



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

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 154th MEETING

Held at Headquarters, New York,
on Tuesday, 23 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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

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

Initial report of the United Republic of Tanzania (CEDAW/C/5/Add.57 and Amend.1)
(continued)

Article 13

1. Ms. SCHOPP-SCHILLING asked what rights single women had with respect to immovable property and to what extent they were able to obtain credit. With reference to article 11 and, in particular, to the drive to promote the establishment of day-care centres at workplaces, she wished to know the results of that drive and where - in urban or rural areas - such day-care centres had been opened.
2. Ms. PILATAXI DE ARENAS asked which women were not entitled to family benefits and whether the confusion in that regard was due to the Constitution or to improper implementation. With regard to restrictions on rights to property and inheritance, which were accorded to women under almost all constitutions, she wished to know if there were in Tanzania any female legal experts who might press for the elimination of those provisions and of all other discriminatory legislation.
3. Ms. LAIOU-ANTONIOU asked what action Tanzania intended to take in connection with women's access to credit and bank loans. With regard to article 14, she asked whether, in view of the predominant role which women played in the agricultural sector, they had at their disposal any special programmes for training in the use of machines or information on modern agricultural methods.

Article 14

4. Ms. SAYOGYO asked what measures had been taken to evaluate projects designed to strengthen the role of women in rural areas and what resources were available to ensure that such projects were of lasting effect.

Article 15

5. Ms. DIALLO SOUMARE wished to know if there was a family code in Tanzania. If so, she would like to have further information; if not, she wished to know if there were plans to establish one. It would also be useful to know whether the Tanzanian Government intended to address the problems of inheritance and women's access to property.

Article 16

6. Ms. ALFONSIN DE FASAN asked whether the day-care centres mentioned under article 16 had in fact helped to reduce the burden on working women, whether there

(Ms. Alfonsin de Fasan)

were plans to establish further centres and whether it was intended to set up other less costly means of providing child care. In that connection, she suggested that a meeting of United Nations experts be held for the purpose of securing informed opinions.

7. Ms. LAIOU-ANTONIOU asked what happened to a couple's shared possessions in the event of a divorce.

8. Ms. SCHOPP-SCHILLING wished to know what percentage of women were heads of households, whether they were increasing in number and whether the Government was attempting to improve their situation by means of training programmes, allowances or welfare benefits. She also asked whether divorce was viewed negatively by Tanzanian society and whether current legislation relating to family matters was enshrined in written statutes or a matter of custom.

9. The CHAIRPERSON wished to know how women's health was affected by traditional practices such as excision, including their effect on maternal and infant mortality rates, and whether any related measures had been taken.

10. Ms. OESER inquired as to the results both of efforts to make public opinion aware of the dowry problem and of the drive to establish day-care centres.

ORGANIZATIONAL MATTERS

Report of the pre-session working group (CEDAW/C/CRP.12)

11. Ms. TALLAWY, introducing the report of the working group, said that the group, which had met from 17 to 19 January 1990, had been entrusted with the task of drawing up a list of questions, arranged by articles, for the five following countries: Canada, Egypt, Mexico, Mongolia and the Ukrainian Soviet Socialist Republic. In its work, it had followed the guidelines for the consideration of second reports and the various recommendations of the Committee concerning the presentation of reports. The group had considered the initial reports of those countries in order to determine which questions had remained unanswered. Its objective had been to evaluate the situation with a view to identifying what progress had been made and what obstacles remained to be overcome, while endeavouring to maintain a balance in accordance with the specific situation of each country.

12. The working group should have had more time to carry out its task. If further sessions were to be held in the future, the Committee should preferably extend them by one or two days, particularly if the number of second reports submitted were to increase.

13. The CHAIRPERSON, recognizing the useful functions of the working group, expressed her belief that the group should continue to meet in the future. Given that there would certainly be more reports to consider the following year, it would be desirable if the preliminary sessions were increased in length to four or five days.

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

Initial report of Malawi (CEDAW/C/5/Add.58 and Amend.1)

14. At the invitation of the Chairperson, Ms. Chibwana (Malawi) took a place at the Committee table.

15. Ms. CHIBWANA (Malawi), introducing her country's report, said that, following the withdrawal of reservations with respect to certain provisions of the Convention, a number of amendments had been made which completed and highlighted the information contained in the initial report. She emphasized that the Government of Malawi had taken numerous measures in all areas of activity with a view to making up for inadequacies in national legislation and correcting instances in which women were subject to discriminatory treatment.

16. In the agricultural sector, for example, women now had available to them facilities which included access to credit. Special programmes had been established for their benefit. They were also encouraged to embark on training in sectors such as veterinary medicine, agronomy and plant biology. In education, the Government had launched an adult literacy programme of which the majority of beneficiaries had been women. In the legal domain, provisions had been enacted to protect women's rights and interests and had been incorporated in the Penal Code. The National Commission for Women in Development (NCWD), entrusted with co-ordinating action at the national level, constantly monitored laws and oversaw their application in order to eliminate any discriminatory elements. At the political level, the Malawi Congress Party had had, since its creation, a women's wing through which women were able to participate in debate. In the social, economic and cultural fields, women's organizations had been established in order to promote the advancement of women.

17. The CHAIRPERSON thanked the representative of Malawi for presenting her country's initial report and the supplementary information on progress made since 1988. She welcomed the fact that the reservations entered by Malawi on ratifying the Convention had been withdrawn. She then opened the debate on the report.

18. Ms. PILATAXI DE ARENAS said that it was important for Malawi to solve the problem of the applicability of the Convention, since it was an extremely valuable instrument for the achievement of equal rights.

19. Ms. DIALLO SOUMARE said that she was gratified that the Government of Malawi had ratified the Convention, presented its initial report as supplemented by the statement just read out by its representative and withdrawn its reservations. The text of the Convention should be widely disseminated in the country, and it should serve as a benchmark for the National Commission for Women in Development.

20. Ms. SINEGIORGIS said that Malawi was one of the few countries that had observed the two-year deadline for submission of initial reports. With regard to article 2 of the Convention, it could be noted from the report that the Government

(Ms. Sinegiorgis)

was determined to remove all traces of discrimination in the practical application of laws. One of the most important elements, and one that required immediate action, was the inclusion of the word "sex" in the Constitution, just as it appeared in the Universal Declaration of Human Rights.

21. Ms. WALLA-TCHANGAI said she would like to know if there was a government institution entrusted with women's issues that might accelerate the process of their integration in development. Given the de facto discrimination against women in agriculture, she wondered whether their large numbers might not allow them to form co-operatives, thereby facilitating their access to credit and technical support.

22. Ms. UKEJE (Rapporteur) said that, given the strength and endurance of custom in African society, the withdrawal of Malawi's reservations to the Convention was all the more praiseworthy.

23. Ms. SCHOPP-SCHILLING welcomed the progress made by Malawi since the preparation of its initial report. She hoped that the Government would incorporate into the Constitution a prohibition of discrimination based on sex, because the experience of many countries had shown that the provisions of the Constitution served as a basis for all subsequent legislative enactments. She would like to know the geographical distribution and composition of ethnic groups. She would also like to know whether it was the case that matrilineal groups, were more disposed towards women's equality than patrilineal groups, and whether the customs of the groups found expression in political action.

24. Ms. OESER said it was regrettable that the report did not convey a precise idea of the state of social development in Malawi, since it was on that that the situation of women directly depended. She would, for example, like to have information on the adult literacy programmes, quotas in education, the number of women in positions of responsibility, etc. She wondered whether current laws could not be improved, since the report stated that, while none of them contained any discriminatory element in theory, the problem arose in connection with interpretation and application. She would like to know whether the Government was contemplating the inclusion in the Constitution of a prohibition of discrimination based on sex, since that would help to eliminate such customs as polygamy and child marriage.

25. Ms. GONZALEZ MARTINEZ said that she had been unable, on reading the report, to form a clear idea of the goals and aspirations of the women of Malawi. She would like to know whether the National Commission for Women in Development was a government body or one made up of women and entrusted with the task of elaborating programmes for the advancement of women.

26. Ms. CORTI said she believed that Malawi was a small country that was prey to grave economic difficulties. The effort that it had made to submit its report within the time laid down was all the more praiseworthy. She also welcomed the fact that it had withdrawn its reservations to the Convention.

(Ms. Corti)

27. While Malawi accorded great importance to agriculture, the role of women, who were very numerous in that sector, had not received the recognition that it deserved. It was endeavouring to grant recognition to that role and to improve the access of women to agricultural credit and give them the opportunity to establish individual or co-operative enterprises. Efforts were also being made to provide women with agricultural training and to redress the evident imbalances between men and women in other sectors of education, such as veterinary medicine, agronomy and plant biology. With regard to the policy of increasing the number of women employed in the legal system and the police, she wondered whether women's participation in other sectors should not be increased. She would also like to know to what extent the Convention was helping Malawi to counter acts of discrimination against women.

28. The CHAIRPERSON invited the members to examine the report article by article, beginning with article 2.

Article 2

29. Ms. FORDE said that she would like clarification on three points. First, with regard to the National Commission, she would like to know if it considered its efforts to have been productive and if Malawi women knew of its existence and its work, and, if so, whether the tasks it had already accomplished met with their satisfaction. The Legal Committee recently created by the Commission had identified certain areas in which it intended to take action. She would like to know to what extent it managed to disseminate information on existing laws and their impact on women. Secondly, with regard to the statement that anyone discriminating against women would be met with the full rigour of the law, she wondered whether, apart from matters relating to penal law, cases of discriminatory practices could be brought before the courts. Lastly, she would like to know whether women's organizations existed alongside the governmental organizations, whether they were run by the women themselves and whether they formulated any proposals for the amendment of certain laws.

30. Ms. GUAN MINQIAN asked for details of the functioning of the National Commission.

31. Ms. SINEGIORGIS said that there appeared to be a contradiction under article 2 (g), where it was stated both that "Theoretically, there are no laws which discriminate against women in Malawi" and that "the Government would repeal any discriminatory national penal provisions". She would like clarification on the nature of those penal provisions.

32. Ms. ESCOBAR said that she would like to know more about the National Commission. She would like to know to what body the Commission was responsible; the number of its members and the manner in which they were chosen and, if it was the case that they were women, whether they represented different sectors of society; whether the Commission had its own budget; and whether it was competent to make suggestions to different ministries, such as the Ministries of Labour and

(Ms. Escobar)

Education, on national policies for the benefit of women. She would, moreover, like to know how many women had become ministers in the past 10 years and the percentage of women in positions of responsibility in the civil service.

33. Ms. SCHOPP-SCHILLING said that she would like to have details on the nature of the legal areas identified by the National Commission as having, in practice, adverse implications for the situation of women. She would also like to know whether, in the past two years, the Government had acted on the basis of any recommendations the Commission might have made.

34. Ms. CORTI asked how the Commission collaborated with women's organizations in its work.

35. The CHAIRPERSON, referring to the question asked by Ms. Forde, asked whether non-governmental women's organizations had been consulted in the preparation of the report or the supplementary statement and whether the Government intended to publicize the Convention and the Committee's report in Malawi.

Article 3

36. Ms. SINEGIORGIS observed that the report said virtually nothing about articles 3 and 4. She would like the representative of Malawi to give some examples of the way in which article 3 was being applied in her country. With regard to article 4, it appeared that no temporary special measures had been taken. She would welcome further clarification of that point, and recalled that the two articles were very important.

37. Ms. PILATAXI DE ARENAS asked whether the withdrawal of the reservation with regard to deep-rooted usages meant that the traditional customs and practices which the Government had invoked in support of its reservation had now been eliminated. The representative of Malawi had said that much remained to be done and that the Government was relying heavily on education. She would like to know what the Government was doing in that area.

38. Ms. BERNARD commended the representative of Malawi on her country's report but expressed regret that the detailed introduction, which doubtless contained information supplementing the initial report, had not been presented earlier. She had not been able to study the introduction and it was possible therefore that it might contain the answers to any questions that she might have.

Article 4

39. Ms. SCHOPP-SCHILLING said that there appeared to be a 30 per cent quota for women in education. She wished to know at what level of education that quota was applied: at the primary level or at another level? If that percentage was correct, what criteria had been used to establish it given that women generally accounted for more than 50 per cent of the population?

Article 5

40. Ms. ESCOBAR noted that the Government was trying to change the image of Malawi women based on the fiction of "women's noble calling" and other stereotypes. She wished to know what kind of measures the Government had taken to eliminate those stereotypes and whether the media had been used. It was her understanding that clinics for the under-fives and prenatal clinics were all run by government agencies. What happened if the private sector did not follow the Government's lead?

41. Ms. FORDE asked what was meant by the expression "women's noble calling". While she commended the Government's efforts in the area of paid maternity leave, she wished to know why the private sector had to be urged to provide such leave, instead of being required to do so by law. She also wished to know whether there was any information on the incidence of violence against Malawi women.

42. Ms. ILIC expressed concern at the persistence of traditional attitudes towards women's place in Malawi society, which could hinder their participation in development. She welcomed the fact that the Government had decided to give priority to changing cultural attitudes, through action by the National Commission. She also welcomed the mandate entrusted to the Family Health and Welfare Committee.

43. Ms. GUAN MINQIAN said she too would like to know what was meant by the expression "women's noble calling", what measures had been taken to eliminate such stereotypes and whether the Convention had been invoked in support of such efforts.

Article 6

44. Ms. ESCOBAR asked what proposals the Malawi Government had actually adopted for eliminating the exploitation of women and whether there were any social advancement programmes designed to put an end to prostitution, which was caused by social and economic problems.

Article 7

45. Ms. ESCOBAR asked the representative of Malawi to provide information on non-governmental organizations for the protection and advancement of women and whether they received support from the National Commission.

46. Ms. SCHOPP-SCHILLING asked whether there was a quota for women in local councils and in Parliament and whether, in view of the existence of different ethnic groups, patrilineal groups were more resistant to women's political involvement than matrilineal groups. What was the percentage of women belonging to women's organizations? What percentage of women belonged to farmers' clubs and had the Government set numerical targets for increasing that percentage? It was her understanding that membership in a farmers' club was very important if a woman was to be able to receive training and credit.

47. Ms. BERNARD said she would like to have some statistics on women who had benefited from measures to ensure equal access to opportunities for advancement in the Government hierarchy.

48. Ms. CORTI regretted the absence of information on women's participation in political life. She also wished to know how the State set about "discouraging teen marriages and providing incentives for women to excel in their academic endeavours".

Article 8

49. Ms. BERNARD noted that Malawi women participated in all international conferences, including sessions of the General Assembly. She wished to know in what capacity they did so, what proportion of Malawi's delegates were women and whether the international organizations concerned had appointed any Malawi women to senior decision-making posts.

Article 9

50. Ms. FORDE asked whether a Malawi woman could transmit citizenship rights to her child.

Article 10

51. Ms. FORDE noted that with 45 per cent of its inhabitants aged under 15, Malawi's population was a young one. Such a situation made education extremely important and provided an opportunity to eliminate stereotypes and instil non-traditional attitudes in both boys and girls. Was the Government taking advantage of that opportunity?

52. Ms. PILATAXI DE ARENAS requested statistics on the implementation of the article with regard to the situation of women in education.

53. Ms. ESCOBAR asked what the Government was doing to overcome socio-cultural resistance to the concept of family planning and what resources, contraceptive or otherwise, it was using for that purpose. Were there sex education courses where women could learn to plan their families and space births?

54. Ms. ILIC asked whether women had actually been receiving vocational guidance and whether more girls were now taking non-traditional subjects. She would also welcome information on the efforts made to lower female student drop-out rates, particularly among children, and whether those efforts were well received.

55. Ms. UKEJE pointed out that there was a discrepancy between school enrolment figures and the number of professional women. She wished to know whether, despite Malawi's economic problems, an official programme existed to encourage women to go into fields traditionally reserved for men, if only to reach the goal set for the year 2000 in the field of education.

56. Ms. WALLA-TCHANGAI welcomed the success achieved by the family planning programme despite significant social and cultural resistance. She wished to know how many women who did not want any more children were sterilized. With regard to birth spacing, she asked whether spousal consent was required or whether the decision could be unilateral.

Article 11

57. Ms. ESCOBAR said she would like to hear about the situation of unemployed women and asked whether there were differences in salary for female workers.

58. Ms. SCHOP-SCHILLING asked what percentage of the women employed in the agricultural sector were wage earners and what percentage lived from subsistence farming. Was the Government aware that national development efforts might segregate women, since it was largely men who had access to monetary income and largely women who produced foodstuffs for home consumption and the local market?

Article 12

59. Ms. GUAN MINQIAN asked for specific information about the success achieved in the implementation of the family planning programme and asked what Malawi's fertility rate was.

60. Ms. GONZALEZ MARTINEZ said that one area where it was hardest to establish true equality between men and women was women's place in the family, a situation that held in most parts of the world. Nevertheless, she wished to know whether it was possible in Malawi to reform the indigenous practice of free union which authorized polygamy. There were two problems there which jeopardized women's true equality. First of all, polygamy was a system of partnership which benefited men alone. In addition, according to the report, there were no readily ascertainable rules for annulling a marriage in a polygamous union. Under those circumstances, women were placed in a position of inequality. They were virtually tied to a marriage which they might wish to end.

61. Ms. ALFONSIN DE FASAN, noting that the Government of Malawi was trying to improve the status of women, asked how the private sector viewed that effort and whether stronger measures could be taken so that women could enjoy social services comparable to those offered by the State. She asked for details about the National Commission's success in encouraging small-scale enterprises to provide their employees with social benefits. She asked whether there were child-care centres and other services for women, what assistance was provided in the case of illness and what occupational illnesses occurred most frequently among women.

62. Ms. BERNARD, referring to paragraph 2 under article 12, which stated that it was not "reasonable to expect the Government to provide adequate nutrition to mothers", asked what was being done for mothers in the area of nutrition.

63. Ms. SCHOP-SCHILLING wanted to know the maternal and child mortality rates in Malawi and asked whether there were customary laws, traditions or food taboos that applied to pregnant women.

64. The CHAIRPERSON pointed out that the Convention required Governments to ensure that women had the necessary means to feed themselves adequately during pregnancy and not that they should provide such food themselves. She asked whether there were traditional practices which were harmful to the health of mothers and children.

Article 13

65. Ms. ESCOBAR asked whether the National Commission planned to adopt legal measures to eliminate the required presence of male guarantors.

66. Ms. PILATAXI DE ARENAS said that, in so far as article 13 was concerned, there was clear-cut discrimination against women, particularly where family benefits and access to the property of deceased husbands were involved, since widows were dispossessed of all property upon the death of their spouse. What were government organizations and women's associations doing to eradicate that custom, which had an adverse effect on women?

Article 14

67. Ms. SAYOGYO noted that the report placed emphasis on the Government's efforts over 20 years to integrate women in society and asked whether there was genuine integration in the different sectors of the economy and whether women could participate in all economic activities on an equal footing with men.

Article 16

68. Ms. FORDE, referring to paragraph 1 (d) under article 16, which stated that there was no discrimination against single mothers, said it seemed that discrimination did exist with respect to their children, given their status as "bastards". Were there any legal provisions which guaranteed inheritance rights for children born out of wedlock? Also, what divorce laws were in force and how was property distributed when spouses separated?

69. With regard to the right to inheritance, she wished to know how it was applied, and whether it still contained restrictive provisions regarding women. The report of Malawi indicated that certain changes had been made in those laws; had women been informed of them?

70. Ms. PILATAXI DE ARENAS noted that the practice of polygamy was entrenched in customary law in Malawi. How did the country manage to reconcile the existence of two marriage régimes: civil marriage law and customary marriage, which authorized polygamy? The report indicated that the Legal Committee was considering that issue with a view to recommending reform; what type of reform was envisioned? What was the situation of mothers who were considered incompetent because they were minors or suffered from mental problems and how did this affect the care of their children, among other things? What was meant by the words "bastard" or "illegitimate" child? Did such children lack any entitlement to a parent's property? Also, were there any statistics on marriage by age group and legal measures regarding age at marriage?

71. Ms. ALFONSIN DE FASAN expressed concern regarding the concept of "arranged marriages", referred to in paragraph 1 (b) under article 16. Was the Government making efforts to change attitudes in that field, particularly by emphasizing fundamental human rights in school programmes? Was it not possible to delete from legislative texts the derogatory concept of "bastard"?

72. The CHAIRPERSON, noting that Committee members had no more questions to put to the representative of the Malawian Government, said that many comments reflected their strong interest in the status of women in that country; she thanked the representative of Malawi for all the information she had provided.

The meeting rose at 6 p.m.