

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

31st Session (New York, 6 to 23 July 2004)

The 31st session of the Committee on the Elimination of Discrimination against Women (the "Committee") which monitors the implementation by States of the Convention on the Elimination of all Forms of Discrimination Against Women (the "Convention") considered the reports submitted by Angola, Argentina, Bangladesh, the Dominican Republic, Equatorial Guinea, Malta, Latvia and Spain. Two of these countries, Angola and Malta, were reporting for the first time since each country had ratified the Convention. The Committee also received a summary of activities since the Committee's last session; introduced General Recommendation No. 26; and received reports from UN specialised agencies.

1. Reports by States

Angola (3rd periodic report¹ and 5th periodic report)²

Angola presented its combined initial, 2nd and 3rd report and its combined 4th and 5th periodic report to the Committee for the first time since it ratified the Convention in 1984. As a result of decades of civil war and its devastating effect on the country's population and economy, the Committee stated that women in Angola required special attention in an effort to achieve equality in the political, legal, and socio-economic spheres.

The Committee noted that the **current draft of a new constitution** provides a crucial and pivotal opportunity in Angola to renew its commitment to gender mainstreaming by evaluating the proposed laws from gender-sensitive perspectives. The Committee urged Angola to include a definition of discrimination in conformity with the Convention and a provision for the direct implementation of the Convention. Citing a message from the Angolan President, the delegation reassured the Committee that Angola was firmly committed to implementing policies and programmes leading to the end of gender discrimination and full gender integration.

On the issue of the Government's **recent legislative efforts**, the delegation provided more detailed information regarding the funding of the Ministry for the Promotion of Women. The Ministry sponsors a wide-range of activities, such as counselling centres, legal assistance, 16-day campaigns against gender violence, and promotes gender-sensitisation methods through mass media, workshops, school presentations, and other legal enforcement entities. One new initiative, "Project of Support to Gender Issues and Women's Promotion", includes financial assistance from the United Nations Population Fund (UNFPA) and technical support from the United Nations Development Fund for Women (UNIFEM) and is designed to enhance the institutional capacity of the Ministry.

Regarding the status of **1.3 million displaced Angolans**, of which 80% are women and children, the Committee reiterated that all efforts possible should be made to address their reintegration into society. The delegation noted that on the issue of voluntary repatriation, tripartite agreements for the repatriation of Angolan refugees have been signed in 2002 and 2003 between Angola and asylum countries. The Committee commended the new initiative, "A National Programme of Reintegration", to aid in their transition. It includes procedures for their resettlement and reception centres for displaced persons that provide medical and food assistance, temporary shelter, and transportation to final destinations.

On the topic of **employment**, the delegation cited a revision in 2000 of Angola's Labour Law to address concerns relating to female workers, including part-time work and maternity leave. As to micro-credit programmes available for women, the Committee praised several programmes including: 1) a pilot programme initiated by non-governmental

¹ CEDAW/C/AGO/1-3.

² CEDAW/C/AGO/4-5.

organisations (NGOs); 2) a new bank created to provide micro-credit for solidarity groups of women operating in the informal sector; and 3) a United Nations Development Programme (UNDP) initiative called the Programme of Support to the Development of the Angolan Small Enterprise Sector. The Committee hoped that future reports would include the results of these new programmes.

In the area of **education**, the Committee praised the Government for delineating several important goals in education, including to increase access to primary education for all children by 2015 and eliminating gender disparities in primary and secondary school by 2005. Furthermore, the National Commission on Gender has been created to reduce gender stereotypes in education and includes new information in school curriculum about HIV/AIDS and reproductive health. The delegation stated that to combat the illiteracy rates (70% among women), the Government aims to increase the number of adults in literacy classes, particularly women, by 2015.

Concerning **health**, the Committee noted the troubling incidence of HIV/AIDS. The delegation noted that Angola had a strategic plan for sexually transmitted diseases and HIV/AIDS for the period of 2003-2008. In June 2001, the Government had approved the programme for the prevention of mother-to-child transmission. Studies on pregnant women in one region, Luanda, indicated that the disease was quickly spreading, increasing from 3.4% in 1999 to 8.6% in 2001. The Committee suggested that more action had to be undertaken to address early sexual activity and prostitution as a consequence of high rates of poverty. The prevalence among prostitutes in Luanda had increased from 20% in 1999 to 33% in 2001.

The Committee continued to be concerned that prevailing **patriarchal cultural norms and stereotypes** prevented effective implementation of the rights under the Convention. The Committee emphasised that efforts to overcome such stereotypes must begin in the schools and be repeated through efforts in the mass media and through education of law enforcement officials.

The Committee also recommended that the relatively **low proportion of women who held seats in Parliament**, about 16%, be increased. Furthermore, it stressed that temporary special measures should be instituted to improve the participation of women in decision-making positions as well as any other areas where they might be appropriate.

Argentina (follow-up to the 4th and 5th periodic reports)³

Argentina submitted this follow-up report after the Committee considered its 4th (September 1996-October 1999) and 5th (February 2000-December 2001) reports and its replies to the questions raised by the pre-sessional working group. At the time of the reports' consideration, the Committee noted the lack of information provided on the impact of a serious institutional, political, economic and social crisis since mid-1998 on the female population and its negative effect on the implementation of the Convention. Consequently, the Committee requested that Argentina submit a follow-up report in January 2004 to address these issues and provide updated information and statistics.

Regarding the **growing increase of poverty** and its disproportionately heavy impact on the female population, the Committee urged Argentina to pay special, ongoing attention to vulnerable groups, including unemployed women heads of household, women in rural areas, and indigenous populations. The Committee recommended that future poverty-alleviation programmes include gender perspectives in order to increase their effectiveness. The Committee congratulated the delegation on the enactment of several new programmes, including the Programme for Unemployed Heads of Household and the National Plan for Local Development and Social Economy: "Let's Get to Work".

The impact of the crisis on **employment** has also been troubling. The Committee noted that most women, about 70%, perform unskilled jobs. More than a half the women who earn

³ CEDAW/C/ARG/Add.1.

salaries receive either no or only partial benefits, and only 8% of women are employed in skilled professional positions. The Committee hoped that the new programmes' results would be included in the next report. As to protecting women's working conditions, the Committee urged the delegation to ensure basic labour rights and guard against discriminatory dismissals.

On the issue of **violence**, the Committee expressed some disappointment that no new efforts have been made to lower rates of domestic violence or to reduce gender stereotyping. The Committee expressed concern on whether law enforcement officials were vigorously investigating perpetrators. The report admits that further efforts are needed to increase awareness, to provide more services in rural areas, and to establish a system that would generate reliable and comparable data.

The Committee commended Argentina for ratifying the UN Convention against Transnational Organised Crime and its supplementary Protocols in August 2002 and encouraged the Government to continue seeking new ways to address **trafficking and prostitution**.

Regarding **comprehensive health care**, the Committee had expressed concern that the crisis had led to increasing deterioration in health services and in particular, sexual and reproductive health and rising HIV/AIDS rates. The delegation cited a new National Programme for Sexual Health and Responsible Parenthood, but the Committee noted that the new Programme did not require contraception in all health centres. The Committee were also concerned with the mortality rates due to cancer, including rising breast cancer rates, and rural women's access to medical services.

While acknowledging that **female student participation and retention rates** have been increasing, the Committee hoped for further information about female participation in traditionally male vocational and technical schools. In order to combat teenage pregnancy and lower rates of sexually transmitted diseases, the Committee recommended that school curricula include more sexual education. In addition, the Committee reiterated its belief that traditional gender stereotypes can effectively be overcome through early education.

The Committee was pleased that there were improvements in the **institutional and legal standing of the National Council of Women** and its rise in the political hierarchy. Nevertheless, the national machinery for women as a whole needed more funding and power to confront gender issues. The Committee expected to hear further information on how the various new programmes have impacted women specifically, and where possible, to distinguish between regions.

Although the Committee congratulated the delegation of the numerous achievements it had made in a few years, the Committee urged that all possible efforts be made by the Government to enact pending legislative bills that could improve the status of women and protect their rights.

Finally, the Committee urged the delegation to **adopt the Optional Protocol** at the earliest opportunity.

Bangladesh (5th periodic report)⁴

The Committee recognised the Government's role in the many accomplishments Bangladeshi women have achieved, including increased literacy, school attendance, education, and integration in the economic sphere. Nevertheless, the Committee expressed concern that the legal structure in Bangladesh fell short of incorporating the principles of the Convention, as evident in the fact that their Constitution did not contain a definition of discrimination in full compliance with the Convention. The Committee urged the Government to take adequate measures in order to embody the principles of gender equality and non-discrimination in the Constitution and other appropriate legislation.

The Committee stressed the need for more rigorous attempts to eliminate **violence against women**, as Bangladeshi society tends to overlook or justify abuse of women. In

⁴ CEDAW/C/BGD/5.

particular, the absence of a law on domestic violence and marital rape was a point of concern to the Committee. While existing laws, such as the Prevention of Women and Child Repression Act 2000, make provisions for the punishment of kidnapping and abduction of women or children, the Committee underlined a need for a comprehensive law on violence against women.

The Committee expressed strong concern that in areas where **legislation** regarding women had been enacted, such as the laws related to labour, acid attacks and trafficking in women, their **implementation faced serious obstacles**. The Committee urged the Government to strengthen the measures adopted so far, by, among other things, providing more resources; improving the co-operation with NGOs; and establishing a national mechanism to monitor progress achieved in combating violence against women.

The Committee expressed disapproval over the content of **personal laws**, which allowed for inequality of women depending on their religion, which is in breach of the Constitution. The Committee expressed their concern over the justification of the violation of women's human rights in the name of respect for religion. The Committee urged the Government to adopt a uniform Family Code that would protect all Bangladeshi women within the family.

As for **citizenship rights**, the Committee expressed concern that the Citizenship Act of Bangladesh provided that only a man could transfer citizenship to a child and urged the Government to adopt adequate measures in order to remedy this clear contravention to Article 9 of the Convention.

Regarding the **political participation of women**, the Committee commended the Government's commitment to promoting women's inclusion in this arena. The number of reserved seats in the national Parliament had been increased from 30 to 45 through a constitutional amendment. In 1997, the Government passed the Local Government Election Bill to reserve seats for women at the local level and to ensure grass-roots women's political participation. The Committee requested the Government to monitor and report improvements introduced as a result of the quota system. The Committee recommended the Government to adopt legal and policy measures with the goal of direct election of women members of Parliament.

As for **economic participation of women**, the Committee noted with approval that Bangladesh earned an international reputation for its non-governmental sponsored micro-credit programmes for lending to women without collateral. However, the fact remains that nearly 76% of women fall under the category of "poor" in terms of income and resource endowments. The Committee urged the Government to adopt adequate measures and to continue its policy efforts in the re-employment of almost half a million garment workers who will be jobless by the end of the year.

The Committee remained concerned that even 20 years after the ratification of the Convention, the Government maintained a **reservation to its core Article 2**. However, the Government assured the Committee that the withdrawal of the reservations to the Convention was imminent. In the Committee's view, the withdrawal would both foster effective implementation of the Convention, as well as send a positive message of the Government's commitment to women's human rights to other Muslim countries.

In 2000, Bangladesh was among the first 10 countries that ratified the Convention's **Optional Protocol**, a fact that the Committee applauded. However, the Committee noted with concern that the Government opted out of the Protocol's inquiry procedure, significantly diminishing women's ability to demand justice for violation of their rights. The Committee urged the Government to reconsider this action as well as withdrawing reservations to the Convention, given that the Optional Protocol is not applicable in a country that has reservations.

Dominican Republic (5th periodic report)⁵

The Committee commended the Government on its efforts in implementing the Convention in spite of enormous challenges. The country has been facing an economic crisis and heavy debt, with 52% of the population living in poverty, and yet has maintained its commitment to the plight of the most vulnerable citizens, particularly women and low-income families. The Committee took positive note of the fact that seven new laws were passed to strengthen women's rights, with particular emphasis on migrants, health, social security and women's political participation. The National Gender Equity Plan has been established, as well as 20 new public sector programmes, addressing education, production and credit and training. The Dominican Republic ratified the Convention in 1982 without reservations and the Optional Protocol in 2001.

The Committee noted with approval the Government's **efforts to reform its laws**, particularly in the light of the Committee's concern about the discrepancies between existing legislation and the requirements for gender equality under the Convention. The Government's delegation informed the Committee that the Code of Criminal Procedure had been approved and the Civil and Penal Codes were being reviewed in order to promote gender equality and non-discrimination. Some of the amendments include redefining "violence" to include gender violence, with emphasis on both psychological and physical violence, as well as redefining "sexual harassment" to include episodes in the workplace and places of study. The Committee Chairperson urged the Government to ensure that the new Penal Code sends a powerful message that women's rights were to be respected and any violations penalised, as well as to closely monitor the short- and long-term consequences of these reforms.

The Committee welcomed the information regarding the improvement in **education** (the percentage of women without schooling dropped by 4% between 1996 and 1999) and political participation of women (a 33% quota was established for women candidates to Congress), as well as significant **health** achievements (the country reduced maternal mortality and increased access to mother and child care services). The Committee underlined the need to increase efforts to address women's poverty and increase overall women's participation in decision-making structures.

The Committee was disturbed by the Dominican Republic's permissive attitude to the **illegal sex trade**, and urged the Government to step up its efforts and take all appropriate measures, including legislation, to suppress all forms of exploitation of women. In particular, efforts should be made to eliminate the demand side of prostitution and to advance women's economic status.

As for **trafficking in women**, the Committee expressed concern that while the Government undertook several measures to tackle the situation (such as passing a bill on illicit trafficking in persons, setting up local support networks to prevent trafficking and help victims through medical and psychological assistance, job searches, and income-producing activities), more forceful action was needed to combat trafficking and to prosecute sex trade criminal efforts, as well as to address the root causes of prostitution, such as poverty and exploitation.

The Committee noted with concern the Government's **use of the term "equity"**, which is nowhere to be found in the Convention, and urged the delegation to uphold the language and the spirit of the Convention. The delegation assured the Committee that the country's constitution and laws operated with a concept of equality comparable to the Convention. The use of the term "equity" was a compensatory step in bringing about full equality of both men and women.

Regarding **violence against women**, the Committee noted with approval a number of policy, educational and training initiatives to combat abuse of women. The National Commission to Prevent and Combat Violence in the Family carried out studies and had proposed a short-term plan to reduce the impact of family violence. The Committee urged the

⁵ CEDAW/C/DOM/5.

Government to prioritise support services for domestic violence survivors, to allocate adequate resources for such activities and to step up efforts to amend the Penal Code.

Concerning women's **health**, the Committee expressed strong concern over the rate of early pregnancy, which stood at 23%, with one in three adolescent girls becoming mothers by the age of 18 or 19. Among girls who finished only primary school the rate rose to 30%. Further, the Committee noted with disapproval that the prevalence of HIV/AIDS was the highest in the region and the disease was spreading faster among women, exacerbated by sexual exploitation in the Dominican Republic. The Committee was very disturbed by the fact that the country maintained its policy of mandatory HIV testing for employment. The Committee urged adoption of adequate policy and programme measures that would secure the promotion and protection of women's right to health.

The Committee called for a review of discriminatory elements in **immigration and citizenship policies**, particularly concerning access to health services, work and educational opportunities, and specific needs of female migrant workers. Further, a focused, integrated and sustained effort is needed to ensure the rights of women employed in free-trade zones, especially regarding mandatory pregnancy testing that these women must undergo. The Committee emphasised that every effort must be extended to ensure gender equality and non-discrimination, particularly in legislation and the implementation of laws.

Equatorial Guinea (3rd periodic report⁶ and 5th periodic report)⁷

Equatorial Guinea presented its combined 2nd and 3rd periodic report and 4th and 5th periodic report. While noting the **difficult socio-economic circumstances** in Equatorial Guinea, which negatively affected the situation of women, the Committee called on the Government to adopt specific measures and policies for the advancement of women in all social areas, particularly regarding education, marriage, land ownership and political participation.

The Committee welcomed the adoption of the **National Policy for the Advancement of Women** (PNPM) in 2002, and encouraged the Government's commitment to funding, monitoring and evaluating activities for the advancement of women's human rights in Equatorial Guinea.

The Committee members expressed strong concern about continuing discriminatory **gender stereotypes** and underlined the importance of adopting measures that directly address customs and traditions, since many of these constituted a serious obstacle to women's enjoyment of their human rights. Traditional marriages in particular led to many cases of abuse, including the commercial utilisation of dowries. The Committee welcomed the adoption of laws, such as the Presidential Decree prohibiting the imprisonment of women due to the failure to provide a dowry. The Committee noted with concern that the existence of multiple legal traditions resulted in women being disadvantaged and encouraged the Government to speed up the adoption of the Family Law, which would promote respect for women's rights in all types of marriage. The Committee remained concerned about the prevalence of early marriage and polygamy and requested the Government to take legal and policy measures to discourage these discriminatory practices.

The Committee lamented the prevalence of **domestic violence** and the detrimental stereotypes that continue to prevail among men and women. Men traditionally have the right to "discipline" family members, which society does not see as wrong or any kind of offence. The Committee noted the Government's involvement in efforts to end family abuse by organising awareness-raising campaigns on domestic violence, but also recommended increased policy and legal efforts to eradicate traditions that perpetuate discrimination.

In the area of **political participation**, the Committee noted that the disparity between men and women remains enormous, with only 8.1% of women holding office in 2004. The Committee welcomed the passing of non-discriminatory laws that allow for official equality;

⁶ CEDAW/C/GNQ/2-3.

⁷ CEDAW/C/GNQ/4-5.

however, the Committee also recommended that the Government promote media campaigns and educational reform in order to promote women's participation in all spheres of life.

As for the **economy**, which in Equatorial Guinea is based on agriculture, the Committee expressed concern that while women represent 81.47% of the workforce, they own only a tenth of the money in circulation. Further, while women perform 52% of all manual labour, only one third of that labour is paid. Despite women's role as producers and community managers, their representation in other sectors is minimal: the proportion of women among senior executives and other employees in the private sector is 0.3%. The Committee urged the Government to mobilise its efforts and to adopt plans and programmes that strengthen women's participation in economic decision-making.

In **education**, the Committee noted a high dropout rate among girls, particularly in those enrolled at the primary level (43%). The gap between young women and men further widens at the secondary and university level, mostly due to the pregnancy and early marriage of girls. The Committee noted with approval the establishment of the National Programme for Education as well as literacy programmes, which aim at reducing illiteracy among women from 60 to 23%.

The Committee expressed strong concern over the recent significant **increase in prostitution**, due to mass migration to cities and the presence of foreigners employed in the oil industry. While the prostitution of minors is prohibited by a ministerial order, the Committee urged the Government to step up its policy and legislative efforts and awareness-raising activities among prostitutes. However, the Committee strongly emphasised the need to address the demand side of prostitution as well, and to target and prosecute male clients for child abuse and rape.

The Committee expressed concern over the detrimental status of women's **health**, noting that 70% of women did not have access to health care. In that regard, of particular concern is the fact that the spread of HIV/AIDS is faster among women than among men, also due to the increase in prostitution. The Government has to commit to actions that protect and promote women's health, the Committee emphasised.

Malta (3rd periodic report)⁸

Malta's delegation presented its first report combining its 2nd and 3rd periodic report to the Committee since ratifying the Convention in 1991. The Committee congratulated the Government on the recent creation of the National Commission for the Promotion of Equality for Men and Women ("NCPE") in January 2004. The NCPE plays an active role in raising public awareness of gender equality, such as identifying all policies directly and indirectly relating to issues of gender equality and monitoring implementation of national policies for eliminating gender discrimination.

Several of the Committee members inquired about the **status of the Convention** within Malta's domestic law. Since Malta's dualistic system requires that international treaties must be ratified by its Parliament, the Convention is not directly applicable in the Maltese legal system. One expert noted that Malta has incorporated the European Convention on Human Rights directly into domestic law, and it was disappointing that the same has not been done for the Convention. The Government delegation explained that this reflects a long-standing tradition in its law and believed that its current law is in compliance with the Convention.

Regarding **reservations** to articles in the Convention, the Committee noted that some reservations had been superseded by national legislation. The Committee reiterated that reservations are a threat to the Convention's universality and serious consideration should be given to their withdrawal.

On the issue of **violence**, the Committee recommended that the classification of rape under the Criminal Code as a "*crime against the good order of family*" be reconsidered as a crime against a violation of the person. The delegation stated that regarding domestic

⁸ CEDAW/C/MLT/1-3.

violence, there was a current draft law submitted to the Attorney General's Office that contained further constraints on the perpetrator and protections for the victim. The Committee recommended that Malta act quickly to enact the domestic violence proposed legislation. In addition, the Committee recommended that Malta review its current legislation on trafficking of women, which has not been revised in a few years, and consider ratifying relevant international treaties to increase protection for women. Regarding prostitution, the Committee recommended that Malta's Health Promotion Department continue to consider new methods for preventing prostitution, reducing demand for prostitutes, and expanding counselling and rehabilitative services for women who were attempting to leave prostitution.

In the area of **employment**, the Committee noted the continuing problem of the wage discrimination gap, about 18% and recommended that the NCPE continue to monitor the situation. The Committee also noted that few women were found at the managerial level in the private or public sector, and recommended that the national machinery evaluate and implement new policies to remedy the situation.

The Committee was particularly concerned with the **participation of women in decision-making positions** in Parliament, the Cabinet, the judicial system and diplomatic corps. The Committee recommended that temporary special measures should be adopted and targets be identified, such as a minimum percentage of women in lists of candidates to guarantee a fairer representation of women.

Regarding **education**, the Committee congratulated the high percentage of women in university. Also, the Committee was pleased to note that all university students receive stipends from the Government while studying. The Committee reiterated to the Government to step up its efforts to encourage women to study areas that are historically male-dominated.

On the issue of **pervasive gender stereotypes**, the Committee suggested that Malta increase its efforts to eliminate the deep-rooted trends stereotyped roles in regard to female family responsibility. The delegation stated that amended legislation to ensure an equal standing for women and men including their family roles and responsibilities was currently under consideration. In addition, the NCPE uses all possible resources, especially the media, to encourage the elimination of these gender stereotypes. One expert also questioned whether divorce, which is not legal in Malta, was a violation of fundamental human rights.

Regarding women's **health**, the Committee noted the increase in teenage pregnancies and suggested that sexual education should be included in the curriculum of religious schools so as to play a stronger role in prevention strategies. The Committee recommended that Malta ratify the **Optional Protocol** at its first available opportunity.

Latvia (3rd periodic report)⁹

Latvia ratified the Convention in 1992, a year after it regained independence, and reported to the Committee for the first time by presenting its initial, 2nd and 3rd periodic reports. While taking notice of the considerable delay in submission, the Committee praised the Government on the legislative reforms with the goal of gender equality, such as the amendments to the Criminal Law, the 2003 Law on Sexual and Reproductive Health, and the Labour Law, but remained concerned about problems with their implementation. The Committee urged the Government to include in its Constitution a provision prohibiting discrimination on the basis of sex or an explicit stipulation on gender equality, which is a State's obligation under the Convention.

The Committee noted with concern a strong prevalence of **gender stereotyping**, evident in a low level of sensitisation of law enforcement officials and judges to the victims of domestic violence. The Committee underlined the need for awareness-raising and educational campaigns, as well as gender sensitisation in civil service and society as whole. The Committee welcomed that the national programme for the implementation of equal treatment

⁹ CEDAW/C/LVA/1-3.

had been approved and would soon come into force.

The Committee deplored Latvia's lack of proper legislation targeting **violence against women** and lack of statistical data in particular on domestic violence. Even the minimal data available signalled a high prevalence of family violence. In 2003, the Riga Municipal Police received 400 calls a week – approximately 60 every day – from women who suffer violence, while half of all crimes committed against women in Latvia happen in the family. The Committee expressed concern that law enforcement institutions had not always paid proper attention to the problem or acted quickly enough, as well as that the law did not recognise psychological violence against women. The Committee Chairperson emphasised the need to go beyond implementing non-discriminatory legislation sanctioning against violence and to empower women to make use of legal provisions, the courts, and the support services available to them.

The Committee noted that even with the improved legislation, which punishes encouraging **prostitution, human trafficking, and sexual tourism**, these problems increased, with more than 100 women leaving Latvia each month for European countries to engage in prostitution. The majority of this group is between 18 and 25 years old and seeks to improve their financial situation in western European brothels. The Committee welcomed the fact that the National Programme for Prevention of Human Trafficking (2004-2008) has been established, focusing on education and prevention, training law enforcement officials, rehabilitation services for victims, as well as co-operation with NGOs and countries in the region. The Committee urged the Government to also address the root causes of trafficking in women.

The Committee commended the Government on a number of political, legislative, and administrative measures implemented to promote **gender equality**, such as a project on the promotion of gender mainstreaming in national policies and a project on women's leadership in business and agriculture. The Committee suggested increased efforts in strengthening the normative base and the co-ordination of the national machinery for gender equality, as well as in monitoring and evaluation of various gender equality projects, plans, and programmes.

With respect to **labour**, the Committee noted with concern that although labour legislation has been brought in line with European Union standards, the gender wage gap remained significant and the number of unemployed women increased. The Committee requested that the next Latvian report include more gender-disaggregated data on women's participation in the economy, specifically on the situation of rural women.

The Committee expressed strong concern over the alarming rate of the **spread of HIV/AIDS**. Just in 2000, there was an increase of almost 100% of new cases recorded, 23% of whom are women, with the disease spreading faster in the female population. The Committee noted with approval the information that in 2003 the Cabinet of Ministers had adopted a Programme on Combating the Spread of HIV and AIDS for 2003-2007, as well as established the Centre for AIDS Prophylaxis under the Ministry of Health.

The Committee expressed satisfaction that the extremely **high rate of abortion** in the country decreased by 7% between the years 2001 and 2003, and urged the Government to introduce educational programmes on reproductive health and reproductive planning for both men and women.

Regarding **women's political participation**, the Committee Chairperson expressed concern about the low number of women in the Parliament, a particularly disappointing fact in light of the high level of women's participation in local-level councils and their high educational status. The Chairperson encouraged the Government to implement special temporary measures to increase women's political participation and requested that the next report include sex-disaggregated data on women's participation in both the private and public sectors.

As for **gender-based ethnic discrimination**, the Committee noted the delegation's reassurance that State legislation banned such prejudice and that there are no significant differences in educational level, employment, salaries and living standards among the country's ethnic groups.

The Committee urged the Government of Latvia to ratify the **Optional Protocol**, which would signal Latvia's willingness to implement the Convention.

Spain (5th periodic report)¹⁰

The Committee congratulated Spain on its recently elected Government, especially praising its commitment to **gender parity** by naming eight women ministers with important budgetary responsibilities to the Prime Minister's new Cabinet. However, the Committee noted that there remained many levels of government in which female participation was relatively low. Although female judges comprised 42% of Spain's total judges, in view of the few numbers of female judges in provincial hearing chambers, the Committee urged Spain to increase efforts regarding female participation in the judiciary. The Committee was pleased to note that the recent appointment of a woman to the presidency of the Constitutional Court was a positive step in that direction.

The Committee recommended further efforts by the Government to increase the **number of women in diplomatic posts**, which currently stands at about 13%. The Committee further suggested that the Spanish Government continue to use all its resources, including decisions regarding the allocation of grants to political parties and adopting temporary special measures, to ensure women were candidates for political positions.

Despite the steadily improving rates of employment, **participation of women in the labour market** also presented some concern. The Committee referred to statistics indicating that female workers earned 30% lower than their male counterparts, and 80% of women worked part-time jobs since they could not find full-time positions. The report also stated that women represented just one-third of self-employed positions. Regarding the wage gap, the delegation noted that Spain has recently amended the Workers' Statute to further stress the principle of equal pay between the sexes. In addition, Spain had instituted several programmes of financial support, through subsidies to female entrepreneurs, to encourage female labour participation through self-employment. The Committee expressed hope that future reports would address the situation of rural women in the labour market.

One area of great concern was the country's increasing rate of **domestic violence**. The report noted that complaints of domestic violence rose during 2000 by 35% despite an initial plan of action by the Government. The delegation reassured the Committee that the Government considered the topic to be of the utmost priority. The Committee was pleased to note several measures including: 1) a second plan was adopted in 2001, with a budget 73% larger than the first, and 2) the creation of the Observatory on Domestic and Gender Violence, a project that follows 12'000 judicial decisions to create more measures to protect victims. Before the Spanish legislative body is a proposed "integral" draft law, the Comprehensive Law against Gender Violence, which is aimed at combining the policies of prevention, victim supports, investigation, and punishment for domestic violence. The Committee stressed that more in-depth studies regarding gender stereotypes as the root cause of gender violence needed to be initiated. The Committee commended Spain for publicising a very serious issue that historically had been considered a purely private, household matter. The Committee recommended that the definition of violence be amended to include violence outside the domestic setting so as to have a greater impact.

The Committee posed several questions relating to women's **health**. The delegation cited a recent World Health Organisation (WHO) report that stated that Spain's health system was one of the seven best in the world and that women used health centres in high numbers. Although the delegation noted that immigrants, both legal and illegal, had a right to health care under Spanish law, the Committee questioned whether foreign women in practice had as much access to health care. The Committee expressed deep concern over the steadily increasing number of abortions, and urged Spain to increase sexual education in schools.

Regarding **education**, although the Committee members were pleased that women

¹⁰ CEDAW/C/ESP/5.

comprised 50% of the student body at the university level, they also noted that women doctoral students did not complete their dissertation studies at the rate that male doctoral students did. As to lower levels of education, experts reiterated their concern for the position of *Romani* (gypsy) girls in education and other areas. Despite efforts to provide incentives and tutorials, the dropout rates for *Romani* girls were particularly problematic. Several questions were raised about the *Roma* population including their low-income rates, persistent poverty, inequality and social exclusion. The delegation acknowledged that although activity by the Institute for Women's Affairs and General Secretariat for Gypsies Associations attempted to address these issues, more action needed to be taken.

The Committee also raised the issue that a significant increase in **immigration rates** has led to a large and vulnerable group of foreign-born women in the country. The delegation noted that Spain was committed to eliminating racial discrimination but conceded that Spain was still in the early stages of dealing with the recent phenomenon of large-scale immigration, almost 600,000 immigrants alone entered Spain in 2002. Although the Committee members had asked for more detailed statistics on the composition of the new immigrants, both in urban and rural settings, the delegation claimed that its laws did not allow data to be gathered based on ethnicity. The Committee strongly encouraged Spain to include these statistics in their next periodic report. The delegation also noted that legislation was underway to improve integration of migrant workers as well.

The delegation answered several questions about the **relationship between the central Government and the authority of autonomous regions regarding gender mainstreaming**. The delegation noted that annual plenary meetings were held with autonomous communities that included discussions of equal opportunities policies. The delegation reassured the Committee that there was a continuous flow of resources between the National Women's Institute and the Equality Institutes in all of the autonomous communities.

The Committee members also commented that they hoped future reports reflected **stronger participation by NGOs**. The Committee encouraged Spain to ratify the amendment to Article 20(1) of the Convention as soon as possible.

2. Summary of activities since the Committee's last session

The Director of the Division for the Advancement of Women (DAW), Ms **Carolyn Hannan**, noted there were several new State party members to the Convention since the 30th session in January 2004. These new State parties, Kiribati and Swaziland, ratified the Convention without reservations. The total number of State parties to the Convention is now 177. Furthermore, three more State parties, Belarus, Belgium and Libya, ratified the Optional Protocol to the Convention and 62 States have now signed the Optional Protocol. Switzerland and Ireland recently decided to withdraw reservations to the Convention.

The Chairperson gave a summary of the Committee's activities since its last session, which included the presentation of a statement by Ms Hannan during the 48th session of the Commission on the Status of Women in March 2004. That statement gave information on the following issues, among others: the Committee's adoption of General Recommendation No. 25 on Article 4.1 of the Convention, the proposal for the commemoration of the 25th anniversary of the Convention's adoption by the UN General Assembly, and a statement made by the Committee on 5 February 2004 on the situation of women in Iraq. In the statement on Iraq, the Committee expressed particular concern with a decision by the Governing Council of Iraq on 29 December 2003 to repeal existing civil statutes governing issues related to marriage, divorce, child custody and inheritance. Also, the Committee reiterated that since Iraq was a State party to the Convention, it strongly recommended that the drafting of a new Constitution and revision of any current legislation must conform fully with the Convention to ensure *de jure* and *de facto* equality between women and men.

The Committee released another press statement concerning situation of women in Iraq on 22 July 2004 urging the Iraqi Interim Government to do its utmost to ensure equal participation of women in the reconstruction process and full compliance with all provisions

of the Convention in the development of the Iraqi society. In preparation for elections, the Interim Government was urged to ensure that women be able to exercise their right to vote and to stand for election. Further, the Committee emphasised the need to take special measures to rehabilitate and reintegrate women and children victims of war.

The summary of the Committee's activities presented by the Chairperson also contained a current proposal to the General Assembly to obtain further funds to support an extension of the Committee's annual meeting time so as to reduce the time lag between State parties' submissions of their reports and consideration by the Committee.

3. General Recommendation No. 26

During this session, the Committee also introduced General Recommendation No. 26 that is intended to provide further guidance and clarification of Article 2 of the Convention. Article 2 is a core article of the Convention; it enumerates the obligations of State parties that form the framework for the implementation of the other Convention articles. In the first of three stages necessary for a general recommendation's adoption, the Committee held a general discussion on the proposed recommendation and invited NGOs to either submit written papers or present these papers in person at the meeting. Some of the highlights of the discussion included recommending raising State party obligations across all branches and levels of the respective governments equally; clearly stating that internal law cannot be an excuse for non-compliance with Article 2; and encouraging State reports to address internal and armed conflicts.

4. Reports from UN specialised agencies

The Committee also received reports by UN specialised agencies on the implementation of the Convention in areas falling within its scope, as well as on activities, programmes, and policy decisions undertaken to promote the implementation of the Convention in the States reporting at the present session. The International Labour Organisation's (ILO) submission indicated the position of countries regarding the relevant ILO Conventions (such as the Equal Remuneration Convention, 1951 (ILO Convention C100) and Discrimination (Employment and Occupation) Convention, 1958 (ILO Convention C111)). The United Nations Educational, Scientific and Cultural Organisation (UNESCO) reported on its contribution to the implementation of the Convention (through, for example, mainstreaming gender in the UNESCO's combat against HIV/AIDS) and on measures undertaken in the reporting countries (for example, the UNESCO monitored the "Education for All" campaign in Bangladesh, which significantly improved gender parity in enrolment by abolishing school fees, introducing free meals and uniforms, etc.). The Food and Agriculture Organisation of the United Nations (FAO) provided statistics on women in agriculture; information on activities for the empowerment of rural women; and reported on collaboration with NGOs and governments toward gender equality. In Spain, for example, the FAO organised a training workshop on socio-economic and gender analysis with a goal of disseminating this approach at policy, institutional and field practice level.