



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

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**Committee on the Elimination of Discrimination
against Women**
Fortieth session

Summary record of the 816th meeting

Held at the Palais des Nations, Geneva, on Thursday, 17 January 2008, at 3 p.m.

Chairperson: Ms. Šimonović

Contents

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

Combined initial and second periodic reports of Saudi Arabia (continued)

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The meeting was called to order at 3 p.m.

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

Combined initial and second periodic reports of Saudi Arabia (continued) (CEDAW/C/SAU/2, CEDAW/C/SAU/Q/2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Saudi Arabia took places at the Committee table.*

Articles 5 and 6 (continued)

2. **Dr. Al-Ansari** (Saudi Arabia) said that as the delegation had explained at the morning meeting, there were no legal grounds for male guardianship of women. Adult women had the right to decide whether to undergo a medical procedure, including surgery; only in matters relating to reproduction and fertility did a wife require the consent of her husband. Women were also able to call an ambulance and to authorize a medical procedure for their children.

3. **Mr. Al-Shamikh** (Saudi Arabia) said that complaints relating to human rights were dealt with in accordance with article 5 of the Basic Law of Governance and given due consideration by the relevant authorities. A draft law on charitable and other non-governmental organizations (NGOs) had been prepared by the Ministry of Social Affairs and an independent authority would be established to provide the operational framework for NGOs.

Articles 7 to 9

4. **Ms. Zou Xiaojiao** requested further information on the action taken by the Government and on progress in increasing women's participation in public and political life; it would be interesting to know whether the Government would consider temporary special measures. In addition, additional information and data should be provided on the steps taken to enhance women's career opportunities.

5. **Ms. Belmihoub-Zerdani** said that the delegation's responses reflected the Government's strong commitment to gender equality. She hoped that future reports would show increased participation of women in political and public bodies, including in the judiciary.

6. **Ms. Neubauer** said that the Committee had received information that women had been discouraged from participating in the 2004 municipal elections. It would therefore be interesting to know what steps the Government was taking to overcome the obstacles facing women who wished to stand for election. She also wondered what the Government was doing to change harmful cultural attitudes. Women should be given the right not merely to express opinions, but to make decisions, and they should be encouraged to participate in international politics and diplomacy.

7. **Mr. Al Hussein** (Saudi Arabia) said the report showed that progress was being made and that Saudi Arabia was taking steps to increase women's participation in the decision-making process and to change harmful cultural attitudes.

8. **Dr. Al-Usaimi** (Saudi Arabia) reassured the Committee that women would gradually play a greater role in political and public life and in international organizations.

9. **Ms. Al-Yousuf** (Saudi Arabia) said that women had been able to increase their participation in academic and medical associations and in the labour market. The Ministry of Foreign Affairs had announced its intention to appoint women ambassadors.

10. **Mr. Al Hussein** (Saudi Arabia) said that women had started to play a greater role in the decision-making process, but it was difficult to change habits and traditions.

11. **Ms. Al-Zahrani** (Saudi Arabia) said that altering customs was a daunting task in such a large and diverse country. However, the Ministry of Social Affairs had made significant progress in changing attitudes within communities and families in urban and rural areas. Charitable associations and civil society also played a role in empowering women so that they had a better understanding of their rights and duties within the family unit.

12. **Ms. Al-Tuweiyen** (Saudi Arabia) said that it was especially difficult to change attitudes in remote and isolated communities, some of which had shown resistance to the opening of schools for girls.

13. **Mr. Al Hussein** (Saudi Arabia) said that the Government was taking steps to convince people of the need to change by drawing attention to the impact those changes would have on their lives.

14. **Mr. Attar** (Saudi Arabia), referring to the role of women in the private sector, said that it was a basic Islamic principle that women had independent financial status and men could not interfere in their financial affairs. The number of women working in the private sector was increasing and some boards of directors included women.

15. **The Chairperson** said that members of the delegation had drawn attention to the close links between education and women's ability to participate in political and public life. It was important to bring about rapid change in order to ensure that women gained access to decision-making positions. The Government should invoke article 4, paragraph 1 of the Convention and General Recommendation No. 25 on temporary special measures as a basis for taking steps to accelerate de facto equality and for imposing quotas for women's participation in public life.

16. **Mr. Flinterman** asked whether a Saudi Arabian woman who married either a foreign man, or a Saudi Arabian man who later changed his nationality, would retain her own nationality even if she acquired that of her husband. If so, the Government might consider withdrawing its reservation to article 9, paragraph 2 of the Convention.

17. **Mr. Al-Sfayan** (Saudi Arabia) said that since domestic law did not provide for dual nationality, a Saudi Arabian woman who married a foreign man was obliged to give up her own nationality if she took his. The reservation to article 9, paragraph 2 of the Convention had been made in order to prevent Saudi Arabian children from acquiring dual nationality, which, as everyone knew, could create problems. The child of a Saudi Arabian woman who decided to take her husband's nationality could, however, apply for Saudi Arabian nationality later in life.

Articles 10 to 14

18. **Ms. Zou Xiaojiao** asked why Saudi Arabia's illiteracy rate was so high in rural areas, whether illiteracy affected both Saudi Arabian and non-Saudi Arabian women and what measures were being taken to improve that situation. At the morning meeting, the delegation had stated that mobile adult education centres had been established in rural areas; she wondered whether any funds had been earmarked to tackle illiteracy and give women a better education.

19. The Committee had learned that non-Saudi Arabian women and their children were not entitled to official residency and were therefore denied an education. She would appreciate more information and wondered whether any special measures or policies had been adopted in order to address that problem.

20. **Mr. Al-Dhuheiyani** (Saudi Arabia) said that non-Saudi Arabian residents, including men and women and children, had a right to all services, including education. The Kingdom had already taken steps to tackle the high illiteracy rate among women. As indicated in the responses to the list of issues (CEDAW/C/SAU/Q/2/Add.1), there were far more adult education schools for women than for men. The mobile education centres ensured that all women, even those living in remote areas, had access to education.

21. **Dr. Jamjoum** (Saudi Arabia) said that education was compulsory for all children between the ages of 6 and 15. Illiteracy among adult women, however, was a problem. Since public education had been introduced 30 years later for girls than for boys, some Saudi Arabian women had never attended school. The Government was now focusing on those women.

22. **Mr. Al-Sfayan** (Saudi Arabia) said that a Saudi Arabian woman who wished to marry a foreign man must apply for permission from the Ministry of the Interior. Any children they might have together took the father's nationality. When the children reached majority, their mother was given a card to ensure that she received the same treatment as other Saudi Arabian women. The foreign husband, meanwhile, enjoyed certain privileges owing to the fact that he was married to a Saudi Arabian woman.

23. **Mr. Al-Majaji** (Saudi Arabia) said that if a non-Saudi Arabian woman was granted residency, her children also had the right to residency.

24. **Ms. Gabr** said that while she welcomed women's increasing financial independence, she was curious to know whether Saudi Arabian businesswomen still had to be represented by an agent. Noting that very few women were employed at the higher levels of Government, she wondered whether the State party would consider introducing a quota system.

25. Entities with more than 50 female employees were usually required to have childcare facilities; she would be interested to know whether that was the case

in Saudi Arabia. If not, the introduction of such a system would set a good example for other countries.

26. While welcoming women's increasing access to education, she warned that a person's employability was often directly related to the specialization that he or she had chosen. It was important, therefore, for Saudi Arabian women to specialize in fields that would give them access to the labour market.

27. Lastly, the delegation should clarify whether women working in the private and public sectors were entitled to the same maternity benefits and whether the husband and children of a deceased female pensioner had the same rights, as beneficiaries, as the wife and children of a deceased male pensioner.

28. **Ms. Patten** asked what the reporting State was doing to increase women's levels of participation in the labour market and to ensure that they had access to all jobs, not just those in traditional sectors. She welcomed the Government's efforts to achieve gender equality and, in particular, the repeal of section 160 of the Labour Code, which prohibited men and women from working together. However, she wondered whether the Government had conducted any awareness campaigns in order to improve implementation of those measures.

29. She urged the reporting State to ensure that its next report included more information about such issues as women's participation in the public and private sectors, pay discrepancies between men and women and sexual harassment in the workplace.

30. Lastly, she invited the reporting State to review the new Labour Code and to incorporate the principle of equal pay for work of equal value.

31. **Ms. Al-Yousuf** (Saudi Arabia) said that the Government had recently conducted a study on the obstacles facing women in the workplace. Those obstacles had now been removed.

32. Entities with more than 50 female employees were required by law to provide childcare facilities. In an effort to increase the number of women in private sector jobs, the Government was putting pressure on companies to provide childcare facilities for their employees. The King had held a frank dialogue with a group of concerned women, after which he had proposed a number of solutions.

33. **Mr. Al-Dahhan** (Saudi Arabia) said that the Labour Code made no distinction between men and women in respect of annual leave. However, women were entitled to a minimum of 40 days' delivery leave with full pay.

34. After pointing out that the figures provided with regard to women's participation in the labour force did not include informal work, which was widespread in Saudi Arabia, he mentioned a number of legal instruments that had been adopted in an effort to increase women's employment opportunities in the public and private sectors.

35. Government initiatives included technical training institutes for women and a human development fund that would be used to provide training opportunities. The private sector and civil society were also working to enhance women's skills. Lastly, a number of programmes had been launched in such areas as part-time and off-site work.

36. **Ms. Al-Tuweiyah** (Saudi Arabia) said that the beneficiaries of a deceased pensioner had the same rights, regardless of the pensioner's sex; they received whatever pension had been accumulated. If they did not, they could bring their case before a grievance board.

37. Women working in the public sector were entitled to six weeks' maternity leave upon presentation of a medical certificate. Women working in the private sector were also entitled to maternity leave on full pay.

38. **Ms. Al-Seif** (Saudi Arabia) said that the Government was studying the relationship between education and jobs. In an effort to improve women's access to the labour market, an effort was being made to employ them according to their specializations. Furthermore, new universities were being opened and new areas of specialization offered. Lastly, national dialogue centres enabled all sectors of society to discuss the issues facing them.

39. **Ms. Coker-Appiah** said that it was discriminatory that a Saudi Arabian woman could not pass on her nationality to her child and asked whether non-nationals infected with HIV/AIDS were entitled to the same care as nationals, including access to free antiretroviral drugs.

40. **Ms. Pimentel** asked about the distribution of contraceptives, particularly to poor and rural women; she wondered whether women's privacy was respected

and whether sex education was provided to young men and women. It would be useful to have information on the situations in which abortion was permitted, as well as an estimate of the number of clandestine and unsafe abortions and their links with maternal mortality.

41. **Ms. Dairiam** (Rapporteur) requested more information on the quality of health care throughout a woman's life; the report concentrated on reproductive and maternity health. Information was needed on diabetes and on cardiovascular and other diseases that affected both men and women, but with different risk factors, progression rates and treatment response. She asked whether the King Faisal Specialist Hospital and Research Centre had the capacity to carry out research on such diseases and others that particularly affected women. She urged the Delegation to refer to General Recommendation No. 24 on women and health for guidance in that area.

42. Although there was no legal basis for requiring spousal permission for medical procedures, hospitals' practice was often different and she wondered whether there was any monitoring mechanism. Not only women patients, but also hospital staff had to be aware of women's rights. She asked whether any action was taken against hospital authorities or staff who required such permission.

43. It was confusing that the report referred in different places to "reciprocal rights", "complementarity" of roles and the "same rights" for women and men. On an urgent basis, she recommended dialogue and consultation on the concept and meaning of equality in order to provide a basis for all laws and policies and for service delivery.

44. **Dr. Al-Munif** (Saudi Arabia) said that HIV/AIDS was not a major problem in Saudi Arabia and that most cases were among non-Saudi Arabians. Specialized physicians at infection control centres provided antiretroviral therapy to all those who needed it, whether nationals or non-nationals.

45. **Dr. Al-Ansari** (Saudi Arabia) said that contraceptives were distributed at low cost and advice was given by health-care providers in both urban and rural areas. The percentages of female health-care professionals working in rural areas were similar to those of their male counterparts. Women patients therefore had access to female doctors if they so wished.

46. Sex education was not yet part of the school curriculum, although information on the biology and structure of the human body was included in science and biology courses and some private schools might offer sex education.

47. According to a fatwa (sharia law ruling), abortion was permitted for women who were less than six weeks pregnant and had a genuine need. After six weeks, it was permitted only if there was a threat to the mother's life. The rights of the foetus were thus protected.

48. There had been many surveys of the morbidity patterns and prevalence of different diseases, including diabetes and cardiovascular disease. The issue of quality of care was not yet well researched, but the few studies available had found no statistical difference in the quality of life or of care for women and men.

49. In health care, the emphasis had previously been on providing up-to-date methods of diagnosis and management, but recently there had been a greater focus on medical research, for which most universities allocated a generous budget.

50. The issue of women's right to consent to medical procedures would be addressed in the context of the new emphasis on monitoring the quality of care and patient safety. The relevant documents were available from the website of the Saudi Council for Health Specialities, which was responsible for the registration of health-care professionals. All new graduates of medical and nursing schools would be aware of consent issues and any cases of unnecessary consent requirements should be reported and considered medical errors, an area that was receiving greater attention.

51. **Ms. Arocha-Dominguez** said she would like to know more about the causes of women's morbidity and mortality in general, not just in relation to sexual and reproductive health. She was particularly interested in prevention and treatment programmes for cervico-uterine and breast cancer. She was impressed by the low maternal mortality rate and would like to see a comparison of the data for Saudi Arabian and non-Saudi Arabian women.

52. Saudi Arabia had made no reservation in respect of article 16 of the Convention, yet she wondered whether women got married without access to family planning information as the report indicated that most

women giving birth in hospitals received such advice during post-natal visits.

53. She asked what measures were being taken to monitor blood products and whether studies of the causes of HIV/AIDS were being conducted; it was alarming that 31.4 per cent of infected women had contracted the disease through blood transfusion and 25 per cent of infected women did not know how they had contracted it.

54. **Ms. Ara Begum** asked if there had been any impact analysis of the work of the Rural Woman Pioneer project that had been launched in 2000. She wondered how many women the project had reached and whether it covered all rural areas. A time-bound programme was needed to eradicate illiteracy, especially among rural women. She requested information on any Government employment initiatives for women in rural areas, especially in the public sector, and wondered whether the primary schools had quotas for rural girls.

55. She asked whether credit facilities were available in rural areas and whether women had access to credit, loans and tax breaks for new enterprises. Lastly, she regretted that the report contained no information on social services for older women and women with disabilities.

56. **Ms. Tan** asked for more details about services provided by the Rural Woman Pioneer project. She also wished to know which Government and civil society bodies were involved and how many members of each body were involved in assisting the rural community.

57. She also asked about women's right to own land in rural areas; the delegation should explain whether they had equal rights and whether they were allowed to inherit and manage land on the same basis as men. If sex-disaggregated data on land ownership in rural areas was not currently available, perhaps it could be provided in the next report.

58. She asked why women received such a low proportion of the subsidies provided to both men and women by the Saudi Arabian Agricultural Bank. She wondered whether women were aware of the eligibility criteria and knew how to apply.

59. Data on the division of labour in rural households and the numbers of women in different income-generating activities would be welcome. If there was a gender division of labour, she was interested to know

what was being done to encourage women to get involved in income-generating activities.

60. **Dr. Al-Munif** (Saudi Arabia) said that the figures on HIV/AIDS cases in the report were cumulative. AIDS had first appeared in her country in 1983 and the cases caused by blood transfusions all dated from the early 1980s, prior to the introduction of universal screening for blood products. There had been no new case of such transmission since 1985. The high percentage of patients who claimed to be unaware of how they had contracted the disease reflected the fact that many people did not want to admit that they had had extramarital relationships.

61. In relation to disease prevention, Saudi Arabia had a very high rate of immunization for children because birth certificates were issued only after all the basic required vaccinations had been given. Thus, there was almost 99 per cent vaccination coverage in the first year of life. There was also screening for common women's diseases, including diabetes and breast cancer, and the private sector had sponsored a major awareness-raising campaign on mammograms and screening, including in rural areas.

62. **Dr. Al-Usaimi** (Saudi Arabia) said that her Government had signed the Alma Ata Declaration on Primary Health Care and provided health services, including prenatal and post-natal care, immunization and health education, in accordance with World Health Organization (WHO) standards. There were also diabetes, hypertension and cancer treatment centres. Information on contraceptives was provided by doctors and nurses at clinics and primary health-care centres.

63. **Dr. Al-Ansari** (Saudi Arabia) said that the Government was gathering information on women's health at the national and local levels and would include those statistics in its next report. Most women gave birth either in a hospital or clinic or at home, attended by a midwife; she thought it likely that the infant and maternal mortality rates were the same for both groups but a study might be useful. Women who were preparing to marry received information on family planning if they requested it, but the information was not volunteered until after the birth of their first child because the Government was endeavouring to increase the nation's birth rate.

64. **Ms. Al-Bahouth** (Saudi Arabia) said that in rural areas, loans were made only to men because they were the primary breadwinners; women were normally

housewives. The Rural Women Pioneer project had been launched by a charitable association and operated through the Ministry of Social Affairs. The project trained women to serve as liaisons between rural women and the Government; they conveyed public and private sector information on matters such as no-interest bank loans, credit options through real estate and agricultural banks, and the types of assistance available to older, disabled or poor women. Older women received the same services regardless of whether they lived in a rural or urban area. Private-sector banks lent to rural women and many government grants and no-interest bank loans had been provided, including for women's microprojects both in and outside the home.

Articles 15 and 16

65. **Ms. Halperin-Kaddari** pointed out that although the delegation had maintained that there was no legal basis for male guardianship, she had before her a royal decree which stated that although all male citizens aged 15 and over must be in possession of identity cards, they were optional for women; moreover, a woman needed her guardian's consent in order to apply for a card. Similarly, on the website of the Ministry of the Interior, she had found a statement that women needed the consent of their guardians in order to apply for a travel permit. The right to an identity card and the right to freedom of movement were essential components of equality before the law.

66. It appeared that many employers were not aware that the Labour Code did not discriminate against women with regard to access to employment; she asked what was being done to address that problem.

67. She understood that none of the nation's judges were women and wondered whether, despite the fact that the first women with law degrees had graduated in 2007, women lawyers were in fact prohibited from practicing their profession. If that was so, she would like to know whether women were permitted to represent other women in some other capacity in the family courts.

68. In its responses to the list of issues, the Government stated that marriage and divorce were governed by sharia law, which was not subject to interpretation. She understood that position because her own country, Israel, was also governed by religious law; however, it was clear from the report that change

was, in fact, possible within sharia law. Moreover, she had read that in 2005, the Grand Mufti had said that forced marriage was contrary to Islamic law, and the Government had stated that a woman who was forced into a marriage had the right to terminate it.

69. It would be useful to know whether the Government was encouraging changes in the law with regard to women's choice of husband and their right to seek a divorce; whether a woman who had contracted a Misyar marriage, in which the husband and wife did not live together, could divorce her husband; what the Government's position on polygamy was; whether it was true that fathers were normally granted custody of their children after a divorce; and whether family property was divided equitably between divorced spouses. She was also concerned at the statement, in the Government's responses to the list of issues, that there was no minimum age for marriage, a situation which violated the provisions of both the Convention and the Convention on the Rights of the Child.

70. **Ms. Belmihoub-Zerdani** said that she, too, would like to know whether women were free to marry and to choose their husbands; it was her understanding that a guardian's consent was required. It would also be interesting to know whether marriages were recorded in the civil registry; whether the marriage contract was a standard document or whether a separate contract was negotiated for each marriage; whether divorced women could be granted custody of their children and, if so, whether they were then entitled to child support from their former husbands; whether divorces in which the woman surrendered all her rights were legal; whether a divorced woman lost custody of her children if she remarried; whether a widow could be the guardian of her minor children; whether it was true that women were prohibited by law from driving; and, if so, what the justification for that prohibition was.

71. **Ms. Tan** requested statistics on the divorce rate, which was said to be as high as 25 per cent, and on the number of divorces initiated by women and men, respectively; she would also like to know whether there had been any studies to establish the most common reasons for divorce.

72. She wondered whether women knew their rights under the law and whether free legal aid was available to women who wished to bring cases before the personal status courts.

73. It appeared that a Saudi Arabian woman who married a man from another country did not have the same rights as a foreign woman who married a Saudi Arabian man; she had heard that in the event of a divorce, a foreign woman must leave the country unless she was sponsored by her former husband. A study had found that polygamy was the principal cause of divorce; it would be useful to know whether all the wives of a polygamous husband had the same rights, whether non-sharia domestic law contained any provisions concerning polygamy and whether there was any plan to review existing law with a view to the gradual abolition of that practice.

74. **Dr. Al-Usaimi** (Saudi Arabia) explained that under Islamic law, a woman had the right both to choose her husband and to initiate a divorce. Divorced women were granted ownership of their homes and, if they had custody of their children as was normally the case, to child support; if they remarried, however, custody was transferred to the father or another male relative. Marriage contracts were registered by the personal status courts. Because increasing numbers of young people were pursuing university degrees, the average age of marriage was rising; at present, it was 21 for women and 24 for men. A medical exam was required as a condition for marriage and if the doctor considered that the age of a girl or boy was an impediment, the marriage could not take place.

75. **Mr. Al-Hadlaq** (Saudi Arabia) said that Saudi Arabia applied the teachings of Islam, which permitted polygamy but set stringent conditions: a husband could marry up to four women, but only if he felt confident that he would be able to support them and treat them all equally. As everyone knew, some men had stronger desires than their wives could meet; they must be able to take additional wives so that they would not be tempted to satisfy their needs outside of marriage, which was prohibited under Islamic law. Other men desired children and were married to infertile women. Polygamy had also provided a solution at times when many men had died in wartime; it had allowed women who would otherwise have been left without husbands to have the status of wives in society and to be provided for financially. Many Western scholars had confirmed the soundness of sharia law on such matters.

76. **Mr. Al Hussein** (Saudi Arabia) said that there were many possible interpretations of sharia law. Islam attached great importance to the family. The Koran did not encourage polygamy and permitted it only under

the conditions that the previous speaker had mentioned; a man who could not be fair to many wives should marry only one woman. The Koran stated that God had created both man and woman and wished the relations between them to be based on love. Under certain circumstances, however, a woman might prefer to enter a polygamous marriage rather than remaining alone. It should also be borne in mind that Saudi Arabian society descended from that of the Bedouins and that each tribe had had its own customs.

77. In every culture, women faced certain unacceptable conditions and in some societies, they were viewed as worthless or as a commodity. Before the introduction of Islam, girl babies had often been killed in the Arab world; Islam gave women dignity. Moreover, all religions were open to interpretation. In Saudi Arabia, the question of worship was left to the individual and the justice system respected the rights of women, who could bring cases before the courts or the Commission on Human Rights.

78. In the early days of Islam, women had ridden donkeys and camels; the question of their right to drive cars was not covered by sharia or secular law, but rather by traditional mentalities that influenced decision makers. Saudi Arabia was still, in many ways, a tribal society and was not very open to the idea of mobility. When those attitudes changed, as he believed they soon would, women would be able to drive. In fact, many people had come to realize that it was safer for a woman to drive herself than to be driven by unqualified or dangerous drivers. He recalled that when girls' education had been introduced, it, too, had met with considerable opposition. The Government needed to study the issue and to deal with it quietly so that the people would not think that the nation's sovereignty was being threatened.

79. **Dr. Al-Usaimi** (Saudi Arabia) said that the royal decree stating that a woman could not be issued an identification card without her guardian's consent had been superseded by a new decree; such consent was no longer necessary.

80. **Mr. Al Hussein** (Saudi Arabia) added that in rural areas, women who needed to drive were allowed to do so; it was prohibited only in the cities because the authorities were concerned about the safety of women drivers.

81. He wished to stress that Saudi Arabia respected women and defended their rights and that the

principles of human rights were reinforced by Islamic law. Muslims dealt honestly with each other because they believed that God would judge everyone. The concept of human rights was new to his society, but his Government was committed to upholding all the rights enshrined in the international conventions to which it was a party, except where it had formulated reservations upon accession (as in the case of gay marriage). The issues raised by the Committee would be addressed in the next report.

82. **The Chairperson** thanked the delegation for the frank, constructive dialogue in which it had engaged. She encouraged the Government to use the Convention as a reference in reviewing existing laws and adopting new ones and to revisit the general reservation made at the time of accession.

83. Many of the experts had raised issues related to guardianship, and it was important to recognize that such practices could have an impact on women's enjoyment of their rights and to take steps to achieve gender equality, including by bringing domestic law fully in line with the provisions of the Convention.

The meeting rose at 5.35 p.m.