



Convention on the Elimination
of All Forms of Discrimination
against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Tenth session

SUMMARY RECORD OF THE 176th MEETING

Held at the Vienna International Centre, Vienna,
on Wednesday, 23 January 1991, at 2.30 p.m.

Chairperson: Ms. TALLAWY

CONTENTS

Consideration of reports submitted by States parties under article 18 of the
Convention (continued)

Ways and means of expediting the work of the Committee (continued)

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The meeting was called to order at 2.35 p.m.

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

Initial report of Burkina Faso (CEDAW/C/5/Add.67)

1. At the invitation of the Chairperson, Ms. Haoua (Burkina Faso) took a place at the Committee table.

2. Ms. HAQUA (Burkina Faso), introducing her country's initial report, said Burkina Faso had ratified the Convention on 28 November 1984 and was to have submitted its initial report in 1985, and its second periodic report four years later, in 1989. Committee members were therefore entitled to wonder why the initial report had been submitted only in 1990.

3. Although the drafting of a report was a fairly easy proposition, achieving co-ordination among all the agencies and institutions involved in the struggle to integrate women in development was a much more lengthy and arduous task. The different approaches adopted made it difficult to get a clear idea of the situation of women or to follow its evolution accurately; a multisectoral strategy was now being developed to rectify that problem. The State Secretariat for Social Welfare, to which she belonged, had not had the necessary documents to prepare a report, and had not even been aware of the need for a report.

4. For those reasons, she asked the Committee to excuse the delay in preparing the initial report and announced that the second periodic report had been transmitted in December 1990. Its structure was more in conformity with the Committee's guidelines than was that of the initial report. The dialogue resulting from her participation at the present session would undoubtedly have a constructive effect on future efforts to integrate women in Burkina Faso.

5. Turning to the current situation of women, she said they represented 51.8 per cent of the total population. As in other developing countries, women's situation was characterized by poor health conditions, a low level of education and an excessive burden of domestic tasks - in rural areas, women worked up to 18 hours a day. Women were involved in all productive sectors, but their contribution to the economy was largely overlooked. They dominated in non-income-generating activities. Illiteracy had a negative impact on the economy in general, and on the advancement of women in particular.

6. Between 1984 and 1985, girls had constituted 24.29 per cent of secondary school pupils. They were better represented in secondary technical education - 54 per cent of all students - because of the secretarial and commercial courses given. In higher education, their showing was weaker: they had represented 11.17 per cent of all students at the Institute of Mathematics and Physical Sciences in 1984/85. In 1985/86, there had been only 916 girls receiving scholarships from the State, compared with 3,441 boys. The statistics showed the extent to which girls and young women were disadvantaged in education, owing to the weight of socio-cultural traditions as explained in the report.

7. Statistics on employment attested further to women's lack of opportunities. In the public sector, women represented 20.66 per cent of wage- and salary-earners,

(Ms. Haoua)

and they gravitated towards middle-grade jobs as secretaries, office staff, teachers, nurses, etc. In the private sector, women had represented only 4.87 per cent of all employees in 1980, and had been employed primarily in administrative and commercial services: public services, 19.04 per cent; banks and real estate, 10.64 per cent; trade, 7.81 per cent; and chemical industries, 6.05 per cent. Women's participation was low in construction and public works (0.79 per cent) and manufacturing industry (9.25 per cent).

8. There was a dearth of statistics broken down by sex, but efforts were now being made to remedy that situation.

9. Since the People's Democratic Revolution, the Government had adopted measures in the areas of institutional policy, legislation and law to guarantee the social and economic advancement of women. Those efforts were described in the report before the Committee. They centred on intensive measures to raise the population's awareness so as to achieve the far-reaching changes in outlook required for the transformation of a feudal society weighed down by its traditions. Women, the industrious, long-silent majority, were only beginning to get organized well enough to express their needs. They were firmly committed to fulfilling their difficult role in a poor, disadvantaged country, which nevertheless had confidence in the future owing to its will to build a more just and egalitarian society, as exemplified by the adoption of the new Constitution.

10. Since independence, a number of new governmental institutions had been created to eliminate discrimination against women, and women's organizations had been established to help achieve women's integration in society. Those measures were all part of the effort to improve the position in society of disadvantaged groups.

11. The Department for Promotion of the Family had been set up in 1988. The Department of Family Health had been given the task of promoting better health for mothers and children. The Union of Women of Burkina Faso (UFB) was a political organization devoted to raising women's consciousness. The Ministry of Rural Co-operatives had been created to take better account of the needs of women, who formed the majority of the rural population.

12. The Ministry of Primary Education and Mass Literacy had been set up to promote functional literacy among women. A national literacy week had been organized and an operation entitled "operation Pountoua" (Light) had been launched: its purpose had been to provide political education in national vernaculars to thousands of women from all over the country (see document CEDAW/C/5/Add.67, para. 9).

13. The government department most closely involved in the advancement of women was her own, the State Secretariat for Social Welfare. It organized seminars and the training of women to enable them to perform better in various economic activities, including commerce and farming. Several pilot projects to promote such economic activities for women were being carried out at both national and local levels.

14. Turning to the legal context, she noted that an order issued on 9 August 1984 governing agriculture and agrarian reform gave women the same rights to farm the land as men. A decree of 19 March 1986 entitled married female civil servants whose spouses were not earning and female civil servants who were not married but were responsible for children to receive the same family allowances as men. A law

(Ms. Haoua)

on the Civil Service adopted on 26 October 1988 gave women access to jobs in the Civil Service on an equal basis with men.

15. The restructuring of the judiciary had been necessary to remove the vestiges of the feudal system and the effects of the outdated Napoleonic code. With the institution of people's courts comprising women jurors, women's interests would be better taken into account. The new legal code governing individuals and the family was an extremely important measure: it recognized that spouses had equal rights and duties in a marriage, gave both spouses parental authority and provided for marriage by mutual consent. It abolished the levirate, the custom by which a woman was the property of her deceased husband's family and had to marry one of his relatives. The new code also provided for equality of women in respect of the acquisition or modification of nationality and permitted dual nationality.

16. Foremost among the recent changes were those in the health field. Burkina Faso had adopted a family planning policy under a law of 24 October 1986. The policy was intended to make the general public more aware of the problems concerned with procreation and sexuality, and aimed at eliminating the problems related to multiple and frequent pregnancies and the high rate of maternal and infant mortality. The policy included the adoption of strategies to combat enforced prostitution and to prevent minors from frequenting drinking establishments. A national committee comprising members of the judiciary, the press and the medical profession was involved in the struggle. There were also regional and local committees that worked to ensure the implementation of the strategies. In the first few years, the work would primarily involve consciousness-raising measures, with an emphasis on health risks and the destruction of women's dignity through prostitution. Subsequently, rigorous measures would be applied in order to do away with prostitution completely.

17. A national committee to combat the practice of excision had been set up in 1988. Comprising representatives of governmental and non-governmental organizations, and community, professional and religious groups, the committee was responsible for disseminating information about the practice of excision and for organizing research with a view to discovering why the practice continued today and to proposing steps towards its eradication. The committee's many activities included information campaigns and the preparation of posters and pedagogical materials to make the entire population, including men, aware of all aspects of the practice. The committee was also involved in monitoring the situation in local communities and training people there, including young people, in how to spread information that would lead to the eradication of excision.

18. A number of measures had been adopted in the economic context. Several governmental institutions were involved in promoting the economic advancement of women through seminars and other activities. Women had always been active in the economy, but their contribution needed to be made more visible in order to enable them to exert greater moral influence in the country's overall development scheme. The institutions sought to provide technical training and to promote the use of appropriate technologies in order to lighten the burden of women's work. Flower mills and karité presses greatly alleviated women's daily tasks, and those were provided by the governmental institutions.

19. At the national level, efforts had been made to harmonize the many measures adopted by the numerous ministries involved. In connection with a UNDP project to

(Ms. Haoua)

strengthen the role of women in the informal sector, the statistical services were to be reorganized, and that should lead to improvement in the availability of statistics on women's role.

20. The establishment of the Union of Women of Burkina Faso was an important step towards the elimination of discrimination against women. A community institution, the Union was working to create a better image for women in society. Breakthroughs had already been made in changing the attitude of men towards women: women were no longer viewed exclusively as good housekeepers. Through the efforts of the Union and of governmental institutions, women were now working in more jobs than ever before. As the economy was modernized, women had to be able to compete with men for new jobs on an equal basis.

21. Numerous obstacles remained to be overcome, however. Tradition dictated that fewer girls be sent to school than boys. The Ministry of Primary Education and Mass Literacy had adopted a decree to encourage young women to attend school, and the State Secretariat for Social Welfare was backing up that effort. Men continued to manifest feudal attitudes, but it was hoped that public information measures could change those attitudes.

22. Additional obstacles included women's lack of access to training and financial services, their unfamiliarity with the law and the burden of domestic tasks. A fund for the promotion of income-generating activities for women had recently been created in order to improve the access of women to credit.

23. The CHAIRPERSON thanked the representative of the Government of Burkina Faso for her report and for the additional information she had just provided.

General observations

24. Ms. FORDE offered congratulations to the Government of Burkina Faso on its accession to the Convention without reservations and on the report now before the Committee which clearly showed its will to improve the lot of women. She fully understood the difficulties it had had to face and had particularly appreciated its organization of a national week in 1985 to heighten awareness among women and provide the opportunity for a discussion of their specific problems.

25. Ms. OESER said that the report clearly indicated the real problems before Burkina Faso. While she understood that statistics were not always available, it was difficult for the Committee to evaluate conditions in the country or the progress made without general statistics on such questions as the population, the size of families, prostitution, the practice of female circumcision, illiteracy rates, etc.

26. Referring to the people's departmental courts mentioned in paragraph 12 of document CEDAW/C/5/Add.67, she asked whether cases concerning equality in Burkina Faso had already been brought before those courts, whether the courts could make rulings on the basis of the Convention and whether the Convention was part of the legal system of Burkina Faso. Referring to paragraph 13 and the reference to a woman enjoying a status comparable to that of her spouse, she asked if that status was the same as or lower than that of the spouse, if women could ask for divorce and what the status of women was in the family.

27. Ms. CORTI said that she appreciated the difficulties facing Burkina Faso in preparing its reports and the efforts it had made, but that it was indeed very hard to understand the situation without statistics. She hoped that the representative of the Government would give further information in her replies.

28. Referring to the statement in paragraph 2 that revolution and the liberation of women went hand in hand and that it was necessary to create a new mentality among Burkina Faso women, she asked whether, in addition to creating such a new mentality among Burkina Faso women, it was also hoped to change the mentality of Burkina Faso men.

29. She would welcome information on the body responsible for administering the national community service referred to in paragraph 6. She also wished to know the exact functions of the National Union of the Elderly of Burkina Faso, the National Union of Young People of Burkina Faso and the "Provincial Revolutionary authorities" (see paragraph 8). She asked what legislation was currently in force in Burkina Faso and whether the new legal code governing individuals and the family referred to in paragraph 12 had come into force. Finally, she asked if Burkina Faso had received any bilateral assistance and, if so, if such assistance had been of help to it.

30. Ms. LAIOU-ANTONIOU expressed great appreciation for the clear political will displayed by the Government of Burkina Faso to improve the lot of women. With one of the highest illiteracy rates in the world, Burkina Faso was starting with a great disadvantage. Its efforts to make improvements were to be commended, but she would have hoped to see appropriate national machinery established with responsibility for dealing with women's problems. She welcomed the fact that new policies would be oriented towards women and economic development. She congratulated the Government on its efforts to combat the practice of excision, but she would have welcomed information on what the situation was today. She would also like to know who would be responsible for ensuring that some of the international aid provided to Burkina Faso would be used to improve the status of women.

31. Ms. SINEGIORGIS congratulated the Government of Burkina Faso and its representative on the frank report submitted to the Committee. She fully appreciated the efforts that had been made and those that were required. Achievements to date might be few but the first steps taken were of the greatest importance in countries such as theirs. She understood the difficulties involved in preparing the report and considered that its very submission was an achievement. She hoped that Burkina Faso would benefit from the assistance of the Secretariat in the preparation of its next report.

32. Ms. AKAMATSU congratulated the Government of Burkina Faso on ratifying the Convention without reservations so soon after the Revolution and on appointing a number of women to high-level official positions. She had been especially interested in the establishment of the Union of Women of Burkina Faso and would welcome more details on its staff, budget, etc.

33. Ms. BERNARD thought it highly commendable that the Government of Burkina Faso should have ratified the Convention so rapidly after coming to power. She fully understood how difficult it must be to obtain statistics and wished to congratulate the representative of the Government on an excellent report and her enthusiastic

(Ms. Bernard)

presentation of it. She also fully understood how the high rate of illiteracy in Burkina Faso made the task more difficult.

34. Ms. ABAKA supported the views expressed by the previous speaker. Referring to the last obstacle listed under paragraph 38, she asked whether no national machinery had yet been set up to serve as a focal point for the advancement of women.

35. Ms. AQUIJ said that she appreciated the efforts made by the authorities of Burkina Faso and well understood the problems facing them. The first concern of the Government had been to establish basic institutions and to provide the infrastructure required to allow it to improve the lot of women in Burkina Faso. It had also taken steps which she personally considered to be revolutionary and which should help women become aware of their status and their problems - for example, through the new legal code governing individuals and the family. The political will was clear but there were bound to be difficulties in translating it into reality. She particularly welcomed the decisions to declare 8 March an official paid holiday and to introduce a national community service without distinction of sex, both of which constituted steps forward on the path towards equality.

36. Ms. EVATT congratulated the Government of Burkino Faso on ratifying the Convention and thanked its representative for her presentation of its report. The report was very frank and clearly indicated the obstacles facing women in Burkino Faso, and she believed that the authorities had correctly identified areas such as education and training as the main areas for action to bring about changes in the status of women in that country.

37. Ms. ILIC thought that the Committee should draw a lesson from the description given of the difficulties encountered by the authorities of Burkino Faso in submitting its initial report and that it should recommend that Governments should be informed in future, when invited to submit their initial reports, that assistance could be provided to them for the preparation of such reports if necessary. She hoped that the second report by Burkino Faso would include translations of its laws relevant to the status of women.

38. Ms. UKEJE said that the report clearly indicated the difficulties and obstacles encountered in Burkino Faso and showed that progress was being made, even if slowly, in all areas covered by the Convention. She sincerely hoped that the participation of Burkino Faso in the Committee's work would assist it in making further progress.

Article 2

39. Ms. EVATT said that she had some difficulty in understanding the political and executive structure in Burkino Faso. She asked how the machinery for monitoring implementation of the Convention worked, who made appointments to the various ministries and other bodies having that responsibility and to whom the officials concerned were accountable. Did the constitutional protection of the equality of women entail remedies enforceable in courts or tribunals? Had any non-governmental organizations in Burkino Faso been consulted or taken part in the preparation of the report or in helping to bring about equality for women?

40. Ms. CORTI asked whether the country had a constitution and, if so, whether it contained articles providing for the equality of women and, if so, which these were.

41. Ms. ALFONSIN DE FASAN said that she had been glad to learn that forced marriages had been prohibited by law. Could it be expected that excision would also be prohibited by law?

Article 3

42. Ms. BUSTELO GARCIA DEL REAL asked for an explanation of the national community service mentioned in paragraph 6 of the report (CEDAW/C/5/Add.67) and of women's participation in it. What exactly did it involve? Did men and women do the same work? She would also like to know how many women belonged to the Union of Women of Burkina Faso and what their membership entailed.

43. Ms. BERNARD, referring to paragraphs 7 and 8, asked why the number of women in senior political and administrative posts had dropped so noticeably from 1987 to 1988-1989.

44. Ms. NIKOLAEVA expressed her appreciation of the Government's decision to ratify the Convention so soon after coming to power, thus showing its political will to improve the lot of women. The report was brief but it did contain useful information and showed great enthusiasm as well as the will to attain the objectives set. She attached great importance to the place of women in political life and, like the previous speaker, would be interested to know why the relevant figures concerning women had dropped so sharply in so short a time. The Government should perhaps consider what its future policy should be in that connection; she would welcome further information on the matter.

Article 4

45. Ms. CORTI asked whether there was any prospect of the kind of preferential measures for women envisaged in article 4 being incorporated in national legislation.

Article 5

46. Ms. EVATT said that she would like further information on the extent to which attitudes and cultural practices based on the inferiority of women and stereotypes of women's role in the world persisted in Burkina Faso. She noted that violence against women had not been included among the customs and retrograde practices mentioned as adversely affecting the social and legal status of women. She asked whether any steps were being taken to monitor or assess the effectiveness of the various programmes referred to in the report.

47. Ms. BERNARD asked what was being done to change traditional attitudes and encourage women to participate on equal terms with men in national life despite the obstacles listed in paragraph 38 of the report. She wondered what the impact had been of the national committees established to disseminate information to women and encourage them to participate more fully. She asked for further explanation of the term "levirate" (CEDAW/C/5/Add.67, para. 38).

Article 6

48. Ms. CORTI asked whether prostitution was widespread and, if so, whether the reasons for it were mainly economic. It appeared from the report to be widespread among minors. She asked whether preventive strategies had been adopted in the form of increased education and literacy programmes for adult women. She also asked whether there was an AIDS problem and, if so, how extensive it was.

49. Ms. ALFONSIN DE FASAN asked whether the campaign to prevent prostitution referred to in the introductory statement was to be directed against the traffic in women and exploitation of prostitution or against the women themselves, who were frequently driven to become prostitutes by poverty.

50. Ms. EVATT asked for an explanation of the reference to enforced prostitution in paragraph 15 of the report.

Article 7

51. Ms. CORTI asked what was the job level of the four women referred to in paragraph 8 as working in the Ministries of Financial Resources, Culture, Information and Primary Education and Mass Literacy. She also asked whether the organizations referred to in the paragraph were primarily political. She noted that there was no reference to the national parliament. She asked how it was established and how many chambers there were. Was there an effort in the Ministry responsible to enhance the position of women in the civil service?

52. Ms. AKAMATSU said that she had the impression from the report that, despite the Government's efforts, even in the public sector there was discrimination against women in employment. Since by its nature the public sector was wholly controlled by the Government, equality between men and women workers should have been realized earlier there than in the private sector. She would therefore like further information on the position of women in the public sector and the remaining obstacles to greater equality.

53. Ms. ILIC asked what levels of post were available to women in the judiciary.

Article 9

54. Ms. UKEJE asked whether women who married aliens had the right to transmit their nationality to their children.

Article 10

55. Ms. EVATT said that it was clear from the report and the introductory statement that much improvement was still needed in the education of girls and women in Burkina Faso. 1990 had been International Literacy Year and a special effort had been made to improve the level of literacy among women. She asked whether there had been any indication of substantial progress being made.

56. Ms. ALFONSIN DE FASAN said that, clearly, a broad literacy campaign was under way in Burkina Faso. She asked whether the campaign could be used to publicize the concept of equal opportunity and to help women secure training which would give them access to higher level jobs.

57. Ms. BERNARD noted the reference in paragraph 23 to a parental preference for educating boys rather than girls and to premature school leaving among girls due to unwanted pregnancies. She asked what was being done to persuade parents to educate girls and whether there were any programmes to encourage girls to avoid unwanted pregnancies.

58. Ms. ABAKA, referring to the reference in paragraph 24 to 916 girls with scholarships as compared with 3,441 boys, asked what criteria were used in granting scholarships.

Article 11

59. Ms. EVATT said that the proportion of women employed in the private sector seemed very small, but it was not clear whether the sector itself was large. She asked whether there was any intention to introduce legislation on equal employment opportunities for women in which goals and standards would be set for the private sector.

60. Ms. CORTI noted that a married female civil servant whose spouse was not earning became eligible for various allowances. She asked why she was not entitled to them in her own right. She also asked whether there was a pension system for civil servants.

61. Ms. LAIOU-ANTONIOU said that there were clearly discrepancies between the wages paid to women and those paid to men. She asked what organization was responsible for monitoring wages and what institutions women could apply to for redress.

Article 12

62. Ms. FORDE asked whether family planning services and information were available throughout the country, including the rural areas. She also asked whether all abortion was illegal in Burkina Faso. The question that had been asked about AIDS and prostitution should perhaps be widened to include HIV infection.

Article 12

63. Ms. CORTI asked whether there was a policy of using family planning programmes as a tool to promote social well-being. She also asked for more details on the policy in respect to abortion. Although she recognized that great efforts had been made to combat the practice of excision, she felt that the propaganda programme referred to in paragraph 16 was unlikely to be sufficient. She asked whether any tangible results had been achieved. There was a reference in paragraph 17 to the training of 399 trainers, under a project supported by the United Nations Fund for Population Activities. She asked whether the persons referred to were really able to give training, in the modern sense, in health maintenance.

64. Ms. EVATT said she wished to draw the attention of the Government of Burkina Faso to the Committee's general recommendation regarding female circumcision (general recommendation No. 14 (ninth session, 1990)). She stressed the importance of including appropriate strategies for its eradication in health policies and in the training of health personnel, including birth attendants.

Article 13

65. Ms. EVATT said that the report mentioned problems in regard to women's access to credit. She asked whether there were any provisions for credit to help women establish their own enterprises.

Article 14

66. Ms. FORDE asked whether the 1984 order governing agricultural and agrarian reorganization, which gave women the same status of farmer as men (CEDAW/C/5/Add.67, para. 11), meant that they had the same rights as men to hold and inherit property.

67. Ms. QUINTOS-DELES commended the Government of Burkina Faso for having adopted legislation to give women the status of farmers and thus give their role in agriculture legal recognition. Despite that significant move, however, women in agriculture continued to suffer de facto marginalization. She asked for more information on the measures adopted, including special measures, to ensure that that important provision was given effect. In the case of land, it was important to have accurate statistics concerning those who worked on the land and the work they performed, and those who owned and controlled the land. The matter should be given priority, since the country's dominant economic basis was agriculture, in which women clearly did not have equal rights.

Article 15

68. Ms. ILIĆ asked, with reference to the restructuring of the judicial system and the setting up of two types of court referred to in paragraph 12, whether women were able to approach those courts on their own behalf or needed authorization to do so. She would like more information on the choice of domicile, for instance, on the kinds of cases brought and on the results achieved by the changes.

Article 16

69. Ms. FORDE asked how property was shared under the new legal code governing the family that had been adopted in 1988 in the event of the breakdown of a marriage, and what the situation was in regard to inheritance in the case of de facto unions.

70. Ms. EVATT said that there seemed to be a discrepancy between the information given in paragraphs 12 and 13 regarding the new family code and the de facto situation described in paragraph 38, including such aspects as forced marriage and the fact that women were not recognized as heads of families. She asked what was being done to change the situation and to ensure that women were given information about the new family code so that they could understand what their rights were and how they could secure them.

71. Ms. BERNARD asked whether divorce was widely prevalent and what the grounds were for the dissolution of marriage.

72. Ms. AOUIJ asked whether the code excluded the application of customary law or whether family relations were still governed by it, especially in rural areas. She asked whether the age of marriage was regulated by the new code.

73. Ms. HAQUA (Burkina Faso) thanked the members of the Committee for their careful reading of her government's initial report and promised to answer the questions that had been asked at a later meeting.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

74. The CHAIRPERSON suggested that the Committee should hold a brief discussion following its examination of the initial reports of Italy and Burkina Faso. There had been a suggestion from Working Group I that the Secretariat should give Governments some assistance in preparing initial reports.

75. Ms. ILIC, commenting on the report by the Secretariat on improvement of support to the Committee (CEDAW/C/CRP.16), said that a recommendation might be made that the first letter addressed by the Secretariat to a State party after its ratification of the Convention should refer to the possibility of assistance. Working Group I could discuss the topic and report its conclusions to the Committee.

76. Ms. SINEGIORGIS said that it would be useful if Working Group I could tell the Committee what kind of assistance the Secretariat was ready to give.

77. Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women) drew attention to the explanation given by the Deputy Director at the 173rd meeting. A staff member from the Division could be assigned for a period to help the reporting Government, or the Division could recruit an expert or consultant who would go to the country in question, at the Government's request.

78. Ms. SINEGIORGIS said that the Working Group should perhaps also look into the question of the preparation of second periodic reports and suggest how the dialogue between the Committee and the reporting Governments could be improved.

79. The CHAIRPERSON said that the experience of the session so far was that, in the case of initial reports, the government representatives listened all the time to the members of the Committee, while in the case of second reports, as had happened with Norway, the government representative spent the whole meeting answering the questions posed by the pre-session working group while the Committee listened. In both instances there had been a complete absence of dialogue, and the Committee needed to find a middle way. The representative of Norway had been required to answer 56 questions. It might be that, in future, the number of questions should be limited. There had been an informal proposal that Norway's answers should be given in writing, which would have saved time but would, of course, have involved costly translation for which the Division had no resources.

80. Ms. BERNARD said that Working Group I was responsible for finding ways and means of expediting the work of the Committee and could perhaps be left to produce suggestions for improving the dialogue.

81. The CHAIRPERSON said that she did not wish to overload Working Group I. Moreover, not all the members of the Committee were members of Working Group I and those not members of the Group might be able to make suggestions that would help it in its work.

82. Ms. EVATT said that part of the answer to the problem would be for Committee members, as discussed previously, to take time after each initial report to reflect on it among themselves. That would pave the way for dealing with the second report when it was received. In the case of Norway, for example, the Committee already possessed more detail than it could handle. What it needed was an opportunity to reflect on priorities and directions. Its output should contain more general comments, but unfortunately it had developed the habit of concentrating on questions.

83. The CHAIRPERSON said it was important for the Committee to have time, without the representative of the country concerned being present, to analyse the situation in a given country and monitor its compliance or otherwise with the Convention and the lessons that could be drawn from it for other countries.

84. Ms. OESER said that experience in the pre-session working group had shown that, even if questions were combined and duplications weeded out, 35 to 50 questions remained. In the case of Norway, there had been over 150 questions, not duplicated, which the Committee had been able to synthesize into 53. If the questions were reduced too far, the Committee would fail to receive much of the information it wanted. She noted that the States parties had reacted differently to the working group's questionnaire in making their second reports and suggested that there should be some discussion with them on the appropriate way to reply. Some countries had provided summary answers to the same question under several articles. That could easily happen. The pre-session working group had discovered that a question about rape, for example, which was not specifically dealt with in the Convention, could come under at least four articles. It had finally been decided to put it where the State party reported on it, so that the reply could be summed up under a single heading. States parties could be told that they did not need to give a separate answer under each article.

85. Ms. FORDE said that the discussion seemed to be based on the premise that all second periodic reports would follow the same format. That had not been the case in the previous year, when the number of questions had been very similar. The Committee should not assume that all States parties would use the same format for their presentations. The covering letter sent with the pre-session working group's questionnaire could make it clear that countries were not required to answer questions one after the other but could provide a summary.

86. Ms. CORTI observed that the Committee was moving towards a solution of the problem, although not towards one that satisfied her entirely. The procedure followed at the previous meeting had resulted in a lengthy monologue. There had been many questions, as the report had aroused much interest. The Committee would always want to learn what had been accomplished in the period between first and second reports, and it would not be possible to limit the number of questions. However, there had to be selection, and that was the task of the pre-session working group. Because of shortage of time the Committee was often placed in the position of asking very simple questions in order to avoid going into lengthy explanations of its ideas. There was seldom any discussion in the Committee, and that was partly because of a concern not to be too harsh in questioning representatives of States parties. It might be possible to develop guidelines that would explain to States parties what the Committee wanted and what weaknesses it had found in their reports, and that would remind them that they should reply only to the questions asked. If the pre-session working group were to combine questions

(Ms. Corti)

on similar subjects, the Committee might be able to spend some of its time analysing what individual reports had contained, without having to impose a limit on the number of questions submitted.

87. Ms. SINEGIORGIS said that the Committee's main problem was its lack of time, and she wondered if the representative of the Centre for Human Rights might be able to provide information on how long the Human Rights Committee took to consider a report from a State party. The Committee on the Elimination of Discrimination against Women considered reports perfunctorily, and had no time for dialogue. States parties were worried about having to answer so many questions, and the Committee should take a whole day, or even a day and a half, to consider a lengthy report like that of Norway, which was a country from which the Committee could learn a great deal. Its current procedure for handling reports was monotonous and, while it was very difficult for the pre-session working group to reject questions or otherwise to reduce their number, the Committee should be allowed enough time to pause after each article had been dealt with for reflection and discussion. Some questions lent themselves more easily than others to being put in the form of comments or observations. There was a considerable backlog of reports, and the Committee was neither doing them justice nor learning much from the experience of individual countries as contained in their reports. Ways should be devised to enable the Committee to give reports greater attention.

88. The CHAIRPERSON said that too many reports were being dealt with each year, and while the intention was not to limit the number of questions asked, it was essential to maintain a dialogue. Without analysing and assessing qualitatively the detailed information that was provided, it would not be possible to learn from individual countries how they were implementing the Convention and to encourage other countries to apply that experience themselves.

89. Mr. TISTOUNET (Centre for Human Rights) said that many bodies in Geneva had to deal with such problems. The Centre for Human Rights was entrusted with four fundamental instruments and the practice with respect to reports varied according to the time devoted to their consideration, the number of sessions available and the nature of the instrument concerned.

90. The Human Rights Committee had three three-weekly sessions per year, whereas the Committee on the Elimination of Racial Discrimination, which had been experiencing severe budgetary difficulties, met only once a year for two or three weeks. Both Committees dealt with a wide range of rights, and found that a list of questions was an adequate way of structuring their discussion of reports.

91. The Committee against Torture, on the other hand, dealt with only one type of crime, and did not find a list of questions to be a suitable method, preferring to allow more time for inquiry concerning practice in individual countries. The Committee on the Elimination of Racial Discrimination and the Committee against Torture had adopted a procedure based on the appointment of a co-ordinator to examine a report in detail and to direct discussion of it in order to ensure that all questions raised were dealt with; replies were given at a later stage. The Committee against Torture devoted a considerable amount of time after the question-and-answer stage to general comments on the replies. It devoted, on average, three hours to each report, dealing with questions during one half of a morning session and replies during one half of the subsequent afternoon session.

(Mr. Tistounet)

92. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights had procedures similar to those of the Committee on the Elimination of Discrimination against Women. Questions were drawn up by a pre-sessional working group, but the practice was not the same for initial as for periodic reports. The procedure for initial reports was the same as that adopted by the Committee on Elimination of Discrimination against Women, with one small difference - the Human Rights Committee had a round-table discussion of points that were still unclear or needed further clarification. Two meetings were generally allocated for consideration of initial reports - one for questions, the other for replies.

93. As for periodic reports, the Human Rights Committee's pre-sessional working group drew up a list of questions which were as precisely targeted as possible in terms of legal aspects, obstacles and difficulties encountered in implementing the Convention. The procedure for consideration of periodic reports by the Human Rights Committee resembled that adopted by the Committee on the Elimination of Discrimination against Women, with members asking questions under chapter headings; however, supplementary questions could be posed with replies being given immediately, thereby encouraging dialogue. Following consideration of periodic reports, the Human Rights Committee held a further round-table discussion lasting about an hour during which members were able to make comments on the consideration of the report, which appeared in the Committee's annual report as their final remarks. Consideration of second periodic reports was handled in three meetings, which dealt with a list of about 50 questions divided into 13 or 14 chapters. The Committee felt that the list of questions was still too long and gave rise to discussions which were too procedural and lacking both in dialogue and in information concerning practice. For that reason, it had been decided two years previously to reduce substantially the list of questions for consideration of third reports.

94. The concept of a list of questions, with chapter headings, had been retained, but when the working group felt that a particular question was inappropriate it concentrated on questions which had not been adequately answered during consideration of previous reports, and on matters that had arisen in the period since the previous report was considered, as well as on difficulties encountered in implementation. A shorter list permitted a richer dialogue, and when there were fewer written questions members were able to concentrate more on the practice followed in a particular country in terms of domestic legislation. A reduced list of questions also permitted a franker and more specific dialogue and left more time after consideration of reports for general remarks and comments.

95. The Human Rights Committee had also taken a decision at its last session in October 1990 which had been intended to facilitate the task of the working group in deciding on a list of questions. The decision had been to request the pre-sessional working group of the following session to divide reports between its members, with each member fulfilling the role of leader in preparing a list of questions, with full knowledge of the analysis drawn up by the Secretariat of the report presented.

96. The CHAIRPERSON said there had been a number of suggestions for expediting consideration of reports. There was the possibility of combining overdue reports, providing Secretariat assistance in the preparation of initial reports, increasing the time available to the Committee, although that was not likely to succeed, limiting the number of reports to be considered so as to allow more time for

(The Chairperson)

analysis, combining and focusing questions on more qualitative issues, preparing the replies for second reports for distribution one day in advance and in one language only, and pausing after each report for analysis and general remarks.

97. Ms. EVATT said that all those ideas would be discussed in Working Group I, but there was another idea - that the Committee might appoint the pre-session working group for the forthcoming session before the end of the week so that by the second week of the current session it might have decided upon a division of labour.

98. The CHAIRPERSON said that another possibility might be to designate one member of the pre-session working group to deal with all the questions on a particular article of the Convention with the aim of avoiding repetition.

99. Ms. ILIC said that all ideas would be carefully considered in Working Group I, but she feared that the Committee was becoming over-organized. Every other treaty body had at least one more meeting week, so the Committee had to be more realistic and more drastic in reducing the number of questions.

100. The CHAIRPERSON said that the Committee could not expect to be allocated more meeting weeks, and had to use its time more efficiently. If the pre-session working group did not include a question from a particular member of the Committee, there was nothing to stop that member putting the question herself.

101. Ms. BUSTELO GARCIA DEL REAL said that she favoured a division of labour among members of the working group because they tended to specialize anyway, and it was the only solution if there was to be a useful in-depth analysis.

102. Ms. SINEGIORGIS said that it was difficult when considering reports that were several years old to know what had happened in the country concerned in the intervening period; when there was a one-page update for a report going back to 1988, members of the Committee were unable to know whether the State party had achieved what it had reported that it hoped to achieve. It should be made clear to the States parties that it was they that were responsible for the backlog of reports, not the Committee. The Committee should consider fewer reports, and deal with them properly. Other Committees had the time to do so; the Committee on the Elimination of Discrimination against Women did not.

103. Ms. ILIC said that, although the Convention specified that the Committee should normally meet for a period of not more than two weeks annually, the Committee had on one occasion, as an exceptional measure, managed to secure eight additional meetings, and it now had a pre-session working group which gave it an additional five days. All treaty bodies had similar difficulties, and it ought to be possible to make changes in order temporarily to overcome them.

104. The CHAIRPERSON said that one solution might be to combine all overdue reports into one report. While that would, strictly speaking, be contrary to the Convention, it might be undertaken as a procedural expedient.

105. Ms. SINEGIORGIS said that efforts should be made to change the Convention or to add a protocol to it.

The meeting rose at 5.40 p.m.