



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth to seventh periodic reports of Antigua and Barbuda*

1. The Committee considered the combined fourth to seventh periodic reports of Antigua and Barbuda ([CEDAW/C/ATG/4-7](#)) at its 1663th and 1664th meetings (see [CEDAW/C/SR.1663](#) and [CEDAW/C/SR.1664](#)), held on 20 February 2019. The Committee's list of issues and questions is contained in [CEDAW/C/ATG/Q/4-7/Add.1](#) and the responses of the State party are contained in [CEDAW/C/ATG/Q/4-7/Add.2](#).

A. Introduction

2. The Committee appreciates the submission by the State party of its combined fourth to seventh periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It regrets, however, that it has taken the State party 20 years to submit its periodic report; the combined initial to third periodic reports of the State party ([CEDAW/C/ANT/1-3](#)) were considered in 1997.

3. The Committee commends the State party on its high-level delegation, which was headed by Samantha Nicole Marshall, Minister of Social Transformation, Human Resource Development and Youth and Gender Affairs, and included a representative of the Directorate of Gender Affairs.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 1997 of the State party's combined initial to third periodic reports in undertaking legislative reforms, in particular the adoption of the following:

(a) Disabilities and Equal Opportunities Act, 2017, which prohibits discrimination against women and men with disabilities;

(b) Status of Children Act, 2015, which guarantees equal rights for children born to unmarried mothers;

* Adopted by the Committee at its seventy-second session (18 February–8 March 2019).



- (c) Revised Domestic Violence Act, 2015, and the Domestic Violence (Summary Proceedings) Act, 1999;
- (d) Migrant Smuggling Prevention (Amendment) Act, 2015, and the Migrant Smuggling Act, 2010;
- (e) Trafficking in Persons (Prevention) Amendment Act, 2015, and the Trafficking in Persons (Prevention) Act, 2010;
- (f) Education Act, 2008, which guarantees equal access for boys and girls to education and seeks to eliminate gender-based discrimination;
- (g) Maintenance of and Access to Children Act, 2008, which guarantees equal rights for mothers and fathers with regard to child maintenance;
- (h) Equal Opportunity Act, 2005, which provides for equality of women and men before the law and prohibits discrimination on the basis of sex;
- (i) Childcare and Protection Act, 2003;
- (j) Amendment to the Labour Code, in 1998, to guarantee equal pay for the same occupation by the same employer.

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, including the following:

- (a) Model court for cases of sexual offences, in 2019;
- (b) National strategic plan for health for the period 2016 to 2020, which includes targets for improving maternal health and sexual and reproductive health services;
- (c) National strategic action plan to end gender-based violence for the period 2013 to 2018;
- (d) National policy on health and family life education, in 2010;
- (e) Organisation of Eastern Caribbean States family law and domestic violence reform initiative, in 2001.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

- (a) Convention on the Rights of Persons with Disabilities, in 2016;
- (b) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, in 2006;
- (c) Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, in 1998.

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 Parliament, in line with its mandate, to take 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

Impact of Hurricane Irma

9. The Committee recalls that the impact of the passage of Hurricane Irma in September 2017, which led to the evacuation of the entire population of Barbuda to Antigua, continues to pose challenges to the education, health and livelihood of the affected women and girls. The Committee notes with appreciation the efforts of the State party to support the women and girls who have been affected by Hurricane Irma and other recent hurricanes but is concerned that current decision-making processes regarding the redistribution of land in Barbuda may deprive women of communal land ownership.

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

(a) **Address the effects of the hurricanes on the environment and the education, health and livelihood of the affected women and girls, including by guaranteeing their physical and economic access to high-quality infrastructure and critical services, and promote their economic empowerment;**

(b) **Develop a comprehensive strategy to ensure the participation of Barbudan women in the development and implementation of post-disaster recovery activities, in particular with regard to decisions on the redistribution of land;**

(c) **Allocate sufficient resources to the fund established by the State party to support the population of Barbuda and ensure that it is available and accessible to all affected women, in particular women belonging to disadvantaged groups, such as older women, women with disabilities and women in the agricultural and fisheries sectors;**

(d) **Continue to seek technical and financial assistance from the international community for post-disaster recovery programmes.**

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

11. The Committee welcomes the various educational and awareness-raising programmes on women's rights. It is concerned, however, about the general lack of awareness of the Convention and the Optional Protocol thereto in the State party, in particular among women and government and law enforcement officials.

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

(a) **Strengthen the capacity of the judiciary, legal professionals, civil servants and law enforcement officials on the Convention and the Committee's jurisprudence with a view to ensuring a thorough understanding of the concept**

of the substantive equality of women and men, in line with the Convention, and to enabling them to apply the Convention to laws and policies on gender equality and the advancement of women;

(b) Intensify efforts to enhance awareness among women, including migrant women, older women, women with disabilities and lesbian, bisexual and transgender women, of their rights under the Convention and the remedies available to them to claim violations of those rights and ensure that information on the Convention, the Optional Protocol thereto and the Committee's general recommendations is provided to all women.

Definition of discrimination and legislative framework

13. The Committee notes the prohibition of discrimination on the basis of sex under the Equal Opportunity Act 2005. It is concerned, however, about the absence of a comprehensive definition of discrimination against women in line with article 1 of the Convention, despite the recommendations of the Constitution Reform Committees convened in 1999 and 2018. The Committee is also concerned about the absence of national legislation prohibiting all forms of discrimination against women.

14. **Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:**

(a) **Incorporate into its legislation a comprehensive definition of discrimination against women and girls in line with article 1 of the Convention, encompassing direct and indirect discrimination by State and non-state actors in both the public and private spheres and recognizing intersecting forms of discrimination, and ensure that it explicitly prohibits discrimination against women in accordance with article 2 (b) of the Convention, covering all prohibited grounds of discrimination;**

(b) **Ensure the effective implementation of the prohibition of discrimination against women through appropriate enforcement mechanisms and sanctions.**

Harmonization of legislation

15. The Committee is concerned that the State party, which ratified the Convention in 1989, has not yet fully incorporated the Convention into national legislation and that discriminatory provisions against women still exist in national legislation, including in the Equal Opportunity Act and the Sexual Offences Act. It notes the ongoing legislative review, however, which seeks to revise discriminatory provisions in legislation.

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

(a) **Ensure that the ongoing legislative review is conducted with the full participation of civil society organizations and includes a thorough gender analysis of all laws in the State party to identify those that are in conflict with the Convention, with a view to harmonizing them with the Convention;**

(b) **Fully integrate the provisions of the Convention into its national legislation, including by amending or repealing all legislation that is incompatible with the principle of equality and non-discrimination, as enshrined in the Convention.**

Access to justice

17. The Committee commends the State party on the establishment of the Support and Referral Centre in 2017 and the model court for cases of sexual offences in 2019, the first mechanism in the Eastern Caribbean region to provide victims of gender-based violence with a broad range of support services and access to a specialized court for the treatment of cases of sexual offences. It also notes that the Constitution guarantees the right of women to access to justice and that women may receive legal assistance on civil and family matters through the Legal Aid and Advice Centre of the Ministry of Justice and Legal Affairs. Nevertheless, it is concerned about the following:

(a) Reports of long delays and backlogs of cases submitted to the model court for cases of sexual offences;

(b) The lack of free legal aid services, including on criminal matters, available to women without sufficient means.

18. In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Increase the allocation of human, technical and financial resources dedicated to the model court for cases of sexual offences, with a view to improving the efficiency and effectiveness of judicial proceedings and ensuring access for women to justice, including protection and redress, for violations of their human rights;

(b) Expand the services provided by the Legal Aid and Advice Centre to include free legal aid for women and girls without sufficient means and legal representation for women and girls in criminal, civil and administrative proceedings relating to gender-based violence and discrimination.

National machinery for the advancement of women

19. The Committee welcomes the increase in budgetary allocations for the Directorate of Gender Affairs in the past five years and the information provided by the State party that a national action plan for women and a gender mainstreaming strategy are currently under development. It commends the State party on the significant efforts made by the Directorate of Gender Affairs to address gender-based violence against women and girls. The Committee is concerned, however, about the limited capacity of the national machinery for the advancement of women to adequately ensure the coordination of gender mainstreaming in all areas covered by the Convention.

20. Recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, the Committee recommends that the State party:

(a) Strengthen the national machinery for the advancement of women, including the Directorate of Gender Affairs, by conferring on it the requisite institutional authority and provide the human, technical and financial resources necessary to work effectively for the promotion of women's rights;

(b) Finalize, as a matter of priority and with the active participation of civil society, the national gender equality action plan and policy, with a view to achieving gender equality in a comprehensive and effective manner and through regular monitoring and evaluation;

(c) Strengthen its support, including through continuous capacity-building, to the gender focal points in line ministries and government departments to ensure their effectiveness in mainstreaming gender and

coordinating policies and programmes on women's rights so as to meet agreed gender performance standards.

National human rights institution

21. The Committee notes that the Office of the Ombudsman addresses matters related to sexual harassment and discrimination against women. It is concerned, however, about the absence of an independent national human rights institution with a broad mandate to promote and protect women's rights.

22. The Committee recommends that the State party establish, within a clear time frame, an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a mandate to promote and protect women's rights. It also recommends that the State party ensure that the Office of the Ombudsman incorporates a gender perspective into its work.

Temporary special measures

23. The Committee is concerned about the absence of temporary special measures in the State party for achieving substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, including in political and public life, education, employment and health.

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

(a) **Implement temporary special measures, such as quotas and other proactive measures, with specific targets and time frames, to achieve the substantive equality of women and men in all areas in which women continue to be disadvantaged or underrepresented, including in political and public life, education, employment and health;**

(b) **Raise awareness among the public and all relevant State officials and policymakers on the non-discriminatory nature and importance of temporary special measures for achieving substantive equality between women and men.**

Discriminatory gender stereotypes

25. The Committee welcomes the measures taken by the State party, such as awareness-raising campaigns, to address discriminatory gender stereotypes. It is concerned, however, about the deeply rooted patriarchal attitudes and discriminatory gender stereotypes concerning the roles and responsibilities of women and men in the family and in society, which not only constitute barriers to access for women to employment and participation in political and public life but also are among the root causes of gender-based violence against women and girls.

26. The Committee recommends that the State party:

(a) **Adopt a comprehensive strategy to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society and allocate adequate human, technical and financial resources for its implementation;**

(b) **Expand public education programmes, in collaboration with the media, on the negative impact of discriminatory gender stereotypes on the enjoyment by women and girls of their rights, with a view to eliminating stereotypical attitudes and tolerance of gender-based violence against women and girls;**

(c) Regularly monitor and review, with the participation of civil society organizations, the measures taken to eliminate discriminatory gender stereotypes, in order to assess the impact of those measures.

Gender-based violence against women

27. The Committee welcomes the review conducted in 2015 of legislation and policies on gender-based violence, the subsequent revision of the Domestic Violence Act, the establishment of the Special Victims Support Unit in the Support and Referral Centre and a national electronic database to track all reported cases of gender-based violence against women and girls. It is concerned, however, about the following:

(a) The underreporting of cases of sexual harassment and gender-based violence against women, including domestic and sexual violence, despite the high prevalence of those offences;

(b) The limited scope of existing legislation on gender-based violence against women, which provides a narrow definition of rape and does not criminalize marital rape, and the absence of a legal framework governing sexual harassment;

(c) The absence of a forensic laboratory in the State party;

(d) The inadequate provision of redress for women and girls who are victims of gender-based violence;

(e) The lack of shelters or adequate support services for women and girls who are victims of gender-based violence;

(f) The lack of data on prosecutions for gender-based violence against women and girls and on the sentences imposed on the perpetrators.

28. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against women and girls in the public and private spheres, the Committee recommends that the State party:

(a) **Take steps to encourage the reporting of sexual harassment and gender-based violence against women and girls, including by raising awareness through media and public education campaigns, and ensure that allegations are effectively investigated and perpetrators are adequately punished with sentences that are commensurate with the gravity of the crimes;**

(b) **Amend the relevant laws to specifically criminalize marital rape and ensure that the definition of rape includes any non-consensual sexual act;**

(c) **Enact the bill on sexual harassment and ensure that it prohibits all forms of sexual harassment;**

(d) **Ensure access to free forensic testing for women and girls who are victims of gender-based violence by expeditiously establishing a laboratory, equipped with sufficient resources and appropriately trained personnel, and train health professionals to detect sexual violence and appropriately treat its consequences;**

(e) **Provide mandatory capacity-building programmes to members of the judiciary, lawyers, law enforcement officers and social workers, to ensure that they apply relevant criminal law provisions to cases of gender-based violence against women, including providing protection orders against abusive partners and redress for victims;**

(f) **Establish shelters for women and girls who are victims of gender-based violence, including domestic and sexual violence, that are fully accessible and ensure that such victims receive counselling, rehabilitation and support services for their reintegration into society;**

(g) **Ensure that the database covers all forms of gender-based violence against women and girls, disaggregated by age, sex, geographical location, type of disability and the relationship between the victim and the perpetrator, as well as on the number of protection orders and prosecutions and the sentences imposed on perpetrators.**

Trafficking and exploitation of prostitution

29. The Committee welcomes the adoption and subsequent amendment of the Trafficking in Persons (Prevention) Act, in 2010 and 2015, respectively, and the creation of the Trafficking in Persons (Prevention) Committee to ensure the implementation of the legislation. It is concerned, however, about the lack of prosecutions and sanctioning of perpetrators of trafficking in women and girls and about the reports of public officials receiving administrative instead of criminal sanctions when they are found to be complicit in trafficking cases, which impedes efforts to combat trafficking. The Committee is also concerned about the potential risk to the security and health of women in prostitution and the lack of data on the number of women and girls who have been exploited in prostitution.

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

(a) **Enforce anti-trafficking legislation by thoroughly investigating, prosecuting and punishing perpetrators, including public officials who are complicit in such crimes and those who aid and abet the exploitation of women and girls in prostitution;**

(b) **Continue to ensure that women and girls who are exploited in prostitution are exempted from any criminal liability and provided with adequate protection and redress, including access to counselling, medical treatment, psychological support and compensation;**

(c) **Adopt and implement adequately resourced programmes to create educational and employment opportunities for women at risk of entering prostitution and exit programmes, including social and professional reintegration strategies, for those who wish to leave prostitution;**

(d) **Collect and analyse data disaggregated by sex and age on the exploitation of women and girls in prostitution.**

Participation in political and public life and decision-making

31. The Committee commends the State party on the increased representation of women in decision-making positions in political life, since the general elections of 2018. It notes, however, that women are still underrepresented in decision-making positions in the public and private sectors, including in the Cabinet, the House of Representatives, the civil and foreign services, the judiciary and the police service. The Committee is also concerned about the absence of measures, including statutory quotas, to promote the participation of women in political and public life and about reports of the harassment of women in political and public life by male politicians, political commentators and media practitioners.

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

(a) **Introduce temporary special measures, such as quotas, for political appointments and the accelerated recruitment of women to decision-making**

positions, in order to accelerate their full and equal participation in elected and appointed bodies;

(b) Provide training and capacity-building programmes for women who wish to enter into political life or to hold public office;

(c) Enhance the capacity of media practitioners to refrain from perpetuating discriminatory gender stereotypes of women in political and public life and to ensure that women and men who stand for election and who serve as elected representatives receive equal visibility in the media, especially during periods leading up to elections;

(d) Raise awareness among politicians, the media and the general public 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 effective implementation of the Convention and the political stability and economic development of the country.

Nationality

33. The Committee commends the State party for its legal framework governing the acquisition of nationality, and recommends that it ratify the Convention on the Reduction of Statelessness of 1961.

Education

34. The Committee welcomes the achievement of gender parity in elementary and secondary education, the high literacy rate among women and the programmes to encourage women to enter non-traditional fields of employment. It notes the policies on the re-entry of girls into school following childbirth and the reporting of cases of sexual violence in schools. Nevertheless, the Committee notes the following with concern:

(a) The lack of a gender perspective in the implementation of the Education Act;

(b) The limited education on sexual and reproductive health and rights;

(c) The insufficient implementation of the policy on the re-entry and retention of girls in school following childbirth, and that such girls often drop out of school owing to stigma;

(d) The limited information on protection mechanisms for women and girls who are victims of sexual violence and harassment in schools;

(e) The widespread practice and cultural acceptance of corporal punishment in schools;

(f) The continued concentration of women and girls in traditionally female-dominated fields of study and their underrepresentation in the fields of science, technology, engineering and mathematics, notwithstanding their higher enrolment rates in tertiary education;

(g) The lack of measures to ensure access for women and girls with disabilities to mainstream education.

35. In the light of its general recommendation No. 36 (2016) on the right of girls and women to education, the Committee recommends that the State party:

(a) Incorporate a gender perspective, grounded in the provisions of the Convention, into the content and methodology of curricula at all levels of

education and ensure that all teachers and school authorities receive training on substantive equality between men and women;

(b) **Incorporate into curricula at all levels of education mandatory, age-appropriate, comprehensive sexual and reproductive health education for girls and boys that is rights-based and addresses issues of power, responsible sexual behaviour and the prevention of early pregnancy, including through family planning and modern forms of contraception;**

(c) **Strengthen measures for the re-entry of girls and women who have dropped out of school owing to pregnancy, including by enforcing the re-entry policy that enables young mothers to return to school, sensitizing teachers and school authorities on those policies and facilitating the return to school of young mothers through support services, including childcare services and subsidies;**

(d) **Adopt a policy of zero-tolerance of sexual violence and harassment against women and girls in schools, provide training for school authorities and teachers on handling cases in a gender-sensitive, confidential manner, ensure that perpetrators are prosecuted and adequately punished and provide adequate psychological, medical and legal assistance to all victims;**

(e) **Explicitly prohibit corporal punishment in schools and provide training for teachers and parents on alternative forms of non-violent discipline;**

(f) **Encourage women and girls to enter traditionally male-dominated fields of study, including through the use of temporary special measures such as scholarships, internship programmes and non-stereotypical career counselling;**

(g) **Ensure access to high-quality inclusive mainstream education for women and girls with disabilities and adopt a protocol for the provision of reasonable accommodation by educational institutions.**

Employment

36. The Committee notes that the principle of non-discrimination is enshrined in the Labour Code and that a national policy on sexual harassment in the workplace is currently being developed. It is concerned, however, about the following:

(a) The high degrees of horizontal and vertical occupational segregation, the underrepresentation of women in male-dominated fields of employment, such as the construction and fishing industries, and the overrepresentation of women in the informal sector;

(b) Reports of employers expressing preference for male applicants and the lack of a public transportation system in the State party, which constitute barriers to access for women to formal employment;

(c) Article E8 (1) of the Labour Code, which only guarantees equal pay for the same occupation by the same employer;

(d) The lack of information on gender-based discrimination in the workplace, including on the prevalence of sexual harassment and the gender pay gap.

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

(a) **Adopt effective measures to combat horizontal and vertical occupational segregation in both the public and private sectors, including through professional training and incentives for women to work in traditionally male-dominated fields of employment;**

(b) **Raise awareness among employers and trade unions in the public and private sectors about the prohibition of employment discrimination against**

women and promote access for women to formal employment, including through incentives for public and private sector employers to recruit women, the introduction of flexible working arrangements and investments in infrastructure and social services such as childcare services and a public transportation system that provides safe and accessible transportation for women living outside of Saint John's;

(c) Amend the Labour Code to guarantee the principle of equal pay for work of equal value in all sectors, in accordance with the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization, and regularly review wages in sectors in which women are concentrated;

(d) Evaluate, with statistical data disaggregated by sex, the extent of gender-based discrimination in the workplace, including with regard to wages in both the public and private sectors and sexual harassment, in order to implement measures to address the gender pay gap and to inform the development of the national policy on sexual harassment in the workplace.

Health

38. The Committee commends the State party on its inclusive and universal health-care system, including its medical benefits scheme, the low maternal mortality rate and the decreasing rate of early pregnancy and the fact that the health sector accounts for the largest allocation of the national budget. It is concerned, however, about the following:

(a) The criminalization of abortion and the fact that exceptions are made only in cases of threat to the life of the pregnant woman;

(b) The limited health-care services for women in Barbuda, who must travel to Antigua to receive treatment for serious medical conditions;

(c) The exclusion of migrant women and women in the informal sector of employment from the medical benefits scheme;

(d) Reports of the reluctance of women and girls living with HIV/AIDS to seek medical treatment owing to stigma.

39. **Recalling its general recommendation No. 24 (1999) on women and health and target 3.7 of the Sustainable Development Goals on ensuring universal access to sexual and reproductive health-care services, the Committee recommends that the State party:**

(a) **Legalize abortion in cases of rape, incest, threat to the life or health of the pregnant woman and severe fetal impairment, decriminalize it in all other cases and ensure access for women to safe, high-quality and affordable abortion-related care, including post-abortion care in cases of complications resulting from unsafe abortions;**

(b) **Allocate sufficient budgetary resources for the establishment of a hospital in Barbuda, equipped with medical doctors and adequate facilities, in order to ensure access to high-quality health care for women in Barbuda;**

(c) **Ensure the eligibility of all disadvantaged groups of women, including migrant women and women in the informal sector of employment, to the national health-care system and the medical benefits scheme, including by revising the criteria for voluntary registration;**

(d) **Ensure access to adequate health services, including antiretroviral medicines, for women and girls living with HIV/AIDS, paying particular attention to women in prostitution, and update the national strategic plan for**

health for the period 2016–2020 to include a strategy to address the stigma and discrimination against women and girls living with HIV/AIDS, which includes awareness-raising.

Economic empowerment of women

40. The Committee notes with appreciation the various initiatives aimed at promoting the economic empowerment of women. It is concerned, however, about the lack of measures to meet the particular needs of disadvantaged groups of women, including women in the agricultural sector, women engaged in unpaid work and women in the hospitality industry and in the informal sector. The Committee is also concerned that women, including unmarried women and women who do not own property, often face barriers to access to and acquisition of financial resources, and that ongoing decision-making processes concerning land use and development planning may have a negative impact on women in the agricultural sector.

41. The Committee recommends that the State party:

(a) **Increase access for women to financial services, including low-interest credit and savings schemes, regardless of their marital or financial status, and promote entrepreneurial activities among women by providing technical assistance, counselling and training in enterprise development and management;**

(b) **Broaden and facilitate the participation of women in decision-making processes concerning land use and development planning and ensure that women in the agricultural sector have access to and control over land, in accordance with the Committee's general recommendation No. 34 (2016) on the rights of rural women;**

(c) **Ensure that women engaged in unpaid work and women in the hospitality industry and the informal sector have access to pension entitlements and social benefits, including by revising the criteria for participation, and conduct labour inspections to ensure that they have decent working conditions.**

Older women and women with disabilities

42. The Committees notes with appreciation the adoption of the Disabilities and Equal Opportunities Act, 2017, which mandates the establishment of the National Council of and for Persons with Disabilities and the Disabilities and Equal Opportunities Rights Tribunal. It also notes that older women and women and girls with disabilities have access to social and health benefits. The Committee is concerned, however, about the absence of national policies to protect the rights of older women and women and girls with disabilities, as well as the absence of mechanisms to protect them from intersecting forms of discrimination, violence and abuse. It is also concerned about the institutionalization in care facilities of a large number of older women and women with disabilities.

43. In line with the Committee's general recommendation No. 27 (2010) on older women and the protection of their human rights, as well as the Convention on the Rights of Persons with Disabilities, the Committee recommends that the State party:

(a) **Adopt comprehensive policies and programmes to protect the rights of older women and women and girls with disabilities, in particular those facing intersecting forms of discrimination;**

(b) **Implement measures, including temporary special measures, to address the particular needs of older women and women and girls with disabilities, ensuring their social protection and participation in political and**

public life and that they have access to high-quality inclusive education, health care, employment and income-generating activities;

(c) Uphold and recognize the full legal capacity of all women with disabilities, regardless of the nature of their disability, and ensure that all older women and women with disabilities living in institutions of care have the right to live independently within the community with choices equal to those of other women.

Refugee and asylum-seeking women

44. The Committee welcomes the adoption of the Immigration and Passport (Amendment) Act, 2015, the establishment of an ad hoc Eligibility Committee in 2015 to assess asylum applications and the State party's commitment to strengthening regional cooperation on the protection of refugees. Nevertheless, the Committee is concerned about the lack of national asylum and refugee legislation, including for ensuring respect for the principle of non-refoulement of stateless persons.

45. In line with 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) Adopt national asylum and refugee legislation, in conformity with international standards, that guarantees the principle of non-refoulement;

(b) Apply a gender-sensitive approach in receiving refugee and asylum-seeking women and in the consideration of their asylum claims.

Lesbian, bisexual and transgender women

46. The Committee is concerned about the criminalization of same-sex relations between consenting adults, the absence of legislation prohibiting discrimination on all grounds prohibited under the Convention and the reports of discrimination and stigma against lesbian, bisexual and transgender women.

47. The Committee recommends that the State party enact comprehensive anti-discrimination legislation that prohibits all forms of discrimination and ensure equal rights and opportunities for lesbian, bisexual and transgender women, including through the decriminalization of same-sex relations between consenting adults. The Committee also recommends that the State party ensure access for lesbian, bisexual and transgender women to, inter alia, employment, health care and social services without discrimination or stigma.

Marriage and family relations

48. The Committee takes note of the assurances of the State party's delegation that child marriage is not common in the State party. It is concerned, however, that the Marriage Act, 1925, still permits marriage from 16 years of age. The Committee is also concerned that the legislation does not recognize common law or de facto unions, nor does it govern the distribution of marital property in cases of separation.

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

(a) Raise the minimum legal age of marriage to 18 years for men and women, without exception, and applicable to any form of common law union;

(b) **Revise its legal system governing marriage and family relations, including the Divorce Act, 1997, with a view to incorporating the principle of equal distribution of marital property upon divorce and according the same weight to financial and non-financial contributions to property acquired during marriage;**

(c) **Take measures, including through legislation, to ensure that common law unions are registered by civil registry offices and that women enjoy adequate legal protection during common law and de facto unions and upon their dissolution, including by recognizing their rights with respect to the property accumulated during the relationship;**

(d) **Ratify the Hague Convention on the Civil Aspects of International Child Abduction.**

Impact of climate change and natural disasters on women

50. The Committee welcomes the development of a gender-responsive disaster risk reduction plan and a gender-responsive early warning system, as well as the efforts of the National Office of Disaster Services and the Department of Environment to engage women in national planning and budgeting on disaster risk reduction and climate change mitigation and resilience. It is concerned, however, about the lack of information on the number of women in decision-making processes on disaster risk reduction strategies, considering the vulnerability of the State party to the serious effects of climate change and natural disasters, which disproportionately and distinctively affect women.

51. **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:**

(a) **Ensure that the rights of women and girls are a primary consideration in devising measures relating to climate change and disaster response and risk reduction and that such measures take into account the particular needs of disadvantaged groups of women, including older women, women with disabilities and migrant women;**

(b) **Continue to include an explicit gender perspective on all policies and programmes on climate change, disaster response and disaster risk reduction;**

(c) **Strengthen measures to ensure the effective participation of women in the development and implementation of policies and action plans on disaster risk reduction, post-disaster management and climate change and that women are represented in decision-making processes at all levels.**

Data collection and analysis

52. The Committee is concerned about the general lack of updated statistical data, disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which are necessary for accurately assessing the situation of women, informing policymaking aimed at eliminating discrimination against women, and monitoring and evaluating progress achieved towards the realization of the substantive equality of women and men in all areas covered by the Convention.

53. **The Committee recommends that the State party develop an indicator system on gender-related issues to improve the collection, analysis and dissemination of data, disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic status, which are necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming**

gender equality and enhancing the enjoyment by women of their human rights. In this regard, the Committee draws the attention of the State party to its general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations that could assist in the collection of accurate data and the use of measurable indicators.

Amendment to article 20 (1) of the Convention

54. The Committee encourages the State party to accept 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 in its efforts to implement the provisions of the Convention.

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, Parliament 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 instruments¹ 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 Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

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

Follow-up to concluding observations

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 10 (b), 20 (b), 28 (b) and 37 (d) above.

Preparation of the next report

60. The Committee requests the State party to submit its eighth periodic report, which is due in March 2023. 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).
