

United Nations  Nations Unies

**United Nations Office on Drugs and Crime
United Nations Division for the Advancement of Women**

**Expert Group Meeting on good practices in legislation on violence against
women**

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**Excerpts from Concluding Observations of United Nations Human
Rights Treaty Bodies and Reports of the Human Rights Council
Working Group on Universal Periodic Review**

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Committee on the Elimination of All Forms of Discrimination against Women

* *The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.*

Excerpts from concluding observations on Good Practices

Excerpt from concluding observations of CEDAW on Denmark¹:

While commending the State party for the scope of its efforts to eliminate violence against women since the submission of its last periodic report, including the adoption of two national action plans, introducing increasing penalties for rape, amending the Criminal Code concerning female genital mutilation so that Danish nationals and residents of Denmark who perform or assist in performing female genital mutilation abroad can be brought to justice and the passage of an act that introduces the option of removing a violent spouse or partner from the home, the Committee is concerned about the extent of violence against women and girls.

The Committee calls upon the State party to continue to address the issue of violence against women as an infringement of their human rights. In particular, the Committee urges the State party to take substantial and sustained measures to allocate sufficient financial resources, including for sufficient numbers of shelters for women victims of violence, to undertake research on all forms of violence against women and to implement policies in accordance with the Committee's general recommendation 19, in order to prevent such violence, provide protection, support and services to the victims and punish and rehabilitate offenders.

Excerpts from concluding observations on the scope of the legislation on gender-based violence:

Excerpt from concluding observations from CEDAW on India²:

The Committee is concerned that the proposed Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005, does not include sexual and gender-based crimes against women perpetrated during communal violence or create a system of reparations for victims of such crimes, as these elements are not covered effectively by the Indian Penal Code or other relevant legislation. In addition, the Committee remains concerned that this Bill does not adequately address abuse of power by State officials in failing to take action or being complicit in communal violence.

The Committee welcomes the State party's statement that recommendations from this Committee will be considered for inclusion in the proposed Communal Violence

(...) The State party should adopt preventive measures to combat sexual violence and violence against women, including domestic violence and gender-based violence, and promptly and impartially investigate all allegations of torture or ill-treatment with a view to prosecuting those responsible. (...)

Excerpt from concluding observations from CESCR on Mexico ⁴:

(...) [The Committee] calls on the State party to ensure that all federated states adopt and effectively implement laws on sexual harassment and that any provisions contrary to article 3 of the Covenant are repealed in federal and state legislation.

The Committee urges the State party to proceed with the adoption of the General Act establishing a National System for Prevention, Protection, Assistance and Eradication of Violence against Women and Girls, of the envisaged amendments to the Constitution, the Federal Criminal Code, the Federal Civil Code, the Federal Act for the Prevention and Elimination of Discrimination and the Social Assistance Act and of other legislative projects, with a view to (a) providing adequate counselling and medical, psychological, as well as legal assistance to victims of domestic violence; (b) defining the offences of domestic violence and incest, as well as the sentences for perpetrators of such acts; and (c) providing for banning orders against perpetrators, as well as for compensation and alimony payments to victims, of domestic violence. The Committee also calls on the State party to ensure the harmonization and promulgation of legislation on domestic violence and incest in all its States, to strengthen and upgrade shelters for battered women and children and to intensify its awareness-raising campaigns and training of judges, prosecutors, police and medical personnel on the criminal nature of such acts. The Committee invites the State party to include information on the results of these measures and on the number of victims, perpetrators, convictions, the types of sanctions imposed and the assistance provided to victims in its next periodic report.

Excerpt from concluding observations from CEDAW on Macedonia ⁵:

While welcoming the legislative measures taken to combat violence against women, including the amendment, in 2004, of the Law on Family codifying domestic violence as a separate thID 0.a

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Canada recommended that Gabon take the necessary measures to follow up on CEDAW recommendations, notably by enshrining gender equality in its Constitution and by criminalizing domestic violence, and recommended that particular attention be paid to gender issues in the preparation of policies and laws.

- **harmful traditional practices, including female genital mutilation/cutting**

Excerpt from concluding observations from CEDAW on Eritrea¹⁹:

While noting the entrenched cultural underpinning of female genital mutilation and while welcoming the important awareness-raising efforts implemented by the National Union of Eritrean Women towards ending the practice of female genital mutilation, the Committee is concerned at the high incidence of female genital mutilation in the country and the State party's reluctance to expedite the adoption of legislation aimed at eradicating this practice.

The Committee urges the State party to speedily enact the draft legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished and to continue its awareness-raising efforts to change the cultural perceptions connected with female genital mutilation.

Excerpt from concluding observations from CEDAW on Indonesia²⁰:

The Committee is concerned about the incidence of the practice of female genital mutilation in Indonesia, which constitutes a form of violence against women and girls and is in violation of the Convention. It is further concerned about the reported phenomenon of the medicalization of the practice of female genital mutilation. The Committee is also concerned that there is no law prohibiting or penalizing the practice of female genital mutilation in Indonesia.

The Committee urges the State party to speedily enact legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and adequately punished. It also recommends that the State party develop a plan of action and undertake efforts to eliminate the practice of female genital mutilation, including implementing public awareness-raising campaigns to change the cultural perceptions connected with female genital mutilation, and provide education regarding the practice as a violation of the human rights of women and girls that has no basis in religion.

Excerpt from concluding observations from the HRC on Sudan²¹:

While noting that the State party has made efforts to end and criminalize female genital mutilation, the Committee remains concerned that this assault on human dignity, which in the Sudan occurs in one of its most serious forms (type III - infibulation), persists. (arts 3, 7 and 24 of the Covenant)

The State party should:(a) Prohibit in its legislation the practice of female genital mutilation, and step up its efforts to completely eradicate the practice, in particular in communities where the practice remains widespread. (b) Ensure that the perpetrators of female genital mutilation are brought to justice.

Excerpt from the UPR Working Group report on Philippines²²:

¹⁹ Eritrea, [CEDAW/C/ERI/CO/3 \(CEDAW, 2006\)](#), paras. 18 and 19.

²⁰ Indonesia, [CEDAW/C/IDN/CO/5 \(CEDAW, 2007\)](#), paras. 20 and 21.

²¹ Sudan, [CCPR/C/SDN/CO/3 \(HRC, 2007\)](#), para. 15.

²² Philippines, Report of the Working Group on the Universal Periodic Review, A/HRC/WG.6/1/PHL/4, adopted on 15 April 2008, interactive dialogue, para.53.

Mexico acknowledged the progress made by the Philippines relating to (...) (iv) legislative progress on women's rights (...). Mexico made the following recommendations: (i) the National Plan should take into account the recommendations formulated by treaty bodies and special procedures; (ii) national legislation and customs and traditional practices should be harmonized with the Convention on the Rights of the Child and CEDAW (...).

Excerpt from the UPR Working Group report on Benin:

*The United Kingdom of Great Britain and Northern Ireland also welcomed Benin's legislative reforms to eliminate discrimination against women and to protect the rights of children, specifically the adoption of legislation outlawing the practice of FGM, but noted that CEDAW had expressed concern that some forms of FGM are still practiced in some villages and referred to the concerns expressed on the absence of specific laws against domestic violence and the trafficking of women. The United Kingdom also expressed concern that a high number of adolescent girls are trafficked for the purpose of sexual exploitation and domestic labour to other countries, asked whether Benin plans to further work in these areas and recommended that it take further steps to establish and implement laws against domestic violence and the trafficking of women and children, and to ensure that existing laws prohibiting FGM are reviewed and enforced throughout the country.*²³

*France commended Benin on efforts in the field of human rights and on the moratorium on death penalty, and enquired whether Benin plans to formally abolish it. Concerning the rights of women and children, it asked what measures Benin is planning to take in order to strengthen the struggle against traditional practices like FGM and infanticide of witch children. It also noted that practices contrary to the rights of women and children are still too numerous, such as forced marriages and various forms of marital violence, and asked how Benin is planning to combat more generally discrimination against women and if it plans to establish marital rape and forced marriages as criminal offences. It recommended that Benin take the necessary steps to strengthen its fight against discriminatory practices and violence against women.*²⁴

- **female infanticide and prenatal sex selection**

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including forced sterilization and forced abortion. d8

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In accordance with its general recommendation 19, the Committee urges the State

While welcoming the establishment of a Ministry for the Advancement of Women, Children and the Family, the Committee expresses its grave concern at the continued existence in Mali of legislation which discriminates against women, in particular with regard to marriage, divorce, and inheritance and succession, and of discriminatory customary rules relating to property ownership. The Committee, while appreciating that adoption of a Family Code requires wide-ranging consultations, notes with concern that the proposed reform, ongoing since 1998, has not yet concluded. The Committee is also concerned by information that the practice of the levirat, a practice whereby a widow is inherited by the deceased husband's brothers and cousins, is said to persist in Mali (articles 3, 16 and 23 of the Covenant).

(a) The State party should expedite adoption of the Family Code; the Committee recommends that it should comply with the provisions of articles 3, 23 and 26 of the Covenant, in particular with regard to the respective rights of spouses in the context of marriage and divorce. In this connection the Committee draws the attention of Mali to its General Comment No. 28 (2000) on equality of rights between men and women, in particular with regard to polygamy,(a)practice which violates the dignity of 28 (20S3.5 0mITj 2.9he resp

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cultural and traditional attitudes that are root causes of, and perpetuate, violence against women. It calls on the State party to enhance victims' access to justice and ensure that effective punishment of perpetrators is consistently imposed and that victims can benefit from protection programmes. The Committee requests the State party to put in place effective monitoring mechanisms and to assess regul

While noting that legal measures prohibiting sex-selec

Excerpt from concluding observations from the HRC on Sudan⁴⁴:

While taking note of steps taken to reduce violence against women in the Sudan, the Committee continues to be concerned that violence against women persists - in particular, the many cases of rape in Darfur. It notes with concern the information from the State party that

The Committee urges the State party to undertake measures to combat sexual harassment in the workplace including by adopting specific legislation rendering it a criminal offence in order to combat this practice and better protect victims.

Excerpts from concluding observations from CEDAW on Singapore⁴⁷:

While recognizing the State party's achievements in the area of women's employment, the Committee (...) remains concerned about (...) the persistent wage gap between women and men; and the lack of a legal definition and prohibition of sexual harassment.

(...) The Committee also encourages the State party to take steps to enact legislative provisions on sexual harassment at the workplace as well as in educational institutions, including sanctions, civil remedies and compensation for victims.

- **trafficking in women**

Excerpts from concluding observations from CESCR on Uzbekistan⁴⁸:

The Committee is concerned that trafficking in persons is increasing in the State party, that it has now become both a country of origin and destination, as well as a transit point for trafficking in persons. The Committee notes with regret that there is no legislation in the State party that criminalizes trafficking in persons. (...)

The Committee urges the State party to criminalize trafficking in persons, and to continue to take other measures to combat this phenomenon, including through sensitization of law-enforcement officials and the judiciary to the rights and needs of victims, and the provision of medical, psychological and legal support for victims. (...)

Excerpts from concluding observations from CMW on Egypt⁴⁹:

While noting that the State party is mainly a transit country for victims of trafficking, the Committee takes note of the State party's willingness to address the emerging problem of trafficking in persons. It regrets the fact that there is no specific anti-trafficking legislation in force.

The Committee urges the State party to:

(a) Adopt specific anti-trafficking legislation;

(b) Step up its efforts to counter migrant-smuggling and trafficking in persons, especially women and children, inter alia by taking appropriate steps to detect the illegal or clandestine movements of migrant workers and their families and punish the criminals and/or groups who orchestrate or assist such movements.

Excerpts from concluding observations from CEDAW on Mauritania⁵⁰:

While appreciating the State party's efforts to combat the trafficking of women and girls and the exploitation of girls in domestic service, including the accession to the Protocol to Prevent, Suppress and Punish Trafficking in

⁴⁷ Singapore, [CEDAW/C/SGP/CO/3 \(CEDAW, 2007\)](#), paras. 29 and 30.

⁴⁸ Uzbekistan, concluding observations, [E/C.12/UZB/CO/1 \(CESCR, 2006\)](#), paras. 25 and 56.

⁴⁹ Egypt, [CMW/C/EGY/CO/1 \(CMW, 2007\)](#), paras. 50 and 51.

⁵⁰ Mauritania, [CEDAW/C/MRT/CO/1 \(CEDAW, 2007\)](#) paras. 31 and 32.

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Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the adoption of Act No. 025-2003 of 17 July 2003 on the suppression of trafficking in persons and the amended Labour Code which prohibits forced labour, the Committee remains concerned about the persistence of trafficking and the exploitation of women and girls in the country, in particular with respect to the economic exploitation and ill-treatment of young girls employed as domestic servants. The Committee is also concerned about remnants of slavery in parts of the country.

The Committee requests the State party to accelerate its efforts aimed at the effective implementation and full enforcement of its legislation on the suppression of trafficking and on the prohibition of forced labour. Such efforts should, in particular, include the effective prosecution and punishment of traffickers. It also recommends that the State party increase the provision of assistance and support to women victims, as well as prevention efforts, by addressing the root causes of trafficking and by improving the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. It requests the State party to place priority on enhancing practical measures for the protection of girls employed as domestic servants from all forms of exploitation and abuse and to ensure that they can exercise their right to education. The Committee calls upon the State party to take steps to completely eliminate remnants of slavery.

- forced sterilization

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article 5 of the European Convention on Human Rights and Biomedicine; provide ongoing and mandatory training of medical professionals and social workers on patients' rights; and elaborate measures of compensation to victims of involuntary or coercive sterilization. It also calls on the State party to provide redress to Roma women victims of involuntary or coercive sterilization and prevent further involuntary or coercive sterilizations. The Committee requests the State party to report on the situation of Roma women pertaining to the issue of coercive or involuntary sterilization, in its next periodic report, including a detailed assessment of the impact of measures taken and results achieved.

Excerpts from concluding observations on Hungary⁵³:

The Committee is concerned that the State party has not implemented the Committee's recommendations, and specifically the recommendation to provide appropriate compensation to Ms. A.S., to review its domestic legislation pertaining to the principle of informed consent and ensure its conformity with international human rights and medical standards, and monitor public and private health centres which perform sterilization procedures, as contained in its views under the Optional Protocol to the Convention in respect of communication No. 4/2004, Ms. A.S. v. Hungary. The Committee is further concerned about the reasons given by the State party for non-payment of compensation to Ms. A.S. The Committee recalls that, in accordance with article 7 of the Optional Protocol, the State party is under an obligation to give due consideration to the views of the Committee, together with its recommendations.

The Committee urges the State party to reconsider its stance on the Committee's views in respect of communication No. 4/2004, Ms. A.S. v. Hungary, and to provide appropriate compensation to Ms. A.S.

Excerpt from the UPR Working Group report on the Czech Republic⁵⁴:

Algeria noted that paragraph 20 of the compilation reported that a high proportion of Roma women have been subjected to coerced sterilization. Paragraph 23 of the compilation noted concern expressed by CEDAW about violence against women. In this respect, Algeria recommended that the Czech Republic acknowledge the harm done to the victims of sterilization, in particular Roma, bring perpetrators to justice and provide reparations to the victims. Furthermore, it urged the Czech Republic to establish clear mandatory criteria for the informed consent of women prior to sterilization.

Excerpt from the UPR Working Group report on Peru⁵⁵:

Malaysia noted that CEDAW had commended Peru on the initiatives taken to combat violence against women, including through the National Plan against Violence towards Women, but also expressed concern at the extent, intensity and prevalence of such violence. Malaysia requested information on achievements and challenges in the implementation of the National Plan and measures to overcome those challenges. Information was also requested on the extent of cases of women who reported undergoing involuntary sterilization and on the