



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

Distr.: General  
31 May 2023

Original: English

## Committee on the Elimination of Discrimination against Women

### Concluding observations on the fourth periodic report of Timor-Leste\*

1. The Committee considered the fourth periodic report of Timor-Leste (CEDAW/C/TLS/4) at its 1971st and 1972nd meetings (see CEDAW/C/SR.1971 and CEDAW/C/SR.1972) held on 9 May 2023. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/TLS/Q/4, and the responses of Timor-Leste are contained in CEDAW/C/TLS/RQ/4.

#### A. Introduction

2. The Committee appreciates the submission by the State party of its fourth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/TLS/CO/2-3/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 high-level delegation, which was headed by the Secretary of State for Equality and Inclusion, Maria do Rosário Fátima Correia, and included representatives of the Ministry of Justice, the Ministry of State Administration, the Ministry of Social Solidarity and Inclusion, the Ministry of Health, the Ministry of Education, Youth and Sports, the Public Defender's Office, the Court of Appeal, the National Centre Chega, the Ambassador and Permanent Representative, Maria de Lurdes Bessa, and other representatives of the Permanent Mission of Timor-Leste to the United Nations Office and other international organizations in Geneva, as well as interpreters.

#### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's previous report (CEDAW/C/TLS/2-3) in undertaking legislative reforms, in particular the adoption of the following:

\* Adopted by the Committee at its eighty-fifth session (8–26 May 2023).



- (a) Law on “Bolsa da Mãe – Nova Geração”, extending social support to pregnant women and children, in 2021;
  - (b) Law against Trafficking in Persons, in 2017;
  - (c) The Expropriation Law, to provide protection to women in cases of expropriation of land, in 2017;
  - (d) The Law on the creation of the social security contributory regime, in 2017.
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) The second and third national action plans on gender-based violence, in 2017 and 2022, for the periods 2017–2022 and 2022–2032, respectively;
  - (b) The second phase of the Maubisse Declaration on Rural Women (2018–2023) to promote the empowerment of rural women, in 2018;
  - (c) The national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, in 2016.
6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party acceded to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2023.

### **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 Parliament, 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**

#### **Visibility of the Convention, the Optional Protocol thereto and the Committee’s general recommendations**

9. The Committee notes the efforts by the State party to enhance the visibility of the Convention, the Optional Protocol thereto and the Committee’s general recommendations, including through capacity-building for relevant stakeholders and public awareness-raising campaigns on women’s rights, gender equality and gender-

based violence against women, in partnership with development partners and local civil society organizations. It is, however, concerned that women's awareness of their human rights and the remedies available to claim them remains low, in particular as regards rural women.

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

(a) **Intensify its efforts to widely disseminate and raise awareness of the Convention, the Optional Protocol thereto and the Committee's concluding observations and general recommendations;**

(b) **Provide information on the steps taken by the State party to give effect to the recommendations made by the Committee in its views on communication No. 88/2015 (*X v. Timor-Leste*),<sup>1</sup> adopted in 2018;**

(c) **Consider establishing a comprehensive mechanism for the implementation of the present concluding observations and involve in that mechanism the Public Defender's Office of Timor-Leste and non-governmental organizations promoting women's rights and gender equality, taking into account the four key capacities of engagement, coordination, consultation and information management of a national mechanism for reporting and follow-up.<sup>2</sup>**

**Legislative framework**

11. The Committee notes that recent legislation of the State party includes specific provisions on discrimination against women and gender equality. However, it notes with concern that the State party has still not adopted a definition of discrimination against women, encompassing direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention.

12. **The Committee reiterates its previous recommendation (CEDAW/C/TLS/CO/2-3, para. 9) that the State party adopt a gender equality law and a definition of discrimination against women covering direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 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.**

**Access to justice and traditional justice systems**

13. The Committee notes the provision of legal aid by the Public Defender's Office and the "access to justice" clinics programme piloted in two districts. However, it notes with concern the persistent barriers to women's and girls' access to justice, in particular:

(a) The mobile court system seeking to ensure women's access to formal justice in rural communities lacks funding and often operates in unsafe and inaccessible locations;

(b) The continued and almost exclusive resort to traditional courts in many parts of the State party, often resulting in decisions that discriminate against women and girls, and the fact that the draft traditional justice law regulating the relationship between the formal and traditional justice systems has not yet been adopted;

<sup>1</sup> CEDAW/C/69/D/88/2015.

<sup>2</sup> See [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRP\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRP_PracticalGuide.pdf).

(c) Women's and girls' limited awareness of their rights under the Convention in the State party;

(d) The limited knowledge and capacity on the part of the judiciary and law enforcement officials to apply the Convention directly in legal proceedings or to interpret national legislation in conformity with the Convention.

**14. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recalls the State party's obligation to ensure that women's rights are protected against violations by all components of plural justice systems. It recommends that the State party:**

(a) **Accelerate the adoption of the draft traditional justice law to establish a solid framework to regulate the relationship between the formal and traditional justice systems and ensure that women can effectively make an informed choice of the applicable law and the judicial system to bring their claims;**

(b) **Ensure that ordinary laws continue to take precedence over customary laws and that the norms, procedures and practices of traditional and religious justice systems are in conformity with the Convention, and provide capacity-building on women's human rights and gender equality to traditional justice authorities;**

(c) **Enhance awareness among women and girls, in particular rural women and women and girls with disabilities, of their rights under the Convention and the remedies available to them to claim those rights, in cooperation with civil society organizations;**

(d) **Enhance the accessibility of courts in rural areas, including by increasing the human, technical and financial resources of mobile justice units, and remove or reduce court fees and transportation costs impeding women's access to justice;**

(e) **Provide training for the judiciary, including traditional court judges, and law enforcement officials on women's human rights and gender-sensitive interrogation and investigation methods and address judicial gender bias.**

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

15. The Committee notes with appreciation the adoption of the first national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) for the period 2016–2020. However, it is concerned at the lack of information on the assessment of the first national action plan, as well as the delay in the adoption of the second national action plan. It is also concerned that civil society organizations, in particular women's organizations, are not effectively represented in processes related to the women and peace and security agenda.

**16. The Committee recalls its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and recommends that the State party:**

(a) **Accelerate the adoption of the second national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, in cooperation with representatives of women's civil society organizations, and ensure that it takes into consideration the full spectrum of the Security Council agenda on women and peace and security, as reflected in Security Council resolution [1325 \(2000\)](#) and subsequent resolutions, and incorporates a model of substantive equality that addresses gender-based**

**violence against women and discrimination against women in all spheres of women's lives, including intersecting forms of discrimination against women;**

**(b) Ensure the meaningful and inclusive participation of women in all processes related to women and peace and security, in particular with regard to the adoption, implementation and assessment of the national action plans;**

**(c) Integrate a gender-responsive budget, set out indicators for the regular monitoring of implementation of the national action plans and establish accountability mechanisms.**

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

17. The Committee notes the establishment in 2018 of the Secretariat of State for Equality and Inclusion. However, it notes with concern the limited authority, budget and capacity of the Secretariat of State, as well as the limited capacity of the gender working groups in various ministries, which weaken the mandate of the Secretariat of State to ensure that gender equality policies are effectively implemented and that gender is mainstreamed across all government departments.

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

**(a) Strengthen the mandate of the Secretariat of State for Equality and Inclusion and provide it with adequate human, technical and financial resources to coordinate all public policies and strategies for the advancement of women and gender equality, including through gender responsive budgeting, and ensure that the gender working groups in relevant Ministries are fully operational at the national and local levels;**

**(b) Conduct systematic training on women's human rights and gender equality for civil servants on initial appointment and at regular refresher courses, and monitor gender mainstreaming across all sectors;**

**(c) Strengthen the framework for gender equality through increased cooperation between the Secretariat of State for Equality and Inclusion and local authorities, as well as with civil society, in particular women's rights organizations.**

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

19. The Committee notes with appreciation that the Office of the Defender (*Provedor*) of Human Rights and Justice has since 2008 been accredited with "A" status by the Global Alliance of National Human Rights Institutions, and was reviewed and confirmed in 2018, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). However, the Committee is concerned that Law No. 7/2004 establishing the mandate of the Defender of Human Rights and Justice does not specify the criteria for the selection and dismissal of the Defender.

**20. The Committee recommends that the State party implement the recommendations of the Global Alliance of National Human Rights Institutions to provide the Office of the Defender (*Provedor*) of Human Rights and Justice with adequate human, technical and financial resources to discharge its mandate effectively, independently and in compliance with the Paris Principles, and to strengthen its women's rights and anti-discrimination mandate and amend Law No. 7/2004 to include explicit criteria for the selection and dismissal of the Defender. It also recommends that the State party support the Office of the Defender of Human Rights and Justice in implementing the recommendations of the Sub-Committee on Accreditation of the Global Alliance of National Human**

**Rights Institutions, and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in that regard.**

**Temporary special measures**

21. The Committee notes the State party's efforts to introduce temporary special measures to increase the representation of women in political and public life. However, it is concerned at the limited use of temporary special measures in other areas where women, including rural women and women with disabilities, are underrepresented and disadvantaged, such as representation in decision-making systems at all levels, education and employment.

**22. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

**(a) Adopt temporary special measures and establish time-bound targets to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women, including rural women, lesbian, bisexual, transgender and intersex women and women with disabilities, are underrepresented or disadvantaged, such as in decision-making systems at all levels, education and employment;**

**(b) Systematically collect data on the impact of temporary special measures and include such data in its next periodic report.**

**Discriminatory stereotypes**

23. The Committee notes that the State party has taken some steps to combat stereotypes. However, it is concerned at the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society in the State party and the lack of measures to address such stereotypes and deep-rooted patriarchal attitudes, which exacerbate gender-based violence against women, including sexual violence.

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

**(a) Develop and implement a comprehensive strategy, including for the online domain, targeting community and religious leaders, teachers, girls and boys, and women and men to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, and develop and introduce a set of targets and indicators to systematically measure the impact of the strategic interventions undertaken;**

**(b) Provide relevant public officials and the media, as well as private sector representatives, with capacity-building to enable them to address discriminatory gender stereotypes, including through gender-responsive language, and promote positive portrayals of women as active drivers of development in the media;**

**(c) Take targeted measures, including awareness raising, paid paternity leave or shared parental leave, to promote equal sharing of domestic and childcare responsibilities, as well as responsible fatherhood.**

**Gender-based violence against women**

25. The Committee notes the State party's efforts to combat gender-based violence against women, in particular the adoption of two national actions plans. However, it notes with concern:

(a) The high incidence of domestic violence in the State party, owing to discriminatory social norms legitimizing such violence, as well as underreporting and low prosecution and conviction rates in cases of domestic violence, including marital rape, due to women's fear of stigmatization and the lenient sentences on perpetrators;

(b) The lack of shelters and victim support services, including psychosocial counselling and rehabilitation services.

**26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Amend its legislation to ensure that all forms of gender-based violence against women are specifically criminalized and take into account the special protection needs of disadvantaged and marginalized groups of women, including rural women, women with disabilities, migrant women, older women, and lesbian, bisexual, transgender and intersex women;**

(b) **Intensify awareness-raising for the general public on the criminal nature of all forms of gender-based violence, including domestic and sexual violence, including marital rape, and on the need to enable women to report such cases without fear of reprisals, stigmatization or re-victimization;**

(c) **Ensure that women and girls who are survivors of gender-based violence have access to affordable and, if necessary, free legal aid; relax the burden of proof on complainants; ensure affordable access to forensic evidence; and continue to build the capacity of judges, prosecutors, the police and other law enforcement officers regarding gender-sensitive investigation and interrogation methods in cases of gender-based violence;**

(d) **Strengthen victim support services and protection, including a 24/7 hotline, adequate and accessible shelters, medical treatment, psychosocial counselling and economic support to victims in all parts of the State party.**

#### **Conflict-related sexual violence against women and reparations**

27. The Committee notes the study entitled "Bukae ba Sobrivivente: Providing Reparations for Victims of Sexual Violence during the 1975–1999 Conflict in Timor-Leste" aimed at identifying the reparations needs of survivors of conflict-related sexual violence in Timor-Leste, as well as the opportunities for delivering reparations to survivors through judicial and administrative processes. However, the Committee remains concerned that women survivors of rape, sexual slavery and other forms of sexual violence committed during the conflict from 1975 to 1999, continue to face stigma and exclusion and have limited access to medical, psychosocial, sexual and reproductive and mental health services and treatment. The Committee also remains concerned that the national reparation programme has still not been adopted, and that the public memory institute has not yet been established.

**28. In line with general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee reiterates its previous concluding observations (CEDAW/C/TLS/CO/2-3, para. 19) and recommends that the State party:**

(a) **Accelerate the adoption of the national reparation programme and ensure that all victims and their family members have effective access to remedies, including adequate reparations;**

(b) **Provide adequate protection from reprisals for women victims and witnesses of conflict-related sexual violence who seek access to justice or**

**cooperate with the judiciary, respectively, and ensure that acts of witness tampering are effectively prosecuted;**

**(c) Ensure that victims of conflict-related sexual violence and children born of rape are protected from stigma, discrimination and exclusion and have access to comprehensive medical, psychosocial, sexual and reproductive and mental health services and treatment.**

#### **Trafficking in women**

29. The Committee commends the State party on its efforts to strengthen its legal and policy framework to combat trafficking in women and girls, including the establishment of the Commission to Combat Human Trafficking and the development of trafficking in persons standard operating procedures for identification and referral. However, the Committee notes with concern that the State party remains a country of origin and destination for trafficking in women and girls for purposes of sexual and labour exploitation, and that internal trafficking remains a serious problem. It also notes with concern:

(a) That the new national action plan to combat human trafficking has not yet been adopted;

(b) The State party's reliance on non-governmental organizations for the provisions of shelters and the lack of special budget and separate shelters for victims of trafficking, given that existing shelters are also used for other victims of gender-based violence against women;

(c) The low rate of convictions compared with the number of identified victims;

(d) The limited awareness among police and other law enforcement officers about gender-sensitive procedures for dealing with victims of trafficking.

30. **Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration and its previous recommendations (CEDAW/C/TLS/CO/2-3, para. 21), the Committee recommends that the State party:**

**(a) Expedite the adoption of the new national action plan to combat human trafficking;**

**(b) Ensure that women and girls victims of trafficking have adequate access to victim support services, including shelters and counselling services and rehabilitation programmes, and provide adequate funding and/or subsidies for the rental of premises and utility costs of shelters operated by non-governmental organizations;**

**(c) Ensure that all cases of trafficking in women and girls are investigated and prosecuted and perpetrators adequately punished;**

**(d) Provide capacity-building for the judiciary, law enforcement officials, immigration and law enforcement officers, border guards and social workers on the application of the national legal and policy framework to combat trafficking in women and girls and gender-sensitive procedures for the early identification and referral of victims to appropriate services;**

**(e) Conduct awareness-raising campaigns on the risks of trafficking and provide income-generating opportunities, financial support, legal assistance, hotlines and pre-departure information to migrant women and girls;**



(f) **Ensure the systematic collection and analysis of data on trafficking, disaggregated by age, sex, nationality of victims and forms of trafficking.**

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

31. The Committee notes with appreciation that the representation of women in the National Parliament amounts to 40 per cent, which is the highest in the region. It also notes the increase in the number of women judges (40 per cent of all judges). However, the Committee notes with concern that only 5 per cent of heads of villages (*Xefe Suku*) and only 4 per cent of subvillage heads (*Xefe Aldeia*) are women following the last municipal elections. It also remains concerned that women remain underrepresented in decision-making positions, including in the Government, the judiciary, the public service, the foreign service academia and in international organizations.

**32. Recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Introduce targeted measures, including temporary special measures, in line with article 4, paragraph 1, of the Convention and general recommendation No. 25 (2004) on temporary special measures, such as increased quotas and targeted campaign financing, to increase the representation of women at all levels of government, in as well as the judiciary, the public service, the foreign service, academia and international organizations, in particular at decision-making levels;**

(b) **Provide campaign financing and capacity-building to women politicians and candidates on political campaigning, leadership and negotiation skills and raise awareness, in collaboration with the media, among politicians, religious and community leaders and the general public on the importance of the full, independent and democratic participation of women on an equal basis with men in political and public life as a requirement for achieving political stability and sustainable development in the State party;**

(c) **Provide capacity-building and training to women managers in the private sector, sensitize private sector entities on the importance of women's equal participation in leadership positions, and incentivize public and private listed companies to increase the number of women in positions of decision-making;**

(d) **Introduce preferential recruitment of women to the judiciary, the public service and the foreign service, including in diplomatic missions, and support the women candidates applying to international organizations.**

#### **Nationality**

33. The Committee commends the State party on its nationwide mobile birth registration campaign, launched in 2017, including in remote areas. However, it is concerned about the lack of information on the impact of the campaign and of information and data about stateless women and girls in the State party.

**34. With reference to its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Strengthen its mobile birth registration units, in particular in rural and remote areas, including through the use of modern information and communications technology, and assess the impact of the birth registration campaign;**

(b) **Collect data on stateless women and girls, disaggregated by age and ethnicity and provide such data in its next periodic report;**

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

### **Education**

35. The Committee notes with concern:

(a) The low literacy rate among women (only 67 per cent in 2020);

(b) The high dropout rates among girls in secondary education, attributable to early pregnancies, child marriage, discrimination based on sex and/or disability, lack of menstrual hygiene products and separate sanitary facilities in schools, in particular in rural areas;

(c) The lack of age-appropriate sexuality education, including on responsible sexual behaviour and prevention of sexually transmitted diseases;

(d) The continued use of corporal punishment in educational settings and gender-based violence, including sexual violence, against girls and women in schools.

36. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and its previous recommendations (CEDAW/C/TLS/CO/2-3, para. 27), the Committee recommends that the State party raise awareness of the importance of girls' education as a basis for their empowerment, and:**

(a) **Strengthen literacy campaigns and take other targeted measures to reduce the high illiteracy rates among women and girls, with a focus on girls living in poverty, rural girls, pregnant girls and young mothers, and girls with disabilities, such as scholarships for girls and free provision of school meals, to increase enrolment, retention and completion rates among girls in secondary education, and promote continuing education for women;**

(b) **Address the causes of school dropout among girls, including child and forced marriages and early pregnancies, as well as discrimination on the basis of gender and/or disability, and ensure that young mothers can return to school following childbirth, with a view to completing their education, obtaining diplomas and gaining access to higher education or employment;**

(c) **Ensure safe educational environments that have adequate hygiene and sanitation facilities that are free from gender-based violence against women and girls, including safe transportation to and from schools, investigate, prosecute and adequately punish all cases of harassment and gender-based violence, including corporal punishment, perpetrated against girls and women in educational institutions, and provide immediate protection to victims;**

(d) **Raise awareness among parents, teachers, traditional and religious leaders, women, men, girls and boys of the importance of girls' and women's education for their economic empowerment, personal development and autonomy;**

(e) **Allocate the necessary human, technical and financial resources for the education of girls with disabilities, including by increasing the number of schools offering inclusive education throughout the State party, and take measures to ensure accessibility and reasonable accommodation for girls with disabilities in schools;**

(f) **Integrate into curricula at all levels of education: (i) inclusive and accessible content on gender equality, including on women's rights and the**

harmful effects of gender-based violence against women and girls; (ii) age-appropriate sexuality education, paying particular attention to responsible sexual behaviour and the prevention of early pregnancies and sexually transmitted diseases; and (iii) human rights and peace education;

(g) **Provide mandatory professional training on women's rights and gender equality to teachers and school administrators.**

### **Employment**

37. The Committee notes with concern:

(a) Women's concentration in lower-paid jobs in the informal economy, where they are exposed to exploitation and excluded from social security coverage;

(b) The large number of women engaged in unpaid care work or work in family businesses;

(c) The limited enforcement of the principle of equal pay for the work of equal value and the significant gender pay gap in the State party, despite the ratification of the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization (ILO);

(d) The barriers to women's access to management positions and higher-paid jobs in the formal economy, in particular for disadvantaged and marginalized groups of women, including migrant women and women with disabilities;

(e) That women domestic workers are often hired outside the formal labour registration process without access to health care coverage and pension benefits;

(f) The absence of legislation prohibiting sexual harassment in the workplace and underreporting of sexual harassment by women, the lack of effective labour inspections and independent confidential complaint mechanisms for women victims of sexual harassment.

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

(a) **Strengthen women's access to formal employment and social security coverage;**

(b) **Recognize, reduce and redistribute the burden of unpaid care work on women by providing affordable childcare facilities and care services for older persons, and ensure that women employed in family businesses are adequately remunerated and have access to social protection schemes;**

(c) **Enforce the principle of equal pay for work of equal value and regularly review wages in sectors where women are concentrated and adopt measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;**

(d) **Improve access to employment and training opportunities for disadvantaged and marginalized groups of women, such as women belonging to ethnic minorities, migrant women and women with disabilities;**

(e) **Accelerate the adoption of a domestic workers regime to ensure the protection of rights of women domestic workers and ratify the ILO Domestic Workers Convention, 2011 (No. 189);**

(f) **Explicitly prohibit sexual harassment in the workplace, ensure that women victims of sexual harassment have access to effective remedies, that their complaints are effectively investigated, perpetrators prosecuted and adequately punished and victims protected from retaliation, conduct regular labour**

**inspections, and ratify the ILO Violence and Harassment Convention, 2019 (No. 190).**

### **Health**

39. The Committee notes the measures taken by the State party to improve women's access to health-care services, including the deployment of mobile health-care units to rural and remote areas, as well as public awareness-raising campaigns on sexual and reproductive health and rights. However, the Committee notes with concern:

(a) The persistently high rates of maternal mortality, early pregnancy and malnutrition among women, women's limited access to antenatal and postnatal health-care services and the low rate of births attended by skilled health personnel, particularly in rural areas;

(b) The lack of age-appropriate education on sexual and reproductive health and rights and family planning and the high level of unmet need for contraceptives, in particular among girls and unmarried women;

(c) The criminalization of abortion in all cases except where the life of the pregnant woman is at risk and the high number of unsafe abortions;

(d) The disproportionately high prevalence of HIV/AIDS among women, stigmatization and social exclusion of women and girls living with HIV/AIDS, and women's limited access to HIV testing and treatment.

**40. The Committee recalls its general recommendation No. 24 (1999) on women and health and target 3.7 of the Sustainable Development Goals and recommends that the State party:**

(a) **Improve women's access to antenatal, perinatal and postnatal health services to reduce the high rates of maternal mortality, including by training midwives and other relevant health professionals, especially in rural areas;**

(b) **Ensure that women and girls, including rural women and girls, unmarried women and women and girls with disabilities, have adequate access to sexual and reproductive health services and information, including family planning, modern forms of contraception, and safe abortion and post-abortion services;**

(c) **Amend article 141 of the Penal Code to legalize abortion in cases of risk to the life or health of the pregnant woman, rape, incest or severe foetal impairment and decriminalize it in all other cases;**

(d) **Collect data, disaggregated by age and region, on unsafe abortion and its impact on women's health, including maternal mortality;**

(e) **Provide access to free HIV testing and continue providing free antiretroviral treatment to all women and girls living with HIV/AIDS, including pregnant women to prevent mother-to-child transmission, and address the stigmatization and social exclusion of women and girls living with HIV/AIDS.**

### **Economic and social benefits**

41. The Committee notes with appreciation the establishment in 2016 of the National Institute for Social Security to monitor the implementation of social security schemes, as well as the adoption of the Basic Law for Social Protection and the national strategy for social protection. It is, however, concerned:

(a) That the coronavirus disease (COVID-19) pandemic and natural disasters in 2020 and 2021 have accelerated the feminization of poverty and the

marginalization of disadvantaged groups of women, in particular women heads of households in rural areas, women and girls with disabilities, pregnant women, women survivors of gender-based violence, women living in poverty and women in unpaid work, who often face challenges in accessing economic and social benefits;

(b) At women's limited access to land ownership, loans and other forms of financial credit, bank accounts and financial services in the State party;

(c) That women artisans lack the necessary training to improve the quality of their products, diversify and innovate to be competitive in the domestic and international markets;

(d) At the lack of information on the unique identification system for citizens to gain access to government services and support.

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

(a) **Address the feminization of poverty by mainstreaming gender into the national strategy for social protection and ensure that women, especially those belonging to disadvantaged groups, participate meaningfully in the implementation, monitoring, evaluation and renewal of the Strategy and have access to adequate social and economic benefits;**

(b) **Ensure that women have equal access as men to land ownership, low-interest loans without collateral, entrepreneurship opportunities and information and communications technology, so that they may engage in e-commerce and cross-border trade with regard to their goods and products;**

(c) **Provide training to women artisans, such as weavers, and women entrepreneurs on business management, financial literacy and marketing;**

(d) **Provide information on the impact of the unique identification system for citizens on women's entrepreneurship and women's economic and social benefits in the next periodic report.**

**Rural women**

43. The Committee takes note of the efforts made by the State party to reduce poverty among rural women and improve their access to land ownership and use. It also notes that the second phase of the Maubisse Declaration on Rural Women (2018–2023) seeks to improve rural women's and girls' access to markets, financial credit, land and other productive resources. However, the Committee notes with concern:

(a) That despite article 4 of the Transitional Land Law (13/2017) stipulating that women have equal rights to land, patriarchal attitudes restrict rural women's ownership, control and use of land;

(b) That despite the protections in the Expropriation Law (8/2017), rural women continue to face forced evictions and expropriation of property without due process or appropriate compensation;

(c) Rural women's limited access to basic services, financial credit and modern farming technologies and their underrepresentation in decision-making at the local level, where they account for only 5 per cent of *Xefe Suku*.

**44. In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party integrate and mainstream a gender perspective in all agricultural and rural development strategies, plans and programmes, enabling rural women to act and be visible as stakeholders, decision-makers, and beneficiaries, and in particular:**

(a) **Dismantle patriarchal attitudes and gender stereotypes that impede equal access by rural women to land and productive resources, and ensure the application of Law 13/2017 to protect rural women's equal rights to land ownership and use;**

(b) **Ensure that evictions must be court-ordered and subject to strict procedural safeguards, in line with Law 8/2017 and international standards, and expedite court proceedings for prompt and adequate compensation and the provision of affordable alternative housing in all cases of forced evictions and expropriation;**

(c) **Intensify efforts to ensure service delivery in rural areas to promote rural women's access to health care, including sexual and reproductive health services; education; formal employment; social protection; housing and adequate water and sanitation; and modern farming technologies, including knowledge on food harvesting techniques, preservation, storage, processing, packaging, marketing and entrepreneurship;**

(d) **Ensure that rural women are able to participate effectively in planning and decision-making related to rural infrastructure and services, as well as in the planning, adoption, budgeting, implementation, monitoring and evaluation of agricultural and rural development policies.**

#### **Disaster risk reduction and climate change**

45. The Committee is concerned that women, in particular rural women, migrant women, women with disabilities and women living in poverty, are disproportionately affected by climate change, cyclones and loss of biodiversity, as they often live in exposed areas and lack the necessary coping mechanisms to increase their climate change resilience.

46. **The Committee recommends that, 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 State party review its climate change and disaster response strategies, taking into account the negative effects of climate change on the livelihoods of women, especially rural women, and ensure that women are meaningfully involved in the development, adoption and implementation of legislation, policies and programmes on climate change, disaster response and disaster risk reduction, by in particular:**

(a) **Collecting disaggregated data on the impact of climate change and natural disasters on women and girls;**

(b) **Ensuring the incorporation of gender sensitivity in climate change and disaster risk reduction legislation, policies, financing and programmes to address the specific and unique needs of women and girls and build their resilience and effective adaptation to climate change;**

(c) **Increasing climate change and disaster risk management literacy and awareness among communities, women and girls, including rural women and women with disabilities to empower them with knowledge to demand their rights, and effectively participate in climate change-related decision-making and the development of adaptation and loss and damage strategies and actions that build women's and girls' resilience to impacts of climate change;**

(d) **Supporting women to ensure their active participation in the creation and operation of new funding arrangements for responding to loss and damage, as decided during the twenty-seventh session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in 2022.**

### **Marriage and family relations**

47. The Committee notes the information provided by the delegation of the State party concerning ongoing consultations about the legal minimum age of marriage. However, it notes with concern that:

- (a) Article 1500 of the Civil Code authorizes the marriage of a minor between 16 and 17 years of age with the permission of the parents or a legal guardian;
- (b) The Penal Code does not criminalize incest with children above 14 years;
- (c) Polygamy and the payment of bride prices (*barlake*) remain prevalent in many communities in the State party, particularly in rural areas, which results in unequal rights and power relations in marriage and family relations.

48. **Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:**

- (a) **Amend the Civil Code to remove all exceptions to the legal minimum age of marriage of 18 years for both women and men and pursue its efforts to combat child marriage, especially in rural areas, including by addressing the root causes of this harmful practice, encouraging reporting and ensuring the prosecution and adequate punishment of those responsible, including complicit family members, religious and community leaders or civil registrars, in accordance with the joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices;**
- (b) **Amend the Penal Code to explicitly criminalize incest with children and combat intrafamily sexual abuse of women and girls, ensuring that victims receive adequate support and reparations for the harm caused;**
- (c) **Amend the Civil Code to explicitly prohibit polygamy and ensure the protection of the economic rights of women in existing polygamous unions;**
- (d) **Provide systematic capacity-building on women's equal rights in marriage and family relations and upon their dissolution, as well as on women's equal inheritance rights, for the judiciary, including traditional justice actors, custodians of customary law, and women and girls, especially in rural areas.**

### **Amendment to article 20 (1) of the Convention**

49. **The Committee encourages the State party 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**

50. **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 order to achieve substantive equality between women and men.**

### **Dissemination**

51. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional and local),**

**in particular to the Government, the Parliament and the judiciary, to enable their full implementation.**

**Ratification of other treaties**

**52. The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>3</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 Disappearances, to which it is not yet a party.**

**Follow-up to the concluding observations**

**53. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a), 26 (b), 30 (a) and 40 (a) above.**

**Preparation of the next report**

**54. The Committee will establish and communicate the due date of the fifth periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.**

**55. 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).**

---

<sup>3</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.