



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 160th MEETING

Held at Headquarters, New York,
on Friday, 26 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the United Kingdom of Great Britain and Northern Ireland
(continued) (CEDAW/C/5/Add.52 and Amend.1-4)

1. At the invitation of the Chairperson, Ms. Denham (United Kingdom) took a place at the Committee table.
2. Ms. DENHAM (United Kingdom), replying to questions asked by members of the Committee, said, in connection with article 7, that the Hansard Society had just published a report analysing the obstacles to the promotion of women in public life and recommending actions to be taken, which the Government intended to follow up. The political parties, particularly those involved in selecting parliamentary candidates should also endeavour to do so. At present, there were only 41 women members of Parliament out of a total of 650, or 6.3 per cent. Some groups had set themselves the target of achieving 50 per cent representation.
3. In the judiciary, 43.8 per cent of the magistrates were women, but there were almost none among the senior judges. The situation should, however, improve with time, as more and more women were entering the legal profession and acquiring experience and would therefore be qualified to fill senior posts.
4. The proportion of women in the Civil Service was 49 per cent, but they were mostly concentrated in the lower grades; the Action Programme in effect since 1984 had led to improvement in the representation of women at senior management levels as well as in the scientific and technical branches, where they were underrepresented but their numbers were increasing steadily.
5. The number of persons working part time - of whom the majority were women - was also increasing at all levels. Departments were now able to offer up to five years' unpaid leave to staff wishing to take a career break in order to care for their children; since February 1989 the Departments were able to provide financial support for workplace nursery facilities. In addition, the number of holiday playschemes for the children of civil servants was increasing. In some places child care was also facilitated by the existence of child-minding schemes. Maternity leave had recently been increased to 14 weeks, and those concerned could, if they wished, take up to 52 consecutive weeks; a paternity leave of 2 days had also been introduced.
6. In order to accelerate the promotion of women, the length of service required in each grade to be eligible for promotion had been reduced to two years in 1989, and the effects of that change would be monitored; the new appraisal system based on the performance of candidates should also help to accelerate the promotion of women. Lastly, the number of posts restricted to either men or women had decreased since the restrictions applied to prison officer posts in England and Wales had been removed in 1987.

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7. With regard to the percentage of women obtaining public appointments, 30 per cent of the candidacies submitted to the Public Appointments Unit were now those of women, thanks to the action of the Women's National Commission, in co-operation with the Departments, and to the Women into Public Life Campaign. In order to ensure equal opportunity for women in the appointment procedures, guidelines to that effect had been issued in 1988 and widely circulated within Departments and public bodies.

8. Replying to a question concerning article 8, she said that diplomatic couples were in principle posted to the same city and that the appropriate allowances were then paid either individually or jointly. The Foreign and Commonwealth Office endeavoured to keep diplomatic staff fully informed of terms and conditions relating to their posts and any major changes made in them. In addition, a special booklet providing information on the rights and entitlements of staff was now being brought up to date. The Foreign Office also tried to apply to diplomatic staff useful initiatives undertaken in the Home Civil Service.

9. Special Unpaid Leave was available to men as well as women. It was counted towards promotion, although consideration on merit remained the basic criterion, but was not counted towards the pension scheme or other benefits. Replying to a question, she explained that special unpaid leave might be granted for up to a total of five years and could be taken all at once or in shorter periods. If such leave was granted in order to accompany a spouse serving overseas, where both officers were in the diplomatic service, the period of leave would not count towards the overall five-year allocation. The Foreign Office followed a policy of equal opportunity, was recruiting an increasing number of women and did not practise discrimination with regard to promotion. Replying to a question concerning how the contribution of diplomatic wives was honoured, she said that the only financial compensation offered at present was for time spent preparing official meals. She regretted that she was unable to provide any figures regarding the number of women nationals of the United Kingdom employed in international organizations.

10. Turning to article 9, she was glad to be able to confirm that since the preparation of the report many discriminatory provisions in relation to nationality and immigration had been repealed, including the temporary provisions contained in the British Nationality Act of 1981. Of the four discriminatory provisions mentioned in the report, the only one remaining was that concerning resumption of British citizenship. The rule favouring women in the transmission of citizenship to children born out of wedlock remained, as fathers, in those circumstances, could not always be safely identified.

11. With respect to immigration, four provisions discriminating against women had been abolished. The husbands of women settled in the United Kingdom would now be able to request admission to the United Kingdom on the same basis as the spouses of men settled in the United Kingdom. The entry tests were the same for men and women. Women employed in the United Kingdom now had the right to bring their spouses to the United Kingdom as their dependants; the two provisions concerning

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widowed daughters had also been repealed. The provisions relating to children between 18 and 31 were at present being reviewed. However, the rule relating to student immigration under which the husband of a female student was admitted to the United Kingdom without the right to work while the spouse of a male student was admitted without that restriction had been maintained because of the real danger the abandonment of that restriction would represent for the United Kingdom's economy.

12. As far as the number of women refugees in the United Kingdom was concerned, she could only provide total figures but would send the Committee gender-specific figures at a later date.

13. With regard to article 10, she replied to a question about government-sponsored facilities for children under five by noting that government expenditure in that area had increased by 50 per cent since 1980 and that the number of children served by maintained schools was growing. The Government had no specific policy on retaining single-sex schools or the teaching of certain subjects in a single-sex setting. However, there was still some demand from parents for single-sex education for girls. The Government itself was not financing any research projects to evaluate the effects of single-sex education, but the Equal Opportunities Commission had studied the teaching of science and engineering, and Her Majesty's Inspectors were currently conducting a study which compared the teaching of mathematics in single-sex and co-educational classes. While the Government had accepted the Cockcroft report and supported a number of initiatives aimed at improving pupil achievement in mathematics, the Inspectors seemed to think that more radical changes were required in the approach to that subject. The Inspectors were also concerned about instances of latent, unintentional discrimination, referred to as the "hidden curriculum" in the report. All those issues would be covered in the new teacher training programme that was to begin in September 1990.

14. She took note of the Committee's interest in the many initiatives in progress and suggested that the next report should contain an assessment thereof. With regard to the education of ethnic minorities, outside the official curriculum intended for all children, which the Government constantly sought to upgrade, government aid was available for special educational projects to meet the needs of minority girls.

15. With regard to employment (art. 11), the fact that there was a high incidence of women working part-time did in fact detract from their significance in the national economy, but that was because many women wished to combine work with family responsibilities. The Government believed that women were free to make that choice and encouraged part-time work at all levels. Part-time workers received compensation in proportion to the number of hours worked, and their pension rights were calculated accordingly. They were also subject to the same conditions that applied to other civil servants. They were covered by legislation dealing with equal pay and measures which prohibited discrimination on the basis of sex or race. They did, however, have to work at least 16 hours a week in order to

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acquire, after two years of service, full rights to job protection; if they worked from 8 to 16 hours a week, they acquired the same rights only after 5 years of service. Women could automatically participate in the social security scheme once they earned at least 43 a week; otherwise, they could make voluntary contributions to the scheme and receive the child benefit unconditionally. Single parents earning less than £15 a week received a special supplementary benefit. Health care was free and available to all.

16. Several Committee members had expressed concern at the difference between men's and women's earnings. There were several reasons for that difference: (i) take-home pay was determined by the number of hours worked, but women undertook more part-time work and less overtime and shift work than men; (ii) women generally had less seniority than men; and (iii) women's qualifications were often at a lower level than those of men, something the Government sought actively to remedy by establishing a number of training programmes, taking other measures to expand women's career horizons and eliminating all discriminatory practices in schools. A whole series of programmes to encourage women to consider a much broader range of jobs, particularly in the sciences, and to take advantage of all the training opportunities available to them had thus been instituted. Those measures had had encouraging results: the number of women who had chosen careers in the sciences and engineering, for example, had already risen significantly.

17. The difficulties women encountered in the private sector and the extent to which such women were integrated had been studied in the Hansard Society report referred to earlier. The Government had joined with the British Broadcasting Corporation in sponsoring a major campaign to deal with the lack of self-confidence, a fairly common phenomenon among women. With regard to women who interrupted their careers, statistics showed that such periods of unemployment generally began with the birth of the first child, that the average age of such women in the United Kingdom was increasing and that the average length of such interruptions was diminishing (currently standing at 3.5 years).

18. The question had been asked whether employers ought to make provisions for child care; the Government of the United Kingdom believed that that responsibility lay primarily with parents, but that employers could certainly play a role by providing assistance to efforts by the State and voluntary organizations.

19. She would transmit the latest data regarding women's unemployment to any interested members of the Committee. Statistics in the United Kingdom were compiled in a slightly different manner from those of OECD and ILO. In any event, women's unemployment, like men's, had declined in recent months and continued to do so. With regard to the informal sector, including the informal sector in rural areas, national data covered only those persons who were claiming benefits and actively seeking work. Persons seeking employment in the informal sector were also included in unemployment statistics.

20. Her Government attached priority to reducing the number of long-term unemployed, which included a greater number of men. Nevertheless, the Government

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did not focus its efforts solely on reducing men's unemployment, but was taking many steps to provide women with employment opportunities as well. Generally speaking, the Government's policy of deregulation had encouraged women as well as men to create businesses and become self-employed.

21. The unemployment rate for ethnic minority women was lower (15.9 per cent) than that for men (17.4 per cent). Among other women, the rate was 9.2 per cent and among other men 10.1 per cent. No separate figures were available for immigrants.

22. Agricultural employment in the United Kingdom was covered by the same legislation as other employment, and measures to implement article 11 applied also to the agricultural sector. In that connection, the two Equal Opportunities Commissions, non-governmental organizations and trade unions were waging a major information campaign on women's rights.

23. A woman who thought she was unfairly dismissed because of pregnancy could bring a claim under the unfair dismissal provisions of the employment protection legislation. Under that legislation dismissal found to be on grounds of pregnancy would automatically be unfair. The person must, however, have a qualifying period of continuous service - currently two years for those who worked at least 16 hours a week. Otherwise, that person could bring a claim under the Sex Discrimination Act, which did not require a qualifying period of service. To prove that she was a victim of discrimination, the woman must show that a man in a comparable position, such as the need for an equally long leave to undergo an operation, would not have been dismissed. Taken as a whole, the United Kingdom legislation just described was compatible with the provisions of article 11.

24. It was true that in matters of job equality employers were not bound by law to respect the Code of Practice established by the Equal Opportunities Commission, but an increasing number of them did so.

25. As for trade union membership, employers had the right, when hiring, to ask for specific information in that connection. She did not, however, have any information as to whether trade union membership was helpful in recruitment. There were currently 1.3 million jobs that required trade union membership, but a new employment bill would make it unlawful for an employer to refuse anyone a job because they were or were not a member of a union. As to the participation of women in trade unions, 32 per cent of trade union members were women and six unions were led by women. No information was available on trade union membership among part-time workers or on the effect of drug addiction on the employment of women. Very few United Kingdom companies conducted drug tests. It was therefore unlikely that drug abusers of either sex were screened out at the recruitment stage. If it was known that they were, that could affect the employer's attitude but there was no hard information on that subject. Dismissal on the grounds of drug addiction was rarely likely to be justified unless it affected performance on the job. Under the legislation governing employment training, drug addicts of both sexes were entitled to training places.

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26. The restrictions on night work for women had been lifted in February 1988. She was unable to provide the statistics requested by a member of the Committee on women working unpaid in family enterprises. In respect of unpaid work in the home, it was unfortunately not possible to quantify its value in the same terms as those used to calculate gross domestic product. That was because national accounts were expressed in money terms and confined to those goods and services that were exchanged for money or to which monetary values could easily be assigned. That, of course, applied to men and to women.

27. As to differences between men and women in access to State benefits, they were mainly favourable to women. Firstly, the pension age was lower for women than for men (60 rather than 65 for men) and it varied according to the supplementary pension systems. But the rate of State pension was the same for women and men. Secondly, married women not entitled to a retirement pension could receive a reduced rate pension on their husband's records. No parallel right existed for men. Also, a woman's pension could not have any addition for an adult dependant. Thirdly, widows' benefits were available, but not widowers' benefits. Those differences reflected the past social and economic circumstances of women. The European Community had recognized the need for equal treatment in that area and women were exempted from the equal treatment directive on social security.

28. Mothers who stayed home to bring up their children or persons who stopped working to care for severely disabled relatives qualified under a system entitled Home Responsibilities Protection (HRP) and could get a full retirement pension. HRP could be awarded to any person receiving the non-income-related child benefit, or receiving income support to stay at home to look after an elderly or sick person, or regularly looking after someone receiving the attendance or constant attendance benefit for severely disabled people. The number of years of HRP was deducted from the number of qualifying years otherwise needed for a full retirement pension.

29. The social budget, far from shrinking, was growing. Social security expenditure, including social assistance, had increased in real terms from fiscal year 1981-1982 to fiscal year 1989-1990 by over 18 per cent, despite the decline in unemployment. The social expenditures for children, the elderly and the handicapped had increased by 37 per cent in real terms during the 1980s and the expenditures on community health service had grown by 35 per cent in real terms in the decade preceding the fiscal year 1987-1988. The National Health Service (NHS) budget had increased sharply, from 8 billion pounds in 1978 to some 28.7 billion pounds in 1990. The proportion of GNP spent by the public sector on child care had not increased in 10 years, but the State contribution was supplemented by a substantial contribution from voluntary bodies and the private sector. A system of tax relief encouraged employers to finance day care centres for the children of their employees, and the Department of Health provided funding for many voluntary bodies for that purpose.

30. In connection with the implementation of the provisions of article 12, some members of the Committee had asked for more information on abortion, and particularly the circumstances in which it was permitted in the United Kingdom.

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The Abortion Act of 1967 did not allow abortion on demand but it did allow social factors to be taken into account in assessing risks to the pregnant women, risks which must be determined with all the appropriate medical guarantees. That being said, the decision was always taken by doctors. Hence the Department of Health had figures only for abortions carried out under conditions established by the Abortion Act and not for cases in which doctors had refused abortion.

31. The NHS paid for the abortion if it was performed in an NHS hospital or if the NHS authorized a private hospital to perform it. The woman paid if she chose to have the termination performed privately, but she could obtain a grant or a loan. Approximately 55 per cent of all independent sector abortions were performed by three charities. The social security system did not pay for abortions. Girls under the age of 16 could have an abortion without parental knowledge if, in the judgement of the doctor concerned, it was in the patient's best medical interest, and if they had sufficient maturity to appreciate what was involved. Pregnancies in very young girls could be the result of rape because they had not reached the age of consent, but in some cases they were due to early sexual activity.

32. In the tables on abortions in the initial report, the term "agency" referred to establishments entrusted by the NHS to perform abortions. The terms "residents" and "non-residents" meant persons who usually lived in the country where the abortion was performed and those who did not.

33. The Abortion Act of 1967 had put an end to deaths from illegal abortions.

34. On the issue of contraception, family planning services continued to be available nationally free of charge under the NHS; voluntary agencies complemented those services. It was estimated that about 70 per cent of women in the fertile age range used some form of contraception. That percentage included women who had been sterilized, whose partners had been sterilized or whose partners used condoms. The NHS family planning services were available through general practitioners and family planning clinics. Currently, family planning services also played a role in the prevention of AIDS. Family planning services were available to girls under the age of 16 if there was parental consent or sometimes without such consent if it was not possible to obtain it; the doctor frequently played the role of adviser in such circumstances.

35. Concerning the connection between AIDS and prostitution, the Ministry of Health was funding a research study on the informational services existing in the United Kingdom for drug users and prostitutes, whether male or female. The prevalence of AIDS among female prostitutes was thought to be low. It could, however, increase if the disease spread further into the heterosexual population and might be higher in areas where there was a high level of drug misuse. In addition, there was a potential risk posed by foreign seamen using prostitutes in United Kingdom ports. The authors of a study in Greater Glasgow had suggested that at least 75 per cent of HIV-infected drug misusers practised prostitution.

36. A number of local initiatives had been taken in various United Kingdom centres aimed at preventing the spread of HIV and AIDS. Thus, groups had been formed in

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which prostitutes of both sexes exchanged information. A number of centres provided free condoms and the Health Education Authority had also mounted a public education campaign aimed at the general public and, in particular, at sexually active young women. At the end of December 1989, 2,830 people were reported as having AIDS, of whom 1,612 had died, including 114 females. At the same time, 11,676 people were reported as HIV antibody positive, including 1,261 females.

37. In connection with the provision of health care services for women in the ethnic minorities, the United Kingdom Government was unequivocally committed to promoting equality of opportunity both in health service delivery and in health care employment. Account was taken of differences in language, culture and religion and the Ministry of Health had a special adviser on issues concerning ethnic minorities. A seminar had been held in November 1987 for managers of health authorities with substantial ethnic minority populations. That had provided an opportunity to exchange ideas and experience on meeting the health needs of ethnic minority communities, particularly the needs of women in those communities. Publication of the report of the meeting had made it possible for all the health authorities to be made aware of needs which were not always appreciated by health care professionals.

38. The practice of female circumcision was illegal in the United Kingdom. Members of the Committee were concerned because the Ministry of Health had provided funding for two voluntary organizations which worked with those sectors of the African community in the United Kingdom who had come from countries where female circumcision was practised. The work of those organizations fell broadly into two areas: they offered advice to women and girls who had been circumcized in their country of origin before coming to the United Kingdom and were suffering from physical and psychological consequences. They also advised other family members and community groups regarding the practice in order to make it clear that it was illegal in the United Kingdom and that they must refrain from having their daughters circumcized.

39. Child care facilities, mothers' associations, nursery groups and domiciliary health services were important for the mental health and well-being of parents and enabled mothers and their pre-school children to escape their isolation.

40. In connection with the provision of personal social services to elderly people, no specific information was available on the number of elderly people receiving such services or about the extent to which their needs were being met. It was, however, known that the elderly population had increased by 6.7 per cent over the decade to 1987, that the number of day centre places had increased by about 23 per cent, that the number of home helps had increased by 28 per cent and that the number of elderly people cared for by community nurses had risen by 30 per cent.

41. In response to the questions relating to the implementation of article 13 of the Convention, 70 organizations, including 12 women's organizations, had replied to the 1986 Government Green Paper on the reform of personal taxation. From

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April 1990, a wife and husband would be treated in law as two separate taxpayers. Regarding the additional income tax allowance for an unemployed spouse, and whether that allowance might encourage women not to work, she said that the extra allowance was given to a husband even if his wife worked. There was no evidence to suggest that that pattern of allowances had discouraged married women from working.

42. Elderly women received on average just under two thirds of the income of a man of working age. The incomes of elderly people were steadily improving with the expansion of the State pension scheme and occupational schemes and thanks also to the accumulation of capital and inherited wealth.

43. In reply to the question raised regarding the two Sports Council campaigns which had been initiated in 1982, the "50 + All to Play" campaign had been aimed at the over-50s because the strategy adopted by the Council in 1982 had indicated that particular priority should be given to the 45-59 age group. The Council had taken the view that that period in the life-cycle was of critical importance to the extent that it corresponded with a period when participation in sport required appropriate support. The "Ever Thought of Sport?" campaign had been aimed at the 13-24 year age group which had also been identified as a priority in the strategy of the Council. It had aimed at encouraging young people to participate in sports and had involved local organizations, voluntary organizations and sports centres. In 1987 the two campaigns had been superseded by the "What's Your Sport?" campaign which had been designed to give information about possible choices in the field of sport to would-be participants. Since 1988 that campaign had concentrated on women's participation in sports.

44. In reply to questions relating to the implementation of article 16, she explained why, in certain cases, judicial separation might seem preferable to divorce. The reasons related to the personal circumstances of the women concerned. It might be, for example, that the marriage had been of very short duration or that the woman regarded separation as a temporary remedy while awaiting divorce in so far as a divorce petition could not be presented until one year had elapsed from the date of the marriage. She might also decide not to petition for divorce for religious or other personal reasons, such as not wishing to release her husband to remarry while wishing the separation formally recognized in order to settle questions concerning property, income and the custody of children. There were no differences of status between men and women who were judicially separated.

45. Regarding the extent to which divorced women could rely on the payment of maintenance from their ex-husbands and how far they relied on State benefits, all that could be said was that around one third of divorced lone mothers and two thirds of all lone parents had to rely on income support provided by the State in such circumstances. The Government was concerned that many fathers paid virtually no maintenance and was currently examining the maintenance system in order to determine what improvements could be made.

46. On the division of property on divorce and whether a non-working wife had any rights to property, she said that, if a wife owned property, either solely or

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jointly with her husband, she clearly had rights with respect to it. Divorce courts were given wide powers to divide property on divorce once they were informed of all the relevant circumstances, first consideration being given to the welfare of any children.

47. The major causes of marriage breakdown were unreasonable behaviour, adultery and two years' separation. But it would serve no purpose to look at those factors separately, as they were often used only to obtain a quick divorce. While statistics did not necessarily show that a greater number of marriages had broken down, they did indicate a greater number of divorces. The Government had undertaken reforms in divorce law. The Law Commission had put forward a proposal requiring those seeking a divorce to face the consequences of their decision in advance and to examine all the questions relating to the upbringing and arrangements for the children and to finances. That proposal might encourage counselling and conciliation to help save a marriage, or, in the event of a divorce, it might help couples to reach an agreement in an atmosphere of co-operation.

48. Concerning older women who had not had a career, several points were to be emphasized. The State assisted women returning to the labour force under its Employment Training Programme. Single mothers could receive help with child-care costs, and single parents could receive income support benefits without having to work, if they had at least one child under the age of 16. In that case, they would also receive help with housing costs.

49. Single mothers did not receive priority in allocation of publicly funded places in child-care centres. Those whose need was greatest, such as families in difficult circumstances, were given priority.

50. A woman who had not held paid employment long enough to qualify for a pension could qualify for a married woman's pension of her own, which was not an increase to the husband's pension, if she was over age 60. If she outlived her husband (or was divorced after retirement), it was converted to a full-rate pension. If she was under 60 when her husband retired, she did not qualify for a pension, but her husband could receive an increase to his pension until she reached 60.

51. No statistics were available on the number of women who kept their own name on marriage or on the number of couples who decided on a completely new name. As to the question of which surname the children received if the woman kept her own name after marriage, there was no law stipulating that the woman must adopt her husband's surname or even that a child born of that marriage must be known by that surname.

52. There was no particular term to describe children born outside marriage. Inheritance law did not contain any provisions discriminating against children born outside marriage. In the same way, the law concerning cohabitation allowed cohabitants to inherit from each other. However, the Government did not intend to extend the "divorce" régime regarding maintenance and property distribution to

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unmarried couples, mainly because it would remove much of the significance of the institution of marriage and might thus jeopardize the family unit.

53. There were no specialized family courts in the United Kingdom. Procedural improvements in that field could only be achieved along with reform of substantive law.

54. Regarding the extension of the Convention to the dependent territories of the United Kingdom, the Government of the United Kingdom had no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands, and therefore rejected the statement made on that subject by Ms. Alfonsín de Fasan. Montserrat and Anguilla were not covered in the United Kingdom report, as those two Territories had not ratified the Convention. In answer to questions, she also confirmed that the Convention actually applied to the four dependent Territories, although the Administration of the Isle of Man had pointed out that it would take several years to bring its legislation fully into line with the Convention. Finally, she indicated that there were no women refugees in those Territories.

55. After those general observations, she examined the application of the Convention in the Territories article by article.

56. Regarding article 6, it had been asked if persons guilty of rape were tried in the courts. According to information furnished by the British Virgin Islands, around 60 per cent of rape victims did not appear before the courts when their cases were brought to trial.

57. She confirmed that in the British Virgin Islands, prostitution was a minor problem, as no case of prostitution had been brought to court in the past 20 years.

58. In response to a question regarding article 7, in the Turks and Caicos Islands, the Department of Education was directed by a woman who also had a woman deputy. Currently, of the 13 elected members of the Legislative Council, 2 were women, and 1 of the 3 appointed members was a woman.

59. Concerning article 10, the required age for marriage in the four Territories was 16 years. Questions had been raised regarding the education of teenaged girls who left school early because they became pregnant. On the Isle of Man, students leaving school early for any reason had the opportunity to continue their education later. The Turks and Caicos Islands were instigating a vocational education system to which all Islanders would have access. On the other hand, the British Virgin Islands had recognized that there was currently no provision for pregnant teenagers to complete their schooling.

60. In response to a question, she said that a community college had just opened in the British Virgin Islands where men and women would be admitted on an equal basis.

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61. Regarding maternity leave, addressed under article 11, the Administration of the Isle of Man had recently adopted new provisions on the matter. In the Turks and Caicos Islands, eight weeks of maternity leave were provided for women who had been continuously employed for two years.
62. Due to lack of time, it was not possible to obtain further information on health services in the Falkland Islands, in connection with article 12.
63. Under article 13, it had been asked if the Finance Act of 1988 would be extended to three of the other Territories. No such step had yet been taken.
64. Referring to article 14 of the Convention, some Committee members had been concerned about the situation of rural women on the Isle of Man and their access to the members of the House of Keys, for the redress of their grievances. Given the small size of the Isle of Man, there was no practical difference between rural and non-rural women.
65. Under article 16, a question had been raised concerning the status of "de facto" families in the British Virgin Islands. No specific information on the subject was available. However, the inheritance law of the Turks and Caicos Islands made no differentiation between legitimate children and children born outside marriage.
66. In conclusion, she hoped that she had reassured the Committee of the full commitment of the United Kingdom to the objectives of the Convention. It had been asked whether Mrs. Thatcher had promoted the cause of women. The position held by Mrs. Thatcher was the stunning proof of the opportunities open to women in the United Kingdom to reach the highest levels of Government.
67. The CHAIRPERSON thanked the representative of the United Kingdom and her team for their detailed response to the questions asked by the members of the Committee. The questions demonstrated the great interest in a society such as the United Kingdom. She hoped that the reservations expressed by the United Kingdom regarding some articles of the Convention would be re-examined.
68. Ms. LAIOU-ANTONIOU, while expressing satisfaction with the answers provided, said she had a general impression that much remained to be done in the United Kingdom to ensure a more equal sharing of household tasks. That was an area where the situation, as in many other countries, left much to be desired. Furthermore, the representative of the United Kingdom had explained the popularity of part-time work among women by their preference for that type of employment. In her opinion, that was due mainly to the fact that women had no other choice. She would like to see more progress in that area.
69. Ms. SCHOPP SCHILLING suggested that the United Kingdom representative should ensure that her country's second periodic report contained more comparative statistics to permit an evaluation of progress. Like Ms. Laiou-Antoniou, she was concerned with the question of part-time employment because women who worked part time did not have the same social coverage as those who worked full time.

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70. Ms. ILIC congratulated Ms. Denham on her statement and added that many questions had been asked because much was expected of countries that were capable of much.

71. The CHAIRPERSON, joining the preceding experts, said that in order to evaluate progress in improving the status of women, particularly in respect of their participation in decision-making at all levels, it was important to have statistics broken down by sex. In conclusion, she thanked Ms. Denham and her team for having so clearly described the de jure and de facto situation of women in the United Kingdom.

72. At the invitation of the Chairperson, Ms. Masdit and Mr. Muntarbhorn (Thailand) took a place at the Committee table.

73. Ms. MASDIT (Thailand), Minister attached to the cabinet of the Prime Minister, said that she would confine herself to outlining the general context of the replies that Mr. Muntarbhorn, member of the National Commission on Women's Affairs, would give to the Committee's questions on Thailand's initial report.

74. Thailand had achieved great progress towards eliminating de jure discrimination against women, but much remained to be done to overcome traditional behaviour. That behaviour was reflected in de facto discrimination, particularly in the stereotyped perceptions of the roles of men and women. To change those attitudes the Government depended a great deal on the school system, where parity between the two sexes had been virtually achieved, and on education and public opinion.

75. The National Commission on Women's Affairs included representatives of the key ministries and representatives of the two major non-governmental organizations, each of which included hundreds of other organizations and experts from the public and private sectors. The Commission's priority was to co-ordinate the objectives of the five-year economic and social development plan and the 20-year plan for the promotion of women.

76. In Thailand's bicameral system, the Senate was not elected. Those appointed to it were mainly from the higher levels of the administration and the army, and that was why women were hardly represented. In the Chamber of Deputies, even though all the parties declared their readiness to include women on their rolls, there were only 10 women out of 357 deputies. There was no quota, but the goal of the five-year plan included ensuring better representation for women in Parliament. The male members of Parliament were, they said, largely in favour of the advancement of women but efforts must be made to motivate them further in order to accelerate the course of legislative reforms and monitor their implementation.

77. She saw in the recent institution in Thailand of National Family Day not only recognition of the role of the family but also a symbol: all citizens were called upon to work together on an equal footing, like a big family, in the development of the country.

78. Mr. MUNTARBHORN (Thailand) said he would first deal with the question of the implementation of the Convention on the international level and then, article by article and according to the questions raised, with the national aspects, such as legislation and practices, or planning problems.

79. Thailand had acceded to the Convention, but Parliament had not yet been presented with a request for ratification, which the country's law required in order to make an international convention fully binding. The question of ratification was closely linked to the reticence reflected in the reservations, and was part of the background in which the teachings of history and socio-economic realities occupied an important place. The fact that Thailand had submitted its initial report was evidence, nevertheless, of its wish to abide by the basic principles of the Convention.

80. Its reservations to the Convention had given rise to very many questions, which were also constructive criticisms. In a general way, States which formulated reservations in respect of any convention could choose between two approaches: either to withdraw reservations justified on the grounds of the incompatibility of certain laws or policies with the convention concerned in the hope that compatibility would eventually be achieved, or to wait for that compatibility to be achieved before withdrawing the reservations. Thailand had adopted the second approach since its accession to the Convention on the Elimination of All Forms of Discrimination against Women.

81. Under article 28, paragraph 2, of the Convention, a reservation incompatible with the object and purpose of the Convention should not be permitted, but the question was who determined that incompatibility - the States themselves or an independent body? Under the Vienna Convention on the Law of Treaties the States decided, but what was to be done when some States, as in the present instance, accepted reservations that others rejected? Thailand would therefore like the view of an independent body such as the Committee.

82. He then turned to Thailand's reservations and the grounds it had invoked to justify them when it acceded to the Convention: the reservation in respect of article 7 (discrimination in political and public life) was due to the fact that some jobs, particularly in the administration and in the army, had been, and still were, closed to women; the reservation concerning article 9, paragraph 2, (nationality) was the consequence of the patrilinear approach adopted in that area under the law; the reservation in respect of article 11, paragraph 1 (b) (employment) was explained by the prohibition against employing women in certain night jobs; the reservation concerning article 15, paragraph 3 (invalidity of contracts restricting the legal capacity of women) was explained by the fact that legislation was unclear on that point; the reservation in respect of article 16 (questions arising from marriage) was justified by the fact that legislation was not in accordance with the provisions of that article; finally, the reservation in respect of article 29, paragraph 2 (International Court of Justice) was in accordance with international practice.

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83. Thailand intended to withdraw two of those reservations, namely, the ones to article 11, paragraph 1 (b) and to article 15, paragraph 3. In a more general way, it was certain that the concern for national security, understood in a broad sense, had played an important role in the formulation of reservations.

84. In connection with the Nairobi Forward-looking Strategies for the Advancement of Women, Thailand was in the process of preparing a report on the manner in which it was implementing those Strategies. Thailand welcomed the obligation stipulated therein to eliminate all forms of discrimination both in law and in fact. It considered that the advancement of women could be achieved through the economic and social development of the country.

85. Regarding the international instruments on human rights, Thailand had not acceded to the International Covenants nor to the Optional Protocol of 1966. On the other hand, it was party to the Convention on the Political Rights of Women, 1952, and the two International Labour Organisation Conventions (Convention No. 122 of 1964, on employment policy, and Convention No. 127, of 1967, regarding the maximum weight which could be carried by a worker).

86. He proceeded to examine, article by article, the implementation of the Convention at the national level.

87. In regard to article 1, he recognized that, at the national level, there was no law formally prohibiting discrimination based on sex. That was a gap which remained to be filled. However, existing laws, particularly the criminal code and labour legislation, contained provisions which, without specifically mentioning women, guaranteed protection for individuals in general against violations of their fundamental rights.

88. It was true that the Constitution of Thailand did not make specific reference, as was required by article 2 of the Convention, to the equality of men and women although, when the Constitution was being drafted, women's organizations had asked that such mention should be included. It was equally true that, in contrast to the situation in other countries, an individual could not invoke the Constitution of Thailand in court as local laws must also be taken into account. One member of the Committee had asked whether it might not be possible to amend the Constitution. That was not an easy task as there were many groups to be convinced and many obstacles to be overcome.

89. With reference to the Constitution, he pointed out that the great problem which arose in Thailand, as in other countries, was how to reconcile national security with the rights of individuals and of women in particular. He suggested that the Committee should consider that question in the future.

90. In regard to the integration of women's issues into the national planning process, which concerned article 3 of the Convention, he pointed out that, in contrast to the five-year plan, which stipulated general socio-economic goals, the long-term 1982-2001 plan was specifically geared towards the development of women.

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The plan also contained goals concerning, in particular, the reduction of infant mortality. A question had been asked by a member of the Committee relating to the section of the budget which was expressly devoted to matters of interest to women; it was impossible to give exact figures in that connection, as no budget-related post in the different ministries was concerned specifically with women.

91. On the other hand, he pointed out that the approximately 300 women's organizations existing in Thailand played an important role and that account was taken of their contribution in the development plans of the country.

92. In reply to the request for statistics from members of the Committee, he said that there were 1,160 judges in Thailand, of whom only 116, or 1 per cent, were women. In 1986, 19 per cent of households had a woman as their head. Infant mortality in 1984 was 41.3 per thousand live births. The literacy rate was high (97 per cent), but the proportion of illiterates was higher among women than among men. On the other hand, 88.3 per cent of women only received primary education. Shares in the labour force in 1986 were 51 per cent for women and 75 per cent for men. It also must be noted that 30 per cent of the women worked in agriculture against only 36 per cent in the case of men.

93. In regard to the dissemination of the provisions of the Convention, stipulated in article 5, he pointed out that there had been seminars on that matter and the provisions had also been disseminated through the media, particularly television, but, generally speaking, such media only reached the urban population. In order to reach the inhabitants of the rural areas, more innovative approaches were needed, such as audio-visual methods, strip cartoons, etc. It was also essential to train teachers and employers with a view to changing attitudes.

94. During the discussion which had followed the presentation of the report of Thailand, the problem of prostitution had been raised. He recognized that it was a serious problem although official statistics on the subject were not available. It was also a problem which must be placed in the context of poverty and underdevelopment. Prostitution was prohibited in Thailand under the criminal code and the 1986 law against prostitution. The Government was combating prostitution and had adopted an approach based on the reintegration of prostitutes, social protection and development; in other words, the approach was therapeutic rather than punitive. It must however be recognized that prostitution was continuing notwithstanding those laws. In his opinion, an important part of the problem lay with demand, namely, in the private sector, which encouraged sexual tourism, which was a source of profit. The problem must be approached within the framework of inter-State relations both at the multilateral and bilateral levels. Constructive measures must therefore be adopted at the international level in order to put an end to the problem.

95. In connection with the decision-making role of women, referred to in article 7 of the Convention, he pointed out that in 1982 the law had been modified in such a way that thereafter women were permitted to occupy managerial posts in village administrations. On the other hand the same situation did not prevail at the

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district level where only men performed administrative functions. The National Commission on Women's Affairs was currently making efforts to change that situation.

96. Many questions had been raised in connection with article 10, which related to education. In law, women and men had equal access to education but in fact many stereotypes existed in that area which the Minister of Education was attempting to eliminate. Thus, domestic economics was a discipline which had been introduced into the curriculum of both boys and girls, notwithstanding the hostility of certain families.

97. Sexual education existed in Thailand where it played an important role, particularly because of the appearance of AIDS.

98. In reply to a further question, he pointed out that education on human rights was encouraged in Thailand and that students, particularly in universities, showed great interest in such instruction, particularly on women's rights. Studies on the status of women existed but only at the higher level. In connection with education, the basic question which arose in Thailand was to know how to educate those who exploited women, in particular, how to convince employers and consumers. That was a task which called for attention in coming years.

99. The principle of equal pay for men and women - article 11 of the Convention - was accepted in Thailand, but in practice the situation was different, with much remaining to be done to improve things in that area. Social security existed, although in a limited form, with coverage extending only to those persons who had become ill or injured in an accident while employed. A proposal had been made to change the law so that sick or injured persons who were not employed could also benefit from social security. That proposal had not been adopted. It was to be hoped that the bill in question would be resubmitted to the Senate.

100. As many Committee members had pointed out, there was in Thailand, as in many Asian countries, a system of social security provided by the extended family. However, owing to the disintegration of the family, a common phenomenon throughout the region, the protective role formerly played by the extended family now had to be assumed by the State. That was an extremely costly undertaking.

101. Replying to a question about paid leave, he noted that the National Commission on Women's Affairs had succeeded in having maternity leave extended from 60 to 90 days. In practice, however, the situation depended largely on the employer attitudes, and, once again, much needed to be done to convince private companies to adopt the new measures.

102. With regard to the question on family planning raised in connection with article 12 of the Convention, it was still assumed in Thailand that women had chief responsibility for controlling their own fertility by using contraceptives. However, the Government had taken a stronger position in that area by encouraging vasectomies and the distribution of condoms.

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103. Abortion was forbidden in Thailand under the Criminal Code, except in cases of rape or when the health of the mother was at stake. Proposals had been made to broaden abortion legislation. However, the proposed reforms had not yet been adopted because of pressures exerted by certain groups advancing religious arguments.

104. With regard to violence against women, and rape in particular, the law clearly stipulated that rape was an offence. Women had been afforded greater protection since 1987, when the law had been modified to raise the age of consent in sexual matters to 15 from 13 years.

105. In response to questions raised under articles 13 and 15 on women's access to bank loans, he said that certain government services now offered loans to women's groups to assist them, particularly in establishing small-scale enterprises. In practice, however, working women, particularly in rural areas, lacked adequate access to credit.

106. With regard to article 16, questions had been raised on the subject of bigamy. Although the Government discouraged bigamy, the law was sufficiently vague on the subject, with a man convicted of bigamy liable to sentencing only for giving false evidence. That situation was changing with the introduction of identity cards. On those cards, married women must be listed under their husband's name. Where the names of married women were concerned, the law was quite clear, stipulating that women who married must take their husband's name. A proposal to allow women who married to retain their maiden name had not been adopted.

107. On the subject of women refugees, he said that out of 400,000 persons requesting asylum, 60 per cent were women and children. Generally speaking, refugees in Thailand were considered to be illegal immigrants who had duties rather than rights. The Thai Government had a policy, particularly in the case of refugees of Laotian and Vietnamese origin, of granting them temporary asylum until it could be ascertained whether they met the necessary criteria to be given refugees status. Persons who failed to meet those criteria were returned to their country of origin. The refugee issue was an extremely sensitive one in which it was often difficult to reconcile humanitarian considerations with the interests of national security.

108. In conclusion, he offered to provide any additional data the Committee might wish to have. His country was planning to set up a statistical centre that would be responsible for the collection of data, particularly data relating to women. He thanked the members of the Committee for their constructive criticism and said his Government would welcome any recommendations they might make regarding the drafting of its next report.

109. Ms. MASDIT (Thailand) said that, while her country had not yet ratified the Convention, it wanted to submit its initial report to demonstrate the scope of Thailand's efforts to implement the provisions of that instrument.

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110. The CHAIRPERSON thanked the representatives of Thailand for having answered Committee members' questions in detail. She recalled that, in accordance with article 27 of the Convention, the two ways in which that instrument entered into force in a State party were the State's accession to or ratification of the Convention. In fact, those were legal considerations of lesser interest; the Committee was primarily interested in finding out whether or not the provisions of the Convention were being implemented in a given country.

111. Ms. GONZALEZ MARTINEZ thanked Ms. Masdit for her answers to Committee members' questions. The Committee was especially pleased by Thailand's accession to the Convention given that the country had not acceded to many other human rights instruments. That being said, she found Mr. Muntarbhorn's explanations regarding the Thai Government's reservations to the Convention unsatisfactory, particularly in the case of articles 6 and 10. She made a general appeal to the Thai Government to withdraw its reservations. In addition, Mr. Muntarbhorn had referred to the link between national security and protection of women's rights. She did not see what relationship there could be between the two.

112. Ms. LAIOU-ANTONIOU thanked Mr. Muntarbhorn for his outstanding presentation and said how happy she was to see a man support the cause of women's advancement in Thailand with such conviction. With regard to the problem of prostitution, however, she failed to see the cause-and-effect relationship between that phenomenon and underdevelopment which he had described. In her view, the emancipation of women and their access to equality were factors of development for any country.

113. Ms. CORTI joined previous speakers in congratulating the representatives of Thailand. She pointed out that the members of the Committee did not seek to pass judgement but rather to assess the progress achieved in a given country.

114. Ms. SCHOPP-SCHILLING congratulated the representatives of Thailand for their statements, but confessed that she did not understand what relationship might exist between the enhancement of women's status and national security.

115. The CHAIRPERSON said she was aware of long-standing traditional attitudes that marked all aspects of women's life in Thailand. It was in that context that Thailand's efforts to improve the status of women must be appreciated.

116. Ms. MASDIT (Thailand) said that she would refer to her Government the Committee's question about the presumed link between national security and the status of women. She thanked the members of the Committee for their constructive criticism.

The meeting rose at 6.30 p.m.