



CEDAW

Jurisprudence on Indigenous Women and Girls

2017-2024

*Compiled and Edited
by Fergus Mackay*



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**Indigenous Peoples
Rights International**

Championing Indigenous Peoples Rights



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Concluding **OBSERVATIONS**





1. Malaysia, CEDAW/C/MYS/CO/6, 6 June 2024

Constitutional and legislative framework and definition of equality and non-discrimination

12. The Committee remains concerned about the absence of anti-discrimination legislation explicitly prohibiting discrimination against women by State and nonState actors, covering intersecting forms of discrimination ... and a comprehensive definition of discrimination against women covering direct and indirect discrimination in both the public and private spheres. The Committee also notes with concern the long delays in the consultative process with civil society organizations, in particular women's rights organizations, concerning the Anti-discrimination Against Women Bill (formerly the Gender Equality Bill), which has been pending since 2019.

13. The Committee recommends that the State party:

(a) Accelerate the adoption of the Anti-discrimination Against Women Bill and ensure that it includes a comprehensive definition of discrimination against women covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere;

(b) Expedite the consultative process with women's rights organizations on the Anti-discrimination against Women Bill and ensure the systematic and meaningful representation of women's organizations, including those representing ... Indigenous women ... in the formulation, adoption and implementation of draft laws and policies on gender equality....

Temporary special measures

20. The Committee notes that the State party has adopted temporary special measures in the areas of education and health care. However, it notes with concern the lack of progress resulting from the temporary special measures addressing women's underrepresentation in other areas, such as political and public life and employment.

21. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) Adopt temporary special measures and establish time-bound targets, monitoring and evaluation mechanisms, to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women, including ... Indigenous women ... are underrepresented or disadvantaged, including in political and public life and employment;

(b) Systematically collect data on the impact of temporary special measures and include such data in its next periodic report.

Harmful practices

24. The Committee reiterates its concern about the persistence of female genital mutilation among Muslim communities reinforced by a non-binding fatwa on female circumcision issued by the Malaysian National Council of Islamic Religious Affairs in 2009, as well as among some Indigenous communities. In that regard, the Committee notes with concern reports that female genital mutilation is practised on more than 95 per cent of Muslim girls and that it has serious effects on the health of many of them.



25. The Committee stresses that female genital mutilation cannot be justified on religious grounds and constitutes a harmful practice to exert control over the bodies and sexuality of women and girls is in violation of the Convention, irrespective of whether or not these practices are performed within or outside a medical institution. Recalling its previous recommendation ... the Committee recommends that the State party:

(a) Criminalize all forms of female genital mutilation, ensuring that such criminalization cannot be overruled by fatwas or other rulings issued by religious or clerical authorities, in accordance with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and target 5.3 of the Sustainable Development Goals;

(b) Conduct awareness-raising and educational campaigns aimed at promoting understanding of the criminal nature of and the need to eliminate female genital mutilation, in particular among medical staff, parents, community leaders, religious scholars, men and boys, allocate sufficient resources and adopt a systematic monitoring and evaluation framework of such activities.

Gender-based violence against women

26. The Committee welcomes the amendments to the Domestic Violence Act 1994 and the Penal Code (2023). It also notes the adoption of the Anti-Sexual Harassment Act 2022, the law on anti-stalking through the amendments to the Criminal Procedure Code (2023) and the issuance of the Guidelines for Conducting Domestic Violence Cases to address gender-based violence against women and girls. It further notes with appreciation the efforts made to simplify applications for a protection order, and expand the number of shelters and crisis centres for victims of domestic violence, including in rural areas. However, the Committee notes with concern: ... (b) The barriers deterring Indigenous, asylum-seeking and refugee women who are victims of sexual and other forms of gender-based violence from seeking access to justice and medical treatment....

27. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with the State party's Human Rights 75 pledge to promote human rights literacy to eliminate violence against women, the Committee recommends that the State party: (a) Intensify awareness-raising among Indigenous and refugee communities, as well as the general public, on the criminal nature of all forms of gender-based violence, including domestic and sexual violence, and on the need to enable all women to report such cases without fear of reprisals, stigmatization or revictimization....

Equal participation in political and public life

32. The Committee notes with concern that, while recent trends indicate an increase in the representation of women in political life, such progress has been slow and from a low baseline. In particular, the Committee is concerned about women's low representation in the Parliament (13.5 per cent) and the Senate (18 per cent) and underrepresentation in decision-making positions in political and public life, including in the cabinet, local government, the judiciary and the diplomatic service, including as regards Indigenous women....

33. The Committee, recalling its previous recommendation ... and its general recommendations No. 23 (1997) on women in political and public life and No. 25 (2004) on temporary special measures, recommends that the State party:

(a) Take targeted measures, including temporary special measures, such as quotas, to reach



parity between women and men and increase the representation of Indigenous women ... in decision-making positions in political and public life;

(b) Conduct awareness-raising campaigns to promote understanding that women's equal representation in decision-making is a human right and an essential condition for achieving political stability and sustainable development in the State party;

(c) Abolish any regulation that prevents women from being elected as heads of villages and take targeted measures, including temporary special measures, such as quotas, to reach parity between women and men within local councils, including in rural areas.

Nationality

34. The Committee notes the steps taken by the State party to review its reservation to article 9 (2) of the Convention, including proposed amendments to the Federal Constitution that seek to grant Malaysian women the right automatically to confer their nationality to their children born abroad on the same basis as Malaysian men. It also welcomes the decision of the State party not to proceed with the proposed amendments to Section 19B Part III of the Second Schedule and Section 1(e) Part II of Second Schedule of the Federal Constitution that would have the effect of limiting access to citizenship for stateless children born in Malaysia, abandoned and adopted children, children born out of wedlock and Indigenous children. ...

35. Recalling its previous recommendation ... and its general recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee urges the State party to: (a) Amend the Federal Constitution to remove discriminatory provisions and enable Malaysian women to transmit their nationality to their foreign spouses and their children on an equal basis with men and make the amendments retroactive....

Education

36. The Committee welcomes the efforts of the State party to increase women's representation in leadership positions in higher education institutions, combat bullying and sexual harassment in schools, meet the educational rights of girls and women with special needs, and ensure the continuity of education during the coronavirus disease (COVID-19) pandemic. ...

37. The Committee recommends that the State party: ... (c) Ensure equal access to digital education for disadvantaged girls and women, such as Indigenous girls and women ... to narrow the digital divide, in line with the Digital Education Policy for the period 2023–2030....

Employment

38. The Committee ... welcomes the measures taken by the State party to increase women's representation in decision-making positions in the private sector. The Committee nevertheless notes with concern that:

(a) The State party interprets article 11 of the Convention as "a reference to the prohibition of discrimination on the basis of equality between men and women only", thereby excluding intersecting forms of discrimination against women; ...

(f) Indigenous women and foreign spouses of Malaysian citizens face limited access to employment....

39. The Committee recommends the State party: (a) Withdraw its interpretative declaration concerning article 11 of the Convention, address intersecting forms of discrimination against women, facilitate access to formal employment by ... Indigenous women....



Rural and other disadvantaged groups of women

44. The Committee welcomes the launch of the Rural Development Policy 2030, which includes a specific chapter on rural women that establishes a 30 per cent quota for rural women's representation on the Village Development and Security Committee and the Orang Asli Village Development and Security Committee. However, it notes with concern that most Indigenous women and girls living in rural areas lack access to decision-making in their communities and to basic services, such as education, economic opportunities, health services, water and electricity.

45. Recalling its previous recommendation ... and in line with its general recommendations No. 34 (2016) on the rights of rural women and No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:

(a) Ensure that the National Strategic Plan for the period 2023–2026 of the Department of Orang Asli Development and relevant policies in Sabah and Sarawak address intersecting forms of discrimination faced by Indigenous women and girls;

(b) Ensure that Indigenous women and girls have adequate access to decision-making in their communities, as well as to basic services, such as education, economic opportunities, health services, water and electricity.

Climate change and disaster risk reduction

52. The Committee welcomes the initiatives aimed at green growth and advancing climate action implemented by the Malaysian Green Technology Corporation. However, it notes with concern:

(a) Reports of river water contamination in Indigenous areas, which disproportionately affect Indigenous women and girls;

(b) Challenges Indigenous women and girls face in maintaining their traditional lifestyle, with adverse health impacts, due to climate change and territorial loss, coupled with changes in their food systems;

(c) The lack of a gender perspective in policies and programmes on climate change, disaster risk reduction and transition to renewable energy.

53. The Committee recommends that, in line with its general recommendations No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and No. 39 (2022) on the rights of Indigenous women and girls, the State party review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, especially rural and Indigenous women, and ensure that women are meaningfully involved in the development, adoption and implementation of legislation, policies and programmes on climate change, disaster response and disaster risk reduction by, in particular:

(a) Collecting disaggregated data on the impact of climate change and natural disasters on women and girls, including rural and Indigenous women and girls;

(b) Ensuring the incorporation of a gender perspective in climate change and disaster risk reduction strategies, renewable energy legislation, financing and programmes in order to address the specific and unique needs of women and girls and build their resilience and effective adaptation to climate change;

(c) Taking measures to address the specific impact of climate change on women's livelihoods and access to resources, and ensuring their economic empowerment in the transition to a green economy.



2. Rwanda, CEDAW/C/RWA/CO/10, 6 June 2024

Access to justice

11. The Committee notes the State party's efforts in providing physical and virtual legal aid services and legal education to women in the communities and raising awareness of gender-based violence and women's rights, including through non-state legal aid service providers. However, it notes with concern the persistent barriers to women's and girls' access to justice, including access to justice for rights violations against women in conflict situations, in particular, the underutilization of formal justice systems by women facing rights abuses and seeking legal redress; the limited access to information among women about their rights under the Convention and domestic law and how to claim them; the limited knowledge among ... Batwa women, of available legal aid services; the preference to not report abuse and remain silent; ... and the limited capacity on the part of the judiciary and law enforcement officials to apply the Convention directly in legal proceedings or to interpret national legislation in conformity with the Convention.

12. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recalls the State party's obligation to ensure that women's rights are protected against violations by all components of plural justice systems. It recommends that the State party: ... (d) Increase awareness-raising campaigns and women's rights and legal literacy among communities and women, including ... Batwa women, to educate them on women's rights under the Convention, regional women's rights instruments and national legal and policy frameworks to empower them to claim their rights and dismantle patriarchy that perpetuates discriminatory stereotypes that promote gender inequality...

Temporary special measures

21. The Committee commends the State party's implementation of temporary special measures to increase the representation of women in political life, notably the introduction of mandatory 30 per cent quotas for women candidates and of 30 per cent reserved seats for women in the Chamber of Deputies and the Senate. The Committee is nonetheless concerned at the lack of temporary special measures to accelerate the achievement of the substantive equality of women and men in areas where women are underrepresented or disadvantaged, such as education and employment, and to address inequalities faced by disadvantaged groups of women, such as ... Batwa women....

22. The Committee recommends that the State party adopt temporary special measures, such as quotas, to increase the representation of women in employment sectors where they are currently underrepresented, including in leadership and decision-making positions, in line with article 4 (1) of the Convention and general recommendation No. 25 (2004) on temporary special measures. The State party should also adopt targeted temporary special measures to accelerate the achievement of the substantive equality of women and men in areas where women are underrepresented or disadvantaged, such as education and employment, and to address inequalities faced by disadvantaged groups of women, such as ... Batwa women.... It also recommends that the State party shift its approach from numerical quotas to achieving meaningful parity in all spheres of political and public life, including in decision-making positions.

Batwa women

43. The Committee takes note of the State party's policy to refrain from categorizing groups on the basis of ethnicity following the genocide. However, it notes with concern that the former forest-dwelling Batwa women and girls continue to face intersecting forms of discrimination and marginalization and that the lack of targeted measures for Batwa women and girls results in a failure to adequately address their needs.



44. Recalling its previous concluding observations ... the Committee recommends that the State party collect data on the specific situation of Batwa women with a view to assessing their lived realities and the intersecting forms of discrimination that they face, and adopt targeted measures including temporary special measures to address the stigma faced by Batwa women and girls and facilitate their full integration into the wider society, notably by ensuring the fulfilment of Batwa women's rights in multiple domains, including education, employment and health care, as well as the right to participate in political and public life.

3. Brazil, CEDAW/C/BRA/CO/8-9, 6 June 2024

Positive aspects

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following: (a) The Ministry of Women, the Ministry of Indigenous Peoples and the Ministry of Racial Equality, in 2023....

Principal areas of concern and recommendations Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

8. The Committee notes that the Convention is referred to as part of the national legal framework in various guiding documents and tools. However, it notes with concern the limited awareness among women, in particular among ... Indigenous women [and] Quilombola women ... of their human rights under the Convention and the remedies available to claim them.

9. The Committee recommends that the State party intensify its efforts to widely disseminate and raise awareness of the Convention, the Optional Protocol thereto and the Committee's general recommendations in languages used in the State party, including Indigenous languages, in particular among ... Indigenous women [and] Quilombola women, ... and to educate women on their human rights under the Convention and the legal remedies available to claim those rights.

Women's access to justice

10. The Committee notes the efforts of the State party to facilitate women's access to justice through targeted policies. However, the Committee notes with concern several obstacles in access to justice faced by ... Indigenous women [and] Quilombola women, ... such as language barriers ... and, in remote and underserved areas, legal and transportation costs and limited access to information on available remedies in cases of intersecting forms of discrimination, which prevent victims from bringing complaints.

11. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party strengthen access to justice for ... Indigenous women [and] Quilombola women ... including by ... deploying mobile courts to remote areas, providing free legal aid and interpretation services, reimbursing transportation costs and disseminating information about the legal remedies available to victims to claim their rights.

Temporary special measures

18. The Committee takes note of the State party's efforts to introduce temporary special measures to increase the representation of women in political and public life. However, it notes with concern the limited use of temporary special measures in other areas where women, in particular... Indigenous women [and] Quilombola women ... are underrepresented and disadvantaged, including in political, public, social and economic life and in relation to education, employment, health care and social security. The Committee is also concerned about the limited assessment



of the impact of existing temporary special measures on women's equal and inclusive representation to evaluate how effectively these measures have contributed to the achievement of substantive equality between women and men.

19. The Committee recommends that the State party expand the use of temporary special measures, including quotas, special scholarships, affirmative procurement and financial incentives for hiring women and establish time-bound targets to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention where women, in particular rural women, women with disabilities, Indigenous women, Quilombola women, women of African descent and lesbian, bisexual, transgender and intersex women, are underrepresented or disadvantaged, including in political, public, social and economic life and in relation to education, employment, health care and social security, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures.

Gender-based violence against women

22. The Committee recognizes the National Policy for Combating Violence against Women and notes that the Women Living without Violence programme has been reinstated, prioritizing the restructuring of the Call 180 hotline and the establishment of new units of the House of Brazilian Women. It also notes that femicide has been defined as a form of qualified homicide. The Committee is concerned, however, about the high prevalence of gender-based violence against women and girls in the State party. In particular, it notes with concern: ... (d) The escalation of killings of Indigenous women and adolescent girls in Mato Grosso do Sul....

23. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee urges the State party to: ... (d) Accelerate the establishment of House of Indigenous Women facilities in all Indigenous territories across the State party, with dedicated service provision and protocols to combat gender-based violence through informative materials, talks and workshops in Indigenous languages and training for professionals of the Women's Protection Network on cultural aspects and the rights of Indigenous Peoples....

Trafficking and exploitation of prostitution

24. The Committee notes the adoption of Law 13.344 in 2016 aligning the definition of the crime of trafficking in persons with international standards and the announcement by the State party of the launch of the fourth National Plan to Combat Trafficking in Persons in 2023. However, the Committee notes with concern: ... (c) The heightened risk of sex trafficking and exploitation of prostitution for Indigenous women, women of African descent, rural women, migrant women and transgender women....

25. Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party: ... (c) Reinforce programmes and plans for alternative income and decent work with a specific focus on Indigenous women ... who are otherwise at risk of trafficking and/or exploitation in prostitution....

Equal participation in political and public life

26. The Committee takes note of the efforts of the State party aimed at increasing the participation of women in political and public life, including the More Women in Power project and the Multi-year Plan 2024–2027. However, the Committee notes with concern: ... (c) The limited impact of existing temporary special measures to achieve substantive equality between women and men in political and public life, in particular those for ... Indigenous [and] Quilombola [women]....



Women human rights defenders

28. The Committee is deeply concerned at the targeted threats, attacks, harassment, intimidation, including online, and killings of women human rights defenders, women journalists, women environmental activists and women community leaders in favelas. It is particularly concerned about attacks against Indigenous women [and] Quilombola women ... in the context of land demarcation and titling.

29. The Committee urges the State party to:

(a) Protect all women human rights defenders, with a particular focus on Indigenous women [and] Quilombola women ... in the context of land demarcation and titling, from any threats, attacks, harassment, intimidation, killings and criminalization of their legitimate work and prosecute and adequately punish perpetrators of such violent acts, including public officials;

(b) Strengthen the human rights defenders' protection programme, especially in rural areas, to ensure that women human rights defenders and activists can freely carry out their legitimate work and exercise their rights to freedom of expression, peaceful assembly and association;

(c) Adopt legislation to criminalize online violence, cyberattacks and disinformation campaigns, with a particular focus on online gender-based violence.
Education

30. The Committee takes note of the efforts of the State party to combat school dropout among girls, such as the "Pé-de-Meia" savings programme, school meals programmes and other incentives. However, it notes with concern: (a) The high dropout rates among schoolgirls, especially rural, Indigenous, Quilombola and Afrodescendent girls, due to poverty, engagement in unpaid domestic work, early pregnancy and child marriage....

31. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and target 4.1 of the Sustainable Development Goals, to ensure by 2030 that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party: (a) Intensify efforts to increase the inclusion and effective retention and reinsertion of girls in school, in particular at the secondary level, with special attention to ... Indigenous [and], Quilombola ... girls, including through scholarships....

Employment

32. The Committee welcomes the ratification by the State party of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization, its implementation of the National Strategy for Female Entrepreneurship and the adoption of the law on equal pay for equal work. However, it notes with concern: ...

(c) The disproportionate share of unpaid domestic, care and support responsibilities undertaken by women, in particular ... Indigenous women, preventing them from participating equally in the workforce and public life, as well as from having sufficient rest to maintain their well-being; ...

(e) The limited employment opportunities in the State party for ... Indigenous women [and] Quilombola women....

33. In line with target 8.5 of the Sustainable Development Goals, which is to achieve full and productive employment and decent work for all women and men, including for young people and person with disabilities, and equal pay for work of equal value, the Committee recommends



that the State party: ...

(c) Implement without delay the National Care Policy and ensure that it is gender-, disability- and age-responsive and that it addresses the specific needs and rights of women of African descent and Indigenous women, in consultation with them; and promote the equal sharing of family and domestic responsibilities between women and men, including by introducing equal parental leave and flexible working arrangements and by increasing the availability of affordable, quality and human rights-based childcare services and support services for persons with disabilities and older persons; ...

(e) Increase its targeted measures to promote the formal employment of women with disabilities, rural, Indigenous and Quilombola women and women of African descent, migrant women and lesbian, bisexual, transgender and intersex women....

Health

34. The Committee notes the repeal of Decree 2.561 of 2020, which instructed health professionals to report cases of legal abortion to the police and the adoption of the Menstrual Dignity programme in 2023. However, it notes with concern: ...

(b) That the maternal mortality rate has increased sharply, disproportionately affecting ... Indigenous women living in rural areas and in the northern and north-eastern regions of the State party;

(c) That traditional and naturopathic health systems, ancestral knowledge, cosmology and Indigenous practices are not recognized or integrated into the federal health-care system, negatively affecting access to health care by Indigenous women.

35. In line with general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, to reduce global maternal mortality and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party: ...

(b) Strengthen measures to counter the alarming rate of maternal mortality, including by improving access to prenatal and postnatal care and emergency obstetric services provided by skilled birth attendants throughout the territory of the State party and address its root causes, such as obstetric complications, early pregnancy and unsafe abortions;

(c) In line with general recommendation No. 39 (2022) on the rights of Indigenous women and girls, recognize and incorporate Indigenous traditional and naturopathic health systems, ancestral knowledge, cosmology and practices into the health-care system, recruit Indigenous shamans, healers and midwives and hire female doctors for gynaecological care in Indigenous areas.

Economic empowerment of women

36. The Committee welcomes the measures taken by the State party to promote the economic empowerment of women, including through the “Bolsa Família” family allowance programme. However, it notes with concern the disproportionately high poverty levels and limited access to economic and social benefits of ... Indigenous and Quilombola women....

37. The Committee recommends that the State party strengthen efforts to reduce poverty among women, with a particular focus on disadvantaged groups of women, promote their access to low-interest loans without collateral and their participation in entrepreneurial initiatives to empower them economically and provide them with opportunities to acquire the skills necessary to participate fully in economic life.



Indigenous women, Quilombola women and women of African descent

40. The Committee notes with concern that Indigenous and Quilombola women ... face intersecting forms of discrimination and are economically and socially disadvantaged. It also notes with concern:

(a) That Indigenous Peoples and persons of African descent, in particular Indigenous and Quilombola women, lack titles to their lands and face forced removals from lands traditionally occupied or used by them and the exploitation of those lands by private non-State actors, such as extractive industries and infrastructure developers, without consultation, their free, prior and informed consent or adequate benefit-sharing;

(b) The planned adoption of the “Marco Temporal” (temporal framework) doctrine, which would limit the recognition of ancestral lands of Indigenous Peoples only to the lands they were occupying on the day of the promulgation of the Constitution, namely 5 October 1988. This doctrine has reportedly been used to nullify administrative demarcation processes concerning Indigenous lands;

(c) The limited protection of Quilombola women as a disadvantaged group in the legal framework, excluding them from the Single Health System, education and other social benefits and exposing them to political and other gender-based violence, including femicides;

(e) The problem of transnational crime and its effects on Indigenous women in border areas, in particular in the Rio Negro area, along the border with Colombia and Venezuela (Bolivarian Republic of);

(f) The threats to the mental health and physical integrity of Indigenous and Quilombola women ... in relation to the increase in alcohol consumption and its harmful use in their communities.

41. With reference to its general recommendation No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:

(a) Protect Indigenous women [and] Quilombola women ... from the illegal occupation of and forced evictions from lands traditionally occupied or used by them, strengthen procedural safeguards against forced evictions and reparations for victims, provide for adequate sanctions and require the free, prior and informed consent of their communities and adequate benefit-sharing for any economic activities on their traditional lands;

(b) Refrain from adopting any legislation to enact the “Marco Temporal” doctrine and reject it in the jurisprudence of the competent courts, increase public awareness about its adverse effects on Indigenous and Quilombola women and girls and ensure the promotion and protection of their rights, in particular with regard to the demarcation of their ancestral territories without any temporal restrictions;

(c) Ensure that Quilombola women are explicitly recognized as a disadvantaged group in need of special protection in national legislation, provide them with the same rights as other such groups, including access to the Single Health System, education and other essential social services, remove any legal and bureaucratic barriers preventing them from accessing those services and raise awareness among them about their human rights and the remedies available to claim those rights; ...

(e) Promote actions for territorial protection, oversight and the strengthening of monitoring bodies and Indigenous policy to combat organized crime and international drug trafficking



within Indigenous territories, which are threatening the good life of Indigenous communities, including Indigenous women and girls;

(f) Ensure the provision of mental health services, including treatment for substance abuse and rehabilitation services in rural areas and Indigenous communities.

Women with disabilities

46. The Committee notes with concern that women and girls with disabilities, especially those belonging to Indigenous ... and Quilombola communities, face intersecting forms of discrimination in the State party. ... 47. The Committee recommends that the State party strengthen the legal protection of women with disabilities, provide them with adequate access to physical infrastructure, information and communications technologies, justice, education, employment and health services, and ensure that safeguards under the Maria da Penha Law and other relevant laws and women's hotlines are accessible and effectively protect women and girls with disabilities from gender-based violence.

Climate change and disaster risk reduction

50. The Committee notes with concern:

(a) That climate change has a deleterious impact on rural, Indigenous and Quilombola women and women of African descent, who face natural disasters, such as landslides and flooding, and often lack the conditions required to increase their climate resilience, since climate change results in the loss of their ecosystems, community habitats, livelihoods and ancestral knowledge and in the disruption of food and water supplies;

(b) That the State party has only signed but not ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) of 2018.

51. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, and ensure that women and men are equally represented in the development, adoption and implementation of legislation, policies and programmes on climate change, disaster response and disaster risk reduction, in particular by:

(a) Ensuring the participation of rural, Indigenous, Quilombola and Afrodescendent women in decision-making related to extractive activities, economic initiatives, development, investment, tourism, climate mitigation and adaptation programmes and conservation projects, and that any use of their territories is subject to consultation and their free, prior and informed consent and adequate compensation;

(b) Expediting the ratification of the Escazú Agreement, in accordance with its pledge in the context of the Human Rights 75 campaign.

4. Central African Republic, CEDAW/C/CAF/CO/6, 20 February 2024

Temporary special measures

23. The Committee notes with appreciation the adoption of the gender parity law (Act No. 16.004) in November 2016, which provides for a 35 per cent quota for the representation of



women on electoral lists and appointments to public office, as well as for the establishment of a national observatory for parity. However, the Committee observes with concern reports about the lack of enforcement of quotas for electoral lists of political parties; that temporary special measures have yet to be applied in other areas of political and public life, in the fields of education and employment and in relation to economic empowerment; and the lack of temporary measures to promote the equal representation of women facing intersecting forms of discrimination, such as women with disabilities, older women, rural women, pygmy women, Muslim women, internally displaced women and refugee women.

24. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party: (d) Adopt temporary special measures to ensure equal representation of ... indigenous women ... in all areas where they are underrepresented or face intersecting forms of discrimination.

Nationality

35. The Committee notes the progress made by the State party in restoring birth registration services, including the establishment of birth registration units across its territory and the increase in the number of registered births in Bangui, Bimbo and Begoa. Nonetheless, it notes with concern: ... (c) The barriers faced by women belonging to religious minorities and by indigenous and nomadic women in accessing birth registration and birth certificates for their children and obtaining and identity documents.

36. Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party: ... (b) Facilitate the access of Muslim, indigenous and nomadic women to birth registration and birth certificates for their children, and to identity documents.

Rural women

45. The Committee notes with concern that rural women have limited access to land ownership and control, property and productive resources owing to discriminatory customary laws and practices. It also notes with concern the lack of information about measures to ensure the equal participation of women in decision-making on water resource management and rural development plans. It is furthermore concerned about the impact of gold, diamond and other extractive activities, as well as of the farmerherder conflict in border areas due to desertification, deforestation and climate change, on rural women's safety and livelihoods.

46. The Committee, recalling its general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party:

(a) Ensure the access of rural women to land ownership and control and to property, including by ensuring that land parcels are registered under the names of both spouses, facilitating and providing capacity-building on women's economic rights for judges, cadastral registrars, traditional authorities and community leaders, and addressing discriminatory customary laws and practices;

(b) Expedite the adoption of the agricultural policy and the Agropastoral Land Code and ensure that rural women participate on an equal basis in their implementation and monitoring, as well as in decision-making on strategies related to food security and the use of land and other resources;

(c) Adhere to the Guiding Principles on Business and Human Rights, endorsed by Human Rights Council in its resolution 17/4 of 16 June 2011, and apply due diligence to hold



extractive industries accountable for violations of the human rights of rural and indigenous women in the exploitation of natural resources.

5. Nicaragua. CEDAW/C/NIC/CO/7-10, 14 February 2024

Women human rights defenders

11. The Committee notes with concern: (a) Legislative reforms in the State party that discriminate against women on the basis of their political opinion, hampering women's political participation owing to intimidation and fear of arrest and gender-based violence; the shrinking civic space; and excessive restrictions on the legitimate work of women human rights defenders, including Indigenous women....

Women's access to justice

17. The Committee notes the establishment of 61 special police units for women and family bureaux (consejerías familiares) within the executive branch. However, it notes with concern:

(a) The lack of independence of the judiciary and the Office of the Attorney General and judicial gender bias, which undermine women's access to justice for the purpose of filing complaints of gender-based violence, and that more than 50 per cent of proceedings in cases of gender-based violence, including sexual violence, are discontinued or result in acquittals....

18. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Ensure the independence of judges and accountability of prosecutors and police officers in cases of gender-based violence, eliminate judicial gender bias and provide systematic and mandatory capacity-building for judges, prosecutors, the police and other law enforcement officers on women's rights and gender equality to eliminate judicial gender bias and patriarchal attitudes;

(b) Raise awareness among women about their rights under the Convention and the remedies available to claim them, targeting in particular women belonging to disadvantaged groups, including Indigenous women....

National machinery for the advancement of women

19. The Committee notes that the State party has a Ministry of Women's Affairs, as well as gender units in government departments. However, it notes with concern:

(a) That the budgetary allocations for the national machinery for the advancement of women are insufficient for the fulfilment of its mandate;

(d) The lack of measures to ensure that women living in the autonomous Caribbean regions benefit from public programmes to promote gender equality and non-discrimination;

(e) The lack of consultation of the national machinery for the advancement of women with civil society organizations, in particular women's organizations.

20. Recalling the guidance provided in the Beijing Declaration and Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, the Committee recommends that the State party:

(a) Increase the human, technical and financial resources for the national machinery for the



advancement of women, including the Ministry of Women's Affairs and local components, ensuring that the resources correspond to their mandates and activities; ...

(c) Adopt a comprehensive national strategy on gender equality and women's rights and ensure the active participation of women's organizations, including in the autonomous regions and at the municipal level;

(d) Designate gender focal points in the Caribbean autonomous regions to ensure the implementation of gender equality policies and address situations of marginalization and historical inequalities faced by women in those areas;

(e) Ensure regular consultations of the national machinery for the advancement of women with women's organizations of plural backgrounds, including organizations representing ... Indigenous women....

Temporary special measures

23. The Committee notes with concern the limited awareness among the general public and members of the National Assembly, as well as public officials in the State party, about the purpose and non-discriminatory nature of temporary special measures. It also notes with concern the lack of information on specific legislation providing for temporary special measures, in accordance with article 4(1) of the Convention, to achieve substantive equality of women and men.

24. Recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party raise awareness about the purpose and non-discriminatory nature of temporary special measures and adopt and enforce legislation on temporary special measures, for example, in decision-making systems at all levels, education and employment, to accelerate substantive equality of women and men in all areas where women are underrepresented or disadvantaged, including Indigenous women ... and regularly monitor and evaluate the effectiveness of such measures.

Stereotypes and harmful practices

25. The Committee notes with concern:

(a) Legislation, public policies and practices, including the paradigm of Marianismo, in accordance with which women should fulfil qualities of the Virgin Mary, the Catholic religious icon, which reinforce patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society;

(b) The prevalence of gender stereotypes in public discourse and the absence of a national strategy and awareness-raising campaigns to eliminate gender stereotypes.

26. Recalling its previous recommendations ... and drawing attention to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, as revised, the Committee recommends that the State party:

(a) Adopt and implement a comprehensive strategy to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, in cooperation with the media and using social media;

(b) Conduct awareness-raising campaigns among public officials, Indigenous and community leaders, teachers, girls and boys about women's rights and gender equality.



Gender-based violence against women

27. The Committee acknowledges the amendment of the Criminal Code in 2017, increasing penalties for gender-based violence against women. However, it reiterates its concern about the persistence of gender-based violence against women, including sexual violence, in the State party. It notes with concern: ...

(c) Information about impunity for gender-based violence, including rape and other forms of sexual violence, against Indigenous women living in the North and South Caribbean Coast Autonomous Regions, women journalists, women in detention, including for political reasons, women human rights defenders, women whose children or other family members were killed during the crackdown on political protests in 2018 and lesbian, bisexual and transgender women;

(d) Reports of gender-based violence, attacks, physical, psychological and sexual violence, disappearances, internal displacement, and forced eviction from and illegal occupation of their traditional lands to which Indigenous women were subjected in the North Caribbean Coast Autonomous Region....

28. Recalling its previous recommendations ... and in line with its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party:

(a) Adopt and implement a national strategy for the prevention of all forms of gender-based violence against women and collect data on the prevalence of gender-based violence against women, disaggregated by age, relationship between victim and perpetrator and other sociodemographic characteristics; ...

(c) Ensure that all cases of femicide are investigated and that perpetrators are prosecuted and adequately sentenced and amend the definition of femicide (article 9 of Act No. 779 of 2012 reforming the Criminal Code) to ensure that it includes all cases of gender-based or gender-related killings;

(d) Prosecute and adequately sentence perpetrators of gender-based violence against women human rights defenders, women journalists, women in detention, including women detained in the context of the 2018 protests and women whose children or other family members were killed during the crackdown on these protests, and lesbian, bisexual and transgender women, and provide victims with appropriate remedies, including reparations;

(e) Ensure the prosecution of cases of attacks, physical, psychological and sexual violence, disappearances, internal displacement and forced evictions and the punishment of perpetrators and provide women victims with expeditious and accessible judicial and non-judicial remedies;

(f) Issue, enforce and monitor compliance with protection orders, impose penalties in case of non-compliance and provide support services for victims of gender-based violence, including adequately funded shelters, psychosocial counselling and rehabilitation services, including for women and girls with disabilities....

Equal participation in political and public life

31. The Committee notes that more than half of the members of the National Assembly are women. However, it notes with concern: ...



(b) The low representation of Indigenous women and women of African descent in local governance, reportedly owing to racism and discriminatory stereotypes....

32. Recalling its general recommendation No. 23 (1997) on women in political and public life, as well as Sustainable Development Goals target 5.5, which is to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, the Committee recommends that the State party: ...

(b) Adopt temporary special measures, such as statutory quotas and a gender parity system, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to ensure the equal representation of women, including ... Indigenous women ... in particular at decision-making levels, in the National Assembly, regional and municipal legislative bodies, the Government, the public service and the foreign service....

Education

35. The Committee notes with concern:

(a) The lack of information about comprehensive science-based sexuality education in the State party;

(b) The high dropout rates among Indigenous women and girls and women and girls of African descent in the North Caribbean Coast Autonomous Region at the primary and secondary levels of education and their limited access to higher education;

(c) The digital gap between rural and urban areas in relation to education programmes, affecting ... Indigenous women ... and the setback to the educational attainment of girls and women due to the COVID-19 pandemic....

36. In the light of its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:

(a) Amend its legislation to provide for comprehensive science-based and age-appropriate sexuality education at all levels of education, including on responsible sexual behaviour and the prevention of early pregnancies and sexually transmitted diseases;

(b) Promote school enrolment, attendance and retention of girls and women, especially at the secondary and higher levels; address the root causes of school dropout among girls, including child marriage, early pregnancy and stereotypes about the roles of women and men in the family and in society; ensure that young mothers can return to school following childbirth, with a view to completing their education; and adopt temporary special measures to ensure retention of Indigenous girls and girls of African descent in education, as well as access of girls and women to grants, scholarships and loans to facilitate their access to higher education; ...

(f) Adopt targeted measures to promote professional reinsertion and formal employment of women following the COVID-19 pandemic, including with respect to Indigenous women....

Health

39. The Committee notes with concern:

(a) The lack of sufficient coverage of health services and medicine shortages, which exert an impact especially on women in the Caribbean autonomous regions and women with disabilities, as well as the prevalence of malaria and dengue fever and HIV/AIDS in the State party; **(b)** The maternal mortality rates among ... Indigenous women ... and deficiencies in the identification and reporting of cases of maternal deaths....



40. In the context of its general recommendation No. 24 (1999) on women and health and its statement on sexual and reproductive health and rights, adopted at its fifty-seventh session in 2014, the Committee recalls that unsafe abortion is a leading cause of maternal morbidity and mortality. The Committee reiterates its previous recommendations ... and recommends that the State party:

(a) Increase budgetary allocations to ensure women's access to affordable health-care services and medicines, in particular for Indigenous women and girls....

Economic empowerment

41. The Committee remains concerned about: ... (d) The lack of information about the coverage of Indigenous women ... under the programmes to improve nutrition and productivity in the coastal Caribbean regions.

42. The Committee recommends that the State party: ... (d) Adopt and implement programmes to support the participation of Indigenous women ... in the Caribbean autonomous regions in agricultural production, fishing and forestry ... and ensure the sustainability of such programmes.

Rural women, climate change and disaster risk reduction

43. The Committee notes with concern:

(a) The adverse effects of State concessions for the exploitation of natural resources, including mining and logging and deforestation, on the livelihoods of and climate risk faced by rural women and girls, women and girls of African descent and Indigenous women and girls;

(b) Reports on criminalization and draconic reprisals and threats against women environmental activists, including women and girls of African descent and Indigenous women and girls;

(c) The high rate of deforestation of the Bosawas biosphere reserve, the second largest in the world, and the climate risk implications, as a result of State concessions to individuals and large corporations, illegal settlements in forested areas, indiscriminate logging, mining and invasive cattle ranching and extraction of natural resources without the free, prior and informed consent of the women and peoples of these regions;

(d) The lack of a gender perspective in the climate change and disaster risk reduction strategies of the State party;

(e) The lack of collaboration and consultation with Indigenous women and girls and women and girls of African descent to address the risks of destruction of the Bosawas biosphere reserve....

44. In line with its general recommendations No. 34 (2016) on the rights of rural women and No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Regulate the activities of extractive and logging industries and ensure that large-scale and other projects for the exploitation of natural resources are subject to environmental impact assessments, benefit-sharing agreements and the free, prior and informed consent of the affected local populations, including rural and Indigenous women;

(b) Ensure that women whose health and rights are affected by extractive industry projects have access to justice, adequate compensation and health care;



- (c)** Urgently introduce policies to rehabilitate and prevent further destruction of the Bosawas biosphere reserve in consultation with Indigenous women and women of African descent;
- (d)** Adopt and implement, as expeditiously as possible, policies and plans relating to disaster risk reduction and climate change that explicitly include a gender perspective and take into account the particular needs of women, in particular rural women, women of African descent and Indigenous women; adhere to the Paris Agreement on climate change of 12 December 2015; and involve women in the formulation and implementation of policies and action plans on climate change and disaster response and risk reduction;
- (e)** Establish a permanent regional round table with rural women, women of African descent and Indigenous women that provides for dialogue, information, collaboration and consultation concerning ways and measures to protect the Bosawas biosphere reserve. Collaboration mechanisms should be formal, periodic and take into consideration appropriate measures to facilitate free expression of women's views....

Indigenous women and women of African descent

45. The Committee notes with concern:

- (a)** That Indigenous women and women of African descent face intersecting forms of discrimination and have limited access to education, employment, economic opportunities, health care and decision-making processes in the State party;
- (b)** The high risk of gender-based violence, including killings, sexual violence and forced evictions of Indigenous women, in particular the Wilu Indigenous women in the Bosawas reserve and the Mayangna Sauni Indigenous territory;
- (c)** The lack of information on any progress made by the State party in land demarcation and issuance of land titles to Indigenous peoples and the impact of non-recognition of Indigenous lands on the livelihoods of Indigenous women.

46. Recalling its general recommendation No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:

- (a)** Develop comprehensive anti-discrimination legislation and policies aimed at addressing intersecting forms of discrimination against Indigenous women and girls and women and girls of African descent and adopt targeted measures, including temporary special measures, in line with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to promote their access to decision-making, education, employment, economic opportunities and health care, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples...;
- (b)** Ensure adequate protection of Indigenous women and girls, such as the Wilu Indigenous women in the Bosawas reserve and the Mayangna Sauni Indigenous territory, from gender-based violence, including killings, sexual violence and forced evictions from their lands; investigate, prosecute and adequately punish such acts; and provide effective remedies and reparations to victims;
- (c)** Apply Act No. 717, adopted in 2010, creating the Fund for the Purchase of Land with Gender Equity for Rural Women in Nicaragua and ensure that Indigenous women have access to land titles and collective ownership and control of land, water, forests, fisheries, aquaculture and other resources that they have owned, occupied or otherwise used or acquired.



Women and girls with disabilities

51. The Committee notes with concern:

(a) The lack of information about legislation, policies and programmes to promote inclusion of women and girls with disabilities in the State party and eliminate physical and other barriers that prevent them from accessing education, employment, health care and social protection, including in places of detention and rural communities, communities of people of African descent and Indigenous communities;

(b) Intersecting forms of discrimination against women with psychosocial disabilities, including stigmatization, deprivation of legal capacity and institutionalization in psychiatric hospitals without their free and informed consent.

52. Recalling its general recommendation on No. 18 (1991) on disabled women, the Committee recommends that the State party, with the participation of women and girls with disabilities through their representative organizations: (a) Ensure that legislation and policies address the situation of women and girls with disabilities and that they have access to inclusive education, employment, health care and social protection, including in places of detention ... and Indigenous communities....

6. Jamaica, CEDAW/C/JAM/CO/8, 15 November 2023

Climate change and disaster risk reduction

40. The Committee welcomes the State party's commitment to a gendered approach to climate change, including the adoption of the Gender and Climate Change Strategy and Action Plan in 2022 and the creation of a network of climate change focal points. However, it notes with concern that women are disproportionately affected by the impact of climate change with regard to natural disasters and the loss of livelihoods, particularly in agricultural production and the blue economy, food insecurity, water scarcity, lack of access to sexual and reproductive health services and the increased risk of gender-based violence and exploitation due to climate-induced migration from rural to urban areas.

41. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Address the needs of women, including women with disabilities, rural women, older women and Indigenous women, in the context of climate change and disaster risk reduction, focusing on access to sexual and reproductive health services and prevention of and protection from gender-based violence and loss of livelihoods;

(b) Provide effective gender budgeting for initiatives under the Gender and Climate Change Strategy and Action Plan, including those aimed at financing and encouraging a sustainable blue economy, to ensure that such initiatives are fully inclusive of women, promote women's empowerment and support the climate change agenda to help women and girls adapt effectively to climate change and disasters.



7. Guatemala, CEDAW/C/GTM/CO/10, 14 November 2023

Introduction

3. The Committee commends the State party on its high-level delegation, which ... included representatives of Congress, the Constitutional Court, the Presidential Commission on Discrimination and Racism against Indigenous Peoples, ... the Office for the Defence of Indigenous Women's Rights, the Indigenous Development Fund and the Permanent Mission of Guatemala....

Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2017 of the State party's previous reports in undertaking legislative reforms....

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following: (a) National Plan for the Prevention and Eradication of Violence against Women for the period 2020-2029; (b) Policy on access to justice for Indigenous persons for the period 2017-2025, improving Indigenous women's access to justice, and the establishment by the Public Prosecution Service of the Indigenous Peoples Secretariat to implement, monitor and evaluate the policy....

Principal areas of concern and recommendations

Context

8. The Committee notes the outcomes of the democratic elections announced on 28 August 2023 by the Supreme Electoral Tribunal of Guatemala. It also notes that the new President and Vice-President of Guatemala were elected as a result of peaceful and free elections, with active participation of women, in particular Indigenous women, following an electoral campaign based on the promise of reversing regressive trends in women's rights and providing opportunities to women and other groups that have been historically marginalized. ...

9. The Committee recommends that the State party guarantee the safety, non-prosecution, freedom of peaceful assembly and freedom of expression of all women in the women's movement, Indigenous women and women human rights defenders at all times and that it respect the rule of law and safeguard democracy.

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

10. The Committee notes the 43 court decisions referring to the Convention issued between 2017 and 2022, as well as other dissemination efforts and capacity-building activities relating to the Convention undertaken by the State party. However, it notes with concern women's limited awareness of their human rights and the remedies available to claim them, in particular among ... Indigenous women [and] Garifuna women....

11. The Committee recommends that the State party intensify its efforts to widely disseminate and raise awareness of the Convention, the Optional Protocol thereto and the Committee's general recommendations in languages used in the State party, including Indigenous languages, in particular among ... Indigenous women [and] Garifuna women ... and to educate women on their rights under the Convention and the legal remedies available to claim those rights.



Definition of equality and non-discrimination

12. The Committee notes the decision of the Constitutional Court in case No. 5592020 upholding women's right to non-discrimination in the workplace and in family relations. It remains concerned, however, about the absence of a comprehensive definition of the term "discrimination against women" in its legislation, in line with articles 1 and 2 of the Convention, as well as of comprehensive anti-discrimination legislation and adequate sanctions. It notes with concern the limited implementation of existing laws and policies to address intersecting forms of discrimination against women, in particular ... Indigenous women [and] Garifuna women....

13. Reiterating its previous recommendations ... the Committee urges the State party to adopt a comprehensive definition of discrimination against women covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, which is to end all forms of discrimination against all women and girls everywhere.

Women's access to justice

14. The Committee notes the efforts of the State party to facilitate women's access to justice through targeted policies. However, the Committee notes with concern: ... (b) Barriers to access to justice faced by Indigenous women [and] Garifuna women ... such as legal illiteracy, judicial bias and limited access to information on available remedies for complaining about intersecting forms of discrimination....

15. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party: ... (b) Strengthen access to justice for Indigenous women [and] Garifuna women ... including by addressing linguistic barriers, ensuring that courts are accessible and disseminating information about the legal remedies available for claiming their rights....

National machinery for the advancement of women and gender mainstreaming

18. The Committee notes with concern the State party's reluctance to adopt draft law No. 4977 to elevate the Presidential Secretariat for Women to the rank of a ministry. It remains concerned about the limited resources, authority and capacity of as well as the coordination among the different institutions with a mandate to promote women's rights, including the Office for the Defence of Indigenous Women's Rights and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women. It notes with concern the insufficient budget allocations for institutional strengthening, coordination and the implementation of policies such as National Plan for the Prevention and Eradication of Violence against Women.

19. Recalling its previous concluding observations ... the Committee recommends that the State party elevate the Presidential Secretariat for Women to ministerial rank, strengthen its mandate and allocate adequate resources to it. It also recommends strengthening the human, technical and financial resources of the Office for the Defence of Indigenous Women's Rights and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women and ensure enhanced coordination among them.

Stereotypes

22. The Committee acknowledges the measures taken by the State party to implement the national communication policy, which requires that all information campaigns, including audiovisual materials, be reviewed before being disseminated to ensure that they contain no



discriminatory gender stereotypes. However, the Committee notes with concern the persistence of discriminatory gender stereotypes relating to the roles and responsibilities of women and men in the family and in society, which exacerbate the high levels of violence against women and girls in the State party, including femicide, sexual and domestic violence and sexual harassment.

23. Reiterating its previous concluding observations ... the Committee recommends that the State party:

(a) Ensure the implementation of the National Plan for the Prevention and Eradication of Violence against Women 2020-2029 and its guidelines on social and gender norms, including by allocating adequate resources for the effective implementation and monitoring and evaluation of the Plan;

(b) Strengthen measures, including awareness-raising and education campaigns targeting political, religious and Indigenous leaders, teachers, girls and boys, and women and men, to eliminate stereotypes regarding the roles and responsibilities of women and men in the family and in society and promote equal sharing of domestic responsibilities between women and men;

(c) Ensure that measures to address gender stereotypes are implemented with a particular focus on Indigenous women [and], Garifuna women...;

(d) Assess the effectiveness of the measures taken to eliminate discriminatory gender stereotypes and provide information on the results achieved in its next periodic report.

Gender-based violence against women

24. The Committee notes the establishment of special courts for femicide and other forms of violence against women in 17 departments of the State party, as well as a mechanism for the immediate search for missing women (the Isabel-Claudina alert system). The Committee is deeply concerned, however, about the prevalence of gender-based violence against women and girls in the State party. It notes with concern in particular:

(a) The sharp increase in femicides, cases of rape, incest, assault and other sexual crimes and domestic violence, as well as the disappearances of women and girls;

(b) The lack of adequate resources to implement the Comprehensive Care Model for Women Victims of Violence and for victim protection measures;

(c) The precarious financial situation of the Comprehensive Support Centres for Women Survivors of Violence relating to the provision of essential victim support services, due to recurrent delays in the transfer of funds and their limited geographical coverage;

(d) The limited geographical coverage of the remote services for filing complaints about gender-based violence against women, which are not accessible in many languages used in the State party, and the costs involved, preventing many victims from bringing complaints, especially rural women, Indigenous women ... and Garifuna women...;

(e) The increased incidence of HIV/AIDS among women and girls resulting, inter alia, from sexual violence and assault, in particular against Indigenous women....

25. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, joint general recommendation No. 31 of the



Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and target 5.2 of the Sustainable Developments Goals, which is to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and other types of exploitation, the Committee urges the State party to:

- (a)** Strengthen measures to prevent, prosecute and punish cases of gender-based violence against women, including by issuing and effectively enforcing protection orders, and impose adequate deterrent penalties for non-compliance with such orders;
- (b)** Allocate adequate human, technical and financial resources to the Public Prosecutor's Office to adequately implement the Comprehensive Care Model for Women Victims of Violence and for the protection of victims;
- (c)** Accelerate the transfer of the corresponding funds for the Comprehensive Support Centres for Women Survivors of Violence, adopt a dedicated budget line to ensure sustainable funding and increase the number of adequately funded Comprehensive Support Centres for Women Survivors of Violence providing comprehensive victim support services across the State party;
- (d)** Increase the geographical and linguistic coverage and reduce the costs for victims of the remote services for filing complaints about gender-based violence against women, prioritizing areas of high incidence;
- (e)** Ensure that women victims of sexual violence have immediate and free access to medical treatment, including post-exposure prophylaxis to prevent HIV and other sexually transmitted infections....

Trafficking and exploitation of prostitution

26. The Committee notes that the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons operates one specialized temporary shelter for women victims of trafficking and their children if they are subject to court-ordered protection measures. However, the Committee notes with concern:

- (a)** The lack of preventive measures and low prosecution and conviction rates in cases of trafficking in persons, in particular women and girls, for purposes of sexual exploitation and forced labour in the State party, as well as the heightened risk of sex trafficking for Indigenous women [and] Garifuna women ... and internally displaced women....

Equal participation in political and public life

28. The Committee notes with concern:

- (a)** That only 32 out of 160 members of Congress are women and that only 12 out of 340 mayors are women, in each case including only one Indigenous woman;
- (b)** That the 2023 election process posed numerous challenges for participation of women, particularly Indigenous women, who expressed concern about the limited availability of information on the electoral process in their languages and the negative portrayals of Indigenous women, girls and children in election campaigns;
- (c)** The lack of effective temporary special measures to achieve substantive equality of women and men in political and public life, in particular as regards women from disadvantaged groups, including Indigenous and Garifuna woman and women of African descent;



(d) Reports of discriminatory messages, threats, intimidation and violence against women in politics or women holding public positions, who are frequently exposed to a climate of fear.

29. In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party strengthen its efforts to promote women's equal representation in Congress, occupancy of government posts, the judiciary and the public service at the national, State and local levels by adopting targeted measures, including temporary special measures, such as gender parity quotas and preferential recruitment of women to the public service, in particular at decision-making levels, and amending the Electoral and Political Parties Law to require gender parity in the structures of political parties and on electoral lists and provide for adequate sanctions in case of non-compliance; and prevent, protect women candidates from political violence and prosecute and adequately punish perpetrators.

Women human rights defenders

30. The Committee is deeply concerned at the targeted attacks, harassment, intimidation, criminalization and cases of reprisals directed against women human rights defenders in judicial functions, as exemplified by the cases of former prosecutor Virginia Laparra and Claudia Gonzalez, former member of the International Commission against Impunity in Guatemala, who sought to ensure the rule of law and fight impunity and corruption in the State party.

31. The Committee urges the State party to eradicate the arbitrary use of criminal law, including for arrest warrants and pretrial detention, as reprisals against women human rights defenders in judicial functions to obstruct their legally mandated work; and to refer the cases of Virginia Laparra and Claudia Gonzalez for retrial and immediately release them pending trial, as has been called for by other United Nations mechanisms.

32. The Committee reiterates its concern about attacks, gender-based violence and killings, intimidation, stigmatization, criminalization, illegal detention and defamation campaigns targeting women human rights defenders, including ... Indigenous women environmental activists....

33. The Committee urges the State party to protect all women human rights defenders from any attacks, gender-based violence, harassment, intimidation and other reprisals for their legitimate work and prosecute and adequately punish perpetrators of such violent acts, including public officials and to ensure that women human rights defenders and activists can freely carry out their legitimate work and exercise their rights to freedom of expression, peaceful assembly and association.

Education

34. The Committee remains concerned about the low educational attainment of girls, whose schooling is equivalent to 5.3 years on average and the high illiteracy rate (48 per cent) among Indigenous women. ...

35. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and Sustainable Development Goals target 4.1 which is by 2030, to ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party: (a) Intensify efforts, through the Ministry of Education, to increase the inclusion and effective retention and reinsertion of girls in school, in particular at the secondary level, with special attention to Indigenous girls, including through scholarships and free school meals....



Employment

36. The Committee notes the efforts of the State party to address sexual harassment and abuse in the workplace. However, it notes with concern: ... (b) The limited employment opportunities in the State party for ... Indigenous women [and] Garifuna women....

37. The Committee recommends that the State party promote access of women to formal employment, including ... Indigenous and Garifuna women....

Health

38. The Committee notes with concern regression in women's access to sexual and reproductive rights in the State party, in particular: ... (c) Certain provisions in draft law No. 6153 on support of the dignification of gestational death, such as the obligation of medical personnel to establish a prenatal deaths registry which could potentially be used to prosecute women who have undergone an abortion and lack of an intersectional perspective to address the realities faced by Indigenous women....

39. In line with its previous concluding observations ... general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, which are, respectively, by 2030, to reduce the global maternal mortality to less than 70 per 100,000 live births and, by 2030, to ensure universal access to sexual and reproductive healthcare services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes, the Committee recommends that the State party: ... (d) Amend public policies, including the Public Policy on Protection of Life and the Institutional Framework of the Family 2021–2032, to ensure that adolescents have access to information on family planning in accessible formats and Indigenous languages, as well as to affordable modern contraceptives.

Economic empowerment of women

40. While the Committee welcomes the measures taken by the State party to promote women's economic empowerment, including through the Social Bonus, Family Bonus and Life programmes, it nevertheless notes with concern:

(a) The absence of access to social security for self-employed women and informal sector workers; ...

(c) The lack of protection of the collective intellectual property rights of Indigenous women, which have been violated in the case of the Mayan weavers, whose designs and fabrics have been used for commercial purposes without their consent and without any financial compensation;

41. The Committee recommends that the State party:

(a) Revise the social security/national insurance system to include self-employed women and women in the informal sector;

(b) Urgently approve the Women's Economic Development Act and continue to promote women's economic empowerment by ensuring that women have access to entrepreneurship opportunities, low-interest loans without collateral, other forms of financial credit, cash transfers, adequate food, water and sanitation, and social protection;

(c) Urgently adopt draft law No. 6136 for the protection of collective intellectual property relating to textiles and clothing of Indigenous peoples and communities....



Disadvantaged groups of women Indigenous women, Garifuna women and women of African descent

44. The Committee notes with concern that Indigenous women, Garifuna women and women of African descent, who account for 44 per cent of the State party's population, face intersecting forms of discrimination, including economic and social inequalities. It is concerned about cases of forced evictions of Indigenous women and women of African descent from lands traditionally occupied or used by them and the exploitation of those lands by private, non-State actors.

45. In the light of general recommendation No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party protect Indigenous women, Garifuna women and women of African descent from illegal occupation and forced evictions from lands traditionally occupied or used by them, strengthen procedural safeguards against forced evictions and reparations for victims, provide for adequate sanctions and ensure that they participate equally in benefit sharing decision-making processes regarding the use of traditional lands.

Women with disabilities

50. The Committee notes with concern that women and girls with disabilities, especially Indigenous women, face intersecting forms of discrimination and violations of their rights in the State party, such as not being able to marry or have children, separation from their children and forced sterilization. It also notes with concern that women with disabilities have limited access to physical infrastructures, information and communications technology, justice, education, employment and health care.

51. The Committee recommends that the State party prohibit the forced sterilization and separation from their children of women with disabilities and strengthen the legal protection of women with disabilities, ensure that they have access to physical infrastructures, information and communications technology, justice, education, employment and health care, including by implementing the Law on Persons with Disabilities, approving draft law No. 5529 on the promotion of work, employment and entrepreneurship for persons with disabilities and enforcing Decree No. 3-2020, which recognizes and approves the sign language of Guatemala.

Climate change and disaster risk reduction

52. The Committee notes with concern:

(a) That climate change has a differentiated impact on Indigenous women, as it results in the loss of their ecosystems, community habitats and livelihoods and the disruption of food and water supply and ancestral knowledge; ...

(c) That the State party has only signed but not ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) of 2018.

53. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Ensure the participation of Indigenous women in consultation processes related to extractive activities, economic initiatives, logging, development, investment, tourism, climate mitigation and adaptation programmes, and conservation projects and that any use of their territories is subject to their free, prior and informed consent and adequate compensation;

(b) Include a gender perspective in national policies and action plans on climate change and disaster risk reduction and ensure the meaningful participation of women from diverse backgrounds in the formulation and implementation of such policies;



(c) Expedite the ratification of the Escazú Agreement.

8. Philippines, CEDAW/C/PHL/CO/9, 14 November 2023

Principal areas of concern and recommendations

General context

9. The Committee notes with appreciation the State party's commitment to mainstreaming gender equality and women's rights in its legislative, regulatory and policy frameworks and the Women's Priority Legislative Agenda for the nineteenth Congress. It is concerned, however, about the high levels of violence and insecurity aggravated by natural disasters and the coronavirus disease (COVID-19) pandemic, which have had a negative impact on women's human rights and the rule of law in the State party. The Committee notes with concern the inadequate progress made in addressing the situation of disadvantaged and marginalized groups of women and girls in all areas of their lives. Those women and girls – in particular Indigenous ... women ... – are facing historical and intersecting forms of discrimination.

10. The Committee urges the State party to uphold its commitment to human rights, the consolidation of the rule of law, access to justice and respect for freedom of expression. It calls upon the State party to strengthen the Convention's legal weight and application across the country for the benefit of all women, particularly Indigenous ... women....

Legislative framework

13. The Committee is concerned at the absence of comprehensive antidiscrimination legislation to protect disadvantaged and marginalized groups of women facing intersecting forms of discrimination in the State party, in particular Indigenous ... women.... The Committee is also concerned that several anti-discrimination laws, in particular the Comprehensive Non-Discrimination Bill and the Sexual Orientation and Gender Identity Expression Equality Bill, have been pending for a long time.

14. The Committee recommends that the State party: (a) Accelerate the adoption of the Comprehensive Non-Discrimination Bill and ensure that it covers direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals, which is to end all forms of discrimination against all women and girls everywhere....

Access to justice

15. The Committee notes the State party's efforts to harmonize customary and indigenous judicial systems with the provisions of the Convention. It also notes the issuance by the Supreme Court of the Organic Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette. It is concerned, however, by persisting barriers to women's access to justice, including threats to the independence of the judiciary, legal illiteracy among many women and girls, financial constraints, lack of legal representation and the risk of their being subjected to sexual violence, especially in rural and remote areas and for women and girls belonging to disadvantaged and marginalized groups.

16. Recalling its general recommendation No. 33 (2015) on women's access to justice and the State party's obligation to ensure that women's rights are protected against violations by all components of plural justice systems, the Committee recommends that the State party:



- (a)** Strengthen the reform of the justice system, ensuring a greater recognition of the status of victims and the introduction of a principle of accountability;
- (b)** Ensure that women have access to affordable or, if necessary, free legal aid services, particularly women in rural and remote areas and those belonging to disadvantaged and marginalized groups, and disseminate information on the mechanisms and procedures for seeking remedies for violations of the rights of women and girls;
- (c)** Enhance awareness among women and girls, in particular rural women and women and girls with disabilities, of their rights under the Convention and the remedies available to them for claiming those rights, in cooperation with civil society organizations;
- (d)** Provide training for the judiciary and law enforcement officials on women's human rights and gender sensitive interrogation and investigation methods and address judicial gender bias.

Temporary special measures

23. The Committee is concerned at the limited use of temporary special measures in other areas where women, including rural women and women with disabilities, Bangsamoro women and Indigenous women, are underrepresented and disadvantaged, such as decision-making systems at all levels, education and employment.
24. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:
- (a) Adopt temporary special measures and establish time-bound targets to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women, including ... Indigenous ... women, lesbian ... are underrepresented or disadvantaged, such as in decision-making systems at all levels, education and employment;
 - (b) Systematically collect data on the impact of temporary special measures and include such data in its next periodic report.

Women human rights defenders, land and environmental defenders and journalists

35. The Committee is concerned at the State party's denial of the use of the AntiTerror Act (2020) to legitimize the targeting of government critics, environmental defenders, human rights defenders and journalists, including through "red-tagging", as exemplified by the case of Nobel Prize laureate Maria Ressa, leading to intimidation, hate speech, threats, physical assault, harassment, arrest and detention of women human rights defenders, women journalists and activists, in particular those advocating for land rights, protection of the environment and the rights of Indigenous and Bangsamoro women....
36. The Committee recommends that the State party:
- (a)** Ensure that women human rights defenders, women journalists and activists, including Maria Ressa and in particular those advocating for land rights, protection of the environment and the rights of Indigenous women, rural women, lesbian, bisexual, transgender and intersex women and Muslim women, can freely carry out their advocacy for women's human rights and exercise their rights to freedom of expression, peaceful assembly and association free from harassment, surveillance or undue restrictions, including arbitrary arrest and arbitrary prosecution, and when they engage or seek to engage with the Committee;
 - (b)** Investigate and prosecute all acts of harassment, gender-based violence and discrimination, and intimidation and reprisals against women human rights defenders, including



online, and ensure their constitutional right (under article 3.1 of the Constitution) to due process of law and the equal protection of the laws; provide remedies and reparations to victims; and establish a specific registry of such incidents, with disaggregated data and publicly available statistics;

(c) Raise awareness of the contribution of women human rights defenders, activists and journalists to the realization of women's rights.

Education

39. The Committee notes with concern: (a) Cases of dropout among girls in secondary education, attributable to early pregnancies, child marriage and child labour, in particular in rural areas, and aggravated by the negative impact of the COVID-19 pandemic, as well as the lack of 23-22260 11/19 CEDAW/C/PHL/CO/9 information on the impact of the Alternative Learning System Act (2020) on the access of women and girls to education, in particular in Indigenous communities and in the outer islands....

Economic and social benefits

45. The Committee notes with appreciation the adoption of the Gender Equality and Women's Empowerment Plan for 2019–2025. The Committee is concerned, however: (a) That the COVID-19 pandemic and natural disasters in 2022 (tropical storm Megi) and 2021 (typhoon Rai) have accelerated the feminization of poverty and the marginalization of disadvantaged groups of women, in particular women heads of households in rural areas, women and girls with disabilities, Indigenous ... women ..., who often face challenges in accessing economic and social benefits....

Rural, Indigenous women and disadvantaged women

47. The Committee notes with concern that according to the Household Survey (2022), only 6 per cent of rural women own land alone or jointly. The Committee is particularly concerned at:

(a) The limited access of rural and Indigenous women to education, employment and health care, financial credit and modern farming technologies and their underrepresentation in decision-making and leadership positions;

(b) The lack of consultations with rural and Indigenous women on large-scale projects, such as tourism and agro-industrial and construction projects undertaken by foreign investors and private enterprises on Indigenous lands and using their natural resources, as well as the adverse impact of climate change, including natural disasters, loss of crops and food and water insecurity, on rural and Indigenous women;

(c) The forced eviction and displacement of Indigenous women and girls, labour exploitation with serious health consequences, and sexual violence and trafficking related to business and development projects on Indigenous lands;

(d) The intimidation, harassment and threats against rural and Indigenous women environmental activists.

48. Recalling its general recommendations No. 34 (2016) on the rights of rural women, No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:

(a) Intensify efforts to ensure service delivery in rural areas to promote access of rural and Indigenous women to health care, including sexual and reproductive health services; decision-making; leadership positions; education; formal employment; social protection;



housing and adequate water and sanitation; and modern farming technologies, including knowledge on food harvesting techniques, preservation, storage, processing, packaging, marketing and entrepreneurship;

(b) Ensure that economic activities, including logging, development, investment, tourism, extractive mining and climate mitigation and adaptation programmes, and conservation projects, are implemented in Indigenous territories and protected areas with the effective participation of Indigenous women, including full respect for their right to free, prior and informed consent and the undertaking of adequate consultation processes;

(c) Prevent, address, sanction and eradicate all forms of gender-based violence against rural and Indigenous women and girls, including environmental, spiritual, political, structural, institutional and cultural violence, that are attributable to extractive industries and ensure that Indigenous women and girls have timely and effective access to both non-Indigenous and Indigenous justice systems, including protection orders and prevention mechanisms when needed;

(d) Ensure the right to a fair trial; prevent, investigate and punish all forms of political violence against rural and Indigenous women politicians, candidates, human rights defenders and activists at the national, local and community levels; and recognize and respect ancestral forms of organization and the election of representatives;

(e) Ensure that rural women are able to participate effectively in planning and decision-making related to rural infrastructure and services, as well as in the planning, adoption, budgeting, implementation, monitoring and evaluation of agricultural and rural development policies.

Climate change and disaster risk reduction

51. The Committee notes that the State party ranked first in the World Risk Index in 2022. It also notes the efforts undertaken by the Climate Change Commission under the National Strategic Framework and Programme on Climate Change. However, it is concerned that women, in particular ... Indigenous women ... are disproportionately affected by climate change, cyclones and loss of biodiversity, as they often live in exposed areas and lack the coping mechanisms necessary to increase their climate change resilience.

52. The Committee recommends that, in line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the State party review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, especially rural women, and ensure that women are meaningfully involved in the development, adoption and implementation of legislation, policies and programmes on climate change, disaster response and disaster risk reduction by, in particular:

(a) Collecting disaggregated data on the impact of climate change and natural disasters on women and girls;

(b) Ensuring the incorporation of gender sensitivity in climate change and disaster risk reduction legislation, policies, financing and programmes to address the specific and unique needs of women and girls and build their resilience and effective adaptation to climate change;

(c) Increasing climate change and disaster risk management literacy and awareness among



communities, women and girls, including rural women and women with disabilities, to empower them with the knowledge needed to demand their rights and effectively participate in climate change-related decision-making and the development of adaptation and loss and damage strategies and actions which build the resilience of women and girls with respect to the impacts of climate change;

(d) Supporting women to ensure their active participation in the creation and operation of new funding arrangements for responding to loss and damage, as decided during the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in 2022.

Marriage and family relations

53. The Committee welcomes the adoption of the Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof (Republic Act No. 11596) in 2021. However, it notes with concern: (a) The lack of implementation of the Repealing Clause of Republic Act No. 11596 at the subnational/regional level, particularly in the Bangsamoro Autonomous Region in Muslim Mindanao, where the practice of child marriage is recognized in Indigenous systems and sharia law....

54. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:

(a) Reinforce the implementation and applicability of the Repealing Clause of Republic Act No. 11596 at the subnational/regional level and ensure synergies during and after the transitory period of the National Commission on Muslim Filipinos and the National Commission on Indigenous Peoples and other agencies, including the Department of Social Welfare, to ensure the full compliance with the Act;

(b) Amend the discriminatory legal provisions to ensure women's equal rights in marriage and family relations....

9. Uruguay, CEDAW/C/URY/CO/10, 14 November 2023

Definition of equality and non-discrimination

9. The Committee notes the adoption by the State party of Act No. 19.846 on equality and non-discrimination between women and men. However, it notes with concern the limited implementation of laws and policies in place to address intersecting forms of discrimination against women, in particular ... Indigenous women....

10. The Committee recommends that the State party effectively implement legislation that prohibits discrimination against women, covering direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and target 5.1 of the Sustainable Development Goals to end all forms of discrimination against all women and girls everywhere.

Temporary special measures

17. The Committee commends the State party for the adoption of Act No. 19.846 on equality and non-discrimination between women and men, which outlines the need to take temporary special measures to accelerate the achievement of substantive equality between women and men. It notes that special scholarships are available for students of African descent. ... It also notes with



concern: ... (c) The limited use of such measures in areas where women are underrepresented or disadvantaged, such as political and public life, education and employment, in particular women of African descent, Indigenous women, rural women, women with disabilities, migrant women and lesbian, bisexual, transgender and intersex women.

18. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) Adopt temporary special measures and establish time-bound targets to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention where women, including women of African descent, Indigenous women, rural women, women with disabilities, migrant women, and lesbian, bisexual, transgender and intersex women, are underrepresented or disadvantaged, such as in political and public life, education and employment;

(b) Raise public awareness about non-discrimination and build the capacity of relevant public officials on the use of temporary special measures to achieve substantive equality between women and men;

(c) Systematically collect data on the impact of temporary special measures and include such data in its next periodic report.

Stereotypes and harmful practices

19. The Committee welcomes the measures taken by the State party to eliminate gender stereotypes, in particular the introduction of the "Caring with equality" seal in public and private early childhood centres, the Quality with Gender Equity Model in public institutions and private companies, and education campaigns on gender equality. However, it notes with concern the persistence of discriminatory gender stereotypes in the State party about the roles and responsibilities of women and men in the family and in society. The Committee also notes with concern the absence of a comprehensive strategy to address stereotypical portrayals of women – including ... Indigenous women ... – in the media, the education system and political and public discourse.

20. The Committee recommends that the State party:

(a) Strengthen its measures, including awareness-raising and education campaigns, throughout the State party, targeting political, Indigenous and religious leaders, teachers, girls and boys, and women and men, to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society;

(b) Design and implement a comprehensive strategy, with a dedicated budget and time-bound targets and objectives, aimed at eliminating discriminatory stereotypes of women in the media, the education system and political and public discourse;

(c) Adopt a regulatory framework to combat gender stereotyping in the media and advertising, including through a gender-specific code of ethics for media professionals that promotes positive images of women and girls.

Education

31. The Committee notes with concern: (a) Reports that Indigenous girls, girls of African descent, rural girls, girls living in poverty, pregnant girls and young mothers have limited access to education...

32. Recalling its general recommendation No. 36 (2017) on the right of girls and women to



education and its previous recommendations (CEDAW/C/URY/CO/8-9, para. 32), the Committee recommends that the State party: (a) Promote the enrolment, attendance and retention of girls and women in school, especially at the secondary level and above, in particular for Indigenous girls....

Employment

33. The Committee commends the State party on the measures taken to ensure equal opportunities for women and men in the labour market, including the review of all public employment services, the implementation of the Quality with Gender Equity Model and the adoption of Act No. 19.530 on breastfeeding rooms. ...

34. The Committee recommends that the State party:

(a) Increase women's access to employment in the formal economy, including by dismantling gender stereotypes about the traditional roles of women, conduct awareness-raising campaigns on gender equality targeting employers, provide incentives to hire women and adopt temporary special measures, such as quotas, to promote women's equal participation in the labour market;

(b) Enforce the full implementation of and raise awareness about Act No. 19.973 and establish employment retention schemes specifically designed to promote access to formal employment by disadvantaged groups of women, including ... Indigenous women....

Rural women

39. The Committee welcomes the measures adopted by the State party to improve rural women's access to land ownership and control, including the adoption of the National Gender Plan in Agricultural Policies, the introduction of co-ownership of land allocated by the National Settlement Institute through Act No. 19.781 and the inclusion of women as producers in the family production registry. However, the Committee notes with concern that rural women still have limited access to land ownership and use in the State party.

40. The Committee recommends that the State party:

(a) Ensure that women and men in rural areas have equal access to land ownership and use, including through awareness-raising campaigns to dismantle patriarchal attitudes and gender stereotypes;

(b) Ensure that rural women, including Indigenous women, participate meaningfully in decision-making related to rural infrastructure and services, as well as in the planning, adoption, budgeting, implementation, monitoring and evaluation of agricultural and rural development policies.

Indigenous women

43. The Committee notes with concern the limited efforts of the State party to uphold the principle of self-identification in determining the status of Indigenous women and girls. It also notes with concern the limited access of Indigenous women to education and their underrepresentation in decision-making and leadership positions in political and public life in the State party.

44. Recalling its general recommendation No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:

(a) Collect data, including but not limited to data on sex, age, Indigenous origin, status or identity, ethnicity and disability status, and cooperate with Indigenous women and their



organizations, as well as academic institutions and non-profit organizations, to promote self-identification and recognition of the status of Indigenous women and girls as rights-holders;

(b) Ensure that Indigenous women and girls have full access to all levels of education by addressing discriminatory stereotypes and ensuring that they receive education on their Indigenous heritage, history and culture;

(c) Promote the meaningful participation of Indigenous women and girls in political and public life, including in decision-making positions, within local authorities and on the National Council for Racial Equity.

10. Bolivarian Republic of Venezuela, CEDAW/C/VEN/CO/9, 31 May 2023

Definition of equality and non-discrimination

11. The Committee notes ... with concern that there is limited implementation of the laws and policies in place to address intersecting forms of discrimination against ... Indigenous women...

12. The Committee recommends that the State party adopt the law against all forms of discrimination without delay and ensure the effective implementation of legislation that prohibits discrimination against women, covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of State parties under article 2 of the Convention, and target 5.1 of the Sustainable Development Goals on ending all forms of discrimination against all women and girls everywhere.

Women's access to justice

13. The Committee notes that the Public Prosecutor's Office has established 73 offices across the country with competence to handle matters related to women's rights, including one office specialized in femicide. Nevertheless, the Committee notes with concern:

(a) The economic barriers to women's access to justice and the limited availability of free legal aid;

(b) Barriers to access to justice faced by Indigenous women ... such as legal illiteracy and the lack of information on available remedies to complain about intersecting forms of discrimination;

...

(d) That the State party denounced the American Convention on Human Rights in 2012, thereby excluding the jurisdiction of the Inter-American Court of Human Rights.

14. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:

(a) Expand public legal aid services that are adequately funded to ensure free legal aid to women without sufficient means for criminal, civil and administrative proceedings relating to gender-based violence and discrimination against women;

(b) Strengthen access to justice for Indigenous women ... including through addressing linguistic barriers, making courts accessible and disseminating information about the legal remedies available to claim their rights;

...



(d) Reconsider its withdrawal from the American Convention on Human Rights, with a view to restoring the jurisdiction of the Inter-American Court of Human Rights.

Temporary special measures

21. The Committee notes with concern the lack of information on the use of temporary special measures by the State party to achieve substantive equality of women and men in all areas where women are underrepresented or disadvantaged, in particular temporary special measures relating to Indigenous women....

22. The Committee recalls its previous concluding observations (CEDAW/C/VEN/CO/7-8, para. 15) and recommends that the State party adopt temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women are underrepresented or disadvantaged, including in political, public and economic life, education, employment, health care and social security, with special attention to Indigenous women....

Gender stereotypes

23. The Committee acknowledges the measures taken by the State party to eliminate gender stereotypes, such as the monitoring activities of the National Commission on Telecommunications; the issuance by the Supreme Court of Justice of rulings Nos. 359 and 884, which prohibit, respectively, the publishing of images that contain explicit or implicit sexual content promoting prostitution and the publishing of pornography that contains references to website addresses that can be freely accessed by children and adolescents; and the adoption in 2021 of the Act on the Promotion and Use of Gender-sensitive Language. However, the Committee notes with concern the persistence of discriminatory gender stereotypes about the roles and responsibilities of women and men in the family and in society in the State party.

24. The Committee recommends that the State party:

(a) Strengthen its measures, including awareness-raising and education campaigns throughout the State party, targeting political, religious and Indigenous leaders ... to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, and promote the equal sharing of family responsibilities between women and men;

(b) Ensure that all intervention measures to address gender stereotypes are conducted through an intersectional lens, with a particular focus on women of African descent, Indigenous [women]....

Trafficking and exploitation of prostitution

27. The Committee notes the establishment of National Prosecutor's Office No. 95 with jurisdiction for trafficking in persons, in particular women and girls, to, within and from the State party. However, the Committee notes with concern:

(a) The limited measures to prevent, prosecute and punish cases in the State party of trafficking in persons, in particular women and girls, for purposes of sexual exploitation and forced labour, as well as the heightened risk of sex trafficking for Indigenous ... women and girls in border areas;

(b) Allegations of contemporary forms of slavery, including sex trafficking and child labour in mining areas, particularly in the Orinoco Mining Arc and along the borders with Brazil and Colombia, in the context of the presence of non-State armed and criminal groups linked to extraction activities....



28. Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:

(a) Combat forced recruitment and trafficking in women and girls by irregular armed groups, particularly in the Orinoco Mining Arc and along the borders with Brazil and Colombia, investigate all allegations of contemporary forms of slavery, and prosecute and adequately punish perpetrators, while ensuring that women and girls who have been trafficked and exploited for prostitution are protected....

Education

33. The Committee notes with concern:

(a) The so-called “education blackout” or technological gap and limited Internet access for women and girls, exacerbated by the coronavirus disease (COVID-19) pandemic, which intensified existing gender inequalities in the State party, particularly for rural and Indigenous girls....

34. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and target 4.1 of the Sustainable Development Goals, to ensure by 2030 that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party:

(a) Take measures to remove barriers to women’s access to the Internet and recognize their equal right to access information and telecommunications technologies in all parts of the State party and increase the number of community centres with training programmes on information and communications technologies and digital skills targeting rural, Indigenous girls....

Employment

35. The Committee notes the Act on the Promotion and Development of New Enterprises. However, it notes with concern:

(a) The high unemployment and self-employment rates among women and their concentration in the informal economy;

(b) The limited employment opportunities for Indigenous [women and girls] ... in the country....

36. The Committee recommends that the State party promote women’s access to formal employment, including for Indigenous women ... and ratify the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.

Health

37. The Committee takes note of article 66 of the Act on Women’s Right to a Life Free from Violence, which criminalizes obstetric violence as a form of gender-based violence against women, and the National Plan for Humanized Childbirth. However, it notes with concern: ... **(g)** The hazards posed by mercury contamination to women in the State party and reports of mercury poisoning in rural areas inhabited by Indigenous persons, such as in the Orinoco Mining Arc, and the health impact of this on citizens, including women and children.

38. In line with its previous concluding observations ... , general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, to reduce global maternal mortality and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party: ... **(g)** Investigate reports of and urgently institute measures to prevent the incidence of mercury poisoning in the Orinoco Mining Arc and any other hazardous areas.



Rural women

41. The Committee notes with concern: ... (c) The limited access of rural women, including Indigenous women, to scarce medical, social and other services.

42. In line with its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property ... in accordance with national laws, the Committee recommends that the State party: ... (c) Ensure that rural women, especially those in remote areas, have access to the medical, social and other services to which they are entitled.

Disadvantaged groups of women

Indigenous women and women of African descent

43. The Committee notes the Apacuana Programme, on the social inclusion of Indigenous women from an ethnic and gender perspective, developed in 2017 by the National Institute for Women. However, it notes with concern cases of forced evictions of Indigenous women and women of African descent from lands traditionally occupied or used by them and the use of those lands by private, non-State actors.

44. With reference to its general recommendation No. 39 (2022) on the rights of Indigenous women and girls, the Committee recommends that the State party:

(a) Protect Indigenous women and women of African descent from land occupation and eviction from lands traditionally occupied or used by them, strengthen legal and procedural safeguards against forced evictions, and ensure benefit-sharing and their meaningful participation in decision-making processes regarding the use of traditional Indigenous lands;

(b) Investigate all forms of gender-based violence against Indigenous women, including forced evictions from and illegal occupation of their lands, prosecute and adequately punish perpetrators and provide redress for the material and immaterial harm suffered by the Indigenous women concerned.

Climate change and disaster risk reduction

51. The Committee notes the methodology for incorporating a gender perspective from a human rights-based approach in environmental programmes, published by the State party in cooperation with the United Nations Development Programme. However, it notes with concern:

(a) That women, in particular ... Indigenous women ... are disproportionately affected by climate change, the loss of natural resources and mercury contamination, as they often live in exposed areas and lack the necessary conditions to increase their climate resilience;

(b) That the State party has not ratified nor acceded to the Minamata Convention on Mercury of 2013 or the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) of 2018;

(c) The lack of protection from intimidation, harassment and reprisals for women environmental human rights defenders, many of whom are Indigenous women.

52. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Include a gender perspective in national policies and action plans on climate change



and disaster risk reduction and ensure the meaningful participation of women in the formulation and implementation of such policies;

(b) Ratify the Minamata Convention on Mercury and the Escazú Agreement;

(c) Ensure the protection of women environmental rights defenders, especially Indigenous women, from intimidation, harassment and reprisals.

11. Norway, CEDAW/C/NOR/CO/10, 2 March 2023

Gender-based violence against women

30. The Committee welcomes the many initiatives of the State party to address gender-based violence against women, including the sixth action plan against domestic violence, the expansion of the rehabilitation services for perpetrators of gender-based violence against women, family counselling services, the Alternative to Violence programme, the development of an educational programme for service providers that work with perpetrators of gender-based violence, and the existence of an interministerial working group to combat domestic violence. The Committee is concerned, however, about the continued high rate of gender-based violence against women and its significant underreporting. It also notes with concern that: ...

(j) Although Sami women face different forms of gender-based violence within and outside the Sami community, there is insufficient knowledge of Sami language and culture among law enforcement officials and health professionals, and that the Sami crisis centre in the Sami traditional territory was closed in 2019...

31. The Committee recommends that the State party, in close consultation with women's groups and experts on gender-based violence prevention, increase efforts towards the prevention of gender-based violence against women, including by: introducing teachings about zero tolerance for violence into the school curriculum at all levels and training teachers accordingly; conducting large-scale awareness-raising campaigns in the media on zero tolerance for violence, on recognizing aggressive behaviour and on where to seek help; ensuring sufficient support structures are in place for women wishing to leave an aggressive spouse; and setting up programmes for perpetrators of gender-based violence aimed at non-recurrence. The Committee furthermore recommends that the State party: ...

(g) Conduct research into the disproportionate risk of gender-based violence against Sami women to prevent and address the gender-based violence they experience within and outside their community, provide capacity-building to law enforcement officials on Sami language and culture, and allocate sufficient human, technical and financial resources to re-establish the Sami crisis centre...

Equal participation in political and public life

34. The Committee notes with appreciation the number of programmes developed for women who are underrepresented and belong to disadvantaged groups owing to discriminatory structures, institutions and systems, in particular with regards to Sami women and women with disabilities. The Committee is concerned, however, that this approach is based on a model of service provision only rather than effective empowerment. This limited effective empowerment is visible in the underrepresentation of Sami women, women with disabilities and other minority women in the decision-making systems of the State party.

35. The Committee recommends that the State party adopt an empowerment model rather than a model of service provision only and allocate the necessary resources and develop quotas to ensure true empowerment of women from every group and their full representation in the decision-making systems of the State party.



Employment

40. The Committee welcomes that 76 per cent of women in the 20–66 age group are in formal employment in the State party, which is among the highest participation rates in the world. It also notes with appreciation that according to 2019 data, in companies where the State party had an ownership share, the average number of women Chief Executive Officers at the executive level and on boards was at 41 per cent and above 46 per cent, respectively. The Committee further welcomes the instauration of flexible working arrangements; the new initiative to encourage employers to provide full rather than part-time jobs, parental leave schemes and childcare facilities; as well as the job opportunity programme aimed at increasing the employment rate among minority women. The Committee is concerned, however, that: ... (e) Women belonging to underrepresented groups, who are disadvantaged and marginalized because of discriminatory structures, institutions and systems and include ... Sami women ... face barriers to integrate into the labour market.

41. The Committee recommends that the State party: ... (c) Provide training and support programmes, combined with the active involvement of and incentives for employers, to facilitate access to the job market by women belonging to underrepresented groups, who are disadvantaged or marginalized because of discriminatory structures, institutions and systems, with a view to promoting their autonomy.

Health

46. The Committee notes with appreciation the high quality of health care in the State party. It also welcomes the appointment of a public committee to produce a report on women's health and health from a gender perspective and to submit its recommendations in 2023, following which a new strategy on women's health will be developed. The Committee furthermore welcomes the opening, in 2020, of a Sami health clinic in Karasjok. The Committee notes with concern, however, that: ... (b) According to the Norwegian Institute of Public Health, Sami women are disproportionately affected by mental health conditions....

47. The Committee recommends that the State party: ... (b) Conduct research into the disproportionately high rate of mental health issues among Sami women and develop preventive solutions and ensure that Sami women have access to gender-sensitive and appropriate mental health care....

Climate change

48. The Committee welcomes the general recognition by the State party of the disproportionate impact of climate change on women and girls, and its general willingness to increase its knowledge on this matter and gender-sensitive climate change mitigation measures. It notes with concern, however, that:

(a) The gender dimensions of climate change are not addressed in the State party's climate action plan for the period 2021 to 2030;

(b) The State party has further expanded its oil and gas industry, including by granting 47 new oil and gas exploration permits in January 2023, including in the Arctic, where temperatures rise particularly fast, and despite the European Union's aim to ban extraction in the Arctic;

(c) The greenhouse gas emissions of the State party's extraction industry undermine its obligations to ensure the substantive equality of women with men, as climate change disproportionately affects women, especially those in situations of poverty, as they are more reliant on natural resources for their livelihoods than men and have fewer resources to deal with natural hazards.



49. The Committee recalls general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and recommends that the State party:

- (a) Review its climate change and energy policies, in particular its policy on the extraction and export of oil and gas, as well as the activities of related State-owned companies and private companies, taking into account the disproportionate negative impact on women and girls both within and outside its territory, with a view to radically reducing greenhouse emissions in line with the Paris Agreement on climate change;
- (b) Adopt relevant legislation, with a monitoring mechanism, to ensure that businesses are held accountable for the impact of their activities on women's human rights and environmental degradation;
- (c) Set up a mechanism to ensure meaningful and equal participation of women and girls, in particular from the Sami community, in the development of climate change adaptation and reduction strategies....

12. Costa Rica, CEDAW/C/CRI/CO/8, 2 February 2023

Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2017 of the State party's seventh periodic report (CEDAW/C/CRI/7) in undertaking legislative reforms, in particular the adoption of the following: ... (f) Law No. 9710 on protecting the right to nationality of Indigenous persons and guaranteeing the integration of Indigenous persons living in border areas, in 2019....

Definition of equality and non-discrimination

11. The Committee notes the State party's efforts to strengthen its legal and regulatory framework to give effect to the principles of equality of women and men and of non-discrimination. However, it notes with concern the limited implementation of laws and policies in place to address intersecting forms of discrimination against women, in particular women affected by poverty, Indigenous women, women of African descent, women with disabilities, migrant women and rural women.

12. The Committee recommends that the State party adopt and ensure the effective implementation of legislation that prohibits discrimination against women, covering direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination, in line with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and target 5.1 of the Sustainable Development Goals on ending all forms of discrimination against all women and girls everywhere.

Women's access to justice

13. The Committee notes the adoption of Law No. 9593 (2018) on Access to Justice for Indigenous Peoples and the recruitment of seven legal professionals to the Department for Women's Affairs of the National Institute for Women providing free legal aid to women without sufficient means. Nevertheless, the Committee notes with concern:

- (a) Economic barriers to women's access to justice and the limited availability of free legal aid;
- (b) Barriers to access to justice faced by Indigenous women, women of African descent,



migrant, refugee and asylum-seeking women and women with disabilities, such as legal illiteracy and the lack of information on available remedies to complain about intersecting forms of discrimination.

14. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party: ... (b) Strengthen access to justice for Indigenous women, women of African descent, migrant, refugee and asylum-seeking women and women with disabilities, including through legal literacy campaigns, addressing linguistic barriers, accessible courts and disseminating information about the legal remedies available to claim their rights.

National machinery for the advancement of women and gender mainstreaming

15. The Committee notes with concern: ... (c) The lack of collaboration of the national machinery for the advancement of women with women's civil society organizations.

16. The Committee recommends that the State party: ... (c) Ensure effective coordination and consultation between the national machinery and women's civil society organizations, including those representing Indigenous women, women of African descent and women with disabilities, in the adoption and implementation of public policies and programmes for the advancement of women and integrate a human rights-based approach and an intersectional gender perspective in those policies.

National human rights institution

17. The Committee notes with concern: (a) The drastic cut in the resources of the Ombudsperson Office for Women within the Office of the Ombudsperson of Costa Rica, further undermining its capacity to promote and protect the rights of women, including women and girls with disabilities and Indigenous ... women....

Temporary special measures

19. The Committee notes the affirmative action in favour of people of African descent envisaged in Law No. 10120 of 2 February 2022. However, it notes with concern the lack of information on the use of temporary special measures to achieve substantive equality of other disadvantaged groups of women, such as Indigenous women....

20. The Committee recalls its previous concluding observations (CEDAW/C/CRI/CO/7, para. 13) and recommends that the State party:

(a) Raise awareness of the non-discriminatory nature of temporary special measures among politicians, public officials and the general public;

(b) Adopt temporary special measures in line with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women are underrepresented or disadvantaged, including in political, public and economic life, education, employment, health care and social security, and to address intersecting forms of discrimination against Indigenous ... women....

Stereotypes

21. The Committee acknowledges the measures adopted by the State party to eliminate gender stereotypes, such as awareness-raising and educational campaigns in the framework of the national policy for effective equality of women and men in Costa Rica for 2018–2030, to sensitize public officials on gender equality. However, the Committee is concerned about the persistence of discriminatory gender stereotypes about the roles and responsibilities of women and men in the family and in society in the State party.



22. The Committee recommends that the State party: ... (b) Ensure that all intervention measures to change societal stereotypes are conducted through an intersectional lens, so that they combat stereotypes against ... Indigenous ... women.

Trafficking and exploitation of prostitution

25. The Committee notes the national policy against human trafficking (2020–2030) of the National Coalition against the Smuggling of Migrants and Trafficking in Persons, the national action plan against commercial sexual exploitation of children and adolescents (2022–2025) and the establishment of regional task forces to promote law enforcement coordination in trafficking cases. However, the Committee notes with concern: (a) That the State party is a country of origin, transit and destination for trafficking in persons, in particular women and girls, for purposes of sexual exploitation and forced labour, as well as the heightened risk of sex trafficking for Indigenous ... women and girls in the Pacific coastal zones....

Education

29. The Committee acknowledges the country's high literacy rate of 98 per cent and the establishment of community centres to increase access to technology and digital literacy by communities and takes note of initiatives such as Puente al Desarrollo, Avancemos and Creemos to reduce the digital gender divide and address the feminization of poverty. However, it notes with concern:

- (a) The so-called “education blackout” or technological gap and limited Internet access for women and girls, exacerbated by the coronavirus disease (COVID-19) pandemic, which intensified existing gender inequalities in the State party, particularly in rural areas;
- (b) The lack of measures to meet women's and girls' needs to develop science, technology, engineering and mathematics and digital skills....

30. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and target 4.1 of the Sustainable Development Goals, to ensure by 2030 that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee recommends that the State party: (a) Approve and implement without delay the Connectivity Law to address barriers to women's access to the Internet and recognize their right to connectivity and to access information and telecommunications technologies in all parts of the State party, and increase the number of community centres in rural areas to take technology and digital literacy/skills closer to ... Indigenous ... women....

Employment

31. The Committee notes that the revised Labour Code (2022) now provides for eight days of paid paternity leave for the private sector, as well as the adoption of Law No. 9677 (2019) for the Protection of Equal Pay for Women and Men and the recent introduction of the national care policy for 2021–2031, which seeks to progressively implement a system of care for persons in situations of dependency. However, the Committee notes with concern: ... (d) The limited employment opportunities for rural women, women with disabilities, Indigenous women....

32. The Committee recommends that the State party:

- (a) Progressively expand the public care system, including through gender-responsive budgeting and redistributive fiscal measures, in order to reduce women's disproportionate burden of unpaid care work;
- (b) Promote women's access to formal employment, including for ... Indigenous ... women, and extend social protection schemes to women employed in the informal economy;



(c) Strengthen initiatives to promote women's equal representation in the private sector, including by providing financial incentives for private companies to adhere to the Gender Equality Seal, the Gender Parity Initiative and the Women's Empowerment Principles, as well as for the recruitment of women to leadership positions, including in non-traditional sectors;

(d) Establish employment retention schemes specifically targeted at promoting access by women facing intersecting forms of discrimination, including ... Indigenous ... women, to formal employment....

Health

33. The Committee notes the decrease in the number of early pregnancies in the State party and welcomes the adoption of technical guidelines for the therapeutic termination of pregnancy (2019). However, it remains deeply concerned at: (d) The non-incorporation of the childbirth traditions of Indigenous women into obstetric practice in the State party.

34. In line with its previous concluding observations (CEDAW/C/CRI/CO/7, para. 31), general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, to reduce global maternal mortality and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party: ... (d) Ensure the availability of childbirth traditions of Indigenous women in obstetric practice throughout the State party.

Indigenous women and women of African descent

37. The Committee notes that Law No. 9710 (2019) on protecting the right to nationality of Indigenous persons and guaranteeing the integration of Indigenous persons living in border areas guarantees nationality to the border people of Ngäbe Buglé. However, it notes with concern:

(a) Cases of forced evictions of Indigenous women ... from lands traditionally occupied or used by them and the dispossession of such lands by private non-State actors;

(b) That dispossession of Indigenous lands, increased gender-based violence, intimidation and threats against Indigenous women undermine their social role in the transmission of Indigenous scientific knowledge, food sovereignty and the possibility of developing their entrepreneurial skills;

(c) That Indigenous women and girls have limited access to education, adequate water and sanitation, electricity and culturally appropriate health services in the State party.

38. The Committee recommends that the State party:

(a) Take resolute action against land dispossession and forced evictions of Indigenous women ... from lands traditionally occupied or used by them, strengthen legal and procedural safeguards to protect them, and ensure their meaningful participation in decision-making processes regarding the use of traditional Indigenous lands;

(b) Investigate all forms of gender-based violence against Indigenous women, including forced evictions and dispossession of lands, prosecute and adequately punish perpetrators and provide redress for the physical and psychological abuse suffered by Indigenous women, and increase their entrepreneurship opportunities;

(c) Increase the number of qualified teachers, including women, and improve educational infrastructure in Indigenous communities, ensuring that schools have separate hygiene fa



cilities for girls and boys, and extend adequate water and sanitation, electricity and culturally appropriate health services to areas where Indigenous ... women and girls live.

Climate change and disaster risk reduction

45. The Committee notes the national biodiversity strategy for 2016–2025, the national climate change adaptation policy for 2018–2030 and the national decarbonization plan for 2018–2050. However, it notes with concern:

(a) That women, in particular ... Indigenous women ... are disproportionately affected by climate change and the loss of natural resources, as they often live in exposed areas and lack the conditions necessary to increase their climate resilience; ...

(c) The lack of protection for women environmental human rights defenders, many of whom are Indigenous women;

(d) The limited awareness of the gender impact of climate change in the State party, as women are active conservation agents involved in the sustainable management of forest resources and agricultural systems but are unable to access the payments for environmental services programme.

46. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Include a gender perspective in national policies and action plans on climate change and disaster risk reduction and ensure the meaningful participation of women in the formulation and implementation of such policies; ...

(c) Ensure the protection and human rights of women environmental human rights defenders, especially in Indigenous communities;

(d) Review mechanisms to ensure that women conservators can also access environmental credits through the payments for environmental services programme system.

Marriage and family relations

47. The Committee notes the adoption of the amendment to the Family Code on shared family responsibilities, the recognition of domestic and unpaid care work in divorce proceedings and the new paternity leave provisions. It is concerned, however, about the high percentage of births to girls and adolescents in which the father is not declared or his age is not registered, suggesting a problem of sexual abuse or acts by adults with children, criminalized in Law No. 9406 on improper unions.

48. The Committee recommends that the State party amend Law No. 9406 on improper relations to ensure that births to girls and adolescents are fully reported with the father's details, and expand the National Child Care and Development Network to enable rural, Indigenous ... women to access its care services.

13. Honduras, CEDAW/C/HND/CO/9, 1 Nov. 2022

Temporary special measures

20. The Committee remains concerned that the information provided by the State party indicates a lack of adequate understanding of the nature, scope and necessity of temporary special measures aimed at accelerating the substantive equality of women and men, in accor



dance with article 4 (1) of the Convention. It also notes with concern the absence of temporary special measures other than electoral quotas, in particular to address intersecting forms of discrimination against ... Indigenous women...

21. Recalling its previous recommendation ... and drawing attention to its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party take targeted measures, including temporary special measures in accordance with article 4(1) of the Convention, to accelerate substantive equality of women and men, in particular ... Indigenous women ... in all areas under the Convention where women are underrepresented or disadvantaged, including political and public life, education, employment and health.

Equal participation in political and public life

28. The Committee notes with concern: (a) The persistence of structural barriers to participation in political and public life faced by women, in particular ... Indigenous women....

29. Recalling its general recommendation No. 23 (1997) on women in political and public life, as well as target 5.5 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Adopt temporary special measures, such as statutory quotas and a gender parity system, in line with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to ensure the equal representation of women, including ... Indigenous women ... in the National Congress, regional and municipal legislative bodies, the Government, the civil service and the foreign service....

Education

34. The Committee notes the increase in the budget allocated to the Ministry of Education and welcomes the initiatives to ensure equal access to quality education for Indigenous and Afro-Honduran children and adolescents. The Committee nevertheless notes with concern: (a) The disproportionately high levels of illiteracy among women, in particular among Indigenous, Afro-Honduran and rural women; ... (f) Barriers preventing Indigenous and rural girls and women from attending virtual education programmes during the period of confinement in the context of the COVID-19 pandemic, in particular caused by the lack of technological equipment....

35. In the light of its general recommendation No. 36 (2017) on the right of girls and women to education and recalling its previous recommendations (CEDAW/C/HND/CO/7-8, para. 33), the Committee recommends that the State party promote the importance of girls' education at all levels, as a basis for their empowerment, and:

(a) Reduce the high illiteracy rate among women and girls, with a focus on girls living in poverty, rural girls, [and] Indigenous women, through temporary special measures, such as quotas with time-bound targets, to increase the enrolment, retention and completion rates among girls and women in secondary and higher education; ...

(c) Promote the enrolment, attendance and retention of girls and women in school, especially at the secondary and higher levels, in particular with regard to girls and women living in poverty, rural girls and women, [and] Indigenous women, ... reduce dropout rates and facilitate the reintegration of pregnant girls and women and adolescent mothers into the education system, including by raising awareness among parents, community leaders and girls and women on the importance of education for their life choices and career prospects;

...

(f) Adopt and implement a strategy to guarantee access to technology for Indigenous and rural girls and women, to enable them to benefit from distance learning and enrol in Internet-based education programmes....



Employment

36. The Committee appreciates the information provided by the delegation during the interactive dialogue that a time-use survey was conducted to facilitate understanding of gender differences in the use of time and activities and the strategies women and men use to sustain livelihoods in the State party. However, the Committee notes with concern: ... (d) The high unemployment rate among Indigenous women, rural women and women with disabilities;

37. In line with target 8.5 of the Sustainable Development Goals on the achievement of full and productive employment and decent work for all women and men and recalling its previous recommendations ... the Committee recommends that the State party: ... (d) Ensure that Indigenous women, rural women and women with disabilities have access to employment and accessible transportation to promote their inclusion in public and private employment....

Economic empowerment

40. The Committee remains concerned about the disproportionately high levels of poverty and the limited access to economic and social benefits for disadvantaged and marginalized groups of women, in particular Indigenous, Afro-Honduran and rural women and women with disabilities.

41. The Committee recommends that the State party:

(a) Strengthen efforts to reduce poverty among women, with a particular focus on disadvantaged and marginalized groups of women, such as Indigenous ... women with disabilities, promote their access to low-interest loans without collateral and participation in entrepreneurial initiatives to empower them economically and provide them with opportunities to acquire the skills necessary to participate in economic life;

(b) Increase women's access to the national social security system and to social protection schemes, especially for women belonging to disadvantaged groups.

Rural and Indigenous women

42. The Committee is concerned about the limited access of rural and Indigenous women to education, employment and health care. It also notes with concern that rural and Indigenous women are underrepresented in decision-making and leadership positions and:

(a) The lack of consultations with Indigenous women on large-scale projects, such as tourism, agro-industrial and hydroelectric projects undertaken by foreign investors and private enterprises on Indigenous lands and using their natural resources, as well as the adverse impact of climate change on rural and Indigenous women, including intense drought, loss of crops and food and water insecurity;

(b) The forced eviction and displacement of Indigenous women and girls, labour exploitation, serious health consequences, and sexual violence and trafficking related to business and development projects on Indigenous lands;

(c) The intimidation, harassment and threats against rural and Indigenous women environmental activists participating in peaceful protests to protect their lands and the criminalization of their activities.

43. Recalling its general recommendations No. 34 (2016) on the rights of rural women, No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and No. 39 (2022) on the rights of Indigenous women and girls, the Committee reiterates its previous concluding observations ... and recommends that the State party:



(a) Ensure that economic activities, including logging, development, investment, tourism, extractive, mining and climate mitigation and adaptation programmes, and conservation projects, are implemented only in Indigenous territories and protected areas with the effective participation of Indigenous women, including full respect for their right to free, prior and informed consent and the undertaking of adequate consultation processes;

(b) Prevent, address, sanction and eradicate all forms of gender-based violence against rural and Indigenous women and girls, including environmental, spiritual, political, structural, institutional and cultural violence that are attributable to extractive industries, and ensure that Indigenous women and girls have timely and effective access to both non-Indigenous and Indigenous justice systems, including protection orders and prevention mechanisms when needed, and the effective investigation of cases of missing and murdered Indigenous women and girls free from all forms of discrimination and bias;

(c) Prevent, investigate and punish all forms of political violence against rural and Indigenous women politicians, candidates, human rights defenders and activists at the national, local and community levels, and recognize and respect ancestral forms of organization and the election of representatives.

14. Finland, CEDAW/C/FIN/CO/8, 1 November 2022

Temporary special measures

17. The Committee welcomes the efforts of the State party to strengthen the participation of migrant women in political and public life, education and the labour market. It also takes note of the government resolution of 2015 requiring the boards of large and medium-sized listed companies to have a minimum of 40 per cent of both women and men on their boards. The Committee is, however, concerned that there have been no positive developments towards this minimum quota for women in recent years.

18. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party: ... (c) Continue and further strengthen specific temporary special measures to accelerate the participation of women belonging to disadvantaged groups, such as ... Sami women ... in political and public life, decision-making, education and the labour market.

Gender-based violence against women

23. The Committee welcomes the reform of legislation governing sexual offences and the establishment of the post of independent rapporteur on violence against women. It notes the State party's efforts to prevent gender-based violence against women, including through capacity-building for the police, the establishment of sexual violence referral centres throughout the country and the launch of a national campaign against sexual harassment in 2016. The Committee nevertheless notes with concern: ... (f) The lack of adequate shelters for victims of gender-based violence against women, particularly in the northern region, namely the Sami homeland...

24. Reiterating its previous recommendations ... and recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party: ... (d) Provide adequate shelters for victims of gender-based violence in all regions, including the Sami homeland...



Equal participation in political and public life

27. The Committee welcomes the high percentage of women in the State party's parliament (45.5 per cent), among the State party representatives in the European Parliament (57.1 per cent) and as ambassadors in the civil service (50 per cent). The Committee notes with concern, however, that: ... (c) In the Sami Parliament, only 8 out of 21 members and 1 out of 4 deputy members are women. ...

28. Reiterating its previous recommendations ... and recalling its general recommendation No. 23 (1997) on women in political and public life and its general recommendation No. 25, the Committee recommends that the State party: ... (c) Carry out awareness-raising activities, with a particular emphasis on the region of Åland and the Sami populations, to accelerate women's equal representation in political and public life....

15. Namibia, CEDAW/C/NAM/CO/6, 12 July 2022

Women's rights and gender equality in relation to the pandemic and recovery efforts

10. In line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, the Committee recommends that the State party: ... (b) Promote and facilitate the equal participation of women, including indigenous women and women with disabilities, in the State party's official national recovery programmes and related decision-making.

Women's access to justice

17. The Committee welcomes the establishment of specialized courts to hear cases of gender-based violence However, it notes with concern: ... (c) That although rural and indigenous women receive information on access to the legal aid scheme, there are no specific measures in place to facilitate access to legal complaint mechanisms at the community level....

18. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party: ... (c) Ensure that women, in particular rural and indigenous women and women filing for divorce or bringing gender-based violence cases, have effective access to justice in all parts of the State party.

Temporary special measures

23. The Committee welcomes the implementation of the Affirmative Action (Employment) Act (No. 29 of 1998) and of the Affirmative Action Policy on the participation of women in public life, as well as the measures taken to increase the representation by women in management positions and the introduction of a scorecard system to increase affirmative action at the workplace. The Committee is nevertheless concerned about the limited use of temporary special measures in other areas covered by the Convention, where groups of women are underrepresented or disadvantaged, such as: ... (b) The representation of indigenous women in political and public life.

24. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party adopt temporary special measures to accelerate substantive equality and eliminate intersecting forms of discrimination, such as: ... (b) Recruitment campaigns and substantive support mechanisms to encourage indigenous women to join the public service.



Gender-based violence against women

27. The Committee notes the adoption and implementation of the national plan of action on gender-based violence for the period 2019–2023, based on the recommendations made in the National Gender-Based Violence Baseline Study of 2017 It also welcomes the establishment of gender-based violence protection units and of specialized courts, the existence of a gender-based violence helpline for adults and children and related awareness-raising campaigns. However, it notes with concern: ... (d) The limited access for women, in particular rural and indigenous women and girls, to protection orders, reparations, shelters and psychosocial treatment and counselling.

Equal participation in political and public life

31. The Committee welcomes the measures taken by the State party to build the capacity of women in politics, including parliamentarians, local politicians and members of political parties, as reflected in the State party being ranked twelfth globally by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) for the number of women in parliament and receiving the Gender Is My Agenda Campaign award in 2017 for its progress in promoting parity in decision-making positions. However, the Committee notes with concern: ... (b) The lack of measures to ensure the equal representation of women and men candidates on electoral lists and the limited participation of indigenous women in political and public life.

32. Recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:

(a) Take measures to accelerate gender parity at the national and local levels of government, in particular in decision-making positions in the Cabinet, the judiciary, the public service, the foreign service and in sports commissions, and conduct awareness-raising campaigns and capacity-building to promote gender parity, positive masculinities and the participation of disadvantaged groups of women, including indigenous women and women with disabilities, in political and public life;

(b) Amend the Electoral Act to achieve gender parity and adopt temporary special measures, such as quotas, to increase the number of women candidates who are successful in regional elections, as well as the number of indigenous women elected to legislative bodies at all levels.

Nationality

...

36. Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party: ... (c) ... strengthen efforts to deploy mobile civil registry units to issue birth certificates in rural and remote areas and in indigenous communities....

Education

37. The Committee welcomes the provision of free primary and secondary education, as well as of life skills lessons and age-appropriate education in sexual and reproductive health and rights in the State party. It also notes the dissemination of a career guidance booklet and engagement with girls to increase their interest in non-traditional fields of study. However, the Committee notes with concern: ... (c) Reported cases of corporal punishment and gender-based violence, discrimination and bullying in schools, particularly against indigenous girls....

Health

41. The Committee notes the progress reported in decreasing the mother-to-child transmission



of HIV/AIDS and the high availability of HIV/AIDS test kits. However, the Committee notes with concern: ... (e) The limited access for women, including ... indigenous women ... to sexual and reproductive health care...

42. The Committee recalls its general recommendation No. 24 (1999) on women and health and recommends that the State party: ... (e) Ensure safe and appropriate access to sexual and reproductive health services free from discrimination, and disseminate information and clinical resource material to medical practitioners and to women, including ... indigenous women...

Indigenous women

49. The Committee notes that the Ministry of Land Reform provides seeds and ploughing services to the San community, which receives drought relief in the form of food and financial support for small-scale projects. Nevertheless, the Committee is concerned about reports that San women and girls continue to perform poorly in education and that they have limited access to employment and health services.

50. The Committee recommends that the State party implement measures to ensure that indigenous women and girls, including San women and girls, have adequate access to education, employment, health care and economic empowerment services, in particular in rural areas.

Climate change and disaster risk reduction

51. The Committee is concerned about: (a) The absence of information on the measures taken by the State party to ensure that climate change and energy policies, and specifically the policy on the extraction and export of oil and gas, take into account the differentiated and disproportionate impact of climate change and environmental degradation on women, especially rural and indigenous women...

16. Bolivia, CEDAW/C/BOL/CO/7, 12 July 2022

Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's combined fifth and sixth periodic reports (CEDAW/C/BOL/CO/5-6) in undertaking legislative reforms, in particular the adoption of the following: ... (d) Law No. 1152 (2019), on the universal and free Single Health System to provide access to sexual and reproductive health care, with priority given to women, children, adolescents, older adults, persons with disabilities, and members of indigenous campesino and Afro-Bolivian communities;

Constitutional and legal framework

10. In line with article 1 of the Convention and general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party:

(a) Strengthen the enforcement of legislation and policies aimed at eliminating discrimination against women in all areas covered by the Convention;

(b) Strengthen the adoption of appropriate measures to ensure the application of the Convention, the Optional Protocol thereto and the Committee's jurisprudence, including by organizing systematic capacity-building programmes for the judiciary, prosecutors, law enforcement officers, members of the Plurinational Legislative Assembly and other officials responsible for its implementation;

(c) Reinforce efforts to raise awareness of women's rights and the means to enforce them,



targeting specific groups such as indigenous women ... including by facilitating access to information on the Convention in indigenous languages and accessible formats, in cooperation with civil society and the media.

Women's access to justice

11. The Committee notes the efforts made by the State party to reform its judicial system and improve access to justice for women, including the adoption of the protocol for mainstreaming a gender perspective in court judgments, the Justice and Gender Observatory of the Plurinational Constitutional Court, and competitions for judicial decisions with a gender perspective. Nevertheless, the Committee notes with concern: ... (c) Financial, linguistic, physical and geographical barriers to accessing justice faced by indigenous women....

Participation in political and public life

...

22. Recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party: (a) Adopt measures to increase the representation of women, including indigenous women and women of African descent, in decision-making positions in the Government, the judiciary and the private sector....

Education

...

24. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote understanding of the importance of education at all levels for girls as a basis for their empowerment and: ...

(b) Ensure that disadvantaged and marginalized groups of girls, in particular indigenous girls, Afro-Bolivian girls, rural girls, girls with disabilities, refugee and migrant girls, have adequate access to good-quality education, as well as their retention in school, in particular at the secondary and tertiary levels and in rural areas, including by:

- (i) Promoting the enrolment of girls from marginalized groups in educational institutions at all levels;
- (ii) Ensuring the implementation of regional intercultural curricula and adopting a comprehensive inclusive education policy;
- (iii) Launching literacy campaigns to reach adult and older women....

Health

27. The Committee notes the measures taken by the State party to expand free sexual and reproductive health services to all women regardless of age through the Single Health System. ... However, the Committee notes with concern: ... (f) The insufficient coverage of the Intercultural Family and Community Health Policy, barriers to accessing affordable health services in rural areas faced by indigenous women, including long distances, lack of access to information and culturally appropriate services, and intersecting forms of discrimination....

28. The Committee recommends that the State party: ... (f) Extend the coverage of the Intercultural Family and Community Health Policy and allocate the resources necessary to ensure access to affordable and culturally appropriate health services for rural women and girls, as well as indigenous and Afro-Bolivian women....

Economic empowerment

29. The Committee welcomes the Productive Development Bank and similar initiatives for women, such as the Seed Capital Fund and the Women Heads of Household Credit. It further notes the Gender Strategy for the Empowerment of Women in the Productive, Industrial and Commercial Sector and the Project for Improving the Empowerment of Women in the Northern Amazon.



However, the Committee is concerned about the low proportion of women among the economically active population with access to some form of credit, and insufficient measures to ensure that indigenous and rural women benefit from the implementation of development projects within their territories. It also notes the lack of a gender perspective in programmes such as the

Indigenous Development Fund.

30. The Committee recommends that the State party:

(a) Increase the participation of women, including those employed in the informal economy, in the development of strategies to facilitate women's access to financial credit, such as low-interest loans, as well as to entrepreneurship and independent business opportunities;

(b) Strengthen the Indigenous Development Fund by incorporating gender equity policies and facilitate indigenous women's access to financial resources and sustainable productive projects for economic empowerment.

Indigenous and Afro-Bolivian women

33. The Committee notes with concern:

(a) The limited information on the outcomes of the Plan of Action for the Decade for Bolivian People of African Descent;

(b) That indigenous and Afro-Bolivian women face intersecting forms of discrimination based on race, ethnicity and gender, high levels of unemployment and barriers to participate in political and public life and to access employment, economic opportunities and adequate health-care services;

(c) The lack of a legal framework and effective mechanisms in place to ensure benefit-sharing and the prior, free and informed consent of indigenous and Afro-Bolivian women to mining activities and extraction of hydrocarbons in their territories;

(d) Reports of high levels of gender-based violence, as well as intimidation and reprisals, against indigenous and Afro-Bolivian women human rights defenders, including during the political crisis in 2019 and 2020.

34. The Committee recommends that the State party:

(a) Ensure a gender and intercultural perspective in its policies concerning indigenous and Afro-Bolivian women, including the Plan of Action for the Decade for Bolivian People of African Descent;

(b) Strengthen its legal framework and establish effective mechanisms to ensure that activities of mining companies and extractive industries are subject to the free, prior and informed consent of and adequate benefit-sharing with affected indigenous, Afro-Bolivian and rural women;

(c) Investigate and prosecute all acts of gender-based violence, intimidation and reprisals against indigenous and Afro-Bolivian women human rights defenders, and provide effective remedies and reparations to victims of such acts.



17. Gabon, CEDAW/C/GAB/CO/7, 1 March 2022

Disadvantaged and marginalized groups of women

36. The Committee regrets the lack of information on the situation of disadvantaged groups of women in the State party, including poor women and single mothers, women with disabilities, and refugee, migrant and indigenous women. ...

37. The Committee recommends that the State party: (a) Provide information, in its next periodic report, on the outcome of the planned survey to determine the prevalence of sexual violence perpetrated against indigenous women....

Marriage and family relations

38. The Committee welcomes the amendments to the Civil Code and Penal Code, aimed at ensuring the equality of spouses and eliminating discrimination against women, inter alia, with respect to joint administration of marital property, dissolution of marriage, inheritance rights and widowhood practices. It is concerned, however, about the implementation of these provisions in practice, including limited awareness of women and law enforcement actors regarding the legislative changes. ...

39. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party: (a) Strengthen awareness-raising campaigns to disseminate the revised Civil Code, targeting, in particular, women from rural areas and indigenous women and girls, as well as traditional chiefs and parents....

18. Panama, CEDAW/C/PAN/CO/8, 1 March 2022

Women's rights and gender equality in relation to the coronavirus disease pandemic and recovery efforts

9. The Committee welcomes the information provided by the delegation during the dialogue indicating the adoption of a national emergency and social assistance plan that includes digital transfers and covers 51.58 per cent women out of the total number of beneficiaries. It also notes the information on programmes to ensure universal vaccination, in which 51.53 per cent of the beneficiaries are women. The Committee, nonetheless, remains concerned that women have been extremely affected by the coronavirus disease (COVID-19) pandemic and measures taken to contain it, in particular due to: the loss of jobs, including for domestic workers; the reduction of wages; recourse to the informal economy; or the loss of livelihoods for indigenous women in areas where tourism was the main income-generating activity before the pandemic, exacerbating situations of hunger and malnutrition faced by indigenous women. ...

10. The Committee, in line with its guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, issued on 22 April 2020, recommends that the State party: ... (b) Implement targeted programmes to address situations of hunger and malnutrition exacerbated during the pandemic in indigenous regions, and ensure that measures to mitigate the socioeconomic impact of the pandemic target all groups of women, including: rural women; indigenous ... women and girls living in remote areas; ... (d) Promote and facilitate the equal participation of women, including indigenous women ... in the State party's official national recovery programmes, across all sectors of policy.



Legislative protection from discrimination

11. The Committee takes note of the State party's efforts to develop its legislative and policy framework concerning gender equality and non-discrimination, including recognizing sexual or other types of harassment, bullying in the workplace, racism and sexism as criminal offences. Nonetheless, it remains concerned about: ... (d) Intersecting and de facto discrimination faced by: indigenous ... women....

Women's access to justice and remedies

13. The Committee acknowledges the establishment of free legal aid for survivors of crime irrespective of socioeconomic status and throughout all judicial procedures, and it welcomes measures adopted to expedite judicial proceedings in family courts, including through the use of audio and video technical equipment during judicial hearings, and to increase access by indigenous women to justice through mobile family courts in the Province of Chiriquí. The Committee, nonetheless, remains concerned by: (a) The lack of information on measures to ensure women's access to justice and remedies in all areas of law, including during the COVID-19 pandemic; ... (e) Stigma and discriminatory stereotypes among law enforcement officers, including the police, which impede access to justice for indigenous ... women, including in cases of gender-based violence against women and throughout immigration law enforcement proceedings.

14. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party: ... (e) Strengthen systematic capacity-building for judges, prosecutors, lawyers and law enforcement officials concerning equality and non-discrimination against women, and adopt indicators to ensure that cases of gender-based violence and discrimination against indigenous women ... are managed in a gender-sensitive manner. National machinery for the advancement of women.

15. The Committee welcomes the information about the political and financial autonomy of the National Institute for Women and the establishment of the Network of Government Mechanisms for the Promotion of Equal Opportunities in Panama and other entities for the advancement of women, including the National Women's Council, the National Committee on Violence against Women, and employment and gender directorates.... However, it remains concerned about: ... (c) The absence of mechanisms across all sectors of policy to ensure appropriate consultations with and the meaningful participation of women's organizations, including indigenous ... women ... in the national machinery for the advancement of women.

Temporary special measures

17. The Committee is concerned about provisions in the Electoral Code that limit the implementation of parity in lists of candidates to elected positions, in particular by allowing political parties to replace women candidacies with male candidates. It also observes the absence of information about temporary special measures to achieve substantive equality in all areas covered by the Convention by overcoming the marginalization of women subjected to multiple and intersecting forms of discrimination.

18. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party: ... (d) Allocate budgetary resources to develop temporary special measures aimed at accelerating substantive equality and eliminating intersectional discrimination affecting indigenous ... women....

Discriminatory stereotypes and harmful practices

19. The Committee takes note of measures to combat gender stereotypes, in particular the review of the school textbooks to address gender representations of women and discriminatory



stereotypes, and to raise public awareness about gender equality. The Committee is nevertheless concerned about: ... (c) The higher prevalence of adolescent pregnancies among indigenous women and girls and the lack of information on measures to foster autonomy in the exercise of their sexual and reproductive rights.

20. Recalling the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and its previous recommendations (CEDAW/C/PAN/CO/7, para. 23), the Committee recommends that the State party: ... (c) Adopt a community and school-based comprehensive strategy, engaging men and boys in creating an enabling environment that supports the empowerment of women and girls, with the aim of tackling harmful practices and changing underlying social norms that underpin sexual violence and social norms concerning sexual and reproductive health and adolescent pregnancies, including in rural and indigenous communities...

Gender-based violence against women

21. The Committee welcomes the legislation in the State party recognizing femicide as a criminal offence as well as reforms to increase penalties for different forms of sexual violence, including rape, sexual exploitation and child pornography. It also takes note of the measures included in the Public Policy for Equal Opportunities for Women (Executive Decree No. 244 of 18 December 2012) to prevent gender-based violence against women. However, the Committee remains concerned about: (a) The persistence of various forms of gender-based violence against women in public and private spaces, including the prevalence of domestic violence and sexual violence against adolescent girls, in residential alternative care centres, and affecting women with disabilities, indigenous ... women....

22. The Committee, in the light of its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, recommends that the State party: (a) Ensure the actual implementation of all legislation and institutional measures to tackle and eliminate all forms of gender-based violence against women, targeting violence against women who face intersecting forms of discrimination, particularly ... indigenous ... women, ... establishing benchmarks, indicators of progress and a time frame for monitoring implementation....

Equal participation in political and public life

29. The Committee notes with concern: ... (d) The absence of measures to promote the participation in political and public life of indigenous women ... or in leading positions at the international level.

30. The Committee recommends that the State party: ... (e) Strengthen mechanisms to facilitate women's participation in the international arena; adopt legislation and policy measures that promote diversity and political participation at all levels, including the representation of indigenous ... women ... in international affairs, including in organizations and in leading positions at diplomatic missions; and implement measures to reduce negative attitudes associated with women in high-level international leadership positions.

Education

33. The Committee is concerned about: (a) The higher illiteracy rates among women compared with men ... which particularly affect indigenous and rural women; ... (e) Barriers preventing indigenous women and girls from attending virtual education programmes during the period of confinement during the COVID-19 pandemic, in particular due to the lack of technology devices.



34. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and its previous concluding observations ... the Committee recommends that the State party:

(a) Set up a strategy with measurable indicators and time frames for the assessment of progress with regard to women's education, including in indigenous regions, and ensure that the Ministry of Education collects statistical data about their enrolment, completion and dropout rates, disaggregated by age, ethnicity, disability, socioeconomic condition, and migrant, refugee or asylum-seeking status; ...

(e) Expand the coverage and human, technical and financial resources allotted to bilingual education for indigenous women, and adopt and implement a strategy to guarantee access to technology for indigenous girls and women, allowing them to enrol in Internet-based education programmes.

Employment

35. The Committee welcomes the legislation enacted by the State party to address and prevent sexual harassment and other forms of discrimination in the workplace, and information about the establishment of a minimum wage for all workers. Nonetheless, it is concerned about: ... (c) The continuous practice of requiring pregnancy tests for women to access jobs in the public and private sectors, the absence of labour legislation to protect pregnant women from dismissal, and the continuous discrimination against ... indigenous women....

Health

37. The Committee observes the implementation of measures related to health, including the National Strategic Plan for the Reduction of Maternal and Perinatal Morbidity and Mortality 2015–2020. However, it notes with concern: (a) The prevalence of maternal mortality among indigenous women, in particular those inhabiting the Ngäbe-Buglé comarca and the Darién province, and the lack of access to health-care facilities in indigenous regions; ... (d) Forced sterilization procedures performed on indigenous women and young girls and women with disabilities, at the request of a third party and without their free, prior and informed consent.

38. The Committee recalls its previous concluding observations ... and recommends that the State party:

(a) Assess the outcomes of the National Strategic Plan for the Reduction of Maternal and Perinatal Morbidity and Mortality 2015–2020, and introduce new strategies and programmes to address the prevalence of maternal mortality among indigenous and Afro-descendant women, including programmes on sexual and reproductive health and rights in the indigenous regions; ...

(c) Adopt specific health targets in national and provincial plans aimed at improving access to health services for all women, and in particular for indigenous women ... and monitoring mechanisms that include the cooperation and participation of women and their civil society organizations; ...

(e) Ensure adequate access to information for adolescent girls and young women about sexual and reproductive health and rights, including on the prevention of adolescent pregnancy and sexually transmitted infections, and conduct awareness-raising campaigns about modern forms of contraception, ensuring women's and adolescent girls' access to safe and affordable contraception, in particular in rural and remote areas, including indigenous ... communities;

(f) Prevent the forced sterilization of indigenous women ... including by eliminating legal provisions allowing for the sterilization of women with disabilities on the basis of



impairment and at the request of family members or guardians; ensure that women always provide their free, prior and informed consent regarding sterilization; and establish programmes at the national and regional levels to provide access by women with disabilities to sexual and reproductive health and rights.

Economic and social benefits and economic empowerment of women

39. The Committee observes the initiatives to promote women's entrepreneurship, loan programmes, including agricultural loans, and facilities and cooperatives for agricultural production. However, it is concerned about: ... (d) The situations of poverty and deprivation, including food insecurity, among women, including ... indigenous ... women.

40. The Committee recommends that the State party: ... (d) Implement public policies and plans of action with time frames to eliminate poverty among ... indigenous women ... ensuring that they participate in entrepreneurial initiatives that empower them economically and opportunities to acquire necessary skills to participate in various sectors of the economy.

Rural women

41. The Committee is concerned about the absence of information relating to the percentage of rural women beneficiaries of loan programmes, the effective access to loans by indigenous ... women, and the lack of measures to ensure that women recipients of loans receive extension support to ensure repayment of the loans. It is also concerned by the lack of information about mechanisms to ensure rural women's participation in the benefits of agricultural development projects at the provincial level, and by limited access to land ownership.

42. In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Expand access for rural women, including indigenous ... women, to loans with no or very low interest rates, income generating activities and entrepreneurship opportunities, with the aim of combating poverty and promoting the advancement of rural women, and enhance their security of land tenure;

(b) Ensure that agricultural development policies, programmes and projects respond to the goal of substantive gender equality and effectively address the situation of rural women, ensuring that they can meaningfully participate in the development and implementation of agricultural and development policies, including with regard to decisions on land use;

(c) Develop policies and programmes to ensure the economic empowerment of rural women, work with indigenous ... women in short-, medium- and long-term programmes on poverty alleviation, and ensure rural women's access to basic services, including housing, clean water, sanitation and electricity, as well as to economic opportunities and technological progress.

Indigenous and Afro-descendant women

43. The Committee observes with concern:

(a) That national agreements between ... indigenous women and incoming governmental and presidential candidates to implement policies for improving the situation of women have not been fulfilled;

(b) That indigenous ... women face intersecting racial, ethnic and gender discrimination and prevailing inequalities, including high levels of unemployment, an absence of adequate health-care services, and barriers preventing them from benefiting from economic empowerment and participating in public and political life;



(c) That there is a lack of mechanisms to seek the free and informed consent of indigenous ... women and their involvement in decision-making procedures concerning public policies, programmes and investment projects;

(d) That no environmental impact assessments are conducted on the consequences for the human rights of indigenous ... women of investment, infrastructure, mining and agroindustry projects in the light of current concerns with environmental degradation and disaster risk reduction.

44. The Committee recommends that the State party:

(a) Implement decisions in the national agreements between indigenous ... women's organizations and the State party signed by the President of the State party;

(b) Address racial discrimination against ... indigenous women...;

(c) Adopt a strategy, including policy programmes at the national and provincial levels, for achieving substantive equality for indigenous ... women in all areas covered by the Convention;

(d) Ensure the meaningful participation of indigenous ... women in decision-making processes regarding the use of traditional indigenous lands and establish effective consultation mechanisms to secure the free, prior and informed consent of indigenous women, and assess and mitigate the impact of megaprojects on the rights of indigenous ... women;

(e) Protect indigenous women's access to and ownership of collective titles of their lands, protect them from eviction due to the business activities of large corporations in extractive industries, establish the duty for public and private investors to recognize benefit-sharing in relation to development projects and the use of natural resources and lands of indigenous ... women for other purposes, and adopt policies that provide for compensation and reparations to indigenous ... women in regions negatively affected by investment projects.

19. Peru, CEDAW/C/PER/CO/9, 1 March 2022

General context and historical discrimination

9. The Committee acknowledges the efforts by the State party to mainstream gender equality and women's rights in its legislative, regulatory and policy frameworks. The Committee is concerned, however, about the high levels of gender-based violence against women, which have been exacerbated since the onset of the coronavirus disease (COVID-19) pandemic. It notes with concern the inadequate progress made in addressing the disproportionate levels of violence experienced by disadvantaged and marginalized groups of women and girls in all areas of their lives and who are also facing historical and intersecting forms of discrimination, namely indigenous and Afro-Peruvian women.... The Committee regrets the lack of visibility and priority given to women and girls belonging to those groups in all initiatives of the State party to achieve gender equality and women's rights, thereby perpetuating their social and economic exclusion, and denying the rights guaranteed to them under the Convention.

10. The Committee calls upon the State party to actively promote the use of temporary special measures, including through the adoption of quotas, targets and indicators, in all areas of the Convention, to provide urgent redress for women and girls who are subjected to historical and intersecting forms of discrimination, such as indigenous and Afro-Peruvian women..... It further



recommends that the State party develop a strategic and holistic response in cooperation with women's groups and civil society organizations to ensure the timely implementation of such temporary special measures.

Access to justice

13. The Committee welcomes the efforts made by the State party to strengthen access to justice for women, including the National Programme on Access to Justice for Vulnerable Persons, 2016–2021. It notes with concern, however, the persistent institutional, structural and practical barriers to women's access to justice, including the following: ... (c) That young women are unable to access the courts or to personally report cases of gender-based violence against women without an adult present, and that indigenous women, rural women, women land right defenders, women with disabilities and lesbian, bisexual and transgender women and intersex persons are often harassed and denied services when seeking to access justice; ... (d) Financial, linguistic, accessible and geographical barriers to gaining access to justice faced by ... indigenous women....

14. In accordance with the Convention and with the Committee's general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party: ... (b) Continue raising awareness among women about their rights under the Convention, targeting in particular women belonging to marginalized groups, including ... indigenous women....

Discriminatory stereotypes and harmful practices

21. The Committee welcomes the efforts made by the State party to eliminate patriarchal attitudes, deeply rooted stereotypes and harmful practices. It nevertheless remains concerned at the pervasiveness of such attitudes and the social legitimization of harmful practices against women and girls in the State party, as manifested in: ... (b) Gender-based violence against women and discrimination against ... indigenous ... in particular in the delivery of health services and in their engagement with the justice system.

Gender-based violence against women

23. The Committee welcomes the strengthening of legal provisions to combat gender-based violence against women in the State party, including the adoption of Act No. 30364 on the prevention of violence against women and members of the family group, in 2015; the National Plan against Gender-Based Violence 2016–2021; and the guidelines for an intercultural perspective on the prevention, protection, and support for cases of violence against ... indigenous women ... published in 2019. It remains deeply concerned, however, about the high incidence of intimate partner violence against women, exacerbated by the ongoing COVID-19 pandemic, noting that over the past two years the numbers of femicides, sexual violence and disappearances of young women increased exponentially.

24. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party: (a) Enhance mechanisms to monitor the enforcement of laws criminalizing gender-based violence against women and providing for victim support services, in particular with regard to disadvantaged and marginalized groups of women, such as young women, indigenous [women]...; ... (i) Ensure the provision of appropriate, accessible and quality support services responding to the needs of survivors of gender-based violence against women, especially indigenous women....

Trafficking and exploitation of prostitution

27. The Committee notes the State party's efforts to combat trafficking in women and girls, including through the adoption of Act No. 31146 amending criminal law provisions against trafficking in persons to ensure the procedural representation of minors and reparations for victims



of trafficking, as well as the National Policy against Trafficking in Persons (2030). It notes with concern, however: ... (b) That indigenous women living in remote areas with limited access to government services; migrant women seeking employment opportunities in the gold mining industry; women from communities residing on the Amazon River; and refugee and migrant women from the Bolivarian Republic of Venezuela are at a particularly high risk of being trafficked....

28. In line with its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party: ... (b) Strengthen the capacity of first-line responders to identify cases of trafficking in women and girls in remote areas, in mining communities and along the Amazon River; and in areas of the country hosting refugee and migrant women from the Bolivarian Republic of Venezuela....

Equal participation in political and public life

29. The Committee welcomes the progress made by the State party in increasing women's participation in political and public life, in particular the establishment of the Group for Strengthening Indigenous Political Participation (resolution 085-A2016-P/JNE)....

30. Recalling its general recommendation No. 23 (1997) on women in political and public life, as well as target 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Adopt temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, including statutory quotas for the equal representation of women in decision-making positions in the Government, the civil service and the foreign service;

(b) Adopt measures to encourage women's equal participation at all levels of decision-making, including on mining ventures, large-scale agricultural initiatives, in the security sector and in managerial positions in the private sector;

(c) Adopt measures to address discriminatory gender stereotypes and practices within political parties that discourage women, in particular indigenous [women] ... from standing for election at the federal, state or municipal levels....

Education

33. The Committee welcomes the efforts to increase girls' and women's access to education across the State party through the development of a bilingual and intercultural education service model in 2018. It notes with concern, however: (a) That the high illiteracy rates disproportionately affect women and girls from marginalized communities who face intersecting forms of discrimination, such as indigenous ... women and girls....

34. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote understanding of the importance of girls' education at all levels as a basis for their empowerment, and: ...

(c) Take targeted measures to ensure that disadvantaged and marginalized groups of girls, and in particular indigenous ... girls ... have adequate access to quality education, as well as their retention in school, including by:

(i) Strengthening the educational infrastructure in indigenous communities and rural areas;

(ii) Providing free, reliable and safe school transport for girls and women in rural and remote areas;



- (iii) Facilitating the enrolment of girls from marginalized groups in educational institutions at all levels;
- (iv) Ensuring adequate opportunities for indigenous girls and women to receive instruction in their own languages....

Employment

35. The Committee welcomes the ongoing efforts by the State party to promote the integration of women into the labour market, including through the adoption of the National Action Plan on Business and Human Rights (2021–2025), which seeks to reconcile work and family life, training on good practices and gender equality, fighting harassment and gender-based violence against women in the workplace, and ensuring equal and decent conditions of work for lesbian, bisexual and transgender women and intersex persons. It notes with concern, however: (a) That women facing intersecting forms of discrimination, including indigenous [women] have limited access to employment opportunities....

36. The Committee draws attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals and recommends that the State party: ... (b) Establish hiring quotas and employment retention schemes specifically targeted at promoting access by women facing intersecting forms of discrimination, including indigenous [women] ... to formal employment....

Health

37. The Committee notes the measures taken by the State party to prevent early pregnancies, including the National Multisectoral Policy for Children and Adolescents (2030), establishing guidelines aimed at reducing early pregnancies and prioritizing comprehensive sexuality education for basic education students. However, the Committee notes with concern: ... (d) Economic barriers that restrict access to sexual and reproductive health services and information, including emergency contraception, for ... indigenous ... women....

38. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party: ... (d) Intensify inclusive awareness-raising programmes to ensure that women and girls, and in particular those from marginalized groups, have confidential access to modern contraceptives and information on sexual and reproductive health and rights, including their right to make autonomous decisions, and to eliminate discriminatory gender stereotypes and attitudes regarding the sexuality of women and girls; (e) Ensure that no sterilizations are performed without the free, prior and informed consent of the woman concerned, that practitioners performing sterilizations without such consent are adequately punished and that redress and adequate financial compensation are provided without delay to women who are victims of non-consensual sterilizations....

Economic empowerment and social benefits

39. The Committee remains concerned about the disproportionately high levels of poverty and the inequality in access to economic and social benefits faced by disadvantaged and marginalized groups of women, especially indigenous women....

40. The Committee recommends that the State party:

- (a) Strengthen its national poverty reduction strategy with a particular focus on disadvantaged and marginalized groups of women, in particular indigenous women ... and encourage the active participation of women in the formulation and implementation of poverty reduction strategies;



(b) Increase women's access to the national social security system and develop coordinated social protection and compensation programmes for women, especially women belonging to disadvantaged groups.

Rural women

41. The Committee notes with concern:

(a) The adverse impact of mineral, oil extraction and large-scale agricultural industries on rural women's health and environment, in particular for indigenous ... women;

(b) The limited access in rural areas to justice, basic services, such as education and health care, including sexual and reproductive health services, support services for victims of gender-based violence against women, adequate water and sanitation, and to the Internet.

42. In line with general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Establish a legal framework to regulate and ensure that extractive industries and other business projects are submitted to social and environmental impact studies and implemented only with the free, prior and informed consent of and adequate benefit-sharing with affected indigenous women...;

(b) Ensure reparations and compensation for women in rural areas whose health and other rights are affected by extractive industry development and ensure their access to affordable, quality health care;

(c) Increase the human, technical and financial resources allocated to improve women's access in rural areas to justice and basic services, such as education and digital literacy programmes, health care, including sexual and reproductive health services, support services for victims of gender-based violence against women, adequate water and sanitation, and the Internet.

Women and girls in detention

47. The Committee is concerned about the conditions of detention faced by women deprived of their liberty, in particular the lack of adequate services to address the needs of ... indigenous women ... in detention.

20. Uganda, CEDAW/C/UGA/CO/8-9, 1 March 2022

General context

10. In line with its guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, the Committee recommends that the State party: (a) Implement measures to redress long-standing inequalities between women and men by placing women at the centre of COVID-19 recovery strategies, in accordance with the 2030 Agenda, paying particular attention to unemployed women, women living in poverty, women belonging to ethnic and national minority groups [and] indigenous women....

Visibility of the Convention and the Committee's general recommendations

11. The Committee takes note of the State party's efforts to enhance the visibility of the Convention, including by publishing the Convention in local languages. It is concerned, however, that women, in particular rural women, women belonging to ethnic and national minority groups, [and] indigenous women ... are often not aware of their rights under the Convention or the remedies available to them.



Nationality

35. The Committee welcomes the fact that the State party, as one of the largest host countries in the world, receives approximately 1.5 million refugees and asylum seekers in the State party, more than half of them women and girls, guaranteeing their right to birth registration under the Constitution and enabling foreign women to confer their nationality to their children. The Committee is concerned, however, about delays in birth registrations, in particular in rural and remote areas and within indigenous communities, delays in the registration, issuance and renewal of identity cards for refugee women and girls and the lack of information on measures taken to reduce statelessness.

36. With reference to its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party: (a) Facilitate birth registration and the registration of refugee and asylum-seeking women and girls through the use of modern information and communications technology, simplify and ensure affordable birth registration procedures and deploy more mobile teams to issue birth certificates in rural and remote areas and within indigenous communities....

Education

37. The Committee welcomes the teaching programmes for indigenous girls in local languages....

38. With reference to its general recommendation No. 36 (2017) on the right of girls and women to education, and recalling its previous recommendation ... the Committee recommends that the State party promote the importance of girls' education at all levels, as a basis for their empowerment, and: ... (c) Raise awareness among parents, teachers, traditional and religious leaders, members of indigenous communities and all women, men, girls and boys of the importance of girls' and women's education for their economic empowerment, personal development and autonomy....

Health

41. The Committee takes note of the fact that the HIV/AIDS Prevention and Control Act of 2015 and the various strategies, policies and programmes for the prevention and control of HIV and AIDS embrace human rights principles, including non-discrimination and gender-responsiveness. It also takes note of the establishment, in 2015, of a national menstrual health and hygiene coalition to mobilize resources for the provision of hygiene products to girls and separate sanitary facilities for them in rural and remote areas, indigenous and refugee communities and government-aided schools. ...

21. Russian Federation, CEDAW/C/RUS/CO/9, 30 November 2021

Temporary special measures

20. The Committee notes with concern the limited understanding within the State party of the non-discriminatory nature and importance of temporary special measures for accelerating the achievement of substantive equality between women and men, including statutory quotas, in the public or private sectors, in particular for ... indigenous and tribal women.

21. The Committee recommends that, in line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the State party:

(a) Adopt and implement temporary special measures and establish time-bound targets to



accelerate the realization of substantive equality between women and men in all areas in which women continue to be disadvantaged or underrepresented, including in political and public life and employment;

(b) Undertake capacity-building programmes targeting legislators, policymakers, other public officials and employers in the public and private sectors, at both the federal and regional levels, on the non-discriminatory nature and importance of temporary special measures for the achievement of substantive equality between women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged.

Disadvantaged groups of women

44. The Committee notes the adoption of Federal Act No. 11-FZ (2020), establishing a unified list of indigenous peoples in the State party and a procedure for registration. It notes with concern the lack of detailed information on the registration procedure and on the number of indigenous women belonging to indigenous peoples who have registered on the unified list to be able to have access their traditional lands and livelihoods and participate in decision-making processes at the local, regional and federal levels.

45. The Committee recommends that the State party:

(a) Adopt measures to facilitate the registration of indigenous women and girls on the unified list of indigenous peoples and ensure their access to education, social benefits and health care;

(b) Ensure and protect indigenous women's collective rights to traditional land and resources and to effective participation in decision-making bodies and processes at the local, regional and federal levels.

Disaster risk reduction and climate change

54. The Committee notes with concern the lack of a gender perspective in the formulation and implementation of policies and action plans on climate change and disaster risk reduction, particularly for rural and indigenous women, even though they are disproportionately affected by the effects of climate change and natural disasters.

55. The Committee recommends that, in line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the State party review its climate change and energy policies and take into account the negative effects of climate change on the livelihoods of women, especially rural and indigenous women.

22. Indonesia, CEDAW/C/IDN/CO/8, 24 November 2021

Indigenous rural women

45. The Committee welcomes the State party's efforts in building normative frameworks to recognize a certain degree of land rights of masyarakat hukum adat (customary law communities). However, the Committee notes with concern:

(a) The fact that only nine masyarakat hukum adat are recognized by the State party, and that rural and indigenous women are disproportionately affected by development projects, including the exploitation of natural resources, deforestation and agricultural expansion, and land conflicts caused thereby;

(b) That Law No. 11/2020 on job creation undermines environmental protection by removing the requirement of environmental permits and environmental impact assessments, thereby threatening indigenous women's access to land;



(c) The absence of information on the integration of a gender perspective into decision-making processes on development projects and the limited participation of women, especially indigenous rural women, in such decision-making and policymaking;

(d) Indigenous women's limited access to land ownership, safe water and adequate sanitation.

46. The Committee recommends that the State party:

(a) Expedite its efforts to protect indigenous women's right to use natural resources and lands, including by expanding the scope of masyarakat hukum adat, and repeal or otherwise amend legislation that undermines indigenous women's right to land use, including Law No. 11/2020 on job creation;

(b) Conduct a gender assessment in the context of all environmental impact assessments and ensure that rural and indigenous women can fully contribute to the development of the country, require their free, prior and informed consent to any development project on indigenous lands as well as adequate benefit-sharing agreements, and provide indigenous women affected by such projects with adequate alternative livelihoods, in line with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169);

(c) Eliminate customary practices that discriminate against indigenous women in relation to land ownership and ensure indigenous women's access to basic services, safe water and adequate sanitation.

23. Ecuador, CEDAW/C/ECU/CO/10, 24 November 2021

General context

9. The Committee notes with concern that the financial and economic crisis triggered by low oil prices, appreciation of the United States dollar, increasing external financing costs and growing trade conflicts has been exacerbated by the coronavirus disease (COVID-19) pandemic. The Committee also notes with concern that the COVID-19 health crisis has triggered a deep recession, leading to increased poverty, and has revealed structural weaknesses, such as a lack of macroeconomic buffers, a high level of informal employment, a poorly prepared health-care system and large gaps in access to public services. The Committee further notes with concern that the austerity measures adopted by the State party in an effort to consolidate public finances have had a disproportionate impact on women in all spheres of life. It is also concerned about the prevalence of gender-based violence against women, including domestic violence, and the feminization of poverty, which disproportionately affects women and girls belonging to disadvantaged and marginalized groups and those facing intersecting forms of discrimination. The Committee reminds the State party that, even in times of fiscal constraint and economic crisis, specific efforts must be made to advance women's rights, sustain and expand social investment and social protection and integrate a gender perspective into policies and programmes, focusing on disadvantaged and marginalized groups of women and seeking to avoid retrogressive measures.

10. In line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, the Committee recommends that the State party:

(a) Undertake a comprehensive study on the consequences of the financial and economic crisis and subsequent austerity measures on women and design an action plan to mitigate the adverse effects of such measures;



(b) Ensure the internal redistribution of its resources to overcome the consequences of the financial crisis, according priority to measures that support social inclusion and gender equality, and implement measures to redress pre-existing gender inequalities by placing women and girls at the centre of recovery strategies in line with the 2030 Agenda for Sustainable Development, with particular attention ... to ... indigenous women....

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

11. The Committee notes that, under article 47 of the Constitution, the Convention and other international human rights treaties are directly applicable in the courts. The Committee remains concerned, however, that the provisions of the Convention, the Optional Protocol thereto and the Committee's general recommendations are not sufficiently known in the State party... The Committee also notes with concern the lack of references to the Convention in court decisions in the State party.

12. The Committee recommends that the State party: ... (b) Continue raising awareness among women about their rights under the Convention, targeting in particular ... indigenous women....
Constitutional framework and definition of discrimination against women

13. The Committee commends the State party on its comprehensive legislative and policy framework for the elimination of discrimination against women. However, the Committee remains concerned about: (a) Challenges to the effective implementation of, and the slow progress in bringing about the institutional changes necessary to enforce, such legislation and policies; (b) Intersecting forms of discrimination faced by indigenous ... women ... and the lack of disaggregated data on the situation of women.

14. In line with article 1 of the Convention and general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and reiterating its previous recommendations ... the Committee recommends that the State party: (a) Strengthen the enforcement of legislation and policies aimed at eliminating discrimination against women in all areas covered by the Convention, including through the adoption of specific time frames, and give priority to the allocation of human and financial resources for their implementation in rural and remote areas and autonomous territories; (b) Adopt specific targets and indicators aimed at addressing intersecting forms of discrimination against women.

Temporary special measures

17. ... It also reiterates its concern about the absence of temporary special measures in the State party's public policy aimed at reducing the multiple and intersectional discrimination faced by women belonging to disadvantaged groups, such as indigenous ... women ... in areas such as political participation, education, employment and health.

18. In line with its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) Ensure full compliance with the temporary special measures provided for in the Democracy Code, including those relating to ethnic and cultural diversity, in the composition of lists, the definition of constituencies and the method of seat allocation, and introduce a parity rule in single-person candidacies;

(b) In consultation with women from the most disadvantaged groups, define and implement temporary special measures aimed at reducing discrimination against them in order to accelerate de facto equality between men and women.



Employment

31. The Committee notes that the State party ratified the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization, in 2013. It welcomes the adoption of the National Equality Agenda for Women and LGBTI Persons, 2018–2021, which calls for the redistribution of care work, and article 18 of the 2017 Organic Act on Labour Justice and Recognition of Work in the Home, which establishes penalties for dismissal on discriminatory grounds. It further notes the 2021 court ruling against Furukawa Plantaciones, which was found guilty of modern slavery, and the State party's commitment to ensuring that former workers have access to reparation and to implementing a national action plan on business and human rights. However, the Committee notes with concern: ... (g) The persistently low labour market participation rate of ... indigenous women...

32. Recalling its previous recommendations ... the Committee recommends that the State party: ... (d) Strengthen measures to eliminate occupational segregation, enhance access by women, including ... indigenous women ... to formal employment, and encourage women and girls to choose non-traditional career paths; ... (h) Collect comprehensive data on the participation of ... indigenous women ... in the labour market and include such information in the next periodic report.

Health

33. The Committee welcomes the adoption of the Organic Health Code, which guarantees universal access to comprehensive health care at any time. ... However, the Committee notes with concern: ... (c) That ... indigenous ... women and girls sometimes encounter difficulties in accessing sexual and reproductive health services and information.

34. In line with its general recommendation No. 24 (1999) on women and health and reiterating its previous recommendations ... the Committee recommends that the State party: ... (c) Ensure that women and girls without sufficient means, including those belonging to disadvantaged and marginalized groups, have free-of-charge access to health care, including sexual and reproductive health services.

Climate change and disaster risk reduction

39. The Committee commends the State party on the measures taken to address the climate crisis. However, the Committee notes with concern:

(a) The lack of participation of indigenous women in the formulation and implementation of policies and strategies on climate change and disaster risk reduction;

(b) The lack of data and research on the gender-specific impact of the climate crisis, which disproportionately affects indigenous women and girls.

40. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Ensure the effective participation of indigenous women as active agents of change in the formulation and implementation of policies and strategies on climate change and disaster response and risk reduction;

(b) Ensure that policies and plans relating to disaster risk reduction and climate change explicitly include a gender perspective and take into account the particular needs of indigenous women.



Indigenous women and girls

45. The Committee notes with concern that numerous foreign and national mining, oil, logging and agribusiness multinationals are threatening the territorial, cultural and socioeconomic integrity of indigenous women and girls in the State party, causing socioenvironmental damages that violate their collective rights. The Committee also notes with concern:

(a) The lack of legislation to protect the rights of indigenous women and girls to their traditional lands;

(b) The limited implementation of the principle of free, prior and informed consent and the lack of consultations and benefit-sharing with indigenous women and girls in relation to development projects affecting their collective rights to land ownership;

(c) Continued reports of hate crimes and discrimination against indigenous women and girls.

46. The Committee recommends that the State party:

(a) Adopt legislation to protect the collective rights of indigenous women and girls to their traditional lands;

(b) Require the free, prior and informed consent of and consultations and benefit-sharing with indigenous women and girls in relation to development projects affecting their traditional lands, in accordance with international standards;

(c) Take measures to combat hate crimes and discrimination against indigenous women and girls, investigate any such cases and prosecute and punish the perpetrators.

24. Sweden, CEDAW/C/SWE/CO/10, 24 November 2021

Equal participation in political and public life

27. The Committee notes that following the 2018 national, regional and municipal elections, 43 per cent of members elected to municipal councils were women. ...

28. Reiterating its previous recommendations ... and recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:

(a) Continue to take targeted measures to maintain its achievements in ensuring a high rate of representation of women in political and public life.... The Committee also recommends that, in doing so, the State party pay particular attention to underrepresented groups of women, such as Sami women ... among others. ...

Employment

33. The Committee commends the State party for the high level of participation of women in the labour force, and notes that in the Global Gender Gap Report 2021, published by the World Economic Forum, the State party was ranked eleventh out of 156 countries for women's economic participation and opportunities. ... The Committee notes with concern: ... (d) The persistently low participation of ... Sami women ... in the labour market....

34. With reference to its previous recommendations ... the Committee recommends that the State party: ... (d) Collect comprehensive data on the participation of ... indigenous women ... in the labour market and include such information in the next periodic report....



Climate change and disaster risk reduction

39. The Committee commends the State party on the measures taken to address the climate crisis. However, the Committee notes with concern:

(a) That Sami women are not sufficiently included in the formulation and implementation of policies and strategies on climate change and disaster risk reduction;

(b) The lack of data and research on the gender-specific impact of the climate crisis potentially affecting the Sami community.

40. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) Ensure the effective participation of Sami women as active agents of change in the formulation and implementation of policies and strategies on climate change and disaster response and risk reduction;

(b) Ensure that policies and plans relating to disaster risk reduction and climate change explicitly include a gender perspective and take into account the particular needs of women, in particular Sami women.

Sami women and girls

43. The Committee notes with concern:

(a) The lack of legislation to protect the rights of Sami indigenous women and girls to their traditional lands;

(b) The limited implementation of the principle of free, prior and informed consent and the lack of consultations and benefit-sharing with Sami women and girls in relation to development projects affecting their collective rights to land ownership;

(c) Continued reports of hate crimes and discrimination against Sami women and girls.

44. The Committee recommends that the State party:

(a) Revise its legislation, including the Minerals Act, to ensure that exploration permits are granted in consultation with the Sami parliament;

(b) Adopt legislation requiring the free, prior and informed consent of and consultations and benefit-sharing with indigenous women and girls in relation to development projects affecting their traditional lands, in accordance with international standards;

(c) Take measures to combat hate crimes and discrimination against Sami women and girls, and investigate and prosecute any such cases;

(d) Ratify the Indigenous and Tribal Peoples Convention No. 169 (1989), of the International Labour Organization.



25. South Africa, CEDAW/C/ZAF/CO/5, 23 November 2021

Equal participation in political and public life

39. The Committee welcomes the increase in the number of women elected to the National Assembly following the May 2019 elections (45 per cent). However, it notes with concern that women's representation in local government and in the judiciary remains low, and that no concrete measures have been taken to implement the 50/50 gender representation policy. The Committee also notes with concern that the Traditional and Khoisan Leadership Act (Act No. 3 of 2019) requires a quota of only 30 per cent for women's representation in the National House of Traditional Leaders. The Committee is further concerned about the very low participation in political and public life by women belonging to disadvantaged and marginalized groups.

40. The Committee recommends that the State party:

(a) Accelerate the adoption of the women's empowerment and gender equality bill and intensify its efforts to increase women's representation at the decision-making level, in both elected and appointed positions; ...

(d) Ensure respect for the required quota for women's representation in the National House of Traditional Leaders and amend the Traditional and Khoisan Leadership Act (Act No. 3 of 2019) to increase the quota, with a view to achieving parity in traditional governance systems.

26. Denmark, CEDAW/C/DNK/CO/9, 8 March 2021

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

12. The Committee welcomes that its previous concluding observations were translated into Danish and disseminated to all relevant ministries by the Ministry of Foreign Affairs with clear indications of responsibilities for follow-up and implementation of the Convention and the Committee's recommendations and that the Convention and its Optional Protocol have been published online in Danish, and that the Convention and the Committee's jurisprudence are regularly invoked and considered in cases before the Refugee Appeals Board. The Committee nevertheless notes with concern the lack of court cases where the Convention has been invoked and about the general lack of awareness of Government officials and women themselves in the State party, in particular in Greenland and the Faroe Islands, of the Convention, and the Committee's jurisprudence under the Optional Protocol, which may prevent them from claiming their rights under the Convention or from availing themselves of the communications or inquiry procedures under the Optional Protocol.

13. Recalling its previous recommendation ... the Committee recommends that the State party:

(a) (i) Disseminate and give more publicity to the Convention, the Optional Protocol thereto and the Committee's concluding observations and general recommendations, and its recommendations on individual communications and inquiries under the Optional Protocol; (ii) consider establishing a comprehensive implementation mechanism for the present concluding observations with the participation of the Governments of Denmark, Greenland and the Faroe Islands, while respecting the autonomy of the self-governing territories and the principle of subsidiarity, and involve the Danish Institute for Human Rights, the Human Rights Council of Greenland and a body equivalent to the Human Rights Council of Green-



land in the Faroe Islands and non-governmental organizations promoting women's rights and gender equality in this mechanism, taking into account the four key capacities of engagement, coordination, consultation and information management of a national mechanism for reporting and follow-up; and (iii) raise awareness among women of their rights under the Convention and of the legal remedies available to them to claim those rights, including in Greenland and the Faroe Islands....

Temporary special measures

18. The Committee notes the statement by the delegation of the State party that progress made in ensuring gender balance in the Boards of Directors of private companies has been insufficient and that it plans to extend the application of gender equality legislation to management positions. The Committee is nevertheless concerned that women are absent in the Boards of Directors of more than half of the 2,200 largest private Danish companies, that the formula for calculating women's representation in executive boards has been amended in 2016 so that a board with two women and five men would be considered equally gender-representative, and the general reluctance of the State party, including Parliament, to adopt temporary special measures as a means of advancing the achievement of substantive equality of women and men in all areas covered by the Convention and at all levels where women are underrepresented or disadvantaged, in particular in Greenland and the Faroe Islands.

19. Reiterating its previous recommendations ... the Committee recommends that the State party make use of temporary special measures, in accordance with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and provide incentives such as gender scorecards, strengthen targeted recruitment and set time-bound goals and quotas in all areas covered by the Convention and at all levels where women are underrepresented or disadvantaged in both the public and the private sectors, including private companies, to significantly increase the number of women members in Board of Directors and women in management positions. The Committee also recommends that the State party implement temporary special measures to accelerate de facto equality of women belonging to ... indigenous women....

Gender-based violence against women

20. The Committee commends the State party for placing lack of free consent at the centre of its new definition of rape; the adoption of a specific provision on psychological violence and abuse; the establishment of a hotline for victims of sexual violence and of new shelters for women victims of gender-based violence, including domestic and sexual violence; and the strengthening of free psycho-social counselling and assistance provided to women victims, including by increasing funds for non-governmental organizations providing ambulatory counselling services. The Committee appreciates the consideration by the State party of new forms of gender-based violence against women, particularly in the online sphere, and the priority action taken to prevent such violence from occurring to young women. The Committee notes the explanation given by the State party that, despite the use of gender-neutral language, its action plans to combat gender-based violence take into account that women are disproportionately affected by such violence. It nevertheless notes with concern:

(a) That the concept of consent is not defined in the new definition of rape, that awareness-raising and education on the new definition are reportedly insufficient, and that the new definition applies neither in Greenland nor in the Faroe Islands; [...]

(f) The high level of gender-based violence against women and girls, including sexual and domestic violence, in Greenland, and the fact that the Greenlandic Strategy and Action Plan against Violence 2014-2017 has not been renewed;



(g) The overall lack of disaggregated data on gender-based violence against women and girls in Greenland and the Faroe Islands...;

(h) That the State party has declared upon ratification that the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention) does not apply to Greenland and the Faroe Islands.

21. Reiterating its previous recommendations ... and recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) Define consent in the new criminal provision on rape, strengthen awareness-raising and education on the new definition of rape, specifically targeting young women and men, and introduce the consent-based definition of rape in Greenland and the Faroe Islands; [...]

(f) Evaluate the Greenlandic Strategy and Action Plan against Violence 2014-2017 and adopt a new strategy and action plan to combat gender-based violence, including sexual and domestic violence, against women and girls, including women and girls with disabilities, linking it to the prevention of suicide, substance abuse and the action plan on parental neglect, with clear goals and mechanisms for prevention, monitoring and follow-up, and continue implementing measures under the Alliaq programme, which targets perpetrators of domestic violence, and the expired strategy;

(g) Ensure the collection and analysis of data, disaggregated by sex, age, nationality and disability, on gender-based violence against women and girls in Greenland and the Faroe Islands;

(h) Extend the application of the Istanbul Convention to Greenland and the Faroe Islands.

Trafficking and exploitation of prostitution

22. The Committee welcomes the efforts by the State party to prevent and combat trafficking in persons, in particular women and girls, including through international cooperation, awareness-raising initiatives, and compensation awarded to victims of trafficking, including for the purpose of exploitation of prostitution, by the Criminal Injuries Compensation Board. The Committee is nevertheless concerned at:

(a) The lack of comprehensive information and comprehensible data about women and girls victims of trafficking, particularly in Greenland and the Faroe Islands....

23. Recalling its previous recommendations ... and its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:

(a) Continue to raise awareness about trafficking in persons, in particular women and girls, and systematically collect comprehensive information and relevant statistical data about victims of trafficking, disaggregated by sex, age, nationality, employment and economic status, in particular in Greenland and the Faroe Islands, and report them to the Committee in its next periodic report....

Economic empowerment of women

36. The Committee commends the State party for its efforts undertaken to increase the share of women entrepreneurs, including in most innovative sectors such as artificial intelligence and other areas of technological advancements and for its international cooperation programmes. The Committee takes note of the existing rules and regulations on the requirements for



exploration and mining operations. It notes with concern, however, that:

(a) The structural disparity between men and women in the digital economy and artificial intelligence impedes the empowerment of women and constitutes a new source of structural discrimination;

(b) The continuing and expanding extraction of carbon and mineral resources, as well as large infrastructure projects in Greenland, may displace women from their lands and deprive them of their livelihoods;

(c) Only five per cent of farmland is owned by women.

37. The Committee recommends that the State party:

(a) Ensure that the 2019 National Strategy for Artificial Intelligence rebalances gender equality between women and men in the digital economy and prevents discrimination for the benefit of women and sustainable change;

(b) Review its energy and mining policies, especially its policy on the extraction of carbon and mineral resources in Greenland, to ensure that they do not disproportionately adversely affect women, and ensure the participation of women, on an equal basis with men, in decision-making processes on such policies, including in environmental and social impact assessments;

(c) Review practices that may impede rural women's access to land ownership, and adopt legislation to protect their right to land ownership.

Climate change and disaster risk reduction

38. The Committee commends the State party on the measures taken to address the climate crisis. It is, however, concerned about the lack of data and research on the gender-specific impact of the climate crisis potentially affecting the indigenous population, including women, in Greenland.

39. Recalling its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party provide the necessary resources to the Danish National Human Rights Institute to finalize its examination of Denmark's international human rights obligations to prevent the negative impact of climate change and that the State party conduct a study on the gender-specific impact of climate change on women in Greenland, in particular women dependent on traditional Inuit livelihoods, and report on the results of the study in its next periodic report. It also recommends that the State party take measures to ensure the participation of women, on an equal basis with men, in decision-making processes related to the climate crisis and consider participating in the Adaptation Fund, established under the Kyoto Protocol of the United Nations Framework Convention on Climate Change, including through financial contributions, with the aim of mainstreaming gender in climate finance.

27. Kiribati, CEDAW/C/KIR/CO/1-3, 11 March 2020

Climate change and disaster risk reduction

45. The Committee welcomes the adoption of the joint implementation plan for climate change and disaster risk management for the period 2014–2023 and the participation of women in the National Expert Group, which conducted the midterm review of the plan and incorporated a gender perspective into it. The Committee also welcomes the participation of women in



consultations on the development of plans and frameworks. However, it notes with concern:

- (a)** The limited participation of women in the implementation of climate change and disaster risk management programmes;
- (b)** The impact of seawater flooding of agricultural land and the pollution of wells on women's access to food, water, firewood and medicinal plants;
- (c)** The limited participation of women in migration policies as part of the State party's long-term adaptation strategy.

46. The Committee urges the State party:

- (a)** To ensure the participation of women, including disadvantaged groups of women, in the implementation of climate change and disaster risk management initiatives;
- (b)** To take measures to address the impact of climate change specifically on women's access to resources and livelihoods to ensure that they are not disproportionately affected;
- (c)** To review the "Migration with dignity" policy and comparable schemes to ensure greater participation of women in employment opportunities abroad and respect women's agency and their mobility choices.

Rural women

47. The Committee welcomes the establishment of the Outer Island Women's Liaison Office in 2012 and of social welfare officer posts in the community councils. However, it is concerned about the barriers that rural women face in gaining access to health care, higher education opportunities and paid employment.

48. The Committee recommends that the State party strengthen its measures to provide skills training and employment opportunities to women on the outer islands and ensure access to health care, including sexual and reproductive health care.

Women's access to land

49. The Committee notes with concern that the State party, in customary law and the Native Lands Ordinance, chapter 16, fails to ensure equal rights to land ownership and inheritance for women and that the views of women are not fully taken into account in decision-making processes relating to the inheritance, leasing and use of land.

50. The Committee recommends that the State party:

- (a)** Ensure that women have equal rights to land use, ownership and inheritance by amending the Native Lands Ordinance and repealing discriminatory customary law provisions on women's access to land;
- (b)** Conduct systematic training and awareness-raising activities with community leaders, judges, including lay judges, and magistrates to uphold women's land rights;
- (c)** Ensure the full and meaningful participation of women in the negotiation of agreements on land leasing and use and ensure that their livelihoods are not negatively affected by such agreements.



28. Rwanda, CEDAW/C/RWA/CO/7-9, 9 March 2017

Temporary special measures

18. The Committee appreciates the introduction of temporary special measures in different areas to promote the advancement of women and counterbalance discrimination experienced by them. It notes with concern that insufficient temporary special measures are in place to increase the participation of women in particularly vulnerable situations, such as female heads of households, women with disabilities, rural women and Batwa women. Furthermore, the Committee is concerned about the lack of information about any temporary special measures in place to increase women's participation in the diplomatic service and in trade unions, and women's participation in all sectors of the economy, including agriculture, the horticultural industry, fisheries and cross-border trade.

19. The Committee recommends that the State party implement awareness-raising campaigns, including on the purpose of introducing temporary special measures as a strategy necessary for accelerating the realization of women's de facto equality. It also recommends that the State party introduce additional temporary special measures, such as a gender parity system for the appointment and accelerated recruitment of women, especially in senior positions and in all sectors of the economy, with a special focus on women in particularly vulnerable situations, such as female heads of households, women with disabilities, rural women and Batwa women.

Education

32. The Committee notes with appreciation that the number of girls enrolled in primary and secondary schools has increased in the State party. It also welcomes the campaigns for raising the awareness of boys about menstruation. It notes with concern, however, that: ... (f) Girls in vulnerable situations, in particular girls with disabilities, Batwa girls and refugee girls, experience societal, infrastructural and economic barriers in access to education.

Batwa women

44. The Committee is concerned about intersecting forms of discrimination and marginalization experienced by Batwa women, who are exposed to extreme poverty, limited access to basic services, illiteracy, unemployment and gender-based violence. The Committee understands that, following the genocide, the State party's priority has been to avoid any form of ethnicity-based categorization. It is concerned, however, that this approach contributes to obscuring the specific problems of Batwa women.

45. The Committee recommends that the State party collect data on the specific situation of Batwa women with a view to assessing the extent of discrimination against them, including intersecting forms of discrimination, and develop measures to overcome it. It also recommends that the State party ensure equal access by Batwa women to basic services, implement literacy programmes for them and conduct awareness-raising campaigns to inform them of how to claim their rights under the Convention, including by reporting gender-based violence against women and accessing victim assistance programmes.

29. El Salvador, CEDAW/C/SLV/CO/8-9, 9 March 2017

Temporary special measures

21. The Committee recommends that the State party continue to take specific steps, including temporary special measures, in accordance with general recommendation No. 25 (2004) on temporary special measures, and to establish concrete goals and timetables with a view to



accelerating the increase in the representation of women in all spheres of public life, in particular in local decision-making positions and in the upper echelons of the diplomatic service. Particular attention should be paid to the participation of indigenous women.

Indigenous women

46. The Committee welcomes the introduction in 2014 of an amendment to the Constitution, recognizing the existence of indigenous populations, and takes note of the development of a bill on indigenous peoples and a national plan for indigenous peoples. The Committee is, however, concerned at the lack of data on the situation of indigenous women.

47. The Committee recommends that the State party expedite the adoption of the bill on indigenous peoples, ensure a gender perspective in the national plan for indigenous peoples and introduce the category of indigenous peoples to the census planned for 2017.

30. Thailand, CEDAW/C/THA/CO/6-7, 24 July 2017

Access to justice and remedies

10. The Committee remains concerned about the persistence of multiple barriers impeding women and girls from obtaining access to justice and effective remedies for violations of their rights, in particular for rural women, indigenous women, women belonging to ethnic and religious minority groups, and women with disabilities. Such barriers include: ...

11. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Simplify the procedure for accessing the Justice Fund and ensure that it is available and accessible to all women, including rural women, indigenous women, women belonging to ethnic and religious minority groups, and women with disabilities;

(b) Eliminate the stigmatization of women and girls who claim their rights, by raising awareness on the part of women and men of their rights and enhancing women's legal literacy;

(c) Disseminate information, in particular in rural and remote areas, about the legal remedies available to women regarding violations of their rights, including among Muslim women in the southern border provinces about the remedies available to them under the State party's criminal justice system in addition to Islamic law;

(d) Strengthen the gender responsiveness and gender sensitivity of the justice system, including by increasing the number of women in the justice system and providing systematic, capacity-building training to judges, prosecutors, lawyers, police officers and other law enforcement officials on the Convention, as well as on the Committee's jurisprudence and its general recommendations;

(e) Strengthen measures to combat corruption and effectively investigate allegations of corruption, and prosecute and punish corrupt law enforcement and judicial officials who obstruct justice, in order to restore women's trust in the justice system;

(f) Ensure that religious and customary justice systems harmonize their norms, procedures and practices with the Convention, and provide capacity-building on women's rights and gender equality to customary justice authorities.



Temporary special measures

16. The Committee welcomes the inclusion of section 27 in the revised Constitution, which allows for the adoption of measures for the purpose of eliminating obstacles for women and girls to the enjoyment of their rights. However, it reiterates its previous concern ... that no temporary special measures have been adopted with a view to achieving substantive equality of women and men in all areas where women are underrepresented or disadvantaged, such as with regard to women's participation in decision-making bodies and with regard to women in disadvantaged situations in the State party, such as ... indigenous women....

17. The Committee reiterates its previous recommendation ... that the State party expeditiously introduce temporary special measures, in accordance with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the realization of women's substantive equality with men in all areas, in particular with regard to women's participation in decision-making bodies, targeting women in disadvantaged situations, such as ... indigenous women....

Participation in political and public life

28. The Committee notes that, in section 90 (3) of the Constitution, it is stipulated that due regard should be given to gender equality in the process of preparing the list of candidates by political parties and that an organic bill on political party is currently being prepared to provide further guidance. It remains concerned, however, that no temporary special measures have been adopted to date to increase the representation of women in political and public life. The Committee regrets the absence of women in the National Council for Peace and Order, which has been governing the State party following the coup d'état of May 2014. The Committee is further concerned about the following: ... (b) The lack of representation of ... indigenous women in decision-making positions.

29. The Committee reiterates its previous recommendation ... that the State party: ... (b) Provide information in the next periodic report on specific measures implemented, such as quotas, to promote the representation of ... indigenous women in decision-making positions.

Women human rights defenders

30. The Committee expresses serious concern that women human rights defenders, in particular those advocating for land rights, protection of the environment and the rights of indigenous women ... have increasingly become targets of lawsuits, harassment, violence and intimidation by authorities and business enterprises because of their work.

31. The Committee recommends that the State party:

(a) Adopt and implement, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear or threat of lawsuits, harassment, violence or intimidation, including by improving the effectiveness, in consultation with women human rights defenders, of the Witness Protection Office within the Ministry of Justice;

(b) Effectively investigate, prosecute and adequately punish all cases of harassment, violence and intimidation against women human rights defenders and provide effective remedies to victims.

Nationality

32. Notwithstanding the legislative amendments adopted by the State party, the Committee remains concerned that there are still stricter conditions for Thai women to confer their nation



ality on foreign spouses. It is also concerned that among ethnic minority and indigenous communities, men are reportedly given priority to register for nationality, leaving a disproportionate number of ethnic minority and indigenous women without nationality and with restricted freedom of movement and limited access to education, employment, health care and social protection. The Committee further remains concerned that the measures adopted by the State party notwithstanding, a significant number of children have not had their births registered or lack birth registration documents and are thus vulnerable to becoming stateless.

33. The Committee recommends that the State party:

(a) Adopt further legislative amendments to ensure that women and men enjoy equal rights to confer their nationality on foreign spouses;

(b) Ensure without delay that women belonging to ... indigenous groups have equal access to nationality as men, including by eliminating obstacles relating to language, bureaucracy, residential requirements, literacy and the attitudes of officials and ensure that they enjoy their rights to freedom of movement and access to education, employment, health care and social protection without undue restrictions;

(c) Intensify efforts to facilitate the birth registration of children, especially in rural and remote areas, in particular by conducting awareness-raising campaigns and removing language barriers;

(d) Ratify the Convention relating to the Status of Stateless Persons, of 1954, and the Convention on the Reduction of Statelessness, of 1961.

Rural women

42. The Committee remains concerned that rural women, including indigenous women and women from ethnic and religious minority groups, continue to be disproportionately affected by poverty and limited economic opportunities, which increase their vulnerability to trafficking and exploitation. It also expresses concern that rural women:

(a) Continue to lack access to basic social services, such as education and health care, including sexual and reproductive health care, as well as access to justice;

(b) Are not represented in decision-making bodies and structures at the national and local levels and are excluded from policymaking processes on issues that affect them;

(c) Face restrictions to their right to land and natural resources, owing to land acquisition for development projects, use by the mining and other extractive industries and the zoning of national parks.

43. With reference to its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Expand programmes aimed at facilitating women's access to education, employment and health care, including through the adoption of temporary special measures;

(b) Eliminate all barriers inhibiting rural women's participation in policy formation and ensure the integration and mainstreaming of a gender perspective into all agricultural and rural development policies, strategies, plans and programmes, enabling rural women to act and be visible as stakeholders, decision makers and beneficiaries;

(c) Ensure effective consultations with women from affected communities with regard to the



zoning of national parks and the economic exploitation of lands and territories traditionally occupied or used by them and that it secures the free, prior and informed consent of the women affected and provide adequate compensation as necessary;

(d) Ensure that rural women are included in the national road map to realize Goal 5 of the Sustainable Development Goals;

(e) Ratify Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.

31. Costa Rica, CEDAW/C/CRI/CO/7, 24 July 2017

Access to justice and remedies

8. The Committee notes that mechanisms such as amparo allow women to claim protection of their rights and welcomes the establishment of alternative dispute resolution centres offering services free of charge. Nevertheless, the Committee notes with concern: ... (d) Barriers to access to justice by indigenous women ... and the absence of information on remedies available to them to complain about intersecting forms of discrimination.

9. The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party: ... (d) Design a strategy, with indicators, aimed at guaranteeing access to justice by indigenous women ... which addresses linguistic barriers and establishes and disseminates information about effective legal remedies and procedures enabling women to claim their rights.

Temporary special measures

12. The Committee notes with concern the limited information about the use of temporary special measures to achieve substantive equality of indigenous women ... who face intersecting forms of discrimination.

13. The Committee recalls its previous concluding observations ... and recommends that the State party: ... (b) Encourage the adoption of temporary special measures at the local level to address intersecting forms of discrimination against indigenous women....

Education

26. The Committee commends the State party on its achievements on education (a female adult literacy rate of 97.71 per cent and a female youth literacy rate of 99.43 per cent). It also takes note of the State party's comprehensive programme on emotional relations and sexuality, which includes a reproductive health module for teachers and pupils. Nevertheless, it notes with concern: (a) The absence of information disaggregated by age, ethnicity and socioeconomic condition on access to education for girls, in particular their enrolment, completion and dropout rates, notably for reasons of early pregnancy at all levels, and about culturally appropriate bilingual education for indigenous women and girls....

27. The Committee recommends that the State party: (a) Put in place a strategy with measurable indicators and time frames for the assessment of progress with regard to the enrolment of girls and ensure that indigenous women have access to culturally appropriate bilingual education; ...

Health

30. The Committee notes with concern: ... (d) Reports of obstetric violence against women in connection with childbirth services, in particular affecting indigenous women who are obliged to follow protocols incompatible with their cultural background....



Economic and social benefits and economic empowerment of women

32. The Committee notes the measures taken by the State party aimed at promoting women's entrepreneurship and the provision of loans and other forms of financial credit to women. Nevertheless, it notes with concern the lack of information as to whether women's organizations were involved in designing and implementing national strategies to achieve the Sustainable Development Goals. The Committee is also concerned about the limited coverage of social programmes, including social protection schemes, for ... indigenous women....

33. The Committee recommends that the State party: ... (b) Allocate additional earmarked financial resources for increasing access to microcredit, loans and other forms of financial credit for women in order to promote women's entrepreneurship and empower them economically, in particular as regards indigenous women ... and provide capacity-building for women aimed at improving their managerial skills.

Indigenous women and women of African descent

36. The Committee is concerned about the lack of implementation of the principle of free, prior and informed consent and the lack of consultations with indigenous women ... in connection with development projects affecting their collective rights to land ownership. It is also concerned about the consequences of forced evictions of indigenous women ... from lands traditionally occupied or used by them and the dispossession of such lands by private non-State actors.

37. The Committee recommends that the State party:

(a) Take resolute action against land dispossession and forced evictions of indigenous women ... from lands traditionally occupied or used by them, strengthen legal and procedural safeguards to protect them and ensure their meaningful participation in decision-making processes regarding the use of traditional indigenous lands;

(b) Set up and implement effective consultation mechanisms to secure the free, prior and informed consent of indigenous women and benefit-sharing in relation to development projects and other uses of their natural resources and lands, and assess and mitigate the impact of the establishment of protected areas and the adoption of environmental public policies on the rights of indigenous women....

Intersecting forms of discrimination and data collection

40. The Committee is concerned about the insufficient legislation and public policies to tackle multiple forms of discrimination against indigenous women ... and the limited disaggregated information concerning them.

41. The Committee recommends that the State party adopt legislative and other measures, including temporary special measures, to protect women in the above-mentioned groups from intersecting forms of discrimination and collect statistical data disaggregated by sex and age for all the above-mentioned groups in all areas covered by the Convention, in both the public and private spheres.

32. Paraguay, CEDAW/C/PRY/CO/7, 22 November 2017

Temporary special measures

17. The Committee reiterates its previous recommendation (CEDAW/C/PRY/CO/6, para. 17) that the State party take further steps to expand the use of temporary special measures and their wider application, in accordance with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as part of a necessary strategy to



accelerate the achievement of women's substantive equality, in particular for groups of women facing intersecting forms of discrimination, such as indigenous women, women of African descent and rural women, in all areas of life in which they are underrepresented or disadvantaged, such as in the health, education and employment sectors.

Trafficking and exploitation of prostitution

22. The Committee welcomes the adoption of legislation against trafficking in persons, a national plan to prevent and combat trafficking in persons and of a general protocol on responding to persons affected by trafficking. It remains concerned, however, that the State party continues to be a country of origin, transit and destination for internal and international trafficking in women and girls, and at:

(a) The absence of a gender and intercultural perspective in the strategy against trafficking in persons, despite the fact that all cases of trafficking in persons for purposes of sexual exploitation registered with the Public Prosecution Service over the past five years concerned women and despite the vulnerability of indigenous and migrant women to criminal trafficking networks; ...

23. The Committee recommends that the State party: (a) Revise the current national plan to prevent and combat trafficking in persons in order to address the specific vulnerability of women, and especially indigenous and migrant women, to trafficking; ...

Women human rights defenders

28. The Committee is concerned at acts of intimidation and harassment against women human rights defenders, as well as against teachers, journalists, lawyers and members of non-governmental organizations working on women's rights, gender equality, violence against women and sexual violence. It is further concerned at reported abusive practices by security and law enforcement personnel against indigenous and rural women, such as the detention of women present at the Curuguaty massacre in 2012 in spite of the lack of proof of their effective involvement.

29. The Committee recommends that the State party, in line with its voluntary commitments made during the second cycle of the universal periodic review (see A/HRC/32/9, paras. 102.115–102.120):

(a) Combat impunity by ensuring the timely, thorough and transparent investigation of all intimidation, harassment and attacks against women human rights defenders, teachers, journalists, lawyers and indigenous and rural women who become victims of human rights violations and abuses;

(b) Prosecute perpetrators of such acts, including State officials, and ensure that victims have access to effective redress;

(c) Expedite the adoption of the bill on freedom of expression, protection of journalists, members of the press and human rights defenders.

Education

32. The Committee welcomes the introduction of non-formal literacy programmes for indigenous communities and non-formal vocational programmes allowing young people and adults to develop practical skills for specified occupations. It is concerned, however, at: ... (b) Persistent disparities in literacy rates for women and men and the significant level of illiteracy among indigenous women and rural women; ...



33. The Committee recommends that the State party: ... (b) Establish programmes specifically designed to eradicate illiteracy among rural women and indigenous women, as well as among women in urban environments, and adopt and implement targeted measures to accelerate the equal participation of indigenous girls and women at all levels of education; ...

Health

36. The Committee welcomes the adoption of the current national sexual and reproductive health plan and the introduction of guidelines on the provision of comprehensive post-abortion services, requiring full confidentiality and medical secrecy for women who undergo an abortion. It also takes note of initiatives taken through the “Code Red” strategy to reduce maternal mortality and the distribution of health and birth kits to family health units, which extend to rural and indigenous areas. ...

37. The Committee recalls its previous concluding observations ... and recommends that the State party: ... (b) Take action to overcome the obstacles to the proper functioning of gynaecology and obstetric services that were identified in the study by the Ombudsman’s Office, and ensure that rural and indigenous women have access to affordable and high-quality antenatal, maternity and postnatal services, including by increasing the number of family health units....

Rural women and indigenous women

40. The Committee welcomes the creation of the National Organization of Indigenous Peoples, the census of indigenous communities in 2012 and the approval of the legislation on public policies regarding rural women. It is concerned, however, that rural women, including those in isolated communities which include indigenous women, continue to face intersecting forms of discrimination, and that they:

(a) Are disproportionately affected by poverty, especially in the Chaco region, and face barriers in the exercise of their rights regarding health care, education and employment opportunities in the formal sector, thus increasing their vulnerability to labour exploitation and trafficking;

(b) Have limited access to land titles, including to the land on which they work, resulting from the lack of identity documents;

(c) Are vulnerable to land acquisition, including of indigenous traditional lands, by agro-industrial and other business projects;

(d) Are particularly affected by the absence of adequate mechanisms to guarantee their prior consultation regarding alternative livelihoods and compensation in cases of land acquisition;

(e) Suffer the negative impacts of the misuse of agrototoxic products in agriculture.

41. The Committee, in line with its general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party:

(a) Increase the financial, human and technical resources allocated for the provision of health and education services in rural areas and for indigenous women, including in the Chaco region, and take targeted measures to achieve de facto equal opportunities for indigenous and rural women in the labour market;

(b) Take targeted measures to facilitate access for indigenous and rural women to land titles, including by facilitating their access to identity documents;



(c) Establish a legal framework to ensure that large-scale development projects, agro-industrial and other business projects are implemented only after a gender impact assessment has been conducted and there has been prior consultation of affected indigenous and rural women concerning alternative livelihoods and their adequate compensation;

(d) Implement the Committee's previous recommendation ... to undertake a comprehensive study on the probable negative causes of the misuse of agrototoxic products in agriculture in order to implement the measures necessary to eradicate their impact on the health of women and their children.

33. Norway, CEDAW/C/NOR/CO/9, 22 November 2017

Implementation and visibility of the Convention, Optional Protocol thereto and the Committee's general recommendations

10. The Committee welcomes the publication, in 2016, of the North Sami translation of the Convention. It is, however, concerned about the absence of a comprehensive programme for the implementation of its concluding observations. It reiterates its previous concern about the general lack of awareness of the Convention and its Optional Protocol in the State party, including among Government and law enforcement officials and the judiciary. It is also concerned about the lack of awareness among women themselves, in particular migrant women, which presents an obstacle to them claiming their rights under the Convention or the communication or inquiry procedures of the Optional Protocol.

Stereotypes and harmful practices

23. The Committee recommends that the State party: ... (b) Strengthen primary and secondary education on gender stereotypes, prejudice, gender identity and gender roles, including on various forms of stereotypes affecting minority women and girls, in particular Sami women and women with a migrant background; ...

Gender-based violence against women

24. The Committee welcomes the adoption of the national plan of action against domestic violence for the period from 2014 to 2017 and the implementation measures taken, including making the assessment tool of the spousal assault risk assessment guide operational and conducting related training and capacity-building for police officers in all police districts. It further welcomes the issuance by the State party of a report on domestic violence against women, in particular sexual violence, and sexual abuse in Sami communities and the allocation of financial resources for prevention measures in the Sami communities. The Committee, however, remains concerned about: ... (e) Cultural and linguistic barriers, and the distrust of the Sami communities towards public authorities, which prevents Sami women and girls from having access to effective prevention, protection and redress from the authorities against domestic violence and sexual violence; (f) Allegations of sexual assault within the Sami community against children, including girls, and their late investigation....

25. The Committee recommends that the State party: ... (e) Devise an action plan for enhanced prevention, protection and redress of gender-based violence, in particular sexual violence, against Sami women and girl victims, including with a view to overcoming cultural and linguistic barriers, based on further research into the root causes, and allocate sufficient resources for its implementation....

Health

38. The Committee is concerned that fewer than 300 midwives, providing prenatal care for



more than 60,000 pregnant women annually, are available in only half of the municipalities in the State party. Postnatal care guidelines, recommending a home visit to all newborns, cannot therefore be fully implemented. It is also concerned about the withdrawal of representatives of the Sami health institutions from the process of developing a Sami health centre in Finnmark county due to a lack of trust in the health authorities. It is further concerned that the self-reported health condition of the Sami population is still poorer than that of the majority population, including as a result of suffering from the consequences of the radioactive fallout after the Chernobyl disaster of 1986, that the health condition of Sami women is poorer than that of Sami men, and that the health condition of Sami women living outside the defined Sami area is the poorest overall, which may also be the result of discrimination in the public health-care system.

39. The Committee recommends that the State party:

(a) Ensure sufficient numbers of midwives to provide appropriate health-care services to women during pregnancy, birth and the postnatal period and to their children;

(b) Ensure that all Sami women are provided with adequate health care and social services, including by disseminating more information about the development of a Sami health centre to the indigenous community, so as to enable a gender - sensitive, consultative and inclusive process;

(c) Provide the Committee with information and data on the health situation of Sami women and on the impact of the measures taken to overcome intersecting forms of discrimination in the health sector in its next periodic report.

34. Kenya, CEDAW/C/KEN/CO/8, 22 November 2017

Indigenous women

44. The Committee notes with concern that indigenous women in the State party, including Endorois women, have limited access to traditional lands owing to the failure to implement the ruling of 2010 by the African Commission on Human and Peoples' Rights, which recognized their rights to ancestral land in the Rift Valley, and the lack of consultation with them. It is also concerned about reports of violence, including killings against indigenous women and girls in Baringo County during cattle raids.

45. The Committee recommends that the State party:

(a) Take immediate steps to implement the ruling of the African Commission on Human and Peoples' Rights regarding the rights of the Endorois people to their ancestral land, and ensure consultation with Endorois women during this process;

(b) Take all measures necessary to protect indigenous women and girls, including those in Baringo County, from violence and theft, and ensure that the perpetrators are prosecuted and adequately punished.

35. Guatemala, CEDAW/C/GTM/CO/8-9, 22 November 2017

Definition of discrimination and legislative framework

11. Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee reiterates its previous recommendation ... and calls upon the State party:



(a) To apply in its legislation the comprehensive definition of discrimination against women and girls contained in article 1 of the Convention and to prohibit all discrimination against women, in accordance with article 2(b), and to ensure that that legislation covers all prohibited grounds of discrimination, includes protection from discrimination for indigenous women, Garifuna women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, in the public and private spheres, and covers intersecting forms of discrimination;

(b) To review its legislation, especially its Civil Code and Penal Code, to ensure compliance with the Convention, and to repeal any provisions that discriminate against women;

(c) To raise awareness about the Convention and women's rights in particular among women and among all civil servants and the general public.

Access to justice and remedies

12. The Committee commends the efforts of the Office of the Public Prosecutor to end impunity and combat corruption, in cooperation with the International Commission against Impunity in Guatemala and civil society organizations, and to increase women's access to justice. It notes the adoption of the policy on the access of indigenous peoples to the Office and the efforts to develop a specialized justice system and provide interpretation services to strengthen access to justice for indigenous women. However, the Committee notes with concern:

(a) The multiple barriers to women's access to justice, including the limited coverage of the justice system, especially in remote locations, poverty and linguistic barriers, which act as deterrents to filing complaints, as well as the scarcity of entry points for women to access the justice system at the local level, such as police stations, health centres, schools and churches;

(b) The persistent social stigma, stereotypes and discrimination against women, in particular indigenous women, in the judicial system;

(c) The insufficient capacity of law enforcement officials to investigate and prosecute cases and the resulting high level of impunity for perpetrators of gender-based violence against women, often owing to corruption, the lack of independence of the judiciary or the influence that powerful non-State actors exert on judges, including through assassinations and threats of violence.

13. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Ensure women's access to justice, including by allocating additional resources, enhancing women's access to legal aid and free interpretation services and adopting and implementing service provision protocols to improve access to justice that take into account the specific needs of indigenous women and Garifuna and non-Garifuna women of African descent;

(b) Provide mandatory capacity-building for judges, lawyers, law enforcement personnel and other relevant professionals on women's right to access justice and on the remedies available to women seeking to access justice;

(c) Continue its efforts to strengthen the independence and effectiveness of the justice system, investigate, prosecute and punish perpetrators of offences against women and ensure that those officials who fail to abide by the international and national legal frameworks on human rights with respect to the prosecution of perpetrators are sanctioned appropriately.



National machinery for the advancement of women

14. The Committee notes with appreciation the reinstatement of the Presidential Secretariat for Women as the main machinery for the advancement of women, as well as the approval of its strategic institutional plan, 2018–2022, following the weakening of the three principal machineries for the advancement of women between 2012 and 2015. It notes with concern, however, the State party's reluctance to adopt draft legislation to elevate the Presidential Secretariat for Women to ministerial status. It remains concerned about its limited resources, authority and capacity and that of other specific institutions tasked with the promotion of women's rights, including the Office for the Defence of Indigenous Women's Rights, and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women. The Committee notes with concern the insufficient budget allocations made for institutional strengthening and the implementation of policies such as the national policy for the advancement and integral development of women and the equal opportunities plan, owing partly to insufficient tax revenue.

15. The Committee recommends that the State party: ... (b) Increase the capacity and resources for the advancement of women of the Presidential Secretariat for Women, the Office for the Defence of Indigenous Women's Rights and the National Coordination Office for the Prevention of Domestic Violence and Violence against Women, ensuring increased coordination among them, and expedite the reinstatement of the National Coordination Office under the Presidential Secretariat; ...

Temporary special measures

17. The Committee recommends that the State party adopt and implement temporary special measures, in line with article 4(1) of the Convention, and establish specific targets and time frames, to accelerate substantive equality between women and men in all areas where women, including indigenous women, women of African descent and women with disabilities, continue to be disadvantaged or underrepresented, such as in political and public life, education and employment. In that regard, the Committee draws the attention of the State party to the Committee's general recommendation No. 25 (2004) on temporary special measures.

Gender-based violence against women

21. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party implement its previous recommendation on the subject and to strengthen the National Coordination Office for the Prevention of Domestic Violence and Violence against Women It also recommends that the State party: (a) Implement, as a matter of priority and within a specific time frame, a national plan for the prevention of gender-based violence against women, including indigenous women and women of African descent, women living in poverty, women with disabilities and lesbian, bisexual and transgender women and intersex persons, and establish a centralized system for the collection of data on gender-based violence against women, disaggregated by age and the relationship between the victim and the perpetrator....

Gender-based violence against women committed during the internal conflict

22. The Committee notes with appreciation the invaluable contribution of civil society groups, in particular women's groups, to the peace processes in the State party. It commends the contributions of the indigenous women who were victims and witnesses of the crimes perpetrated in the village of Sepur Zarco, to the case on the matter. It welcomes the adoption in 2016 of the national action plan on the implementation of Security Council resolution 1325 (2000) on women and peace and security. The Committee is concerned, however, about the significant delay in the implementation of the Agreement on a firm and lasting peace, especially with regard to



reparations for the crimes perpetrated against women during the internal conflict and the pledges relating to the advancement of women. It is also concerned about the insufficient funds allocated to the Peace Secretariat and the national reparations programme.

23. Recalling its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:

- (a)** Ensure the expeditious implementation of the Agreement on a firm and lasting peace;
- (b)** Investigate human rights violations committed in the past and provide redress to women who were victims of gender-based violence for the harm suffered;
- (c)** Raise awareness among women of the truth, reconciliation and reparation processes, including those relating to the Sepur Zarco case and judgment, so that women are aware of their right to bring their cases forward and seek justice;
- (d)** Allocate sufficient resources for the compensation of women who are victims of human rights violations, under the national reparations programme, and for the implementation of the national action plan on the implementation of Security Council resolution 1325 (2000).

Trafficking and sexual exploitation

24. The Committee welcomes efforts by the State party to strengthen its response to trafficking. It notes the initiative by the Ministry of Labour to provide alternative income-generating opportunities for women who wish to leave prostitution. The Committee is concerned, however, about the high incidence of trafficking in women and girls, in particular indigenous women, women of African descent and rural women, for purposes of forced labour and sexual exploitation. It also notes with concern the following...

Participation in political and public life

26. The Committee is concerned that the principle of gender equality, parity and the alternation of men and women for the nomination of candidates within political parties were not included in recent amendments to the Elections and Political Parties Act, notwithstanding two favourable decisions by the Constitutional Court, and that women who stand for public office, including indigenous women and women of African descent, continue to face obstacles. It is also concerned about the continued low representation of women in elected and appointed decision-making positions; women hold only two ministerial posts and account for just 27 per cent of heads of mission in the foreign service, 16 per cent of members of Congress and less than 3 per cent of mayors.

27. The Committee reiterates its recommendation contained in paragraph 26 of its previous concluding observations ... and recommends that the State party: ... (b) Increase the availability of training and capacity-building programmes for women, including indigenous women and women of African descent, who wish to enter into political life or to hold public office; ...

Women human rights defenders

28. The Committee takes note of the information provided by the State party on the ongoing elaboration of the public policy for the protection of human rights defenders. Nevertheless, the Committee notes with concern that women human rights defenders in the State party, including indigenous women defending land rights and environmental resources, women advocating protection from gender-based violence and women defending the human rights of lesbian, bisexual and transgender women and intersex persons, are increasingly subject to attacks, sexual violence, intimidation, stigmatization, criminalization of their activities, illegal detention



and defamation campaigns against them. It is also concerned that social protest is oppressed by using gender-based violence, including sexual violence, against women activists. It notes with concern the overall impunity for perpetrators of gender-based violence and other rights violations against women human rights defenders, as well as alleged cases of collusion between law enforcement officials and perpetrators.

29. The Committee recommends that the State party:

(a) Ensure the protection of women human rights defenders from violence and intimidation, including through the adoption and implementation of the public policy on the protection of human rights defenders and the protocol of the Office of the Public Prosecutor on the investigation of cases of rights violations against human rights defenders;

(b) Ensure the prompt investigation, prosecution and punishment of all abuses against women human rights defenders, taking into account the specific risks that women face;

(c) Guarantee that women human rights defenders and activists can freely carry out their work protecting women's human rights and exercise their rights to freedom of peaceful assembly and association.

Nationality

30. The Committee is concerned about the failure of the State party to achieve universal birth registration.

31. The Committee recommends that the State party continue efforts to modernize and decentralize its civil registry offices and their ability to deliver services in rural areas and where indigenous languages are predominant.

Education

32. The Committee notes with appreciation the State party's efforts to develop a bilingual education system and to provide culturally appropriate education to girls and boys. It remains concerned, however, at the significant level of illiteracy and the poor level of numeracy among girls and women, in particular indigenous girls and women. It is concerned about the disproportionately low enrolment and high dropout rates of girls in the education system, owing to multiple factors, including poverty, violence and harassment on the way to or at school, early pregnancy, competing household and caretaking obligations and the recruitment of girls as domestic workers. The Committee is also concerned about the limited access to secondary education for indigenous and rural girls and women and the insufficient resources to implement and make bilingual and intercultural education widely available in indigenous communities. The Committee notes with concern the delay in the adoption of a public policy on age-appropriate education on sexual and reproductive health and rights and the lack of implementation of the comprehensive sex education programme.

33. The Committee recommends that the State party increase efforts, through the Ministry of Education, to increase the inclusion and retention of girls in school, in particular at the secondary level, with special attention being paid to indigenous girls. It also recommends that the State party:

(a) Adopt and implement targeted measures, including temporary special measures, to accelerate equal access to free high-quality education at the mandatory levels for girls and women, including indigenous girls, girls of African descent and girls with disabilities;

(b) Strengthen efforts, including through the provision of scholarships and free school



meals, to retain girls in school and ensure that young mothers can return to school following childbirth and complete their education;

(c) Enhance school infrastructure in rural and remote areas to facilitate girls' access to high-quality education and improve the quality of distance education;

(d) Establish effective reporting and accountability mechanisms to investigate and prosecute cases of sexual abuse and harassment of girls in school environments;

(e) Strengthen the capacity of teachers to provide bilingual and intercultural education to indigenous and rural communities....

Health

36. The Committee notes with appreciation the recognition by the State party of traditional practices and indigenous knowledge for their important contribution to women's health, in particular with regard to maternal health. It also notes the approval of a protocol for therapeutic abortion that seeks to guarantee the life and health of women. However, the Committee remains concerned about the following:

(a) Low level of public investment in health and the limited coverage and access to health-care services for women across the State party, in particular in rural areas, owing to cost, geographical factors and discrimination by health services personnel;

(b) Persistently high rates of maternal mortality, early pregnancy and malnutrition, in particular among indigenous women and girls....

37. The Committee recommends that the State party:

(a) Increase its health expenditure and improve the coverage of and access to health services throughout its territory;

(b) Reduce the incidence of maternal mortality, including through collaboration with traditional midwives and the training of health professionals, especially in rural areas, ensuring that all births are attended by skilled health personnel, in line with targets 3.1 and 3.7 of the Sustainable Development Goals, and making coordinated efforts to address malnutrition in a strategic, gender-sensitive and culturally appropriate manner;

(c) Ensure that all women have access to good-quality sexual and reproductive health-care services, including age-appropriate sex education in schools and awareness-raising campaigns in local languages on family planning and the prevention of early pregnancy and sexually transmitted infections, and to affordable, modern contraceptives....

Economic and social benefits and economic empowerment of women

39. The Committee recommends that the State party: ... (b) Take measures to reduce poverty and improve the economic empowerment of women, in particular among indigenous women and women of African descent....

Rural, indigenous and Garifuna women

40. The Committee notes with appreciation the adoption of the policy for gender equality and the strategic implementation plan of the Ministry of Agriculture for the period 2014–2023. It is concerned, however, about the current trend of rural development and the degradation of living conditions in rural areas, especially in indigenous and Garifuna communities. It notes with concern that rural women continue to have restricted or no access to housing, basic services and



infrastructure, including safe water and adequate sanitation, and that land ownership remains concentrated in the hands of a few, which limits women's livelihood and employment opportunities. It is concerned about recent forced evictions where women and girls have been victims of excessive violence, harassment and sexual assault by public and private security officers. The Committee is also concerned about the harmful impact of the use of pesticides, fertilizers and agrochemicals on women's health.

41. Recalling its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

- (a)** Ensure the participation of rural, indigenous and Garifuna women in rural organizations and in the development and implementation of policies, programmes and initiatives aimed at promoting their employment opportunities and economic empowerment;
- (b)** Broaden and facilitate rural, indigenous and Garifuna women's access to land ownership and the representation of women in decision-making processes concerning land use and development planning;
- (c)** Take legal and other measures to prevent forced evictions and attacks against women, effectively protect women who are victims of harassment and violence in the context of forced evictions, bring perpetrators to justice and seek the free, prior and informed consent of indigenous women through consultations on any proposed intensive farming, development or extractive projects and activities on their traditional lands and ensure that they are provided with adequate alternative livelihoods and benefit from any such activities, in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO;
- (d)** Guarantee rural, indigenous and Garifuna women's access to basic services and housing, safe water and adequate sanitation, and the prompt investigation of complaints by rural women about the harmful use of pesticides, fertilizers and agrochemicals.

Data collection and analysis

49. The Committee recommends that the State party ensure that the next census, in 2018, includes criteria for respondents' self-identification as indigenous women and Garifuna and non-Garifuna women of African descent, with a view to their identification and recognition. In that regard, the Committee also recommends that civil society organizations, including women's organizations representing the abovementioned groups, be involved in all processes of information-gathering and that awareness-raising programmes be put in place for communities and all those in charge of designing methods and collecting and analysing information. It further recommends that the State party take measures to strengthen the capacity of the national statistical institute to improve the collection and analysis of statistical data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, in particular with respect to groups of women affected by intersecting forms of discrimination, in order to assess the progress made towards de facto equality, the impact of the measures taken and the results achieved.

36. Suriname, CEDAW/C/SUR/CO/4-6, 14 March 2018

Visibility of the Convention

9. The Committee recommends that the State party provide capacity-building to judges, prosecutors and lawyers on the Convention, its direct applicability and the concept of substantive equality. It further recommends that the State party enhance its efforts to raise awareness among women of the significance of the human rights of women, gender equality and



discrimination on the basis of sex, targeting in particular rural women, Maroon women and indigenous women.

Legislative framework and definition of discrimination

10. The Committee recognizes the diversity of cultures and ethnicities in the State party and its distinct indigenous and tribal populations. While noting the position of the State party that article 8 of its Constitution sufficiently guarantees the substantive equality of women and men, the Committee is concerned that neither the Constitution nor national legislation includes a definition of discrimination against women, in accordance with article 1 of the Convention, covering direct and indirect discrimination in both the public and private spheres and recognizing intersecting forms of discrimination. It also remains concerned that disadvantaged groups of women, including rural women, Maroon women and indigenous women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, continue to experience intersecting forms of discrimination and violations of their human rights. It further regrets the lack of political will on the part of policymakers to adopt, as a matter of priority, legal provisions to protect women's rights, and notes that provisions such as the draft law on equal treatment of men and women and the draft labour law and provisions on the establishment of a complaints mechanism on gender-based discrimination have been pending since 2002.

11. The Committee recommends that the State party:

(a) Adopt the draft law on the establishment of an independent constitutional court with the power to review the conformity of legislative acts with international human rights treaties and staff it with qualified personnel;

(b) Amend article 8(2) of the Constitution to recognize intersecting forms of discrimination against rural women, Maroon women and indigenous women...;

(c) Adopt the draft law on the equal treatment of women and men and ensure that it includes a definition of discrimination against women, including intersecting forms of discrimination, and prohibits direct and indirect discrimination in the public and private spheres, in line with article 1 of the Convention and the Committee's previous concluding observations ...;

(d) Conduct, within the next 24 months, mandatory capacity-building for parliamentarians, policymakers and government officials on the importance of comprehensive, consistent and coherent legal reform to achieve substantive equality of women and men, with a view to building consensus for the immediate adoption of the various draft laws and policies for the advancement of women's rights.

Access to justice

12. The Committee notes that women can obtain free legal aid services through the Legal Aid Bureau (Bureau Rechtszorg) of the Ministry of Justice and Police. Nonetheless, it regrets that there is no mechanism, policy or procedure in the State party to guarantee equal access to justice for all women, in particular those belonging to disadvantaged groups. The Committee also notes with concern information about persistent discrimination in the judicial system against indigenous women and tribal women, in particular with regard to their land rights. The Committee is also concerned about the lack of information on the complaints mechanisms available to women who are victims of discrimination and gender-based violence.

13. The Committee recommends that the State party:

(a) Conduct a study on how the Committee's general recommendation No. 33 (2015) on



women's access to justice can be used to reform the Legal Aid Bureau and address discriminatory practices impeding women's access to justice in the State party;

(b) Establish, without delay, a confidential complaints mechanism for women who are victims of discrimination and gender-based violence;

(c) Provide free legal aid to women and girls without sufficient means, adopt gender-sensitive procedures for applications to the Legal Aid Bureau, increase its budget and provide free interpretation services for ethnic minority women.

Extraterritorial obligations

20. The Committee notes with appreciation the efforts made by the State party to address the consequences of mining activities, including pollution from mercury, and to mainstream gender issues during the conduct and monitoring of those activities through its gender action plan. It is concerned, however, about the negative impact of the activities of foreign-owned gold mining, petroleum extraction and agribusiness companies operating within the State party, as well as companies registered in Suriname and carrying out operations abroad, on the rights of rural women, Maroon women and indigenous women. In that regard, it is concerned that the existing legal framework does not hold foreign-owned companies sufficiently accountable for violations of women's rights, in particular their land rights and right to health, and violations of environmental and labour standards.

21. The Committee recommends that the State party:

(a) Strengthen its legislation governing the conduct of companies registered in the State party, including the Mining Decree, to establish minimum standards for environmental protection, water quality, labour and health, with a view to protecting the rights of rural women, Maroon women and indigenous women affected or likely to be affected by their operations;

(b) Establish a mechanism or body to regulate the activities of foreign-owned private mining companies and monitor their compliance with legislation and the advancement of the human rights of women.

Temporary special measures

23. The Committee reiterates its previous concluding observations ... and recommends that the State party, in line with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures: (a) Raise awareness among relevant State officials of the non-discriminatory nature of temporary special measures, in order to achieve the substantive equality of women and men, and the need to eliminate the intersecting forms of discrimination faced by disadvantaged groups of women, especially rural women, Maroon women and indigenous women, as well as women with disabilities....

Participation in political and public life

31. Recalling that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full realization of the human rights of women, the Committee recommends that the State party: ... (c) Introduce temporary special measures to increase the representation of rural women, Maroon women and indigenous women in the National Assembly, the Council of Ministers, legislative bodies, district and local councils, leadership positions in political parties and on government advisory councils (High Organs of State).



Education

34. The Committee welcomes the efforts of the State party to improve women's and girls' access to education, including by removing entrance fees and improving accessibility for girls with disabilities. It also notes the high net enrolment rate of girls in primary education and the high representation of girls in higher education. However, the Committee remains concerned about the following: ... (c) The lack of bilingual education for both Maroon and indigenous girls and boys...

35. In line with the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, and recalling its previous concluding observations ... the Committee recommends that the State party: ... (b) Improve the quality and accessibility of schools in rural areas and provide instruction in indigenous and tribal languages in schools, with a view to improving access to education for Maroon girls, indigenous girls and girls with disabilities; ...

Employment

36. The Committee notes that the guarantee of equal pay for equal work for women and men set out in article 28 of the Constitution is not in line with the principle of equal pay for work of equal value. It further notes the following with concern: ... (c) Women's unequal access to economic opportunities, despite their higher participation and attainment rates at all levels of education, and the disproportionately high unemployment rate among women, in particular rural women, Maroon women and indigenous women....

Health

38. The Committee welcomes the improved health insurance coverage for women in the State party, including for women with disabilities and women from disadvantaged groups. However, it remains concerned about the following:

(a) The inadequate funding of the health sector, resulting in women's very limited access to basic health-care services, in particular for rural women, Maroon women and indigenous women who must often travel to Paramaribo to seek specialist medical treatment;

(b) The lack of cardiovascular services and cancer screening for women outside Paramaribo, despite the high incidence of cardiovascular diseases and reproductive cancers, including breast, uterine and cervical cancer;

(c) The high incidence of unsafe abortion and the absence of measures to implement the Committee's previous recommendation to revise legislation criminalizing abortion ...;

(d) The lack of comprehensive education on sexual and reproductive health and rights and family planning services, as well as the persistently low rates of modern contraceptive use, in particular among rural women, Maroon women and indigenous women.

Disaster risk reduction and climate change

43. Drawing attention to its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party ensure the effective participation of women, in particular rural women, Maroon women and indigenous women, in the formulation and implementation of policies and action plans on disaster risk reduction and climate change, not only because they are disproportionately affected by the effects of climate change and disasters but also as agents of change. It also recommends that such policies and plans, including the third national communication, explicitly include a gender perspective and take into account the specific needs of women.



Rural women, Maroon women and indigenous women living in the interior

44. The Committee notes with appreciation the policy of the Ministry of Regional Development to empower and engage women in the planning of agricultural activities in the interior and welcomes the establishment of two directorates in 2016 to provide assistance to the Maroon and indigenous communities. However, it notes with concern the extremely high poverty rate among rural women, Maroon women and indigenous women in the State party and their very limited access to basic services, including health services, education, clean water, adequate sanitation, energy and communications technologies. It is also concerned about violations of the land rights of indigenous women and tribal women, despite three judgments of the Inter-American Court of Human Rights issued in 2005, 2007 and 2015, holding that the State party violated the rights of indigenous people to land and access to justice. The Committee further regrets that rural women, Maroon women and indigenous women are excluded from decision-making processes, in particular with regard to the use of land.

45. The Committee recommends that the State party:

(a) Develop and implement a policy to support the economic and social development of rural women, Maroon women and indigenous women and to overcome persistent gender inequalities limiting their access to land, social services, economic opportunities, sanitation facilities and communications technologies;

(b) Implement measures to ensure the full and equal participation of rural women, Maroon women and indigenous women in decision-making processes affecting them, including regarding mining and logging concessions and rural and national development plans, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women;

(c) Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO.
Women with disabilities

46. The Committee is concerned about the lack of information on the situation of women and girls with disabilities in the State party and on the services available to them. It further regrets that there are no measures in place to improve access to and the accessibility of education, employment and health-care services for rural women, Maroon women and indigenous women and girls with disabilities.

47. The Committee recommends that the State party take measures to collect and analyse information on the situation of women and girls with disabilities, paying particular attention to their access to education, employment and health care, and on the quality of the services available. It also calls upon the State party to implement measures to increase the accessibility of such services, in particular for rural women, Maroon women and indigenous women and girls with disabilities.

Marriage and family relations

52. The Committee welcomes the fact that article 35 of the Constitution recognizes the equality of husband and wife before the law and the extraordinary value of motherhood, and provides for the protection of children without discrimination. Nonetheless, the Committee is concerned that, in practice, women do not have equal rights within marriage. In particular, it is concerned about the following: ... (b) The minimum age of marriage, which is 15 years for girls, the disproportionately high number of rural women, Maroon women and indigenous women 15 to 17 years of age who are married and the absence of a national strategy to combat and prevent child marriage...



37. Malaysia, CEDAW/C/MYS/CO/3-5, 14 March 2018

Participation in political and public life

29. The Committee welcomes the announcement made by the Prime Minister of Malaysia in December 2017 that the State party was to adopt a minimum quota of 30 per cent for the representation of women among Senators in the Upper House of Parliament. However, the Committee is concerned that women continue to be underrepresented in all areas of political and public life, including in Parliament, the cabinet, local government, the judiciary and the diplomatic service, in particular in decision-making positions. It also regrets the underrepresentation of women from marginalized groups in all areas of political and public life, such as women with disabilities, indigenous women and women belonging to ethnic minority groups.

30. The Committee recommends that the State party: ... (b) Include in the next periodic report information on specific measures implemented, such as quotas, to increase the representation of women, including women with disabilities, indigenous women and women belonging to ethnic minority groups, in decision-making positions in the political and public spheres.

Health

39. The Committee is concerned about the obstacles faced by certain groups of women that block their access to health-care services in the State party, including asylum-seeking and refugee women, women migrant workers, rural women, transgender women and indigenous women. It is particularly concerned that non-citizens are required to pay a deposit before they are admitted to public hospitals and that, under the Fees Act (Medical) 1951 for Foreigners, public hospitals charge them higher fees than they do Malaysian nationals for the same health-care services, which severely restricts access to health care for women with low incomes, such as asylum-seeking and refugee women and migrant women employed as domestic workers. The Committee is also concerned about a Government directive that requires public hospitals to refer undocumented asylum seekers and migrants to the Immigration Department when they seek medical attention, which has serious consequences for maternal, foetal and infant mortality and morbidity as women are deterred from seeking essential health-care services for fear of arrest and detention.

Rural women

41. The Committee appreciates the measures adopted by the State party to improve the quality of life of aboriginal people and ethnic minorities in rural areas. However, it is concerned about the lack of specific measures targeting women and girls in those communities, the low representation of women on village committees and the high school drop-out rates among rural girls.

42. With reference to its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party: ... (c) Ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).

38. Fiji, CEDAW/C/FJI/CO/5, 14 March 2018

Women belonging to ethnic and religious minority groups and indigenous women

55. The Committee notes with concern that women belonging to ethnic and religious minority groups and indigenous women in the State party are exposed to significant rates of intersecting discrimination.

56. The Committee recommends that the State party redouble efforts and adopt the legislation, **101**



temporary special measures and awareness-raising measures necessary to combat intersecting forms of discrimination against women.

39. Chile, CEDAW/C/CHL/CO/7, 14 March 2018

Access to justice

14. The Committee welcomes the establishment of the Technical Secretariat for Gender Equity and Non-Discrimination in the Supreme Court, along with the policies aimed at promoting access to justice for disadvantaged women. It is concerned, however, about the institutional, procedural and practical barriers faced by women in gaining access to justice, such as: ...

(a) Multiple barriers, including financial, linguistic and geographic, facing women with low incomes, rural women, indigenous women and women with disabilities in obtaining access to justice;

(b) Reports of threats against indigenous women by law enforcement officers and representatives of the judiciary and cases of reprisals in response to attempts by such women to collectively claim access to their lands....

15. In accordance with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party: ...

(a) Ensure that information on legal remedies is available to women who are victims of gender-based violence, including in indigenous languages and in formats accessible to women with disabilities, and introduce a system of mobile courts and free legal aid to facilitate access to justice for women living in rural and remote areas;

(b) Introduce systematic training for the judiciary and law enforcement officers on the rights of indigenous women and guarantee the right of the latter to obtain access to justice without fear of reprisal....

Temporary special measures

19. The Committee recalls its previous concluding observations and recommends that the State party consider using temporary special measures, in line with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality in all areas covered by the Convention, in particular in political and public life, where women are underrepresented, and in education and employment, to which migrant and indigenous women have limited access.

Stereotypes

21. The Committee reiterates its previous concluding observations ... and recommends that the State party adopt a comprehensive strategy targeting women, men, girls and boys to overcome machismo culture and the discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. It also recommends that such a strategy address intersecting forms of discrimination against women, including women with disabilities, indigenous women, women of African descent, migrant women and lesbian, bisexual and transgender women and intersex persons, as defined in paragraph 18 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

Gender-based violence against women

24. The Committee welcomes the significant legislative and institutional advances, including the national plan of action on violence against women for the period 2014–2018, made to combat gender-based violence against women and the development of a database to record incidents



of violence. Nevertheless, it remains concerned about: ... (f) Reports of excessive use of force by State agents against Mapuche women in Araucanía, and the lack of data on cases of violence against indigenous women.

25. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recommends that the State party:

...

(b) Expedite the adoption of the draft law on the right of women to a life free from violence (bill No. 11077-07) and ensure that the intersecting nature of violence and discrimination is recognized under the law, in particular with regard to migrant women, indigenous women, women with disabilities and lesbian, bisexual and transgender women and intersex persons; ...

(f) Ensure that all forms of gender-based violence against Mapuche women committed, or resulting from actions or omissions, by State agents at all levels, including the police, are duly and systematically investigated, perpetrators effectively prosecuted and punished with adequate sentences and disciplinary measures and victims provided with reparation or compensation.

Participation in political and public life

28. The Committee welcomes the significant advances in terms of increasing the participation of women in political and public life, in particular through the adoption of Act No. 20.840. It also welcomes the fact that more women are being appointed to positions in the diplomatic service and in management in public enterprises. Nonetheless, the Committee remains concerned that structural barriers to and discriminatory stereotypes regarding the engagement of women in political and public life continue to exclude women from elected and appointed decision-making positions, including in political parties, the judiciary and academia. Furthermore, the lack of temporary special measures continues to impede the participation of women, including indigenous women, in decision-making at the State and municipal levels.

Human rights defenders

30. The Committee is concerned that indigenous women human rights defenders are subjected to a range of manifestations of violence, such as threats, sexual abuse, harassment and killings. The Committee is also concerned about allegations that in some cases such violence has been committed by State agents. The Committee is further concerned that anti-terrorism legislation has been applied disproportionately to criminalize certain acts by indigenous women in connection with the assertion of their rights, including their rights to ancestral lands.

31. The Committee recommends that the State party take specific, adequate and effective measures to prevent and investigate attacks and other forms of abuse perpetrated against women human rights defenders, to prosecute and punish perpetrators and to combat impunity. It also recommends that the State party not apply anti-terrorism legislation to indigenous women for acts that are committed in connection with the assertion of their rights, including their rights to ancestral lands.

Education

34. The Committee welcomes the significant reforms of the education system, including the adoption in 2015 of Act No. 20.845 on inclusive education and the provision of free higher education for disadvantaged groups, and the development of a joint protocol between the Ministry for Women and Gender Equity and the Office of the Superintendent of Education to promote the continued school attendance of pregnant girls and young mothers. Nonetheless, it is concerned that: ... (c) Low educational attainment persists among indigenous women and girls....



35. The Committee recalls its general recommendation No. 36 (2017) on the right of girls and women to education and recommends that the State party: ... (c) Adopt and implement targeted measures, including temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, to accelerate equal access to all levels of education by indigenous girls and women in rural areas....

Employment

36. The Committee commends the State party for the wide-ranging measures that it has taken to reconcile family and working life, including the adoption of Act No. 20.786 (2014) on domestic workers, the "Más Capaz" programme and the draft law (bill No. 9.322-13) amending the Labour Code and establishing the principle of equal pay for work of equal value. Nevertheless, it is concerned about: ... (e) The limited access for migrant and indigenous women and women with disabilities to the formal labour market.

37. The Committee recommends that the State party: ... (e) Create employment opportunities for disadvantaged groups of women, in particular migrant women, indigenous women and women with disabilities.

Health

38. The Committee welcomes the adoption of Act No. 21.030 of 2017, which legalizes the voluntary termination of pregnancy on three grounds: in cases of rape, where there is a threat to the life of the pregnant woman and where the fetus is fatally impaired. It also deems positive the adoption in 2018 of national guidelines on the regulation of fertility. The Committee is, however, concerned about: ... (e) The difficulty facing migrant women, indigenous women and women with disabilities in gaining access to non-emergency health care, including gynaecological services....

39. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party: ... (e) Take measures to ensure that health-care services, especially gynaecological services, are accessible to all women, in particular migrant women, indigenous women and women with disabilities....

Economic empowerment

41. The Committee recommends that the State party: (a) Strengthen its national poverty reduction strategy to focus on the most disadvantaged and marginalized groups of women, in particular indigenous women and rural women, ensure that the Sustainable Development Goals are implemented in a fully inclusive manner and encourage the active participation of women in decision-making processes that affect their lives....

Indigenous women

46. The Committee deems positive the proposal to create a ministry for indigenous people. It is concerned, however, that indigenous women face intersecting forms of discrimination based on their ethnic origin and social status, in addition to racial hatred, gender-based violence, poverty and marginalization. The Committee is particularly concerned about:

(a) The conflicts in some areas of the country that affect indigenous women through the lack of recognition and protection of land tenure and ownership by indigenous women, their forced eviction from indigenous traditional lands and their exclusion from decision-making processes concerning land use;

(b) The absence of effective consultation and mechanisms to ensure that indigenous women give their free, prior and informed consent to development projects on their traditional lands.



47. The Committee recommends that the State party:
- (a)** Accelerate the creation of the ministry for indigenous people and increase dialogue with indigenous women to ensure their full participation in the process;
 - (b)** Adopt measures to formally recognize indigenous women's land tenure and ownership, eliminate discriminatory norms and customs that limit their access to land ownership and ensure their meaningful participation in decision-making processes regarding the use of traditional indigenous lands;
 - (c)** Set up a mandatory consultation mechanism to seek the free, prior and informed consent of indigenous women regarding the use of their natural resources and lands.

40. New Zealand, CEDAW/C/NZL/CO/8, 25 July 2018

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the following: ... (d) Launch of the Maori education strategy, Ka Hikitia: Accelerating Success 2013–2017, which is aimed at achieving equity and excellence in education for Maori students....

Access to justice

13. The Committee remains concerned about the persistence of multiple barriers impeding women and girls from obtaining access to justice and effective remedies to claim violations of their rights, in particular for rural women, Maori, Pasifika, Asian, migrant and refugee women, women with disabilities, lesbian, bisexual and transgender women and intersex persons. ...

14. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party: (a) Increase the availability of legal aid for women, in particular Maori and migrant women and women belonging to ethnic minority groups, including in civil and family courts; (b) Disseminate information, in particular in rural and remote areas, about the legal remedies that are available to women whose rights have been violated....

Gender-based violence against women

25. The Committee notes that the bill on family and Whanau violence legislation is currently before Parliament and that a bill on workplace protection for victims is expected to be adopted soon. It welcomes the establishment of the new position of Parliamentary Under-Secretary to the Minister of Justice (Domestic and Sexual Violence Issues) and of an advisory board on ways to invest in family violence prevention with a mandate to review existing programmes, as well as the recently increased funding for front-line support services. However, the Committee is concerned about the absence of a national action plan or comprehensive strategy for the prevention and elimination of gender-based violence, which is aggravated by the lack of continuity in governmental policies over time. It also remains concerned about the following:

- (a)** The alarmingly high level of gender-based violence against women in the State party, with one in three women being subjected to physical or psychological violence, by an intimate partner during the course of their lifetime, especially domestic and sexual violence, including rape, which disproportionately affects Maori women, women belonging to ethnic minority groups, transgender women and women with disabilities, who are more likely to be retraumatized under the State party's current system;
- (b)** The very low levels of reporting and the high rate of recidivism, particularly within the Maori community, with only 20 per cent of family violence and only 9 per cent of sexual violence reported to the police; ...



(g) The lack of an adequate, culturally sensitive approach, resulting in cultural and linguistic barriers, and the distrust in public authorities, which prevents Maori women and girls and women and girls belonging to ethnic minority groups from seeking protection from domestic and sexual violence and from seeking redress....

26. Taking into account its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recalling target 5.2 of the Sustainable Development Goals, on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party, with a view to strengthening its efforts to eliminate gender-based violence against women and its underlying causes: ... (e) Adopt criteria and guidelines for the provision of victim-oriented and culturally appropriate legal, psychosocial and economic assistance that recognize the special needs of Maori women and girls and women and girls belonging to ethnic minority groups, while ensuring that efforts to ensure cultural sensitivity are not undertaken at the expense of the State party's obligations under the Convention....

Participation in political and public life

29. The Committee notes the increase in the representation of women in Parliament and the appointment in 2017 of the third female Prime Minister of New Zealand. It also notes that, following the 2017 general election, women accounted for 38 per cent of members of Parliament, including Maori women parliamentarians and women parliamentarians belonging to ethnic minority groups. Nevertheless, the Committee is concerned about the low levels of representation of women in leadership roles at other levels and in other sectors: only 19 per cent of directors of companies listed on the New Zealand Stock Exchange Main Board are women and 56 per cent of businesses have no women in senior roles.

Education

31. The Committee commends the State party for its efforts aimed at increasing opportunities for women in the fields of science, technology, engineering and mathematics and in information and communications technology (ICT) industries, in particular the fact that education and careers in science, technology, engineering and mathematics have been promoted among secondary school students, in particular among Pacific islanders, and the fact that in 2014 the State party allocated \$28.6 million over four years for an ICT graduate school programme aimed at increasing diversity among ICT students. However, the Committee is concerned about the following:

(a) The limited access to secondary and tertiary education for many girls and women living in rural areas;

(b) The lack of inclusion in school curricula of comprehensive, culturally sensitive and age-appropriate sexuality education or education on harmful practices and gender-based violence against women and girls, which further exacerbates the high rates of sexual violence and early pregnancy, and the lack of sexuality education that specifically addresses the needs of Maori young people and communities....

32. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party take the legislative and policy action and allocate adequate resources necessary to: ... (a) Facilitate access to secondary and tertiary education for girls and women living in rural areas, including through increased resources; (b) Ensure the inclusion in school curricula of mandatory, culturally sensitive and age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour, focusing on the prevention and consequences of early pregnancy and sexually transmitted infections....



Employment

33. The Committee welcomes the adoption by the State party of the gender pay principles. It further commends the State party on the \$2 billion pay equity settlement for the 55,000 care and support workers in the State party's aged and disability residential care, home and community support services and for reconvening the joint working group on pay equity principles. However, the Committee notes the following with concern: (a) The persistent discrimination against Maori and Pasifika women and women with disabilities in the labour market; ... (c) The persistent gender pay gap, which disproportionately affects women in low-income jobs, including Maori and Pasifika women and women belonging to other ethnic and cultural minority groups....

34. The Committee recommends that the State party adopt and implement policies, with time-bound targets and indicators, to increase employment opportunities for women in the formal sector, eliminate occupational segregation and achieve substantive equality between women and men in the labour market. It also recommends that the State party: (a) Urgently address the working conditions of Maori and Pasifika women, women with disabilities and young women in all areas of employment including through data collection and analysis....

Economic and social benefits and economic empowerment of women

38. The Committee recommends that the State party: ... (c) Take measures to reduce poverty and improve the economic empowerment of women, in particular women living in rural areas, Maori, Pasifika, Asian, immigrant, migrant and refugee women and women with disabilities; ...

Health

39. The Committee welcomes the request of the Minister of Justice to the Law Commission to provide advice on the legislative changes necessary to treat abortion as a health issue and the Commission's upcoming report regarding the decriminalization of abortion and its incorporation into health-care regulations. However, the Committee remains concerned that: ... (d) The mental health services for women, including addiction treatments, targeting primarily Maori women and women with disabilities, are inadequate.

40. The Committee recalls its statement on sexual and reproductive health and rights, adopted at its fifty-seventh session, and recommends that the State party: ... (d) Take the steps necessary to improve the availability and quality of accessible mental health-care services, including addiction treatments, targeting primarily Maori women and women with disabilities.

Maori women and women belonging to ethnic minority groups

43. The Committee notes with concern that Maori women and women belonging to ethnic minority groups in the State party are exposed to intersecting forms of discrimination, particularly in gaining access to health-care services and protecting their right to land ownership. While noting measures taken by the State party to address the situation of Maori women, the Committee is concerned that Maori women continue to be disproportionately affected by incarceration and that 65 per cent of female inmates are Maori.

44. The Committee recommends that the State party adopt all legislation, including temporary special measures and awareness-raising measures, necessary to combat intersecting forms of discrimination against women, particularly in gaining access to health-care services and protecting their right to land ownership. The Committee further recommends that the State party implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and provide alternatives to detention to reduce the high number of Maori women detainees.



41. Mexico, CEDAW/C/MEX/CO/9, 25 July 2018

Legislative framework and definition of discrimination against women

11. The Committee welcomes the efforts made to strengthen harmonization of the legal framework with the Convention, including through amendments to article 73 of the Constitution that enable the Congress to expedite federal laws and the adoption of a national programme for equality and non-discrimination, covering the period 2014–2018. Nevertheless, it remains concerned that: ... (b) The lack of effective mechanisms and the insufficient state-level budgetary allocations to implement and monitor the laws relating to gender equality and women's right to a life free of violence have failed to eliminate discrimination, notably intersecting forms of discrimination, in particular against indigenous women....

12. In accordance with the State party's obligations under the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and taking into account the positive efforts made through other general laws adopted by the State Party, the Committee recommends that the State party: ... (d) Adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women, in particular indigenous women....

Access to justice

13. The Committee welcomes the efforts that have been made by the State party to improve access to justice for women, including the protocol for judging with a gender perspective. It is concerned, however, that deep-rooted institutional, structural and practical barriers continue to hinder women's gaining access to justice, including the following: ... (c) Financial, linguistic and geographic barriers to gaining access to justice faced by low-income, rural and indigenous women and women with disabilities....

14. In accordance with the Convention and with the Committee's general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party: (c) Ensure that information on legal remedies is available to women who are victims of gender-based violence and all forms of discrimination, including in indigenous languages and in formats accessible to women with disabilities, and introduce a system of mobile courts and free legal aid aimed at facilitating access to justice for women living in rural and remote areas....

Stereotypes

19. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes, including the signing, in 2016, of an agreement for gender equality and tackling violence against women in the media. Nevertheless, it remains concerned that: ... (c) Stereotyped media portrayals and negative images of indigenous women....

20. The Committee recommends that the State party: ... (c) Introduce measures to encourage the media to promote positive images of indigenous women....

Trafficking and exploitation of prostitution

30. The Committee recommends that the State party: ... (d) Strengthen support to women who are victims of trafficking, in particular ... indigenous women, by ensuring adequate access to health care, counselling services and redress, including reparations and compensation, and the provision of adequate shelters....



Participation in political and public life

34. The Committee reiterates its recommendation to the State party that it make full use of general recommendation No. 23 (1997) on women in political and public life so as to accelerate the full and equal participation of women in the executive branch and the judiciary, especially at the local level. It calls upon the State party to: ... (b) Adopt measures to address de jure and de facto discriminatory practices within political parties that discourage women, including indigenous and Mexican women of African descent, from standing for election at the federal, state or municipal levels....

Nationality

35. While welcoming the constitutional reform of 2014 by which the right to birth registration was recognized and the recent simplification of the process for the required registration at the consulate of Mexico of children born in the United States of America to Mexican parents, the Committee is concerned that the number of indigenous children ... who are registered at birth remains low.

Education

37. The Committee welcomes the efforts of the State party to increase enrolment by women and girls in non-traditional areas of studies such as science, technology, engineering and mathematics and vocational training. It is concerned, however, about the following: (a) The persistence of structural barriers to access for women and girls to high-quality education, in particular at the secondary and tertiary levels, due to limited budgetary allocations in some states, poor school infrastructure, a shortage of teaching materials and a lack of qualified teachers, especially in indigenous communities and in rural areas....

38. Recalling article 10 of the Convention and its general recommendation No. 36 (2017) on the right of women and girls to education, the Committee recommends that the State party: (a) Increase budgetary allocations to ensure full implementation of the new education model of 2017 across all states and to allow for the upgrading of school infrastructure, especially in indigenous communities and in rural areas, and to enhance the supply of essential and accessible teaching and learning materials....

Employment

39. The Committee welcomes the ongoing efforts to promote the integration of women into the labour market, including through amendments to the Federal Labour Act. It is concerned, however, about the following: ... (e) The limited access for migrant, indigenous women, Mexican women of African descent and women with disabilities to the formal labour market.

Health

41. The Committee reiterates its previous concerns ... and takes note of the State party's efforts to strengthen and harmonize the General Victims Act at the federal and state levels in relation to abortion in cases of rape, as well as the introduction of a national strategy for the prevention of adolescent pregnancy. It is concerned, however, about the following: ... (e) The disproportionately high rates of maternal mortality among women from indigenous communities....

42. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party: ... (e) Reduce the incidence of maternal mortality, including through collaboration with traditional midwives and the training of health professionals, especially in rural areas, by ensuring that all births are attended by skilled health personnel, in line with targets 3.1 and 3.7 of the Sustainable Development Goals....



Economic empowerment and social benefits

43. The Committee welcomes the State party's continued efforts to reduce poverty. It remains concerned, however, about the following: (a) The high levels of poverty and inequality faced by disadvantaged and marginalized groups of women, especially indigenous women, Mexican women of African descent and women heads of households....

44. The Committee recommends that the State party:

(a) Strengthen its national poverty reduction strategy with a focus on the most disadvantaged and marginalized groups of women, in particular indigenous women, Mexican women of African descent and rural women, by ensuring that development and the implementation of the Sustainable Development Goals are fully inclusive, and encourage the active participation of women in the formulation and implementation of poverty reduction strategies;

(b) Increase access for women to the national social security system and develop coordinated social protection and compensation programmes for women;

(c) Allocate additional earmarked financial resources for increasing access to microcredit, loans and other forms of financial credit for women in order to promote entrepreneurship among women and empower them economically, in particular with regard to indigenous women, Mexican women of African descent and women with disabilities;

(d) In accordance with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, accelerate the participation of women in decision-making and recovery processes relating to disasters at all levels, in particular the local level, and continue efforts aimed at integrating a gender perspective into all sustainable development policies, as well as into disaster risk reduction and post-disaster management.

Rural and indigenous women

45. The Committee welcomes the introduction of the conditional cash transfer system and the "national crusade against hunger" strategy, as well as the national financing programme for micro-entrepreneurs and rural women. It is concerned, however, that rural women, in particular those in isolated communities, indigenous women and Mexican women of African descent, continue to face intersecting forms of discrimination. The Committee is especially concerned about the following:

(a) The fact that they are disproportionately affected by poverty and face barriers in accessing health care, education and employment opportunities in the formal sector;

(b) The fact that, despite recent improvements in access to land, rural and indigenous women continue to have limited access to land titles and inadequate representation in decision-making positions in relation to access to ejidos (communal landholdings) and other types of communal lands;

(c) The limited implementation of the principle of free, prior and informed consent and the lack of consultations with indigenous women and Mexican women of African descent in connection with development projects affecting their collective rights to land ownership, as well as the consequences of forced evictions of indigenous women and Mexican women of African descent from lands traditionally occupied or used by them and of their dispossession of such lands as a result of rural development projects, without the provision of alternative livelihood opportunities;



(d) The insufficient institutional support to ensure that indigenous women have adequate access to health care, education and employment opportunities and that they are able to preserve and transmit their traditional way of life.

46. In line with the Convention and its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Increase the financial, human and technical resources allocated to education and health care for rural and indigenous women and undertake targeted measures to create equal opportunities, in practice, in the labour market for indigenous women, Mexican women of African descent and rural women;

(b) Expand access for indigenous and rural women to land ownership and tenure, including by ensuring their adequate representation in decision-making positions in relation to access to ejidos and other types of communal lands;

(c) Establish a legal framework to regulate and ensure that development, agro-industrial and other business projects are implemented only with the free, prior and informed consent of affected indigenous women, Mexican women of African descent and rural women and include the provision of alternative livelihood opportunities and benefit-sharing agreements concerning the use of their natural resources and lands in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of ILO;

(d) Strengthen institutional support to ensure indigenous women's access to basic services, including water and sanitation, and employment opportunities and enhance the recognition and preservation of their traditional cultural practices.

Marriage and family relations

51. The Committee welcomes the provisions of article 45 of the General Act on the Rights of Girls, Boys and Adolescents that increase the minimum age of marriage to 18 for both girls and boys. Nevertheless, it is concerned about the effective implementation of the provision at the state level. It is further concerned about reports of forced marriage, especially in indigenous communities.

52. In line with joint general recommendation No. 31, the Committee recommends that the State party ensure the effective implementation of article 45 of the General Act on the Rights of Girls, Boys and Adolescents by ensuring that the minimum age of marriage of 18 years of age for both girls and boys is reflected in the laws of all states and effectively enforced throughout the State party. It further recommends that the State party conduct comprehensive awareness-raising campaigns to challenge cultural attitudes that legitimize early marriage and that it introduce mechanisms to register all marriages, especially in rural and remote areas and among indigenous populations.

42. Australia, CEDAW/C/AUS/CO/8, 25 July 2018

Access to justice

13. The Committee welcomes the initiatives of the Australian Capital Territory and the Northern Territory to fund translation and interpretation services in courts and tribunals, as well as in specialist family and domestic violence services. It is concerned, however, about the following:

(a) The lack of culture- and gender-sensitive legal processes at the national level and the non-recognition of Aboriginal customary laws that are in line with international human rights obligations, resulting in mistrust in the justice system among indigenous women and girls....



14. The Committee recommends, in line with its general recommendation No. 33 (2015) on women's access to justice, that the State party: (a) Implement the recommendations made in 1996 by the Australian Law Reform Commission on the recognition of Aboriginal customary laws and extend culturally sensitive judicial processes to all jurisdictions, using the Koori courts in Victoria and the circle sentencing programme in the Australian Capital Territory and in New South Wales as a model....

Stereotypes

23. The Committee takes note of the State party's initiatives to challenge negative attitudes that exacerbate gender-based violence against women. It is concerned, however, that the absence of a holistic strategy to address negative social and cultural patterns in public discourse, the media, the workplace, schools, universities, health institutions and the judiciary exacerbates discrimination against various groups of women on the basis of their gender, belonging to an indigenous group, migration, asylum or social status, religion, ethnicity, nationality, colour, age, disability, sexual orientation or gender identity.

24. The Committee recommends that the State party develop a comprehensive strategy to overcome discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society and raise awareness of the benefits for Australian society of respecting and protecting the diversity of its population, aiming at the full inclusion of Aboriginal and Torres Strait Islander women, migrant women and their daughters, including those born in the State party, women belonging to ethnic minority groups, refugee and asylum-seeking women, women with disabilities, foreign women, older women, women in poverty, women belonging to religious minority groups, lesbian, bisexual and transgender women and intersex persons.

Extraterritorial obligations, extractive industries and climate change

30. In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:

(a) Develop a national action plan on business and human rights that incorporates a gender perspective, on the basis of the 2030 Agenda and in line with the recommendation made in the context of the second review cycle of the universal periodic review of the Human Rights Council (A/HRC/31/14, recommendation 136.212), and ensure that all large-scale development and extractive industry projects are implemented with the prior informed consent of the local women affected, reflect adequate benefit-sharing arrangements and are preceded by a thorough gender impact assessment involving rural and indigenous women, recognizing their leadership in those processes, in line with general recommendation No. 34 (2016) on the rights of rural women;

(b) Establish a specialized mechanism to investigate violations of women's human rights by corporations that are based or registered in the State party or receive subsidies from it, bring perpetrators to justice and expeditiously ensure compensation and rehabilitation for women who are victims of such violations, including the victims of the Bougainville conflict, in line with general recommendation No. 28;

(c) Adopt a human rights-based approach in the development of climate change responses, make women the central force for the development and implementation of activities relating to climate change at the local, national, regional and international levels, further reduce greenhouse gas emissions, notably those resulting from coal consumption and exports, and reinforce support for gender-sensitive disaster risk reduction and climate change adaptation within the State party and in surrounding small island States.



Participation in political and public life

35. The Committee welcomes the commitment of the two main political parties to gender parity in Parliament by 2025. It is concerned, however, about the slow increase in the representation of women in the Federal Parliament (32 per cent), state and territory parliaments (33 per cent) and the federal Cabinet (23 per cent) of the State party. The Committee is also concerned about the lack of information on the representation of indigenous women and women with disabilities in political and public life and on the participation of migrant women and their daughters, including those born in the State party, in public life.

36. The Committee recommends that the State party collect data on the representation of indigenous women and women with disabilities in political and public life. It reiterates its previous recommendation ... that the State party adopt targeted measures with clear time frames, such as statutory quotas and a zipper system (i.e., a requirement that candidates on electoral lists alternate between men and women) for elections at the national, state, territory and municipal levels, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the participation of women in political and public life, especially with regard to indigenous women and women with disabilities, and the participation of migrant women and their daughters, including those born in the State party, in public life.

Nationality

39. The Committee is concerned about the disproportionately low rates of birth registration among indigenous communities, limiting access for indigenous women and girls to education, health and social services.

40. The Committee recommends that the State party intensify efforts to facilitate birth registration in indigenous communities, in particular in rural areas, including by removing penalties for late registration and reinforcing mobile registration services.

Education

41. The Committee welcomes the launch of the Connected Beginnings programme to eliminate barriers to access to education and barriers to educational attainment for indigenous women and girls. It is concerned, however, about the following:

(a) Inconsistent data collection on educational enrolment, achievement and attrition rates among states and territories, especially with regard to women and girls belonging to indigenous communities, women and girls with disabilities and migrant women and their daughters, including those born in the State party; ...

(d) The lack of temporary special measures to promote the participation of indigenous women and girls in the fields of science, technology, engineering and mathematics;

(e) The impact of harassment and bullying in school environments on women and girls who are exposed to intersecting forms of discrimination, and the withdrawal of funding for the Safe Schools programme.

42. In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party: ...

(c) Implement plans to establish a science, technology, engineering and mathematics academy for indigenous girls and make use of information and communications technology to reach remote regions with specialized instruction;



(d) Adopt temporary special measures to promote the participation of indigenous women and girls in the fields of science, technology, engineering and mathematics and provide more scholarships in those fields;

(e) Build the capacities of educational staff to create safer and more inclusive learning environments, including for indigenous women and girls, women and girls with disabilities, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons.

Social and economic benefits

46. The Committee recommends that the State party: ... **(b)** Reinstate funding to services that focus on women's rights and to women's organizations, including to those which focus on the rights of indigenous women....

Health

49. The Committee acknowledges the comprehensive health coverage in the State party. It notes the following, however, with concern:

(a) The lack of harmonization in state and territory legislation on abortion and the harassment and discrimination of women and girls seeking abortion services;

(b) The deteriorating mental health situation of women and girls facing intersecting forms of discrimination;

(c) That only severe mental health disabilities are addressed through the national disability insurance scheme;

(d) That indigenous women, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons face discrimination by health service providers or through insufficient access to health services....

50. The Committee recommends that the State party: ...

(b) Increase efforts and resources to address the deteriorating mental health situation of women and girls, in particular young mothers, indigenous women, women with disabilities, women in detention, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons, and reinforce preventive measures;

(c) Allocate sufficient funding to the national disability insurance scheme to extend coverage for mental health services to women and girls with all types of mental health disorders and disabilities;

(d) Ensure access to non-discriminatory health services for indigenous women, migrant women and their daughters, including those born in the State party, lesbian, bisexual and transgender women and intersex persons....

Aboriginal and Torres Strait Islander women

51. The Committee welcomes the conduct of the Wiyi Yani U Thangani (Women's Voices) consultation process and the commitment of the Council of Australian Governments to update the Closing the Gap agenda in consultation with indigenous leaders, organizations and communities. It is concerned, however, about the following:

(a) The insufficient allocation of funding to the National Congress of Australia's First Peoples;



- (b)** The fact that indigenous women face difficulties in gaining access to health services and discriminatory treatment by health-care providers and have an average life expectancy at birth that is 9.5 years lower than that of non-indigenous women;
 - (c)** The lower rates of education completion among indigenous girls and women, compared with non-indigenous women, which are linked to a lack of secondary schools in remote communities, discrimination against indigenous girls in educational settings and insufficient promotion of the empowerment of First Nations;
 - (d)** The fact that indigenous women face a disproportionately high risk of homelessness and of living in overcrowded and poor housing conditions;
 - (e)** The disproportionately high unemployment rates among indigenous women;
 - (f)** The fact that indigenous women face an extremely high risk of domestic violence and sexual assault compared with non-indigenous women;
 - (g)** The fact that indigenous women are far more likely to be imprisoned than non-indigenous women, and often for minor offences;
 - (h)** The large number of indigenous children taken from their mothers and placed in out-of-home care;
 - (i)** The high suicide rates among indigenous women;
 - (j)** The excessive burden of proof on indigenous women seeking to claim native title rights to lands and waters under the Native Title Act.
52. The Committee recommends that the State party:
- (a)** Increase funding for the National Congress of Australia's First Peoples, in line with the recommendations made in the context of the universal periodic review (A/HRC/31/14, recommendations 136.88 and 136.87);
 - (b)** Increase funding for the provision of culturally appropriate, gender-sensitive and non-discriminatory health-care services and for the training of indigenous health professionals, including in rural and remote areas;
 - (c)** Build on the outcomes of the impact evaluation of the Connected Beginnings programme, in order to promote access for indigenous women and girls to education and their educational attainment, increase the number of secondary schools in rural and remote areas, consult with indigenous communities when developing education policies and incorporate education on the First Nations into regular school curricula;
 - (d)** Ensure long-term funding for safe, secure and affordable housing for indigenous women, including through the National Affordable Housing Agreement;
 - (e)** Consult with indigenous women to strengthen incentives and long-term employment opportunities in remote areas through the Community Development Programme;
 - (f)** Elaborate, in collaboration with indigenous women and girls, a specific national action plan on violence against indigenous women and girls;



(g) Strengthen holistic early intervention, prevention and diversion strategies, as well as non-custodial alternatives to detention, abolish so-called “paperless arrest” and mandatory sentencing laws, taking into account the relevant recommendations contained in the 2017 report of the Australian Law Reform Commission entitled Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples and the outcomes of the Wiyi Yani U Thangani (Women’s Voices) consultation process;

(h) Ensure implementation of the Aboriginal and Torres Strait Islander child-placement principle in all cases and develop, in consultation with indigenous organizations, a national strategy to eliminate the overrepresentation of indigenous children in out-of-home care;

(i) Finalize the national strategic framework for the mental health and social and emotional well-being of Aboriginal and Torres Strait Islander peoples, guarantee appropriate resources for its implementation and address intergenerational trauma in culturally appropriate and effective ways;

(j) Train more indigenous legal professionals to provide legal assistance to indigenous women, including to make claims under the Native Title Act and other statutory land rights schemes.

Women in detention

56. In accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Committee recommends that the State party: (a) Develop programmes that address the needs of women in prison and promote alternatives to detention, especially for indigenous women who are detained for minor offences....

43. Congo, CEDAW/C/COG/CO/7, 14 November 2018

Nationality

38. The Committee welcomes the information provided by the State party that all children born in its territory, including children born to foreign parents, have a right to Congolese nationality. It is concerned, however, that the Nationality Law of the Congo grants men, but not women, the right to transfer their nationality to a foreign spouse. The Committee is also concerned that many births remain unregistered in the State party, in particular in areas with large indigenous populations. The Committee is further concerned that the State party has not acceded to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

39. The Committee recommends that the State party: ... (b) Intensify its efforts to ensure timely birth registration and issuance of birth certificates, free of charge, throughout its territory, including through awareness-raising campaigns on the importance of birth registration and the use of mobile civil registration units, paying particular attention to indigenous children....

Education

40. The Committee welcomes the sectoral education strategy for the period 2015–2025, with progressive sex-specific dropout-reduction strategies and the establishment of literacy centres and back-to-school centres, as well as post-literacy classes. It is concerned, however, about the low enrolment and high dropout rates among girls in secondary school and the low level of enrolment of girls in mathematics and science courses, the poor quality of education and school infrastructure and the high illiteracy rates among girls. The Committee is also concerned that



fees for books, uniforms and health insurance prevent children from attending school, in particular children from indigenous communities.

41. The Committee recommends that the State party: (a) Increase its efforts to ensure the enrolment and retention of girls in school, in particular at the secondary level, paying special attention to indigenous girls; ... (c) Construct and improve school infrastructure in rural and remote areas to ensure access for girls to high-quality education, and improve the quality of distance education....

Rural women

46. The Committee welcomes the adoption of the law on land occupation and acquisition, which prohibits customs and traditions that suppress or restrict women's rights to occupy, acquire or inherit land. It also welcomes the establishment of the observe, reflect, act programme, which is intended to integrate indigenous people into the educational system. The Committee remains concerned, however, about rural women's de facto access to land and about access to ancestral lands for indigenous peoples. The Committee is also concerned that the municipal development plans and the land reform may force rural women to change their income-generating activities or be left without land and without proper compensation. The Committee is further concerned that women have been disproportionately affected by the conflict in Pool Department, by the loss of fertile land, income and access to sufficient and clean water and proper housing and by the worsening of health conditions. The Committee is concerned about the high poverty rate among rural women, in particular in Likouala Department, and their limited access to basic services and infrastructure.

47. In the light of its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) Ensure that rural women have access to land on an equal basis with men, including by raising awareness of the law on land occupation and acquisition, of the prohibition of customs and traditions that often suppress or restrict women's rights to occupy or acquire land and of the importance of equal access for women to land as a factor for development and for achieving the substantive equality of women and men;

(b) Ensure that the interests of rural women are protected when developing land policies and allocating land and ensure that the traditional users of land, including indigenous communities, can have access to property and to appropriate reparations and compensation for full recovery of any losses incurred;

(c) Ensure that rural women have access on an equal basis with men and with their urban counterparts to basic services and infrastructure, such as adequate health care, education, public transportation, food, water and sanitation, income-generating opportunities and social protection, in particular in Likouala and Pool Departments, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25.

44. Nepal, CEDAW/C/NPL/CO/6, 14 November 2018

Access to justice

11. The Committee recommends that the State party, in line with its general recommendation No. 33 (2015) on women's access to justice:

(a) Reinforce targeted outreach activities to disseminate information on the legal framework and the available mechanisms for gaining access to justice and legal aid schemes and



promote a culture and a social environment in which justice-seeking by women is viewed as both legitimate and acceptable, rather than as a cause for additional discrimination or stigmatization;

(b) Provide targeted financial support and legal aid in commonly spoken languages for women facing intersecting and multiple forms of discrimination, such as Dalit women, indigenous women, including Madhesi and Tharu women, women belonging to religious minority groups, women with disabilities, women living in remote areas, lesbian, bisexual and transgender women, intersex persons and displaced and migrant women....

Stereotypes and harmful practices

18. The Committee welcomes the criminalization of a number of harmful practices, including chhaupadi, dowry, accusation of witchcraft, discrimination against Dalit persons, and child marriage. It expresses its concern, however, about the following:

(a) The fact that, notwithstanding the criminalization of many harmful practices, chhaupadi (isolating menstruating women and girls), child marriage, dowry, son preference, polygamy, discrimination against widows, accusations of witchcraft, discrimination against Dalit and indigenous women and girls, jhuma (offering young girls to Buddhist monasteries to perform religious functions), deuki (offering girls to deities to fulfil religious obligations) and dhan-khaane (parents receiving money for the solemnization of the marriage of their children) remain persistent in the State party....

Gender-based violence against women

20. The Committee welcomes the adoption of a four-point resolution to end violence against women and girls. It is concerned, however, about the following: (a) The increasing rates of violence against women, in particular against indigenous women and those who remain in temporary shelters following the earthquake in 2015....

21. The Committee recommends that the State party, in line with its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19: (a) Develop targeted awareness-raising programmes for communities that are particularly affected by gender-based violence against women, including indigenous communities and communities living in temporary shelters, provide them with special opportunities for access to the gender-based violence elimination fund and promote the participation of indigenous women in the police service....

Trafficking and exploitation of prostitution

24. The Committee welcomes the establishment in each district of a fund for the rehabilitation of survivors of trafficking and the training of judicial and law enforcement officers on combating trafficking in persons. It expresses concern, however, about the following: (a) The provisions of the Foreign Employment Act restricting women from opportunities in foreign employment, in addition to the ban on foreign domestic work, which push women, in particular displaced, rural, indigenous and Dalit women and girls, into irregular patterns of migration, which exposes them to a higher risk of becoming victims of trafficking in persons....

25. The Committee draws the attention of the State party to target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party: (a) Lift the ban imposed on women workers seeking employment abroad and raise awareness among rural, displaced, indigenous and Dalit women and girls about the risks and criminal nature of trafficking....



Participation in political and public life

28. The Committee notes with appreciation the introduction of constitutional provisions on the representation of women in all State bodies and in the Federal Parliament. It is concerned, however, about the following:

- (a) The underrepresentation of women in the judiciary, law enforcement and the foreign service;
- (b) The insufficient enforcement of electoral quotas and of the constitutional provisions on proportional inclusion, in particular regarding Dalit women;
- (c) The overrepresentation of women, in particular Dalit and indigenous women, in lower positions, such as vice-speaker at the federal level and deputy mayor or vice-president at the local level;
- (d) The failure to consult women who have been elected at the local level, in particular Dalit and indigenous women, in decision-making processes and the insufficient efforts to strengthen their capacities to efficiently fulfil their mandates.

29. The Committee recommends that the State party, in line with its general recommendation No. 23 (1997) on women in political and public life: ... (d) Raise the awareness of public officials and society as a whole of the importance of the full and equal participation of women from all groups of society, including Dalit and indigenous women, in decision-making....

Education

32. The Committee welcomes the entrenchment of special opportunities for women with regard to education in the Constitution, the adoption of the inclusive education policy and the important progress made towards gender equality in school enrolment. It is concerned, however, about the following: (a) The lower enrolment and higher drop-out rates among girls from poor households, girls living in remote areas, girls belonging to “lower castes”, indigenous groups and religious and linguistic minority groups and girls with disabilities....

33. The Committee, taking note of target 4.5 of the Sustainable Development Goals, to eliminate gender disparities in education, recommends that the State party, in line with its general recommendation No. 36 (2017) on the right of girls and women to education: (a) Reinforce action to promote equality and inclusion in education, including by enhancing support systems, scholarships and incentives for girls from poor households, girls living in remote areas, girls belonging to “lower castes”, indigenous groups and religious and linguistic minority groups and girls with disabilities, by training teachers on inclusive schools and by monitoring the implementation of those measures in the framework of the State party’s school sector reform plan....

Health

38. The Committee notes with appreciation the ongoing deliberations on the public health bill, which contains provisions on the provision of non-discriminatory health services free of cost and the introduction of components on reproductive health in school curricula. It is concerned, however, that: ... (d) There is persistent discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons, women in prostitution and women from remote areas.

39. The Committee recommends that the State party, in line with its general recommendation No. 24 (1999) on women and health, and taking into account target 3.1, to reduce the global mortality ratio to less than 70 per 100,000 live births, and target 3.7, to ensure universal access to



sexual and reproductive health-care services, of the Sustainable Development Goals: ... (d) End discrimination by health-care providers against Dalit women, indigenous women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women in prostitution, by raising awareness among providers, with the support of female community health volunteers, of the rights of those groups and encouraging reporting.

Disadvantaged groups of women

40. The Committee welcomes the fact that, under article 18 (3) of the Constitution, the adoption of special provisions by law for the empowerment of citizens, including “Dalit, indigenous people, Madhesi, Tharu, Muslim, oppressed class, Pichhada class, minorities, the marginalized, farmers, labourers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated or helpless, backward region and indigent Khas Arya”, is permitted. It is concerned, however, about the following:

(a) The lack of recognition of the rights of indigenous women in the Constitution and the general lack of recognition of the right of indigenous peoples to self-determination;

(b) The insufficient implementation of legislation protecting those belonging to minority groups from discrimination, such as the Caste-based Discrimination and Untouchability (Offence and Punishment) Act of 2011;

(c) That the State party’s economic development and poverty indicators illustrate persistent inequalities in terms of poor outcomes for indigenous ... women and that the earthquake in 2015 exacerbated food insecurity and the lack of access to natural resources, housing, safe water and credit facilities for women belonging to those groups.

41. The Committee recommends that the State party, in line with the Committee’s general recommendation No. 34 (2016) on the rights of rural women and general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change:

(a) Amend the Constitution to explicitly recognize the rights of indigenous women, in particular their right to self-determination, in line with the United Nations Declaration on the Rights of Indigenous Peoples;

(b) Take all measures necessary to ensure the effective implementation of the Caste-based Discrimination and Untouchability (Offence and Punishment) Act, in line with commitments made in the context of the universal periodic review (A/HRC/31/9, para. 122.35);

(c) Adopt temporary special measures with clear timelines, in line with the constitutional provisions on “special opportunities”, to enhance access for women facing intersecting and multiple forms of discrimination, including indigenous, Dalit women, rural women, women with disabilities and widows in the Hindu community, as well as women affected by conflict and natural disasters, to health services, education, safe water and sanitation services, food, fertile land, natural resources, housing, credit and income-generating opportunities, including through the presidential programme to uplift women.

45. Laos, CEDAW/C/LAO/CO/8-9, 14 November 2018

Visibility of the Convention

10. The Committee recommends that the State party: (a) Intensify its efforts to enhance the awareness of all women – including women living in rural areas, women belonging to ethnic minority groups, women migrants, older women and women with disabilities – of their rights



under the Convention and the remedies available to them to seek redress for violations of such rights, including by allocating sufficient resources for the translation of relevant laws into local languages and their wide dissemination throughout the State party through various media outlets, including radio broadcasting....

Temporary special measures

22. In line with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party: ...

(c) Encourage the adoption of temporary special measures at the local level, in particular in the areas of education, employment and political participation, to address intersecting forms of discrimination against women, especially women living in rural areas, women belonging to ethnic minority groups, women living in poverty, female heads of household and women with disabilities....

Nationality

33. The Committee commends the State party for its legal framework governing the acquisition of nationality. It is, however, concerned about the low rates of birth registration, in particular in rural areas and among ethnic minority groups.

34. The Committee recommends that the State party intensify efforts to facilitate the timely birth registration of children, especially in rural and remote areas, by conducting awareness-raising campaigns, removing language barriers and deploying mobile civil registration units.

Education

35. The Committee welcomes the measures taken to increase access to education and improve literacy and enrolment rates among women and girls. It is, however, concerned about the following: ... (d) The high illiteracy rates among women and girls, in particular among certain ethnic groups, and the findings of the 2015 population and housing census, which indicated poor outcomes for women and girls in school attendance and educational attainment; (e) The limited availability of intercultural education for girls belonging to ethnic minority groups.

36. In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party: (a) Ensure that all girls and women, in particular those living in rural and remote areas, have access to education by eliminating indirect costs of schooling and imposing sanctions for non-compliance, adapting the educational methodology to ensure that schoolwork can be balanced with household chores, improving the quality of teaching and school infrastructure and strengthening the capacity of teachers to provide intercultural education....

Rural women

45. The Committee commends the State party on its efforts to combat poverty in rural areas, including through poverty reduction funds and the national growth and poverty eradication strategy. However, it remains concerned about the disparities faced by rural women and women belonging to ethnic minority groups with regard to access to basic public social services, land and property, and about the low level of political participation of rural women, who constitute only 2.6 per cent of village chiefs. The Committee is also concerned about the insufficient measures taken by the State party to address the issue of unexploded ordnance, which not only puts rural women and girls at risk of injury, disability or death but also prevents the use of large amounts of land for agricultural and other purposes essential for economic development.

46. In line with its general recommendation No. 34 (2016) on the rights of rural women, the



Committee recommends that the State party:

- (a)** Implement measures, including temporary special measures, to increase access for rural women to education, health, competitive markets and income-generating activities, including by integrating a provision into the national rural employment strategy for support to young rural women, women heads of household and women with disabilities;
- (b)** Ensure that the draft amendment of the Land Law provides for greater ownership of key assets by rural women active in the agricultural sector, mainstream gender into national policies concerning the agricultural sector and ensure that women's agricultural collectives are a key target beneficiary of economic benefits arrangements and that women are equal actors in decision-making in that sector;
- (c)** Strengthen efforts to address the factors impeding the political participation of women and adopt proactive policy measures, with sufficient resources, to promote and empower women to participate in political and public life in rural areas, as well as in the planning, implementation, monitoring and evaluation of local development policies and community projects;
- (d)** Set a target for a minimum percentage of women village chiefs and take measures for its achievement;
- (e)** Take measures, through international cooperation, to address the issue of unexploded ordnance, to clear it and to raise awareness among rural women and girls to prevent injuries or deaths from unexploded ordnance and promote economic development.

46. Ethiopia, CEDAW/C/ETH/CO/8, 14 March 2019

Rural women

43. The Committee notes the State party's efforts to ensure access to services and infrastructure, including health care, education, housing, water and sanitation in rural areas, as well as outreach to pastoralist women through the pastoral community development programme, which incorporates women's rights. It also notes the proposed revision of the law on land ownership. It remains concerned, however, that many services are not available to rural women or are difficult for them to obtain, especially in pastoralist areas, and about the feminization of poverty in rural areas. It is also concerned that the joint land certificate process has not yet been realized to a sufficient extent to contribute to the economic empowerment of rural women.

44. In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

- (a)** Ensure that the proposed revision of the law on land ownership addresses discrimination against women, including rural women, in conformity with the Convention;
- (b)** Intensify efforts to ensure that rural women effectively have access to health care, education, employment, housing, safe water, adequate sanitation and family planning services, especially in pastoralist areas;
- (c)** Continue to strengthen and ensure the effective implementation of existing policies and programmes for the economic empowerment of rural women, including by further promoting their ownership of land and enhancing the security of their land tenure, and ensure that rural women are involved in the development and implementation of agricultural policies, including with regard to decisions on land use;



(d) Expand the access of rural women to microfinance and microcredit at low interest rates to enable them to engage in income-generating activities and start their own businesses, with a view to combating poverty among rural women and promoting their advancement.

47. Colombia, CEDAW/C/COL/CO/9, 14 March 2019

General context and priority concerns

9. The Committee acknowledges the achievements made by the State party in the fields of peace, security and justice, through the signing in 2016 of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace. The agreement established an important precedent in the participation of women in negotiations and the incorporation of a gender perspective into accords. It provides an important basis for the fulfilment of women's human rights in the State party. The Committee is concerned, however, at the slow pace at which the implementation of the gender-related provisions of the agreement is proceeding and the lack of harmonization with the national development plan. The Committee is further concerned about indications that threats and violence, including sexual violence, against women human rights defenders have increased considerably in the period following the signing of the agreement and that the most vulnerable groups of women, in particular Colombian women of African descent, indigenous, rural, lesbian, bisexual and transgender women and women with disabilities, continue to suffer serious violations of their rights without access to the protection of the State or to justice.

10. The Committee recommends that the State party, as a matter of priority, expedite the implementation of the gender provisions of the peace agreement and harmonize them with the national development plan, to ensure the protection of, and access to justice for, the most vulnerable groups of women in the State party.

Legislative and policy framework

12. Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party: ... (b) Apply in its legislation the comprehensive definition of discrimination against women and girls contained in article 1 of the Convention, prohibit all discrimination against women, in accordance with article 2(b) and ensure that legislation covers all prohibited grounds of discrimination, including protection from discrimination for indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women, in the public and private spheres, and that it covers intersecting forms of discrimination.

Access to justice

13. The Committee welcomes measures taken to improve and increase access for women to justice and notes in particular the equity criteria for the administration of justice and the evaluation of judges and the capacity-building programmes on gender-related issues for competitive exams. The Committee also welcomes initiatives to extend the presence of the Attorney General's Office to rural areas. The Committee remains concerned, however, about the limited institutional capacity of the judiciary, in particular in rural areas, and the high level of impunity, in particular in cases related to femicide, sexual violence and violence against women human rights defenders, which disproportionately affect women from vulnerable groups, such as indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women.

14. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party: ... (c) Facilitate access to justice for indigenous and migrant women, Colombian women of African descent and women with disabilities, by



ensuring that information, including in native languages, sign language and through other forms of communication, concerning the institutional presence of the judiciary and due process rights is widely available, and that procedural and age-appropriate accommodations are provided....

Women and peace and security

16. Recalling its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:

(c) Increase the presence of State institutions and access to basic services in previous conflict zones, taking into consideration the specific needs of Colombian women of African descent, indigenous women and women with disabilities, and ensure the protection of the affected population in former conflict zones and the prevention of the recruitment of children by armed groups.

National machinery for the advancement of women

19. The Committee welcomes the increase in the budget allocation to the Office of the Presidential Council for Women's Equity. It is concerned, however, that it is not sufficient for the Office to efficiently implement all the activities assigned to it under the national development plan. The Committee is also concerned that, despite its previous recommendation, the State party has not raised the status of the Office to the ministerial level. The Committee is further concerned that the State party has not adequately strengthened the Intersectoral Commission, which was a recommendation specifically included in its previous concluding observations The Committee is concerned that the gender observatory lacks the capacity to influence policy design. The Committee also notes with concern that indigenous women, Colombian women of African descent, lesbian, bisexual and transgender women and women with disabilities are not represented in the Office of the Presidential Council for Women's Equity.

20. Reiterating its previous recommendation ... the Committee recommends that the State party: ... (d) Ensure that indigenous women, Colombian women of African descent, lesbian, bisexual and transgender women and women with disabilities are represented in the Presidential Council for Women's Equity.

Discriminatory gender stereotypes and harmful practices

23. The Committee welcomes measures taken by the State party in the health, education and service sectors to eradicate discriminatory gender stereotypes and takes particular note of the joint project of the Ministry of the Interior and the Ministry of Defence concerning new forms of masculinity, the first phase of which is aimed at the security forces. The Committee also welcomes activities carried out jointly with indigenous organizations, with the objective of eliminating female genital mutilation. It remains concerned, however, about the persistence of deep-rooted gender stereotypes and roles in the public and private spheres and the continued practice of female genital mutilation in certain indigenous communities.

24. The Committee recommends that the State party: ... (c) Intensify its activities, undertaken jointly with indigenous communities, to implement the action plan to eradicate harmful practices in the State party, in particular female genital mutilation.

Gender-based violence against women

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party: ... (a) Strengthen its efforts, as a matter of priority and within a specific time frame, to implement the national plan for the prevention of gender-based violence against women and girls,



including violence in institutions, in particular targeting indigenous women, Colombian women of African descent, rural women, women with disabilities and lesbian, bisexual and transgender women; ...

Education

33. The Committee notes the implementation of the national strategy for the comprehensive care of children and adolescents for the period from 2015 to 2025 and of Directive No. 1 of the Ministry of Education on guidance to prevent school dropouts due to pregnancy. The Committee welcomes the decrease in dropout rates at all levels of the education system. However, it remains concerned about the following: ... (b) The disparities in access to education for indigenous women and girls, Colombian women and girls of African descent, women and girls with disabilities and women and girls affected by armed conflict; ...

34. In line with the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:

(a) Intensify efforts, through the Ministry of Education, to increase the inclusion and retention of girls in school, in particular at higher levels, with special attention being paid to indigenous women and girls and Colombian women and girls of African descent, women and girls with disabilities and women and girls affected by armed conflict;

(b) Adopt and implement targeted measures, including temporary special measures, to accelerate equal access to free, high-quality and inclusive education at the mandatory levels for girls and women, including indigenous girls, girls of African descent and girls with disabilities; ...

(e) Strengthen the capacity of teachers to provide bilingual and intercultural education to indigenous and rural communities....

Health

38. In line with its general recommendation No. 24 (1999) on women and health, the Committee calls upon the State party: ...

(b) To ensure that women and girls in rural and remote areas, in particular indigenous women and girls and Colombian women and girls of African descent, and including women with disabilities, have equal access to high-quality health care, including through accelerating the implementation of the national plan on rural health and strengthening the implementation of the model of clinical safety for emergency obstetric attention; ...

(e) Put into effect a comprehensive strategy to implement and raise awareness of the protocol for the prevention of unsafe abortion in rural areas, as well as among indigenous persons and Colombians of African descent, taking into account the particular needs of women with disabilities;

(f) Ensure access to appropriate modern birth control methods, in particular long-term methods targeting rural and remote areas....

Economic and social benefits and the economic empowerment of women

39. The Committee is concerned that women in the informal sector are not covered by social security services, in particular maternity protection, and that women still bear disproportionate responsibilities with regard to unpaid care work. It notes the measures taken to increase the economic empowerment of women, such as training on information and communications technology. It is concerned, however, that such programmes do not always reach those in need, such as indigenous women, Colombian women of African descent and women with disabilities.



40. The Committee recommends that the State party: ... (c) Take measures to improve the economic empowerment of women, in particular indigenous women, Colombian women of African descent and women with disabilities, such as targeted measures to increase access for women to financial services, including low-interest credit and savings schemes, and to promote their entrepreneurial activities by providing technical assistance and counselling.

Rural women, indigenous women and Colombian women of African descent

41. The Committee takes note of the adoption of the comprehensive public policy on rural women and the special programme on access for women, girls and adolescents to the land restitution process. It is concerned, however, about the persistence of obstacles to access to land restitution, including for sustainable productive projects. The Committee is also concerned about deep-rooted stereotypes and discrimination against indigenous women and Colombian women of African descent, which prevent their active participation in the process of land restitution.

42. The Committee recommends that the State party:

(a) Strengthen the implementation of the comprehensive public policy on rural women and ensure adequate funding and follow-up to the policy;

(b) Take measures to increase access for women to land, including access to financial and technological support for productive projects;

(c) Conduct inclusive awareness-raising campaigns on the principles of non-discrimination and gender equality, through cooperation with civil society and women's organizations, political parties, education professionals and the media, aimed at enhancing a positive and non-stereotypical portrayal of Colombian women of African descent and indigenous women;

(d) Design and implement inclusive awareness-raising strategies on promoting the involvement of women in the public sector, through incorporating differential approaches that contribute to transforming narratives and challenge stereotypes affecting indigenous women and Colombian women of African descent;

(e) Consider incorporating the principles contained in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas in legal and policy instruments regarding rural women.

Data collection and analysis

51. The Committee welcomes progress made in the gathering of data on discrimination against women. It is concerned, however, that the data collected do not cover all areas of relevance to the realization of the rights of women. Despite the well-established capacities of its national statistical system, the Committee is perplexed as to why data regarding indigenous women, Colombian women of African descent and women belonging to marginalized groups remain insufficiently differentiated.

52. Reiterating its previous recommendation (CEDAW/C/COL/CO/7-8, para. 38), the Committee recommends that the State party strengthen its efforts with the national statistical system to improve the collection of data related to women's rights, disaggregated by sex, age, race, ethnicity, geographical location, disability and socioeconomic context, in all spheres, in particular with regard to women belonging to marginalized groups, as indicated in Decree 1743/2016.



48. Botswana, CEDAW/C/BWA/CO/4, 14 March 2019

Education

34. The Committee recommends that the State party: ... (g) Ensure access to teacher aid for children, including indigenous girls, whose mother tongue is not English or Setswana; ...

Disadvantaged groups of women

43. The Committee notes with concern the marginalization faced by indigenous women with respect to their political rights and the loss of their cultural and tribal identities. The Committee is also concerned about the lack of equal access to free antiretroviral treatment for members of disadvantaged groups, including indigenous women, women prisoners, women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women. It is further concerned about the detention in transit centres of migrant women and girls, who are often separated from their male family members.

44. The Committee recommends that the State party:

(a) Develop and implement a strategy to address the specific needs of indigenous women in all areas covered by the Convention, including in public and political life, and to protect their cultural and tribal identities;

(b) Review and remove obstacles faced by indigenous women, women prisoners, women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women in gaining access to public services and obtaining free antiretroviral treatment....

49. Guyana, CEDAW/C/GUY/CO/9, 30 July 2019

Visibility of the Convention and the Committee's general recommendations

10. In line with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party translate the Convention into the Macushi and Wapishana languages and raise awareness among women, civil society organizations and religious and community leaders about the Convention, the Committee's general recommendations and women's rights under international and national law, including through audio recordings and radio broadcasts and in hinterland areas....

Access to justice

15. The Committee welcomes the recent increase in the representation of women among magistrates, the establishment of courts in all 10 administrative regions of the State party and the support granted for the functioning of legal aid clinics in 4 regions. It notes with concern, however, that women continue to face difficulties in claiming their rights owing to the following: (a) The absence of legal aid clinics in regions 1, 3 and 7 to 9, and the long distances to courts in hinterland areas....

16. In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party: (a) Allocate adequate resources for the establishment of legal aid clinics in regions 1, 3 and 7 to 9, ensure the effective functioning of all clinics in the State party and establish mobile courts in hinterland areas....

Temporary special measures

22. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recalls its previous concluding



observations ... and recommends that the State party introduce temporary special measures, such as increased quotas and benchmarks that are based on time-bound targets, to accelerate the achievement of substantive equality of women, especially indigenous women, women with disabilities and women affected by climate change, in all areas covered by the Convention in which women are underrepresented or disadvantaged.

Trafficking and exploitation of prostitution

28. The Committee, drawing attention to target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, recommends that the State party: ... (d) Carry out nationwide education and awareness-raising campaigns, including in indigenous languages and on the local radio, about the risks and criminal nature of trafficking and on the support services available; ...

Participation in political and public life and in decision-making

32. The Committee recalls its previous concluding observations ... and recommends that the State party accelerate the full and equal participation of women, especially indigenous women, in political and public life, in accordance with article 7 of the Convention and the Committee's general recommendation No. 23 (1997) on women in political and public life, by:

(a) Amending its election, representation of the people and local government acts with a view to placing candidates of both sexes in alternating positions on electoral lists (the so-called "slide" or "zipper" system) and by introducing statutory quotas for women in national and local legislative assemblies to achieve parity in those bodies;

(b) Expanding training programmes on leadership skills and political campaigning of the Guyana Women's Leadership Institute and the Gender Affairs Bureau to female candidates for elected and appointed decision-making positions, including in hinterland areas;

(c) Reinforcing awareness-raising among politicians, the media, religious and community leaders and the general public on the necessity of temporary special measures to reach the full, independent and democratic participation of women on an equal basis with men in political and public life to guarantee the implementation of the Convention, as well as for the political stability and economic development of the country.

Employment

37. The Committee notes the increase in the participation of women in the labour force from 35 per cent in 2012 to 43.6 per cent in 2017 and the ongoing consultations to formalize access to social security benefits for women in the informal sector. Nevertheless, it remains concerned about the following: (a) The underrepresentation of women, especially indigenous women and women with disabilities, in the active labour force....

38. The Committee draws attention of the State party to target 5.5 of the Sustainable Development Goals, to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, and recommends that the State party: (a) Take targeted measures, including temporary special measures, in line with article 4(1) of the Convention and the Committee's general recommendation No. 25, to improve access for women, especially indigenous women and women with disabilities, to the formal employment sector....

Rural and disadvantaged women

43. The Committee welcomes the international cooperation programmes undertaken by the



State party. It notes with concern, however, that rural and indigenous women face multiple and intersecting forms of discrimination on the grounds of their geographical location, ethnicity and gender. Moreover, it is concerned about the following:

- (a)** The insufficient consultation of rural and Amerindian women and girls in the development and adoption of policies and legislation that affect their lives;
- (b)** The failure to recognize collective land rights of Amerindian communities, which disproportionately affects women and girls, as they depend on traditional lands for their livelihoods;
- (c)** Rural and Amerindian women and girls are disproportionately affected by climate change, oil and gas production, and water pollution and deforestation caused by mining activities;
- (d)** Rural and indigenous girls have limited access to health services, in particular sexual and reproductive and mental health services, education, financial support for examination fees, economic empowerment programmes, employment opportunities, women's leadership programmes and bank accounts and loans in hinterland areas.

44. The Committee recommends, in line with its general recommendation No. 34 (2016) on the rights of rural women, that the State party:

- (a)** Ensure that rural and Amerindian women and girls are consulted in the development and implementation of policy and legislative measures, including through organizations representing them, district and village councils, the Women and Gender Equality Commission and the Indigenous People's Commission, in line with commitments made during the universal periodic review (A/HRC/29/16, para. 130.75);
- (b)** Amend the Amerindian Act (2006) and other relevant laws, using a gender-sensitive approach, with a view to ensuring that the rights of Amerindian communities to their lands, territories and resources are fully recognized and protected, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples;
- (c)** Amend part IV of the Environmental Protection Act (1998) to include a gender assessment in all environmental impact assessments and establish a mechanism to monitor the implementation of those assessments and to guarantee that rural and Amerindian women can fully contribute to the development of the country through its Green State Development Strategy: Vision 2040, give their free, prior and informed consent before any development, business, agro-industrial or extractive projects affecting their traditional lands and resources are initiated, whether carried out by national or foreign enterprises, can take advantage of adequate benefit-sharing agreements and are provided with adequate alternative livelihoods, in accordance with the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization;
- (d)** Reinforce targeted action, in consultation with rural and Amerindian women and girls, to ensure that they have access to basic services and infrastructure, including sexual and reproductive, mental and other health services, education, including in their own languages, financial support for examination fees, economic empowerment programmes, employment opportunities, women's leadership programmes, including the youth entrepreneurship and apprenticeship programme, bank accounts and loans, and to create employment and income-generating opportunities in hinterland areas.



50. Democratic Republic of the Congo, CEDAW/C/COD/CO/8, 6 August 2019

Participation in political and public life

30. The Committee welcomes the election of the first woman Speaker of Parliament, the establishment of a standing committee on gender, women and family affairs in the National Assembly, in 2018, and the adoption of the Parity Act. However, the Committee is concerned about the following: ... (b) The fact that women remain underrepresented in Parliament and in other high-level decision-making positions, there have been no women Governors, nor any women among the nine judges of the Constitutional Court, indigenous women are not represented in the Government and there is only one indigenous woman representative in Parliament.

31. The Committee recommends that the State party ensure that women and men have equal representation in all areas of political and public life at the national, provincial and local levels, including in the Government and at high levels of decision-making, in Parliament, the judiciary, the decentralized regional bodies and the civil service, including through the adoption of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004). The Committee also recommends that the State party: (a) Ensure gender parity, inter alia, in the composition of the new Government and in the provincial governments and also appoint indigenous women; ...

Health

36. The Committee acknowledges the State party's efforts concerning access to health care for women, including through the adoption of the new Public Health Law No. 18/035 of 13 December 2018, which includes provisions on sexual and reproductive health, the adoption of the national strategic plan against HIV/AIDS for the period 2018–2021 and the road map on maternal and child mortality, adopted in 2018. It notes the adoption in 2014 of the national strategic plan on family planning for the period 2014–2020, the establishment of the multisectoral and technical standing committee on family planning, the adoption of the action plan for the national reproductive health programme for the period 2013–2017 and the national strategy for the elimination of obstetric fistula for the period 2018–2025. It notes that the Parity Act provides for the possibility for couples to choose a method of contraception, and it welcomes the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2018. Nevertheless, it is concerned that: ... (c) Access for women and girls to sexual and reproductive health services and family planning services is inadequate, especially among indigenous women and girls, who also lack access to vaccinations....

37. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party: ... (e) Ensure that women and girls have access to accurate information relating to sexual and reproductive health and rights and that all women, including rural and indigenous women, have access to high-quality sexual and reproductive health services, covering family planning, the prevention of early pregnancy and sexually transmitted infections and emergency post-abortion care....

Indigenous women

44. The Committee notes decree No. 011/2018 of 5 June 2018 on the promotion and protection of indigenous peoples in Mai-Ndombe Province and decree No. 002/2018 of 29 June 2016 on the protection and promotion of indigenous peoples in Sankuru Province related to the protection of forests. The Committee is concerned, however, that:



(a) The draft law for the protection of indigenous peoples has been pending before Parliament since 2014;

(b) Pygmy women, especially in North Kivu Province, face multiple forms of discrimination, in particular from the Bantu population;

(c) Pygmy women have limited access to education and maternal and prenatal health services;

(d) Forced evictions from their ancestral lands, including by armed groups and militias in conflict areas, affect their culture and traditional ways of living.

45. The Committee recommends that the State party:

(a) Expedite the adoption of the draft law for the protection of indigenous peoples and ensure that they effectively participate in the process of its elaboration and adoption;

(b) Take urgent measures to ensure effective access to education for Pygmy women and expand the implementation of the infrastructure programme for the reconstruction, rehabilitation and equipping of schools to areas where Pygmy women are located;

(c) Ensure that Pygmy women have access to affordable sexual and reproductive health-care services, basic prenatal and postnatal care and emergency obstetric services;

(d) Protect the right of Pygmy women to their ancestral lands and cultural identity and ensure their participation in the ongoing forestry and land reform processes.

Marriage and family relations

53. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:

(a) Repeal the remaining discriminatory provisions of the revised Family Code, including the provision that the husband is the head of the household, and conduct awareness-raising campaigns to disseminate the revised Family Code, targeting in particular women from rural areas and indigenous communities, as well as traditional chiefs and parents; ...

(e) Further sensitize traditional leaders on the importance of eliminating discriminatory practices, such as polygamy and levirate marriage, in close collaboration with women, their representative organizations and the relevant United Nations agencies; ...

(f) Eliminate traditional practices that impede women's rights to inheritance and land ownership and intensify its efforts to enable women and girls to exercise their right to inheritance on an equal basis with men and boys.

51. Cambodia, CEDAW/C/KHM/CO/6, 12 November 2019

Access to justice and remedies

10. The Committee notes the efforts made by the State party to improve access to justice by women, particularly in rural areas, including by increasing the national budget allocated for legal aid and establishing a special team of volunteer lawyers to assist women in situations of poverty



to gain access to legal aid. Nevertheless, it reiterates its previous concern about the lack of court cases on discrimination against women in the State party and the fact that there are significant barriers to access by women and girls to justice and effective remedies for violations of their rights, particularly for rural women, indigenous women, women belonging to ethnic minority groups and women with disabilities. Such barriers include:

- (a)** Social and cultural stigma, which deter women and girls from registering their complaints, particularly with regard to domestic violence and rape;
- (b)** Limited access to information on the mechanisms and procedures for seeking remedies for violations of the rights of women and girls, especially in rural areas;
- (c)** Lack of gender sensitivity in the justice system, including negative attitudes on the part of judges, prosecutors, law enforcement officials and lawyers towards women reporting violations of their rights;
- (d)** Corruption and the lack of independence of the judiciary, which continues to impede women's access to justice.

11. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party: (a) Develop a comprehensive legal aid scheme with sustainable, long-term funding from the national budget and establish regional appeals courts outside of the capital to ensure effective access to courts and tribunals by all women, particularly rural women, indigenous women, women belonging to ethnic minority groups and women with disabilities....

Temporary special measures

21. Recalling its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party adopt temporary special measures, including legislative, executive, administrative and other regulatory instruments, policies and practices, allocation and/or reallocation of resources, preferential treatment, targeted recruitment, hiring and promotion, and quota systems, to accelerate the achievement of substantive equality of women and men in all areas in which women are underrepresented or disadvantaged, targeting women in disadvantaged situations, such as women with disabilities, women belonging to ethnic minority groups, indigenous women, rural women and older women. It further recommends that the State party adopt such temporary special measures:

- (a)** To reallocate and distribute land so that women have equal ownership of land;
- (b)** To increase tenure security for women living in informal settlements and to improve access by women, especially indigenous women, women belonging to ethnic minority groups and rural women, to adequate housing including through the mechanisms established under the national housing policy;
- (c)** To increase economic opportunities for women in rural areas, including through the adoption of quotas.

Participation in political and public life

30. The Committee welcomes the information provided by the State party's delegation that there was an increase in the number of women holding the position of commune council chief and deputy chief, of 8 and 14 per cent, respectively, in 2018. Nevertheless, the Committee notes that such levels remain low and regrets that women continue to be underrepresented in legislative bodies, ministerial posts and local governments, as well as in the judiciary, the police force,



the foreign service and academic institutions, particularly at the decision-making level. It also regrets the lack of representation of women belonging to ethnic minority groups and indigenous women in political and public life.

31. The Committee recommends that the State party:

(a) Adopt measures, including temporary special measures, such as quotas, in accordance with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) and general recommendation No. 23 (1997) on women in political and public life, in order to accelerate the full and equal participation of women in political and public life, including in legislative bodies, ministerial posts and local governments, as well as in the judiciary, the police force, the foreign service and academic institutions, particularly at the decision-making level;

(b) Create an enabling environment for the participation of women in political and public life, in particular with regard to women belonging to ethnic minority groups, indigenous women and women with disabilities, including by raising awareness among political leaders and the general public that the full, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the rights of women.

Marriage and family relations

48. The Committee welcomes the adoption of the action plan to prevent child marriage and teenage pregnancy in Ratanakiri Province for the period 2017–2021, which is aimed at ethnic communities and focused on increased prevention and response interventions. Nevertheless, it expresses concern that the rate of child marriage remains high in indigenous and rural communities and regrets the lack of measures adopted by the State party outside of Ratanakiri Province. The Committee also reiterates its previous concern that women are prohibited from remarrying within 120 days of divorce under article 950 of the Civil Code.

49. The Committee recommends that the State party:

(a) Adopt targeted measures in all communities with high rates of child marriage, including awareness-raising programmes on the harmful effects of such marriage on the health, development and education of girls, as well as the fact that marriage under 18 years of age is prohibited by law;

(b) Repeal article 950 of the Civil Code, which unduly restricts the right of women to remarry, given that paternity can be established by alternative and less restrictive means, such as DNA testing.

General **RECOMMENDATIONS**





1. General Recommendation No. 39 on Indigenous Women and Girls, 31 October 2022 (omitted)

2. General Recommendation No. 38 on trafficking in women and girls in the context of global migration, CEDAW/C/GC/38, 20 November 2020

IV. Root causes of trafficking in women and girls

[...]

A. Socioeconomic injustice

20. Trafficking in women and girls is rooted in sex-based and gender-based discrimination, gender-based structural inequality and the feminization of poverty. The women and girls who are most vulnerable to being trafficked are those belonging to marginalized groups, such as women and girls living in rural and remote areas, those belonging to indigenous and ethnic minority communities.... Members of those groups often experience social, political and economic exclusion, resulting in their being more likely to be impoverished, uneducated or undereducated, unregistered or undocumented and unemployed or underemployed, to carry the burden of household and childcare responsibilities, to face restricted access to State benefits, protection and services, to experience intimate partner and domestic violence, abuse and neglect in the family environment, to be in care institutions and to be subjected to child, forced and servile marriage or deprivations due to widowhood. Such situations can be aggravated by the additional burden of an impairment or severe illness that is a consequence of trafficking, including sexual exploitation.

3. General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, CEDAW/C/GC/37, 13 March 2018

2. Women, girls, men and boys are affected differently by climate change and disasters, with many women and girls experiencing greater risks, burdens and impacts. Situations of crisis exacerbate pre-existing gender inequalities and compound the intersecting forms of discrimination against, among others, women living in poverty, indigenous women, women belonging to ethnic, racial, religious and sexual minority groups, women with disabilities, refugee and asylum-seeking women, internally displaced, stateless and migrant women, rural women, unmarried women, adolescents and older women, who are often disproportionately affected compared with men or other women.

4. Mortality and morbidity levels in situations of disaster are higher among women and girls. Owing to gender-based economic inequalities, women, and women heads of household in particular, are at a higher risk of poverty and more likely to live in inadequate housing in urban and rural areas of low land value that are vulnerable to such impacts of climate-related events as floods, storms, avalanches, earthquakes, landslides and other hazards. Women and girls in situations of conflict are particularly exposed to risks associated with disasters and climate change. The higher levels of mortality and morbidity among women during and following disasters are also a result of the inequalities that they face in gaining access to adequate health care, food



and nutrition, water and sanitation, education, technology and information. In addition, failure to engage in gender-responsive disaster planning and implementation often results in protective facilities and infrastructure, such as early warning mechanisms, shelters and relief programmes, that neglect the specific accessibility needs of diverse groups of women, including women with disabilities, older women and indigenous women.

8. In the light of the significant challenges in, and opportunities for, the realization of women's human rights presented by climate change and disaster risk, the Committee on the Elimination of Discrimination against Women has provided specific guidance for States parties on the implementation of their obligations relating to disaster risk reduction and climate change under the Convention on the Elimination of All Forms of Discrimination against Women. In its concluding observations on the reports of States parties and in several of its general recommendations, the Committee has underlined that States parties and other stakeholders have obligations to take specific steps to address discrimination against women in the fields of disaster risk reduction and climate change, through the adoption of targeted laws, policies, mitigation and adaptation strategies, budgets and other measures. In its statement on gender and climate change, the Committee outlined that all stakeholders should ensure that climate change and disaster risk reduction measures were gender responsive and sensitive to indigenous knowledge systems and that they respected human rights. The right of women to participate at all levels of decision-making must be guaranteed in climate change policies and programmes (A/65/38, part one, annex II).

26. States parties should ensure that all policies, legislation, plans, programmes, budgets and other activities relating to disaster risk reduction and climate change are gender responsive and grounded in human rights-based principles, including the following:

(a) Equality and non-discrimination, with priority being accorded to the most marginalized groups of women and girls, such as those from indigenous, racial, ethnic and sexual minority groups, women and girls with disabilities, adolescents, older women, unmarried women, women heads of household, widows, women and girls living in poverty in both rural and urban settings, women in prostitution and internally displaced, stateless, refugee, asylum-seeking and migrant women;

(b) Participation and empowerment, through the adoption of effective processes and the allocation of the resources necessary to ensure that diverse groups of women have opportunities to participate in every stage of policy development, implementation and monitoring at each level of government, at the local, national, regional and international levels;

(c) Accountability and access to justice, which require the provision of appropriate and accurate information and mechanisms in order to ensure that all women and girls whose rights have been directly and indirectly affected by disasters and climate change are provided with adequate and timely remedies.

36. To ensure that women and girls are provided with equal opportunities to lead and to participate and engage in decision-making in activities relating to disaster risk reduction and climate change, the Committee recommends that States parties:

(a) Adopt targeted policies, such as temporary special measures, including quotas, as provided for in article 4 of the Convention and in general recommendation No. 25 (2004) on temporary special measures, as one element of a coordinated and regularly monitored strategy to achieve the equal participation of women in all decision-making and development planning relating to disaster risk reduction and climate change;



(b) Develop programmes to ensure the participation of and leadership by women in political life, including through civil society organizations, in particular women's organizations, at various levels, in particular in the context of local and community planning and climate change and disaster preparedness, response and recovery;

(c) Ensure the equal representation of women in forums and mechanisms on disaster risk reduction and climate change, at the community, local, national, regional and international levels, in order to enable them to participate in and influence the development of policies, legislation and plans relating to disaster risk reduction and climate change and their implementation. States parties should also take positive measures to ensure that girls, young women and women belonging to indigenous and other marginalized groups are provided with opportunities to be represented in those mechanisms;

(d) Strengthen national institutions concerned with gender-related issues and women's rights, civil society and women's organizations and provide them with adequate resources, skills and authority to lead, advise, monitor and carry out strategies to prevent and respond to disasters and mitigate the adverse effects of climate change;

(e) Allocate adequate resources to building the leadership capacity of women and creating an enabling environment for strengthening their active role in disaster risk reduction and response and climate change mitigation, at all levels and across all relevant sectors.

37. In line with article 15(1) of the Convention, women should be accorded equality before the law, which is extremely important in situations of disaster and in the context of climate change, given that women, who often face barriers to gaining access to justice, may encounter significant difficulties in claiming compensation and other forms of reparation to mitigate their losses and to adapt to climate change. The recognition of the legal capacity of women as identical to that of men and equal between groups of women, including women with disabilities and indigenous women, as well as their equal access to justice, are essential elements of disaster and climate change policies and strategies.

54. States parties should:

(a) Increase the participation of women in the development of plans relating to disaster risk reduction and climate change, by supporting their technical capacity and providing adequate resources for that purpose;

(b) Institutionalize leadership by women at all levels in disaster prevention, preparedness, including the development and dissemination of early warning systems, response and recovery and climate change mitigation and adaptation;

(c) Ensure that early warning information is provided using technology that is modern, culturally appropriate, accessible and inclusive, taking into account the needs of diverse groups of women. In particular, the extension of Internet and mobile telephone coverage, as well as other reliable and cost-effective communications technology such as radios, and the accessibility of that technology for all women, including women belonging to indigenous and minority groups, older women and women with disabilities, should be actively promoted within the context of programmes relating to disaster risk reduction and climate change;

(d) Ensure that women have access to technology for preventing and mitigating the adverse effects of disasters and climate change on crops, livestock, homes and businesses and that



they can use and economically benefit from climate change adaptation and mitigation technology, including that relating to renewable energy and sustainable agricultural production;

(e) Promote the understanding, application and use of the traditional knowledge and skills of women in disaster risk reduction and response and climate change mitigation and adaptation;

(f) Promote and facilitate contributions by women to the conceptualization, development and use of disaster risk reduction and climate science technology.

57. In accordance with the Convention and general recommendation No. 35, States parties should:

(a) Develop policies and programmes to address existing and new risk factors for gender-based violence against women, including domestic violence, sexual violence, economic violence, trafficking in persons and forced marriage, in the context of disaster risk reduction and climate change, and promote the participation and leadership of women in their development;

(b) Ensure that the minimum legal age of marriage is 18 years for both women and men. States parties should include training on the prevalence of early and forced marriage for all personnel involved in disaster response activities. In partnership with women's associations and other stakeholders, mechanisms should be established, within local and regional disaster management plans, to prevent, monitor and address early and forced marriages;

(c) Provide accessible, confidential, supportive and effective mechanisms for all women wishing to report gender-based violence;

(d) Develop, in partnership with a wide range of stakeholders, including women's associations, a system for the regular monitoring and evaluation of interventions designed to prevent and respond to gender-based violence against women, within programmes relating to disaster risk reduction and climate change;

(e) Provide training, sensitization and awareness-raising for the authorities, emergency services workers and other groups on the various forms of gender-based violence that are prevalent in situations of disaster and how to prevent and address them. The training should include information on the rights and needs of women and girls, including those from indigenous and minority groups, women and girls with disabilities, lesbian, bisexual and transgender women and girls and intersex persons, and the ways in which they may be exposed to and affected by gender-based violence;

(f) Adopt long-term policies and strategies to address the root causes of gender-based violence against women in situations of disaster, including by engaging with men and boys, the media, traditional and religious leaders and educational institutions, in order to identify and eliminate social and cultural stereotypes concerning the status of women.

68. In particular, States parties should:

(a) Ensure participation, including in decision-making positions, by diverse groups of women and girls in the planning, implementation and monitoring of health policies and programmes and in the design and management of integrated health services for women in the context of disaster risk management and climate change;



- (b)** Invest in climate- and disaster-resilient health systems and services and allocate the maximum of their available resources to the underlying determinants of health, such as clean water, adequate nutrition and sanitation facilities and menstrual hygiene management. Those investments should be geared towards transforming health systems so that they are responsive to the changing health-care needs arising from climate change and disasters and sufficiently resilient to cope with those new demands;
- (c)** Ensure the removal of all barriers to access for women and girls to health services, education and information, including in the areas of mental and psychological health, oncological treatment and sexual and reproductive health, and, in particular, allocate resources for cancer screening, mental health and counselling programmes and programmes for the prevention and treatment of sexually transmitted infections, including HIV, and treatment for AIDS, before, during and after disasters;
- (d)** Accord priority to the provision of family-planning and sexual and reproductive health information and services, within disaster preparedness and response programmes, including access to emergency contraception, post-exposure prophylaxis for HIV, treatment for AIDS and safe abortion, and reduce maternal mortality rates through safe motherhood services, the provision of qualified midwives and prenatal assistance;
- (e)** Monitor the provision of health services to women by public, non-governmental and private organizations, to ensure equal access to and quality of care that responds to the specific health needs of diverse groups of women, in the context of disasters and climate change;
- (f)** Require that all health services operating in situations of disaster function to promote the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent, non-discrimination and choice. Specific measures to ensure the promotion and protection of the rights of women and girls with disabilities, women and girls belonging to indigenous and minority groups, lesbian, bisexual and transgender women and girls, intersex persons, older women and women and girls belonging to other marginalized groups should be explicitly included in health-care policies and standards relating to situations of disaster;
- (g)** Ensure that training curricula for health workers, including in emergency services, incorporate comprehensive, mandatory, gender-responsive courses on women's health and human rights, in particular gender-based violence. Health-care providers should be made aware of the linkages between increased disaster risk, climate change and the growing potential for public health emergencies as a result of shifting disease patterns. The training should also include information on the rights of women with disabilities and women belonging to indigenous, minority and other marginalized groups;
- (h)** Collect and share data on gender-based differences in vulnerability to infectious and non-infectious diseases occurring in situations of disaster and as a result of climate change. That information should be used to develop integrated rights-based disaster and climate change action plans and strategies.

70. Women, in particular rural and indigenous women, are directly affected by disasters and climate change, as food producers and as agricultural workers because they make up the majority of the world's smallholder and subsistence farmers and a significant proportion of farmworkers. As a result of discriminatory laws and social norms, women have limited access to secure land



tenure, and the farmland that they are allotted tends to be of inferior quality and more prone to

flooding, erosion or other adverse climatic events. Owing to the increasing rate of out-migration among men in climate change-affected areas, women are left with the sole responsibility for farming, yet they do not possess the legal and socially recognized land ownership necessary to adapt to the changing climatic conditions effectively. Women are also indirectly affected by the impacts of weather-related events on the price of foodstuffs.

81. To ensure that effective monitoring and reporting systems are established, States parties should:

(a) Design and institutionalize reliable mechanisms to collect and analyse data and monitor and disseminate findings across all areas relevant to disaster risk reduction, climate change and gender equality;

(b) Ensure the participation of women at the subnational, national, regional and international levels in data collection and analysis and the monitoring and dissemination of findings;

(c) Include information in their periodic reports to the Committee on the legal frameworks, strategies, budgets and programmes that they have implemented to ensure that the human rights of women are promoted and protected within policies relating to climate change and disaster risk reduction;

(d) Translate the present general recommendation into national and local languages, including indigenous and minority languages, and disseminate it widely to all branches of government, civil society, the media, academic institutions and women's organizations.

4. General recommendation No. 36 (2017) on the right of girls and women to education, CEDAW/C/GC/36, 27 November 2017

3. The need to ensure inclusive and quality education for all and promote lifelong learning is a priority of Sustainable Development Goal 4, as contained in General Assembly resolution 70/1, adopted with a view to transforming the world by 2030. Two critical education targets to be met are ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes; and eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations. In the Education 2030 Framework for Action, adopted on 4 November 2015 by the General Conference of UNESCO, and considered by the global education community as complementary to the Sustainable Development Goals, it is acknowledged that gender equality is inextricably linked to the right to education for all and that its achievement requires taking a rights-based approach, in order to ensure that all learners not only gain access to and complete education cycles, but are empowered equally in and through education.

Disadvantaged groups of girls and women

[...]

Students from ethnic minority groups and indigenous groups

41. The majority of girls not in primary school belong to ethnic minority groups and other excluded groups. The main factors having an impact on the access of those groups to education include poverty, discrimination, lack of cultural relevance and, often, instruction delivered only



in the dominant language, resulting in lower educational achievement, higher dropout rates, loss of heritage languages and lower self-esteem.

46. The Committee recommends that States parties take all appropriate measures to ensure the right of all categories of disadvantaged and marginalized groups to education by eliminating stereotyping and discrimination, removing barriers to access and implementing the following measures:

- (a)** Address stereotyping, in particular of indigenous girls and women and of those from minority groups, that puts them at risk in gaining access to education, exposes them to violence in school and the community and on their way to and from school, especially in remote areas;
- (b)** Address the low socioeconomic status and living conditions, in particular of indigenous girls and women and of those from minority groups, that are barriers to gaining access to education, in particular in the light of male preference where schooling is concerned in situations of scarce financial resources;
- (c)** Ensure, when necessary, in collaboration with donors and humanitarian agencies, that adequate provision is made for the education and safety of all disadvantaged groups of girls and women;
- (d)** Ensure that the application of a mandatory dress code and banning of specific clothing does not hamper access to inclusive education, in particular for those of migrant backgrounds;
- (e)** Eliminate all forms of discrimination against girls and women with disabilities by identifying and removing legal, physical, social, financial, attitudinal, communication and language barriers within educational institutions and the community;
- (f)** Take the measures necessary to ensure non-discrimination against girls and women with disabilities at all levels of education by providing inclusive education in learning environments offering reasonable accommodation;
- (g)** Ensure the physical accessibility of educational institutions and prevent principals from blocking the enrolment of students with disabilities, in particular girls, and ensure that curricula, teaching materials and pedagogical strategies are tailored to the unique needs of individuals affected by the various forms of disability;
- (h)** In line with article 4 of the Convention, on temporary special measures, institute incentives to attract and train special education teachers for all levels of education;
- (i)** Address discrimination against lesbian, bisexual, and transgender, women and girls, and intersex persons by ensuring that policies are in place to address the obstacles that impede their access to education.



5. General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 26 July 2017

12. In general recommendation No. 28 and general recommendation No. 33, the Committee confirmed that discrimination against women was inextricably linked to other factors that affected their lives. The Committee, in its jurisprudence, has highlighted the fact that such factors include women's ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital status, maternity, parental status, age, urban or rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, seeking asylum, being a refugee, internally displaced or stateless, widowhood, migration status, heading households, living with HIV/AIDS, being deprived of liberty, and being in prostitution, as well as trafficking in women, situations of armed conflict, geographical remoteness and the stigmatization of women who fight for their rights, including human rights defenders. Accordingly, because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact, the Committee acknowledges that gender-based violence may affect some women to different degrees, or in different ways, meaning that appropriate legal and policy responses are needed.

B. Responsibility for acts or omissions of non-State actors

[...]

2. Due diligence obligations for acts or omissions of non-State actors

26. The general obligations described above encompass all areas of State action, including in the legislative, executive and judicial branches and at the federal, national, subnational, local and decentralized levels, as well as action under governmental authority by privatized governmental services. They require the formulation of legal norms, including at the constitutional level, and the design of public policies, programmes, institutional frameworks and monitoring mechanisms aimed at eliminating all forms of gender-based violence against women, whether perpetrated by State or non-State actors. They also require, in accordance with articles 2 (f) and 5 (a) of the Convention, the adoption and implementation of measures to eradicate prejudices, stereotypes and practices that are the root causes of gender-based violence against women. In general terms, and without prejudice to the specific recommendations provided in the following section, the obligations include the following:

Legislative level

(a) According to articles 2 (b), (c), (e), (f) and (g) and 5 (a), States are required to adopt legislation prohibiting all forms of gender-based violence against women and girls, harmonizing national law with the Convention. In the legislation, women who are victims/survivors of such violence should be considered to be right holders. It should contain age-sensitive and gender-sensitive provisions and effective legal protection, including sanctions on perpetrators and reparations to victims/survivors. The Convention provides that any existing norms of religious, customary, indigenous and community justice systems are to be harmonized with its standards and that all laws that constitute discrimination against women, including those which cause, promote or justify gender-based violence or perpetuate impunity for such acts, are to be repealed. Such norms may be part of statutory, customary, religious, indigenous or common law, constitutional, civil, family, criminal or administrative law or evidentiary and procedural law, such as provisions based on discriminatory or stereotypical attitudes or practices that allow for gender-based violence against women or mitigate sentences in that context;



Recommendations

A. General legislative measures

29. The Committee recommends that States parties implement the following legislative measures:

- (a)** Ensure that all forms of gender-based violence against women in all spheres, which amount to a violation of their physical, sexual or psychological integrity, are criminalized and introduce, without delay, or strengthen, legal sanctions commensurate with the gravity of the offence, as well as civil remedies;
- (b)** Ensure that all legal systems, including plural legal systems, protect victims/survivors of gender-based violence against women and ensure that they have access to justice and to an effective remedy, in line with the guidance provided in general recommendation No. 33;
- (c)** Repeal, including in customary, religious and indigenous laws, all legal provisions that are discriminatory against women and thereby enshrine, encourage, facilitate, justify or tolerate any form of gender-based violence. In particular, repeal the following:
 - (i)** Provisions that allow, tolerate or condone forms of gender-based violence against women, including child or forced marriage and other harmful practices, provisions allowing medical procedures to be performed on women with disabilities without their informed consent and provisions that criminalize abortion, being lesbian, bisexual or transgender, women in prostitution and adultery, or any other criminal provisions that affect women disproportionately, including those resulting in the discriminatory application of the death penalty to women;
 - (ii)** Discriminatory evidentiary rules and procedures, including procedures allowing for the deprivation of women's liberty to protect them from violence, practices focused on "virginity" and legal defences or mitigating factors based on culture, religion or male privilege, such as the defence of so-called "honour", traditional apologies, pardons from the families of victims/survivors or the subsequent marriage of the victim/survivor of sexual assault to the perpetrator, procedures that result in the harshest penalties, including stoning, lashing and death, often being reserved for women and judicial practices that disregard a history of gender-based violence to the detriment of women defendants;
 - (iii)** All laws that prevent or deter women from reporting gender-based violence, such as guardianship laws that deprive women of legal capacity or restrict the ability of women with disabilities to testify in court, the practice of so-called "protective custody", restrictive immigration laws that discourage women, including migrant domestic workers, from reporting such violence, and laws allowing for dual arrests in cases of domestic violence or for the prosecution of women when the perpetrator is acquitted;
- (d)** Examine gender-neutral laws and policies to ensure that they do not create or perpetuate existing inequalities and repeal or modify them if they do so;
- (e)** Ensure that sexual assault, including rape, is characterized as a crime against the right to personal security and physical, sexual and psychological integrity and that the definition of sexual crimes, including marital and acquaintance or date rape, is based on the lack of freely given consent and takes into account coercive circumstances. Any time limitations, where they exist, should prioritize the interests of the victims/survivors and give consideration to circumstances hindering their capacity to report the violence suffered to the competent services or authorities.

Views adopted **UNDER OPI**





1. Matson et al. v. Canada, CEDAW/C/81/D/68/2014, 11 March 2022¹

Views adopted by the Committee under article 7 (3) of the Optional Protocol, concerning communication No. 68/2014

- **Communication submitted by:** Jeremy Eugene Matson (not represented by counsel)
- **Alleged victims:** The author and his children, I.D.M. and A.M.M.
- **State party:** Canada
- **Date of communication:** 18 October 2013 (initial submission)
- **References:** Transmitted to the State party on 4 July 2014 (not issued in document form)
- **Date of adoption of views:** 14 February 2022
- **Subject matter:** Entitlement to Indian status as First Nations descendants in the maternal line

Facts as submitted by the author

Determination by the State party as to who qualifies as indigenous

2.1 The author submits that, since the adoption of the Indian Act of 1876, with its provisions on registration as an “Indian”, the State party has discriminated against indigenous women and their descendants, denying them indigenous status, the right to determine their indigenous identity and their fundamental right to belong to a group of indigenous people.

2.2 The Indian Act is the legislative regime that has been imposed on First Nations to regulate their relationship with the Government. Under the Act, the federal Government maintains a status list (Indian Register) of persons identified as a “status Indian”. That status is a condition for gaining access to rights and benefits, such as health-care services, financial support for education, the right to reside on indigenous territories and the rights to hunt and fish on indigenous traditional lands. Most significantly, such status confers the ability to transmit it to one’s children, as well as a sense of acceptance within indigenous communities.

2.3 Prior to 1985, the Indian Act contained provisions that were explicitly discriminatory against indigenous women, taking away their status if they married non-status men and making the transmission of status to descendants dependent on the male line.

2.4 In 1981, in response to a complaint brought by Sandra Lovelace, a Mi’kmaq woman, the Human Rights Committee found that the provisions of the Indian Act were discriminatory. The Committee’s views led to the Act being amended with the intention of restoring Indian status to women who had been disenfranchised for marrying non-indigenous men. Those amendments, known as Bill C-31 of 1985, failed to remedy fully the legacy of discrimination and in fact perpetuated further discrimination against the descendants of women who had lost their status. Bill C-31 created section 6 of the Indian Act, an entitlement and registration scheme comprising two main categories: section 6 (1), for individuals with two parents with status, whose children would have status regardless of whom they partnered with; and section 6 (2), for individuals with only one parent with status, whose children would be eligible for status only if the other parent of their children also had status. That rule, known as the “second generation cut-off”, was applied to all children born after 1985 and retroactively to all children of people regaining status. As a consequence, the grandchildren of women who had been disenfranchised could have status only if both of their parents had status. Although women would no longer lose their status because of whom they married, the new provisions created an unequal ability to pass status on to descendants. Under the new rules, children with only one status parent had a different form of status

¹ Full text available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F-C%2F81%2FD%2F68%2F2014&Lang=en



from that of children with two status parents. As a result of that unilateral determination by the State party as to who was a status Indian, thousands of indigenous women and their children were excluded from registration and denied their right to determine their own identity. The law was discriminatory against women, because the same rules did not apply to indigenous men.

2.5 In 1989, Sharon McIvor, an indigenous woman, launched a legal challenge to the discriminatory provisions under the amended Indian Act. As a result of the amendments of 1985, she and her son had become eligible for status; however her son's children were not entitled to registration, because their mother was not indigenous. Ms. McIvor submitted that persons whose grandfathers had been indigenous, rather than their grandmothers, were entitled to registration. Almost 20 years later, the Supreme Court of British Columbia ruled that the amendments of 1985 continued to perpetuate the historical disadvantage experienced by indigenous women and those who traced their status through the maternal line. The federal Government appealed; the British Columbia Court of Appeal found that the amendments of 1985 had infringed upon equality rights, because they had merely postponed the second generation cut-off by one generation. As a result, amendments to the Act were adopted under Bill C-3 of 2011, according to which all grandchildren of women who had lost status by marrying someone without status regained their eligibility for status, provided that they were born after 1951. However, Bill C-3 gave them only the limited form of status that made their ability to pass on status to their own children dependent on the status of the other parent. That restriction did not apply to status Indians of parallel generations who, because they traced their descent from the male line, were not affected by the disenfranchisements of the past. The reforms were carried out without adequate consultation with indigenous peoples, and the views of indigenous peoples' organizations and leading advocates for indigenous women's rights, who had called for a process of broader reform to eliminate all forms of discrimination, were ignored.

Implication of the legislation for the lives of the author and his children

2.6 The author resides in Kelowna, British Columbia, outside of his traditional First Nation territory. He is from a long line of leaders of the Capilano Community, part of the Squamish Nation. The author's paternal grandmother was Nora Johnson, born in 1907, an indigenous woman and the daughter of two indigenous parents from the Squamish Nation. When Ms. Johnson was a child, the State party forcibly took her away from her family and placed her in a residential school. In 1927, she married a non-indigenous man. As a consequence, she ceased to be considered by the State party as indigenous. Her son (the author's father) married a non-indigenous woman in 1976; the author was born in 1977, and he was not entitled to registration as a status Indian.

2.7 As a result of the amendments of 1985, the author's paternal grandmother was entitled to registration as a status Indian under paragraph 6 (1) (c) of the Indian Act, but, because she had married a non-indigenous man, she was able to pass status on to her son (the author's father) under section 6 (2) only. The author's parents (a section 6 (2) status Indian father and a non-indigenous mother) applied for registration on the author's behalf, but it was denied because of the second generation cut-off rule.

2.8 As a consequence of the amendments of 2011, the author's father was deemed to have been entitled to registration under section 6 (1) of the Indian Act, and, as a result, the author became eligible to entitlement and registration for the first time. He applied for status for himself and his children, who were born to a non-indigenous woman. The Indian Registrar registered the author under section 6 (2), the more restrictive form of status, and denied the registration of his children. By comparison, descendants of status Indian grandfathers would never have lost their status and would therefore have been able to pass on their status to their children.



Access to justice

2.9 In 2008, the author filed a discrimination complaint under the Canadian Human Rights Act. The Canadian Human Rights Commission found that the complaint had merit and forwarded it to the Canadian Human Rights Tribunal for a hearing. However, in 2012, the Federal Court of Appeal ruled, in *Public Service Alliance of Canada v. Canada Revenue Agency*, that the Tribunal did not have jurisdiction to consider complaints of discrimination concerning an act of Parliament. The Commission filed an appeal to the Supreme Court of Canada, which was denied. As a consequence, on 24 May 2013, the Tribunal, concluding that the complaint essentially sought to challenge legislation, rather than a discriminatory practice, ruled that it could not hear the author's complaint concerning the provisions of the Indian Act.
[...]

Issues and proceedings before the Committee

Consideration of admissibility

17.1 In accordance with rule 64 of its rules of procedure, the Committee must decide whether the communication is admissible under the Optional Protocol. Pursuant to rule 72 (4) of the Committee's rules of procedure, it is to do so before considering the merits of the communication.

17.2 In accordance with article 4 (2) (a) of the Optional Protocol, the Committee is satisfied that the same matter has not been and is not being examined under another procedure of international investigation or settlement.

17.3 The Committee takes note of the State party's argument that the communication should be declared inadmissible under article 2 of the Optional Protocol, because, as a man, the author cannot claim to be a victim. The Committee also takes note of the author's contentions that article 2 of the Optional Protocol does not require individuals submitting a communication and claiming to be victims of gender-based discrimination to be women, that the author and his children are victims because they are matrilineal indigenous descendants and that the State party discriminates against indigenous women and their descendants under the Indian Act. The Committee recalls that article 2 of the Optional Protocol establishes that communications may be submitted by or on behalf of "individuals", without limiting the victim status to "women". The Committee notes that the author claims, on his own behalf and on behalf of his daughter and son, that they are all victims of violations in their capacity as descendants of an indigenous woman who lost her indigenous status and the right to determine her own identity, owing to gender inequalities in the Indian Act, which was unilaterally established by the State party. In that regard, the alleged violations stem from the gender of the author's grandmother and would not have existed had the author's indigenous status originated from his grandfather. The Committee notes that the author claims that he and his children are victims of the consequences of gender-based discrimination originally perpetuated against his grandmother.

The Committee observes that, by having posthumously granted the author's grandmother, Ms. Johnson, adjusted registration status under new paragraph 6 (1) (a.1), the State party has recognized the discrimination suffered by Ms. Johnson herself. The Committee is of the view that the historical gender-based discrimination against Ms. Johnson still affects her descendants, taking into consideration that they allege that they cannot enjoy their fundamental rights to be freely recognized as indigenous people and cannot freely transmit their status to their children. In that regard, the Committee is of the view that the descendants, women and men (such as the author and his children), of indigenous women who lost their indigenous status and the right to determine their own identity owing to gender inequalities unilaterally established by the State party, qualify as direct victims under the Optional Protocol, given that the harm invoked is a direct



result of the gender-based discrimination against their matrilineal ascendants. The Committee recalls that the transgenerational harm of some human rights violations perpetrated against women has been analysed in a joint statement of the Committee and the Committee on the Rights of the Child. In the light of the foregoing, the Committee on the Elimination of Discrimination against Women considers that it is not precluded, by virtue of the requirements of article 2 of the Optional Protocol, from considering the present communication, not only in relation to the author's daughter, I.D.M., but also in relation to the author and his son.

17.4 The Committee takes note of the State party's initial argument that the communication should be declared inadmissible for lack of exhaustion of domestic remedies, given that the author's complaint lodged in 2008 under the Canadian Human Rights Act was still pending. In 2015, the Canadian Human Rights Commission had applied for judicial review of the ruling of the Canadian Human Rights Tribunal, according to which it could not hear a complaint concerning the provisions of the Indian Act. The Committee observes that the Federal Court subsequently dismissed the judicial review, as did the Federal Court of Appeal, and that, in 2017, the Supreme Court of Canada granted leave to appeal but finally declined to rule on the case in 2018. The Committee notes that it took 10 years for the author's complaint to reach the Supreme Court, which ultimately declined to rule on the case.

17.5 The Committee takes note of the State party's claim that the author did not exhaust domestic remedies because he failed to also bring a constitutional claim of discrimination under the Canadian Charter of Rights and Freedoms, having the possibility of seeking pro bono legal representation or donations to fund his defence or to apply to a legal aid programme or the Court Challenges Program. Nonetheless, the Committee also takes note of the author's submission that the rule on exhaustion of domestic remedies does not apply if the application of such remedies is unlikely to bring effective relief, as recognized by the Committee in *Kell v. Canada*, and that, in particular, a Charter remedy would have been ineffective and unreasonably prolonged, given that Ms. McIvor, for example, was obliged to wait for 26 years to receive a partial remedy. According to the author, it is very expensive to sustain such legal action, given that he has a very low annual income and is a beneficiary of a Canadian disability pension plan, and considering that the Court Challenges Program does not have sufficient funding. The Committee observes that three constitutional claims on the same issue resulted in three sets of legislative reforms, in 1985, 2011 and 2019, that allegedly maintain the provisions that are discriminatory on the basis of gender raised by the author in the present communication. The Committee is therefore of the view that the constitutional claim referred to by the State party would have been unreasonably prolonged and unlikely to bring effective relief to the author and his children. The Committee therefore concludes that it is not precluded, by virtue of the requirements of article 4 (1) of the Optional Protocol, from considering the present communication.

17.6 The Committee takes note of the State party's argument that the communication should be declared inadmissible under article 4 (2) (b) of the Optional Protocol under the provisions of the Convention, because the distinction alleged by the author is not on the basis of sex, but rather on the basis of lineage, which is not grounds of discrimination under the Convention. Nevertheless, the Committee notes that the State party has acknowledged on several occasions the gender-based inequities in the registration provisions of the Indian Act (see paras. 14.3 and 16.1 above) and that Bill S-3 itself was initially called "An act to amend the Indian Act to eliminate sex-based inequities in Indian registration" (see para. 11.1 above). Moreover, the Committee considers that the communication relates to distinctions between individuals depending on their maternal or paternal lineage, thereby conferring on the Committee the competence to examine it. The Committee therefore considers that it is not precluded, by virtue of the requirements of article 4 (2) (b) of the Optional Protocol, from considering the present communication.



17.7 The Committee takes note of the State party's argument that the communication should be declared inadmissible under article 4 (2) (e) of the Optional Protocol, because the facts on which the alleged discrimination is based – the author's grandmother's loss of entitlement in 1927 – occurred prior to the entry into force of the Optional Protocol for Canada. The Committee also takes note of the author's argument, referring to reports of the Inter-American Commission on Human Rights, the Special Rapporteur on the rights of indigenous peoples and the Committee itself, that the alleged violations are ongoing and also emanate from the amendments of 2011 and 2019. The Committee observes that, although the starting date of the alleged discrimination is 1927, before the entry into force of the Optional Protocol for the State party, the loss of entitlement of the author's grandmother has current consequences for her descendants. Moreover, the legislative amendments that allegedly perpetuate the effects of the discrimination came into force after 2003, that is, after the Optional Protocol had entered into force for the State party. Therefore, the alleged failure of the State party to protect the complainant and his children against the alleged violations occurred after the State party's recognition of the Committee's competence under the Optional Protocol. In such circumstances, the Committee considers that it is not precluded *ratione temporis* under article 4 (2) (e) of the Optional Protocol from considering the complainant's allegations regarding violations of his and his children's rights.

17.8 Having found no impediment to the admissibility of the communication, the Committee proceeds to its consideration of the merits.

Consideration of the merits

18.1 The Committee has considered the present communication in the light of all the information made available to it by the author and by the State party, as provided for in article 7 (1) of the Optional Protocol.

Article 1

18.2 The author alleges that the State party discriminated against him and his children, as the grandchild and great-grandchildren of a woman subjected to differential treatment on the basis of her gender. The author considers that that constitutes discrimination, due to their indigenous status being based on their maternal indigenous lineage and not on a paternal indigenous lineage. The author maintains that the ongoing discrimination under the Indian Act has plagued his maternal indigenous bloodline since 1927, allowing four generations to be exposed to gender-based discrimination and violating his and his children's fundamental rights to belong to an indigenous people and to transmit their cultural identity according to their own traditional practices. The State party argues that the sex-based distinction between maternal and paternal lines has been removed with the amendments of 2019 and that great-grandchildren from a maternal line have an equal opportunity for Indian status as do great-grandchildren of a paternal line with the same birth and marriage dates. The State party indicates that, in 2019, the author was registered with status under paragraph 6 (1) (a.3) and his children are entitled to registration under section 6 (2), because of a differential treatment that they receive on the basis of the date of the adoption of a new legislative scheme governing entitlement to registration, which no longer constitutes gender-based discrimination under article 1 of the Convention. It also submits that, at its core, the communication concerns the criteria for the determination of who is eligible to be registered as an Indian, indicating that the legislation seeks to ensure that those who are eligible for Indian status have a sufficient degree of descent from the historical First Nations peoples. According to the State party, there is no human right to be registered as indigenous.

18.3 The Committee observes that, because the author is a disenfranchised matrilineal indigenous descendant, he was denied status as indigenous and the right to fully determine his own identity until 2011, when he could recover only limited status, being then unable to pass on his cultural identity to his children. Only in 2019 – owing to his grandmother's posthumously ad



justed registration under new paragraph 6 (1) (a.1) – could the author’s status be upgraded from registration under section 6 (2) to registration under paragraph 6 (1) (a.3). As a consequence, the author’s children were recognized as indigenous under status 6 (2) only, which still does not give them the right to freely pass on their indigenous status to their children. The Committee observes that the cut-off rules are unilaterally established by the State party and currently apply only to descendants of indigenous women who previously lost their indigenous status and the right to determine their own identity, resulting in differentiation in status in comparison with descendants of indigenous men; the cut-off rules are therefore precisely what is affecting the author and his children, whose indigenous status comes from their maternal and not paternal lineage. Indeed, the Committee also observes that the amendments of 2011 allowed the grandchildren of disenfranchised women to regain eligibility, provided that they were born after 1951, and only under a limited status that made their ability to pass on status to their own children dependent on the status of the other parent. The Committee further observes that the amendments of 2019 replaced the 1951 cut-off date with the 1985 cut-off date. The Committee is of the view that the cut-off rules established by the State party affect in a discriminatory manner the descendants of indigenous women who had been disenfranchised in comparison with the descendants of status Indian men who, because they traced their descent from the male line, were never affected by the disenfranchisements of the past. As noted by Human Rights Watch, the latter cut-off rule was discriminatory to people whose parents from an indigenous maternal lineage were married after 1985 (see para. 15.4 b above). In the present case, the discriminatory treatment of the author’s grandmother was based on gender, as acknowledged by the State party. Considering that that is the basis of the ongoing effects on the author and his children, namely, the lack of full recognition as indigenous by the State party, thereby affecting their right to freely transmit that status and their cultural identity, the Committee concludes that, even if not currently based on the gender of the descendants themselves, but on dates of birth or marriage, the Indian Act perpetuates in practice the differential treatment of descendants of previously disenfranchised indigenous women, which constitutes transgenerational discrimination, falling within the scope and meaning of article 1 of the Convention.

18.4 The Committee considers that, contrary to the State party’s assertion, indigenous peoples do have the fundamental right to be recognized as such, as a consequence of the fundamental self-identification criterion established in international law. Article 9 of the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada, affirms that indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. It is essential to combating and preventing forced assimilation; indeed, according to article 8 of the Declaration, indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture, and, as a consequence, States must provide effective mechanisms for the prevention of, and redress for, any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities. Moreover, the Committee observes that, according to the Inter-American Court of Human Rights, the identification of an indigenous community, from its name to its membership, is a social and historical fact that is part of its autonomy, and therefore States must restrict themselves to respecting the corresponding decision made by the community, i.e., the way in which it identifies itself. In the present communication, the Committee considers that the unequal criteria by which men and women are permitted, according to the State party, to transmit their indigenous identity to their descendants, is an element which is precisely contrary to this fundamental right to self-identification.

Articles 2 and 3

18.5 The author alleges that the 1985 cut-off date introduced in the amendments of 2019 is as



arbitrary as the previous 1951 cut-off date, because it still displaces or disentitles indigenous women's descendants from registration. Indeed, the long-standing distinction between the status afforded to descendants of the paternal line, compared with those of the maternal line, which has contributed to the stigmatization of matrilineal descendants, is still present in the most recent version of the Indian Act. The author submits that the reforms were carried out without adequate consultation with indigenous peoples and that the State party ignored the views of indigenous peoples' organizations and leading advocates for indigenous women's rights who called for a process of broader reform to fully and finally eliminate all discriminatory provisions of the Act concerning registration status. The Committee notes that the State party argues that it has fully met its obligations under articles 2 and 3 of the Convention, because there is no more gender-based discrimination, but a differentiation based only on birth and marriage dates, and because the level of consultations with indigenous peoples is not relevant to the question of whether the registration provisions are discriminatory against women.

18.6 The Committee observes that, prior to 1985, the Indian Act contained provisions that were explicitly discriminatory against indigenous women by taking away their Indian status if they married non-status men. The author's paternal grandmother, the daughter of a leader of the Squamish Nation, lost her Indian status because she married a non-indigenous man after having been forcibly placed by the State party in a residential school. When the author was born, he was not entitled to Indian status.

18.7 The Committee notes that, although the amendments of 1985 allowed for women who had been disenfranchised for marrying non-indigenous men to have their indigenous status restored, they perpetuated further discrimination against those women's descendants by creating a registration scheme to classify "Indians" into two main categories and by creating a second generation cut-off rule that applied only to maternal descendants of the indigenous women who had been disenfranchised. As a result, the author's paternal grandmother recovered her Indian status but was able to pass on only limited status to her son (the author's father). The author's registration was therefore denied at that time.

18.8 The Committee observes that the amendments of 2011 allowed for the grandchildren of disenfranchised women to regain eligibility, provided that they were born after 1951, under a limited status that made their ability to transmit status to their own children dependent on the status of the other parent. Once again, that restriction did not apply to status Indians who, because they traced their descent from the male line, were not affected by the disenfranchisements of the past. As a result, the author was registered for Indian status the first time, but only under the more restrictive form of such status; he could not pass on his status to his children. By comparison, descendants from a single status Indian grandfather would never have lost status and therefore would be able to pass on their status. The Committee observes that the State party itself recognized that, with the amendments of 2011, for the first time, the author was eligible for status under section 6 (2), i.e., although he had received status, he would not be eligible to transmit his status to his children, but that, on the contrary, the grandchildren of indigenous men who had married non-indigenous women prior to 1985 had status under section 6 (1), rather than 6 (2); unlike the author's children, a great-grandchild of an indigenous man was also eligible to be registered.

18.9 The Committee notes that, with the amendments of 2019, because of his grandmother's adjusted registration under new paragraph 6 (1) (a.1), the author was registered under new paragraph 6 (1) (a.3). His children, whose status has now been recognized for the first time, are registered only under section 6 (2), which confers more limited status, because their parents were married after the 1985 cut-off date. Therefore, they are not allowed to freely transmit their



status to their own children, unless their children's other parent also possesses Indian status. The Committee observes that, according to the report of the Special Representative of the Minister of Crown-Indigenous Relations, all persons who are currently eligible to be registered under the section 6 (2) provision should be entitled under section 6 (1). The Committee also observes that specialists in indigenous rights are of the view that, because the amendments of 2019 were adopted without the proposed amendment that would have given indigenous women and their descendants equal status with indigenous men and their descendants, they do not adequately resolve the discrimination faced by the descendants of disenfranchised indigenous women. According to those specialists, although the amended law does not explicitly discriminate against indigenous women, it fails to effectively remedy the earlier discriminatory policy; if the author's grandmother had retained full status, on an equal basis with men of her generation in similar circumstances, then the author's children would be eligible under section 6 (1) and would be able to pass on their status to their children, regardless of the status of their future partner, as patrilineal descendants are able to do.

18.10 The Committee therefore considers that the 1985 cut-off rule under the amendments of 2019, even if not currently based on the gender of the descendants themselves, perpetuates in practice the differential treatment of descendants of previously disenfranchised indigenous women. As a result of the disenfranchisement of his maternal ancestor, the author cannot freely transmit his indigenous status, and his indigenous identity, to his children and, as a consequence, his children in turn will not be able to transmit freely their status to their own children. The Committee notes that the State party has acknowledged that, according to the Department of Indigenous Services, the new cut-off date will likely require legislative changes (see para. 16.2), precisely because of the current inequities based on the previous, explicit gender-based discrimination. The Committee is therefore of the view that the consequences of the denial of Indian status to the author's maternal ancestor has not yet been fully remedied, being precisely the source of the current discrimination faced by the author and his children. As a consequence, the Committee concludes that the State party has breached its obligations under articles 2 and 3 of the Convention.

18.11 The Committee reminds the State party that failure to consult indigenous peoples and indigenous women whenever their rights may be affected constitutes a form of discrimination.

19. Acting under article 7 (3) of the Optional Protocol, and in the light of the foregoing, the Committee is of the view that the State party has failed to fulfil its obligations under the Convention and has thereby violated the rights of the author and his children under articles 1, 2 and 3 thereof.

20. The Committee makes the following recommendations to the State party:

- (a)** Concerning the author and his children: provide appropriate reparation to them, including recognizing them as indigenous people with full legal capacity, without any conditions, to transmit their indigenous status and identity to their descendants;
- (b)** In general:
 - (i)** Amend its legislation, after an adequate process of free, prior and informed consultation, to address fully the adverse effects of the historical gender inequality in the Indian Act and to enshrine the fundamental criterion of self-identification, including by eliminating cut-off dates in the registration provisions and taking all other measures necessary to provide registration to all matrilineal descendants on an equal basis to patrilineal descendants;



(ii) Allocate sufficient resources for the implementation of the amendments of the law.

21. In accordance with article 7 (4) of the Optional Protocol, the State party shall give due consideration to the views of the Committee, together with its recommendations, and submit to the Committee, within six months, a written response, including information on any action taken in the light of those views and recommendations. The State party is requested to publish the Committee's views and recommendations and to have them widely disseminated in order to reach all sectors of society, in particular the Squamish Nation.



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