at para. 114.

114. The Committee welcomes the ongoing efforts by the State party to reform its legal

## EFFECTIVE REMEDIES - SPECIAL MEASURES

system and revise its legislation so as to strengthen human rights in Slovenia. In particular, the Committee welcomes:

...

(f) The “Hercules” special programme conducted by the Supreme Court of Slovenia and introduced in 2001, aimed at reducing and eliminating court backlogs;

...

- Turkey, CAT, A/58/44 (2003) 46 at para. 120.

120. The Committee welcomes the following positive aspects:

...

(c) The constitutional and legal reforms intended to strengthen the rule of law and to bring the legislation into line with the Convention, including the reduction of periods of detention in police custody; the elimination of the requirement to obtain administrative permission to prosecute a civil servant or public official; and the decrease in the number of crimes under the jurisdiction of State Security Courts;

...

(g) The acceptance, in a spirit of cooperation, by the State party of visits by monitoring bodies such as the special rapporteurs of the United Nations Commission on Human Rights and the release to the public of reports of [Committee on the Prevention of Torture].

...

### CRC

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 74 and 75.

74. Despite increases in school enrolment over the past decade, the Committee remains concerned that:

...

(c) Literacy and enrolment among girls are much lower than the already worrying rates for boys;

...

75. The Committee recommends that the State party:

...

(e) Urgently give special attention to raising the proportion of girls completing their primary and secondary education, including through affirmative action and similar special measures, and by ensuring that girls have the same opportunities as boys to attend formal education, that the education of girls is seen by parents, families and communities, as being of equal importance to that of boys and that education is seen as

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the right of all children;

...

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 553, 576, 577, 604 and 605.

553. The Committee welcomes:

...

(d) The active involvement of civil society in the promotion and protection of human rights in the State party, including through public-interest litigation, and the many court rulings based upon the articles of the Convention;

(e) Affirmative-action programmes for education of Israeli Arabs;

...

576. The Committee is concerned that discrimination, contrary to article 2 of the Convention, persists in the State party, and that non-discrimination is not expressly guaranteed under the Constitution. In particular, the Committee is concerned about discrimination against girls and women, especially in the context of religious laws, discrimination on religious grounds, inequalities in the enjoyment of the economic, social and cultural rights (i.e. access to education, health care and social services) of Israeli Arabs, Bedouins, Ethiopians and other minorities, children with disabilities and children of foreign workers, and of the rights and freedoms of Palestinian children in the occupied territories.

577. The Committee recommends that the State party:

...

(b) Strengthen its efforts with respect to affirmative-action initiatives;

...

604. The Committee welcomes the information that the budget for education has been protected from recent cuts in spending, but is concerned that investment in and the quality of education in the Israeli Arab sector is significantly lower than in the Jewish sector.

605. The Committee recommends that the State party continue and strengthen its affirmative-action programmes and further increase the budget allocated for education in the Arab sector.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 124 and 125.

124. The Committee is concerned at the high number of divorced and single parents, primarily mothers, who do not receive the child maintenance payments to which they are

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legally entitled.

125. In the light of article 27 and the principle of the best interests of the child (art. 3), the Committee recommends that the State party take all effective measures to enforce child maintenance obligations based on a court order or agreements between parties in a manner that does not stigmatize the child or his or her custodial parent. For instance, the State party might consider establishing a national fund to ensure payment of overdue child maintenance obligations to the custodial parent while enforcement measures are enacted, or introducing a system in which child support payments are automatically deducted from the salaries of those employees with child maintenance obligations.

- Romania, CRC, CRC/124 (2003) 49 at paras. 232-235.

232. The Committee is concerned at the high number of allegations of children being ill-treated and tortured by law enforcement officials received by the Special Rapporteur on the question of torture. The Committee regrets that the majority of these allegations have not been responded to and is concerned that they may not have been effectively investigated by an independent authority. Furthermore, the Committee is concerned that cooperation with the Special Rapporteur in this respect has been insufficient.

233. The Committee recommends that the State party:

(a) Investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children and make all efforts to cooperate fully with the Special Rapporteur on the question of torture;

(b) Ensure the inadmissibility of evidence obtained through the use of torture;

...

(d) Take immediate measures to stop police violence against all children and challenge the prevailing culture of impunity for such acts;

(e) Take legislative or other measures to prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment;

(f) Provide care, recovery, reintegration and compensation for victims of torture.

234. The Committee notes the information provided by the State party, including the adoption of a government strategy for 2001-2004 focusing on providing support to families, the National Anti-Poverty Plan for Strengthening Social Inclusion, and the disbursement of numerous financial benefits for children and families. However, widespread poverty continues to be a major challenge for the State party, affecting all



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sectors of society, in particular urban households with many children. The Committee notes with concern that poverty is a contributing factor to family breakdowns, the growing number of single-parent families, parental abuse and neglect, and the phenomenon of children being placed in institutional care or abandoned by parents with no adequate means to raise them.

235. The Committee recommends that the State party:

- (a) Develop a comprehensive child-centred family policy;
- (b) Strengthen its efforts to comprehensively protect children's right to a secure family environment and ensure, through a comprehensive new children's act, effective protection of children and access by all children and parents to financial assistance, having due regard to article 18, paragraph 2, of the Convention;
- (c) Improve social assistance and support to families through advice and education to promote positive child-parent relationships;
- (d) Take effective measures, including the development of strategies and awareness-raising activities, to prevent and reduce the abandonment of children;
- (e) Strengthen preventive measures, such as supporting the role of families and communities, in order to help eliminate the social conditions leading to such problems as delinquency, crime and substance abuse;

...

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 363 and 364.

363. The Committee welcomes the information on the Policy Statement on measures to be taken relating to child and family welfare and on the preparation of a national programme of support to families with children. The Committee is concerned at the insufficient assistance and guidance given to parents in their child-rearing responsibilities for the upbringing and development of the child (art. 18), resulting in numerous cases of custody procedures or in alternative care in institutions. The Committee is further concerned that preventive efforts and family counselling are inadequate and that placement in an institution may be a solution to social problems and crisis situations in the family.

364. The Committee recommends that the State party:

- (a) Urgently improve professional support and counselling for families by ensuring the availability of qualified staff and resources and that children are able to maintain contact

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with both parents, in accordance with articles 3, 6 and 12 of the Convention;

(b) Undertake a comprehensive review of all legislation, policies and administrative decisions related to children within the family in order to assess their impact on the family as a whole with a view to the adoption of a family policy. The Committee further encourages the State party to adopt a family policy including a minimum of social security for the child and the family, housing and social services, provision for managing both parents' work and their childcare responsibilities, women's and single parents' status, child maintenance, maternity and paternity leave and other family-related issues;

...

- Haiti, CRC, CRC/124 (2003) 95 at paras. 430 and 431.

430. The Committee is particularly concerned about the high number of children who are separated from their parents. The Committee is further concerned at the fact that the views of the child are not taken into consideration when such a decision is taken and that the Social Welfare and Research Institute does not carry out a periodic review of placement of all children separated from their parents.

431. In the light of articles 9, 12, 20 and 25 of the Convention, the Committee recommends that the State party:

- (a) Ensure that a child shall not be separated from his or her parents against his/her will, unless such separation is in the best interests of the child and if it has been decided by a competent authority, subject to judicial review;
- (b) Ensure that a child who is temporarily or permanently deprived of his or her family environment is entitled to special protection and assistance;
- (c) Ensure that the child is given an opportunity to participate in the proceedings and that he or she can make his or her views known;
- (d) Undertake all necessary efforts to allow the Institute for Social Welfare and Research to carry out a periodic review of placement of all children separated from their parents, whether in institutions or in foster families.

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 261 and 262.

261. The Committee notes that the Domestic Violence Act is under consideration, but is concerned that, although there are limited data available, the problem of abuse within

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the family and in institutions appears widespread. The Committee is further concerned that victims of abuse do not receive adequate assistance and support for their recovery, and that the practice of institutionalizing victims while their case is being processed is common.

262. The Committee recommends that the State party:

(a) Expand current efforts to address the problem of child abuse, including through the adoption and implementation of the Domestic Violence Act, and ensure that there is an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and ensures the victims' privacy;

(b) Ensure that all victims of violence have access to counselling and assistance with recovery and reintegration;

(c) Provide adequate protection to child victims of abuse in their homes, whenever possible, through restraining and removal orders against the alleged perpetrator; in cases where the removal of the child is necessary, preference should be given to foster care or similar family-type settings and institutionalization should only be resorted to in exceptional cases.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 499 and 500.

499. The Committee is very concerned about the difficult conditions under which some refugee children, especially children belonging to the Rohingya population from Myanmar, are living, and that many of these children and their families do not have access to legal procedures that could grant them legal status...

500. The Committee recommends that the State party:

(a) Adopt a national refugee legislation and accede to the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967;

(b) Grant all refugee children and their families immediate access to relevant procedures determining refugee status;

(c) In collaboration with and with support from international agencies, undertake effective measures to improve the living conditions of refugee families and children, particularly with regard to educational and health-care services;

...

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- Germany, CRC, CRC/C/137 (2004) 51 at paras. 289 and 290.

289. The Committee notes with satisfaction that Germany is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980, but remains concerned that the abduction of children by either of their parents is a growing problem.

290. The Committee recommends that the State party fully and effectively apply the Hague Convention of 1980 to all children abducted into Germany (including those abducted from non-State parties to the aforesaid Convention) and encourage States which are not yet parties to this Convention to ratify or accede to it and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit transfer of children abroad.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 358 and 359.

358. The Committee notes with satisfaction that, in the Netherlands, the Youth Care Act, which aims to improve the effectiveness of child protection services and includes the obligation for medical personnel to report suspected cases of child abuse, has been passed by the lower house of Parliament and is awaiting the approval of the Senate. However, the Committee is concerned that in the Netherlands waiting lists for services for victims of abuse remain, and that insufficient financial resources are allocated for the prevention of abuse and recovery and counselling services. Furthermore, the Committee shares the State party's concern that there is no clearly defined policy on preventing child abuse and neglect and providing assistance to victims in Aruba and that services in this area are insufficient...

359. The Committee recommends that the State party:

(a) Ensure that there is a clearly defined policy on child abuse and neglect, which includes prevention, reporting and assistance to victims and is supported with adequate financial and human resources, in both the Netherlands and Aruba;

(b) Ensure that, in the Netherlands, the Youth Act conforms with the provisions and principles of the Convention and expedite its entry into force;

(c) Enact the 1993 Aruban Government Decree on the establishment of a medical examiner's office which registers cases of child abuse and neglect and coordinates

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investigation and treatment of victims in a child-sensitive manner;

...

- India, CRC, CRC/C/137 (2004) 75 at paras. 405, 406, 409-412, 444 and 445.

405. The Committee is deeply concerned at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes and other tribal groups, reflected, *inter alia*, by the many violations of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the low number of such violations dealt with by the courts, and the fact that a majority of the states have failed to set up the special courts provided for under this Act.

406. The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to 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*, special measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination with a view to changing social attitudes, by involving, *inter alia*, religious leaders.

...

409. While welcoming the special temporary programmes and other activities to improve the enjoyment of rights by girls and vulnerable groups such as children belonging to Scheduled Castes and Tribes, the Committee expresses its concern at the possibility that other children in situations similar to that of those groups are not receiving the same benefits.

410. The Committee recommends that all existing and future special temporary programmes be provided with specified goals and timetables, in order to evaluate their success and justify their continuation, expansion and dissemination. The Committee further recommends that the State party start to develop special programmes for the allocation of educational and other benefits that are based on the child’s needs and rights rather than on the basis of sex, caste or tribe, or any other characteristic that may result in unjustifiable discrimination.

411. The Committee notes the 2003 amendment to the Pre-conception and Pre-natal

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Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, but remains deeply concerned that the sex ratio in the age group 0-6 years has worsened over the past decade.

412. In addition to its recommendations regarding gender discrimination, the Committee strongly recommends that the State party:

(a) Take all necessary steps to ensure the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

(b) Further develop massive awareness campaigns, involving parents, communities, law enforcement officers, etc., and take the necessary measures, including imposing sanctions to end the practice of selective abortions and female infanticide; and

(c) Undertake gender impact studies when planning programmes relating to economic and social policies.

...

444. The Committee welcomes the establishment of toll-free “childlines” in about 50 different cities/districts with the support of the Government, in accordance with section 32 (1) (iii) of the Juvenile Justice (Care and Protection of Children) Act 2000 and with the strong and crucial involvement of NGOs, but is concerned at the slow pace of establishment of these “childlines” in all districts of the country. The Committee is further concerned that calls for help and support from children via these “childlines” do not always receive an adequate response owing to the lack of capacity of existing services.

445. The Committee recommends that the State party provide the necessary human and financial support for the establishment and reinforcement of toll-free “childlines” in all districts of the State party and set as a target the date of the submission of its next report to the Committee. Furthermore, the Committee recommends that the State party take the necessary measures to support the existing services, in particular the NGOs, to respond adequately to the calls for help from children (or on their behalf) and, if necessary, for the establishment of new services.

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 587 and 588.

587. The Committee welcomes the Law on Asylum of 1999 and the amendments to the Law on Aliens of 2002 which stipulate that cases involving children and adolescents should be given priority and processed quickly and that a legal guardian should be appointed to separated children in deportation procedures. The Committee is, however, concerned about reports that unaccompanied children are not provided with adequate

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support during the asylum procedure and that the appointment of a legal guardian to such children takes too long.

588. The Committee recommends that the State party ensure the effective implementation of the Law on Asylum and the amendments to the Law on Aliens concerning asylum claims involving children and the appointment of a guardian to unaccompanied children. The State party should ensure that reception centres have special sections for children and that necessary support, including access to education, is given to children and families throughout the process with the involvement of all authorities concerned with a view to finding durable solutions in the best interests of the child.

- El Salvador, CRC, CRC/C/140 (2004) 8 at para. 54

54. In the light of article 8 of the Convention, the Committee recommends that the State party assume an active role in efforts to trace the children who disappeared during the armed conflict, and, in line with the Human Rights Committee, encourages the State party to proceed with plans to establish a national commission with adequate resources and capacity to trace the disappeared children. It also encourages the State party to ratify the Inter-American Convention on the Forced Disappearance of Persons.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 328 and 329.

328. The Committee is seriously concerned that respect for the inherent right to life of a person under 18 is not fully guaranteed under the law in the State party. The Committee is particularly concerned about the applicability of the death penalty for crimes committed by children aged 16 and 17 years of age and emphasizes that such a penalty is in violation with article 37 (a) of the Convention.

329. The Committee urges the State party to amend its Penal Law in accordance with article 37 (a), and to abolish by law the imposition of the death penalty for crimes committed by persons under 18 years of age and replace the already issued death sentences for children under 18 with a sanction in accordance with the Convention.

- Myanmar, CRC, CRC/C/140 (2004) 81 at para. 400.

400. The Committee recommends that the State party recognize that all persons below the age of 18 are entitled to special protection measures and specific rights as enshrined in the Convention, and that it raise the minimum age for criminal responsibility to an

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internationally acceptable age...

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 342, 343, 360 and 361.

342. The Committee expresses grave concern about the situation of children with disabilities and regrets that *de facto* discrimination against them still exists. The Committee notes with concern the lack of specific legislation which would ensure full and equal participation in social life, including access to social and health services, education, training, information and communication, rehabilitation, recreation and care, for children with disabilities. The Committee is concerned about the lack of basic services supporting children with disabilities and of adequate financial and human resources partially caused by the closing of the Disability Services Division, resulting in a situation in which the non-governmental organization CARE-Belize can only provide very limited services for children with disabilities...

343. The Committee urges the State party, taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993, annex) and the recommendations adopted by the Committee at its day of general discussion on “The rights of children with disabilities” (see CRC/C/69, paras. 310-339):

(a) To enact special legislation dealing exclusively with disability issues, including access to social and health services, rehabilitation, support services, physical environment, information and communication, education, recreation and sports, in order to achieve the objectives of full participation and equality for children with disabilities;

(b) To initiate and plan a comprehensive national policy for children with disabilities and to allocate the necessary financial and human resources to implement the plan;

(c) To consider the establishment of a national focal point on disability issues to strengthen coordination between governmental and non-governmental actors;

(d) To integrate education for children with disabilities into national educational planning and curriculum and to include children with disabilities in the mainstream school system to the extent possible, including by providing the necessary financial and human resources for the training of teachers;

...

360. The Committee...notes with concern that the sex offence legislation of the State party is discriminatory, leaving boys without equal legal protection from sexual assault and abuse. Furthermore, the reported cases of the so-called “sugar daddies”, adult men having sexual relations with girls and providing both girls and their families with



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monetary and material benefits in exchange for sex, give rise to serious concerns.

361. The Committee recommends that the State party continue and strengthen its efforts:

...

(b) To take all necessary measures to effectively prevent, and protect all children from, trafficking, sexual exploitation and child pornography, including through implementing the Trafficking in Persons (Prohibition) Act, and to provide the recently established Task Force with adequate financial, human and technical resources;

(c) To develop adequate systems of prevention and early detection and investigation of cases of sexual exploitation and ensure that perpetrators are prosecuted;

...

(e) To critically review its sex offence legislation in order to ensure equal legal protection from sexual assault and abuse for girls and boys;

(f) To pay particular attention to the phenomenon of the so-called “sugar daddies” and existing risk factors, such as the growing tourism in the region, and to take all necessary preventive measures, in close cooperation with the tourism industry, in this respect;

(g) To introduce awareness-raising campaigns for children, parents and other caregivers, in order to prevent trafficking, sexual exploitation and pornography involving children, and to strengthen its cooperation with NGOs in this respect.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 482 and 483.

482. The Committee continues to be concerned about legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code, which gives parents the right to physically discipline their children within non-defined “normal limits”. In the Committee’s view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited.

483. The Committee recommends that the State party:

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(a) Continue and strengthen its efforts, including through legislative and other measures, to prohibit and prevent all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family, in schools, and in other institutions, and take the necessary legislative measures to ensure that all those who sexually abuse children are punished without discrimination;

(b) Initiate public education campaigns against the use of all forms of violence against children and encourage alternative forms of discipline;

(c) Promote and support the effective operation of the child helpline, established in 2001, to allow children to seek advice and counselling in cases of, inter alia, abuse and neglect;

(d) Ensure the protection of victims of child abuse, including during investigation and court proceedings of child abuse cases. Such protection should include the provision of legal assistance, psychosocial assistance, child medical experts and the necessary facilities for hearing child abuse cases in court, such as video recording or closed-circuit television.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 708, 709, 720-722, 735 and 736.

708. The Committee is deeply concerned about:

(a) Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion;

(b) Generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and

(c) Lack of adequate measures taken by the State party to prevent and combat violence, abuse and neglect against women and children.

709. The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:

...

(b) Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take

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effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;

(c) Give attention to addressing and overcoming sociocultural barriers, especially the submission and acceptance of maltreatment on the part of girls and women, which inhibit them from seeking assistance;

(d) Provide care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not re-victimized in legal proceedings and that his/her privacy is protected;

(e) Train parents, teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of ill-treatment cases, using a multidisciplinary approach;

...

720. The Committee welcomes the introduction of a bill on violence against women in Parliament in May 2003, aimed to prohibit forms of violence such as harmful traditional practices and domestic violence, including marital rape. However, it reiterates its concern at the widespread and continuing existence of harmful traditional practices in the State party, most notably the practice of female genital mutilation, as well as scarification and ritual killing of children which pose very serious threats to children, in particular girl children.

721. The Committee is concerned at the lack of legal prohibition and sufficient interventions on the part of the State party to address harmful traditional practices. The Committee is also concerned at the lack of support services available to protect girls who refuse to undergo female genital mutilation and of services to rehabilitate girl victims of that practice.

722. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt federal legislation prohibiting such practices and encourage further legal changes at the State level, in particular, female genital mutilation, as well as measures to provide support for girls at risk and girls who refuse to undergo female genital mutilation, and provide recovery services for victims of this harmful traditional practice.

...

735. The Committee is of the view that implementation of the existing legislation is not effective, and is deeply concerned that the number of children who fall victim to sexual exploitation is on the increase in the State party. The Committee also notes with

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concern that reports of sexual assaults and rape of young girls are on the increase, especially in the north. The Committee is concerned that children victims of sexual exploitation often do not receive adequate protection and/or recovery assistance, but may even be treated as perpetrators of a crime.

736. The Committee recommends that the State party:

...

(b) Take appropriate legislative measures and develop an effective and comprehensive policy to prevent and combat sexual exploitation of children and child pornography, including the factors that place children at risk of such exploitation;

(c) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases, in a child-sensitive manner that protects children and respects the privacy of the victim;

(d) Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counselling are provided to victims, and that victims that cannot return to their families are provided with adequate alternative solutions and are institutionalized only as a last resort;

(e) Avoid criminalizing child victims of sexual exploitation in all circumstances; and

...

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 127, 130, 153-155, 158 and 159.

127. While noting that the provisions of the Revised Penal Code (Republic Act No. 3815) and the Act to Impose the Death Penalty on Certain Heinous Crimes, which amended the Revised Penal Code (Republic Act No. 7659), explicitly prohibit the imposition of the death penalty on persons below the age of 18 years at the time the crime was committed, the Committee expresses its deep concern at the cases where children, that is persons below the age of 18, have been placed on death row without definite proof of their age.

...

130. The Committee...urges the State party to take all necessary steps to prevent the execution of children sentenced to death and replace their death sentences with sanctions which are in compliance with the Convention and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33). The State party should also take immediate legislative and other measures to oblige authorities, such as police, prosecutors, defence, judges and social workers, to present evidence in courts regarding the precise age of an accused person, or if failing to do so give a person the benefit of the doubt, in order to ensure that persons under 18 years of age are not sentenced to death or another adult punishment.

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...

153. The Committee is deeply concerned about the increasing reports of cases of child abuse and neglect in the State party and the notable deficiencies in the domestic legislation as regards penalizing all forms of abuse, neglect and mistreatment, including sexual abuse. In addition, the Committee deeply regrets the alleged cases of sexual abuse of children in the framework of religious institutions.

154. The Committee urges the State party to review its domestic legislation in order to penalize all forms of abuse, including sexual abuse, neglect, mistreatment and violence against children and to clearly define these crimes against children, including incest. The Committee recommends to the State party that it take effective measures to prevent and protect children from sexual abuse and exploitation in the framework of religious institutions, including by investigating the magnitude of such cases and by ensuring that the perpetrators of such abuse are brought to justice and that officials of religious institutions are held accountable in these cases of sexual abuse and the exploitation of minors.

155. The Committee urges the State party to conduct timely and adequate investigations of all cases of child abuse and violence with full practice of the rights of the child victim in legal proceedings, for example by allowing videotaped evidence, in order to bring perpetrators to justice and to ensure that child victims of violence and abuse have access to adequate counselling and multidisciplinary assistance with recovery and reintegration.

...

158. Welcoming the State party's efforts to eliminate discrimination against children with disabilities and to promote their integration into society with equal opportunities, *inter alia*, by implementing the Programme on Community-based Rehabilitation, the Committee is concerned about the *de facto* discrimination faced by children with disabilities and their invisible role in society. The Committee notes with concern the inadequate implementation of domestic disability legislation, for example, the Magna Charta for Disabled Persons (Republic Act No. 7277 enacted in 1992) and the relevant provisions of the Child and Youth Welfare Code, particularly at the local level. The Committee is concerned that many children with disabilities live in poverty and their access to social and health services and education is limited. Furthermore, deeply rooted misbeliefs and prevailing prejudices against children with disabilities in Philippine society give cause for concern.

159. In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), the Committee recommends that the State party take all necessary measures to:

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(a) Prevent and prohibit all forms of discrimination against children with disabilities and ensure equal opportunities for their full participation in all spheres of life by implementing the domestic disability legislation and the national Community-based Rehabilitation Programme and by including disability aspects in all relevant policymaking and national planning;

...

(c) Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs;

(d) Provide children with disabilities with access to adequate social and health services and the physical environment, information and communication;

(e) Strengthen its efforts to raise awareness on children with disabilities, including their rights, special needs and potential, in order to change negative attitudes, misbeliefs and prevailing prejudices against children with disabilities by initiating and supporting public information campaigns;

...

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 334, 335, 362 and 363.

334. Given the significant number of Nepalese children who are adopted by foreigners and in the context of the current armed conflict in the State party, the Committee is concerned at the lack of a clear policy and appropriate legislation on intercountry adoption, which results in various practices, such as trafficking and smuggling of babies.

The Committee is particularly concerned about the absence of due judicial process, including technical assessment of the capacity of the parents or guardians, in cases involving termination of the parental responsibility. The Committee also expresses concern regarding the practice of the so-called informal adoption, which may entail exploitation of children as domestic servants.

335. The Committee recommends the State party to develop and implement policies and legal provisions regarding intercountry adoption to guarantee that the practice of this form of adoption is in full conformity with the principles and provisions of the Convention, in particular, article 21. In this regard, the Committee recommends the State party to, in particular:

...

(b) Review the current mechanisms and procedures for domestic and intercountry adoption, particularly the role and the responsibilities of the national and district level

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decision-making bodies with a view to ensuring that professionals responsible for adoption cases are fully equipped with the technical expertise needed to review and process cases in the light of the Hague Convention;

(c) Develop and implement strict criteria for the adoption of Nepalese children, ensuring in particular that reasonable time is given for an effective tracing of the parents or close relatives of children separated from them as a result of the armed conflicts, and abolish the provisions in the Conditions and Procedures made to provide Nepalese Children to Foreign Nationals for Adoption (2000), that states that poverty of the parents of a child can be a legal ground for adoption;

(d) Ensure that exhaustion of all means to prevent termination of parental responsibility and/or separation of the child is set as a clear criteria in all cases involving adoption;

...

362. The Committee is highly alarmed by the number of children who were killed in armed conflicts in the State party. The Committee notes with grave concern the reports of abduction and forcible conscription of children by the armed groups for political indoctrination and for use as combatants, informants, cooks or porters and as human shields. The Committee is equally concerned that Government forces target under 18s suspected of being members of the armed groups and about the highly alarming reports of disappearances and arbitrary detention and of Government forces allegedly using children as spies and messengers. The Committee is also deeply concerned that there are reports of detention of children under the 2004 amendment to the Terrorist and Disruptive Activities (Control and Punishment) Ordinance. The Committee is concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them.

The Committee also expresses concern about children who were separated due to the conflict, including children who have fled to India, and that little efforts have been taken by the State party to reunite these families. The Committee is also concerned about the negative impact of the armed conflict on food supplies, education and health care.

363. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human and financial resources accordingly. In particular, the Committee recommends that the State party:

(a) Criminalize abduction, recruitment and use of children for military purposes by any armed forces or armed group;

(b) Establish a separate Rule of Engagement for its security forces with regard to children;

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(c) Amend or repeal the Terrorist and Disruptive Activities (Control and Punishment) Ordinance in the light of the international juvenile justice standards and norms;

(d) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees;

(e) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of informal education programmes and by prioritizing the rehabilitation of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas;

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 552 and 553.

552. While acknowledging that the State party is aware of the grave magnitude and negative repercussions of abuse and violence against children and that it has taken measures to prevent it, the Committee remains concerned at the persistence of this problem. The Committee is particularly concerned at the absence of a legal framework to protect children from incest.

553. In the light of the recommendations adopted by the Committee on its days of general discussion on violence against children within the family and in schools (see CRC/C/111) and on State violence against children (see CRC/C/100), the Committee recommends that the State party:

(a) Take all appropriate measures to address and prevent domestic violence, whether physical or mental, including violence against women, within the family, *inter alia*, by implementing the Law against Domestic Violence, adopted in May 2004, and to ensure the full protection of children against this type of violence;

...

(c) Take steps to end the sexual abuse of children, including through establishing a legal framework to protect children from incest, improving the access of children and adults to reporting mechanisms, giving its full support to a toll-free three-digit telephone helpline open 24 hours per day, and increasing the investigation of cases and the prosecution of persons responsible;

(d) Raise awareness among the public of the problem of domestic violence, with a view to changing public attitudes and traditions that inhibit victims, particularly women and girls, from reporting it, and strengthen its cooperation with non-governmental organizations, such as the National Centre Against Violence, working in this field;



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(e) Investigate cases of domestic violence and sexual abuse, through a child-sensitive judicial procedure, and ensure that sanctions be applied to perpetrators with due regard given to guaranteeing the right to privacy of the child; and

(f) Address the shortage of child psychiatrists, psychologists, social workers and other professionals in order to provide child victims and perpetrators of sexual abuse and violence against children with adequate access to counselling and other recovery and reintegration-related services.

- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 630-632.

630. While the Committee welcomes the National Plan of Action 2001-2006 for the prevention of domestic and sexual violence and the fact that children who are victims of abuse can directly file a complaint, it is concerned that domestic violence and abuse of children is an increasing phenomenon in Nicaraguan society.

631. The Committee, reiterating its previous recommendation, urges the State party to strengthen its efforts in order to address ill-treatment of children within the family and reinforce the mechanisms monitoring the extent of the forms of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, schools, in institutional or other care, of a welfare, educational or penal nature. The Committee also recommends that the State party ensure adequate protection of child victims of abuses and avoid re-victimization of children who are involved in legal procedures, *inter alia*, by accepting videotaped testimony of children as admissible evidence in court.

632. Furthermore, the Committee encourages the State party to establish a toll-free child helpline service, which would give easy access to children in need of care and protection to counselling and support, and to provide it with adequate means in order to be able to give appropriate follow-up to the requests made.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 706, 707, 726 and 727.

706. With reference to its previous recommendation (CRC/C/15/Add.117, para. 20) concerning the prevention of abuse and ill-treatment of children, the Committee notes the effort made by the State party to address the problems of child abuse and neglect, *inter alia* by promoting the reporting of alleged cases of child abuse, the waiver of civil/criminal responsibility in case of reporting in good faith, the establishment of a protocol for dealing with cases of child abuse and the functioning of the helpline 911.

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But the Committee is concerned that the provision of services to child victims is to a large degree left to non-governmental organizations and that a comprehensive prevention policy has not been developed.

707. The Committee recommends the State party to strengthen its efforts to combat child abuse and neglect in particular by actively supporting helplines such as 911 and *Línea cuenta conmigo*, increase its support to non-governmental organizations and implement programmes under PANI's responsibility to ensure that child victims do receive the necessary protection, counselling and other support. The Committee also recommends the review of existing legislation in order to ensure that legal procedures dealing with cases of child abuse are child sensitive, do respect the child's privacy and prevent revictimization of the child, *inter alia*, by accepting videotaped testimony of the child victim as admissible evidence. The Committee further recommends the State party to develop and implement a comprehensive policy for the prevention of child abuse and neglect...

...

726. With respect to indigenous communities, the Committee takes note of the State party's efforts to increase the number of schools providing bilingual education. It is however concerned at the insufficient number of indigenous teachers and schools, and at the fact that education does not fully take into account indigenous culture.

727. The Committee recommends that the State party continue to increase the number of indigenous schools and adequately trained indigenous teachers, and ensure the right of indigenous children to learn to read and write in their own language through methods adapted to their own culture. The Committee recommends that the State party provide relevant information to indigenous children and their communities on, *inter alia*, birth registration procedures, reproductive health, HIV/AIDS, child abuse and neglect, child labour and sexual exploitation in order to raise awareness of their rights. The Committee further recommends that the State party strengthen mechanisms for the collection of data on children so as to identify existing gaps and barriers to the enjoyment of human rights by indigenous children, and with a view to developing legislation, policies and programmes to address such gaps and barriers.