



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### Concluding observations on the combined sixth and seventh periodic reports of Madagascar\*

1. The Committee considered the combined sixth and seventh periodic reports of Madagascar ([CEDAW/C/MDG/6-7](#)) at its 1355th and 1356th meetings, on 10 November 2015 (see [CEDAW/C/SR.1355](#) and 1356). The Committee's list of issues and questions is contained in [CEDAW/C/MDG/Q/6-7](#) and the responses of Madagascar are contained in [CEDAW/C/MDG/Q/6-7/Add.1](#).

#### A. Introduction

2. The Committee appreciates the submission by the State party of its combined sixth and seventh periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Justice, Noeline Ramanantenasoa, and included representatives of the Ministry of Justice, the Ministry of Population, Social Protection and Promotion of Women, the Ministry of Foreign Affairs, the Ministry of National Education and the Permanent Mission of Madagascar to the United Nations Office and other international organizations in Geneva.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's combined second to fifth periodic reports ([CEDAW/C/MDG/5](#)) in undertaking legislative reforms, in particular the adoption of the following legislation:

(a) Law to combat trafficking in persons, which criminalizes forced marriage, among other forms of exploitation, in 2014;

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\* Adopted by the Committee at its sixty-second session (26 October-20 November 2015).



(b) Law establishing an independent national human rights commission, in July 2014.

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 of the following:

(a) National plan to combat human trafficking, in 2015;

(b) Gender and elections strategy, covering the period 2015-2020, aimed at enhancing the representation and participation of women in decision-making.

6. The Committee welcomes the ratification by the State party of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the Convention on the Rights of Persons with Disabilities, in May 2015 and June 2015, respectively.

### **C. Principal areas of concern and recommendations**

#### **Parliament**

**7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

#### **General context**

8. The Committee notes that the period of political and institutional crisis in the State party prevented the implementation of most of its previous recommendations. The Committee welcomes the efforts by the State party to strengthen the rule of law, but is concerned that corruption, weak governance, insufficient integration of gender equality into the process of consolidation and widespread poverty constitute serious obstacles to the full enjoyment of women's rights in the State party.

**9. In the light of the importance of the respect for and enjoyment of their human rights by all women and girls in the continuing reconciliation and institution-building processes and the return to constitutional order, the Committee recommends that the State party:**

(a) **Accord priority to gender equality and ensure the participation of women in its current transition to constitutional order and the normalization of relations with its principal partners;**

(b) **Strengthen the protection of women's rights, including through the reinforcement of the rule of law and efforts to combat the corruption and impunity that are jeopardizing democracy;**

(c) **Reinforce efforts to combat corruption within the judiciary, the police and other public institutions, including through proper investigations and the prosecution of perpetrators;**

(d) **Ensure that the independent national human rights commission has a strong mandate to advance women's human rights and promote equality between women and men, including addressing multiple discrimination and bringing cases before the courts, and that it has sufficient resources to carry out its work;**

(e) **Integrate the recommendations contained in the present concluding observations into its plan for the implementation of the recommendations emanating from human rights mechanisms, with a clear timetable and ranking criteria and, as a matter of priority, ratify the Optional Protocol to the Convention, as already announced during the universal periodic review (see [A/HRC/14/13](#), para. 72.4);**

(f) **Continue to cooperate with non-governmental and community-based organizations, in particular women's organizations, to ensure the full implementation of its obligations under the Convention.**

#### **Definition of equality and non-discrimination**

10. The Committee welcomes the fact that the Constitution enshrines the principle of equality between women and men. It regrets, however, that the State party does not apply the definition of equality provided in article 1 of the Convention, even though its Constitution guarantees the integration of ratified international treaties into the legal order from the moment of their publication, as well as the superior authority of treaties to that of national laws. It is concerned about the persistence of discriminatory provisions in a number of laws, such as those on nationality, inheritance and marriage. The Committee is also concerned about the absence of a clear time frame for the adoption of pending bills that have an impact on the enjoyment of women's rights, including on gender equality, violence against women, nationality, proportional gender representation in decision-making bodies and family planning.

11. **The Committee recommends that the State party:**

(a) **Make use of the definition of discrimination against women, encompassing both direct and indirect discrimination in the public and private spheres, contained in article 1 of the Convention;**

(b) **Repeal all discriminatory provisions, including those contained in the laws on nationality, inheritance and marriage;**

(c) **Speedily adopt the pending bills that have an impact on the enjoyment of women's rights mentioned in paragraph 10 above;**

(d) **Ensure the effective enforcement of existing legislation aimed at eliminating discrimination against women;**

(e) **Develop and implement capacity-building programmes for judges, prosecutors and lawyers on women's human rights, including on the Convention.**

#### **Access to justice**

12. The Committee notes that the State party intends to strengthen and increase the number of legal clinics. It notes with concern, however, the persistence of many

barriers to women's access to justice, especially in cases of divorce and gender-based violence, such as women's legal illiteracy, the lack of awareness in the State party and in its relevant national legislation of women's rights, gender stereotyping, including among law enforcement personnel and traditional chiefs, the subjection of women to customary and traditional legal systems, corruption within the judiciary, the unavailability of courts in rural areas, legal fees and the cost of medical certificates, which are borne by the victims of violence.

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

**(a) Strengthen and increase the number of legal aid clinics, enhance their availability and quality in all provinces and ensure appropriate resources for their operation and for the free provision of effective legal aid before all courts;**

**(b) Enhance women's awareness of their human rights and implement legal literacy programmes to empower women to claim their rights under the Convention;**

**(c) Remove obstacles faced by women who are victims of violence to gaining access to justice, including through an exemption from fees for medical certificates;**

**(d) Develop and implement gender-sensitive capacity-building programmes for judges, prosecutors, lawyers, police officers and legal practitioners providing legal aid;**

**(e) Allow women's organizations with qualified legal expertise to prosecute cases on behalf of women who are victims;**

**(f) Extend current plans for data collection concerning violations of women's rights in criminal cases also to cover civil cases.**

#### **National machinery for the advancement of women**

14. The Committee is concerned about the coordination between the national development plan, the national policy for the advancement of women and the national action plan on gender development, as well as about the delays in updating the latter two and in adopting the national plan of action for the implementation of Security Council resolution 1325 (2000) on women and peace and security. The Committee is also concerned about the lack of information on the role of the Ministry of Population, Social Protection and Promotion of Women in its capacity as the national machinery for the advancement of women to coordinate activities under the national development plan, including efforts to promote the advancement of women in order to ensure gender mainstreaming throughout the government departments of the State party.

**15. The Committee recommends that the State party:**

**(a) Allocate appropriate human, technical and financial resources for the effective functioning of the national machinery for the advancement of women;**

**(b) Renew and effectively implement the national action plan on gender development and its plan of action;**

(c) **Adopt and validate the national plan of action for the implementation of Security Council resolution 1325 (2000) on women and peace and security;**

(d) **Assign the Ministry of Population, Social Protection and Promotion of Women the responsibility for coordinating policies on gender mainstreaming and, in particular, activities under the national action plan on gender development and the national development plan.**

#### **Temporary special measures**

16. The Committee reiterates its concern about the absence of temporary special measures aimed at accelerating the achievement of substantive equality between women and men (see [CEDAW/C/MDG/CO/5](#), paras. 14 and 15) in all areas in which women are underrepresented or disadvantaged in the State party.

17. **The Committee calls upon the State party to adopt and implement temporary special measures to increase the representation of women in governance and other sectors, in accordance with article 4 (1) of the Convention and in line with the Committee's general recommendation No. 25 (2004) on temporary special measures, such as targets and incentives, outreach and support programmes, quotas and other proactive and results-oriented measures, as well as to ensure special budget allocations for measures in the field of education, health and economic and social development, and in all areas covered by the Convention in which women are underrepresented or disadvantaged.**

#### **Stereotypes and harmful practices**

18. The Committee reiterates its concern at the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in society and in the family, such as the concept of "the head of the household", which assigns this role to men, and the perpetuation of "the father's name and estate" through male heirs. The Committee notes efforts undertaken under the guidance of the Ministry of Justice with various stakeholders, the signing of road maps and the drafting of plans of action to address some harmful practices. The Committee is deeply concerned, however, about the persistence of harmful practices such as child and/or forced marriage, the sale of wives, girl markets (*tse nan'ampela*), bride price (*moletry*) and polygamy (see [CEDAW/C/MDG/CO/5](#), paras. 16 and 17).

19. **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 on harmful practices (2014), the Committee recommends that the State party:**

(a) **Put in place a comprehensive national strategy with proactive and sustained measures targeted at women and men at all levels of society, including traditional leaders, to combat discriminatory stereotypes such as the concept of "the head of the household" and the perpetuation of "the father's name and estate" and harmful practices, in particular child and/or forced marriage, sale of wives, girl markets (*tse nan'ampela*), bride price (*moletry*) and polygamy;**

**(b) Make effective use of the Criminal Code and the anti-trafficking law to punish all perpetrators of harmful practices;**

**(c) Design and implement, in collaboration with civil society, public education programmes, in particular in rural and isolated areas, to develop the understanding of women's equality with men and to enhance positive and non-stereotypical portrayals of women;**

**(d) Establish a mechanism to monitor and assess the implementation of the measures adopted to overcome gender stereotypes.**

#### **Violence against women**

20. The Committee is concerned:

(a) That there is no legislation specifically criminalizing violence against women, in particular child and/or forced marriage and marital rape, and that there is no comprehensive policy framework to address such violence;

(b) That gender-based violence against women in the domestic sphere is not considered by courts in child custody or visitation decisions, thus forcing women to continue to face their abusers, and risking further exposing their children to violence;

(c) That domestic and sexual violence appear to be socially legitimized and accompanied by a culture of silence and impunity;

(d) That cases of violence against women continue to be underreported, owing to an apparent lack of trust in the judicial institutions (see [CEDAW/C/MDG/CO/5](#), para. 18), and that the frequent resort to conciliation in cases of violence against women may be detrimental to women as a result of the prevailing gender bias in society;

(e) That there is a lack of data on the crimes investigated, prosecuted and sanctioned, as well as the reparation offered to the victims by the police and before the courts.

21. **The Committee calls upon the State party:**

**(a) To adopt legislation to criminalize all acts of violence against women, specifically criminalizing domestic violence, including marital rape, child and/or forced marriage and all forms of sexual abuse, and formulate a comprehensive strategy to ensure the implementation of legislation;**

**(b) To adopt and implement legislation requiring that gender-based violence against women in the domestic sphere be taken into account in child custody proceedings or visitation decisions and raise the awareness of the judiciary with regard to the relationship between that kind of violence and the development of the child;**

**(c) To ensure that women and girls who are victims of violence have access to effective redress, including compensation, and to protection, and that perpetrators are prosecuted and adequately punished;**

**(d) To guarantee resources for finalizing and implementing the national strategy to combat gender-based violence;**

(e) **To provide adequate assistance and protection to women who are victims of violence by establishing shelters and providing counselling and rehabilitation to victims, especially in rural areas, and through the coordination of interventions, the provision of support services and cooperation with non-governmental organizations and international partners;**

(f) **To continue to raise public awareness through the media and educational programmes and to implement mandatory capacity-building programmes for law enforcement officials, health-service providers, teachers and traditional chiefs on gender-sensitive support to victims, and ensure that victims are destigmatized and encouraged to report incidents of domestic and sexual violence against women;**

(g) **To collect statistical data on violence against women disaggregated by age, nationality and relationship between the victim and the perpetrator, and undertake studies and/or surveys on the extent of violence against women and its root causes.**

#### **Trafficking and exploitation of prostitution**

22. The Committee welcomes the efforts undertaken by the State party, in collaboration with civil society and the international community, to combat the trafficking and sexual exploitation of women and girls and the exploitation of prostitution and to establish an electronic database with the countries of the Southern African Development Community. The Committee also welcomes the creation of a national bureau to combat trafficking in persons, but is concerned that it is not yet operational and lacks resources. It reiterates its concern at the prevalence of sex tourism in the State party and the lack of information on efforts to prevent the exploitation of prostitution and to address its root causes as well as the lack of disaggregated statistical data on trafficking and exploitation of prostitution.

#### **23. The Committee calls upon the State party:**

(a) **To ensure sufficient human, technical and financial resources for the effective implementation of Law No. 2014-040 to combat trafficking in persons, its national plan of action and the national database on trafficking and also ensure the speedy functioning of the National Bureau to Combat Human Trafficking;**

(b) **To continue its efforts to ensure international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aiming at prosecution of traffickers;**

(c) **To provide continuing capacity-building programmes for law enforcement officials on the identification of and provision of assistance to victims;**

(d) **To carry out nationwide education and awareness-raising campaigns about the risks and criminal nature of trafficking;**

(e) **To address the root causes of the trafficking and exploitation of women and girls, including poverty, in order to eliminate their vulnerability in this regard and strive to ensure the recovery and social integration of victims**

by providing them with adequate assistance, rehabilitation and shelters (see also [CEDAW/C/MDG/CO/5](#), para. 21).

#### **Participation in political and public life**

24. The Committee remains concerned at the low representation of women in decision-making positions, in particular in the diplomatic service (ambassadors: 0 per cent) and in other international organizations, as well as at the community level (regional heads: 0 per cent; elected mayors: 5 per cent; heads of *fokontany* assemblies: 2.6 per cent). It is particularly concerned that past efforts to introduce measures, including temporary special measures, to remedy the unequal participation of women in political and public life have not succeeded before the National Assembly.

25. **The Committee recommends that the State party:**

(a) **Amend its electoral law by introducing statutory quotas, including sanctions for non-compliance, for increased representation of women in political and public life, in particular at the community and national levels, and ensure an open and transparent process for the nomination of candidates to represent the State party in international organizations;**

(b) **Implement the national gender and elections strategy for the period 2015-2020 to promote and empower women at all levels of political and public life, in particular in decision-making positions, including in the planning, implementation, monitoring and evaluation of development policies and community projects, and introduce measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendations No. 23 (1997) on women in political and public life and No. 25;**

(c) **Build up the awareness of politicians, journalists, teachers and community chiefs on the subject of gender equality in order to enhance their understanding of the fact 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 Convention and the economic and social development of the State party;**

(d) **Provide capacity-building programmes on political campaigning and leadership skills for potential women candidates to increase their interest in participating in elections.**

#### **Nationality**

26. The Committee reiterates its concern (see [CEDAW/C/MDG/CO/5](#), para. 24) that the current nationality legislation discriminates against Malagasy women, who cannot transmit their nationality to their foreign or stateless spouse or to their children on an equal basis with men. The Committee notes the efforts made by the State party to increase birth registrations, but is concerned that 20 per cent of births remain unregistered, increasing the risk of statelessness, and about the difficulties faced by women in ensuring the registration of their children.

27. **The Committee recommends that the State party:**



(a) **Amend its nationality law to enable Malagasy women to transmit their nationality to their foreign or stateless spouse and to their children on an equal basis with men, in accordance with article 9 of the Convention (see also CEDAW/C/MDG/CO/5, para. 25);**

(b) **Ensure the retroactive application of the law so that all persons currently stateless as a result of the discriminatory law are granted nationality;**

(c) **Facilitate birth registration of all children by allocating adequate resources to registration centres, providing mobile registration services and reducing the fees and simplifying the birth registration procedure.**

### **Education**

28. The Committee notes the efforts of the State party to increase the participation of girls and women in education. The Committee is concerned, however, that, from the primary level, the enrolment and completion rates of girls are lower than those of boys and that girls are often victims of sexual abuse and harassment on the way to and from or at school. It is also concerned about the high dropout rate among girls as a result of early pregnancy, extreme poverty and child labour (see CEDAW/C/MDG/CO/5, para. 26) and the practice of expelling pregnant girls from school and the refusal to reintegrate them after delivery. The Committee further notes with concern the lack of age-appropriate information, at all levels of education, on sexual and reproductive health and rights that includes a gender perspective.

29. **The Committee calls upon the State party:**

(a) **To improve the provision of basic education for girls, especially in rural and remote areas, with special attention to the provision of adequate sanitary facilities and clean water, especially in schools catering to adolescent females;**

(b) **To strengthen awareness-raising programmes for parents and the wider community on the importance of education for girls' life choices and career options;**

(c) **To ensure that girls are not expelled from school on account of pregnancy and that they are reintegrated after giving birth;**

(d) **To provide safe educational environments free from discrimination and sexual violence, including in and around school settings;**

(e) **To establish reporting and accountability mechanisms to ensure that teachers and peers who sexually abuse or harass girls at school are adequately punished;**

(f) **To integrate age-appropriate education on sexual and reproductive health and rights into school curricula, including education on responsible sexual behaviour, sexually transmitted infections and on the right of women to make their own choices with regard to reproductive and sexual health, and train teachers to address such topics in a gender-sensitive manner.**

**Employment**

30. The Committee welcomes the detailed legal framework for workers employed in the formal sector, but notes with concern the discriminatory practices of employers against pregnant women, the high rate of unemployment among women and the strong vertical and horizontal segregation in the labour market, as well as the absence of implemented laws, including on equal pay, in this field, as evidenced by the persistence of wage gaps between women and men in both the public and private sectors. The Committee reiterates its concern about the high proportion of women in the informal sector, where they face persistent poverty and are not covered by social protection. The Committee is also concerned about the precarious situation of women and girls in domestic work in private households.

31. **The Committee recommends that the State party:**

(a) **Integrate a gender perspective into the national development plan, in particular through the integration of measures to combat discrimination against women in employment, and ensure that women benefit from job creation and entrepreneurship schemes;**

(b) **Further strengthen the capacity of labour inspectors to monitor workplaces, including in private households, and enforce labour standards through adequate sanctions, when applicable, and use their findings for policy review and the development of best practices;**

(c) **Take measures to close the existing wage gaps between women and men and to implement equality (equal pay for work of equal value), in line with the Committee's general recommendation No. 13 (1989) on equal remuneration for work of equal value;**

(d) **Adopt a regulatory framework for the informal sector to ensure that women in that sector have access to social protection and benefits (see also [CEDAW/C/MDG/CO/5](#), para. 29).**

**Sexual harassment in the workplace**

32. The Committee notes with concern that the current legislation in the State party does not appear clear and that it may not adequately protect women against sexual harassment in the workplace. It also notes with concern the lack of statistical data on and the difficulties faced by women to prove sexual harassment in the workplace.

33. **The Committee recommends that the State party:**

(a) **Amend and clarify its legislation to broadly define sexual harassment in the workplace, ease the burden of proof for victims and provide victims with effective redress, including compensation;**

(b) **Widely disseminate information on the procedures for reporting cases of sexual harassment in the workplace;**

(c) **Conduct regular labour inspections aimed at enforcing labour laws and codes of conduct on sexual harassment;**

(d) **Collect statistical data on the extent of sex-based discrimination and sexual harassment in the workplace and conduct studies to improve the effectiveness of the legislation.**

### **Women domestic workers**

34. The Committee is concerned at the precarious working conditions of women domestic workers, including women migrant workers abroad, and their heightened risk of being exposed to abuse and trafficking for sexual and labour exploitation. The Committee is also concerned that women and girls migrating abroad are often victimized by fraudulent recruitment agencies and brokers and face barriers in filing complaints and gaining access to justice.

35. **The Committee recommends that the State party:**

(a) **Ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization;**

(b) **Ensure that women domestic workers, including women migrant workers, have access to social protection and other employment-related benefits;**

(c) **Effectively regulate and monitor the practices of recruitment agencies to protect women migrant workers from abuse and exploitation;**

(d) **Raise the awareness of women and girls, in particular rural women and girls, of the risks that they may face on their migration journey and of the means available to lodge complaints about violations of their human rights;**

(e) **Address the root causes of women's migration through alternatives such as the creation of conditions for sustainable livelihoods and income-generating opportunities.**

### **Health**

36. The Committee reiterates its concern about the limited access to adequate health-care services, including sexual and reproductive health services, the persistence of teenage pregnancy and the high and almost unchanged infant and maternal mortality rates, especially among young women and girls, which are mostly due to pregnancy or childbirth-related complications as well as to unsafe abortions. The Committee is concerned that medical fees and costs for treatment or medication continue to limit access to health care for most women. The Committee notes the intention of the State party to lower the level of sanctions for abortion and to consider introducing further grounds under which abortion could be made legal. The Committee is, however, concerned about the high prevalence of abortion, the restrictive laws governing abortion and the ensuing high rate of health complications among women and girls.

37. **The Committee reiterates its previous recommendation (see [CEDAW/C/MDG/CO/5](#), para. 31) and calls upon the State party:**

(a) **To reduce maternal mortality by improving access to basic prenatal and antenatal care and emergency obstetric care and by ensuring the presence of skilled birth attendants at birth, especially in rural areas, taking into consideration the technical guidance of the Office of the United Nations High Commissioner on Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality ([A/HRC/21/22](#) and Corr. 1 and 2);**

(b) **To increase the access of women and girls to basic health-care services, according priority to rural areas, and ensure sufficient resources to promote and protect women's health;**

(c) **To adopt measures to prevent teenage pregnancy and increase the access of women and girls to sexual and reproductive health services, affordable modern contraceptives and family planning services, including in rural areas;**

(d) **To legalize abortion, at least in cases in which pregnancy is harmful to the mother's health and in instances of incest, rape and severe fetal impairment, and remove punitive measures for women who undergo abortion;**

(e) **To mandate, support and finance research and data collection on the scope, causes and consequences of unsafe, illegal abortion and its impact on the health and life of girls and women to obtain evidence-based elements to support the extension of the grounds for the legalization of abortion;**

(f) **To address the negative influence of customary, traditional or religious considerations that may be invoked to stigmatize women and hamper their exercise of their sexual and reproductive health rights;**

(g) **To improve women's access to high-quality post-abortion care, especially in cases of complications resulting from unsafe abortions, in line with the Committee's general recommendation No. 24 (1999) on women and health.**

#### **HIV/AIDS**

38. The Committee notes the State party's measures to provide early diagnosis and care to pregnant girls and women living with HIV. The Committee is, however, concerned about the absence of a general policy of equal access to preventive care and treatment for all women living with HIV and of a strategy to promote age-appropriate education on reproductive and sexual health for young persons. It is also concerned at the persistence of stigma and discrimination against women living with HIV, including pregnant women, and the fact that men's role as active transmitters of HIV is rarely addressed.

39. **The Committee recommends that the State party ensure equal access for men and women with regard to treatment and prevention in relation to HIV/AIDS, including the prevention of mother-to-child transmission of HIV. It also recommends that the State party develop age-appropriate educational programmes, targeting young people, on reproductive and sexual health and rights, including responsible sexual behaviour. The Committee further recommends that the State party combat persistent stigma and discrimination against women living with HIV and raise awareness among men, including those with risky sexual behaviour and those living with HIV, on their role in reducing transmission of HIV to their sexual partners.**

#### **Economic empowerment of women**

40. The Committee is concerned that most women, especially in rural areas, have limited or no access to training opportunities, financial credit and loans, including to steady income, pension and social security schemes, in the State party. It is also

concerned that single women heads of households, in particular in rural areas, are more at risk of poverty.

**41. The Committee recommends that the State party:**

**(a) Repeal all legislation that discriminates against women's economic empowerment;**

**(b) Adopt measures to ensure equal access for women and men to training opportunities, such as vocational training and financial resources, including income-generating opportunities, credit and loans, pension and social benefits schemes;**

**(c) Conduct capacity-building programmes to increase the number of women entrepreneurs;**

**(d) Integrate initiatives aimed at women's economic empowerment throughout the State party's development strategies and include consideration for targeted groups of women, such as single women heads of households, according to their specific needs and the multiple forms of discrimination that they face.**

**Rural women**

42. The Committee reiterates its concern that rural women face additional challenges in obtaining access to justice, health care, education, credit and loans, economic opportunities and community services, which often prevent them from fully participating and benefiting from rural and agricultural policies on an equal basis with men. The Committee notes with concern:

(a) That discriminatory practices regarding land ownership and the administration of property and inheritance continue to limit women's access to economic resources and financial services (see [CEDAW/C/MDG/CO/5](#), para. 32);

(b) That land tenure and rural development policies in the State party lack a gender perspective, and that, under Law No. 68-012 (1968) relating to inheritance, co-heirs may agree that female heirs receive a lump sum instead of an equal share of inherited land;

(c) That Law No. 2007-036 on foreign investment may have an adverse impact on women's access to land and resources;

(d) That climate change and recurring natural disasters, including extreme weather events and drought, have a disproportionate impact on women.

**43. The Committee recommends that the State party:**

**(a) Repeal discriminatory provisions in Law No. 68-012 (1968) and amend Law No. 2007-037 to eliminate all forms of discrimination against women with respect to land ownership and administration, property and inheritance and to facilitate women's acquisition and retention of land and natural resources;**

**(b) Ensure that the promotion of gender equality is an explicit component of its land tenure and rural development policies, plans and programmes, in particular those aimed at poverty reduction and sustainable development, ensuring the full participation of rural women in their formulation and implementation (see also [CEDAW/C/MDG/CO/5](#), para. 33);**

(c) **Pay special attention to the situation of rural women, ensuring their participation in decision-making processes in the community and the family, as well as their full access to financial services and capacity-building opportunities, including in the farming and cattle-rearing sector;**

(d) **Take proactive measures to ensure that rural women have access to justice, health care, education and community services;**

(e) **Ensure the integration of a gender perspective and the empowerment of rural women into efforts to mitigate and adapt to climate change.**

#### **Women with disabilities**

44. The Committee is concerned about intersecting forms of discrimination against women and girls with disabilities, who are often victims of prejudice, violence and neglect. The Committee notes with concern the obstacles faced by women and girls with disabilities in participating in social life and the absence of a clear strategy or policy for the promotion of their human rights.

**45. The Committee recommends that the State party expedite the elaboration and adoption of the proposed plan to include a disability perspective in national policies and strategies and ensure its implementation, with a view to protecting the rights of women and girls with disabilities and eliminating discrimination and violence against them.**

#### **Marriage and family relations**

46. The Committee notes the efforts of the State party to regulate some aspects of traditional marriages, including their registration and the equitable distribution of property upon dissolution. It remains concerned, however, that traditional marriages remain largely unregistered, resulting in lack of access for women to protection under Law No. 2007-022 on marriage. It is also concerned that, owing to customary and traditional attitudes, women are considered inferior to men and do not benefit from the right to equal treatment in marriage and family matters, including divorce, inheritance and custody, and that cases of polygamy persist. It reiterates its concern about the overall lack of awareness of the law on marriage among the population as well as about its enforcement.

**47. The Committee recalls its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on article 16 of the Convention (economic consequences of marriage, family relations and their dissolution) and recommends that the State party:**

(a) **Ensure the equal rights of women and men in all matters relating to marriage and family relations, as well as to inheritance, divorce and custody of children without further delay;**

(b) **Increase knowledge and awareness of the law on marriage, ensure its enforcement, facilitate the registration of all marriages to protect the rights of women in de facto unions and enforce the prohibition of polygamy;**

(c) **Carry out wide-reaching awareness-raising and education campaigns to change attitudes and behaviour about practices relating to marriage and family relations among traditional leaders and the population in general;**

**(d) Conduct awareness-raising campaigns targeting women and girls to make them aware of their rights with regard to family relations and marriage.**

#### **Child and/or forced marriage**

48. The Committee notes that the minimum legal age of marriage is 18 years of age. It remains concerned, however, by the pervasiveness of child and/or forced marriage, and that girls and women are deprived of their right to freely choose their spouse and to enter into marriage.

**49. In accordance with joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child, the Committee calls upon the State party:**

**(a) To adopt all measures to combat child and/or forced marriage in a sustained manner while tackling the root causes;**

**(b) To disseminate and raise awareness about the law prohibiting marriage under 18 years of age, including by raising public awareness of the harmful effects of child and/or forced marriage on girls' mental and reproductive health and the pursuit of their education;**

**(c) To strengthen awareness-raising and sensitization activities on the harmful impact of child and/or forced marriage for women and girls, in cooperation with traditional or religious leaders and the media, in order to encourage change conducive to the elimination of this harmful practice, including making girls and women aware of their right to freely enter into marriage.**

#### **Data collection and analysis**

50. The Committee is concerned at the general lack of gender-disaggregated data, which are necessary for an accurate assessment of the situation of women and identification of discrimination, for informed and targeted policymaking and for the systematic monitoring and evaluation of progress achieved towards the realization by women of substantive equality.

**51. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention.**

#### **Beijing Declaration and Platform for Action**

**52. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

#### **2030 Agenda for Sustainable Development**

**53. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

**Dissemination**

54. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, including employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

**Technical assistance**

55. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect. The Committee calls upon the State party to continue its cooperation with the specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women, the Statistics Division of the Economic and Social Council of the Secretariat, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights and the International Organization for Migration.

**Ratification of other treaties**

56. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, to which it is not yet a party.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.



**Follow-up to concluding observations**

57. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 27 (a) and 37 (d) and (e) above.

**Preparation of the next report**

58. The Committee invites the State party to submit its eighth periodic report in November 2019.

59. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

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