

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

With regard to issues that are implicated under the theme of gender equality and discrimination against women, the Committee has made recommendations on the basis of several Articles of the Covenant. The Articles that are implicated under this theme are, primarily, Articles 2, 3 and 26, and secondarily, 6, 7, 14, 17, 23, 24 and 25.¹⁶²

2.1 Gender Discrimination and Representation of Women

The Committee made recommendations regarding gender equality and representation of women to the following seventeen States: **Moldova, Jamaica, Slovakia, Morocco, Kuwait, Ecuador, Denmark, Burkina Faso, Azerbaijan, New Zealand, Rwanda, Ghana, Argentina, Sweden, Costa Rica, Namibia** and **Slovenia**.

2.1.1 Representation of women in public and private life

One of the primary issues that the Committee found for several States regarding gender discrimination is the representation and participation of women in both public and private life.¹⁶³ For example, in **Moldova**, the Committee noted that there is underrepresentation of women in Parliament and in decision-making positions within the government.¹⁶⁴ The Committee recommended that **Moldova** undertake awareness-raising and capacity-building campaigns in order to address the root causes that prevent women from participating in public and political life.¹⁶⁵ Similarly, the Committee noted that in **Kuwait**, there is a low level of representation of women in executive and legislative bodies, as well as the judiciary.¹⁶⁶ The Committee also expressed concern that in **Kuwait**, women's applications for prosecutor positions have been suspended.¹⁶⁷ In this regard, the Committee recommended that the State should take the measures necessary, including temporary special measures, to increase the participation of women in public life.¹⁶⁸

Regarding the low level of women in public affairs and the low number of women elected to office in **Burkina Faso**, the Committee recommended that the State ensure the effective application of the legislation on political parties and encourage women to stand for election.¹⁶⁹ The Committee also noted that there was underrepresentation of women in the private sector and in particular, in senior and managerial positions and on boards of private enterprises, such as in **Slovenia**.¹⁷⁰ The Committee recommended that **Slovenia** support enhanced cooperation and dialogue with partners in the private sector.¹⁷¹

2.1.2 Legal provisions that discriminate against women

The Committee also pointed out issues with discriminatory legal provisions with regard to women in several of the reviewed States.¹⁷² For example, with **Morocco**, the Committee noted that there are legislative provisions in the country that discriminate against women, including as related to a matrimonial regime that includes polygamy, divorce, child custody, guardianship of children, inheritance and transfer of nationality to a foreign spouse.¹⁷³ The Committee recommended that **Morocco** repeal or amend such discriminatory provisions.¹⁷⁴ In **Kuwait**, the Committee expressed concern about discriminatory provisions that

One of the primary issues that the Committee found for several States regarding gender discrimination is the representation and participation of women in both public and private life.

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

Certain States faced issues relating to gender discrimination in employment, particularly regarding the gender wage gap.

implicated family and marriage-related issues.¹⁷⁵ The Committee recommended that such discriminatory provisions be repealed or amended and that **Kuwait** establish a minimum age for marriage that complies with international standards and make the signature of a marriage contract by both spouses mandatory.¹⁷⁶

2.1.3 Gender discrimination in employment

The Committee also noted that certain States faced issues relating to gender discrimination in employment, particularly regarding the gender wage gap.¹⁷⁷ For example, the Committee noted that in **Ecuador**, women are more affected by unemployment than men and the wage gap persists.¹⁷⁸ The Committee recommended the implementation of existing legislation and policies on gender equality, as well as combating of gender stereotypes regarding the role of men and women in the family and in society.¹⁷⁹ The Committee also expressed concern about a gender wage gap in **New Zealand**, which disproportionately affects low-income women, Maori and Pasifika women and women with disabilities.¹⁸⁰ The Committee recommended that **New Zealand** ensure the full implementation of the principle of equal pay for work of equal value across its territory in both the public and private sectors.¹⁸¹

2.1.4 Patriarchal attitudes and harmful traditional or customary practices

The Committee also pointed out the prevalence of patriarchal attitudes and of traditional practices that are harmful to women and girls in certain States.¹⁸² In **Azerbaijan**, the Committee noted that there are patriarchal attitudes related to restrictions imposed on women and girls in order to preserve the “family honour,” as well as early marriage, unregistered religious marriage and temporary marriage.¹⁸³ The Committee recommended to **Azerbaijan** that it develop strategies to combat patriarchal attitudes and stereotypes and ensure the effective enforcement of legal provisions against early marriage, unregistered religious marriage and temporary marriage.¹⁸⁴ Regarding **Namibia**, the Committee noted that there are patriarchal attitudes that contribute to violence against women, as well as customary laws that frequently discriminate against women.¹⁸⁵ The Committee recommended that **Namibia** work with traditional leaders to abolish discriminatory customary laws.¹⁸⁶

Other UN Treaty Bodies

Multiple discrimination was defined by the **CRPD** as discrimination on two or more grounds. Intersectional discrimination is a situation where several grounds interact in such a way that they are inseparable. This was acknowledged as a more serious form of discrimination by **Spain**, **Croatia** and the European Union.¹⁸⁷

The CRPD noted that women with disabilities are not a homogenous group. Multiple discrimination should be recognized explicitly and States parties should, inter alia, outlaw gender- and disability-based discrimination and its intersectional forms, adopt legislation to ensure that rights of

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

women with disabilities are included in all policies, ensure the participation of women with disabilities, collect data on the situation of women with disabilities and ensure that all international cooperation is disability- and gender-sensitive.¹⁸⁸

States parties should organize mandatory training on multiple discrimination¹⁸⁹ and **Spain** recognize multiple and intersectional discrimination as an aggravated form¹⁹⁰, in particular based on disability, age, gender, indigenous background, rural isolation, ethnicity, Afro-descendant origin or migrant status and others.¹⁹¹ Specific data on this issue should be collected and disseminated and remedial schemes should address the aggravated nature of this form of discrimination.¹⁹²

The CRPD was concerned about multiple and intersectional discrimination in many of the COBs. In **Bolivia, Ethiopia, Guatemala, United Arab Emirates, Uruguay, Chile, Italy, Slovakia, Uganda** and **Colombia**, the Committee noted that this form of discrimination should be recognized as an aggravated form of discrimination.¹⁹³ Effective remedies should be established and explicit legislation should be adopted. Moreover, **Colombia, Serbia** and **Portugal** should incorporate the disability perspective in all policies relating to gender equality.¹⁹⁴ **Slovakia** should provide mandatory training on this issue.¹⁹⁵ **Lithuania, Thailand, Uganda** and **Portugal** should take measures to eradicate multiple discrimination.¹⁹⁶

The CRPD repeatedly referred to targets 10.2 and 10.3 of the Sustainable Development Goals and the guidance of art. 5 and 6 in obtaining that goal.¹⁹⁷

The **CRC** adopted a new general comment in 2016 on the rights of adolescents, with the inputs of adolescents themselves. The CRC stated in that general comment that gender inequality becomes more significant during adolescence since "adolescence itself can be a source of discrimination".¹⁹⁸ For example, gender inequalities become more significant with age, leading to forced marriages, early pregnancies, trafficking, and other serious violations of their rights. The CRC recommended states to address discrimination against girls by promoting empowerment, challenge patriarchal gender norms and promote legal reforms.¹⁹⁹

The principle of non-discrimination was reiterated in all COBs. In **Iran, Saudi Arabia** and **Pakistan**, for example, the CRC was concerned about the continuing discrimination of girls in all aspects of life, especially against children belonging to religious, minority ethnic and linguistic groups, children born out of wedlock, children in poverty, LGBTQ and asylum-seeking children.²⁰⁰ In **Pakistan**, the CRC referred to a joint general recommendation of CEDAW and CRC to take active measures to put an end to harmful practices against children.²⁰¹ In **Saudi Arabia**, the CRC denounced the system of male guardianship, as well as the fact that girls are not recognized as full subjects of rights.²⁰² Male guardianship is also denounced in the COBs of **Iran**.²⁰³

The CRPD was concerned about multiple and intersectional discrimination in many of the COBs.

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

The Committee noted that underreporting of gender-based violence was an issue in Azerbaijan, Kazakhstan and Sweden.

2.2 Gender-Based Violence

The Committee made recommendations regarding gender-based violence to all twenty-one States that were reviewed during the three sessions in 2016.

2.2.1 Prevalence of domestic violence

The Committee found that there was a high prevalence of domestic violence in several States.²⁰⁴ For example, the Committee noted that in **Moldova**, there was an increasing number of cases of domestic violence, as well as a lack of prompt and effective investigation of such cases.²⁰⁵ The Committee recommended that **Moldova** ensure prompt, thorough and effective investigations, as well as prosecutions and punishment of perpetrators of domestic violence.²⁰⁶

2.2.2 Underreporting of gender-based violence

The Committee noted several structural issues with regard to the prevention and redressing of gender-based violence, including underreporting of gender-based violence, lack of adequate protection mechanisms for victims and a rate of low prosecutions and convictions.²⁰⁷

The Committee noted that underreporting of gender-based violence was an issue in **Azerbaijan, Kazakhstan** and **Sweden**. For **Azerbaijan** and **Kazakhstan**, the Committee expressed concern that cases of sexual and domestic violence are often underreported because of a culture of silence.²⁰⁸ With regard to **Sweden**, the Committee noted that gender-based violence is often underreported, in particular in cases of sexual violence against women with disabilities.²⁰⁹ In this regard, the Committee recommended that the affected States conduct awareness raising of the impacts of violence against women, inform women of their rights and establish a mechanism to encourage reporting of domestic violence to law enforcement authorities.²¹⁰

2.2.3 Lack of adequate mechanisms for support and assistance for victims

The Committee also noted that there is a lack of adequate protection mechanisms and insufficient support services for victims of gender-based violence in multiple States.²¹¹ For example, in **Slovakia**, the Committee noted that there is a lack of a coordinated system for preventive measures and victim assistance, such as shelters and legal, medical and psychological assistance.²¹² The Committee made a general recommendation to **Slovakia** to ensure that women victims of violence are provided adequate access to protection and assistance.²¹³

For **Poland**, the Committee expressed concern about the small number of restraining orders that are issued and the insufficient number of emergency shelters and specialized assistance centers.²¹⁴ The Committee recommended that **Poland** provide victims access to means of protection, including restraining orders, with immediate effect and increase the number of emergency shelters and specialized centers in all parts of the country.²¹⁵

With regard to **Azerbaijan**, the Committee noted that the

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

provision of assistance services to victims is mainly delegated to non-governmental organizations with limited State involvement.²¹⁶ In this regard, the Committee recommended that the State ensure that victims are provided access to "sufficient, safe and adequately funded" centers for victims of violence.²¹⁷

2.2.4 Low rates of prosecutions

The Committee also found that certain States had an issue with a low rate of prosecutions of perpetrators of gender-based violence.²¹⁸ For example, in **Morocco**, the Committee noted that perpetrators of gender-based violence are often not prosecuted partly as a result of the fact that victims of rape who report the crime may be subject to prosecution themselves because of the criminalization of sexual relations outside marriage between consenting adults.²¹⁹ The Committee recommended that **Morocco** end such prosecutions under the criminalization of sexual relations outside marriage and instead prosecute offenders and perpetrators of violence against women.²²⁰

In **Azerbaijan**, the Committee noted that rather than prosecution, courts use reconciliatory measures for first-time offenders of gender-based violence without regard to the victim's opinion or safety, a practice that the Committee recommended **Azerbaijan** prevent.²²¹

With regard to **Ghana**, the Committee noted that women victims of domestic violence frequently withdraw their complaints due to reprisals or social stigma and that there are lenient sentences imposed on perpetrators of such violence, as well as a general lack of investigations and prosecutions.²²² The Committee recommended to **Ghana** that it should ensure that law enforcement authorities receive appropriate training to deal with cases of domestic violence.²²³

Moreover, with regard to **Kazakhstan**, the Committee noted that under the Criminal Procedure Code, the majority of cases involving violence against women fall under the category of "private" and "private-public" prosecution, investigations can only be initiated upon official complaint of the victim and criminal proceedings in such cases can, with few exceptions, be terminated upon "reconciliation of the parties."²²⁴ The Committee recommended that the State classify acts of violence against women as public prosecutions subject to ex officio investigation and prosecution and repeal provisions allowing termination of criminal proceedings upon reconciliation of the parties.²²⁵

2.2.5 Harmful traditional or customary practices

With regard to certain States, the Committee expressed concern about traditional or customary practices that had the effect of perpetuating gender-based violence against women or that negatively impacted women.²²⁶ This included practices, such as female genital mutilation, *trokosi* (ritual servitude), forced early marriage and witchcraft accusations leading to confinement in witch camps, in **Ghana**, as well as harmful sexual initiation practices in **Namibia**.²²⁷ The Committee recommended that **Ghana** and **Namibia** educate

The Committee expressed concern about traditional or customary practices that had the effect of perpetuating gender-based violence against women or that negatively impacted women.

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

The CERD recognized the impact of multiple and intersecting forms of discrimination against women.

communities on the discriminatory impact of such practices.²²⁸ The Committee also recommended that **Ghana** investigate cases of harmful traditional practices and provide victims with access to effective remedies.²²⁹

Other UN Treaty Bodies

The **CERD** recognized the impact of multiple and intersecting forms of discrimination against women. Women may be discriminated against because of their gender and/or race. Some examples include sexual violence against particular ethnic groups, coerced sterilization of indigenous women, racial bias-motivated rape and lack of access to remedies because of gender bias in the legal system.

The CERD recommended a more systematic and consistent approach to assess and monitor racial discrimination against women. The CERD incorporated gender analysis in its working methods and, in particular, considered the form and manifestation of racial discrimination, the circumstances in which it occurs, the consequences and the availability of and accessibility to remedies. States parties should describe factors affecting the equal rights of women by collecting data categorized by race or ethnic origin and disaggregated by gender.²³⁰

The CERD often mentioned multiple and intersecting forms of discrimination in its COBs and asked States consistently to take into account the previously mentioned general recommendation. The CERD was particularly concerned about Afro-descendant and indigenous women and frequently asked for specific data on this issue.

In **Namibia**, the CERD noted the ethnically motivated rape of San women and the lack of accessibility to remedies. The CERD then asked for more information, data and measures taken by the State party to combat stereotypes about indigenous peoples and to raise awareness about reporting mechanisms.²³¹

In **Pakistan**, violence against women from an ethnic and religious minority persists - honour killings are a common example. The CERD recommended the State party amend the legislation and enforce existing laws.²³² The CERD was also concerned about the situation of black and marginalized ethnic women in **South Africa**. They are discriminated against on many levels and do not have access to basic services.²³³

The CERD expressed concern regarding the situation of minority women in war-affected areas in **Sri Lanka**, their high rates of unemployment and poverty and the risk of gender-based violence.²³⁴ Lastly, the CERD was concerned by the fact that Afro and indigenous women face multiple forms of discrimination in **Argentina**, **Paraguay** and **Uruguay**. A gender perspective should be mainstreamed in all policies and strategies concerning discrimination and statistical data should be provided.²³⁵ Concerning **Uruguay**, the Committee also recommended that the State party take measures to protect the LGBTQ community from multiple forms of discrimination.²³⁶

2.3 Sexual and Reproductive Rights

The Committee made recommendations regarding sexual and reproductive rights for the following thirteen States: **Moldova, Jamaica, Slovakia, Poland, Morocco, Ecuador, Burkina Faso, Rwanda, Ghana, Argentina, Costa Rica, Namibia** and **Colombia**.

2.3.1 General prohibition of abortion

The Committee noted that certain States instituted a general prohibition of abortion, which led women in those States to rely on unsafe, clandestine abortions.²³⁷ In **Jamaica**, the Committee noted that abortion is generally criminalized, including in cases of pregnancy resulting from rape, incest or fatal fetal abnormality.²³⁸ The Committee noted that in **Ecuador**, abortion is criminalized except in cases of a danger to the life or health of the mother and in cases where the pregnancy was a result of a rape specifically "of a woman suffering from mental disability."²³⁹ The Committee recommended to both **Jamaica** and **Ecuador** that they amend their abortion legislation in order to help women not resort to illegal, potentially life-risking abortions.²⁴⁰

In 2016, the Committee addressed general prohibition of abortion not only in the COBs but also in an individual communication, *Mellet v. Ireland*. Specifically, the Committee addressed gender discrimination in the context of a prohibition of abortion under Irish law. In this individual communication, the Committee found a violation of Article 26 because the author in question was subjected to differential treatment in relation to other similarly situated women insofar as the author's medical needs and socioeconomic circumstances were not taken into account and the differential treatment did not meet the requirements of reasonableness, objectivity and legitimacy of purpose.²⁴¹ Specifically, the author was treated differently from women who were pregnant with a fetus with a fatal impairment and who decided to carry the pregnancy to term in that those women were provided protection by the health care system and could rely on benefits from health insurance and the advice of medical professionals throughout the pregnancy, unlike the author.²⁴²

2.3.2 Obstacles to abortion

The Committee noted that in several States, although abortion is legal, there are certain obstacles to abortion.²⁴³ The Committee noted that in **Poland**, women face several obstacles to accessing safe, legal abortions, such as a conscience clause in Polish law for medical professionals, the lack of a referral mechanism for access to abortion following the exercise of conscientious objection and the lack of health providers in some areas of the country who are willing to offer legal abortion services.²⁴⁴ The Committee made several recommendations to **Poland**, including that it establish standardized guidelines in public health to ensure the provision of legal abortion services throughout the country, enhance the effectiveness of the referral mechanism in cases of conscientious objection by medical practitioners and ensure

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

The Committee recommended to both Jamaica and Ecuador that they amend their abortion legislation.

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

The Committee has also noted that there is a lack of access to contraception and sexual and reproductive health services in multiple States.

timely review of appeals against a refusal for an abortion.²⁴⁵ Similarly, the Committee noted that in **Costa Rica**, women have been subjected to violence by medical professionals when seeking abortion services and that those medical professionals sometimes denied them access to basic medical procedures.²⁴⁶ The Committee recommended that **Costa Rica** ensure that such cases of violence are investigated and that perpetrators are brought to justice.²⁴⁷

Regarding **Burkina Faso**, the Committee noted with concern that there were constraints imposed on access to legal abortion in cases of rape or incest, namely, a requirement to obtain a judicial decision recognizing that an offense was committed and the legal deadline of ten weeks for terminating a pregnancy.²⁴⁸ The Committee recommended that the State lift the requirement for the prior authorization of a court for abortions resulting from rape or incest and ensure that women and girls have access to quality services to deal with complications arising from unsafe abortions.²⁴⁹

With regard to **Argentina**, the Committee noted that while there had been a Supreme Court ruling which reaffirmed the right to legally terminate a pregnancy, this ruling was not uniformly applied and resulted in legal abortion often being inaccessible.²⁵⁰ The Committee referred to a specific case, the Belén case, in which the accused was charged with aggravated homicide for allegedly having an illegal abortion and is still deprived of her liberty.²⁵¹ The Committee recommended that **Argentina** should review that case in light of relevant international standards with a view to the accused's prompt release.²⁵²

2.3.3 Access to contraception and sexual and reproductive health services

The Committee has also noted that there is a lack of access to contraception and sexual and reproductive health services in multiple States.²⁵³ For example, the Committee expressed concern that in **Burkina Faso**, there have been reports of violence against women who have raised questions about contraception with their partners, as well as a lack of information about contraception and a lack of accessibility to sexual and reproductive health services in rural areas.²⁵⁴ The Committee recommended that **Burkina Faso** ensure that women and girls have access to sexual and reproductive health services and that methods of contraception are accessible and available throughout the country.²⁵⁵

Similarly, the Committee noted that in **Namibia**, there is a lack of sufficient information about the availability of free contraception for adolescents in health facilities and youth centers, a problem that the Committee recommended that **Namibia** work to correct by ensuring access to such information.²⁵⁶ With regard specifically to teenagers and adolescents, the Committee noted with concern that in **Colombia**, the rates of teenage pregnancy are high and recommended that Colombia intensify its efforts to prevent unwanted pregnancies, especially among adolescents, and provide women and adolescent girls with access to sexual and reproductive health services.²⁵⁷

2. Gender Equality and Discrimination against Women (Art 2, 3, 6, 7, 14, 17, 23, 24, 25, 26)

2.3.4 In vitro fertilization

The availability of in vitro fertilization was only an issue that the Committee noted for **Costa Rica**. Specifically, the Committee expressed concern that while the use of in vitro fertilization and embryo transfer were authorized in the State party, there remained excessive restrictions on that use.²⁵⁸ The Committee recommended that **Costa Rica** prevent excessive restrictions from being placed on the use of that technology.²⁵⁹

2.3.5 Forced sterilization

The Committee noted a specific issue with regard to **Slovakia**, namely that the State had not acknowledged responsibility for its past practice of forced sterilization of Roma women or provided compensation to the victims, except in one case.²⁶⁰ The Committee recommended that **Slovakia** establish an independent body to investigate the full extent of the practice of forced sterilization and provide financial and other reparation to the victims.²⁶¹ It also recommended that the State party provide ongoing training to health care personnel on how to ensure that informed consent is obtained and monitor health care providers' implementation of legislation on informed consent in situations of sterilization.²⁶²

Other UN Treaty Bodies

The **CRC** explained their progressive view on sexual and reproductive rights in their General Comment on the implementation of the rights of the child during adolescence. It reiterated the CESCR's position on the need for equal access to information and services and combatting discrimination: lack of access has as consequence that adolescent girls are most at risk during pregnancy or childbirth. Particular efforts should be made to overcome stigma and fear of vulnerable groups. Abortion should be decriminalized and the best interest of pregnant adolescents should be taken into account. Age-appropriate, comprehensive and inclusive sexual and reproductive health education should be part of the mandatory school curriculum. The CRC stressed again that this information should be accessible to all adolescents.²⁶³ Moreover, children below the minimum legal age limit should have the right to refuse consent for health services or treatment. The voluntary and informed consent of the adolescent should be obtained whether or not the consent of a parent or guardian is required for any medical treatment or procedure. The CRC also states that a legal presumption should be introduced for adolescents so that they are competent to seek and have access to preventive or time-sensitive sexual and reproductive health services. They also have the right to confidential medical counselling without the consent of a parent or guardian if they so wish, not subjected to any age limit.²⁶⁴

[The CRC] reiterated the CESCR's position on the need for equal access to information and services and combatting discrimination.

- ¹⁶² According to Article 3 of the Covenant, the States parties “undertake to ensure the equal right of men and women to the enjoyment” of the rights in the Covenant.
- ¹⁶³ The Committee noted that this was an issue that was present in Moldova, Jamaica, Slovakia, Kuwait, Ecuador, Denmark, Azerbaijan, Burkina Faso, New Zealand, Rwanda, Argentina, Costa Rica, Slovenia and Namibia.
- ¹⁶⁴ Moldova, ¶ 13
- ¹⁶⁵ Moldova, ¶ 14
- ¹⁶⁶ Kuwait, ¶ 16
- ¹⁶⁷ Kuwait, ¶ 16
- ¹⁶⁸ Kuwait, ¶ 17
- ¹⁶⁹ Burkina Faso, ¶¶ 11-12
- ¹⁷⁰ Slovenia, ¶ 11
- ¹⁷¹ Slovenia, ¶ 12
- ¹⁷² The Committee noted that this was an issue in Morocco, Kuwait, Burkina Faso and Ghana.
- ¹⁷³ Morocco, ¶ 13
- ¹⁷⁴ Morocco, ¶ 14
- ¹⁷⁵ Kuwait, ¶ 14
- ¹⁷⁶ Kuwait, ¶ 15
- ¹⁷⁷ The Committee noted that this was an issue with regard to Ecuador, Denmark, Azerbaijan, New Zealand, Argentina, Sweden and Costa Rica.
- ¹⁷⁸ Ecuador, ¶ 7
- ¹⁷⁹ Ecuador, ¶ 8
- ¹⁸⁰ New Zealand, ¶ 17
- ¹⁸¹ New Zealand, ¶ 18
- ¹⁸² The Committee noted this issue in Burkina Faso, Azerbaijan, Rwanda and Namibia.
- ¹⁸³ Azerbaijan, ¶ 14
- ¹⁸⁴ Azerbaijan, ¶ 15
- ¹⁸⁵ Namibia, ¶ 11
- ¹⁸⁶ Namibia, ¶ 12
- ¹⁸⁷ OHCHR, Thematic study on equality and non-discrimination under article 5 of the Convention on the Rights of Persons with Disabilities, ¶26 (**OHCHR, Thematic study**).
- ¹⁸⁸ CRPD, General Comment 3 on art. 6, 2 September 2016, CRPD/C/GC/3.
- ¹⁸⁹ OHCHR, Thematic study, ¶64.
- ¹⁹⁰ OHCHR, Thematic study, ¶68.
- ¹⁹¹ OHCHR, Thematic study, ¶70.
- ¹⁹² OHCHR, Thematic study, ¶73-74.
- ¹⁹³ CRPD, Bolivia, ¶13-14; CPRD, Concluding Observations of Colombia, UN Doc. [CRPD/C/COL/CO/1](https://tinyurl.com/y9tn6m68), ¶14-15 (**CRPD, Colombia**); CRPD, Ethiopia, <https://tinyurl.com/y9tn6m68>, ¶11-12; CRPD, Guatemala, ¶15-16; CRPD, Italy, ¶11-12; CRPD, UAE, ¶11-12, CRPD, Uruguay, ¶13-14; CRPD, Chile, ¶11-12; CRPD, Slovakia, ¶17-20; CRPD, Uganda, ¶8-9.
- ¹⁹⁴ CPRD, Colombia, ¶16-17; CRPD, Portugal, ¶17-18; CRPD, Serbia, ¶11-12.
- ¹⁹⁵ CRPD, Slovakia, ¶17-20.
- ¹⁹⁶ CRPD, Lithuania, ¶15-16; CRPD, Portugal, ¶17-18; CRPD, Thailand, <https://tinyurl.com/y8r5pdn2>, ¶15-16; CRPD, Uganda, ¶10-11.
- ¹⁹⁷ See CRPD, all Concluding Observations.
- ¹⁹⁸ CRC, General Comment No. 20 on the implementation of the rights of the child during adolescence, 6 December 2016, CRC/C/GC/20, ¶27 (**CRC, GC Adolescence**).
- ¹⁹⁹ CRC, GC Adolescence, ¶27-28.
- ²⁰⁰ CRC, Concluding Observations of Iran, UN Doc. CRC/C/IRN/CO/3-4, ¶29-32 (**CRC, Iran**); CRC, Concluding Observations of Pakistan, UN Doc. CRC/C/PAK/CO/5, ¶18-19 (**CRC, Pakistan**); CRC, Concluding Observations of Saudi Arabia, UN Doc. CRC/C/SAU/CO/3-4, ¶15-17 (**CRC, Saudi Arabia**).
- ²⁰¹ CRC, Pakistan, ¶39.
- ²⁰² CRC, Saudi Arabia, ¶15-16.
- ²⁰³ CRC, Iran, ¶29-30.
- ²⁰⁴ The Committee noted that this was an issue in Moldova, Slovakia, Poland, Kuwait, Denmark, Burkina Faso, Azerbaijan and New Zealand.
- ²⁰⁵ Moldova, ¶ 15
- ²⁰⁶ Moldova, ¶ 16
- ²⁰⁷ The Committee noted this with regard to Moldova, Slovakia, Poland, Morocco, Kuwait, Ecuador, Denmark, Azerbaijan, New Zealand, Rwanda, Ghana, Kazakhstan, Sweden, Costa Rica, South Africa and Colombia.
- ²⁰⁸ Azerbaijan, ¶ 16; Kazakhstan, ¶ 11
- ²⁰⁹ Sweden, ¶ 20
- ²¹⁰ Azerbaijan, ¶ 17; Kazakhstan, ¶ 12; Sweden, ¶ 21
- ²¹¹ The Committee noted that this was an issue for Slovakia, Poland, Morocco, Burkina Faso, Azerbaijan, New Zealand, Kazakhstan, Costa Rica, Namibia and Slovenia.
- ²¹² Slovakia, ¶ 24
- ²¹³ Slovakia, ¶ 25
- ²¹⁴ Poland, ¶ 19
- ²¹⁵ Poland, ¶ 20
- ²¹⁶ Azerbaijan, ¶ 16
- ²¹⁷ Azerbaijan, ¶ 17
- ²¹⁸ The Committee found this issue in Poland, Morocco, Ecuador, Azerbaijan, New Zealand, Kazakhstan, Costa Rica, Namibia and Colombia.
- ²¹⁹ Morocco, ¶ 15
- ²²⁰ Morocco, ¶ 16
- ²²¹ Azerbaijan, ¶ 16-17
- ²²² Ghana, ¶ 15. The Committee noted that in Namibia, there was a similar issue with regard to rape victims frequently withdrawing their complaints due to their receiving compensation from the perpetrator or succumbing to family pressure, shame or threats. In this regard, the Committee recommended that Namibia protect victims from stigmatization and reprisals. Namibia, ¶ 23-24.

- 223 Ghana, ¶ 16
- 224 Kazakhstan, ¶ 11
- 225 Kazakhstan, ¶ 12
- 226 The Committee noted this issue for Ghana, Namibia and South Africa.
- 227 Ghana, ¶ 17; Namibia, ¶ 13
- 228 Ghana, ¶ 18; Namibia, ¶ 14
- 229 Ghana, ¶ 18
- 230 CERD, General recommendation no. 25 on gender-related aspects of discrimination, 20 March 2000, CERD/C/GC/25.
- 231 CERD, Namibia, ¶¶17-18.
- 232 CERD, Pakistan, ¶¶25-26.
- 233 CERD, South Africa, ¶¶22-23.
- 234 CERD, Sri Lanka, ¶¶27-28.
- 235 CERD, Concluding Observations of Argentina, UN Doc. CERD/C/ARG/CO/21-23 ¶¶35-36 (**CERD, Argentina**); CERD, Paraguay, ¶¶41-42.
- 236 CERD, Concluding Observations of Uruguay, UN Doc. CERD/C/URY/CO/21-23 ¶¶25-28 (**CERD, Uruguay**).
- 237 The Committee noted that this was an issue in Jamaica and Ecuador.
- 238 Jamaica, ¶ 25
- 239 Ecuador, ¶ 15
- 240 Jamaica, ¶ 26 ; Ecuador, ¶ 16
- 241 *Amanda Jane Mellet v. Ireland*, Communication No. 2324/2013, UN Doc. CCPR/C/116/D/2324/2013 (31 March 2016) ¶ 7.11
- 242 *Amanda Jane Mellet v. Ireland*, Communication No. 2324/2013, UN Doc. CCPR/C/116/D/2324/2013 (31 March 2016) ¶ 7.10; Committee member Sarah Cleveland appended a concurring opinion in which she agreed with the Committee that Article 26 was violated in this individual communication. In this concurring opinion, Ms. Cleveland expanded on gender discrimination under the Covenant and under international human rights law. See Communication No. 2324/2013, Annex II, Individual opinion of Committee member Sarah Cleveland (concurring). Sir Nigel Rodley appended a concurring opinion in which he underlined that the refusal of the State party to allow for termination of pregnancy in the case of a fatal fetal abnormality cannot be justified as being for the protection of the life of the foetus. He also stated that Article 7 was violated cumulatively in this individual communication but also was violated by the requirement that a pregnant woman carry a non-viable pregnancy to term. See Communication No. 2324/2013, Annex III, Individual opinion of Committee member Sir Nigel Rodley (concurring). Anja Seibert-Fohr appended a partly dissenting opinion, in which she disagreed with the Committee's finding of a violation of Article 26 on the ground that the State party's prohibition of abortion did not constitute discrimination on the basis of gender. See Communication No. 2324/2013, Annex V, Individual opinion of Committee member Anja Seibert-Fohr (partly dissenting).
- 243 The Committee noted that this was an issue for Poland, Morocco, Ecuador, Burkina Faso, Rwanda, Ghana, Argentina, Costa Rica, Namibia and Colombia.
- 244 Poland, ¶ 23
- 245 Poland, ¶ 24
- 246 Costa Rica, ¶ 17
- 247 Costa Rica, ¶ 18
- 248 Burkina Faso, ¶ 19
- 249 Burkina Faso, ¶ 20
- 250 Argentina, ¶ 11
- 251 Argentina, ¶ 11
- 252 Argentina, ¶ 12
- 253 The Committee noted that this was an issue in Moldova, Burkina Faso, Namibia and Colombia.
- 254 Burkina Faso, ¶ 19
- 255 Burkina Faso, ¶ 20
- 256 Namibia, ¶¶ 15-16
- 257 Colombia, ¶¶ 20-21
- 258 Costa Rica, ¶ 19
- 259 Costa Rica, ¶ 20
- 260 Slovakia, ¶ 26
- 261 Slovakia, ¶ 27
- 262 Slovakia, ¶ 27
- 263 CRC, GC Adolescence, ¶¶59-61.
- 264 *Ibid*, ¶39.