

## **Appendix Addendum: CEDAW References**

### **I. General Comments**

#### **General recommendation No. 27 on older women and protection of their human rights, CEDAW/C/2010/47/GC.1**

Older women and discrimination: Specific areas of concern

11. Both men and women experience discrimination based on old age, but older women experience ageing differently. The impact of gender inequalities throughout their lifespan is exacerbated in old age and is often based on deep rooted cultural and social norms. The discrimination that older women experience is often a result of unfair resource allocation, maltreatment, neglect and limited access to basic services.

12. The concrete forms of discrimination against older women may differ considerably in various socioeconomic circumstances and socio-cultural environments, in which equality of opportunities and choices regarding education, work, health, family and private life have been enhanced or limited. In many countries the lack of telecommunication skills, access to internet or adequate housing and social services, loneliness and isolation pose problems for older women while older women living in rural areas or urban slums often suffer a severe lack of basic resources for subsistence, income security, access to healthcare and information on and enjoyment of their entitlements and rights,

13. The discrimination older women experience is often multidimensional, with age discrimination, compounding other forms of discrimination based on sex, gender, ethnic origin, disability, levels of poverty, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds. Older women who are members of minority, ethnic or indigenous groups, or who are internally displaced or stateless often experience a disproportionate degree of discrimination.

#### **General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW/C/2010/47/GC.2**

18. Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways than men. States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and General Recommendation No. 25.

### **II. Concluding Observations**

#### **Concluding Observations, Belarus, CEDAW/C/BLR/CO/7, 4 February 2011**

Disadvantaged groups of women

41. The Committee is concerned about the lack of disaggregated data on the situation of women who typically face multiple forms of discrimination, such as older women, women with disabilities, women belonging to minorities, including Roma women, and lesbians, and who are particularly vulnerable to violence and abuse.

42. The Committee recommends that the State party:

(a) Collect disaggregated data on the situation of women facing multiple forms of discrimination such as older women, women with disabilities, women belonging to minorities, including Roma women, and lesbians and include such information in its next periodic report; and

(b) Adopt pro-active measures, including temporary special measures, to eliminate any such discrimination, including in political and public life and in the areas of education, employment and health, and to protect those women from violence and abuse.

#### **Concluding Observations, South Africa, CEDAW/C/ZAF/CO/4, 4 February 2011**

Sexual orientation

39. The Committee notes that the State party has in its Constitution the prohibition of discrimination based on the sexual orientation of individuals. However, the Committee expresses grave concern about reported sexual offences and murder committed against women on account of their sexual orientation. The Committee further expresses its serious concern about the practice of so called “corrective rape” of lesbians.

40. The Committee calls on the State party 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. The Committee further recommends the State party to continue its sensitization campaign aimed at the general public, as well as providing appropriate training to law enforcement officials and other relevant actors.

#### **Concluding Observations, Sri Lanka, CEDAW/C/LKA/CO/7, 4 February 2011**

Violence against women

24. The Committee is concerned that, despite the adoption of the Prevention of Domestic Violence Act, there are significant delays before cases are processed under this Act. It appears from the constructive dialogue that most cases are dealt with through police mediation, and that family relations prevail over protection of women and suppression of violence against women. The Committee is further concerned that marital rape is recognized only if a judge has previously acknowledged the separation of the spouses. It also regrets the absence of specific data and information on domestic violence. The Committee is concerned that the criminalization of same sex relationship results in women being completely excluded from legal protection. It is also concerned about the information that the law enforcement officers are allowed to arbitrarily detain them.

25. In accordance with its general recommendation No. 19, the Committee urges the State party to:

(a) Give priority attention to combating violence against women and girls and to adopt comprehensive legislation to criminalize all forms of violence against women;

(b) Carry out additional educational and awareness-raising trainings for the judiciary and public officials, in particular law enforcement officers, health service providers and social workers, community leaders and the general public so as to raise awareness and sensitization that all forms of violence against women constitute criminal offense;

(c) 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;

(d) Extend criminalization of marital rape regardless of judicial acknowledgement of separation; and

(e) Take measures to prevent violence against women, investigate occurrences, prosecute and punish perpetrators;

(f) Provide protection, relief and remedies, including appropriate compensation, to victims and their families; and

(g) Decriminalize sexual relationship between consenting adults of same sex, and abide by the obligation of non-discrimination under the Convention.

#### **Concluding Observations, Uganda, CEDAW/C/UGA/CO/7, 5 November 2010**

Sexual orientation and gender identity

43. The Committee notes with grave concern that homosexual behaviour is criminalized in Uganda. The Committee also expresses its serious concern about reported harassment, violence, hate crimes and incitement of hatred against women on account of their sexual orientation and gender identity. The Committee is further concerned that they face discrimination in employment, health care, education and other fields. Furthermore, the Committee notes with concern the private member's proposed Anti-Homosexuality Bill, the contents of which would result in further discrimination of women on the basis of sexual orientation and gender identity.

44. The Committee calls on the State party to decriminalize homosexual behaviour and to provide effective protection from violence and discrimination against women based on their sexual orientation and gender identity, 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 and gender identity. To this end, the Committee urges the State party to oppose the private member's proposed Anti-Homosexuality Bill. The Committee also urges the State party to intensify its efforts to combat discrimination against women on account of their sexual orientation and gender identity, including by launching a sensitization campaign aimed at the general public, as well as providing appropriate training to law enforcement officials and other relevant actors.

#### **Concluding Observations, Malta, CEDAW/C/MLT/CO/4, 5 November 2010**

National machinery for the advancement of women

14. The Committee commends the work carried out by the National Commission on Equality and the numerous projects it initiated to raise awareness on equality, such as the project entitled "Unlocking the Female Potential" aimed at addressing issues that influence female participation in the labour market as well as the innovative initiative to award companies that foster gender equality with the "Equality Mark". The Committee welcomes the decisive support of the European Union in this respect but is concerned that the national machinery appears to be heavily dependent on European Union funding for the implementation of its programmes, and that it may thus endanger the continuity of its work and send a wrong signal about the importance of the State party's equality work for women. The Committee notes with appreciation that, as indicated by the delegation, the National Commission of Equality is competent to cover discrimination on the basis of sexual orientation, amongst other forms of discrimination.

#### **Concluding Observations, Albania, CEDAW/C/ALB/CO/3, 30 July 2010**

8. The Committee further welcomes the laws enacted since the consideration of the last report advancing the situation of women and eliminating discrimination based on sex and gender, as well as aimed at intersecting (multiple) forms of discrimination against women, such as the new Family Code, Law No. 9062 of 8 May 2003; Law No. 9669 on Measures against Violence in Family Relations of 18 January 2006; the new Law No. 9970 on Gender Equality in Society of 24 July 2008, which contains a definition of discrimination against women in line with article 1 of the Convention; amendments to the Electoral Code of 29 December 2008 aimed at increasing the number of women running as candidates for national and local elections; Law No. 10221 on Protection from Discrimination of 4 February 2010, which makes Albania one of the few States parties that expressly prohibits discrimination, inter alia, on the grounds of gender, gender identity and sexual orientation; and amendments to the Penal Code with regard to trafficking in women and girls.

#### Harmonization of national legislation

18. The Committee notes the efforts to reconcile the newly enacted gender equality and anti-discrimination laws, legislation previously in force, as well as the Convention, especially addressing intersecting (multiple) forms of discrimination experienced by ethnic minority women, women with disabilities, rural women, or other disadvantaged groups of women, and the legal basis for imposing sanctions for acts of discrimination.

19. The Committee recommends that the State party monitor the impact of the gender equality and anti-discrimination legislation, identify inconsistencies, and address them, as appropriate, with a view to ensure that its implementation is conducive towards effective elimination of discrimination against women, especially women belonging to disadvantaged groups, such as ethnic and linguistic minority women, women with disabilities, older women, women living in rural or remote areas, migrant women, women living with HIV/AIDS, and women discriminated against on the grounds of their sexual orientation and gender identity.

42. While welcoming the adoption of the Law on Protection from Discrimination, which expressly prohibits discrimination on the grounds of gender identity and sexual orientation, the Committee expresses concern about discrimination and acts of violence against women on such grounds.

43. The Committee calls on the State party to implement fully the Law on Protection from Discrimination in relation to discrimination based on gender identity and sexual orientation by providing effective protection against discrimination and violence against women on such grounds.

#### **Concluding Observations, Argentina, CEDAW/C/ARG/CO/6, 30 July 2010**

##### Principal areas of concern and recommendations

##### Disadvantaged groups of women

43. The State party acknowledges that the rights of older women, women migrants and women with disabilities are not fully respected and that discrimination against them often takes place. Also, the State party recognizes that the rights of lesbian, bisexual and transgendered women are not fully respected and that sometimes they are discriminated against and are the targets of violence.

44. The Committee urges the State party to ensure that the rights of older women, women migrants, women with disabilities as well as lesbians, bisexual and transgendered women, among others, are fully protected. All the above-mentioned women should be able to live free from any discrimination or violence and to enjoy all their rights, including civil, cultural, economic, political and social as well as sexual and reproductive rights.

#### **Concluding Observations, Russia, CEDAW/C/USR/CO/7, 30 July 2010**

##### Lesbian, bisexual and transgender women

40. While welcoming the statement by the delegation that discrimination is not allowed on any grounds in the State party, including on the grounds of sexual orientation, the Committee expresses its concern about acts of violence against lesbian, bisexual and transgender women, including reports of harassment by the police and incidents of people being assaulted or killed on account of their sexual orientation. The Committee is also concerned about discrimination in employment, health care, education and other fields.

41. The Committee calls on the State party to provide effective protection against violence and discrimination against women based on their sexuality, in particular through the enactment of comprehensive anti-discrimination legislation that includes the prohibition of multiple forms of discrimination, including on the grounds of sexual orientation. The Committee also urges the State party to intensify its efforts to combat

discrimination against lesbian, bisexual and transgender women, including by launching a sensitization campaign aimed at the general public, as well as providing appropriate training to law enforcement officials.

**Concluding Observations: The Netherlands, C/NLD/CO/5, 5 February 2010**

6. The Committee welcomes the initiatives and measures developed by the Netherlands to prevent and combat female genital mutilation and honour-related killings, as well as the commitment to protect women against discrimination on the grounds of sexual orientation, as indicated in the introductory statement of the delegation of the State party.

25. The Committee calls upon the State party to strengthen its efforts to eliminate stereotypical images and attitudes regarding the roles of women and men in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. This should include developing additional programmes to address gender stereotypes related to discrimination on other grounds, such as race, age, sexual orientation and disability, and to scrutinize government policies, in particular migration and integration policies, as well as targeted programmes in the education system and the gender equality training of teachers. It calls upon all the governments to periodically review the measures taken in order to assess their impact and effectiveness, to take any necessary follow-up or remedial action, and to report thereon to the Committee in its next report.

46. ...The Committee also expresses concern at specific health problems experienced by transgender women, in particular the compulsory sterilization they should undergo to get their birth certificates changed and the non-reimbursement by health insurance for surgical placement of their breast implants...

47. ...The Committee strongly supports the intention of the Netherlands to conduct in- depth research on the health situation of transgender women and to revise the law making sterilization compulsory for transgender women. The Committee also invites the Netherlands to reconsider its position to not reimburse transgender women for breast implants...

**Concluding Observations: Panama, C/PAN/CO/7, 1 February 2010**

22. The Committee reiterates its concern about the persistence of traditional stereotypes regarding the roles and responsibilities of women and men in the family and society, which represents a significant impediment to the implementation of the Convention and constitutes a serious obstacle to women's enjoyment of their human rights. Furthermore, the Committee is gravely concerned that, as acknowledged by the delegation, certain groups of women, in addition to being affected by gender stereotypes, face multiple forms of discrimination and violence on grounds such as sexual orientation and gender identity. In this regard, the Committee notes that the communication media in the State party reinforce images of women as sex objects and also contribute to different ethnic prejudices.

**Concluding Observations: Ukraine, C/UKR/CO/7, 21 January 2010**

25. The Committee urges the State party to intensify its efforts to overcome persistent stereotypes that are discriminatory against women, including through awareness-raising campaigns emphasizing the equal status and responsibilities of women and men in the private and public spheres through human rights education, the training of teaching staff with respect to gender equality and the revision of educational textbooks to eliminate gender stereotypes. The Committee further urges the State party to encourage the media to eliminate sexist and gender-stereotyped advertisement and to project positive images of women. Moreover, the Committee recommends the State party to specifically target stereotypes on vulnerable groups of women, such as Roma women and sexual minorities.

42. The Committee regrets the lack of detailed information in relation to vulnerable groups of women, such as migrant and refugee women, women belonging to ethnic minorities, in particular Roma women, as well as rural women, older women, disabled women and female sexual minorities, and notes with concern that these groups of women may be subjected to multiple forms of discrimination.

43. The State party is invited to provide comprehensive information and statistical data in its next periodic report on the situation of the vulnerable groups of women, such as migrant and refugee women, women belonging to ethnic minorities, in particular Roma women, as well as rural women, older women, disabled women and female sexual minorities, and on the measures taken for eliminating discrimination against these women with regard to their access to health, education, employment, social benefits, etc.

**Concluding Observations: Uzbekistan, C/UZB/CO/4, 20 January 2010**

40. The Committee notes the very limited information and statistics available on vulnerable groups of women, including elderly women, women with disabilities and women discriminated against on the basis of their sexuality. The Committee is concerned that those women often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, protection from violence and access to justice.