



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

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Third session

SUMMARY RECORD OF THE 34th MEETING

Held at Headquarters, New York,
on Friday, 30 March 1984, at 10 a.m.

Chairperson: Ms. IDER

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The meeting was called to order at 10.30 a.m.

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

Initial report of China (continued) (CEDAW/C/5/Add.14)

1. Ms. GONZALEZ MARTINEZ commended the representative of China on her excellent introduction of that country's brief but clear report and thanked her for circulating various publications on the situation of women in China which amplified some sections of the report graphically. In connection with the statement on page 14 of the report that cases of discrimination, maltreatment and even physical abuse of women still occurred, for instance, one publication gave further details on the efforts being made to identify such problems and the Government's intention of resolving them through programmes to educate and inform people in both urban and rural areas about the need to respect women's and children's rights. The publications also gave more information on the campaign to promote respect for women from birth, breaking with the feudal tradition of lamenting the birth of girls in China. Finally, they provided information on the persistence of arranged marriages.

2. With regard to the Government's family planning programme, she wished to know what was the situation of families where the wife, for whatever reason, had more than one child. She also wished to know China's current population growth rate and the precise meaning of the statement on page 12 that prenatal physical examinations of the foetus were carried out in many places "to ensure fewer and better children and upgrade the quality of the population". In Mexico, such examinations were carried out to assure women that their unborn children were genetically sound and to permit abortions where the foetus was found to present serious genetic defects. Abortion was not allowed for any other reason in her country. Finally, she wished to know what special treatment, if any, was accorded to unmarried mothers.

3. Ms. LAMM said that the report submitted by China demonstrated clearly the results of that country's 35-year campaign to ensure equal rights for women.

4. While she realized that the birth rate in China was a very special problem, she would welcome some information on the protection of motherhood in that country and on how the Government reconciled the protection of motherhood with its aim of reducing the high birth rate.

5. She would also like more information on the social security system, especially as it related to women and mothers.

6. Ms. REGENT-LECHOWICZ was pleased to note from the report that considerable efforts had been made to eliminate feudal traditions in China, and that no attempt had been made to disguise the fact that difficulties persisted which hindered the implementation of the Convention.

(Ms. Regent-Lechowicz)

7. With regard to divorce, she wished to know how the Government's birth control policy influenced divorce and what the divorce rate was in China. She also wished to know about the respective rights and responsibilities of the wife and the husband in the event of divorce. She would also welcome more information on the Government's policy with regard to minorities in relation to the Marriage Law. For instance, did that Law apply when one partner in a marriage belonged to a minority group and the other partner was Chinese? Finally, she wished to know the position of the All-China Women's Federation with regard to the Government's birth control policy.

8. Ms. PEYTCHEVA said that China's report was both very interesting and very frank about the problems which remained to be overcome in achieving full equality for women in China.

9. She would like to have further statistical information on the child care services mentioned on page 11 of the report. In her introduction, the representative of China had stated that approximately 25 per cent of all children of pre-school age attended day care centres and kindergartens. She wished to know whether the need for such centres was being fully met in all areas and, if not, whether the Government planned to expand the child care network.

10. She would also welcome information concerning the attitude of the All-China Women's Federation towards the Government's population policy. Finally, she wished to know whether there was any legislation on the minimum age of marriage and whether that age was the same for men and women.

11. Ms. CORTES commended China on its frank report and its progress towards eliminating discrimination against women. In particular, she was gratified by the provision in China's Constitution that children who had reached their majority had the duty to support and assist their parents. She wished to know whether any legal recourse was open to parents whose children did not fulfil that obligation.

12. She sought clarification of the phrase "violation of the freedom of marriage" on page 4 of the report and of the difference between citizenship and nationality in China. She wished to know whether all women belonged to the All-China Women's Federation and would like further information on the Government's family planning programme.

13. Referring to the provisions of the Marriage Law reproduced on page 13 of the report, she asked about the implications of a man's decision to become a member of his wife's family. Did the man take his wife's family name in such cases and did he retain her name if they divorced? She also wished to know when children were allowed to choose to adopt their father's or their mother's family name.

14. Finally, drawing attention to the statement on page 14 that "women themselves have become aware of their own strength", she stressed that it accurately reflected the Committee's objective.

15. Ms. MACEDO DE SHEPPARD commended China's clear report and asked what special measures the Chinese Government had taken to ensure full equality for women in education, employment, health and family relations and in their overall treatment. Sufficient legislative action did not appear to have been taken to guarantee women's equality and the statement on page 3 that the Constitution provided the best guarantee of women's rights and interests was not sufficiently explicit. She wished to know what precise action had been taken to ensure women's effective enjoyment of their rights.

16. She would welcome further information on the number of women holding elected office and on the levels at which they held such office, and on women's participation in public life in general. She would also welcome further information on problems relating to nationality, international representation, social security and prostitution. The report gave no information on the legal status of prostitution in China - whether it was allowed by law and, if so, how it was regulated. If it was not lawful, was it considered an offence and, if so, how was it punished?

17. In connection with action taken to change cultural patterns in order to eliminate the vestiges of feudalism and the consequences of the Government's policy of opening up communication with other countries, she wished to know what had been done to implement the nationwide campaign to break down feudal ideas and customs upholding male superiority.

18. Ms. ILIĆ commended China on its frank and comprehensive report. The Government's tremendous achievements in enhancing the status of women deserved full praise.

19. She would welcome further clarification of the statement in the report that cases of discrimination, maltreatment and even physical abuse of women still occurred. While she considered their persistence normal in a country which had undergone radical change, she wished to know what steps the Government was taking to combat those practices and what legal recourse was available to the women victims. Noting the statement on page 16 that the judicial organs could invoke sanctions in cases of discrimination which violated the law, she wondered whether women were able to bring individual law suits before the courts and, if so, what the outcome had been.

20. She also wanted to know what the Government was doing to reverse the high drop-out rate among girls registered in primary schools. Were parents under an obligation to send their children, in particular their daughters, to school and, if so, how was that obligation enforced?

21. Finally, she wished to know what was meant by the term "mercenary marriages" on page 15.

22. Ms. PATIÑO asked whether the Convention on the Elimination of Discrimination against Women was being publicized as part of the campaign to eradicate feudal ideas regarding male superiority. Secondly, she requested clarification of the statement in the report that, under article 34 of the Constitution, all citizens who had reached the age of 18 had the right to vote, regardless of inter alia "property status" and the "length of residence". Did the statement that the All-China Women's Federation brought the voices of the rank and file women to the attention of the Chinese Communist Party and the Government mean that not all women were members of the Communist Party?
23. Ms. ESCUDERO MOSCOSO praised the report and China's tremendous respect for the institution of the family and for the weakest members of that institution, namely, children and the elderly. Citing the mutual obligations of parents and children under article 49 of the Constitution, she asked whether there were courts to which individuals could appeal in the event that those provisions were violated. If there were, what impact did the rulings of such courts have? Did women have legal recourse against discrimination and at what point were cases of discrimination brought before the court? Finally, she asked whether the women's federations exercised significant influence: did they have a legal status or were they purely voluntary organizations?
24. Ms. CARRON, referring to the statement (p. 13) that after a marriage had been registered the woman might become a member of the man's family or the man might become a member of the woman's family, asked what was the usual practice in that regard. It would be interesting to hear what specific measures the Government had taken to curb infringements of the legitimate rights and interests of women and children (p. 15) and what was meant by the term "legitimate rights and interests".
25. Since couples were encouraged to have only one child, was it conceivable that if that child proved to be a girl, the birth would be kept a secret or the child made to disappear? Finally, was there any truth to the rumour that factory workers were encouraged to plan their families in such a way as to ensure that not too many women in a given plant were on maternity leave at the same time?
26. Ms. EL-FETOUH, noting that under article 49 of the Constitution both spouses were responsible for practising family planning, asked how the authorities ensured that both spouses indeed shared that responsibility. Was there any penalty for failure to do so?
27. According to the report, a very high percentage of the women eligible to vote actually exercised that right. How was that achieved? Had the Government imposed fines for persons who failed to vote as was the case in other countries? How did the All-China Women's Federation participate in the formulation of government policy and how did it monitor the implementation of that policy?
28. Noting the information in the report concerning the equal opportunity enjoyed by men and women in relation to education, she asked whether housing was provided for students at all levels of education all over the country. According to the report there were 15 women who were members of the Science Council of the Chinese Academy of Sciences; how many male members were there?

(Ms. El-Fetouh)

29. She requested further clarification concerning the length of paid maternity leave: when it began and whether it was available to women in both urban and rural areas? Similarly she asked whether pensions were available to both urban and rural women. Finally, she requested clarification of the references to genetic counselling and physical examinations of the fetus.

30. Ms. ZHANG Zhong-an (China) said that she would like to give full replies to the questions at a later meeting.

31. Ms. ZHANG Zhong-an (China) withdrew.

ORGANIZATIONAL MATTERS

32. The CHAIRPERSON drew attention to resolution 83/23, paragraph 6, of the Economic and Social Council which requested the Secretary-General to submit a progress report to the Council at its first regular session of 1985, in consultation, inter alia, with the Committee, containing an analysis of policies influencing the role and nature of the family in the context of development. The Committee should bear that in mind when considering the reports of States parties.

33. Ms. BERNARD expressed regret that the Committee had not been reminded of that mandate earlier.

34. Ms. GONZALEZ MARTINEZ suggested that introductory statements made by representatives of States parties should be annexed to the report of the State party concerned because they contained useful additional information. The Committee should not feel compelled to consider a specific number of reports at each session. It was more important to make sure that each report was given careful consideration and that the Committee was able to complete the report on its session on time.

35. Ms. CORTES suggested that the Committee might wish to discuss how it should interpret article 21 of the Convention, which requested the Committee to make suggestions and general recommendations based on the examination of reports and information received. Perhaps those recommendations could be addressed to all States parties, not just to those whose reports had been considered. She supported the suggestion that introductory statements should be annexed to the reports of States parties.

36. The CHAIRPERSON, speaking in her own capacity, said that it might be preferable to consider the issue raised by Ms. Cortes at the next session in order to give Committee members time to become familiar with the interpretation generally given to similar provisions in other international conventions.

37. Mr. NORDENFELT said that, under item 4 (organizational matters), the Committee could discuss the question of reservations to the Convention. Although a reservation on one particular article might not necessarily affect the letter and spirit of the Convention, other more general reservations might have a serious

(Mr. Nordenfelt)

impact on its substance. He felt, however, that it would be more practical to discuss the issue at the end of the session.

38. Ms. OESER said that she agreed with the Chairperson that the problem of suggestions and general recommendations to be made in pursuance of article 21 of the Convention should be discussed at a later session. The question of reservations should also be discussed in the Committee at a later date. She asked the Secretariat whether in future it could send the experts copies of States' reservations to the Convention along with the reports. Summaries of the statements made by the representatives of States parties at the time of presentation of the reports, as had been agreed, would be included in the reports on the Committee's session. However, introductory statements should not be included in those reports.

39. The CHAIRPERSON said that she understood that the suggestion was to annex the introductory statements to the individual country reports.

40. Ms. CARON said that, before the end of the session, under agenda item 4, the Committee should discuss the questions concerning the reports of the specialized agencies, the kinds of suggestions to be included in section V of the Committee report and the revision of the estimated number of reports which the Committee could hear and consider at each session.

41. On the question of reservations, she asked for clarification with regard to paragraph 2 of article 28 of the Convention, in which the word "incompatible" was not clearly defined.

42. Ms. ILIĆ said that she also had doubts on the question of reservations and their admissibility. She asked whether paragraph 2 of article 28 meant that those reservations received and circulated to Member States were considered to be compatible. It might be advisable to discuss the subject with a legal adviser from the Secretariat. She asked the Secretary of the Committee whether it was true that certain institutions such as INSTRAW were not receiving the Committee's documentation; that omission should be corrected.

43. Ms. PATIÑO said that, since it was possible that the point of view of the representative presenting the country report might differ from that of the person who had prepared the report because of political or time factors, the introductory statement should not be sent along with the report but should be submitted in writing at the time of presentation. She also pointed out that it was difficult to comply with the rules with regard to submitting corrections to summary records within one week of the date of publication of the document when a summary record issued in September 1983 was not received until February 1984. The question of the number of reports which could be considered during a session could be discussed at the end of the current session.

44. Ms. GONZALEZ MARTINEZ said that some of the suggestions which had been made could be decided upon immediately, such as whether reservations should be annexed to each country report and whether there was a need to consult legal advisers in the Secretariat with regard to the scope of reservations and their admissibility. The Committee could also decide immediately that Committee documentation should be made available to INSTRAW and that each Government representative who submitted a country report should prepare a summary of the presentation, which should be annexed to the report and form part of the Secretariat records. That would improve the chances of having a satisfactory summary in the summary record.

45. Ms. CREYDT (Secretary of the Committee) said that a distribution problem, which had been rectified, had prevented INSTRAW from receiving the Committee documentation. With respect to the late submission of some country reports, she explained that the reports of Egypt and Norway had been received only in February and had had to be translated into all six official languages before they could be distributed. As for the summary records, they had been received by the Secretariat in Vienna only at the beginning of October and had been sent out when there were a certain number available in all languages. With regard to Ms. Patiño's question concerning corrections, she said that she hoped that it would be possible to issue a corrigendum to the summary records.

46. Ms. CORTES said that she had calculated that eight sessions would be required, at seven reports per session, to cover all the reports of States parties and that some States would therefore be submitting their reports for the subsequent four-year period before the first reports of other States had even been considered.

47. The CHAIRPERSON said that one way to resolve the issue would be to extend the session. She asked Ms. Gonzalez Martinez not to insist on the Committee's taking a decision on the various suggestions until the members had had time for reflection and consultation.

48. Ms. ILIĆ said that an extension of the session would be a violation of the Convention. In reality, the Committee was not faced with a dramatic situation as regarded the number of reports to be considered, even if two or three were to arrive during the year. The situation in other committees was that some States parties to other conventions were far behind in their submission of reports and had been sent numerous reminders. She therefore felt that it was too early to make a recommendation on the number of reports which the Committee should consider during each session.

The meeting rose at 12.30 p.m.