

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 30<sup>th</sup> Session (New York, 12 to 30 January 2004)

*The 30<sup>th</sup> session of the Committee on the Elimination of Discrimination against Women (the "Committee"), which monitors the implementation by States with the Convention on the Elimination of all Forms of Discrimination against Women (the "Convention"), considered reports submitted by Belarus, Bhutan, Ethiopia, Germany, Kuwait, Kyrgyzstan, Nepal and Nigeria. Two of these countries, Bhutan and Kuwait, were reporting for the first time since ratifying the Convention. Of these State parties, Kuwait and Bhutan, which ratified the Convention over 20 years ago, were presenting reports to the Committee for the first time. The Committee issued General Recommendation No. 25 during the session, elaborating on the nature and meaning of "temporary special measures" set out in Article 4, paragraph 1 of the Convention.*

### 1. Reports by States

#### Belarus (6<sup>th</sup> periodic report)<sup>1</sup>

Belarus presented its combined 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> periodic reports to the Committee. The Committee commended Belarus for recent **legislative reforms** to support the Convention's objectives, such as revisions to the Marriage and Family Code 1999 and the Citizenship Act 1991. However, it expressed concern at the lack of a constitutional provision to ensure gender equality and recommended the adoption of the Convention's definition of discrimination into domestic law.

While recognising the establishment of the National Council on Gender Policy in 2000, the Committee recommended the **strengthening of Belarus' national machinery** through increased visibility and funding in order to promote gender equality. The implementation of programmes to raise awareness of the Convention's provisions among officials, the judiciary and the general public was also recommended by the Committee.

Experts congratulated Belarus on the measures being adopted to **combat trafficking** in women and prostitution, such as a programme of the United Nations Development Programme (UNDP) programme (which includes projects such as setting up a shelter for victims of trafficking and promoting the development of cross-border co-operation between Belarus and the European Union (EU)), the implementation of the Belarus National Programme 2002-2007 and the adoption of the UN Convention against Transnational Organised Crime. The Committee urged the Government to provide border police and officials with the skills to recognise cases of trafficking and to provide victims with the necessary support. The Committee requested that information on measures taken to address the root causes of these harmful trends be provided in the next periodic report.

In the area of **domestic violence**, the Government presented research results indicating that approximately 30% of women in Belarus had experienced physical violence inflicted by their spouses, and 12% had experienced sexual harassment in the workplace. In response to this data, the Committee urged the adoption of a more forceful approach to the prevention of domestic violence, the punishment of its perpetrators and the provision of support for victims such as access to legal aid and shelters. The Committee recommended the introduction of training programmes for the judiciary, police and social workers in order to sensitise them to this serious problem.

As regards the **under-representation of women at the decision-making level**, the situation is gradually improving, particularly in terms of female participation in local executive bodies. However, their participation is largely at junior rather than senior levels. Similarly, in the judiciary women occupy 93.4% of State notary posts, whereas only 46.4% of judges are

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<sup>1</sup> CEDAW/C/BLR/4-6.

female. The Committee recommended the adoption of temporary special measures to implement women's right to equal participation in public life, particularly in high-ranking positions.

On the issue of **employment**, the Committee urged the delegation to eliminate the effects of women's concentration in low-paid sectors of the labour market by instituting wage increases in female-dominated sectors of public employment and by applying temporary special measures to ensure that sufficient job opportunities are available in all fields. The Government should also ensure that women benefit fully from poverty alleviation schemes and programmes to support entrepreneurship.

The Committee expressed concern over **labour laws** that are overly protective of women as mothers. Although developed in the context of recent demographic trends, which show a steep fall in Belarus' population growth rate, experts warned that the exclusive view of women as mothers could result in the fostering of stereotypical attitudes, creating obstacles for women in the sphere of employment as well as discouraging the sharing of responsibilities in the home.

On the issue of **healthcare**, experts expressed deep concern at the use of abortion as a primary method of birth control, and urged the implementation of family planning programmes, reproductive health education and wide access to contraceptives for both men and women. The Committee also requested information on the prevalence of and measures to curb sexually transmitted diseases and the continued impact of the Chernobyl disaster on women's health.

The experts expressed their concern over the **poor participation by non-governmental organisations** (NGOs) in the preparation of the Government's report and about the treatment of NGOs in general. NGO project work will only be supported by the Government if it is a Government-recommended project. Any work that falls outside this ambit must be funded externally. The Committee recommended that the State encourage the operation of NGOs and consult with them in preparing the next periodic report.

Finally, the Committee urged the **adoption of the Optional Protocol** to improve women's access to justice in Belarus.

### **Bhutan (3<sup>rd</sup> periodic report)<sup>2</sup>**

Over 20 years since its ratification of the Convention in 1981, Bhutan submitted a report to the Committee for the first time. The report combined its 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. The Committee recognised Bhutan as standing at a crossroads, embarking on significant efforts to establish a modern legal framework.

The Committee viewed the current process in Bhutan of **drafting a new Constitution** as an exciting opportunity for building a non-discriminatory legal framework. It urged the delegation to incorporate the principle of equality between women and men as well as the Convention's definition of discrimination into the forthcoming written Constitution. The Committee also stressed the need to provide for the primacy of international conventions over domestic law.

In terms of **national policies and programmes**, the Committee urged the Government to implement programmes specifically aimed at women to accelerate the achievement of substantive equality with men. The adoption of temporary special measures was recommended in spheres such as education, public and political life and employment to name a few.

The Committee underlined the need for Bhutan to assess the **impact of stereotypes, patriarchal values and traditions**, which persist in the country, and to develop programmes to support their elimination. Bhutan, it urged, should preserve traditions that favour women, such as inheritance laws. Although not practised widely, members of the Committee underlined the need to eliminate provisions for lawful polygamy and polyandry, which are

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<sup>2</sup> CEDAW/C/BTN/1-3 and CEDAW/C/BTN/1-6/Corr.1.

permitted with a spouse's consent. In addition, they stressed the need to end the practice of forced marriages and to prevent under-age marriages, which, although illegal, continue to go undetected due to the lack of a birth certification system by which to verify a person's age.

The Committee underlined the need for Bhutan to adopt **specific legislation to combat violence against women**, including the swift adoption of Bhutan's draft Penal Code that criminalises marital rape. Although the Committee was encouraged to hear that efforts are being made to train legal and security personnel in this area, it noted that the absence of such legislation allows many forms of violence to go undetected and unpunished.

As for **education**, while the Committee admired Bhutan's successful efforts to increase the enrolment of girls in primary schools, it underlined the need to ensure the same progress at secondary and tertiary level education. Low levels of literacy among adult women also emerged as an area in need of Government attention.

On the issue of **employment**, the Committee urged the Government to facilitate the increased participation of women in decision-making positions, in the diplomatic service and in the judiciary. Experts encouraged the delegation to learn from the experience of other countries in designing its employment policies, particularly in examining the negative effects of gender-segregated employment markets on wage levels.

In response to the Committee's concerns over the **lack of gender disaggregated data** appearing in Bhutan's report, the delegation explained that the powers and status of the National Statistics Organisation had been enhanced and assured the experts of their intention to collect and present gender disaggregated data in future.

The Committee was particularly interested in the **future compilation of data relating to rural women** under every area covered by the Convention. The Committee was concerned that the needs of this sector of the population are given greater attention and visibility by the Government in future.

On the issue of **former Bhutanese women who lost their citizenship** following the enactment of the 1985 Citizenship Act, the Committee urged the Government to seek a durable solution with the Government of Nepal (such as their repatriation) where such women currently live in refugee camps.

Finally, the Chairperson expressed the Committee's hope that Bhutan would strengthen its human rights legal safeguards by **adopting the Optional Protocol**.

### **Ethiopia (5<sup>th</sup> periodic report)<sup>3</sup>**

Ethiopia presented its combined 4<sup>th</sup> and 5<sup>th</sup> periodic reports to the Committee. The Committee acknowledged the impressive political will and determination of the Ethiopian Government delegation in striving to meet its obligations in view of the many challenges it faces, particularly on account of the harsh natural conditions in the country, including recurring droughts, and the prevalence of gender discriminatory traditions and practices.

Experts expressed concern over the **protracted process for adopting legal changes** due to Ethiopia's tradition of discussing all impending amendments from grassroots level upwards. The Committee suggested that this practice be combined with measures to accelerate change. To ensure that these deliberations yield results, which are in line with the principles of the Convention, the Committee recommended Government action to educate both men and women and to sensitise them to gender equality issues.

Despite the promulgation of legislation providing for **gender equality** in many spheres, such as property ownership, inheritance and the revision of the Family Code, the situation of women in Ethiopia is slow to change, particularly on account of conservative attitudes. The Committee urged the Government to strengthen and provide funding to the relevant national machinery (such as the new Women's Affairs Office in the Office of the Prime Minister and the new Ombudsman dealing with women's affairs) and to adopt a more aggressive approach in taking steps to facilitate a paradigm shift within society and to implement the country's

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<sup>3</sup> CEDAW/C/ETH/4-5.

obligations under the Convention. Measures aimed at curtailing gender stereotypes were suggested, particularly adult education and literacy programmes targeting the rural population (85% of Ethiopia's population); the mobilisation of civil society; and of the mass media.

The **elimination of harmful traditional customs** was an issue of major concern to the Committee. While some progress had been made in reducing the prevalence of the practice of female genital mutilation (FGM) (which now affects 80% of the female population as opposed to 92% just 10 years ago), the Committee learned that FGM is perpetrated almost entirely by women. The Committee suggested targeted action by the Government to combat this problem and expects an analysis of results in Ethiopia's next report.

The Committee welcomed the impending **revision of Ethiopia's Penal Code**, which introduces severe penalties for rape for the first time. On the issue of early marriage, experts suggested the introduction of a system of birth and marriage registration in order to curtail this trend, which is increasing in Ethiopia today as a result of parents' efforts to prevent their children from marrying AIDS-infected partners.

The **widespread poverty** in Ethiopia was identified as a factor impeding women's access to education and health care. On the issue of health, the Committee expressed its concern at the prevalence of HIV/AIDS among women. The delegation informed the experts that the Government had started providing anti-retroviral drugs to pregnant HIV/AIDS infected women free of charge. Other issues of concern were the low life expectancy among women (which NGOs estimate to be 44 years with Government estimates at over 50 years); high rates of maternal mortality; and of clandestine abortions. The Committee recommended increased access to reproductive and other healthcare information and services and educational programmes for both men and women on contraception, family planning and HIV/AIDS.

Women's **education** is being encouraged by the Government, particularly through the use of a minimum 30% female allocation quota for university entrance. However, the Committee urged the delegation to increase literacy rates among girls and women (particularly in rural areas), and to facilitate greater access to education at primary and secondary level through the use of temporary special measures, including incentives for parents to send them to school. The high dropout and repetition rates of girls, it said, also had to be addressed.

In addition, the Committee highlighted its concern over women's **access to employment, credit facilities and economic resources** in general.

The Committee urged the Government to adhere to its formatting guidelines in compiling future reports, to begin collaborating with NGOs in the preparation of future reports, and to collect statistics in all areas for inclusion in the next report.

#### **Germany (5<sup>th</sup> periodic report)<sup>4</sup>**

The Committee expressed their high expectations of Germany as a political and economic leader in Europe, and their concern that despite its advanced position in these spheres, glaring examples of unexpected and unacceptable discriminatory attitudes persist in its society.

The Committee commended the Government's **dual-track strategy for "development co-operation"** at EU level. This involves requiring women's needs to be taken into account in German-funded development projects, as well as requiring women-specific projects to be undertaken. The Committee urged Germany to spearhead advocacy of the Convention at EU level in order to underline the universal standards of women's human rights among both EU members and EU candidate States.

Of particular concern to experts was the issue of the continued **discriminatory stereotyping** within German society at large, as reflected in the media, particularly in relation to immigrant and minority communities. The Committee insisted that freedom of the press as well as the difficulties of penetrating cultures and communities could not be relied upon by the Government to explain away the perpetuation of such stereotypes. Experts urged

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<sup>4</sup> CEDAW/C/DEU/5.

Germany to address this issue, particularly in the realm of advertising.

The Committee congratulated Germany on the introduction of **new legislation granting residence permits to migrant women** who have separated from violent spouses, particularly since this issue was highlighted as an area of concern in their previous periodic report. Nevertheless, experts commented on the need to further protect foreign and minority women and to collect gender-disaggregated data particularly in relation to the *Roma* and *Sinti* minorities and the access of all migrant and minority groups to health, education and employment opportunities.

In the sphere of **woman trafficking**, the Committee applauded new provisions to temporarily suspend the deportation of trafficked women, such as those who are able to provide legal testimony against their oppressors, and provisions granting residency to those facing considerable danger on returning to their country of origin.

On the issue of **prostitution**, it remains to be seen whether the new Act Regulating the Legal Situation of Prostitutes effective from 1 January 2002 aimed at endowing previously marginalised prostitutes with legal rights, including the right to re-training opportunities, will provide them with sufficient legal protection. The Committee recommended monitoring the effects of the new legislation and suggested the implementation of programmes to encourage alternative means of earning a livelihood and thereby discouraging prostitution.

The Committee noted the lack of comprehensive data relating to **violence against women**. It demanded that the results of a comprehensive survey conducted recently (which are not yet available) be included in the next periodic report.

On the issue of **women's position in the labour market**, the Committee noted the high numbers of women involved in part-time work: 86% of part-time work positions were filled by women in 2001. Although 75% of part-time working women from the west of Germany choose this path in order to achieve a balance with their family lives, Committee members expressed their concern over female part-time workers from the east, 50% of which engage in such work by default due to a lack of full-time work opportunities. The Committee urged Germany to ensure *de facto* equal employment opportunities through measures such as temporary special measures under Article 4(1) of the Convention.

The Committee also noted the **low percentage of men taking advantage of special parental leave** provisions aimed at increasing the number of women returning to work after the birth of a child. According to Government representatives, stereotypical attitudes prevent young men from applying for parental leave for fear of losing income and career advancement opportunities. The Committee urged the Government to encourage fathers to make greater use of these provisions.

The Committee highlighted the need for improvements in **women's participation in diplomatic and political life**, and recommended the adoption of temporary special measures to this end.

The Committee expressed its appreciation of the amendments made to Germany's Basic Law giving **women access to participation in all areas of the military** and its consequent withdrawal in 2001 of its reservation to Article 7(b) of the Convention.

Finally, the Committee commended Germany on its continued **systematic objections to reservations** made by other contracting State parties.

### **Kuwait (2<sup>nd</sup> periodic report)<sup>5</sup>**

The examination of Kuwait's combined initial and 2<sup>nd</sup> periodic report began unconvincingly with the unexpected absence of all but two members of the official Kuwaiti delegation.

Following the recent defeat by a narrow margin of an Amiri Decree to invest women in Kuwait with **full political rights**, the head of Kuwait's delegation assured the Committee that this bill would appear before parliament again in the current parliamentary session. One expert drew attention to the contradiction that, while Kuwait's Constitution guarantees equal rights

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<sup>5</sup> CEDAW/C/KWT/1-2.

of men and women before the law and women's right to join political parties and associations, their right to participate in political life is denied by the country's Electoral Law. When pushed on this point, the delegate alluded to such legal inconsistencies being justified on grounds of national security.

The Committee urged Kuwait to take all necessary steps to amend the **discriminatory provisions of the Electoral Law**, and to **withdraw its reservations** to Articles 7(a) (as well as 9(2) and 16(f)) of the Convention. Responding to the delegation's comments that reservations are permitted under international treaty law, the Committee stressed that sovereign States ratify international instruments with a view to implementing their provisions in their entirety.

The Committee further urged Kuwait to incorporate the **Convention's definition of discrimination** into its legal framework and to adopt measures (including the Optional Protocol) to ensure the Convention's primacy and its effective implementation in Kuwait. The Government of Kuwait should embark on a nationwide campaign to educate society and officials on the letter and spirit of the Convention.

In the sphere of **higher education**, where 67% of all students are female, Kuwait boasted high numbers of female graduates from prestigious faculties such as law and medicine. Though the Committee congratulated Kuwait on reducing the rate of female illiteracy and on the high participation rate of women at all levels of education, experts expressed concern that these achievements were not being reflected in women's participation in the labour market. In 2002, women's participation in the economy stood at a mere 36% in the formal sector.

As regards the issue of **women's participation in the military and diplomatic spheres**, the delegation clarified that women are permitted to work in an administrative capacity in these areas. The Committee expressed concern over the lack of diversified employment opportunities for women and recommended the use of temporary special measures to accelerate the achievement of *de facto* equal opportunities for women in the field of employment. The need to introduce measures to promote cultural changes and changes in stereotypical expectations of women's roles were also stressed by the Committee.

Experts raised the issue of Kuwait's **discriminatory citizenship laws** on several occasions. These laws, which do not allow women to transmit their nationality to their offspring, were of particular concern given that non-Kuwaitis outnumber the Kuwaiti population. The Committee called upon the Government to amend discriminatory provisions of the Nationality Act and to conduct a comprehensive review of all laws to ensure their compliance with the Convention.

One of many areas that the Committee expressed concern over on account of the lack of available statistical data, was **violence against women**. Experts called for data to be collected as regards its prevalence and manifestations, as well as services and forms of redress available to victims.

The Committee urged the delegation to co-operate with **civil society and NGOs** to step up efforts to eliminate discrimination and to work together in the preparation of Kuwait's next report. The need to obtain comprehensive gender disaggregated data in various sectors - education, employment in the police, judiciary and diplomatic core, and access to health services by Kuwaiti and non-Kuwaiti women in society was emphasised by the Committee.

The Committee expressed the need to see concrete demonstrations of the Government's will to implement the Convention's provisions, and demanded the wide dissemination of the Committee's concluding comments to Government administrators and politicians in particular.

### **Kyrgyzstan (2<sup>nd</sup> periodic report)<sup>6</sup>**

Despite the extensive legislation adopted in recent years to strengthen the principle of gender equality in Kyrgyzstan, the Committee expressed its wish to see evidence of increased

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<sup>6</sup> CEDAW/C/KGZ/2 and CEDAW/C/KGZ/2/Add.1.

awareness among women of their Convention rights.

The Committee members expressed their concern at the **patriarchal traditions**, which continue to be prevalent in society. Particular reference was made to the openly discriminatory practices of "bridal abduction" and polygamy perpetuated by Kyrgyzstan's ethnic minorities. The Committee expressed disapproval at the Government's acceptance of such discriminatory cultural practices and urged the Government to monitor them closely, and to take steps to eliminate them. Experts underlined the need to enforce laws prohibiting such practices, and stressed that, since the country's Constitution only protects those aspects of the national culture which do not conflict with the protection of individuals' rights, such practices could not be justified under the banner of the individual's right to privacy or the right to uphold national traditions.

The Committee further recommended the promotion of the **equal status of women** through the media to eliminate deep-rooted patriarchal attitudes.

The situation in Kyrgyzstan vis-à-vis **trafficking of women** was considered to be serious by the Committee. Kyrgyzstan's Programme of Measures to Combat the Illegal Export of and Trafficking in Persons 2002-2005 was commended by the Committee, which demanded to see concrete evidence of the results of Kyrgyzstan's regional co-operation initiatives in its next report. The Committee requested additional information on how the Government is seeking to combat the root causes of this trafficking, such as the feminisation of poverty.

The Committee remarked upon the **under-representation of women in political parties**, diplomatic posts, and the judiciary. It is a cause for concern that no temporary special measures exist to accelerate women's participation in political life. The Government delegation explained that women's unreceptive attitudes towards the introduction of female quotas for such posts was largely on account of their "decorative" use by the pre-independence soviet regime. Nevertheless, the Committee urged the Government to consider such temporary special measures under Article 4(1) of the Convention as a means to redress the imbalance.

On a positive note, the Committee commented that the **high level of education** among women in Kyrgyzstan, which in general is slightly higher than that of men, would help promote women's participation in political and diplomatic life.

On the issue of **employment**, the Committee expressed concern over the concentration of women in traditional and low-paid jobs, and urged the introduction of temporary special measures to eliminate such occupational segregation and resulting wage differentials.

The issue of **health care** was discussed at length, particularly the poor state of women's health and recent health sector reforms including the closure of medical institutions. The Committee recommended measures to reduce maternal and infant mortality rates, address alcohol and drug addiction among women, and the increase in tuberculosis and sexually transmitted diseases among women. It urged the State to reinforce reproductive education in schools, and to foster responsible sexual behaviour by girls and boys, particularly in view of the high statistics for abortions by women under the age of 19. The Committee urged the Government to take remedial action to ensure that reforms do not disproportionately disadvantage women who form the majority of the workforce in this sector.

As regards discriminatory laws on **land ownership and inheritance**, the Committee recommended that the Government review and amend such legislation.

The Committee emphasised the importance of **co-operation between the Government and NGOs** to promote awareness of human rights issues in civil society, and recommended that the preparation of Kyrgyzstan's next report be used as an opportunity to raise consciousness among the population of women's rights under the Convention.

Finally, the Committee welcomed Kyrgyzstan's adoption of the **Optional Protocol** in July 2002.

### Nepal (3<sup>rd</sup> periodic reports)<sup>7</sup>

The Committee commended Nepal's adoption of the Convention without reservations and was encouraged to learn that the achievement of gender equality in Nepal is considered as a high priority by the Government.

The Government's commitment is evidenced by the recent **establishment of several national bodies** working towards gender equality, including the National Human Rights Commission, a National Commission for Women, and a national CEDAW Committee responsible for preparing reports and ensuring the implementation of Nepal's obligations under the Convention. The Committee urged delegates to press the Government for the allocation of sufficient funds to these under-funded institutions in order to allow them to function effectively.

Despite the delegation's emphasis on the internal conflict currently affecting Nepal, the Committee nevertheless urged the delegates to ensure that more concrete action will be taken to further **publicise and implement women's human rights**. The Committee stressed that Nepal's obligations in this respect should not be disregarded on account of the absence of a duly convened House of Representatives in the country. It urged the Government to lay the groundwork for future legislative action by the parliament.

In light of its concerns over the **lack of women's participation in decision-making bodies and in civil society**, experts recommended the increased involvement of women in conflict resolution activities and the peace process, both to bring an end to the conflict and to simultaneously enhance the status of women. Temporary special measures were recommended as a tool to increase women's take-up of leadership positions in general.

The Committee Chairperson, noted that Nepal's **citizenship laws** require serious attention. Of particular concern were provisions of the Constitution, which preclude female nationals (unlike their male counterparts) from transmitting their Nepalese nationality to their offspring or a foreign spouse, a situation which runs counter to Nepal's obligations under the Convention.

The Committee highlighted that action needs to be taken as regards **discriminatory legislation**, including recently amended legislation such as property law provisions pertaining to land ownership. By way of example, provisions relating to the disposal of interests in land stipulate that a woman may inherit land, but, unlike her male counterpart, may not dispose of it without the consent of a third party such as her husband, son or unmarried daughter.

The Committee was very disturbed by the continued pervasiveness of **patriarchal "values"** (though Committee members objected to this terminology), which shape many of the attitudes in Nepalese society today. In her concluding remarks, the Chairperson underlined the fact that culture is not a static phenomenon, and as such, it is feasible to eliminate these so-called values.

The Committee expressed disapproval of laws allowing for **harmful traditional practices**, in particular, early marriage and lawful bigamy. It urged Nepal to abolish other harmful traditions such as dowry, *deuki* (dedicating girls to a god and goddess) and *badi* (prostitution among young ethnic girls). The stigma attached to widows was also of particular concern, with the Committee recommending job training, loan opportunities and counselling to improve their situation, as well as urging the Government to work towards eliminating traditional attitudes and organising women's rights awareness campaigns.

The Committee noted that much work is still required to improve the **standards of literacy and education** of women particularly in rural areas and among disadvantaged ethnic groups. The Committee recommended efforts to ensure equal access for women and girls to all levels of education and the allocation of funds to recruiting female teachers. The Committee expressed its wish to be informed of measures being taken in these areas in Nepal's next report.

The Committee expressed concern over the state of **women's health**, particularly the

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<sup>7</sup> CEDAW/C/NPL/2-3.

high maternal and infant mortality rates and inadequate family planning services. Recommendations were made for programmes targeting both men and women to be implemented on reproductive health, sexually transmitted diseases including HIV/AIDS, and contraceptive methods.

Finally, although no date as yet has been set for Nepal's **ratification of the Optional Protocol**, the Committee expressed its hope that this would occur sooner rather than later.

### **Nigeria (5<sup>th</sup> periodic report)<sup>8</sup>**

Nigeria presented its 4<sup>th</sup> and 5<sup>th</sup> periodic reports to the Committee. The Committee commended the Government's commitment to the democratic governance of Nigeria and congratulated Nigeria on its ratification of the Convention without reservations. Nevertheless, the Committee expressed concern that the Convention had not yet been incorporated into Nigerian law and as such enforceable in courts.

Experts underlined the need to establish a **timetable for such incorporation** and for the repeal of discriminatory Constitutional provisions and laws. Until that time, the Convention's principles, it recommended, could be referred to in judicial proceedings, as demonstrated by the recent case of *Mojekwu v Ejikeme* (2000). To this end, the Committee recommended the launching of training programmes in order to educate the judiciary, prosecutors and other members of the legal profession in the Convention's principles and to engender a gender-sensitive legal culture.

The Committee noted the difficulties Nigeria faces in **harmonising its tripartite legal system**, which consists of Islamic Sharia, customary and common laws, and in bringing them in line with the Convention's provisions. The slow pace of legal and Constitutional reform provided the experts with cause for concern. In particular, the experts lamented the lengthy procedure for challenging discriminatory laws, thus prolonging women's exposure to violations of their rights.

Committee members were concerned by the continuing **strong discriminatory stereotypes and traditional practices** such as polygamy, female genital mutilation and widowhood practices. While recognising the rich cultural diversity of Nigeria, the experts underlined that such diversity should not impede the realisation of women's human rights, nor be used as a cover for human rights violations. Recommendations were made for further co-operation with NGOs and proactive and creative measures by the Government to this end.

The Committee heard of the progress made in the field of improving **girls' access to education**. However, it noted the continued low enrolment rates and academic achievements of girls and high rates of illiteracy among women, particularly in rural areas. The Committee urged Nigeria to ensure implementation of the Universal Basic Education Policy, launched in 1999, which provides for the compulsory and free education of all children as well as giving pregnant girls the opportunity to resume their studies after delivery.

The continued prevalence of **violence against women** was of particular concern to the Committee, which called for the Government to speed up adoption of legislation on violence against women proposed in 2002. Gender-sensitive training for public officials and the establishment of shelters and other services for victims of violence and sexual harassment were recommended.

On **healthcare** issues, the Committee expressed concern at the insufficient and inadequate healthcare facilities available to women as well as the lack of access to such facilities. The high rates of maternal mortality, as a result of unsafe abortions, were of particular concern. Recommendations were made to increase access to healthcare and to increase affordable methods of family planning to couples.

On the issue of **participation in public and political life**, the Committee noted that women only take up 30% of positions in public office and suggested the adoption of temporary special measures to accelerate women's participation and promotion to leadership

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<sup>8</sup> CEDAW/C/NGA/4-5.

positions in the spheres of political and diplomatic life.

The Committee expressed disappointment at the **lack of adequate statistical data**, particularly in relation to women's participation in the areas of education, health, employment and the status of women in rural areas and demanded to see these figures in Nigeria's next report.

The Committee concluded by urging Nigeria to speed up efforts to **ratify the Optional Protocol** and to disseminate the Committee's concluding comments widely.

## **2. General Recommendation No. 25**

The General Recommendation No. 25 includes clear and instructive language on the definition of temporary special measures. The Convention provides that such measures, aimed at accelerating *de facto* equality between men and women, shall not be considered discrimination and shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

The Committee directed NGOs within States, which are a party to the Convention to use the General Recommendation as an authoritative source of language when mapping out campaign strategies for the elimination of discrimination against women. It encouraged NGOs to translate this recommendation into their working language(s) and to make it widely known amongst women and men, as well as journalists, law makers, officials in public administration, those who are instrumental in fiscal budgeting, academics, and students.