



Committee on the Elimination of Discrimination against Women concludes forty-eighth session

FINAL ROUND-UP

7 February 2011

Committee Adopts Conclusions on the Reports of Bangladesh, Belarus, Israel, Kenya, Lichtenstein, South Africa and Sri Lanka

The Committee on the Elimination of Discrimination against Women concluded on 4 February its forty-eighth session, adopting concluding observations and recommendations on the reports of Bangladesh, Belarus, Israel, Kenya, Lichtenstein, South Africa and Sri Lanka, the seven countries it examined at this session. During this session the Committee also welcomed five new members who were formally inducted during this session, as well as elected a new bureau.

The concluding observations for the seven countries whose reports were examined welcome steps taken by the Governments with regard to the promotion and protection of the rights of women in the respective countries, express a number of concerns by the Committee and also contain recommendations on how the countries can address these issues.

With regards to the report of Bangladesh, the Committee noted with satisfaction that the State party had adopted a number of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women. While commending the State party for the range of efforts to address violence against women, the Committee remained concerned that the prevalence of violence against women and girls, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace persisted in the country.

With respect to Belarus, the Committee noted with appreciation the measures adopted by the State party to prevent and combat trafficking in human beings, in particular women and girls. The Committee reiterated its grave concern about the persistence of violence against women, in particular domestic and sexual violence; its underreporting; the high number of women killed as a result of domestic violence; the lack of prosecution of violence within the family; the fact that rape was subject to private rather than ex officio prosecution; the absence of separate criminal law provisions on domestic violence and marital rape; and the lack of shelters for victims of domestic violence.

After reviewing the reports of Israel, the Committee noted with appreciation the significant law reform undertaken since 2005 aimed at the promotion of gender equality and elimination of discrimination against women and at achieving compliance with the obligations under the Convention. The Committee noted with deep concern that Palestinian women and girls continued to suffer from violent attacks from both State and non-State actors and it urged the State party to take immediate action to prevent human rights abuses and violations against women and girls in the Occupied Palestinian Territories and to protect them against such acts.

The Committee welcomed the fact that the new Constitution required the repeal of many discriminatory provisions which existed in the former Constitution as well as the application of the Constitution's guarantee of non-discrimination with respect to all laws, including those in the areas of marriage, divorce, adoption, burial and succession. It noted with deep concern that Kenya continued to face a serious HIV/AIDS epidemic and that women and girls were disproportionately affected by HIV and called upon Kenya to take continued and sustained measures to address the impact of HIV/AIDS on women and girls.

The Committee commended Lichtenstein for the implementation of a project aimed at reducing exploitative relationships in the night club sector and providing potential victims of human trafficking with access to counselling and victim assistance programmes, and projects to raise awareness about trafficking in women among the general public. It remained concerned about the persistence of patriarchal stereotypes in Liechtenstein and it urged Liechtenstein to further strengthen its efforts to put in place a comprehensive policy targeted at women and men, girls and boys, to overcome stereotypical attitudes about the roles and responsibilities of women and men in the family and in society.

After considering the report of South Africa the Committee noted with satisfaction that the State party had adopted a number

of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women. It expressed grave concern about reported sexual offences and murder committed against women on account of their sexual orientation and about the practice of so called "corrective rape" of lesbians. The Committee called on South Africa to provide effective protection from violence and discrimination against women based on their sexual orientation through the enactment of comprehensive anti-discrimination legislation.

After reviewing the report of Sri Lanka, the Committee commended the State party's commitment to elaborate a National Action Plan for the Protection and Promotion of Human Rights including a Thematic Action Plan on Women. It remained deeply concerned about reports of gross violations of the human rights of women during and after the conflict in the country, particularly the Tamil minority group, internally displaced women and female ex-combatants. The Committee urged Sri Lanka to promptly investigate, prosecute and punish all acts of violence, including acts of sexual violence, perpetrated by private actors as well as by the armed forces, the Police and militant groups.

The seven countries whose reports were examined at the present session are among the 186 States parties to the Convention on the Elimination of All Forms of Discrimination against Women. In ratifying the Convention, these States commit to submit regular reports to the Committee on how they are implementing the Convention's provisions. Following an examination of those reports, in the presence of delegations from the States parties, the Committee adopted, in private session, concluding observations and recommendations for each report, contained in the following documents: for Bangladesh, CEDAW/C/BGD/CO/7; for Belarus CEDAW/C/BLR/CO/7; for Israel CEDAW/C/ISR/CO/5; for Kenya CEDAW/C/KEN/CO/7; for Lichtenstein CEDAW/C/LIE/CO/4; for South Africa CEDAW/C/ZAF/CO/4 and for Sri Lanka CEDAW/C/LKA/CO/7. These documents can be found on the Committee's Web page in their entirety at the following link: <http://www2.ohchr.org/english/bodies/cedaw/cedaws48.htm>.

In her closing statement, Silvia Pimentel, Chairperson of the Committee, summed up the work accomplished by the Committee during the session. The Committee had considered the reports of seven States parties and held informal meetings with entities of the UN System, national human rights institutions and non-governmental organizations. Committee members also attended several lunchtime briefings organized by non-governmental organizations (NGOs), and they were very pleased by the high level of attendance of NGOs, both international and national, which once again made a significant contribution to the work of the Committee. The Committee was thankful to those United Nations entities which had provided it with detailed information and she encouraged these entities and NGOs to deepen their advocacy for the promotion and protection of women's human rights and the implementation of the Convention.

Ms. Pimentel said the Committee held fruitful dialogues with a number of people, including the Special Rapporteur for the human rights of internally displaced persons, the Director of the Special Procedures branch of the Office of the High Commissioner for Human Rights, and representatives from UN Women, Women's International League for Peace and Freedom, and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

The Committee also further elaborated the draft general recommendation on the dissolution of marriage and its economic consequences and members of a working group on women in situations of armed conflict were confirmed and preliminary work began on the draft general recommendation relating to that issue. The Committee also continued work on the joint general recommendation on harmful practices with the Committee on the Rights of the Child, and met with that Committee and its working group during the session. The Committee agreed with the draft outline proposed by the joint working group and authorized the CEDAW working group to commence drafting the general recommendation on harmful practices with the CRC working group.

Ms. Pimentel said the Committee also adopted the report of the Rapporteur on follow-up. In this regard, the Committee considered follow-up information provided by States with respect to the implementation of the Convention. She also extended her congratulations and appreciation to the States parties that engaged in excellent, constructive dialogues with the Committee. Many of the States sent high level delegations and this allowed them to examine in great detail the current status of the implementation of the Convention in the respective countries. They identified gaps and challenges and the Committee Expert together with representatives sought to identify strategies for further action and to find solutions to the challenges of persistent discrimination. These dialogues confirmed the importance of regular and timely reporting and consideration so as to ensure a consistent monitoring of progress. In all cases, the Committee recommended that the Convention form the basis for States parties' efforts aimed at achieving gender equality.

The next session of the Committee will be held in New York from 11 to 29 July 2011, during which it will consider the report of Costa Rica, Djibouti, Ethiopia, Italy, Nepal, Republic of Korea, Singapore and Zambia.

The Committee members are: Ayse Feride Acar (Turkey); Nicole Ameline (France); Magalys Arocha Dominguez (Cuba); Violet Tsisiga Awori (Kenya); Barbara Evelyn Bailey (Jamaica); Olinda Bareiro-Bobadilla (Paraguay); Meriem Belmihoub

Zerdani (Algeria); Niklas Bruun (Finland); Naela Mohamed Gabr (Egypt); Ruth Halperin-Kaddari (Israel); Yoko Hayashi (Japan); Ismat Jahan (Bangladesh); Indira Jaising (India); Maria Helena Lopes de Jesus Pires (Timor Leste); Soledad Murillo de la Vega (Spain); Violeta Neubauer (Slovenia); Pramila Patten (Mauritius); Silvia Pimentel (Brazil); Victoria Popescu (Romania); Zohra Rasekh (Afghanistan); Patricia Schulz (Switzerland); Dubravka Šimonović (Croatia); and Zou Xiaojiao (China). Ms. Silvia Pimentel is the Chairperson; Ms. Amline, Ms. Popescu and Ms. Rasekh are Vice Chairpersons; and Ms. Awori is Rapporteur.

Concluding Observations and Recommendations on Country Reports

Bangladesh

Having examined the combined sixth and seventh periodic report of Bangladesh, The Committee noted with satisfaction the ratification by the State party of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. The Committee welcomed the progress achieved since the consideration of the State party's fifth periodic report in 2004, including the legislative reforms that had been undertaken and the adoption of a wide range of legislative measures, including: the Bangladesh Labour Act; the Fourteenth Amendment to the Constitution allowing an increase in women's reserved seats from 30 to 45; the Representation of People's (Amendment) Ordinance; the Citizenship (Amendment) Act entitling a Bangladeshi woman to transmit citizenship to her children; the Right to Information Act; the National Human Rights Act; and the Domestic Violence Act. The Committee noted with satisfaction that the State party had adopted a number of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women, such as the Policy for the Advancement of Women, aimed at eradicating gender disparities, and the "Vision 2021" programme, aimed at mainstreaming gender issues.

While commending the State party for the range of efforts to address violence against women, the Committee remained concerned that the prevalence of violence against women and girls, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace persisted in the country. The Committee noted with concern the limited number of shelters and One Stop crisis-centres and despite the High Court's decision that the extra-judicial punishments fatwas were illegal, there were reports of illegal penalties being enforced through shalish rulings to punish "anti-social and immoral behaviour". The Committee also regretted the absence of data and information on all forms of violence against women as well as the absence of studies and/or surveys on the extent of such violence and its root causes. The Committee acknowledged the progress made in the field of education for women and girls and welcomed the achievement of gender parity in primary and secondary education, and the establishment of institutions for girls and women at the secondary and tertiary level. However, the Committee was concerned at the high level of drop outs among girls, especially in rural areas and the gender gap at the technical/vocational and tertiary education levels. The Committee also expressed its serious concern about the high number of girls who suffered sexual abuse and harassment in schools and while on their way to school. The Committee said it was also concerned about the persistence of discrimination of women in the labour market, in particular, the occupational segregation and a wide gender wage gap and of the exploitation of girls in this sector. The Committee noted with concern that despite a considerable decline, the maternal mortality rate remained very high. Furthermore, the Committee was concerned at women's limited access to quality health care services, including reproductive healthcare, specifically in rural areas.

In order to address these and other issues, the Committee made a host of recommendations. The Committee urged the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures such as a National Action Plan to address all forms of violence against women and girls. It called upon the State party to expeditiously: ensure that all forms of violence against women and girls, including domestic violence and all forms of sexual abuse were criminalized, that perpetrators were prosecuted and punished and that the women and girls who were victims of violence had access to immediate means of redress, rehabilitation and protection; remove any impediment faced by women in gaining access to justice and ensure that shalish decisions did not violate laws and did not lead to extra-judicial penalties; and establish counselling services and sufficient numbers of shelters for victims of violence in all parts of the country, including in rural areas. The Committee also called upon the State party to: ensure de facto access of girls and women, especially those living in rural areas, to all levels and fields of education, take steps to retain girls in schools and adopt re-entry policies enabling girls and young women to return to school, strengthen awareness-raising and training of school officials, teachers and students, enforce a zero tolerance policy with respect to sexual abuse and harassment in schools, provide safe transportation to and from schools and a safe educational environment free from discrimination and violence, and ensure that perpetrators were punished appropriately. The Committee urged the State party to ensure equal opportunities for women in the labour market by monitoring measures in the formal labour market to eliminate both horizontal and vertical occupational segregation, narrow and close the wage gap between women and men, and apply the principle of equal remuneration and equal opportunities at work. The Committee also urged the State party to take concrete measures to improve women's access to quality healthcare facilities and services including reproductive health care with special attention to poor and disadvantaged women.

Belarus

Regarding the seventh periodic report of Belarus, the Committee welcomed the ratification by the State party of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Committee also welcome the adoption and implementation of several legislative measures aimed at achieving de jure and de facto equality of women and men, including: amendments to the Marriage and Family Code relating to the equality of spouses in family relations; amendments to the Labour Code providing for paid parental leave and other opportunities for fathers to participate in child-raising; and the introduction of additional family benefits. The Committee noted with appreciation the measures adopted by the State party to prevent and combat trafficking in human beings, in particular women and girls, such as the introduction of higher penalties for trafficking in human beings and related offences and the adoption of a State Programme on Combating Human Trafficking, Illegal Migration and Related Illegal Acts for 2008-2010 aimed at reducing crimes related to trafficking, protecting and rehabilitating victims, and strengthening international cooperation in efforts to counter human trafficking.

While noting the State party's efforts to sensitize police and law enforcement officers on violence against women, the Committee reiterated its grave concern about the persistence of such violence, in particular domestic and sexual violence; its underreporting; the high number of women killed as a result of domestic violence; the lack of prosecution of violence within the family; the fact that rape was subject to private rather than ex officio prosecution; the absence of separate criminal law provisions on domestic violence and marital rape; and the lack of shelters for victims of domestic violence. While noting that the State party gave high priority to combating trafficking in human beings, the Committee remained concerned about the reported lack of preventive measures to address the root causes of trafficking, including its close link to prostitution and sexual exploitation of women and girls, the lack of assistance, rehabilitation, protection and temporary shelters, especially for victims of trafficking who were unable or unwilling to cooperate with the prosecution authorities, and the lack of funding for and cooperation with NGOs providing assistance and temporary shelter to victims of trafficking. The Committee reiterated its concern about continuing horizontal and vertical segregation in the labour market despite women's high education levels, their concentration in the lower-paid public sector, the persistent gender wage gap forcing many women to work extra hours, women's limited involvement in business and entrepreneurship, and the lack of information on the situation of women in the private and informal sectors. The Committee reiterated its concern about the feminization of poverty, particularly among women with more than two children, female-headed households, women taking care of family members with disabilities or older family members, and rural and older women.

The Committee urged the State party to intensify its efforts to prevent and prosecute acts of domestic and sexual violence against women and impose appropriate penalties commensurate with the gravity of the crime on perpetrators rather than administrative fines, which may have an adverse impact on the financial situation of victims themselves. The Committee recommended that the State party take preventive measures that address the root causes of trafficking in women and girls, in particular its close link to prostitution, sexual exploitation and domestic violence, including through social rehabilitation and reintegration programmes. In terms of discrimination in employment, the Committee recommended that the State party regularly review the wage levels in female-dominated employment sectors; eliminate gender bias on the part of private employers to ensure that wage bonuses for women and men were not determined on the basis of traditional stereotypes portraying men as the breadwinner of a family; strengthen its efforts to promote women's entrepreneurship through special programmes, training, loans and counselling; and consider adopting civil legislation defining, prohibiting and preventing sexual harassment in the workplace and shifting the burden of proof in favour of the victim. In order to combat the feminization of poverty, the Committee recommended that the State party regularly review and adjust the levels of social benefits, with a view to ensuring that they provided an adequate standard of living for women and their families and ensured that all income generation and poverty alleviation programmes fully benefited women, according to their needs.

Israel

Concerning the combined fourth and fifth periodic report of Israel, the Committee noted with appreciation the significant law reform undertaken since the consideration of its third periodic report in 2005, aimed at the promotion of gender equality and elimination of discrimination against women and at achieving compliance with the obligations under the Convention. These included, among others, the Anti-Trafficking Law, the Public Protection from Sex Offenders Law and the Gender Implication of Legislation Law. The Committee also noted with satisfaction that, in the period since the consideration of the previous report, the State party had ratified or acceded to the following international instruments: the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2005, and on the sale of children, child prostitution and child pornography, in 2008; and the United Nations Convention against Transnational Organized Crime in 2006, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, in 2008.

While noting the complexity of the local administration, the Committee noted with deep concern that Palestinian women and girls continued to suffer from violent attacks from both State (Israeli soldiers) and non-State actors (settlers), as well as all other forms of violence within their communities, including violations of the right to life, physical, psychological and verbal abuse, and sexual harassment. The Committee also noted with serious concern that such cases were rarely documented.

prosecuted and punished. The Committee welcomed the establishment of an exceptional committee within the State party that provided financial assistance for battered women who wished to leave the shelters and start their independent lives, but it regretted that Palestinian women did not have access to financial assistance from this committee. Furthermore, the Committee noted with concern that the restrictions on movement in the Occupied Territories as well as regular harassment by settlers of both children and teachers on their way to and from school had had a negative impact on Palestinian women and girls' access to education and to their health. The Committee was also seriously concerned that continued demolitions of property, homes and schools as well as forced evictions in the Occupied Palestinian Territories as well as in East Jerusalem had a serious impact on the development and advancement of Palestinian women, including refugee women, as well as Israeli Arab women and on their enjoyment of human rights and fundamental freedoms. The Committee was also concerned about the difficult working conditions of female migrant workers, who were employed primarily as in-home care-givers, and that they worked on a round-the-clock basis with mandatory live-in arrangements. The Committee also noted with concern that migrant home care givers were excluded from the Hours of Work and Rest Law, providing basic labour law protections to workers in the State party generally.

With regards to violence against women in the occupied Palestinian Territories, the Committee urged Israel to: take immediate action to prevent human rights abuses and violations against women and girls in the Occupied Palestinian Territories and to protect them against such acts, including at checkpoints; provide these women with effective access to legal remedies and ensure that such cases are fully and promptly investigated and that perpetrators were brought to justice, regardless of whether they are State or non-State actors; ensure that Palestinian women, who were victims of violence, had access to a sufficient number of shelters as well as financial and legal assistance, where necessary; and take the necessary measures to ensure that Palestinian women and girls could enjoy their right to education and their right to health, including safe and unhindered access to schools and to health facilities and resources. On the issue of house demolitions, the Committee urged the State party to revoke its policies allowing for and refrain from the practice of forced eviction and house demolitions, which negatively impacted the physical and psychological well-being as well as the development and advancement of Palestinian and Israeli Arab women and to review its housing policy and issuance of construction permits to Palestinians to ensure that Palestinian and Israeli Arab women could enjoy all their fundamental rights and freedoms, particularly their right to adequate housing and to family and private life. In order to protect female migrant workers, the Committee urged the State party to extend and enforce all labour law protections, including health and safety standards, for all female migrant workers, including migrant home care workers, ensure their access to legal remedies, and allow them to negotiate freely with their employer whether to reside in the employer's household or not.

Kenya

Having considered the seventh periodic report of Kenya, the Committee welcomed the adoption of a new Constitution approved by public referendum on 4 August 2010 which provided for the immediate domestication of CEDAW, and included a comprehensive Bill of Rights which enhanced protection for women. The Committee welcomed the fact that the new Constitution required the repeal of many discriminatory provisions which existed in the former Constitution as well as the application of the Constitution's guarantee of non-discrimination with respect to all laws, including those in the areas of marriage, divorce, adoption, burial and succession. The Committee congratulated the State party for having implemented the constitutional principle that not more than two-thirds of the members of elective or appointive bodies should be of the same gender in newly established commissions crucial to the implementation of the new Constitution. The Committee commended the enactment of the Children Amendment Law which now required the father to take responsibility for children born out of wedlock thereby reducing the burden of care on the mother.

While welcoming the adoption of a National Plan of Action (2008-2012) and the approval of a National Policy for the Abandonment of Female Genital Mutilation in June 2010, the Committee reiterated its concern at the continued prevalence of the harmful practice of female genital mutilation in some communities, which was a grave violation of girls' and women's human rights and of the State party's obligations under the Convention. The Committee also noted with concern that despite the enactment of the Children's Act (2001) which prohibited female genital mutilation, girls were increasingly subjected to the harmful practice at younger ages than previously. It was further concerned that this practice had not been prohibited for women over 18 years. While welcoming the enactment of the 2006 Sexual Offences Act, the Committee reiterated its concern at the high prevalence of violence against women and girls and widespread incidents of sexual violence, including rape, in both the private and public spheres. The Committee was also concerned that such violence appeared to be socially legitimized and accompanied by a culture of silence and impunity and that cases of violence were thus underreported. While recognizing the ongoing efforts aimed at increasing the enrolment and retention of girls in schools, as well as the progress made in reducing the gender gap, the Committee was concerned at the persistence of structural and other barriers to quality education, which constituted particular obstacles to the education of girls and young women. The Committee noted with deep concern that the State party continued to face a serious epidemic and that women and girls were disproportionately affected by HIV, with HIV prevalence among women age 15-49 being higher (8 per cent) than among men (4.3 per cent). In this respect, the Committee was concerned that women and girls may be particularly susceptible to infection owing to gender-specific norms and that the persistence of unequal power relations between women and men and the inferior status of women and girls may hamper their ability to negotiate safe sexual practices thereby increasing their vulnerability to infection.

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The Committee called on the State party to ensure the effective implementation of the law banning female genital mutilation for girls under 18 years, as well as prosecution and punishment of perpetrators, and to establish support services to meet the health and psycho-social needs of women and girls who were victims of this practice. The Committee urged the State party to give attention to combating violence against women and girls and adopting comprehensive measures to address such violence by expeditiously: repealing section 38 of the Sexual Offences Act under which women faced the risk of being victimised for initiating prosecutions against their abusers; criminalizing marital rape; and developing a coherent and multi-sectoral action plan to combat all forms of violence against women. The Committee urged the State party to raise awareness of the importance of education as a human right and the basis for the empowerment of women. To this end, it urged the State party to: ensure equal access of girls and women to all levels and fields of education; take steps to overcome traditional attitudes that may constitute obstacles to girls' and women's education; address girls' dropout rates and strengthen its policy on the readmission to school of pregnant girls and young mothers; strengthen awareness-raising and training of school officials and students; and enforce a zero tolerance policy with respect to sexual abuse and harassment in schools and ensure that perpetrators were punished appropriately. The Committee also called upon the State party to take continued and sustained measures to address the impact of HIV/AIDS on women and girls by including a clear and visible gender perspective in its policies and programmes on HIV/AIDS and undertaking awareness-raising campaigns throughout the State party in respect of prevention, protection and maintenance of confidentiality.

Liechtenstein

After examining the fourth periodic report of Liechtenstein, the Committee welcomed the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as its accession to the Protocol relating to the Status of Refugees, in 2008. The Committee commended the State party for the implementation of a project aimed at reducing exploitative relationships in the night club sector and providing potential victims of human trafficking with access to counselling and victim assistance programmes, and projects to raise awareness about trafficking in women among the general public. The Committee also welcomed the continued contributions of the State party to women's projects and to the promotion of women's human rights in the context of its international humanitarian and development cooperation, which accounted for approximately 0.6 percent of the gross national income of the State party in 2009.

The Committee expressed concern, however that the expansion of the mandate of the Office for Equal Opportunity, which formerly dealt exclusively with gender equality, to include a broad range of discrimination issues may have weakened the State party's national machinery for the advancement of women, in the absence of a specialized body for the promotion of women's rights. While noting that the State party has launched various projects and initiatives to eradicate traditional stereotypes regarding the roles of women and men in the family and in society that discriminated against women and perpetuated gender inequality, the Committee remained concerned about the persistence of patriarchal stereotypes, reflecting the limited effectiveness of such measures in a number of areas, including with regard to the limited participation of men in child-raising and other domestic duties. The Committee also noted with concern that women from third countries who were victims of domestic violence and who had been married to a Liechtenstein national for less than five years may have their residence permit revoked upon dissolution of the marriage, if they were unable to prove their victim status or other significant personal grounds. The Committee noted that the State party's efforts to prevent and combat trafficking in women and girls, especially for purposes of sexual exploitation and forced labour, had so far focused on night club dancers, without taking into account the specific vulnerability of asylum-seeking women and girls. It was concerned about reports that in some cases, asylum seekers, including women, were pressured by the authorities to leave the State party, thereby increasing their risk of becoming victims of trafficking. The Committee was also concerned that, under the State party's law, protection and support for victims of trafficking depended on their cooperation with the authorities in the context of criminal proceedings.

Among its recommendations, the Committee urged Liechtenstein to take the necessary steps to ensure that the Office for Equal Opportunity gave priority attention to the issues of women's rights, strengthen the capacity of the Office to formulate, implement, provide advice on and coordinate and oversee the preparation and implementation of legislation and policy measures in the field of gender equality, and consider establishing an independent national human rights institution in accordance with the Paris Principles to consider, issue opinions and make recommendations on complaints submitted by women alleging violations of their human rights. The Committee also urged Liechtenstein to further strengthen its efforts to put in place a comprehensive policy targeted at women and men, girls and boys, to overcome stereotypical attitudes about the roles and responsibilities of women and men in the family and in society. The Committee recommended that the State party ensure that women from third countries who were alleged victims of spousal violence had access to legal aid and protection to enable them to retain their residence permit upon dissolution of their marriage. The State party was also urged to establish mechanisms for the identification of victims of trafficking as well as referral mechanisms to ensure that asylum claims were assessed in an age and gender sensitive procedure that responded to the specific protection needs of women and girls who were victims of trafficking and guaranteed protection against refoulement.

South Africa

Having examined the combined second through fourth periodic report of South Africa, the Committee commended the State party for the extraordinary efforts and the impressive results obtained in the 15 years since the abolition of the apartheid regime, in the promotion of equality for women and the fight against discrimination. The Committee further welcomed the progressive legislative framework of the State party to ensure de jure equality between women and men and the achievements in this regard such as the adoption of the following laws: the Criminal Law (Sexual Offences and Related Matters) Amendment Act; the Children's Act of 2005, which seeks, amongst other things, to ensure a gender responsive treatment of girls in conflict with the law; and the Promotion of Equality and Prevention of Unfair Discrimination Act (Equality Act). The Committee noted with satisfaction that the State party had adopted a number of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women, such as the establishment of the Women's Empowerment and Gender Equality branch, the National Gender Policy and the 365 day National Plan of Action to end Gender Violence.

While noting that a number of measures had been put in place to combat violence against women in the country, the Committee expressed its serious concern at the inordinately high prevalence of sexual violence against women and girls and widespread domestic violence. The Committee was also concerned that such violence appeared to be socially normalized, legitimized and accompanied by a culture of silence and impunity. It was further concerned at the low levels of prosecutions and convictions and at reports indicating that some police officers fined rape perpetrators in lieu of reporting the cases. The Committee regretted the lack of information on the impact of the measures and programmes in place to reduce incidences of all forms of violence against women and girls. The Committee was concerned about data indicating that a significant proportion of maternal deaths were attributable to non-pregnancy related infections, mainly AIDS (43.7 per cent). The Committee noted with deep concern that the State party continued to face a serious epidemic and that women and girls were disproportionately affected by HIV/AIDS, as the prevalence among women is higher (13.6 per cent) than that of men (7.9 per cent). The Committee was also concerned about the lack of information on specific measures addressing the intersection between violence and HIV/AIDS risks given the high levels of sexual violence against women. It was also concerned about the prevalence of HIV-related stigma which placed women living with HIV at risk of being subjected to violence and discrimination. The Committee expressed grave concern about reported sexual offences and murder committed against women on account of their sexual orientation. The Committee further expressed its serious concern about the practice of so called "corrective rape" of lesbians.

The Committee called upon South Africa to review its multi-sectoral action plan to combat violence against women and expeditiously adopt comprehensive measures to better address such violence; raise public awareness, through the media and education programmes, of the fact that all forms of violence against women were a form of discrimination under the Convention and therefore in violation of women's rights; put in place mechanisms of accountability to ensure the implementation of the provisions contained within policies and legislation such as the Domestic Violence Act and the Sexual Offences Act to combat violence against women; and ensure the necessary budgetary allocations for the implementation of the various projects and programmes, including social support services for victims. The Committee also urged the State party to take continued and sustained measures to address the impact of HIV/AIDS on women and girls, as well as its social and family consequences; to develop policies aimed at addressing multiple discrimination and violence against women based on the intersection between violence and HIV/AIDS; and to undertake awareness-raising campaigns throughout the State party and among Government personnel in respect of prevention, protection and maintenance of confidentiality in order to systemize and integrate approaches for multiple government sectors. The Committee urged South Africa to abide by its Constitutional provisions and to provide effective protection from violence and discrimination against women based on their sexual orientation, in particular through the enactment of comprehensive anti-discrimination legislation that would include the prohibition of multiple forms of discrimination against women on all grounds, including on the grounds of sexual orientation.

Sri Lanka

After considering the combined fifth through seventh periodic report of Sri Lanka, the Committee welcomed the ratification by the State party of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Committee noted with satisfaction that Sri Lanka was on track towards achieving goals two (achieving universal primary education), four (reducing child mortality) and five (improving maternal health) of the Millennium Development Goals. The Committee also welcomed the enactment of the Prevention of Domestic Violence Act; the enactment of the Citizenship (Amendment) Act enabling a Sri Lankan woman to transmit her citizenship to her child; and the establishment of the Ministry of Foreign Employment Promotion and Welfare, and the adoption of the Sri Lanka National Policy on Labour Migration which has a focus on concerns of migrant women workers. The Committee also commended the State party's commitment to elaborate a National Action Plan for the Protection and Promotion of Human Rights including a Thematic Action Plan on Women.

The Committee was concerned that, despite the adoption of the Prevention of Domestic Violence Act, there were significant delays before cases were processed under this Act. It appeared that most cases were dealt with through police mediation, and that family relations prevailed over the protection of women and suppression of violence against women. The Committee was further concerned that marital rape was recognized only if a judge had previously acknowledged the separation of the spouses. It also regretted the absence of specific data and information on domestic violence. The Committee was concerned that the criminalization of same sex relationships resulted in women being completely excluded from legal protection. It was also concerned about the information that law enforcement officers were allowed to arbitrarily detain them. While noting the State party's explanation that women were not subjected to violence and discrimination during the last stages of the conflict and in the post conflict phase, the Committee remained deeply concerned about reports of gross violations of the human rights of women on both sides, particularly the Tamil minority group, the internally displaced women and the female ex-combatants. The Committee was particularly concerned about reports of sexual violence allegedly perpetrated also by the armed forces, the police and militant groups. The Committee was also deeply concerned about reports on the inadequate infrastructure and the limited availability of basic services such as shelter, health facilities, water and sanitation. The Committee was further concerned that the Lessons Learnt and Reconciliation Commission composed of eight members appointed by the President only included one woman. While welcoming the protective measures taken by the State party for women who migrate from Sri Lanka, the Committee remained concerned that these women remained vulnerable to illegal employment agencies, and that many worked in exploitative situations and experienced violence and abuse at the hands of their employers.

To combat violence against women, the Committee urged the State party to: adopt comprehensive legislation to criminalize a forms of violence against women; take the necessary measures to provide support to victims of violence, including by improving women's access to justice, and implement its decision to establish State-sponsored shelters for victims of violence; extend the criminalization of marital rape regardless of judicial acknowledgement of separation; take measures to prevent violence against women, investigate occurrences, prosecute and punish perpetrators; provide protection, relief and remedies, including appropriate compensation, to victims and their families; and decriminalize sexual relationships between consenting adults of the same sex. In terms of women in conflict, the Committee recommended that the State party protect the women affected by the prolonged conflict, particularly the Tamil minority group from any form of human rights violations; promptly investigate, prosecute and punish all acts of violence including acts of sexual violence perpetrated by private actors as well as by the armed forces, the Police and militant groups; establish counselling centres for women to address the traumatic experiences, specifically with regard to sexual violence; provide adequate infrastructure for female internally displaced persons and returnees especially housing and health facilities, water and sanitation; ensure the freedom of movement of internally displaced women, wider access of international organizations to the conflict-affected population in the North of the country and the population's access to humanitarian aid; and include women in the country's post conflict, reconstruction and peace building process. The Committee urged the State party to take a rights-based approach in order to empower women migrant workers, in particular through implementing bilateral conventions with recipient countries and assisting migrant women who seek redress.

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