



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-ninth session

Summary record of the 792nd meeting

Held at Headquarters, New York, on Monday, 23 July 2007, at 11 a.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 11.15 a.m.

Opening of the session

1. **The Chairperson** declared open the thirty-ninth session of the Committee.

Adoption of the agenda and organization of work (CEDAW/C/2007/III/1)

2. *The agenda was adopted.*

Twenty-fifth anniversary of the work of the Committee

3. **Ms. Al-Khalifa** (President of the General Assembly) said that the Convention on the Elimination of All Forms of Discrimination against Women, to which 185 States were now parties, had been a landmark in setting out global normative standards of equality between men and women and the Committee had been instrumental in ensuring that those standards of equality were implemented. The Committee had contributed to the general understanding of the content and scope of human rights, including the duty of States parties to promote gender equality and it had consistently voiced its concerns about reservations entered to the Convention. It had raised awareness of the need to scrutinize national laws which might have adverse effects on women even when they appeared to be gender-neutral, and of the impact on women of phenomena such as globalization, human trafficking and HIV/AIDS. It had also played a fundamental role in making the work of the United Nations more gender-sensitive.

4. The Committee had been an early advocate for enabling individual women to submit complaints of violations of the Convention and had contributed to the drafting of the Optional Protocol to the Convention, to which 88 States were now parties. To date, the Committee had adopted seven decisions on complaints submitted to it and had conducted one inquiry under article 8 of the Optional Protocol. That work was helping to shape a body of jurisprudence on the protection of women's human rights in concrete individual cases.

5. The General Assembly continued to support the work of the Committee and had authorized the extension of the Committee's meeting time for the current two-year period so as, inter alia, to allow for

consideration of an increased number of State party reports. She urged all States parties to follow up on the Committee's concluding comments in order to ensure compliance with the Convention.

6. Much had been accomplished, but there was still some way to go before full compliance with all the Convention's provisions was achieved. Reservations to the Convention based on religious interpretations, national law, tradition or culture remained a cause of concern, in particular reservations to article 2.

7. Since the Convention had now been ratified by almost the entire international community, emphasis must be placed on implementation. Accordingly, she hoped that the Committee would continue its efforts to achieve equality for women, in line with the statement in the 2005 World Summit Outcome (A/RES/60/1) that "progress for women is progress for all".

8. **Ms. Arbour** (United Nations High Commissioner for Human Rights) said that the Convention provided a broad definition of discrimination against women, direct and indirect, under the law and in practice, whether perpetrated by the State, its agents or individuals. It had introduced the notion of substantive equality for women, emphasizing that women were not considered equal until they enjoyed, in practice, the same opportunities and privileges as men and underlined the need for policies, laws and programmes, including carefully tailored temporary special measures, that helped women to attain equality. By requiring States to take measures to ensure equality between women and men in the civil, cultural, economic and political spheres, as well as in family life, the Convention provided the legal basis to expand the traditional focus on violations in the public sphere to those in the private sphere. The Convention called on States parties to take all appropriate steps to modify the social and cultural patterns of conduct of men and women in order to eliminate prejudices and practices rooted in the idea of the inferiority of either sex.

9. From its first session, the Committee had been markedly different from that of other human rights treaty bodies in that members — most of them women — had been drawn from diverse backgrounds, from developing and developed countries with different political and economic systems. Most had had personal or professional experience of the obstacles faced by women, and all had been strongly committed to equality. Many had belonged to networks and

communities outside the structures of Government. That diversity of experience, commitment and linkage with the non-governmental sector had ensured the relevance of the Committee's work to all women in all parts of the world. It had also ensured that the various limitations of the Convention, the interpretation of its provisions and the steps required for full implementation could be addressed creatively.

10. Although the Convention explicitly limited the Committee's meeting time, the respect and confidence the Committee had gained from States parties, in particular through its introduction of innovative working methods, had resulted in provision for more and longer sessions. She hoped that the General Assembly, at its next session, would approve the Committee's request to meet for three sessions every year.

11. The Committee's determination to place the Convention on an equal footing with other human rights instruments by expanding its monitoring procedures beyond the consideration of reports had been a major factor in the speedy elaboration of the Optional Protocol, which enabled the Committee to receive petitions and conduct inquiries *suo moto*. However, the major achievement of the Committee to date was perhaps the jurisprudence it had developed on the basis of article 21 of the Convention, which empowered it to make suggestions and general recommendations to the General Assembly based on the examination of reports and information received from States parties. Initially, those suggestions and recommendations had been narrowly focused and procedural in nature. Now, its general recommendations provided its collective view, grounded in the knowledge acquired through the consideration of reports from diverse States parties, of the measures States should take to fulfil their obligations under the Convention and how those obligations should be applied in different situations.

12. The Committee's general recommendation on female circumcision had been the first recommendation of a United Nations body on that practice. The Committee had also been the first treaty body to adopt a general recommendation on HIV/AIDS. Its general recommendation on violence against women had been crucial to the recognition of gender-based violence as a violation of human rights and had provided the impetus for the formulation and adoption of the Declaration on the Elimination of Violence against Women, the

establishment of the mechanism of the Special Rapporteur on violence against women, its causes and consequences, and the various regional human rights instruments that addressed such violence.

13. The Committee's later general recommendations on equality in marriage and family relations, women in political and public life, and women and health had also been widely influential. The most recent general recommendation, on temporary special measures, testified to the Committee's sustained and progressive contribution to the clarification of the substantive content of the Convention's provisions, the nature of discrimination against women and the means that could be used to achieve their substantive equality with men. Although in its early stages, the Committee's analysis of complaints submitted under the Optional Protocol indicated that it now had the opportunity, drawing on the experience of other treaty bodies, to deepen its contribution to the jurisprudence on gender equality by considering the implementation of the Convention against the facts of concrete individual cases.

14. She commended the Committee for taking a principled stance on reservations it considered contrary to the object and purpose of the Convention and thereby encouraging States parties to reconsider or withdraw their reservations and influencing the approach of the International Law Commission to the subject.

15. The development of a global women's rights movement had not only inspired and shaped the dynamic concept of women's human rights but had also reinforced and strengthened basic human rights principles, such as respect for diversity and indivisibility of rights. The initial focus on violence against women had highlighted the responsibility of States for human rights violations by private actors and had supported the development of the concept of "due diligence" which underpinned State accountability. The promotion of women's rights had also encouraged a more comprehensive and inclusive interpretation of human rights, inspiring work in other areas such as the rights of children and persons with disabilities.

16. Although global interest in human rights was at an all-time high, there remained profound challenges to human rights, in particular the resurgence of notions that human rights were not necessarily universal but were subject to restrictions based on the imperatives of culture, custom, tradition and religion. Such notions

were often raised in discussions of the rights of women and girls. The Committee had grappled with that challenge since its inception, and she was confident that it would continue to scrutinize laws and practices to expose those inconsistent with the Convention and with international human rights law more generally. It would undoubtedly play a critical role in concerted efforts to advance the rights of women and girls in all aspects of the work of the United Nations.

17. **Mr. Peralta** (Vice-Chairperson, Commission on the Status of Women) reading that the Commission on the Status of Women had participated in the drafting of the Universal Declaration of Human Rights, said that it had played a key role in promoting the advancement of women, inter alia by working on the elaboration of the Convention on the Elimination of All Forms of Discrimination against Women and, later, on the Optional Protocol thereto.

18. The Commission recognized that the implementation of the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly and the fulfilment of the obligations under the Convention were mutually reinforcing in achieving gender equality and the empowerment of women. The Committee regularly took the Platform for Action into account when considering reports submitted by States parties and asked States parties, in all its concluding comments, to disseminate that Platform.

19. Over the last quarter century, the Commission had worked together to build a strong relationship based on mutual respect and cooperation. They often contributed to each other's work and members of the Committee regularly participated in panel discussions and expert group meetings held by the Commission.

20. **Ms. Mayanja** (Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women) said that the Convention served as a powerful instrument for furthering women's rights. Courts were developing jurisprudence on gender equality that was informed and guided by the provisions of the Convention and, in many countries, judges had begun to invoke the Convention as well as the Committee's general recommendations in their decision-making.

21. The capacity of national institutions to guarantee equality between women and men had improved and many nations had established institutional mechanisms for the promotion and protection of women's rights.

The Committee's constructive dialogue with States parties and its concluding comments calling for a strengthening of the institutional framework provided an important impetus in making the implementation of the Convention a national development priority.

22. The Optional Protocol to the Convention complemented the monitoring of States' compliance with the Convention through the establishment of two procedures. The first allowed individuals or groups to file a petition to the Committee about alleged violations of the Convention by their country, provided that domestic remedies had been exhausted, and the second allowed the Committee to make an inquiry into grave or systematic violations of rights enshrined in the Convention. The Committee had used the Protocol to highlight the need for more effective national remedies for women and to repeal discriminatory laws, policies and practices.

23. United Nations entities supported the work of the Committee by, inter alia, submitting information on the status of Convention implementation in areas within their mandate; carrying out different initiatives to strengthen implementation of the Convention and the Committee's concluding comments; and advocating implementation through national development strategies and action plans.

24. The goal of universal ratification by the year 2000 had not been attained as seven States yet to ratify the Convention. Other challenges included the significant number of reservations to the Convention, lack of adherence to the reporting obligation by a number of States parties, the significant delays in submitting those reports and the constraints imposed by the Committee's limited meeting time.

25. **Ms. Shapiro** (NGO Committee on the Status of Women) recalled that, under rule 47 of the rules of procedure, NGOs were permitted to provide information or documentation relevant to the Committee's activities and NGOs were also permitted to submit alternative or "shadow" reports. Collaboration on the preparation of such reports enabled international and national NGOs to build stronger national networks to support women and, in particular, widely disseminate the Committee's concluding comments. The comments highlighted the changes needed to advance gender equality on the national level and helped NGOs establish their own organizational priorities.

26. NGOs could make an important contribution to the Committee's work, inter alia by raising awareness of the Optional Protocol and how it might be used to investigate violations of treaty obligations and by advocating for the ratification of the Convention. In that connection, she pointed out that the Subcommittee on Older Women, a subcommittee of the NGO Committee on the Status of Women, had collected information on older women's issues and elaborated a set of relevant questions under each article of the Convention. That information had been enthusiastically received by the Committee.

27. **Ms. Pradhan Malla** (International Women's Rights Action Watch Asia Pacific) commended the Committee for the processes it had adopted. The ongoing dialogue with civil society was enabling women's issues to be examined from a rights perspective and had boosted local activism; the Committee's concluding comments were supporting the protection of rights at the State Party level and its 25 general recommendations were being increasingly used worldwide as tools for promoting and protecting human rights.

28. Since 1997, IWRAW Asia Pacific had been providing technical support for the reporting process and demanding that States fulfil their obligations towards women through its "From Global to Local" programme, which had been implemented in collaboration with UNIFEM since 1997, and with UNFPA since 2005.

29. She commended the Division for the Advancement of Women for its work and cited examples of how the Convention and the Committee's constant monitoring of women's rights in all kinds of situations was producing concrete results in terms of legislative reform and increasing confidence in rights enforcement mechanisms in a number of countries.

30. Women's quality of life still needed to be improved, inter alia by ensuring recognition of the right to sexual autonomy, deepening people's understanding of equality and ensuring timely reporting by States. Discrimination against women was no longer excusable on religious, cultural or economic grounds, all women's rights needed to be mainstreamed, and the private sector should be made accountable for the economic empowerment of women.

31. **Ms. Hannan** (Director, Division for the Advancement of Women) reading out the statement

prepared by Ms. Schöpp-Schilling recalled that, in the early days of the Committee, many States Parties had seen no need to implement the Convention "without delay" as called for under article 2. It was not until the World Conference on Human Rights, in 1993, that women's rights had been reaffirmed as human rights and that the Committee had been awarded its rightful place as a human rights treaty body. Despite conflicting ideologies and other differences, the Committee had always managed to reach a consensus, and the Convention had been quickly ratified. Thanks to the support of certain States Parties, NGOs, United Nations entities and other institutions, the Committee had also been able to expand its activities.

32. As the increased number of States Parties having ratified the Convention, the backlog of reports awaiting consideration by the Committee had lengthened, due to the restrictions on the Committee's meeting time resulting from the unfortunate wording of article 20, paragraph 1; she hoped those restrictions would be formally lifted within the next five years. The number of countries that had ratified the Convention with reservations had also increased significantly.

33. In addition to monitoring the States Parties' implementation of the Convention and the goals of the Beijing Platform for Action, the Committee had been empowered, under the Optional Protocol, to receive complaints and to initiate inquiries into grave or systematic violations of rights and it had, in fact, carried out its first inquiry dealing with the murders of women in Mexico.

34. She noted with satisfaction that the Committee's general recommendations had had a significant impact in the field of jurisprudence. Its participation in world conferences and its interaction with United Nations specialized agencies, funds and programmes was enhancing its status and its increasing involvement and dialogue with NGOs was facilitating its work. Moreover, its activities in general, and its concluding comments in particular, were helping to shape legislation and promote women's rights.

35. She recommended that the Committee should maintain its links with the new gender-equality structure that would be emerging in the United Nations system after it relocated to Geneva and welcomed the move as a recognition of the Committee's status as a human rights treaty body.

36. After listing specific hopes for the future, including universal ratification of the Convention, fewer reservations, more regular reporting and enhanced follow-up, as well as increased cooperation with other entities, NGOs and human rights institutions, she noted that despite the progress made, discrimination still persisted worldwide and she urged the Committee to continue to focus on its specific area of interest: discrimination against women.

37. **The Chairperson** said that the aim of the commemoration was not only to praise the work of the Committee, but also to assess progress achieved in implementation of the Convention, challenges currently facing the Committee and short and long-term measures needed to enhance its efficiency.

38. Since its inception, 110 individuals representing different legal systems and regions of the world, had served on the Committee. Their diversity of experience and expertise strengthened the legitimacy of its recommendations with respect to implementation of the Convention. The Committee, which had begun its work with one two-week session, currently met for three sessions of three weeks each.

39. Some States Parties were moving into their seventh reporting cycle, and the Committee was thus able to trace changes over time. Overall, it was possible to say that, although the legal framework for women's equality had improved markedly in the past 25 years, de facto discrimination against women remained universal.

40. The provisions of the Convention were interpreted by the Committee through its General Recommendations on the content and purpose of the substantive articles or themes, one example being General Recommendation No. 19 on violence against women. Although the Convention did not explicitly refer to the topic, the Committee had made it clear through the General Recommendation that violence fell squarely within the scope of the definition of discrimination and thus was covered by the Convention. The Optional Protocol had provided the Committee with a further opportunity to interpret the Convention through views on individual complaints, which were shaping the manner in which States addressed challenging issues. The concluding comments resulting from the constructive dialogue with States Parties were another means of enhancing compliance with the Convention.

41. The Committee regularly emphasized that implementation of commitments under the Beijing Declaration and Platform for Action would strengthen application of the Convention and, in turn, that full and effective implementation of the Convention was indispensable for achieving the Millennium Development Goals. It was very aware, when it examined reports, that its work was not an abstract exercise, but went to the heart of women's experiences in their daily lives. Realizing women's rights must involve the active and ongoing contribution of many stakeholders. Changing attitudes towards substantive gender equality could not be achieved through laws alone — it required a concerted effort of all stakeholders. More work was needed to achieve universal ratification of the Convention, as well.

42. The current United Nations reform process was relevant to the work of the Committee and to the conceptual approach to the promotion of gender equality as well. Discussions on treaty body reform continued, the new Human Rights Council was moving forward with the establishment of new procedures and modalities, and Member States were considering proposals for a new gender equality entity. The Convention must be the framework for all those discussions, as it provided the universal standard of equality between women and men. The full integration of women's rights into all human rights considerations would be a challenging task, but it could and must be done. Under the new servicing arrangements, strong links between the Committee and the intergovernmental machinery for the promotion of gender equality as well as the new gender equality entity must be maintained and strengthened. It would be critical to ensure that the Committee would meet annually, both in Geneva and New York, in order for it to continue to play its role with respect to all United Nations principal organs and the future gender equality entity.

43. She suggested a series of short and long-term measures to enable the Committee to fulfil its current and future responsibilities, including further refinement of its concluding comments to give very specific recommendations to States Parties for follow-up, an increased role for non-governmental organizations in submitting shadow reports and interaction with the Committee, as well as an increased role for national human rights institutions and United Nations entities and agencies in presenting targeted country-specific

information. More interaction was needed among treaty bodies in order to harmonize working methods based on the same legal grounds. The Committee should receive a permanent extension of its meeting time to allow it to review reports, meet its responsibilities under the Optional Protocol and work on its own General Recommendations as well as joint recommendations with other treaty bodies. Lastly, more men should be elected to serve on the Committee, just as there was a need for improved gender balance on some of the other human rights treaty bodies.

44. In closing, she saluted the members of the Committee — both current and past — for their dedication and untiring commitment to the cause of women's equality and paid tribute to the Division for the Advancement of Women for its support of the Committee.

The meeting rose at 1 p.m.