



# 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 sixth periodic report of Eritrea\*

1. The Committee considered the sixth periodic report of Eritrea (CEDAW/C/ERI/6) at its 1755th and 1756th meetings (see CEDAW/C/SR.1755 and CEDAW/C/SR.1756), held on 14 February 2020. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/ERI/Q/6, and the responses of Eritrea are contained in CEDAW/C/ERI/Q/6/Add.1.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/ERI/CO/5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group. It 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 delegation, which was headed by the President of the National Union of Eritrean Women, Teka Tesfamicheal, and included representatives of the Ministry of Justice, the Ministry of Health, the Department of Socioeconomic Services of the National Union of Eritrean Women and the Permanent Mission of Eritrea 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 2015 of the State party's fifth periodic report in undertaking legislative reforms, in particular the adoption of the Civil Code of 2015, in which the equal power and status of the spouses are recognized.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against

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\* Adopted by the Committee at its seventy-fifth session (10–28 February 2020).



women and promoting gender equality, such as the adoption or establishment of the following:

- (a) National steering committee to address female genital mutilation, child marriage and other forms of gender-based violence against women, in 2017;
- (b) National strategic plan on the elimination of harmful practices, covering the period 2020–2024;
- (c) Reproductive, maternal, neonatal, adolescent and child health and ageing policy guidelines, covering the period 2017–2021;
- (d) National gender action plan, covering the period 2015–2019;
- (e) Joint agreement of 2017 with the Embassy of Saudi Arabia in Eritrea to safeguard domestic workers, including women migrant domestic workers abroad.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization, in 2019.

### **C. Sustainable Development Goals**

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

### **D. Parliament**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

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

#### **Factors and difficulties preventing the effective implementation of the Convention**

9. The Committee remains concerned (see [CEDAW/C/ERI/CO/5](#), para. 6) that the indefinite period of national service, practices of indefinite and arbitrary detention, the lack of respect for judicial guarantees and safeguards for persons deprived of their liberty, the enforced disappearance of women and men in the State party, the ineffective implementation of the Constitution of 1997 and the suspension of the National Assembly have resulted in a deterioration of the rule of law and created a refugee crisis, posing serious challenges to the implementation of the Convention. The Committee therefore urges the State party to implement the recommendations

made hereinafter as a matter of high priority within the framework of a consolidated rule of law.

### **Women's rights in the context of national service**

10. The Committee remains deeply concerned about the serious impact of mandatory national service on women's rights. It regrets that, notwithstanding the commitment of the State party to reducing the duration of national service to 18 months and the recent signing of a peace agreement with Ethiopia, national service continues to be of an indefinite period. The Committee remains concerned (see [CEDAW/C/ERI/CO/5](#), para. 8) that:

(a) Women and girls continue to be forcibly recruited into national service for an indefinite period without formal pay, under conditions amounting to forced labour;

(b) Women performing national service continue to be victims of sexual violence, including rape, committed with impunity by male officers and recruits;

(c) The compulsory nature of national service has detrimental effects on women and girls, who seek to avoid recruitment by dropping out of school, becoming pregnant, entering into child marriage or fleeing the country;

(d) Women and girls attempting to leave the country are often shot at the border or fall into the hands of traffickers and smugglers who frequently subject them to gender-based violence, including torture and summary executions, and to arbitrary deprivation of liberty;

(e) The requirement of completion of national service for the acquisition of nationality unduly constrains the possibility for women to enjoy full access to economic and social rights, including the right to employment and the right to access to land.

11. **Recalling its previous concluding observations ([CEDAW/C/ERI/CO/5](#), para. 9), the Committee urges the State party:**

(a) **To reduce the duration of national service to a maximum of 18 months, recognize the right to conscientious objection and ensure the speedy demobilization and reintegration into society of women who have already completed 18 months of service;**

(b) **To ensure that all incidents of gender-based violence against women and girls during their national service are duly investigated, the perpetrators prosecuted, adequately punished and removed from training centres and all victims provided with legal assistance, rehabilitation and compensation.**

### **Constitutional and legislative framework**

12. The Committee reiterates its previous concern ([CEDAW/C/ERI/CO/5](#), para. 10) that the State party's persistent failure to implement the Constitution of 1997 undermines the rule of law and adversely affects women's rights. The Committee notes with concern the discontinuation of the review of the Constitution and the lack of measures to incorporate the provisions of the Convention into the national legal order. While noting that article 8 of the Transitional Civil Code and article 4 of the Transitional Penal Code refer to the principle of non-discrimination, the Committee remains concerned about the absence of a legal definition of discrimination against women, covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination. It also remains concerned about the absence of a specific legal framework addressing the rights of women, notes the parallel existence of customary and sharia law and is concerned that their interpretation and application discriminate against women.

13. Recalling articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, on ending all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:

(a) Resume the constitutional review process with transparent and participatory procedures, taking into account the views of all women and girls, including those holding divergent opinions, and ensure the effective implementation of the Constitution of 1997;

(b) Adopt a comprehensive definition of discrimination against women, in line with article 1 of the Convention, including direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, and repeal all discriminatory provisions of customary and religious laws in order to bring them into line with the Convention without further delay;

(c) Adopt specific and comprehensive legislation to combat all forms of discrimination against women in all areas covered by the Convention;

(d) Ensure that national courts and authorities directly implement the Convention and/or interpret national legislation independently and in the light of the Convention.

#### **Women and peace and security**

14. The Committee notes the State party's commitment to developing its first national action plan for the implementation of Security Council resolution 1325 (2000). It is concerned, however, that women remain underrepresented in national reconciliation and conflict prevention processes and are not fully involved in the design and implementation of the plan.

15. The Committee recommends that the State party expedite the finalization and adoption of the national action plan for the implementation of Security Council resolution 1325 (2000), in cooperation with representatives of politically diverse women's civil society organizations, and ensure that the plan:

(a) Takes into consideration the full spectrum of the Security Council agenda on women and peace and security, as reflected in Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019);

(b) Incorporates a model of substantive equality that, in line with the Convention, will have an impact on all aspects of women's lives and will address intersecting forms of discrimination against women;

(c) Ensures the participation of women, including those belonging to ethnic and religious minorities and diverse political groups, in peace, transitional justice and reconciliation processes, including in reparations and indemnity mechanisms;

(d) Sets out indicators for the regular monitoring of its implementation and provides for accountability mechanisms.

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

16. The Committee welcomes the national gender action plan for the period 2015–2019 and the establishment of regional committees of the National Union of Eritrean Women in 2017. It takes note of the evaluation of the assessment plan for 2020. The Committee remains concerned, however, that the National Union remains the only women's organization allowed to operate in the country and lacks engagement with

civil society organizations. The Committee also regrets the absence of a national gender policy and clear benchmarks to monitor the performance and impact of the national gender action plan.

**17. In line with target 5.a of the Sustainable Development Goals, and recalling its previous concluding observations (CEDAW/C/ERI/CO/5, para. 15, and CEDAW/C/ERI/CO/3, para. 13), the Committee recommends that the State party:**

(a) **Ensure the independence of the National Union of Eritrean Women from the Government and provide it with a strong mandate and sufficient technical and financial means to coordinate and implement gender equality plans, policies and programmes, in cooperation with diverse civil society organizations;**

(b) **Develop and adopt a national gender policy to promote gender equality and the empowerment of women, as well as an action plan for implementation that clearly defines the competencies of the national and local authorities and provides for a comprehensive data collection and monitoring system;**

(c) **Mobilize international support and strategic partners to consolidate women's enjoyment of their rights and their empowerment.**

#### **National human rights institution**

**18. The Committee notes with concern the lack of a national human rights institution and recommends that the State party prioritize the establishment of one that can discharge its mandate effectively, independently and in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that the State party provide that body with sufficient human, technical and financial resources to carry out its mandate.**

#### **Temporary special measures**

19. The Committee notes that the State party continues to apply temporary special measures to increase the representation of women in national, regional and local assemblies and to promote access by women and girls to higher education and technical and vocational training. The Committee regrets, however, the lack of clear time frames and benchmarks for the implementation of such measures and the lack of such measures targeting disadvantaged groups of women, including women belonging to ethnic minorities, migrant women, older women and women with disabilities.

**20. In line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party adopt temporary special measures, targeting the participation of women in political and public life, as well as in the areas of education, employment and health, with time-bound targets and benchmarks, accompanied by sanctions for non-compliance, to accelerate the achievement of substantive equality between women and men in all areas in which women are disadvantaged or underrepresented, especially in managerial positions, and to apply those measures irrespective of women's political affiliation.**

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

21. The Committee notes with appreciation the establishment of a national steering committee to tackle female genital mutilation and the development in 2019 of a

strategic plan for the period 2020–2024 on the elimination of harmful practices. The Committee nevertheless remains deeply concerned at:

(a) Persistent patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society that underpin harmful practices, including child and/or forced marriage and polygamy;

(b) The persistence of female genital mutilation, in particular in rural areas, and the lack of rehabilitation programmes for victims.

**22. Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee urges the State party:**

**(a) To expeditiously adopt a comprehensive strategy to eliminate discriminatory stereotypes and all harmful practices, such as female genital mutilation, child and/or forced marriage and polygamy, and ensure that support services and rehabilitation programmes are readily established for victims;**

**(b) To raise awareness among traditional and religious leaders, parents, teachers, women and the general public about the criminal nature and devastating impact of harmful practices on the lives of women and girls and provide systematic training to judges, prosecutors, the police and other law enforcement officers on the strict application of criminal law provisions prohibiting harmful practices, with a view to ensuring that perpetrators of such criminal acts are brought to justice.**

#### **Gender-based violence against women**

23. The Committee takes note of the creation of a national steering committee responsible for coordinating efforts to combat female genital mutilation and other forms of violence against women, as well as the development of clinical guidelines for the management of victims of gender-based violence against women in 2019. It remains concerned, however, about the high prevalence of gender-based violence, in particular domestic and sexual violence, in the State party, including in educational institutions and in the context of national service. It further notes with concern:

(a) The absence of comprehensive legislation specifically criminalizing all forms of gender-based violence against women, including an explicit definition of marital rape;

(b) The fact that parents are forced to remove their daughters from school to avoid recruitment to national service for an indefinite period;

(c) The lack of shelters and rehabilitation programmes for survivors of gender-based violence against women;

(d) The lack of statistical data on the number of complaints, investigations, prosecutions and sentences imposed in cases of gender-based violence against women, disaggregated by age and the relationship between the victim and the perpetrator.

**24. Recalling the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and its previous concluding observations (CEDAW/C/ERI/CO/5, para. 21), the Committee recommends that the State party:**

**(a) Adopt legislation criminalizing all forms of physical, psychological, economic and sexual violence against women, including marital rape, and define rape based on lack of consent rather than penetration or use of force;**

(b) **Ensure that all perpetrators of acts of gender-based violence against women are prosecuted and adequately punished by a competent court, that victims and witnesses receive protection and that victims are adequately compensated;**

(c) **Ensure the availability and accessibility of shelters for women who are victims of gender-based violence throughout the State party, strengthen and adequately fund support services for victims and ensure that staff are trained and the quality of services is regularly monitored;**

(d) **Systematically collect statistical data on the number of complaints, investigations, prosecutions and sentences imposed in cases of gender-based violence against women, disaggregated by age, disability, region and the relationship between the victim and perpetrator.**

### **Access to justice**

25. The Committee welcomes the adoption of the Civil Code of 2015, but remains concerned about its lack of implementation. It is also concerned about the lack of measures taken by the State party to ensure the independence, professionalism and gender sensitivity of the judiciary at all levels. The Committee also notes with concern that women and girls continue to face obstacles in gaining access to justice and the absence of independent and free-of-charge specialized legal services for women.

26. **The Committee reiterates its previous recommendation (CEDAW/C/ERI/CO/5, para. 13) and urges the State party:**

(a) **To take appropriate measures to ensure the independence and gender sensitivity of the judiciary;**

(b) **To design a judicial policy to eliminate the institutional barriers faced by women and girls in obtaining access to justice, including barriers of the built environment and in communication, and provide training on gender equality to the judiciary, lawyers and traditional and religious leaders;**

(c) **To ensure effective access to justice for women who are victims of gender-based violence, including through special legal aid mechanisms and legal aid programmes, including for women recruits in national service.**

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

27. The Committee notes the cooperation of the State party with international and regional organizations in preventing and combating trafficking in persons. It remains concerned, however, about the high number of cases of trafficking and sexual exploitation of women and girls, who are forced to exit the country illegally. The Committee notes with concern that, despite ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2014, the State party has not adopted an adequate legal framework and a comprehensive policy to address trafficking in persons, in particular women and girls, and that most perpetrators of trafficking-related crimes enjoy impunity. It also notes with concern the absence of information on exit programmes for women wishing to leave prostitution.

28. **Recalling its previous concluding observations (CEDAW/C/ERI/CO/5, para. 23), the Committee recommends that the State party:**

(a) **Enact and enforce national anti-trafficking and anti-smuggling legislation and implement national strategies and national plans to combat such crimes;**



(b) **Conduct prompt and impartial investigations into cases of trafficking in women and girls and ensure that perpetrators of trafficking are adequately punished and that victims of trafficking have access to free legal aid, accessible shelters and psychosocial support and have the possibility to return to the territory of the State party;**

(c) **Strengthen efforts to raise awareness about the criminal nature and risks of trafficking in women and girls and provide training to the judiciary, law enforcement officers and border police on the early identification of women and girls who are victims of trafficking and ensure their referral to appropriate services;**

(d) **Provide exit programmes for all women in prostitution, including alternative income-generating opportunities;**

(e) **Systematically collect information and data on trafficking in women and girls, as well as on women in prostitution, disaggregated by age, nationality and ethnic group, and conduct research into the root causes of those phenomena in order to inform laws and policies to combat trafficking in persons.**

#### **Equal participation in political and public life**

29. The Committee welcomes the increase in women's representation on village and local councils and the increase in the number of women who are judges. It remains concerned, however, that women remain underrepresented in the National Assembly, the Government and the judiciary, especially at the decision-making level, and also at the international level and in diplomatic positions. The Committee reiterates its previous concern (CEDAW/C/ERI/CO/5, para. 24) about the absence of free, regular and fair elections to the National Assembly and other regional bodies. It also notes with concern the obstructions to the free exercise by political bodies and associations of their rights.

30. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee urges the State party:**

(a) **To expeditiously call free and fair elections to the National Assembly and other legislative bodies, ensuring that all women, including those holding divergent political views, can exercise their right to vote freely and by secret ballot and stand for election;**

(b) **To create an enabling environment to ensure that women's associations and political parties can be established without arbitrary or burdensome registration requirements and operate freely in the State party;**

(c) **To ensure respect, protection and fulfilment of freedom of expression for human rights defenders;**

(d) **To conduct awareness-raising campaigns for politicians, community and religious leaders, the media and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women and for achieving political stability and economic development in the State party.**

#### **Nationality**

31. The Committee notes that Proclamation No. 21/1992 on the acquisition of nationality guarantees equal rights among sexes. It also welcomes the efforts of the State party in promoting birth registration. However, the Committee notes with



concern the insufficient implementation of the proclamation and the difficulties in obtaining birth certificates in rural areas.

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

(a) **Effectively implement the law on nationality so that women can acquire, change, retain or transfer their nationality, in line with article 9 of the Convention;**

(b) **Facilitate birth registration, in particular in rural areas, through the use of modern information and other technologies and by simplifying and ensuring affordable birth registration procedures;**

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

**Education**

33. The Committee appreciates the construction of schools, including in rural areas, and the measures taken by the State party to encourage women and girls to choose non-traditional fields of study and career paths, such as science, technology, engineering and mathematics. However, the Committee notes the following with concern:

(a) The persistently low rates of school enrolment, retention and completion, with significant discrepancies between rural and urban areas;

(b) Inadequate programmes to support women and girls with disabilities, nomadic communities, linguistic minorities and ethnic and religious groups;

(c) Sexual violence and harassment against girls at and on the way to and from school;

(d) The failure of the State party to adequately address the root causes of girls dropping out of school, such as mandatory national service, child and/or forced marriage, early pregnancy, lack of separate sanitary facilities, long distances to schools, migration and poverty.

**34. In line with its general recommendation No. 36 (2017) on the right of girls and women to education, as well as target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Improve the rate of girls' enrolment, retention and completion of school education and ensure opportunities for educational continuity for girls and women at all levels;**

(b) **Reduce the school dropout rate, provide ample support to girls in child marriages and facilitate the re-entry into education of young mothers;**

(c) **Ensure adequate infrastructure and the availability of accessible separate sanitary facilities to girls and boys in all educational institutions, including in rural areas;**

(d) **Give priority to the training and recruitment of female teachers, especially at the secondary and tertiary levels;**

(e) **Incorporate into school curricula mandatory age-appropriate sexual and reproductive health and rights education, for girls and boys, including teaching materials on family planning, modern forms of contraception and responsible sexual behaviour;**

(f) **Continue and enhance temporary special measures, including financial incentives and scholarships, to promote enrolment among women and girls in the fields of science, technology, engineering and mathematics.**

35. The Committee notes with concern that all girls are required to enrol at the Sawa Military Training Centre for the final year of high school.

36. **The Committee urges the State party to abolish the practice of forced enrolment of high school students, including girls, at the Sawa Military Training Centre and ensure that they have the option of enrolling in civilian schools instead.**

### **Employment**

37. The Committee notes that, under the law of the State party, women and men are guaranteed equal employment opportunities and that targeted measures are being taken to achieve gender balance in the workforce. However, the Committee notes with concern:

(a) The fact that the right of women and girls to freely choose a profession and engage in employment is being undermined by the exploitation of forced labour in national military service and that women who are employed can be requisitioned by the Government without prior notice or their consent;

(b) The fact that the principle of equal pay for work of equal value is not being applied, especially in the private sector;

(c) The lack of information on the numbers and outcomes of labour inspections in the State party, especially in agriculture and domestic work, as well as on the minimum wage and unemployment rates, disaggregated by sector of the economy, sex, age and urban and rural areas;

(d) The absence of legislation criminalizing sexual harassment in the workplace;

(e) The high unemployment rate among women, the high presence of women in the informal sector, the lack of childcare facilities in workplaces and the unequal division of family responsibilities between men and women.

38. **The Committee draws attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals and recommends that the State party:**

(a) **Improve the employability of women in the formal sector and ensure the establishment of a social security system for vulnerable women, in particular those employed in the agricultural and domestic sectors;**

(b) **Ensure the implementation and enforcement of national legislation relating to women, in particular labour legislation to guarantee the principle of equal pay for work of equal value;**

(c) **Adopt a legislative framework on sexual harassment and ensure that victims of sexual harassment in the workplace have access to effective, independent and confidential complaint procedures with effective remedies and that all complaints are effectively investigated, perpetrators prosecuted and adequately punished and victims protected from retaliation;**

(d) **Provide information in its next periodic report on the numbers and outcomes of labour inspections in the State party, including in agriculture and private households in which women and girls are employed as domestic workers;**

(e) **Ensure that women and men can benefit from paid maternity, paternity or parental leave and enable women and men to reconcile professional and private life by providing adequate childcare facilities and promoting the equal sharing of family and domestic responsibilities between women and men;**

(f) **Ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization and ensure that freedom of choice of employment is respected and that the conditions of national military service comply with international human rights standards.**

### **Health**

39. The Committee commends the State party on its 90 per cent decrease in malaria infections and on containing the spread of HIV. It also notes the efforts of the State party to improve the basic health package, which includes free family planning services. The Committee nevertheless remains concerned at:

(a) The persistently high rate of maternal mortality, the lack of access to basic health care for women, in particular rural women and women with disabilities, the lack of access to safe, legal abortion and post-abortion services and the inadequacy of trained health professionals, including midwives, in rural areas;

(b) The persistently high rate of early pregnancy;

(c) The prevalence of malnutrition and communicable diseases, such as diarrhoea, causing high rates of morbidity, especially in girls and boys under 5 years of age, owing to limited access to clean water and sanitation.

40. **Recalling its general recommendation No. 24 (1999) on women and health, and targets 3.1 and 3.7 of the Sustainable Development Goals, the aims of which are to reduce the global maternal mortality ratio and ensure universal access to sexual and reproductive health-care services, the Committee recommends that the State party:**

(a) **Address the problem of high maternal mortality, especially in rural areas, through improvements in the proximity of health services;**

(b) **Invest in combating malnutrition and communicable diseases, including diarrhoea, and reduce their incidence by improving hygiene and sanitation for women and girls, with a focus on rural areas;**

(c) **Recruit adequate human resources in order to ensure the mobilization of qualified personnel in the delivery of health services;**

(d) **Ensure the full and effective implementation of article 534, as amended by Proclamation No. 4/1991, of the Transitional Penal Code, which decriminalizes three conditions for abortion (rape, incest and threat to the health or life of the woman), and also decriminalize a fourth condition, namely malformation of the fetus;**

(e) **Ensure the availability and accessibility of reproductive health-care facilities for adolescent girls and young women, including women and girls with disabilities, and ensure adequate access to information about sexual and reproductive health and rights, including on the prevention of early pregnancy and sexually transmitted infections, as well as access to modern forms of contraceptives.**

### **Economic empowerment of women**

41. The Committee welcomes the fact that the representation of at least one woman is ensured on the community land committees and that steps have been taken to

increase the number of women beneficiaries under the saving and microcredit programme in farming and agribusiness. However, the Committee notes with concern that cultural attitudes and stereotypes negatively influence the implementation of such measures and that widespread poverty in the State party is disproportionately affecting women. The Committee additionally notes the following concerns:

- (a) The fact that national military service is a precondition for access to the use of land and other economic benefits;
- (b) Insufficient programmes for the independence and autonomy of women in the State party's poverty reduction strategy;
- (c) Inadequate access to bank loans, credit and microcredit, guarantee schemes, venture capital, markets, supply, value chains and other economic development opportunities for women;
- (d) The lack of a comprehensive social protection system to prevent female poverty, in particular for women engaged in the agricultural sector;
- (e) The lack of disaggregated data regarding the economic indicators or status of women.

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

- (a) **Eliminate the requirement of having to perform national service for access to the use of land and other economic benefits and ensure that land distribution schemes integrate a gender perspective;**
- (b) **Ensure the capacity and independent functioning of the representation of women on the community land committees, and set up complaint mechanisms and means of redress for women regarding land disposal;**
- (c) **Adopt poverty reduction programmes for women that allow them access to basic services in the areas of health, education, water and electricity;**
- (d) **Invest in the independence and autonomy of women through programmes facilitating access to bank loans, credit guarantees, microcredit, markets, business scale-up, common production facilities and other production systems;**
- (e) **Ensure that women, in particular those who are not remunerated through the formal employment sector, have access to income-generating activities as a pathway to escaping poverty;**
- (f) **Collect and provide sex-disaggregated data on the economic indicators or status of women, disaggregated by age, region, disability and other relevant social factors.**

**Rural women**

43. The Committee welcomes the measures adopted by the State party to improve the conditions of rural women, including by enhancing their access to credit and loans for the establishment of small and medium-sized enterprises. However, it remains concerned by women's lack of access to and enjoyment of socioeconomic rights and representation in decision-making. It is also concerned by the impacts of extractive industries on rural women.

**44. In line with the Convention, its general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) Strengthen efforts towards the economic empowerment of all rural women by reinforcing the provision of financial credit, loans, access to justice, education, health, sanitation and employment;

(b) Promote the effective participation of women in policymaking, planning and decision-making at all levels;

(c) Put in place mechanisms for gender analysis and assessments of policy and programme impacts on rural women;

(d) Establish a legal framework to ensure that agro-industrial projects and the activities of extractive industries do not undermine the rights of rural women to land ownership and their livelihoods, and guarantee that such ventures are permitted only after gender-impact assessments involving rural women have been undertaken with the participation of women in decision-making processes.

#### **Women with disabilities**

45. The Committee notes with concern the lack of information on the enjoyment of rights by women with disabilities.

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

(a) Address intersecting forms of discrimination against women and girls with disabilities and ensure their inclusion and enjoyment of all rights under the Convention, including by eliminating restrictions on their legal capacity, ensuring their access to justice, protection from gender-based violence, inclusive education, employment and health services, including sexual and reproductive rights, and accommodating their specific needs in line with the Committee's general recommendation No. 18 (1991) on disabled women;

(b) Consider ratifying the Convention on the Rights of Persons with Disabilities.

#### **Disappeared women and women in detention**

47. The Committee notes with concern reports of enforced disappearances of women and girls in the State party and the arbitrary detention of women and girls without respect for fair trial guarantees. In addition, the Committee notes with concern the continued harsh conditions for women in detention who face sexual and other forms of gender-based violence. It reiterates its concern about the absence of an independent monitoring body to visit places of detention in which women are deprived of their liberty.

48. **The Committee, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), recommends that the State party:**

(a) Promptly investigate all alleged cases of disappearances of women, including by establishing early warning mechanisms for missing persons, and provide access to legal complaint mechanisms and remedies, including compensation, for victims and their families;

(b) Ensure the full and effective implementation of the provisions of the Criminal Code of 2015, safeguard procedural justice and the right to family visits for women in detention, investigate ill-treatment of and violence against women in detention and ensure that such women are supervised by female guards and that all police and penitentiary officers are provided with systematic gender-sensitive training on the dignity and rights of women detainees;

(c) **Reduce overcrowding in places of detention and ensure that women in detention have adequate access to health care, nutrition, hygiene and sexual and reproductive health services;**

(d) **Promote alternatives to detention for pregnant women and women with children, such as house arrest, community service or regular reporting to the police;**

(e) **Release women political prisoners and women imprisoned for practising their faith;**

(f) **Introduce independent monitoring of detention facilities and gender-sensitive complaint mechanisms for women in detention who are victims of violence and ill-treatment;**

(g) **Provide independent bodies, including United Nations special procedure mandate holders, with access to all detention facilities in which women are deprived of liberty.**

#### **Gender and climate change**

49. The Committee welcomes the national adaptation plan and other efforts of the State party to tackle the adverse impact of climate change and disasters. However, it notes the absence of information on the integration of a gender perspective into national policies and programmes on disaster risk reduction and climate change and on the participation of women in policymaking and decision-making processes on climate change and disaster risk reduction.

**50. In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party ensure that women are meaningfully involved in the development of legislation, policies and programmes on climate change, disaster response and disaster risk reduction. It also recommends that the State party take measures to address hunger and ensure food security for rural women in the light of the effects of climate change.**

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

51. The Committee reiterates its concern about the prevalence of child marriage in the State party and also notes with concern:

(a) The fact that the completion of national service has been a requirement for marriage registration since January 2017, thereby constraining women's rights related to marriage and family;

(b) The practice of allowing polygamous marriages and the discriminatory application of religious laws on divorce and inheritance within Muslim communities, to the detriment of women.

**52. In line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution and with joint general recommendation No. 31/general comment No. 18, the Committee recommends that the State party:**

(a) **Abolish the requirement of completion of national service for the registration of marriage;**

(b) **Combat the root causes of child marriage and ensure the application and implementation of articles 581 and 607 of the Transitional Civil Code, which set the minimum age for marriage for both sexes at 18 years and criminalize violations;**

(c) Amend the Transitional Civil Code and discourage and prohibit polygamy, and ensure the protection of the economic rights of women in existing polygamous marriages;

(d) Repeal customary and religious law provisions that are incompatible with the above-mentioned provisions prohibiting child marriage and polygamy;

(e) Ensure that the jointly owned property of women and men is registered in the name of both partners from the outset;

(f) Ensure that women and men enjoy equal rights to inheritance and as testators, heirs or beneficiaries, including in Muslim communities;

(g) Provide systematic training on women's equal rights in marriage and upon the dissolution of marriage, as well as training on women's equal inheritance rights, for the judiciary, customary and religious judicial officers and traditional and religious leaders.

#### **Data collection**

53. The Committee is concerned about the general lack of statistical data disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which are necessary to accurately assess the situation of women, determine the magnitude and nature of discrimination, develop informed and targeted policies and systematically monitor and evaluate progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

#### **Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

54. The Committee encourages the State party to expedite the ratification process of the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

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

55. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

#### **Dissemination**

56. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the National Assembly and the judiciary, to enable their full implementation.

#### **Technical assistance**

57. 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.



**Ratification of other treaties**

58. 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 ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Convention on the Rights of Persons with Disabilities, to which it is not yet a party.

**Follow-up to the concluding observations**

59. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 11 (a) and (b) and 13 (a) and (c).

**Preparation of the next report**

60. The Committee invites the State party to submit its seventh periodic report, which is due in February 2024. The report should be submitted on time and cover the entire period up to the time of its submission.

61. 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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<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.