

EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - Violence Against Women

III. CONCLUDING OBSERVATIONS

CERD

- Bosnia and Herzegovina, CERD, A/48/18 (1993) 87 at para. 467.

Grave concern is expressed about the massive, gross and systematic human rights violations occurring in the territory of Bosnia and Herzegovina, as well as practices of "ethnic cleansing," including forced population transfers, torture, rape, summary executions, the blockading of international humanitarian aid and the commission of atrocities for the purpose of instilling terror among the civilian population. The lack of effective action to bring to an end these and other human rights violations is deplored.

- Guatemala, CERD, A/52/18 (1997) 14 at para. 80.

Concern is expressed that officials of the State party continue to enjoy impunity from criminal prosecution for abusing and violating the human rights of poor people, especially indigenous people and women. This leads people to take the law into their own hands and has resulted in a significant number of lynchings, a situation which reflects the despair and lack of confidence of the population in the effective exercise of justice.

- Peru, CERD, A/54/18 (1999) 21 at para. 155.

Major shortcomings in the health services provided for the rural population in the Andes and in the Amazonia are noted, as are allegations of forced sterilization of women belonging to indigenous communities.

- Liberia, CERD, A/56/18 (2001) 70 at paras. 436 and 440.

Paragraph 436

Grave concern is expressed about the numerous reported instances of discrimination based on ethnicity. Reports of extrajudicial killings, allegations of torture and rape, and the lack of accountability of perpetrators, including government security forces, for these abuses are of particular concern.

Paragraph 440

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The State party should guarantee swift and thorough investigation and prosecution of acts of violence against persons belonging to ethnic and racial groups.

ICCPR

- Yugoslavia (Serbia and Montenegro), ICCPR, A/48/40 vol. I (1992) 87 at para. 386.

Various concordant sources of information describe mass arrests, summary and arbitrary executions, enforced or involuntary disappearances, torture, rapes and looting committed by Serbian nationalists both in Croatia (Krajina) and in Bosnia and Herzegovina. It is reported that some 20 camps are controlled by these armed men and that they are holding thousands of civilians, women, children and elderly people in conditions unworthy of the respect due to the human person. Massive violence has been unleashed, *inter alia*, against Dubrovnik and Vukovar and is still being directed against Sarajevo. It is also observed that the means deployed and the interests involved demonstrate the existence of links between the nationalists and Serbia, which invalidates the Federal Government's claim to be exempt from responsibility. The purpose of these acts is to displace or eliminate Muslims, Croats or other nationalities and thus constitute ethnically homogeneous areas. This situation is strongly deplored and it is regretted that the Federal Government refuses to acknowledge its responsibility for such acts on the grounds that they were committed outside its territory.

- Ireland, ICCPR, A/48/40 vol. I (1993) 129 at para. 614.

While measures recently taken to strengthen legislation with regard to violence against women are welcome, the relevant laws and protections should also extend to cohabiting couples.

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

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

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

Paragraph 207

Despite constitutional guarantees of the rights of women, they continue to receive unequal treatment in Paraguay, owing in part to outdated laws that clearly contradict the provisions of the Covenant. This includes laws that are more lenient in instances of infanticide committed to protect the honour

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of a woman than in ordinary cases of homicide, and laws that make distinctions in the punishment accorded to persons who rape or abduct women depending on the marital status of the victim.

Paragraph 218

All national legislation on women should be reviewed with a view to modernizing the outdated legal standards currently in force to bring them into line with the relevant provisions of the Covenant. The State party should review its laws on criminal offences committed against women and all labour laws that discriminate against women and take the measures necessary to overcome traditional attitudes concerning the role of women in society.

- Haiti, ICCPR, A/50/40 vol. I (1995) 46 at para. 230.

The effects of the Amnesty Act, agreed upon during the process which led to the return of the elected Government of Haiti, are of concern. It is of concern that, despite the limitation of its scope to political crimes committed in connection with the *coup d'état* or during the past regime, the Amnesty Act might impede investigations into allegations of human rights violations, such as summary and extrajudicial executions, disappearances, torture and arbitrary arrests, rape and sexual assault, committed by the armed forces and agents of national security services. An amnesty in wide terms may promote an atmosphere of impunity for perpetrators of human rights violations and undermine efforts to re-establish respect for human rights in Haiti and prevent a recurrence of the massive human rights violations experienced in the past.

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at paras. 285 and 299.

Paragraph 285

The Committee is concerned at the practice which allows male prison officers access to women's detention centres and which has led to serious allegations of sexual abuse of women and the invasion of their privacy.

Paragraph 299

Existing legislation that allows male officers access to women's quarters should be amended so as to provide at least that male officers will always be accompanied by women officers.

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

The high level of family violence within the country is of concern. The Covenant requires States parties to implement measures of protection.

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

The extent of rape and domestic violence and the inadequate efforts made by the authorities to deal with these problems are alarming.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at para. 433.

Law enforcement officers, the judiciary and the legal profession should receive information and education to ensure that laws which protect women from violence are fully enforced and that the interpretation of laws, such as those relating to the doctrine of provocation, does not unfairly discriminate against women.

- Peru, ICCPR, A/52/40 vol. I (1997) 28 at paras. 160 and 167.

Paragraph 160

It is noted with concern that the law still contains a provision exempting a rapist from punishment if he marries his victim and another which classifies rape as an offence prosecutable privately. It is also of concern that abortion gives rise to a criminal penalty even if a woman is pregnant as a result of rape, and that clandestine abortions are the main cause of maternal mortality. Those provisions not only mean that women are subject to inhumane treatment but are possibly incompatible with articles 3, 6 and 7 of the Covenant.

Paragraph 167

Peru must ensure that laws relating to rape, sexual abuse and violence against women provide women with effective protection and must take the necessary measures to ensure that women do not risk their lives because of the existence of restrictive legal provisions on abortion.

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

Paragraph 287

Violence against women remains a major threat to the right to life and needs to be more effectively addressed.

Paragraph 300

Priority should be given to protecting women's right to life by taking effective measures against

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violence and by ensuring access to safe contraception. Measures should be taken to prevent and eliminate persisting discriminatory attitudes and prejudices against women, notably through education and information campaigns.

- India, ICCPR, A/52/40 vol. I (1997) 67 at paras. 431 and 438.

Paragraph 431

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

Paragraph 438

Concern is expressed at allegations that police and other security forces do not always respect the rule of law and that, in particular, court orders for *habeas corpus* are not always complied with, particularly in disturbed areas. Concern is also expressed over the incidence of custodial deaths, rape and torture, and at the failure of the Government of India to receive the United Nations Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment. Therefore, it is recommended that legislation for mandatory judicial inquiry into cases of disappearance and death, ill-treatment or rape in police custody be enacted early, and special measures be adopted to prevent the occurrence of rape of women in custody.

- Senegal, ICCPR, A/53/40 vol. I (1998) 14 at para. 62.

The persistence of violence against women, including spousal abuse, is of concern. Therefore, specific attention should be given in the law to the problem of domestic violence. The need for information and education campaigns to prevent and combat any form of physical violence against women is stressed.

- Jamaica, ICCPR, A/53/40 vol. I (1998) 17 at para. 80.

The incidence of domestic violence against women is of concern. Therefore, increased efforts should be made to sensitize the population to the need to respect women's dignity, legislation should ensure ready access to remedies for violations of women's human rights, and social and educational programmes should be pursued to ensure the upholding of women's rights by way of abolishing all

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discrimination.

- Lithuania, ICCPR, A/53/40 vol. I (1998) 31 at para. 168.

Additional measures should be taken to prevent, investigate and prosecute cases of violence against women, including domestic violence, and abuse of children, including sexual abuse, and to promote the right of women and children to personal security.

- Cyprus, ICCPR, A/53/40 vol. I (1998) 34 at para. 191.

The new law on prevention of violence within the family has not produced the expected positive results and the State party is urged to adopt appropriate measures to improve the situation. A reform of the law of evidence should take into account the possibility of eliminating obstacles to a spouse providing testimony against another spouse on domestic violence.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 36 at para. 216.

The extent and persistence of domestic violence against women is of concern. Legislation should be passed to make marital rape a criminal offence. Educational campaigns should be undertaken and institutional mechanisms should be established to address all forms of violence against women, and to provide assistance to victims of violence.

- Uruguay, ICCPR, A/53/40 vol. I (1998) 39 at para. 242.

The new Code of Criminal Procedure is not in conformity with the Covenant. Provisions that the marriage to the accused of a victim of rape, even statutory rape, and of other criminal offences, extinguishes the criminal offence or the sentence handed down at the trial, to the benefit of a perpetrator who has subsequently married the victim, and particularly of all other participants in the offence, should be modified to conform to the Covenant.

- Finland, ICCPR, A/53/40 vol. I (1998) 41 at para. 257.

Recent efforts to safeguard the well being of women and children in domestic abuse situations by the establishment of nationwide crisis centres and shelters and the treatment of men who abuse, legislation to outlaw rape in marriage in 1994, and new measures to combat trafficking in women and

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children are noted with satisfaction.

- Ecuador, ICCPR, A/53/40 vol. I (1998) 43 at paras. 283 and 284.

Paragraph 283

All reported acts of violence against women should be investigated and appropriate judicial proceedings instituted.

Paragraph 284

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

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at para. 354.

The Committee is: appalled at the widespread massacre of men, women and children in a great number of villages and towns; seriously concerned that women have been the victims of not only killings, but also of abduction, rape and severe violence; concerned at the lack of timely or preventive measures of protection to the victims from police or military officials in the vicinity; and concerned at the persistent allegations of collusion of members of the security forces in terrorist attacks. The State party is urged to adopt effective measures:

- (a) To prevent those attacks and, if they nevertheless occur, to come promptly to the defence of the population;
- (b) To ensure that proper investigations are conducted by an independent body to determine who the offenders are and to bring them to justice; and
- (c) In all cases of massacres to conduct an independent inquiry into the conduct of the security forces, from the lowest to the highest levels, and where appropriate, to subject them to penal and disciplinary sanctions.

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- The Former Yugoslav Republic of Macedonia, ICCPR, A/53/40 vol. I (1998) 57 at para. 381.

Concerted action should be undertaken by all public authorities to reduce the incidence of domestic violence and to strengthen the remedies which are open to women who are subjected to it.

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 58 at paras. 395, 404 and 408.

Paragraph 395

Recent changes in the law that criminalize rape between separated spouses and the practice of female genital mutilation, and which give a court power to hear sexual abuse cases in private, are appreciated. However, traditional customs inhibit complaints on these matters, and marital rape as such is not recognized as a criminal offence. The Committee recommends that information be promulgated about these remedies and that the State party take action to support women who are entitled to take advantage of them (articles 3 and 26).

Paragraph 404

Resources should be made available to remedy overcrowding, rape and other sexual abuse of female prisoners, and failure to comply with minimum standards. Training in human rights should be given to prison officers, and a sufficient number of female officers should be recruited to ensure that only such officers are in charge of female prisoners. The Committee also urges that alternatives to a sentence of imprisonment be made more widely available to the courts and that the judiciary be encouraged to use these alternatives, in appropriate cases, when passing sentence.

Paragraph 408

Specific revisions should be introduced in legislation to provide civil and criminal remedies for domestic violence against the person responsible.

- Armenia, ICCPR, A/54/40 vol. I (1999) 31 at para. 112.

Specific protection should be given and punitive measures should be taken with respect to all forms of violence against women, including rape.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 35 at para. 137.

The law still does not provide adequate protection to women in respect of domestic violence and rape.

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- Japan, ICCPR, A/54/40 vol. I (1999) 41 at para. 172.

The Committee continues to be gravely concerned about the high incidence of violence against women, in particular domestic violence and rape, and the absence of any remedial measures to eradicate this practice. The Committee is troubled that the courts in Japan seem to consider domestic violence, including forced sexual intercourse, as a normal incident of married life.

- Costa Rica, ICCPR, A/54/40 vol. I (1999) 55 at para. 281.

All measures necessary should be taken to protect women from domestic violence and violence against women, including the enactment of appropriate legislation.

- Cambodia, ICCPR, A/54/40 vol. I (1999) 59 at paras. 305 and 309.

Paragraph 305

Action should be taken without delay to prevent the physical and mental coercion of accused persons, the beating of detainees, the rape of women prisoners by prison guards, and the use of shackles and chains in prisons. Action should also be taken without delay to investigate alleged violations and bring the perpetrators to justice, and ensure that confessions obtained by force are excluded from evidence, that women prisoners are guarded only by female warders, and that there are effective procedures for making and investigating complaints by prisoners and detainees.

Paragraph 309

Steps should also be taken to ensure respect for laws prohibiting marriage without full and free consent, and measures should be introduced to enable women to seek effective protection of the law in cases of domestic violence.

- Mexico, ICCPR, A/54/40 vol. I (1999) 64 at para. 328.

Effective measures should be taken to protect the security of women, to ensure that no pressure is brought to bear on them to deter them from reporting violations, such as abduction, murder, and the rape or torture of women in detention by security forces, and to ensure that all allegations of abuse are investigated and the perpetrators brought to justice.

- Poland, ICCPR, A/54/40 vol. I (1999) 66 at para. 347.

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In combatting domestic violence, legislation and administrative measures should be put in place to create a protective remedy in the civil courts and to provide sufficient hostels and refuges for family members suffering from domestic violence.

- Romania, ICCPR, A/54/40 vol. I (1999) 69 at para. 367.

Domestic violence cannot be resolved exclusively through penal sanctions. Appropriate action should be taken, in legislation and in practice, to provide women with access to protective measures before the courts in order to prevent renewed violence by potential aggressors.

- Morocco, ICCPR, A/55/40 vol. I (2000) 24 at paras. 100-103.

Paragraph 100

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

Paragraph 101

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

Paragraph 102

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

Paragraph 103

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

- Republic of Korea, ICCPR, A/55/40 vol. I (2000) 29 at paras. 136-138.

Paragraph 136

While welcoming the new legislation enacted by the State party for the prevention and punishment of domestic violence, the high level of such violence and the remaining inadequacies in law and practice remain of concern.

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Paragraph 137

Specifically, concern is expressed that the offence of rape requires evidence of resistance by the woman, that marriage to the victim of rape provides a defence to the accused, and that it appears that marital rape is not a criminal offence.

Paragraph 138

The new legislation on prevention and punishment of domestic violence should be strengthened by eliminating existing legal rules that weaken the protection of women against such violence.

- Congo, ICCPR, A/55/40 vol. I (2000) 43 at para. 272.

Victims of rape should be given necessary support and their reintegration should be ensured. Everything possible should be done to identify and prosecute the perpetrators of these crimes.

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

Many areas of concern remain in relation to discrimination against women and the inability of women fully to enjoy Covenant rights (articles 3 and 26 of the Covenant), in particular that perpetrators of domestic violence are not prosecuted, the necessity to prove violence in order to obtain a conviction for rape, and the failure to make marital rape an offense.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at para. 366.

Police and other law enforcement personnel should be trained to understand the importance of ensuring that women who are victims of violence are accorded equal protection and of enforcing preventive and punitive measures.

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 403 and 404.

Paragraph 403

Grave concern is expressed over the occurrence of violence against women and the increasing phenomenon of trafficking in women, which is aggravated by the economic hardship facing women in Kyrgyzstan (arts. 3, 7, 8).

Paragraph 404

The State party should ensure that existing laws relating to violence against women and trafficking

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are vigorously enforced; adopt effective measures to protect women; provide victims of violence and abuse with a measure of compensation and rehabilitation; and combat trafficking in all appropriate ways, including the prosecution and punishment of those responsible. Specific legislation on the prohibition and punishment of domestic violence and trafficking in women should be enacted.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at paras. 444, 445 and 450.

Paragraph 444

That the circumstances in which women may lawfully obtain an abortion are restricted to when the life of the mother is in danger and do not include, for example, situations where the pregnancy is the result of rape, is of concern.

Paragraph 445

The State party should ensure that women are not compelled to continue with pregnancies where that is incompatible with obligations arising under the Covenant (art. 7) and General Comment No. 28.

Paragraph 450

Remedies should be improved for victims of domestic violence.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at para. 72(4).

Improvements to the remedies provided in cases of domestic violence, together with specialized personnel now available to assist victims, including the Domestic Violence Unit set up by the Ministry of Culture and Gender Affairs, are commended.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at paras. 74(14) and 74(15).

Paragraph 74(14)

On the issue of reproductive health rights, the criminalization of abortion deters medical professionals from providing this procedure without judicial order, even when they are permitted to do so by law, *inter alia* when there are clear health risks for the mother or when pregnancy results from rape of mentally disabled women. Women should be given access to family planning methods and sterilization procedures; and in cases where abortion procedures may lawfully be performed, all obstacles to obtaining them should be removed. Argentine law should be amended to permit abortions in all cases of pregnancy resulting from rape.

Paragraph 74(15)

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

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

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

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at paras. 77(17) and 77(20).

Paragraph 77(17)

The level of violence against women is of concern, including the many reported cases of kidnapping and murder that have not resulted in arrests or prosecution of those responsible. The many allegations of rape or torture of women in custody by members of the security forces, offences these women do not dare to report, are also of concern. All the foregoing give rise to serious concerns in the light of articles 6 and 7 of the Covenant. The State party should take effective measures to guarantee women's safety, ensure that no pressure is put on them to dissuade them from reporting such violations, ensure that all allegations of abuses are investigated and ensure that those committing such acts are brought to justice.

Paragraph 77(20)

The continued existence of a legal provision exempting a rapist from any penalty if he marries the victim is of concern. The State party should immediately repeal this legislation, which is incompatible with articles 3, 7, 23, 26, 2 (3) and 24 of the Covenant, particularly taking into account the early age at which girls can enter into marriage.

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

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The greater level of participation of women in political life is welcomed but concern is expressed over a number of issues where the rights of women are not properly respected, especially their rights to legal equality, equal opportunities in the workplace, their still limited participation in public and private life, and levels of domestic violence. The establishment and work of the Department for the Advancement of Women is a positive development for combatting the domestic violence, rape and sexual abuse to which many women are subjected. The State party should provide the necessary support to the Department for the Advancement of Women to enable it to achieve its goals.

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at para. 79(19).

The prevalence of violence against women, including domestic violence, is of grave concern. The State party should take effective measures to combat violence against women, including marital rape, and ensure that violence against women constitutes an offence punishable under criminal law. The State party should also organise awareness campaigns to address all forms of violence against women, including domestic violence, in order to comply fully with articles 3, 6, 7 and 26 of the Covenant.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at para. 83(14).

Reports of domestic violence are of concern. While welcoming public information campaigns and training of police, the absence of specific protection in law and in practice is of concern (arts. 3, 9, 36). The State party should adopt a policy and a legal framework necessary to combat domestic violence. Specifically, it should provide a framework for protection of a spouse who is subjected to violence or threats of violence.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at para. 85(24).

Concern is expressed about the continued existence of a legal provision exempting a rapist from any penalty if he marries the victim and about the continued requirement in the legislation that a woman must be “honest” for that offence to be held to have been committed. This legislation, which is incompatible with articles 3, 23, 26 and 2(3) of the Covenant, should be repealed immediately.

ICESCR

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

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

- Mauritius, ICESCR, E/1995/22 (1994) 37 at para. 172.

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

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at para. 73.

In all areas of life women suffer from discriminatory practices due to many factors, including long-standing cultural prejudice. In the home, the subjugation of women is evidenced by the very high levels of domestic violence against them.

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

Stronger judicial and other remedies should be made available to redress the grievances of women who suffer from domestic violence.

- Sweden, ICESCR, E/1996/22 (1995) 35 at para. 146.

The Government is urged to intensify its efforts to combat child pornography and domestic violence against women, as well as its measures for monitoring and registering all such cases. Attention is drawn to the need to ensure the imposition of appropriate penalties for such offences.

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

Paragraph 156

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

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Paragraph 164

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

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

Paragraph 263

The violence perpetrated against women is of concern. The Government and the authorities as a whole have not made all necessary efforts to understand and face the phenomenon of discrimination, by collecting and analysing relevant data, by trying to eliminate the phenomenon through legislative measures and education, and by providing protection to victims of discrimination and violence against women.

Paragraph 272

The establishment of institutions to provide protection and assistance to victims of violence and discrimination is recommended.

- Algeria, ICESCR, E/1996/22 (1995) 54 at paras. 294, 296 and 301.

Paragraph 294

The violence exercised against women in the family, and outside the family by fanatical groups, is of profound concern.

Paragraph 296

It is noted with concern that family violence, of which women are the principal victims, continues to be a problem, and is insufficiently addressed by the authorities in terms of either prevention or punishment.

Paragraph 301

Extensive consciousness-raising campaigns should be launched to prevent family violence. Adequate information should also be provided to the victims of such violence, with regard to their right to obtain compensation.

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- Paraguay, ICESCR, E/1997/22 (1996) 22 at para. 85.

Appropriate legal measures should be undertaken in relation to crimes of violence against women and children within or outside the family.

See also:

- Uruguay, ICESCR, E/1998/22 (1997) 67 at para. 381.

- Guatemala, ICESCR, E/1997/22 (1996) 29 at para. 129.

The continuing problem of violence against women and the insufficient attention paid to the problem by governmental institutions, which has led to its invisibility, is of serious concern.

- El Salvador, ICESCR, E/1997/22 (1996) 34 at para. 166.

Concern is expressed at the extent of the problem of violence against women, both within and outside the family, in Salvadoran society and its implications for the physical and mental health of women and their children.

- Guinea, ICESCR, E/1997/22 (1996) 39 at para. 204.

The Committee remains concerned about the cases of domestic violence against women and invites the Government to take appropriate action to remedy the situation.

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at para. 234.

Paragraph 234

The continuing problem of violence against women and the insufficient attention paid to the problem by governmental institutions are of serious concern.

- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 102 and 118.

Paragraph 102

Concern is expressed at the significant level of domestic violence against women and at the hesitation

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of the police in intervening to protect women or in bringing charges against their aggressors, despite the fact that the criminal law against violence against persons applies to violence against a woman by her husband.

Paragraph 118

Legislation should be adopted to protect women victims of domestic violence, and specific programmes should be put in place to assist such victims. The perpetrators of such acts should be brought to justice.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 221 and 238.

Paragraph 221

Concern is expressed about violence against women and children within the family.

Paragraph 238

The necessary measures should be taken to combat violence against women and children in the family.

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

Concern is expressed about domestic violence, which seems to be on the rise.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at para. 78.

It is noted that Sri Lanka not only has the second highest rate of suicide among youth in the world, but a rising incidence of drug and alcohol dependence, adolescent crime, child abuse, sexual disorders and domestic violence against women. It is deeply regretted that the Government has failed to comply with its obligations under article 10 of the Covenant (concerning protection of the family) and article 12.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at paras. 115, 117 and 133.

Paragraph 115

The continuing existence of legal provisions which permit the beating ("chastisement") of women by their husbands is condemned.

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Paragraph 117

The rising number of homeless women and young girls who are forced to sleep in the streets where they are vulnerable to rape and other forms of violence is of deep concern.

Paragraph 133

The Government is called upon to cease and prevent, in law and in practice, all forms of social, economic and physical violence and discrimination against women and children, especially the continuous, degrading and dangerous practice of female genital mutilation.

- Poland, ICESCR, E/1999/22 (1998) 32 at paras. 151 and 159.

Paragraph 151

The rising incidences of domestic violence and of trafficking of young women are of concern. The absence of specific regulations on sexual harassment of women, the lack of shelters for the women and children who are victims of family violence in 33 per cent of voivodships, and the apparent lack of counselling facilities for such victims are noted.

Paragraph 159

Sexual harassment against women should be prohibited by law. Shelters for women and children who are victims of family violence, with all necessary support facilities, including counselling and other assistance, should be provided in all voivodships.

- The Netherlands, ICESCR, E/1999/22 (1998) 37 at para. 183.

It is regretted that the statistical data on violence against women and child abuse have not been analysed and used to formulate measures to address these problems.

- Israel, ICESCR, E/1999/22 (1998) 43 at paras. 257 and 270.

Paragraph 257

The high incidence of domestic violence against women, which is estimated at 200,000 cases per year, is noted with grave concern.

Paragraph 270

Effective measures should be adopted to combat domestic violence against women and to promote equal treatment of women in the field of employment, including in the Government, and in education and health.

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- Cyprus, ICESCR, E/1999/22 (1998) 50 at paras. 287 and 295.

Paragraph 287

Serious concern is expressed at the incidence of domestic violence against women and children in Cypriot society. The Government appears to have failed to adopt an adequate prevention policy, to enforce fully the existing legislative measures to combat violence in the family, and to assist victims of such violence.

Paragraph 295

An appropriate policy should be adopted to prevent and tackle the problem of domestic violence against women and children in all its complexity. In this connection, the State party should financially assist the Association for the Prevention and Confrontation of Domestic Violence to set up, as soon as possible, its proposed women's shelter.

- Germany, ICESCR, E/1999/22 (1998) 54 at para. 319.

Of particular concern is violence against women, especially those who fall victim to marriage trafficking, trafficking for prostitution and exploitation.

- Switzerland, ICESCR, E/1999/22 (1998) 59 at para. 357.

The high incidence of domestic violence against women, which the State party has estimated at 110,000 cases per year, is noted with concern.

- Canada, ICESCR, E/1999/22 (1998) 63 at para. 403.

It is of concern that the significant reductions in provincial social assistance programmes, the unavailability of affordable and appropriate housing and widespread discrimination with respect to housing create obstacles to women escaping domestic violence. Many women are forced, as a result of those obstacles, to choose between returning to or staying in a violent situation, on the one hand, or homelessness and inadequate food and clothing for themselves and their children, on the other.

- Cameroon, ICESCR, E/2000/22 (1999) 56 at paras. 330 and 348.

Paragraph 330

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The lack of measures taken to eliminate domestic violence against women, which is still regarded as culturally acceptable by certain sectors of society, is deplored.

Paragraph 348

The State party is called upon to introduce specific legislation and policies to prohibit domestic violence and sexual harassment in the workplace, with a view to strengthening the protection of women.

- Georgia, ICESCR, E/2001/22 (2000) 30 at paras. 89 and 101.

Paragraph 89

It is noted with concern that the laws addressing violence against women and sexual harassment in the workplace are inadequate and insufficient.

Paragraph 101

The State party should take effective measures to combat violence against women, including appropriate legislation.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 120 and 133.

Paragraph 120

While commending the State party for its efforts to combat violence against women, concern remains that the Government has not yet devised a comprehensive, coordinated and concerted strategy to address this serious problem.

Paragraph 133

A national strategy to combat violence against women should be devised, the elements of which should include data collection, enactment of relevant legislation, training courses for and sensitizing of the police forces and the judiciary, establishment of refuges for battered women and public awareness-raising campaigns.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 162 and 177.

Paragraph 162

It is noted with concern that the problem of domestic violence against women is not being sufficiently addressed and that marital rape is not criminalized.

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Paragraph 177

The State party must enhance its strategies and programmes aimed at combating domestic violence. In this regard, the State party is urged to criminalize marital rape and combat this problem through information campaigns and educational programmes.

- Congo, ICESCR, E/2001/22 (2000) 43 at para. 202.

Domestic violence, including rape and beatings, is widespread but rarely reported, and there are no legal provisions for punishing the offenders.

- Jordan, ICESCR, E/2001/22 (2000) 49 at paras. 235, 236 and 250.

Paragraph 235

Despite the establishment of the Family Protection Unit and other efforts to address domestic violence, concern remains that violence against women is a serious problem. In particular, it is noted with concern that marital rape is not criminalized.

Paragraph 236

Concern is expressed at the fact that crimes against women perpetrated in the name of honour go unpunished.

Paragraph 250

Marital rape should be criminalized and appropriate penalties provided for perpetrators. Moreover, adequate procedures and mechanisms need to be established to receive complaints and monitor, investigate and prosecute instances of abuse. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. Programmes for the rehabilitation and reintegration of victims need to be strengthened.

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

Paragraph 270

The Committee deplores the lack of facilities and the inefficiency of remedies for victims of domestic violence, which is estimated to affect a third of the country's women.

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Paragraph 281

The State party is urged to organize public campaigns to raise awareness about domestic violence, to criminalize spousal rape and to provide victims with shelters and adequate remedies.

- Sudan, ICESCR, E/2001/22 (2000) 57 at para. 311.

Grave concern is expressed about the occurrence of flagellation or lashing of women for wearing allegedly indecent dress or for being out in the street after dusk, on the basis of the Public Order Act of 1996, which has seriously limited the freedom of movement and of expression of women.

- Portugal, ICESCR, E/2001/22 (2000) 70 at para. 414.

The phenomenon of violence against women, including marital violence, is a subject of concern.

- Finland, ICESCR, E/2001/22 (2000) 73 at para. 443.

While welcoming the several studies and projects concerning violence against women carried out in the past few years in Finland, it is noted with concern that the phenomenon has reached alarming proportions.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at paras. 89 and 99.

Paragraph 89

Alarm is expressed about the high rate of domestic violence, the extent of child prostitution and trafficking in children.

Paragraph 99

The State party is urged to take more effective measures to combat domestic violence against women and children.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 128 and 148.

Paragraph 128

Concern is expressed about the extent of domestic violence and the apparent inability of the State party to implement legislation against this phenomenon, particularly due to the lack of appropriate

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training of police and other law enforcement officials.

Paragraph 148

Existing legislation on domestic violence should be implemented vigorously and police and other law enforcement officials should be given better training to this end.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at para. 168.

The efforts to provide adequate housing for Hong Kong residents are commended. In particular, it is noted with appreciation that interim housing is provided for evicted squatters, victims of domestic violence and families separated by divorce.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at para. 226.

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

- Bolivia, ICESCR, E/2002/22 (2001) 52 at para. 292.

The State party is urged to combat violence against women by initiating a campaign with a view to combating negative traditional practices and prejudices and their effects and consequences. In this regard, the State party is called upon to ensure adequate financial and human resources to the implementation of the National Plan for the Prevention, Sanction and Eradication of Violence Against Women.

- Togo, ICESCR, E/2002/22 (2001) 57 at paras. 314 and 317.

Paragraph 314

Deep concern is expressed about the deteriorating human rights situation in the State party during the last three years, during which large-scale human rights violations, such as killings, extra-judicial

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executions, rapes, and bombing of houses have allegedly taken place, as examined in the report of the International Commission of Inquiry for Togo of 22 February 2001.

Paragraph 317

Violence against women continues to be a serious problem, with mechanisms for redress inadequately used and police rarely intervening in domestic violence cases, as well as the persistent occurrence of female genital mutilation of young girls, despite the governmental measures taken.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 332, 351 and 372.

Paragraph 332

The enactment of a law in January 1999 which criminalizes female genital mutilation, sexual harassment and domestic violence against women, is noted with appreciation.

Paragraph 351

There is concern about the lack of effective measures taken, including the enforcement of existing legislation, to eliminate all forms of violence against women.

Paragraph 372

All effective measures, including the enforcement of existing legislation and the adoption of national awareness campaigns, should be taken to eliminate all forms of violence against women.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at paras. 414 and 430.

Paragraph 414

Concern is expressed about the persistent occurrence of domestic violence against both women and children and the lack of legislation to criminalize such violence. Moreover, there is concern that there is no law against spousal rape.

Paragraph 430

Legislation and other measures should be adopted to combat domestic violence and spousal rape, and such legislation and other measures should be vigorously implemented in order to provide adequate protection to victims of such practices.

- Panama, ICESCR, E/2002/22 (2001) 73 at paras. 454 and 471.

Paragraph 454

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The persistence of domestic violence and the inability of the State party to apply the existing legislation is of concern. Concern is also expressed about cases of sexual harassment and the high rate of murder suffered by women.

Paragraph 471

With regard to Act No. 38 of 2001 on domestic violence, effective measures should be taken to vigorously disseminate and implement existing legislation on domestic violence. Police and other law enforcement officials should be given better training to this end.

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

Paragraph 491

Concern continues to be expressed at the situation of women in society and the insufficient measures taken to eliminate discrimination against them. Most low-paid workers and 80 per cent of the unemployed are women. They are also frequently victims of violence in the family and of sexual harassment in the workplace.

Paragraph 509

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

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 535, 549 and 560.

Paragraph 535

The high rate of domestic violence and the absence of specific legislation in this field is of concern.

Paragraph 549

It is noted with alarm that abortion is absolutely illegal and is considered a criminal offence, punishable by severe sentences, and cannot be carried out even when pregnancy is life threatening or the result of incest or rape.

Paragraph 560

Specific legislation should be adopted on domestic violence against women and children.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 587, 595 and 622.

Paragraph 587

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The recent measures aimed at improving the protection of women and children against violence are welcomed. These measures include the following: the Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protecting Children (1999), the Law on Proscribing Stalking Behaviour and on Assisting Victims (2000) the Child Abuse Prevention Law (2000) and the Law for the Prevention of Spousal Violence and the Protection of Victims (2001). The amendments to the Criminal Procedure Act, to protect victims of child abuse and sexual offences during legal proceedings (2001), and the formulation of a Plan of Action against Commercial Sexual Exploitation of Children (2001), are also welcomed.

Paragraph 595

In spite of domestic legislation adopted in 2001, concern is expressed about the persistent cases of domestic violence, sexual harassment and sexual exploitation of children.

Paragraph 622

The State party should strictly apply its domestic legislation and implement effective sanctions to the persons responsible for crimes involving domestic violence, sexual harassment, and the sexual exploitation of children.

CEDAW

- Zambia, CEDAW, A/49/38 (1994) 63 at para. 363.

Concern is expressed over acts of violence against women in the private sphere.

- Ecuador, CEDAW, A/49/38 (1994) 94 at para. 544.

The Government should pay particular attention to preventing and punishing violence against women.

- Bolivia, CEDAW, A/50/38 (1995) 25 at para. 99.

The Government of Bolivia should give particular attention to amending article 276 of the Penal Code to abolish the provision which inhibits a just solution to the problem of domestic violence.

- Uganda, CEDAW, A/50/38 (1995) 61 at paras. 332, 337 and 344.

Paragraph 332

Concern is expressed over the existing prevalent religious and cultural practices that perpetuate

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domestic violence and discriminate against women in the field of inheritance.

Paragraph 337

The harassment practised by the police against women who report on cases of violence is of concern.

Paragraph 344

It is necessary to develop an overall programme of prevention of violence against women and for attention to be given to the victims, which includes the need to educate the police to treat and handle the violated woman in such a way that their predicament will not be worsened. This creation of awareness is necessary since Uganda's draft Constitution recognizes this kind of treatment as illegal.

- Finland, CEDAW, A/50/38 (1995) 71 at paras. 391 and 395.

Paragraph 391

Although the recent criminalization of marital rape is noted as being a positive step towards removing the public-private distinction that had hitherto hindered governmental intervention, concern is expressed over patterns of violence against women, including incest, that have only recently become apparent and are presently a subject of governmental consideration.

Paragraph 395

Attention should be paid to issues of violence against women, sexual, domestic and otherwise, with particular sensitivity to the vulnerability of foreign and minority women.

- Peru, CEDAW, A/50/38 (1995) 79 at para. 438.

Reports of rape, gang rape and custodial rape which have been documented by human rights organizations, especially those occurring in the "emergency zones" and affecting indigenous and peasant women, are of concern.

- Croatia, CEDAW, A/50/38 (1995) 110 at paras. 585, 586 and 591.

Paragraph 585

Following the war in which Croatia was the victim, the situation of women in the occupied areas is alarming. Violations of the rights of women, including violence, rape and sexual abuse were perpetrated against women and girls because of their sex.

Paragraph 586

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It is noted with dismay that rape became systematic in nature and was used as a “weapon of war” in order to force women to undergo humiliation, torture and to leave their homes. The specific objective of the aggression was not only territorial gain, but also part of the policy of “ethnic cleansing.”

Paragraph 591

Above all, it is necessary to break the silence concerning the sexual abuse and aggression of which women are the victims, identify the guilty parties, bring them before national and international courts, and provide financial compensation to the victims.

- Colombia, CEDAW, A/50/38 (1995) 117 at para. 611.

All necessary steps should be taken to ensure that in cases of domestic violence, the aggressor is the one who leaves the residence instead of the woman attacked, as occurs in many places in the world.

- Iceland, CEDAW, A/51/38 (1996) 12 at para. 104.

The Government should adopt a public health approach to the issue of violence against women and facilitate the reporting of violence through primary health-care providers.

- Ethiopia, CEDAW, A/51/38 (1996) 19 at para. 148.

The issue of widespread female genital mutilation as well as the incidence of violence against women and girls and the insufficiency of measures to eradicate these problems are of great concern.

- Cuba, CEDAW, A/51/38 (1996) 26 at para. 222.

Surveys and studies should be undertaken to determine the extent and impact of violence against women, in particular domestic violence, even if unreported, and to take steps in accordance with General Recommendation 19.

- Rwanda, CEDAW, A/51/38 (1996) 36 at paras. 321, 325-328 and 330.

Paragraph 321

The Committee is dismayed at the deep psychological trauma, the unwanted pregnancies and the massive rape of women and girls during the genocide, which resulted in widespread HIV/AIDS and

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other sexually transmitted diseases. This can eventually lead to further illness and death for thousands of women and girls.

Paragraph 325

There must be a witness protection unit in the war crimes prosecutor's office to protect those who testify about rape, sexual violence and other crimes.

Paragraph 326

The monitoring unit of the Human Rights Field Operation in Rwanda must be educated and trained about sexual assault, rape and systematic rape. It is strongly recommended that in appointing monitors, women in particular be appointed, and that there be an emphasis on diversity of experience and familiarity with Rwanda's culture and languages.

Paragraph 327

Thorough investigations of rape and sexual assault must be conducted.

Paragraph 328

The Government should make every effort to include women in its rehabilitation efforts, at least on an equal basis with men.

Paragraph 330

Resolution 1995/5, entitled "Situation of human rights in Rwanda" and resolution 1995/14, entitled "Systematic rape and sexual slavery during periods of armed conflict," of the Subcommission on Prevention of Discrimination and Protection of Minorities should be implemented immediately.

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at paras. 101 and 109.

Paragraph 101

Victims of violence should receive support from the police, understanding of the dynamics of violence against women from judges, counselling and placement in shelters and, in particular, they should be assisted in rebuilding their lives.

Paragraph 109

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

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

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

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 177-179, 181, 183, 194 and 195.

Paragraph 177

Various articles of the Penal Code, including those relating to the abduction of single and married women and to adultery, which are in contradiction to article 2(f) of the Convention, are noted with deep concern. In particular, it is noted that a greater penalty is imposed for the rape of a woman who was a virgin.

Paragraph 178

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

Paragraph 179

The provisions of the Penal Code that allow less rigorous sanctions or penalties for "honour killings" are of concern. That concept contravenes the principles of respect for human life and the security of all persons, which are protected by all the international human rights laws.

Paragraph 181

The pervasive violence, in all its forms, perpetrated against women and girls and the inadequacy of legal and educational measures to combat such violence are of concern. That neither its General Recommendation 19 on violence against women nor the Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 of 20 December 1993, have been taken into consideration is also a concern. The law categorizing violence as a "crime against public decency and public order" contradicts the spirit of the Convention and contravenes the dignity of the person.

Paragraph 183

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

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Paragraph 194

Serious efforts are required to address violence against women, especially domestic violence, through legislation and comprehensive, gender-sensitive awareness-raising and education for the public in general and for law enforcement agencies, such as judges, lawyers and police, in particular. Battered women's shelters should be established and provided with adequate financial and human resources.

Paragraph 195

The practice of so-called honour killings, based on customs and traditions, is a violation of the rights to life and security of persons and therefore must be appropriately addressed under the law. The practice of virginity examinations in cases of alleged rape should be reviewed in a critical manner. Likewise, the State party should investigate whether coerced virginity examinations have been carried out on women in the investigation of sexual attacks or abuses or in any other circumstances.

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

Legislation that criminalizes abortion, even in cases of incest or rape, remains in force and is of concern.

- Denmark, CEDAW, A/52/38/Rev.1 part I (1997) 34 at para. 264.

The absence of a specific law on violence against women is noted as a principal deficiency.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at para. 64.

Due attention should be given to the subject of violence against women by: encouraging a public discussion of its various forms; initiating appropriate legislation; training law enforcement officers, judges and health professionals, including adequate numbers of female personnel, to identify, manage and eliminate the manifestations of violence against women; and guaranteeing that the necessary psycho-social and health services are available to victims of violence, with particular attention to internally displaced and refugee women.

- Namibia, CEDAW, A/52/38/Rev.1 part II (1997) 82 at paras. 107, 120 and 121.

Paragraph 107

The current inadequacy of the law on rape and other forms of violence against women is of concern.

Paragraph 120

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Immediate action should be taken to combat domestic violence. This should include such legal measures as amending the law on rape and extending it to include marital rape. The State courts should have sole jurisdiction in cases of sexual violence, and victims should be given better privacy and protection during court proceedings.

Paragraph 121

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

- Israel, CEDAW, A/52/38/Rev.1 part II (1997) 87 at para. 169.

Concern is expressed that, despite the existing legislation, cases of violence against women still occur frequently, owing in large measure to traditional ideas of the roles of women and negative societal attitudes towards the problem of violence against women.

- Italy, CEDAW, A/52/38/Rev.1 part II (1997) 106 at para. 359.

The Government should embark on public sensitization campaigns in relation to domestic violence in its various manifestations (sexual, physical, etc.) to ensure the protection of human rights of women and the girl child in the family. In particular, it is recommended that measures be introduced to encourage complaints and provide mechanisms for effective and timely response to such claims. Health professionals should be trained in the care and management of domestic violence cases. Measures should be introduced to increase the number of domestic violence shelters throughout Italy.

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at para. 402.

A comprehensive strategy to eliminate violence against women should be adopted following the National Domestic Violence Summit, with an emphasis on prevention and with sufficient funding. Ways should be found to involve women's groups in the development of strategies to reduce violence in the media, including electronic media, and they should participate in the development of regulatory codes of practice of the media. The Government should further assess its monitoring and enforcement responsibilities in that regard.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at paras. 436, 447 and 454.

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Paragraph 436

The alarming levels of violence against women in all its forms and especially its most cruel forms, such as acid throwing, stoning and dowry death, and the inability of the Government to enforce existing laws effectively, or to provide immediate relief and justice to victims of such violence are of serious concern.

Paragraph 447

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

Paragraph 454

The strengthening of gender sensitization and training programmes for the judiciary, police and health professionals, particularly those relating to violence against women, is recommended.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at paras. 64 and 76.

Paragraph 64

That insufficient efforts have been introduced to assess and combat violence against women, particularly in light of the fact that socio-economic and physical hardships usually increase the incidence of violence, particularly in the domestic sphere, is of serious concern.

Paragraph 76

The Government should make efforts, and support those initiated by non-governmental organizations, to assess the extent and prevalence of all forms of violence against women and to introduce programmes and measures to combat this problem.

- Croatia, CEDAW, A/53/38/Rev.1 part I (1998) 10 at para. 107.

Concern is expressed over the adequacy of measures taken to encourage women to come forward with complaints of domestic violence, and about the fact that prosecution by public attorneys *ex officio* or upon the complaint of third parties is not incorporated in legislation on domestic violence.

- Zimbabwe, CEDAW, A/53/38/Rev.1 part I (1998) 13 at para. 142.

That much of the violence against women, especially in society and in the domestic sphere, is not recognized by law is a concern. Violence against women is a serious violation of women's human

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rights. In addition, there is not enough support provided by the Government to help victims of violence, such as rehabilitation programmes and temporary shelters.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at paras. 190 and 202.

Paragraph 190

The absence of special legislation on violence against women and the Government's perception that there is no need for such legislation are matters of concern. The lack of information on any preventive measures and/or programmes to support victims of violence, raise public awareness of the issue and sensitize health professionals and law-enforcement personnel on the topic are also matters of concern.

Paragraph 202

The enactment of a special law and the introduction of policies to combat all forms of violence against women, together with promotion of education and media programmes sensitizing the public on this issue, is urged. In addition, training for the judiciary, law-enforcement officers, lawyers, health professionals and others whose work is relevant in the context of violence against women is recommended. Comprehensive research should be initiated to assess the extent and nature of violence against women in the country.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at para. 255.

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

- Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at paras. 293 and 296.

Paragraph 293

The lack of adequate laws to address violence against women and the lack of systematic sex disaggregated data collection and documentation on the extent, forms and prevalence of violence against women in Indonesia are matters of concern.

Paragraph 296

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The information on the situation of migrant women, which has been presented in the form of a supplement to the report, is noted. However, concern is expressed over the fact that this does not include discussion of reports of deaths as a result of mistreatment and abuses of Indonesian migrant women abroad, as well as cases of trafficking for the purposes of prostitution. Concern is also expressed over the lack of mechanisms to respond to abuses of Indonesian women abroad.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at paras. 344 and 345.

Paragraph 344

The Government should improve the collection and use of data disaggregated by sex, so that a strong factual basis for the picture of the *de facto* situation of women in all areas covered by the Convention may be maintained and measures targeted more carefully to specific groups. Areas related to women's health, work, employment, wages and benefits, to the types and incidence of violence against women and the impact of measures against violence against women should receive particular emphasis. Data should also be disaggregated by age and by other criteria such as urban/rural.

Paragraph 345

The Government should continue its integrated approach to the elimination and prevention of violence against women. In particular, the collection of data and information on the incidence and types of violence against women should be improved and attention should be given to so-called crimes of passion, their frequency and the response of law enforcement.

- Mexico, CEDAW, A/53/38/Rev.1 part I (1998) 32 at paras. 411-413 and 415.

Paragraph 411

The Government should continue to work for the adoption of nationwide legislation on all forms of violence against women, including domestic violence, adjusting state laws to national laws.

Paragraph 412

The possibility of implementing an integrated, long-term plan for combating violence should be considered. Such a plan could include: taking legal action; training judicial, law enforcement and health personnel; informing women about their rights and about the Convention; and strengthening victims' services.

Paragraph 413

Strong action should be taken against persons who commit violence against women, and it should be made easier for women to bring court action against offenders.

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Paragraph 415

The legal penalties for rape should be amended and the State party should ensure their implementation. Rape awareness campaigns should be conducted for non-governmental organizations and legislators.

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at paras. 79 and 80.

Paragraph 79

The high rates of domestic violence against women, including murder in the home, are of concern. Concern is also expressed at the fact that charges cannot be brought against an abuser by the police independent of the victim and that securing a conviction often requires the corroboration of independent witnesses. Furthermore, there are no emergency or protective shelters available to victims of domestic violence.

Paragraph 80

Procedures designed to permit prosecution of violence against women, independent of victim testimony, should be implemented and the requirement that the complainant's evidence be corroborated should be omitted; crisis centre hotlines and victim support centres equipped with medical, psychological and emotional support should be established; and, in order to raise public awareness, information should be disseminated through the media on this issue.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at paras. 121-124.

Paragraph 121

The high level of violence against women, including the high incidence of rape, particularly of young girls, is of concern. Given the persistent overall high levels of crime and violence in the country, there is a danger that efforts to address violence against women, although identified as a priority area in the National Crime Prevention Strategy, may become submerged in the larger struggle against violence in society.

Paragraph 122

Efforts to prevent and combat violence against women should continue to receive the priority attention they require. Steps should be taken, including through education, awareness-raising and sensitization of the public, to deal with stereotypical attitudes that are amongst the root causes of violence against women and to emphasize the unacceptability of such violence.

Paragraph 123

The Government should reinforce its existing strong collaboration with civil society and non-

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governmental organizations on violence against women with budgetary allocations commensurate with the priority attached to combating such violence.

Paragraph 124

The seriousness of rape, including marital rape, should be emphasized and the law fully enforced. Research should be undertaken into the causes of the high incidence of rape so that effective preventive measures can be developed.

- United Republic of Tanzania, CEDAW, A/53/38/Rev.1 part II (1998) 66 at para. 234.

Violence against women in all its forms should be criminalized. Law and practice to achieve this objective should be developed and effectively enforced, and shelters for women who have been subjected to violence should be established and adequately resourced.

- Peru, CEDAW, A/53/38/Rev.1 part II (1998) 72 at paras. 327 and 328.

Paragraph 327

Concern is expressed at the fact that, although the report mentions Act No. 26260 on domestic violence, it does not make reference to any specific measures taken to deal with cases of violence, including incest, the incidence of which is extremely high. Moreover, the instances of sexual violence against rural and indigenous women and the high rate of sexual abuse of teenagers and girls in emergency zones are of deep concern.

Paragraph 328

The necessary practical measures should be taken to implement Act No. 26260 and necessary efforts should be made to treat the victims and to provide training to police officers, members of the army, court, medical and paramedical personnel, psychologists and nursing staff whose job it is to treat the victims. Official records should also be kept and the necessary monitoring system should be established so as to make it possible to evaluate the magnitude of the problem and how it is evolving. The women's police offices have been a valid initiative to deal with such situations but they appear to be insufficient.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at paras. 77-80.

Paragraph 77

The large number of women murdered, raped, abducted and subjected to serious physical abuse by terrorist groups in recent years is a serious concern.

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Paragraph 78

The Government should protect women in accordance with the provision of the Constitution that states that the State is responsible for the safety of persons and property. Better care should be taken of all women and girls who are victims of terrorist violence.

Paragraph 79

The absence of legal texts that specifically protect women who are victims of domestic and sexual violence is a concern.

Paragraph 80

The Government should take specific legislative and structural steps to shelter women from such attacks and provide women who are victims of violence with comfort, assistance, advice, guidance and information concerning legal redress. Education and awareness training on domestic and sexual violence should be made available to police officers, judges, doctors and the mass media to make their intervention more effective.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at paras. 122-125.

Paragraph 122

The increase in all forms of violence against women, including gang rape, is of concern. The Committee is also concerned that the emphasis of the initial report is on sexual violence rather than on gender-based violence as an infringement of the right to personal security.

Paragraph 123

All forms of gender-based violence should be a focus of serious concern. Comprehensive measures should be enhanced to prevent violence and to support women victims, including gender-sensitization and the training of law enforcement officials. The collection of comprehensive sex-disaggregated data and information on the issue of violence against women is recommended. In light of the linkage of violence with poverty, the introduction of measures aimed at improving the economic status of women, including retraining for income-generating occupations is recommended.

Paragraph 124

The expansion of the network of crisis centres and the establishment of consultative services to provide necessary medical assistance to women victims of violence, in both urban and rural areas, is recommended.

Paragraph 125

The increase in alcoholism and drug addiction, to the extent that these are causes of health problems, as well as violence against women everywhere, is of concern.

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- Liechtenstein, CEDAW, A/54/38/Rev.1 part I (1999) 18 at para. 168.

The Government should review its policies and measures with regard to violence against women.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at paras. 189-192.

Paragraph 189

The continuing existence of violence against women is of concern and the absence of comprehensive legislative measures to address violence is noted. Another concern is the attitude of law enforcement personnel, especially the police, towards women victims of violence. That the legal regulation of sexual harassment in the workplace remains unclear, notwithstanding its high incidence, is a concern.

Paragraph 190

The Government should strengthen the legislative and policy framework to prevent, eliminate and prosecute violence against women. Urgent measures should be taken to institutionalize the training of police and law-enforcement personnel to ensure the appropriate handling of cases of violence against women. Efforts should also be made to improve the accessibility and effectiveness of complaints mechanisms against sexual harassment in the workplace.

Paragraph 191

That the revision of the laws on rape has not led to the recognition of rape as a serious infringement of a woman's human right to personal security is of concern.

Paragraph 192

The law on rape, including marital rape should be reformed, and forensic investigation should be introduced.

- Thailand, CEDAW, A/54/38/Rev.1 part I (1999) 24 at para. 243.

The penal code should be amended to reflect that sexual harassment, rape, domestic violence and marital rape, whether in the family, the community or the workplace, constitute violations of women's rights to personal security and bodily integrity.

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

The Government should examine and revise its laws and policies on violence against women. This

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

- China (Hong Kong), CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 324 and 328.

Paragraph 324

The Government should enhance services for survivors of domestic violence, including domestic workers, with a view to their empowerment and rehabilitation, including through psychological counselling, legal aid, temporary shelter and appropriate health services. The amendment of existing legislation to include marital rape as a criminal offence is also urged.

Paragraph 328

The Government should monitor and take action to protect women migrant workers from abuse and violence, as well as to prevent such violence.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at para. 373.

Since a human rights issue is involved in ensuring compliance with the rules providing for punishment for domestic violence, it is the Government's responsibility to act to reduce violence against women, investigate cases and give treatment and support to the victims of violence.

- Belize, CEDAW, A/54/38/Rev.1 part II (1999) 49 at para. 62.

The Criminal Code should be kept under review with a view to place sexual offences and violence on a par with other criminal offences. The Government is also urged to ensure that the investigation and prosecution of rape and sexual offence cases are conducted as rigorously as in other criminal cases. The Government should seek, as a priority, the repeal of marital immunity provisions relating to rape in the Criminal Code.

- Georgia, CEDAW, A/54/38/Rev.1 part II (1999) 53 at para. 102.

Laws specifically addressing violence against women and criminalizing rape in marriage should be put in place. The State party should also consider an amendment of the Penal Code to impose severe

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penalties for sexual violence and abuse of women and girls. It is also recommended that policies and programmes be designed and implemented to address violence against women. In particular, the establishment of a network of crisis centres and the expansion of consultative services so as to render the necessary assistance to women victims, especially girls, both in urban and rural areas is suggested. Programmes of rehabilitation and reintegration should be developed for the victims of sexual exploitation in prostitution and cross-border trafficking. Gender-sensitive training for law enforcement officials and agencies and collection of information and statistical data is urged.

- Spain, CEDAW, A/54/38/Rev.1 part II (1999) 67 at paras. 264 and 274.

Paragraph 264

The Government is urged to ensure that rigorous attention is paid to domestic violence. The effectiveness of the steps taken should be monitored on a regular basis. The Government should continue to introduce appropriate measures to eliminate domestic violence. It is further urged that domestic violence issues be included as a mandatory part of the basic training of law enforcement personnel, and that investigation and prosecution of domestic violence complaints be undertaken on a par with other criminal offences.

Paragraph 274

The situation of foreign women workers in domestic service, asylum seekers and women who may be living clandestinely in Spain is a concern. These women may lack adequate protection from violence and abuse.

- United Kingdom of Great Britain and Northern Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 71 at paras. 311 and 313.

Paragraph 311

A unified and multifaceted national strategy to eliminate violence against women should be implemented to include legal, educational, financial and social components, particularly support for victims.

Paragraph 313

The Government is called upon to improve the education of judges with regard to domestic violence so that these cases are given the same attention and consideration as cases brought under other provisions of the criminal law.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 52 and 68-72.

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Paragraph 52

Widespread poverty, social practices such as the caste system and son preference, as reflected in a high incidence of violence against women, significant gender disparities and an adverse sex ratio, present major obstacles to the implementation of the Convention.

Paragraph 68

The high incidence of gender-based violence against women, which takes even more extreme forms because of customary practices, such as dowry, *sati* and the *devadasi* system, is of concern. Discrimination against women who belong to particular castes or ethnic or religious groups is also manifest in extreme forms of physical and sexual violence and harassment.

Paragraph 69

The Government is urged to implement existing legislation prohibiting such practices as dowry, *devadasi* and caste-based discrimination. The Government should strengthen law enforcement and introduce reforms in regard to the law on rape, sexual harassment and domestic violence.

Paragraph 70

A national plan of action should be developed to address the issue of gender-based violence in a holistic manner, in line with the Committee's general recommendations 19 and 24.

Paragraph 71

That women are exposed to the risk of high levels of violence, rape, sexual harassment, humiliation and torture in areas where there are armed insurrections is of concern.

Paragraph 72

A review of prevention of terrorism legislation and the Armed Forces Special Provisions Act, in consultation with the Human Rights Commission of India, the National Commission of Women and civil society, is recommended so that special powers given to the security forces do not prevent the investigation and prosecution of acts of violence against women in conflict areas and during detention and arrest.

- Myanmar, CEDAW, A/55/38 part I (2000) 12 at para. 109.

The fact that wife abuse is not common in Myanmar is welcomed. The Government is also commended for initiating further research on domestic violence with a view to eradicating this phenomenon altogether and raising community awareness of existing laws in this regard.

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- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 163 and 177-179.

Paragraph 163

It is noted that violence against women is now acknowledged as a critical area of concern that needs to be addressed through governmental action.

Paragraph 177

It is recommended that the State party take the necessary legal and social measures, including awareness raising, to address effectively the issue of violence against women.

Paragraph 178

Several provisions of the Penal Code continue to discriminate against women, in particular, article 340, which excuses a man who kills or injures his wife or his female kin caught in the act of adultery.

Paragraph 179

The Government is urged to provide all possible support for the speedy repeal of article 340 and to undertake awareness-raising activities that make “honour killings” socially and morally unacceptable.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 209, 217 and 218.

Paragraph 209

One of the main obstacles to the full implementation of the Convention is the current war. The State party has been facing economic, social and political problems related to the war, which have had a negative impact on the whole population, particularly on girls and women, who are often victims of rape and gender-based violence.

Paragraph 217

Grave concern is expressed over reports of women who were raped, assaulted or severely tortured during the war.

Paragraph 218

The Government should adopt specific and structural measures, including legislation to protect women from such acts and provide to women victims of violence psychosocial support and socio-economic integration measures.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at paras. 270 and 271.

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Paragraph 270

The absence of legislative texts and policies which would specifically protect women who are victims of domestic and sexual violence is a matter of concern.

Paragraph 271

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

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 299 and 318-320.

Paragraph 299

The adoption of the second Equal Rights Act of 1994, the amendment of the Penal Law, making marital rape and sexual coercion a punishable offence, and the action plan to combat violence against women, are welcomed.

Paragraph 318

The Government is called upon to improve the collection of data and statistics disaggregated by sex and race/ethnicity of victims of violence motivated by xenophobia and racism, to put in place adequate protection mechanisms and to ensure that foreign women victims of such attacks are made aware of their rights and have access to effective remedies.

Paragraph 319

While the Government's action plan on violence against women is welcomed, concern is expressed over the remaining gaps in protecting women against violence in the family and in society.

Paragraph 320

The Government is urged to ensure the systematic implementation of the action plan on violence against women and to monitor its impact in the areas of emphasis identified in the plan. In particular, legislation and measures to ensure that women victims of domestic violence have immediate means of redress and protection are recommended. The Government should take measures aimed at creating zero tolerance for such violence, and make it socially and morally unacceptable. Furthermore, measures should be taken to sensitize the judiciary to all forms of violence against women that constitute infringements of the human rights of women under the Convention, particularly taking into account the increased vulnerability of foreign women to such violence.

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- Belarus, CEDAW, A/55/38 part I (2000) 34 at paras. 349, 369 and 370.

Paragraph 349

The Government is commended for recognizing violence against women as a societal problem, and for initiating legislation, establishing a crisis centre for victims of sexual and domestic violence, starting awareness-raising activities, and for recognizing trafficking in women as an emerging problem, requiring sustained attention.

Paragraph 369

Although some efforts have been made, it is of concern that there is no holistic approach to preventing and eliminating violence against women and punishing perpetrators.

Paragraph 370

The Government should assess the impact of measures already taken to address the incidence of violence against women. The State party should address the root causes of violence against women, especially domestic violence, so as to improve the effectiveness of legislation, policies and programmes aimed at combatting such violence. The legislation on violence against women should be reviewed and strengthened. It is further recommended that the Government put in place immediate means of redress and increase psychological counselling for victims, including for those women who are serving prison sentences. The Government is urged to implement training and sensitization programmes for the judiciary, law enforcement officials and members of the legal profession, as well as awareness-raising measures to create zero tolerance in society with regard to violence against women.

- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 410 and 411.

Paragraph 410

It is of concern that, although adoption of a law on sexual harassment in the workplace is expected to take place soon, there is still no specific legislation on domestic violence.

Paragraph 411

The Government should develop a policy and legislation to prevent and eliminate domestic violence, and sexual violence, including rape, against women and girls, and to prosecute violators. The State party should collect statistics on the incidence of domestic violence, and comprehensive information on the impact of measures against domestic violence.

- Cameroon, CEDAW, A/55/38 part II (2000) 53 at paras. 49 and 50.

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Paragraph 49

It is noted with concern that, despite some efforts, there is no holistic approach to the prevention and elimination of the various forms of violence against women and girls, in particular female genital mutilation and domestic violence.

Paragraph 50

The Government is invited to apply the Committee's general recommendation 19 and to formulate policies and programmes to eliminate these violations of women's human rights. The Government should provide access to legal remedies and medical services, establish counselling services for the victims, train legal, health and police personnel, and launch public-awareness campaigns in order to achieve zero tolerance with regard to all forms of violence against women and girls.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 101 and 102.

Paragraph 101

Concern is expressed over the prevalence of all forms of violence against women, including domestic violence.

Paragraph 102

The Government should place high priority on 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. In the light of general recommendation 19 on violence against women, the Government is called upon to ensure that such violence constitutes a crime punishable under criminal law, that it is prosecuted and punished with the required severity and speed, and that women victims of violence have immediate means of redress and protection. Measures should be taken to ensure that public officials, especially law enforcement officials and the judiciary, are fully sensitized to all forms of violence against women. The Government is also invited to undertake awareness-raising measures, including a campaign of zero tolerance, to make such violence socially and morally unacceptable.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 133, 150 and 151.

Paragraph 133

The efforts by the Government to combat violence against women, especially domestic violence, are appreciated. The creation, with the collaboration of non-governmental organizations, of telephone hot lines and crisis centres to provide information and assistance to women victims of violence, and the training of police officials in this regard, are commended.

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Paragraph 150

Concern is expressed about violence against women, especially domestic violence.

Paragraph 151

Article 118 of the Criminal Code should be amended to define rape explicitly as sexual intercourse without consent. The Government should continue to pay serious attention to domestic violence against women, including through ongoing training of police officials, future lawyers and judges and through easy access to courts by the victims of domestic violence. The introduction of a specific law prohibiting domestic violence against women, which would provide for protection and exclusion orders and access to legal aid and shelters, is recommended.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 189, 190, 193 and 194.

Paragraph 189

While noting the existence of certain legislative provisions on violence against women, concern is expressed at the lack of a comprehensive approach to this issue. Particular concern is expressed about the lack of data and information on the incidence and types of violence perpetrated against women in the home and in society; social, medical and psychological support available to women subjected to violence; and measures to prosecute and punish perpetrators and to provide legal redress.

Paragraph 190

The Government should encourage and support the establishment of facilities for women victims of domestic violence, such as telephone hotlines and shelters for battered women, and launch a zero-tolerance campaign on violence against women so as to raise awareness about the problem and the need to combat it effectively.

Paragraph 193

The violence against women perpetrated through honour killings is of deep concern.

Paragraph 194

The Government is urged to condemn and eradicate honour killings and ensure that these crimes are prosecuted and punished in the same way as other homicides.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 221, 229, 230 and 239.

Paragraph 221

The measures undertaken to combat violence against women, are noted with satisfaction. The federal law on the protection against family violence, which entered into force on 1 May 1997, and created

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a legal basis for the speedy and efficient protection of victims of domestic violence, is commended. The programmes relating to sexual violence against persons with disabilities are particularly appreciated.

Paragraph 229

Concern is expressed about women seeking asylum in Austria, and in particular about human rights violations by State officials. Policies should be adopted that acknowledge gender-specific grounds for women seeking asylum in Austria, including gender violence and persecution and female genital mutilation.

Paragraph 230

With respect to violence against women, notwithstanding the extensive measures already undertaken, the Government is urged to ensure ongoing education for law enforcement officials and the judiciary, including their sensitization to violence against women in migrant communities, and to extend such programmes to health professionals. Particular attention should be paid to the physical, emotional and financial abuse of elderly women. Furthermore, programmes of therapy for male offenders should be instituted.

Paragraph 239

The lack of data disaggregated by sex on the impact of policies and programmes, is of concern. The Government should improve the collection of data on criminal proceedings related to violence against women.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 263 and 264.

Paragraph 263

There is an insufficient assessment of the question of violence against women, and in particular of domestic violence and sexual harassment in the workplace. That no specific laws are in place to penalize domestic violence and sexual harassment in the workplace is of concern. That insufficient statistical data are available about various types of violence against women, including elderly women and against children, is noted. It is also of concern that there is insufficient information on the response of law enforcement officials, the judiciary and health care providers to such violence.

Paragraph 264

A comprehensive assessment should be made of the possible incidence of violence against women,

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

- Romania, CEDAW, A/55/38 part II (2000) 77 at para. 295, 300, 306 and 307.

Paragraph 295

Appreciation is expressed over efforts to reform the Romanian legislative framework with a view to eliminating remaining legislative gaps and discriminatory provisions and achieving equality between women and men. In particular, the Government's efforts to prepare a law on equal opportunities for women and men, and to seek amendments to the Criminal Code with regard to domestic violence and trafficking in women, are welcomed.

Paragraph 300

The Government is called upon to recognize the urgency of needed legislative and policy changes, and to place the highest priority on the adoption of the proposed legislation on equal opportunities and on domestic violence and trafficking in women.

Paragraph 306

The increase in violence against women is of concern. The absence of legislation criminalizing domestic violence, including marital rape, and the recognition of the defence of a so-called "reparatory marriage" in the Criminal Code, which eliminates criminal liability of a rapist if the rape victim consents to marry him, are of concern.

Paragraph 307

The Government is called upon to make violence against women in all its forms and in the light of general recommendation 19 on violence against women a crime adequately punishable by law. In particular, the Government should collect statistical data disaggregated by age on the incidence and type of such violence, including domestic violence. Legislation and measures to ensure that women victims of domestic violence have immediate means of redress and protection, are recommended. The Government is also called upon to expand its zero-tolerance campaign on violence against women so as to make such violence socially and morally unacceptable. Measures should also be taken to ensure that law enforcement officials, the judiciary and health-care providers are aware that violence against women, including domestic violence, constitutes an infringement of the human rights of women under the Convention that must be prosecuted with the seriousness and speed it deserves.

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- Burundi, CEDAW, A/56/38 part I (2001) 7 at paras. 49, 50 and 54.

Paragraph 49

The absence of peace is the most serious obstacle to the full implementation of the Convention. Concern is expressed over the number of women who have been affected by violence during conflict.

Paragraph 50

In the implementation of the Arusha Accords and in accordance with those Accords, emphasis should be placed on the role of women in reconstruction and the acceleration of women's equality should be integrated in all its aspects. Special efforts should be made to include women in national reconciliation and peace-building initiatives. The Government should encourage women from all ethnic groups and women who are victims of violence and armed conflict to become advocates for peace.

Paragraph 54

Post-trauma counselling should be provided, as stipulated in the Arusha Accords, for women who are victims of gender-based violence. The Government should ensure that relevant personnel are trained to give such assistance.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 95 and 96.

Paragraph 95

Concern is expressed over the prevalence of violence against women and girls, including domestic violence.

Paragraph 96

The Government is urged to make the issue of violence against women a high priority and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. In light of general recommendation 19, legislation on domestic violence should be enacted as soon as possible, it should be ensured that violence against women and girls constitutes a criminal offence and women and girl victims of violence should have immediate means of redress and protection. Gender training for all public officials, in particular law enforcement officials and the judiciary, as well as health workers, is recommended, in order to educate them about all forms of violence against women and girls. Awareness-raising campaigns should be organized through the media and public education programmes established to address all forms of violence against women and girls, including domestic violence.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at paras. 137 and 138.

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Paragraph 137

The under-reporting of violence against women, including domestic violence, and the absence of effective laws and law enforcement and a support system for women who are victims of violence are noted with concern. It is of particular concern that violence against women is understood in the community and in the legal system to be a private matter rather than an infringement of human rights and a violation of the Convention.

Paragraph 138

The State party is urged to improve law enforcement measures, enact laws on domestic violence, including domestic violence and marital rape, according to general recommendation 19 on violence against women, and work with women's groups to obtain reliable data and provide relief to victims of violence. The Government should respond to this issue in national plans, based on the Beijing Platform for Action and the Commonwealth Plan of Action. The Government is further called upon to create public awareness on violence against women as an infringement of human rights that has grave social costs for the whole community.

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at paras. 176 and 177.

Paragraph 176

The prevalence of all forms of violence against women, including domestic violence, is of concern.

Paragraph 177

A law against violence should be passed, especially against domestic violence, including marital rape, as soon as possible and it should be ensured that violence against women and girls constitutes a crime punishable under criminal law and that women and girl victims of violence have immediate means of redress and protection. Training on gender issues for all public officials should be organized, in particular law enforcement officials and the judiciary, as well as for members of khokims' offices at all levels and the local mahalas, to educate them about all forms of violence against women and girls, in accordance with general recommendation 19 on Violence against Women. Also, awareness-raising campaigns should be organized to address all forms of violence against women and girls, including domestic violence.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at paras. 210, 225 and 226.

Paragraph 210

The entrenched stereotypical attitudes with regard to the role of women and men and the persistence of gender-based violence within the society constitute obstacles to the full implementation of the Convention.

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Paragraph 225

The persistence of gender-based violence and domestic violence, including marital rape, is of concern. The high incidence of incest and rape, and the lack of a holistic Government strategy to identify and eradicate gender-based violence, are also matters of concern.

Paragraph 226

A high priority should be placed on measures to address violence against women in the family and in society in accordance with general recommendation 19 and the Declaration on the Elimination of Violence against Women. The State party should raise public awareness about violence against women and strengthen its activities and programmes to focus on sexual violence, sexual crimes, incest and prostitution, especially prostitution associated with tourism. The Government is urged to ratify the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women in order to strengthen the Government's programmes in that area.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 261 and 262.

Paragraph 261

The phenomenon of violence against women has not been adequately addressed in laws, policies and programmes and this is of deep concern. The long delay in enacting the proposed legislation on domestic violence is of particular concern.

Paragraph 262

The Government is urged to enact the proposed domestic violence law, including marital rape provisions, to strengthen law enforcement and to develop a holistic range of initiatives to respond to violence against women in the light of general recommendation 19 and the Declaration on the Elimination of Violence against Women.

- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 295, 301 and 302.

Paragraph 295

The ongoing efforts to combat violence against women, in particular domestic violence, is commended. The Act on Restraining Orders is welcomed.

Paragraph 301

The high incidence of violence against women in Finland is of concern. A recent survey revealed that 40 per cent of women had experienced physical or sexual violence or the threat thereof. The high level of sexual harassment in the workplace is also of concern.

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Paragraph 302

Efforts should be increased to effectively implement current policies aimed at combatting violence, to pay more attention to prevention efforts and to take steps to turn the “zero-tolerance” campaign into a legally binding State policy.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 344 and 345.

Paragraph 344

It is of concern that, although efforts have been made, there is no holistic approach to the prevention and elimination of violence against women, including domestic violence, marital rape, violence against women in detention centres and crimes committed in the name of honour or the punishment of perpetrators. There is also concern regarding the high level of violence against adolescent girls and young married women.

Paragraph 345

A national survey should be conducted on the extent of violence against women, including rural women. The impact of existing measures to address the various forms of violence against women should be assessed. The root causes of violence against women, especially domestic violence, should be investigated so as to improve the effectiveness of legislation, policies and programmes aimed at combating such violence. Training and sensitization programmes for the judiciary, law enforcement officials and members of the legal and health professions should be implemented, and awareness-raising measures should be taken to create zero tolerance in society with regard to violence against women.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at para. 71.

The efforts made to combat violence against women, including the criminal and evidentiary procedures protecting the privacy of victims, the broadening of the definition of violence in the Women’s Charter and the Government’s multidisciplinary and inter-agency approach to victims of family violence involving the courts, police, hospitals and social service agencies, are noted with appreciation.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 134 and 135.

Paragraph 134

The prevalence of violence against women and girls is of concern, including domestic violence, beating, repudiation, early and forced marriages and the abuse of widows and menopausal women.

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Paragraph 135

The issue of violence against women should be assigned a high priority and such violence, including domestic violence, should be recognized as a violation of the human rights of women under the Convention. Legislation on domestic violence should be enacted as soon as possible, and it should be ensured that violence against women and girls constitutes a criminal offence and that female victims of violence have immediate means of redress and protection. Also, gender training should be made available for all public officials, particularly law-enforcement officials, the judiciary and health workers, to educate them about all forms of violence against women and girls.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 172 and 173.

Paragraph 172

The persistence of gender-based violence, in particular domestic violence, is of concern.

Paragraph 173

A high priority should be placed on measures to address violence against women in the family and in society.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 205-207, 209 and 210.

Paragraph 205

Despite the efforts made, there is continuing discrimination against immigrant refugee and minority women who suffer from multiple discrimination, based both on their sex and on their ethnic background, in society at large and within their communities, particularly with respect to education, employment and violence against women.

Paragraph 206

Effective measures should be taken to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. The Government is urged to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes and programmes to sensitize the community to combat patriarchal attitudes and practices and stereotyping of roles and to eliminate discrimination and violence against women in immigrant and minority communities.

Paragraph 207

There is concern about the lack of information on the *de facto* situation of women of ethnic and minority communities in respect to their access to education, employment and health services. There is also concern about the limited information on their freedom from violence, including female genital

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mutilation, domestic violence and honour crimes, as well as other discriminatory practices, such as polygamy, early marriage and forced pregnancy.

Paragraph 209

Noting the recent legislation on the abolition of the ban on brothels, which came into effect in October 2000, the Committee emphasizes that prostitution poses risks of exploitation and violence for women.

Paragraph 210

The Government is urged to begin monitoring the law on abolition of the ban on brothels immediately. The Government is also urged to increase its efforts to provide training and education to prostitutes in order to ensure that they have a full range of options for earning their livelihood.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at paras. 258 and 259.

Paragraph 258

The prevalence of violence against women and, in particular, domestic violence is of concern. Concern is also expressed at the lack of legal and other measures to address violence against women, as well as at the failure of the State party to specifically penalize marital rape. Further concerns are expressed that penalties for child sex abuse are low, that there is a prevalence of forced and child marriage, and that cruelty does not constitute grounds for divorce. That there is an overemphasis on reconciliation in cases of marital breakdown, including those in which violence has occurred, is also of concern.

Paragraph 259

General recommendation No. 19 on violence against women should be implemented to ensure that all forms of violence against women and girls constitute crimes and that victims are provided with protection and redress. The criminalization of marital rape is urged, as is close scrutiny of requirements for reconciliation in cases of marital breakdown, in particular those in which violence is involved. The organization of gender training for all public officials, in particular law-enforcement personnel, the judiciary and members of local committees, on violence against women and girls, and the launching of public awareness campaigns on all forms of violence against women and girls and the impact of such violence is recommended.

- Nicaragua, CEDAW, A/56/38 part II (2001) 72 at paras. 292, 298, 299, 308 and 309.

Paragraph 292

The efforts made to combat violence against women are noted with appreciation, including the

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adoption of legislation against domestic violence (Act No. 230); the establishment of the National Commission on Violence against Women, Children and Young Persons; the National Plan for the Prevention of Domestic and Sexual Violence 2001-2006; and the coordination carried out with various sectors of society, including the national police force, particularly the women's police stations (*comisarías*), in combating gender violence.

Paragraph 298

The custom of sexual abuse of young girls by older men, particularly in rural areas, is of concern. This violates the rights of girls to reproductive health, as well as other rights under the Convention.

Paragraph 299

Awareness-raising and penal measures should be introduced to eliminate the sexual abuse of young girls.

Paragraph 308

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

Paragraph 309

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

- Sweden, CEDAW, A/56/38 part II (2001) 76 at para. 352, 353, 356 and 357.

Paragraph 352

Despite the considerable efforts made with regard to combating violence against women, including in the family, the prevalence of violence against women demonstrates the persistent power imbalance between women and men.

Paragraph 353

The Government is urged to collect more data on the nature and scope of violence against women, in particular within the family, and to continue its efforts to implement and strengthen current policies aimed at combating violence, with special attention given to women with disabilities, migrant women and minority women.

Paragraph 356

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Taking note of the efforts of the Government to combat discrimination, concern is expressed about the continuing discrimination against immigrant, refugee and minority women, including in education and employment, and at the gender-based discrimination and violence that they face in their own communities.

Paragraph 357

Effective measures should be taken to eliminate discrimination against immigrant, refugee and minority women and to strengthen efforts to combat xenophobia and racism in Sweden. The State party is also encouraged to be more proactive in its measures to prevent discrimination against immigrant, refugee and minority women, both within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies.

CAT

- Tunisia, CAT, A/54/44 (1999) 11 at para. 99.

Reports that dozens of women were subjected to violence and sexual abuses or sexual threats in order to put pressure on or to punish their imprisoned or exiled relatives are disturbing.

- Venezuela, CAT, A/54/44 (1999) 16 at para. 133.

The Act intended to combat violence against women and the family has entered into force; and the Organizational Act for the Protection of Children and Adolescents has been approved, and will enter into force next year. Both laws are intended to improve the protection of these particularly vulnerable sectors who frequently fall victim to discrimination, abuse or cruel, inhuman or degrading treatment.

- Egypt, CAT, A/54/44 (1999) 22 at paras. 209 and 212.

Paragraph 209

Allegations about the treatment of female detainees, by both the police and the State Security Intelligence, which sometimes involves sexual abuse or threat of such abuse in order to obtain information relating to husbands or other family members, are of concern.

Paragraph 212

The State party should take effective steps to protect women from threats of sexual abuse by police and officers of the State Security Intelligence as a means of obtaining information from them.

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- United States of America, CAT, A/55/44 (2000) 31 at paras. 179 and 180.

Paragraph 179

Concern is expressed over alleged cases of sexual assault upon female detainees and prisoners by law enforcement officers and prison personnel. Female detainees and prisoners are also very often held in humiliating and degrading circumstances.

Paragraph 180

The State party should take such steps as are necessary to ensure that those who violate the Convention are investigated, prosecuted and punished, especially those who are motivated by discriminatory purposes or sexual gratification.

- Georgia, CAT, A/56/44 (2001) 35 at para. 82.

Effective measures should be taken to prosecute and punish violence against women as well as trafficking in women, including adopting appropriate legislation, conducting research and raising awareness of the problem as well as including the issue in the training of law enforcement officials and other relevant professional groups.

- Greece, CAT, A/56/44 (2001) 38 at para. 88.

Steps should be taken to prevent and punish trafficking of women and other forms of violence against women.

CRC

- Burkina Faso, CRC, CRC/C/29 (1994) 15 at paras. 68 and 74.

Paragraph 68

The persistence of discrimination against girls and women is of serious concern. The low school attendance and high drop-out rates among girls, especially at the primary level, and the continuing practices of female circumcision, forced marriages and domestic violence, as well as the low coverage and acceptance of family planning programmes are also matters of concern.

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Paragraph 74

A comprehensive strategy should be elaborated and effectively implemented by the Government of the State party to eradicate the existing discrimination against girls and women. In that context, special efforts should be made to prevent existing practices of forced marriage, female circumcision and domestic violence.

- Jordan, CRC, CRC/C/29 (1994) 21 at para. 121.

The lack of adequate measures taken by the authorities to evaluate and address the problem of domestic violence is of concern.

- Colombia, CRC, CRC/C/38 (1995) 16 at para. 97.

Educational campaigns should be undertaken to reduce violence in society and in the family and to combat prejudice on the basis of gender.

- Republic of Korea, CRC, CRC/C/50 (1996) 26 at para. 177.

The State should adopt further measures to prevent situations of child abuse and domestic violence and to protect and ensure appropriate physical recovery and social reintegration of children affected thereby. Consideration should be given to the establishment of a system of early detection, surveillance and referral.

- Finland, CRC, CRC/C/50 (1996) 35 at paras. 226 and 235.

Paragraph 226

Insufficient detection and prevention measures in the areas of sexual abuse and domestic violence are a concern.

Paragraph 235

In the areas of sexual abuse and domestic violence, more systematic attention should be given to detection measures and preventive policies.

- Uruguay, CRC, CRC/C/57 (1996) 19 at para. 118.

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Appropriate assistance should be provided to the family in the performance of its child-rearing responsibilities, with a view to preventing domestic violence and abuse, abandonment and institutionalization of children, and to promoting research in these areas.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 155 and 175.

Paragraph 155

The numerous documented cases of rape of young girls by soldiers and cases of children systematically being forced into labour, including as porters, are of concern.

Paragraph 175

All reported cases of abuse, rape and/or violence against children committed by members of the armed forces should be rapidly, impartially, thoroughly and systematically investigated. Appropriate judicial sanctions should be applied to perpetrators and wide publicity should be given to such sanctions.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 161.

Public awareness campaigns and measures should be developed to provide appropriate assistance to families in carrying out their child-rearing responsibilities with a view to preventing domestic violence, prohibiting corporal punishment and preventing early marriages and other harmful traditional practices.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 58.

Research should be undertaken on the issue of domestic violence and child abuse which identifies the extent of the problem and provides socio-economic background information and analysis on the families facing these problems.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at para. 93.

The persistent ill-treatment and neglect of children in the context of the family and the widespread incidence of violence against women and its impact on children are matters of concern.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 217.

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The establishment of the Ministry of Women's Affairs and the enactment of the Law against Domestic Violence (1996) and the Law on the Equality of Women are regarded as important contributions to the prevention and treatment of violence against children in general and as significant support to the improvement of the situation of girls in particular.

- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at para. 266.

The State party should conduct training for the police and the staff of the Centres for Social Work on the detection of child abuse and domestic violence, and on suitable responses.

- Armenia, CRC, CRC/C/94 (2000) 53 at para. 326.

The Committee reiterates the concerns expressed by the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1) and the Human Rights Committee (CCPR/C/79/Add.100) that the State party has failed to acknowledge and address the matter of domestic violence. Notwithstanding protection under the Rights of the Child Act, the ill-treatment of children, including sexual abuse, not only in schools and institutions, but also within the family is a concern. Limited access to complaints mechanisms and the insufficiency of rehabilitation measures for such children are also matters of concern.

- Peru, CRC, CRC/C/94 (2000) 64 at para. 359.

Paragraph 359

The State party's accession to the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women, the enactment of Law 26260 for protection against domestic violence, and of Law 27055 containing reforms criminalizing sexual violence issues are regarded as positive steps to combat violence against children and for the treatment of victims.

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 403.

The recent initiatives of the State party to address the issues of child abuse and domestic violence are welcomed, including the establishment of a crisis hotline for domestic violence and child abuse as well as the opening of an emergency shelter for battered women and their children. The efforts of the State party to train teachers and police officers and to sensitize the media and the general public on

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child abuse are noted. The intention of the State party to include a child abuse register is also noted. Concerns remain about the lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse; and the insufficient financial and human resources allocated, as well as the inadequate programmes established to prevent and combat these abuses. Insufficient efforts have been made to protect the right to privacy of child victims of abuse. In the light of article 19, it is recommended that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes. Cases of domestic violence, ill-treatment and sexual abuse of children should be properly investigated within a child-friendly judicial procedure, and sanctions applied to perpetrators, including treatment, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims.

See also:

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 116 and 117.
- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 487 and 488.
- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at paras. 188 and 189.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 440.

The enactment of the Child Care Act and the Prevention of Family Violence Act to provide greater protection for children are noted. Note is also taken of the National Crime Prevention Strategy which focuses on crimes against women and children as well as the Victim Empowerment Programme which promotes the empowerment of victims of abuse, especially women and children. However, grave concerns remain about the high incidence of domestic violence, ill-treatment and abuse of children, including sexual abuse within the family. In light of article 19, it is recommended that the State party undertake studies on domestic violence, ill-treatment and abuse to understand the scope and nature of these practices. It is recommended that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence, ill-treatment and abuse and further adopt adequate measures and policies to contribute to changing attitudes. Cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, should be properly investigated within a child-friendly judicial procedure and sanctions should be applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings; the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and the prevention of

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criminalization and stigmatization of victims.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 181 and 182.

Paragraph 181

Efforts to support amendments to penal law provisions which discriminate against women are noted. Nevertheless, serious concern is expressed that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of articles 340 and 98 of the Penal Code (No. 16/1960), which condone crimes perpetrated in the name of honour. That there is often reluctance on behalf of the police to arrest perpetrators, and that they receive lenient or token punishments are a concern.

Paragraph 182

In line with Commission on Human rights resolutions 2000/31 and 2000/45, the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) and those of CEDAW, all necessary measures should be taken to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly and thoroughly investigated and prosecuted. In addition, awareness-raising activities to demonstrate that such practices are socially and morally unacceptable should be undertaken, and steps should be taken to ensure that protective custody is replaced by other types of protection for women.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 306 and 307.

Paragraph 306

It is of concern that ill-treatment of children takes place in the family, institutions and schools. Concern is expressed that violence against women is on the rise and is a problem in Kyrgyzstan, and that this has harmful consequences on children.

Paragraph 307

In light of articles 19 and 39 of the Convention, it should be ensured that all forms of physical and mental violence, including corporal punishment and sexual abuse against children in the family, schools and care institutions, are prohibited. These measures should be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The State party should promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be

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established to receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. As regards violence against girls and women, the State party should implement the recommendations of the Committee on the Elimination of Discrimination against Women (A/54/38). Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance.

See also:

- Jordan, CRC, CRC/C/97 (2000) 31 at para. 187.
- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 301 and 302.
- Slovakia, CRC, CRC/C/100 (2000) 100 at para. 574.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 162 and 163.

Paragraph 162

It is of concern that violence against women in the context of the family remains widespread and continues to have a negative impact on children. In particular, domestic violence against women may lead to child abuse in the family.

Paragraph 163

The State party should make further efforts to address and condemn violence against women, including in the context of the family. Steps should be taken to monitor and address any incidence of violence and sexual or other abuse against children.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 232 and 233.

Paragraph 232

Domestic violence is a problem in Egypt. This has harmful consequences on children.

Paragraph 233

In concurrence with the Committee on Economic, Social and Cultural Rights, the Committee recommends that the State party take effective measures to combat domestic violence and criminalize marital rape.

- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 409 and 410.

Paragraph 409

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Domestic violence is a problem in Saudi Arabia. This has harmful consequences on children.

Paragraph 410

The State party should establish hotlines and shelters, staffed by women, for the protection of women and children at risk of or fleeing abuse.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 111, 112, 125 and 126.

Paragraph 111

Deep concern is expressed about the violation of the right to life with reference to the practice of “honour killings”, whereby immediate family members kill women who are suspected of being unchaste. It is further noted that often both the victims and the perpetrators are minors.

Paragraph 112

In the light of article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life) and article 19 (protection from all forms of violence) of the Convention and in line with Commission on Human Rights resolution 2001/45, with the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9, paras. 38-41) and with concluding observations of the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1, paras. 179 and 195), the Committee strongly recommends that the State party review rapidly legislation with a view to addressing these crimes in an effective way and to eliminating all provisions allowing reductions of sentence if the crime is committed for honour purposes. It also recommends the development and effective implementation of an awareness raising and education campaign, involving also religious and community leaders, to combat effectively discriminatory attitudes and harmful traditions affecting girls, in particular in the eastern and south-eastern regions, by demonstrating that such practices are socially and morally unacceptable. The State party should also provide special training and resources to law enforcement personnel with a view to protecting in a more effective way girls who are in danger of “honour killing” and to prosecuting such cases in an effective way.

Paragraph 125

Concern is expressed about the lack of data, appropriate measures, mechanisms and resources to prevent and combat domestic violence, ill-treatment and abuse, including sexual abuse and related virginity tests. It is noted that societal attitudes towards women and children often mean that these cases are not reported, and when they are reported the police do not systematically intervene. The limited number of services for abused children is also a cause of concern.

Paragraph 126

The State party should undertake studies on domestic violence, ill-treatment and abuse, including

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sexual abuse, in order to enable it to understand the extent, scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. It is also recommended that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy, and the elimination of virginity tests. Measures should also be taken to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 263 and 264.

Paragraph 263

The adoption of the Act on the Prevention, Punishment and Eradication of Domestic Violence in 1996, the creation of CONACMI and the conducting of national campaigns against child abuse are positive measures in line with the Committee's previous recommendation. However, concern is expressed about the lack of data and appropriate measures, mechanisms and resources to prevent and combat domestic violence, including child physical and sexual abuse and neglect, and at the limited number of services for abused children, in particular in rural areas.

Paragraph 264

In light of article 19 of the Convention, the State party should undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the extent, scope and nature of these practices, adopt and effectively implement adequate measures and policies, and encourage changes in attitudes. It is also recommended that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy. Measures should also be taken to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence. It is recommended that the State party seek, in this regard, international cooperation and technical assistance from, among others, UNICEF and WHO.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 323 and 324.

Paragraph 323

While noting the establishment of a national committee to combat violence against women and children, the Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party, and that insufficient efforts have been made to protect children. The

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Committee is also particularly concerned at the high level of domestic violence and at sexual abuse of girls in schools, which leads to a high rate of primary and secondary school drop-out. In addition, there is a lack of appropriate financial and human resources and a lack of adequately trained personnel to prevent and combat physical and sexual abuse.

Paragraph 324

In light of article 19 of the Convention, studies should be undertaken on domestic violence, ill-treatment and child abuse, including sexual abuse, in order to understand the scope and nature of these practices, to adopt effective measures and policies, and to contribute to changing attitudes. Cases of domestic violence and sexual abuse at schools should be properly investigated through a child-sensitive judicial procedure and the perpetrators should be sanctioned, with due regard for the right to privacy of the child. Appropriate weight should be given to children's views in legal proceedings; support services should be provided to child witnesses in legal proceedings; provision should be made for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention; and measures should be taken to prevent the criminalization and stigmatization of victims. Technical assistance should be sought from, among others, UNICEF.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 397, 410 and 411.

Paragraph 397

Studies should be undertaken on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt adequate policies and contribute to changing traditional attitudes. The State party should consider introducing mandatory reporting of abuse, including sexual abuse of children. Cases of domestic violence, ill-treatment and abuse of children should be properly investigated within a child-sensitive judicial procedure and sanctions applied to the perpetrators, with due regard given to protecting the right to privacy of the child. In accordance with article 39 of the Convention, measures should be taken to ensure the rehabilitation of victims as well as the perpetrators. Efforts should also be made to prevent the criminalization and stigmatization of child victims of abuse. The State party is encouraged to continue its regional cooperation in combating all forms of violence against women and children. Technical assistance should be sought from, among others, UNICEF and UNDP.

Paragraph 410

Concern is expressed regarding the situation of abuse, including sexual abuse, and violence against girls in and around refugee camps.

Paragraph 411

All effective measures should be taken to ensure the adequate protection of refugee, asylum-seeking

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and unaccompanied children, especially girls, and further policies and programmes should be implemented to guarantee their adequate access to health, educational and social services.

See also:

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 136 and 137.