

TREATY BODY MONITOR

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 40TH SESSION OVERVIEW GENEVA, 14 JANUARY – 1 FEBRUARY 2008

Introduction

The Committee on the Elimination of Discrimination against Women (the Committee) held its 40th session in Geneva from 14 January to 1 February 2008. This was the first time that the Committee met in Geneva under the auspices of the Office of the High Commissioner for Human Rights (OHCHR).¹ This report will provide an overview of the Committee's sessions which are not covered by the reports on each State review,² namely the opening session and the three dialogues with NGOs.

The Deputy High Commissioner for Human Rights, Ms Kyung-wha Kang, opened the session. She began by welcoming the Committee to Geneva, commenting that this move will 'push the entire human rights agenda forward by prioritising women's rights and gender mainstreaming'. Ms Kang assured the Committee of expert support from OHCHR and the secretariat, but asked for understanding during the transition period. Next, she gave an update on developments in OHCHR since the last session of the Committee and discussed the persistent challenges in making the treaty body system more visible and accessible. She highlighted some areas which will be considered during the current session, including the discussion on the relationship with national human rights institutions, Committee-specific guidelines on reporting, and the development of a harmonised approach with other treaty bodies.

Ms Dubravka Šimonović, the Chairperson of the Committee, assured Ms Kang that the Committee will develop good relations with the High Commissioner for Human Rights and her office. Next, she gave an update of the Committee's work at the international, regional, and national levels since the last session. She was followed by Committee member Ms Heisoo Shin who spoke of the pre-session working group and welcomed non-governmental organisations (NGOs) from countries that are under examination to participate therein.

¹ Formerly, the Committee on the Elimination of Discrimination against Women (the Committee) met exclusively in New York, and was serviced by the Division on the Advancement of Women. The Committee was brought under the Office of the High Commissioner for Human Rights as part of the continuing harmonisation of the treaty bodies. During the transition period, due to last until 2010, the Committee will hold sessions both in New York and Geneva.

² Available at www.ishr.ch.

Informal meeting with Geneva-based NGOs

On the first day of the session, the Committee held an informal lunchtime meeting with Geneva-based NGOs.³ The aim of this meeting was to learn about the NGOs present in Geneva, and to exchange views on the ways in which they can follow and contribute to the Committee's work. The Chairperson reminded those present that on some of the issues that would be raised, there are formal decisions of the Committee. However, on others, the replies by the Committee members would represent solely their personal views. All of the NGOs warmly welcomed the Committee to Geneva and each gave a brief description of its work, such as the preparation of shadow reports and publications on issues related to the Convention. Many saw the Committee's move as an opportunity to initiate or deepen their relationships with it, both in terms of the proximity in location and as part of the harmonisation of working methods with other treaty bodies. The International Commission of Jurists (ICJ) asked the Committee for its views on proposals for treaty body reform, including the production of joint general comments and a joint communication procedure. The Committee on the Status of Women expressed its hope that the Committee will have less closed meetings and be more open to NGOs. ARC International, among others, pointed out that the Committee's move to Geneva will help integrate work on gender mainstreaming throughout the United Nations (UN) system, in particular given the presence of the Human Rights Council in Geneva.

Thanking the NGO representatives, the Chairperson expressed her hope to improve interaction and cooperation with Geneva-based NGOs. She stressed that the Committee is encouraging governments to cooperate with NGOs at both the national and international level. She further saw the move to Geneva, and the servicing by the OHCHR, as a step towards achieving the ideal of a harmonised treaty body system. On this issue, she conveyed the Committee's openness to criticism and encouraged NGOs to raise examples of good practice from other treaty bodies. Finally, she expressed the Committee's appreciation for the shadow reports and oral reports provided by NGOs.

The Committee members that spoke reiterated their appreciation for the work of NGOs. They paid tribute to the valuable input from NGOs, and expressed great interest in continuing and furthering this cooperation. Mr Flinterman went as far as asserting that 'this Committee would not have been realised if it were not for NGOs in the 1970s'. Ms Schöpp-Schilling commented that she 'would have liked to see more input from NGOs under the inquiry procedure'. Ms Dairiam highlighted the need for some level of consistency and uniformity in the relationships between NGOs and the different treaty bodies. Ms Dairiam pointed out that the Committee has had good relationships with NGOs based far from New York and with few resources. Thus, while thanking the Geneva-based NGOs for their cordial welcome and assurances of cooperation, she inquired why they had previously held back from establishing a relationship with the Committee. Ms Shin recounted the tradition of receptions organised during sessions held in New York, where Committee members could meet NGO representatives, and expressed her hope that this sort of 'very informal exchange and communication can be continued here'. She also encouraged NGOs to contribute to the formulation of the list of issues during the pre-session working group. Ms Schöpp-Schilling, Mr Flinterman, and Ms Dairiam were strongly opposed to the institution of a joint communications procedure, arguing that it is too early for such a move. Ms Dairiam moreover stressed that the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention) has a unique framework of equality and non-discrimination.

³ The non-governmental organisations (NGOs) who spoke were the World Organisation Against Torture (OMCT), International Service for Human Rights (ISHR), Amnesty International, Association for the Prevention of Torture (APT), Quaker United Nations Office in Geneva, Conference of NGOs in Consultative Relationship with the United Nations (CONGO), International Commission of Jurists (ICJ), Bahá'í International Community, Centre on Housing Rights and Evictions (COHRE), International Federation for Human Rights (FIDH), International Women's Right Action Watch Asia Pacific (IRWAW-AP), CONGO Commission on the Status Women, ARC International. The Geneva Institute for Human Rights also made a statement.

The Geneva-based NGOs expressed their gratitude to the Committee for its comments and suggestions. The International Federation for Human Rights (FIDH) expressed its intention to ‘make more use’ of the pre-session working group, while the Committee on the Status of Women of the Conference of NGOs in Consultative Relationship with the United Nations (CONGO) responded that it would be glad to organise both formal and informal receptions. Several NGOs asked the Committee what specifically they could do in terms of follow-up to the Committee’s concluding observations. To this, the Chairperson replied that the Committee expects NGO input into the pre-session working group as well as briefings from NGOs before the sessions. In concluding the informal meeting, the Chairperson expressed the Committee’s appreciation for all NGO contributions, and repeated her hope for increased opportunities to exchange views with NGOs.

NGO briefing: Bolivia, Burundi, Saudi Arabia, France

On 14 January 2008, NGOs from the countries due to be reviewed during the first week briefed the Committee. In their oral presentations, NGO representatives from Bolivia, Burundi, Saudi Arabia, and France gave a brief overview of the content of their respective reports submitted to the Committee. Their presentations were followed by two rounds of questions and answers with the Committee members.

NGO statements

A statement on behalf of five **Bolivian** NGOs described the persistent *de facto* discrimination, weakness of the mechanisms promoting and protecting women’s rights, religious interference in State policies on sexual and reproductive rights, violence against women and children, difficulties in accessing the justice system, discriminatory community justice systems, and political violence and harassment of women seeking political participation.

The Group of Women’s Associations and NGOs in **Burundi** (CAFOB) drew the Committee’s attention to some areas of discrimination in legislation which had not been mentioned in the State report. It also pointed to the lack of legislative progress in spite of the Committee’s previous recommendations and promises by the Government; the lack of satisfactory measures in the areas of gender-based violence; trafficking of young girls; and lack of political participation of women. CAFOB also made a number of recommendations for ameliorating the situation of women in Burundi. The Christian Action for the Abolition of Torture Burundi (ACAT) also shed light on the gaps in the Burundian legal system, in particular gender inequality and the trivialisation of gender-based violence. The representative described the persistence of violence against women both by private and public actors, and called upon the Government to adopt relevant legislation and give full effect to the Convention.

A statement read out on behalf of Saudi Women for Reform (SWR), that did not attend the session, began with an impassioned description of the difficulties faced by SWR in preparing its report. SWR’s statement shed light on the situation of women in **Saudi Arabia** in terms of total denial of legal capacity, exclusion from political participation, discrimination at all levels of education, severe prohibitions in access to work, and unequal treatment in family law. Each section of the statement contained recommendations to the Government. Human Rights Watch also made an oral statement on the ‘systemic and widespread’ discrimination against women in Saudi Arabia. Their intervention highlighted discrimination faced by women in numerous fields, including education, employment, health, access to justice, due process, and freedom of movement. The range of abuses endured by some domestic workers, which can be tantamount to ‘forced labour, trafficking and slavery-like conditions’ was underscored, as well as the fact that such abuses often go unreported because of the inequality of power that exists. UN Watch described the discrimination faced by women in Saudi Arabia as ‘pervasive’ and ‘under State-sanctioned laws, policies, and services’. It

commended the Committee for its list of issues, and drew attention to three cases that have arisen since the preparation of the list.

The presentation of the alternative report by the **French** coordination for the European women's lobby (CLEF) focused on five key themes. These were the legislative and institutional context for the application of the Convention; participation of women in the political and public domains; persistence of sexist stereotypes and prejudices; collective discrimination; and violence against women. The French Human Rights Citizens' League focused in its statement on trafficking, exploitation, and prostitution. It noted legislative progress in this field, but stressed the need for further precision in legal definitions and legislation. It expressed its concern that trafficked women of foreign origin are treated as clandestine migrants rather than victims of human rights violations. On the protection offered to victims, the French Human Rights Citizens' League reported that shelters are over-crowded, lack resources, and have no educational or rehabilitation programmes. It also pointed out that the victims often do not speak French, and are thus unable to access the courts.

Interactive dialogue

Ms Zou asked all participating NGOs whether they had been involved in the drafting of the national constitution. The Bolivian NGO explained that the Government consults with organisations that are politically close to them, while civil society organisations constantly monitor respect for women's rights.

Ms Patten regretted that **Bolivia** has not provided 'a straight answer' to the Committee's question on femicide,⁴ and asked the NGOs for further information on why there is such widespread impunity with regard to this act. One NGO replied that impunity results from the delays involved in investigations due to problems with evidence and economic resources. The representative explained that sometimes convictions have not been executed because the case has taken so long that the perpetrators have disappeared. Ms Zou inquired about the situation and cause of elderly women who lack identity documents. One NGO explained that such women do not have the necessary documentation to apply for identity documents, and as a result, they are 'unrecognised under law'. Mr Flinterman pointed out that Bolivia is one of the early States parties to the Optional Protocol to the Convention (OP-CEDAW). He asked about its impact on the judiciary and whether it is known among Bolivian civil society organisations. A representative of one of the Bolivian NGOs replied frankly that the ratification of OP-CEDAW 'has not had much of an impact in the judiciary' because of the Government's failure to comply with its obligation to disseminate information about it. She explained that it is NGOs that have disseminated information instead. Ms Shin inquired whether there are any efforts by the civil society to revise the laws on domestic violence, which the State report describes as preventive rather than punitive. One NGO lamented that the mechanisms established by this law are ineffective 'because the State is not interested in combating domestic violence', but did not directly answer Ms Shin's question. Ms Pimentel expressed her interest in hearing about the effective participation of NGOs in promoting equality in collaboration with national institutions. She also asked for details on child labour, obstacles to the recognition of sexual and reproductive rights, and the reasons for the lack of progress in the adoption of framework legislation on these rights. An NGO representative responded that laws on sexual and reproductive rights and on paid work at home are long overdue. In the former case, the 'President has not vetoed it, but hasn't signed it into law either'.

Ms Schöpp-Schilling noted that some indigenous groups see the role of men and women as being complementary rather than equal, and asked for the NGOs' view on this. One representative replied that 'complementarity is a myth', and underlined that acts such as sexual violence occur just as frequently as in indigenous communities as in the rest of society. Moreover, the situation of indigenous peoples is aggravated by the fact that the State often does not reach out to remote communities. The representative noted, however, that the newly elected President, who is of indigenous origin, may prompt some change in Government priorities.

⁴ The systematic killing of women for various (usually cultural) reasons.

Ms Gaspard asked about the national machinery dealing with women's rights in **Burundi**. CAFOB replied that the National Gender Council, created in 2003, 'has not seen the light of day', and moreover, its mandate 'has been watered down to such an extent that it hardly exists'. Meanwhile, the Gender Commission, established after lobbying from women's associations and women parliamentarians, has not been given a special role gender issues. Ms Gaspard also asked for clarification on how women politicians are elected. CAFOB began by pointing out that the quota on women's participation is not fully complied with, especially at the local level. In response to Ms Gaspard, it explained simply that 'if women in a party haven't done enough lobbying, they won't be elected'. Ms Patten requested further information on the State's role in encouraging the practice of amicable settlement of rape cases. CAFOB elucidated that this is most common at grassroots level, where corruption is rife. It argued that the lack of awareness of this issue must be combated.

Ms Gaspard asked Human Rights Watch whether in its research it had come across 'some undercurrents of change' in **Saudi Arabia**. Human Rights Watch replied that the establishment of the National Commission of Human Rights is a 'very important and positive step towards reform', but expressed its disappointment that this national human rights institution saw its role as one of combating the negative image of Saudi Arabia in the world. Ms Kaddari inquired whether there are any women in the judiciary system, to which Human Rights Watch replied in the negative. The Government has prohibited Saudi women who have studied law outside the country from getting licenses and thus from practicing this profession. The first group of female lawyers trained in Saudi Arabia will graduate in 2008.

Ms Schöpp-Schilling pointed out that Saudi Arabia has entered a very general reservation which goes against the object and purpose of the Convention, and asked Human Rights Watch whether any study has been conducted comparing existing legislation with the Convention. Human Rights Watch replied that it is not aware of any comparative studies, and explained the very unique legal framework in Saudi Arabia.⁵ It suggested that a comparative study be undertaken between Saudi Arabia and other Muslim-majority countries that do not have male guardianship laws. Human Rights Watch also took the opportunity to urge the Government to undertake a study examining the ways in which sex segregation prevents women from fully participating in public life. Ms Simms commented that focussing on Saudi women 'de-womanises' all other women living in the country. Human Rights Watch acknowledged the importance of comparing and contrasting the situation of Saudi and migrant women, but recounted the difficulties of getting specific information.

Ms Patten asked CLEF for more information on legal provisions in **France** that are applicable in cases of sexual harassment, as well as data on the number of women who have brought such cases. CLEF explained that the law defines sexual harassment very narrowly. It is difficult for a working woman to defend her case, as the law requires that the accused employer or colleague prove that there has been no attempt to gain sexual favours. Furthermore, offences of slanderous charge or false witness may be brought against her. Therefore, women tend not to bring complaints of sexual harassment because 'it is a risky business'. Ms Kaddari asked for clarification on the relationship between customary law of overseas communities and French law. The CLEF representative replied that these two systems coexist, and implied that the situation is complex and unclear.

Ms Begum asked CLEF why women accept low-paid part-time work and which NGO initiatives are in place to remove gender discrimination from the job market. CLEF insisted that the great majority of women who are working part-time have not chosen to do so; most accept such work essentially for financial reasons. She regretted that it is difficult for NGOs to have an impact in this area because employers prefer to deal with trade unions. Unfortunately, the leaders of the unions are not always open to women and issues that concern them. CLEF voiced its belief that the Government has an important role to play through, *inter alia*, adopting

⁵ There are very few codified laws, no penal law, no family law, and the interpretation of *sharia* is based on the discretion of religious court judges.

legislation and monitoring its implementation. Ms Begum also asked French Human Rights Citizens' League for information on the situation of under-age women of foreign origin who are trafficked to France. She inquired about NGO initiatives to eliminate trafficking in women from France and the situation of enforcement. French Human Rights Citizens' League explained that juvenile prostitutes of foreign origin are placed in holding centres, and described the 'distrustful reaction' of the State and the 'disputable techniques' for checking girls' age.

Presentation by the French National Consultative Committee for Human Rights

At the end of the first afternoon, the French National Consultative Committee for Human Rights (the National Consultative Committee), the French national human rights institution gave an oral statement. This was followed by a brief session of questions and answers.

The representative began by stating that over the last two years, the National Consultative Committee has been 'more and more and better and better involved' in the drafting of national reports to treaty bodies. However, it regretted not having been consulted on France's report to this Committee, and went on to comment on specific sections. It particularly spoke at length about the difficult situation of foreign women in the country.

Mr Flinterman inquired whether France's reservation to Article 16(g) of the Convention⁶ is compatible with the object and purpose of the Convention. Ms Schöpp-Schilling inquired whether the National Consultative Committee is based on the *Paris Principles*.⁷ She also asked for more detail on the National Consultative Committee's substantive involvement in the preparation of the State report, while Ms Šimonović asked about its follow-up to the concluding observations issued by the Committee. Ms Tavares da Silva drew attention to the stereotypes in language, namely the general reluctance to feminise functions and positions. She pointed to the regular use of the phrase '*droits de l'homme*' ('rights of man') instead of '*droits humains*' (human rights), including in the name of the Consultative Committee.⁸

The National Consultative Committee replied to the various questions in turn. It acknowledged that the State's written response on its reservation was unsatisfactory, and promised that the State will clarify its position during its examination. Next, the National Consultative Committee explained that it is accredited by the International Coordinating Committee secretariat in accordance with the *Paris Principles*. It explained that it conducts a 'critical reading' of the national report. It provides assistance to the Government in the preparation of the report with the aim of improving its quality and coverage. To Ms Šimonović's question, the National Consultative Committee responded that although it has not done any specific work in follow-up to the Committee's concluding observations, it announced that part of the report that it is publishing this year includes a section on this topic. On the use of the term '*droits de l'homme*' in its name, the National Consultative Committee elucidated that this had been decided by the National Consultative Committee itself. It suggested that if NGOs favoured a change to '*droits humains*', they could take up the issue during the commemoration of the 60th anniversary of the *Universal Declaration of Human Rights* this year.

⁶ Obligation to ensure '[t]he same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation'.

⁷ Also known as *Principles relating to the status of national institutions*, available at www.nhri.net/pdf/ParisPrinciples.english.pdf

⁸ The French name is *Commission nationale consultative des droits de l'homme*.

NGO briefing: Lebanon, Morocco, Sweden

Ten NGOs from Lebanon, Morocco, and Sweden complemented their written reports to the Committee with oral statements on 21 January 2008. These presentations were followed by a round of questions and answers with the Committee members. Although they made individual statements, the Lebanese and Moroccan NGOs respectively responded to the Committee's questions collectively rather than as separate NGOs.

NGO statements

The National Committee for the Follow-up on Women's Issues regretted that the issues that had been raised in **Lebanon's** previous report still persist. The State maintains its reservations to the Convention and no strategies are in place to remove them. There is no policy for the promotion of women in public institutions, which is one of the lowest in the region. Discriminatory laws such as those on honour crimes, rape, and nationality have not been updated. Marriage and the family values are also very sensitive issues, and there is no age limit for marriage. KAFA Violence and Exploitation pointed out that despite some progress, the Government has yet to realise that combating violence against women requires a national strategy involving civil society, as well as the dismantling of the patriarchal structure of society. The NGO pointed out that the trafficking of women is 'totally unaddressed' by the Government, making women very vulnerable. Furthermore, women who work in the sex industry are punished and are subject to violations of their rights. Helem: Lebanese Protection for Lesbians, Gays, Bisexuals and Transsexuals drew the Committee's attention to Article 534 of the Penal Code, which criminalises homosexuality. Arguments against homosexuality are most often based on culture and religion, particularly the notion that it does not exist in Arab culture or that it is a Western import. Helem asserted the need to recognise sexual rights as an integral part of the human rights of all women. It stated that the situation is now at a 'critical juncture', and urged the Committee to uphold the principles in the Convention regardless of the sexual orientation of women. The International Federation for Human Rights Leagues (FIDH) elucidated that Lebanese women are treated as second-class citizens with regard to nationality and marriage. It claimed that the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), like the Government, uses a discriminatory registration system based on male heads of households. FIDH made various recommendations to the Government, including the removal of reservations to the Convention, the ratification of OP-CEDAW, and the development of a national plan of action on human rights. The last NGO to make a statement on Lebanon was Association Nadjeh, an organisation dealing with Palestinian refugee women in Lebanon. It described the multiple layers of discrimination, including on the basis of statelessness and gender, faced by Palestinian refugee women, who it described as 'marginalised communities living in islands of poverty'. These women face discrimination in all domains – legal, political, cultural, and social. Association Nadjeh placed the responsibility to protect these women on the Government of Lebanon, the Palestinian Liberation Organisation (PLO), and UNRWA.

The Democratic Association of Women of **Morocco** commented on the 'blatant' discrimination against women in the State's legal framework and the various obstacles impeding progress. The Criminal Code, particularly the provisions on rape, and the Family Code are discriminatory. It pointed out that almost 80 percent of requests for marrying minors are accepted by judges. Women are under-represented in public decision-making posts, and women play a marginal role in existing institutional measures. Violence against women, most of which is perpetrated by husbands, stems from the social status of women and impunity. The NGO drew attention to two taboos which hinder progress in the protection of women's rights in Morocco – the idealised image of marriage and family life, and the dominance of men over women. It then made numerous recommendations to the Government for improving the situation, including the lifting of reservations to the Convention, ratification of OP-CEDAW, creation of a ministry for women's rights, revision of the Criminal Code, and support for NGOs. The Union for Women's Action (UAF) recognised both the progress made since the last examination by the Committee and the shortcomings and inconsistencies which continue to exist. It noted that the political will which underlay the incorporation of women's rights can continue to be strengthened to respond to the democratic demands of women. UAF highlighted six issues of

particular concern and made recommendations thereon. These included discrimination in law, under-representation of women in public and political life, women's economic, social and cultural rights, and violence against women. The Moroccan Association for Human Rights described Morocco's approach to women's rights as 'universal and religious'. The NGO focused on the weak protection of economic and social rights of women, and raised the examples of illiteracy and precarious working conditions. Its recommendations to the Government included the guarantee of women's rights on an equal footing with men, protection of pregnant women and their right to maternity, legalisation of abortion, ratification of relevant International Labour Organization (ILO) conventions, and generalisation of education.

The **Swedish** CEDAW Network spoke on behalf of more than 45 NGOs on the Government's lack of effort to follow the Committee's recommendations from the previous review. It also noted the lack of effective strategies and routines to follow up on the implementation of legislation, and commented that the Government 'seems to trust the good will of companies and individuals'. It also stressed the role of the media in upholding the stereotyped society built on a gendered power structure, and suggested that the laws on freedom of expression and freedom of the press be reviewed from a gender-sensitive perspective. The NGO also voiced its concern that no progress has been made in addressing the wage gap or introducing gender quotas on boards of directors. The Swedish Association of Visually Impaired Women pointed to two issues which are of concern to women with disabilities, particularly in light of the UN *Convention on the Rights of Persons with Disabilities* (CRPD).⁹ The first is the exclusion of the issue of accessibility from the proposed anti-discrimination law, as a result of which Sweden will be unable to ratify CRPD. The NGO explained that women with disabilities face 'intersectional discrimination' and, moreover, they are 'invisible' because they are not counted in statistics, national reports, or gender equality plans. The second issue of concern is violence against women with disabilities. The recently adopted action plan to combat violence against women refers to persons with disabilities, but does not specifically mention women with disabilities. An independent study into the issue found that women with disabilities face a higher risk of violence than was found in the national report. The NGO asked the Committee for its support and recognition of this issue.

Interactive dialogue

Several Committee members inquired about NGO involvement in the preparation of the national report. The Lebanese NGOs stated that they had not been involved in the drawing up of the national report. Nevertheless, they were satisfied with the Government's efforts to bridge the gaps that were prevalent in the previous report, which presented civil society as a foreign body unrelated to the reports.

Ms Gaspard addressed a general question to all NGOs on the level of the knowledge of the Convention in different institutions, as well as the extent to which institutions take the Convention into account. Ms Patten recounted that States rarely take the initiative of legal personnel, and asked a general question about the involvement of NGOs in such programmes. The Lebanese NGOs responded that booklets and statements have been published on the Convention, and there is thus 'some knowledge' of it. The Moroccan NGOs reported that reference to the Convention is becoming more frequent among civil society, political parties, and other actors. Furthermore, they remarked that the Government of Morocco is taking some steps in this regard. For example, some training sessions are organised by the Ministry of Justice for judges, and there is a documentation and information centre on human rights. There is also a general course on human rights at university level. The Swedish NGOs indicated that the knowledge of the Convention is 'very low', especially among local authorities. Several years ago, Sweden introduced voluntary gender training in the judicial field. However, attendance remains low despite a change in the law to make it compulsory.

Ms Gaspard asked the **Lebanese** NGOs for their views on the possibility of discussing a unified Personal Status Code. In reply, the NGOs stressed the 'necessity' of such a law, and called for the harmonisation and unification of personal status laws. Ms Gaspard enquired whether there are any cases that point to

⁹ A/RES/61/106, 13 December 2006. For more information, please see www.un.org/disabilities.

discrimination based on sexual orientation. The NGOs replied in outlining the three levels of discrimination suffered by lesbian and bisexual women – gender, claiming of sexual agency, and sexual orientation. Although there are no actual statistics, there has been a visible and continuous increase in physical and psychological violence against such women. Ms Patten requested information on the complaint mechanism for domestic workers and the sanctions that are envisioned. The NGOs explained that the Ministry of Labour has created a complaints office for migrant domestic workers, but this is unlikely to be successful because the legal and factual situation of these workers is extremely weak. Furthermore, Ms Patten asked about the work being done by the Government as regards trafficking, and the NGO participation therein. The NGOs explained that the Committee on Trafficking that exists has a criminal justice approach rather than a human rights approach. It added that when she visited Lebanon, the UN Special Rapporteur on trafficking in persons was shocked by the prevalence of this problem. Mr Flinterman inquired whether NGOs have been involved in the implementation of recommendations which were adopted by the Committee following the last examination of Lebanon. The NGOs stated that there had been a national conference following the last review, at which the concluding observations of the Committee were handed out. However, there has been no follow-up to this. Ms Begum asked for information on the status and location of refugees in Lebanon. The NGOs elucidated that the majority of refugees do not have full international protection, and a portion of them is unregistered. The NGOs urged the Committee to ensure the accountability of the agencies involved. Most of the Palestinian refugees live in rural areas and have rural values, which have implications for gender issues. Ms Šimonović inquired about the reform of the Penal Code, in which discrimination allegedly exists despite the Committee's earlier recommendations. The NGOs replied that work on reforming laws began in the early 1990s, but very little has been achieved. A change was made to disallow impunity for honour killings, but the sentences envisaged are light and the commission of this crime continues. The need for a national social strategy and cultural change was emphasised. Ms Tavares da Silva expressed her interest in progress made towards creating a national action plan on human rights. The NGOs acknowledged that civil society organisations were included in the drawing up of a national action plan for women's rights, but insisted that this is neither a strategy nor a priority for the Government.

Ms Gaspard expressed her pleasure with the *mudawana* (Family Code) reform carried out in **Morocco** after the last review, but noted that it was insufficient to bring it in line with the Convention. Nevertheless, she asked whether judges are applying this reform in practice. The NGOs highlighted that there are many risks in the implementation of this law because judges have a lot of freedom in this regard. The NGO representatives replied that there are 'significant difficulties' in this respect, namely legal and political obstacles such as reservations made by the Government to the Convention and the fact that international law does not have precedence over national law. Ms Patten remarked that the Moroccan Penal Code, but not the Labour Code, contains a provision on sexual harassment. She asked about the situation of women reporting cases of sexual harassment, including the general awareness of the provision, the sanctions in place, and difficulties encountered. The NGO representatives explained that although there has been some progress, the application of the law is still discriminatory. For instance, women who are raped are categorised as married/not married or virgins/not virgins. Furthermore, if the rapist agrees to marry the victim, all charges are dropped. Ms Patten inquired about the effectiveness and reliability of the Labour Inspectorate in charge of overseeing the implementation of the Labour Code. She also asked for further information on the propensity of judges to authorise marriage of female minors and polygamy despite legal provisions banning these practices. The NGOs accordingly provided further details on this practice. Mr Flinterman inquired about NGO involvement in the implementation of Committee's recommendations from the last examination. He also asked for more information concerning the Governmental workshop which was held to finalise the report. Ms Shin asked for clarification on the reasons for the rise in illiteracy in Morocco. The NGOs explained that despite efforts, the Government has been unsuccessful in tackling this problem because it lacks a comprehensive integrated strategy taking into account all the necessary resources. For this reason, the work in this field is being left to various NGOs and associations. Increasing poverty and privatisation of education were also suggested as reasons for the increasing illiteracy. Ms Coker-Appiah and Ms Simms inquired about the situation of women in Western Sahara and in rural areas respectively. Although the NGOs initially disregarded Ms Coker-Appiah's question, they were obliged to reply upon her strong insistence. The NGOs claimed that their reports

do not distinguish between regions, and that their statistics and observations ‘include all regions that make up Morocco, including Moroccan Sahara’.

On **Sweden**, Ms Shin inquired about the extent to which women with disabilities are labelled merely as ‘persons with disabilities’. The Swedish Association of Visually Impaired Women replied that this lack of distinction is present in many fields, including accessibility and labour, and commented that this is harmful because women with disabilities have different needs. The representative asserted that there must be a new approach to women with disabilities, one which distinguishes them from persons with disabilities in general. Ms Shin also asked for sex disaggregated data on access to different social services. The Swedish Association of Visually Impaired Women replied that there is no such data, a fact which reflects the approach of the Government to women with disabilities. Ms Begum asked what compels women to accept part-time jobs with low pay and benefits, and whether they have any protection. The Swedish CEDAW Network did not directly answer this question, stating merely that this is a big problem that can only be addressed through a change in attitudes. Ms Šimonović asked for an assessment of the law on prostitution which criminalises being a client. The Swedish CEDAW Network announced that although this law was controversial when it was approved, reports indicate that it has been more effective than initially thought.¹⁰ NGOs consider the law as extremely important in combating prostitution and in the struggle for an equal society. Ms Tavares de Silva asked how the NGO envisages addressing the issue of attitudes and stereotypes given the strong position of Sweden in favour of total freedom of the media. According to the Swedish CEDAW Network, the solution is to review the Freedom of Press Act to eliminate all gender bias.

Consideration of State reports

During its 40th session, the Committee considered the periodic reports of Bolivia, Burundi, Finland, France, Lebanon, Luxembourg, Morocco, and Saudi Arabia.¹¹ There were three themes which arose during every examination, namely violence against women, trafficking and prostitution, employment, education, and health. The discussions surrounding each of these key issues are synthesised here.¹²

The issue of **violence against women** was repeatedly raised by the Committee and often discussed at length with the State concerned. The Committee and the Bolivian delegation disagreed on the adequacy of existing legislation to prevent and punish domestic violence in Bolivia. The perpetration of violence against women and the Government’s efforts to combat this were extensively discussed during the Committee’s review of Burundi. The Government is tackling violence against women through, *inter alia*, criminalisation of such acts, awareness-raising, and training of the police. Despite the Saudi delegation’s explanations, the Committee remained concerned about the absence of specific on governing violence against women in Saudi Arabia, and the lack of prosecution and punishment of its perpetrators. The French delegation spoke at length of the measures taken by the Government to combat and prevent domestic violence and forced marriage. The Committee urged France to strengthen the cooperation between stakeholders and to collect data on this matter. The Committee called upon Lebanon to protect migrant women domestic workers from abuse and violence. The delegation of Luxembourg provided comprehensive answers to the Committee’s questions regarding its laws and programmes relating to violence against women, and provided data as requested. However, it admitted that it does not have a lot of information on this issue, and welcomed other institutions to help them in this respect. The Moroccan delegation described various national initiatives in this area, highlighting the Government’s efforts to develop institutional recommendations for curbing domestic violence. The Committee urged Morocco to adopt relevant legislation and to continue conducting studies. Several

¹⁰ There have been reports from police that prostitution has diminished, and the international sex industry has had great difficulties in establishing a sex market in Sweden because of this law.

¹¹ The reports of the eight States, the Committee’s lists of issues, the States’ replies, their introductory statements, and reports submitted by NGOs are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm.

¹² For a fuller account of each State review, please refer to the *Treaty Body Monitor* reports, available at www.ishr.ch.

Committee members expressed their dissatisfaction with the data provided by Sweden in this area. The Swedish delegation defended the domestic definition and punishment of rape in the face of criticism from the Committee.

Education was another issue that was raised during every examination. In the case of Bolivia, the subject was discussed through the spectrums of literacy programmes, training of teachers, and rectification of educational disparities. The Committee recommended that the Government adopt temporary special measures to address these problems. In the Burundian examination, the delegation affirmed that more girls are enrolling in schools. The Committee suggested that the State take positive action measures to promote gender equality in education. The Saudi delegation proudly presented its achievements in increasing access to education for women. Nevertheless, Committee members voiced their concern about the high illiteracy rate, and expressed doubts about some of the Saudi assertions. Despite the French delegation's assurances, the Committee remained concerned about the effect of the 2004 law banning the use of headscarves and ostensive religious signs on girls' access to education. In response to the Committee's comments, the Lebanese delegation stated that there is equal access to education for boys and girls, and furthermore, the Government is working to eradicate gender stereotypes in education. The Moroccan delegation outlined various measures taken by the Government with regard to education, to which the Committee responded by asking how these programmes will be funded. In the examination of Sweden, equality in higher education was the central concern in this regard. The issue of girls' choice of traditional disciplines arose during the examinations of Saudi Arabia, France, Lebanon, and Luxembourg. Committee members asked the delegations of France and Luxembourg about the education of immigrant children in their respective countries. Illiteracy and access to education in rural areas was discussed with respect to Bolivia, Burundi, Saudi Arabia, Lebanon, and Morocco.

The Committee was interested to learn about women's access to **employment** and discrimination in the field of labour in each of the countries under examination. The Committee directed many questions on women's land ownership to the Bolivian delegation, which in turn replied local land inheritance laws are changing, making land more accessible to women. The Committee encouraged Bolivia to create and implement gender-sensitive employment policy for the informal sector. With respect to Burundi, the Committee highlighted reports of violations of the principle of equal pay for equal work, an allegation which the delegation denied. Issues regarding maternity leave and the situation of women working in the informal economy were also discussed during the examination of Burundi. The Committee expressed its concern about the negative effects of part-time and temporary work, an issue which disproportionately affects women, with regard to France, Luxembourg, and Sweden. The Committee was concerned about the wage gap in the same three States. During its review, Luxembourg admitted that its National Plan of Action on employment, a voluntary programme, has not been as effective as expected and the State is now trying to promote it further. Of particular concern with regard to Sweden was the under-representation of women on the boards of privately owned companies. In reply to the Committee's concern about the French definition of sexual harassment, the delegation assured that a new law is currently under consideration. The precarious situation of domestic workers was the key labour issue discussed during the examination of Lebanon. New Labour Code provisions, employee benefits, and women in the informal labour sector were the focuses of the discussions on Morocco. The gap between NGO reports and State declarations regarding the labour rights of women in Saudi Arabia was particularly striking.

Finally, **health** and related issues was discussed at every review. The Committee urged Bolivia to monitor its health programmes and to make health services more accessible. In its review of Saudi Arabia, the Committee's focus was also on access to health services and family planning, including the necessity of consent of a male guardian for accessing these services. The issue of accessibility was also prominent in the examination of Lebanon, in particular the uneven distribution of health services in the country. The situation of healthcare in rural areas was also picked up by the Committee during the reviews of Bolivia, Saudi Arabia, Morocco, and Sweden. HIV/AIDS was the prominent health issue raised during the review of Burundi. Although the Burundian delegation was reluctant to answer the majority of the questions put to it, it did acknowledge the link between women's vulnerability to HIV/AIDS and sexual violence. The issue of

HIV/AIDS was also raised during the examinations of Bolivia, Saudi Arabia, France, and Luxembourg. The Moroccan delegation acknowledged the need to reduce the high infant mortality rate in the country. The Committee asked why the rates of unexpected pregnancies and of abortions are so high in France, to which the French delegation replied that certain contraceptives are not very accessible. Suicide, drug abuse, and smoking are health concerns in Luxembourg. The Committee found the Swedish healthcare system to be lacking a gender perspective, and was also concerned about the privatisation of this sector. The Swedish delegation replied that it has identified and is tackling the former problem, while it saw the latter development as necessary. The Committee inquired about sex education programmes in Bolivia, Burundi, Saudi Arabia, and France. The issue of abortion was raised during all of the examinations, although some countries notably avoided giving a clear reply to the Committee's questions.

Other prominent issues that were frequently raised by the Committee during this session were women's participation in the public sphere, legal status of women, trafficking and prostitution, marriage and family relations, rural women, and migrant women.

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