



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

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

Twenty-eighth session

Summary record of the 629th meeting

Held at Headquarters, New York, on Monday, 12 January 2004, at 10 a.m.

Chairperson: Ms. Acar

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The meeting was called to order at 10.15 a.m.

Opening of the session

1. **The Chairperson** declared open the thirtieth session of the Committee on the Elimination of Discrimination against Women.

2. **Mr. José Antonio Ocampo** (Under-Secretary-General for Economic and Social Affairs) noted that great emphasis was placed by the United Nations system, as well as by Member States at the national level, on the achievement of the Millennium Development Goals distilled from the Millennium Declaration in 2000. Progress towards those goals depended upon economic growth that was equitable, inclusive, pro-development, and supportive of equality between men and women. The outcomes of the global conferences and the resolutions and agreed conclusions of intergovernmental bodies were roadmaps for action at national and international level towards achieving the Millennium Development Goals. Resulting from global consensus, they were policy instruments that were expected to inform governmental action. The Convention on the Elimination of All Forms of Discrimination against Women, on the other hand, created legal obligations for States parties to respect, protect, promote and fulfil the rights of women. In that regard, the Convention differed qualitatively from the policy instruments adopted in intergovernmental processes, and government commitments resulting from such consensus policy instruments.

3. In its work, the Committee regularly found the persistence of discrimination against women, *de jure* and *de facto*, essentially in all reporting States. Penal law was often especially discriminatory against women, for example in relation to criminalization and prosecution of sexual crimes, including those committed in marriage. Women's ownership and inheritance of land, access to loans and credits also continued to be negatively affected by discriminatory legislation. The coexistence of multiple legal systems frequently resulted in discrimination against women, especially in areas of personal status and private life. Persistence of those types of discriminatory legislation constituted a failure of implementation of the Convention, and posed a challenge for achieving the target contained in the outcome document of the twenty-third special session of the General Assembly in 2000, which had called on Member States to review

legislation with a view to removing discriminatory provisions as soon as possible, preferably by 2005.

4. *De jure* discrimination was, however, only a part of the concerns raised by the Committee. The persistence of stereotypical attitudes with regard to the roles, responsibilities and expectations for women and men created and sustained a pervasive climate of discrimination against women, and remained a critical challenge in the promotion of gender equality. Legislative gaps left women in many countries without adequate protection of their rights and without effective recourse against gender-based discrimination. The availability of an international avenue of redress, through the Optional Protocol to the Convention, constituted an essential new tool for women to remedy discrimination.

5. While he was aware of the Committee's concerns about the significant number of outstanding reports, the large number of States that did submit their reports in a timely and comprehensive manner provided confirmation that that form of monitoring and supervision by an international body of experts was an essential aspect of the protection of the rights of women. In its constructive dialogue with representatives of reporting States, the Committee identified positive developments in regard to Convention implementation, but more importantly, clearly addressed gaps in implementation where, in its collective view, a State's efforts fell short of Convention requirements. In making such assessments, the Committee carefully reviewed the entire gamut of tools that were available to Governments and determined the specific action a State might have failed to undertake, or where insufficient or ineffective action may have been taken. While implementation strategies for global policy instruments could complement strategies designed to implement the Convention as a whole, Governments' commitments and action resulting from global conferences did not reduce States parties' obligations under the Convention. He attributed great importance to the Convention and the work of the Committee, particularly for the promotion of gender equality, but also more broadly for the work of the Department of Economic and Social Affairs on economic and social policy issues that reflected the rights, concerns and priorities of women as well as men.

6. **Ms. King** (Assistant Secretary-General and Special Adviser to the Secretary-General on Gender

Issues and the Advancement of Women) said that the Millennium Declaration adopted by the General Assembly in 2000 (A/RES/55/2) recognized that gender equality was essential to combat poverty, hunger, and disease, and for sustainable development. Her Office and the Division for the Advancement of Women continued to monitor the degree of attention given to gender perspectives in efforts aimed at achieving the Millennium Development Goals. The Convention and the work of the Committee were central to achieving progress towards the Goals. In its constructive dialogue with States parties, the Committee regularly identified key areas of discrimination against women, and provided clear recommendations for action by individual States parties to eliminate such discrimination and ensure equality between men and women. In 2005, United Nations Member States intended to undertake a comprehensive review of progress made towards meeting all commitments made in the Declaration and towards meeting the Goals, and the Committee might wish to start thinking about its contribution to that review process.

7. At the fifty-eighth session of the General Assembly, the Convention and gender equality had been important aspects of attention in the statements of many delegations. A number of States had discussed the status of their reporting obligations, as well as the Committee's past or impending consideration of their reports. States had also provided updates about national measures to strengthen implementation of the Convention. The Division for the Advancement of Women had prepared several reports for discussion under those items, including reports on the status of the Convention and on violence against women migrant workers. A biennial report on the situation of women in rural areas had for the first time reviewed the contribution of the Committee to improving the situation of that particular group of women. The Assembly had adopted a resolution on the Convention (A/RES/58/145), welcoming the Committee's efforts to enhance its effectiveness and working methods. It had also adopted, by consensus, a resolution on the elimination of domestic violence against women (A/RES/58/147), and a resolution (A/RES/58/185) requesting the Secretary-General to conduct an in-depth study on all forms of violence against women, in close cooperation with all the relevant United Nations bodies and the Special Rapporteur on violence against women. In his annual report to the General Assembly

on the work of the Organization (A/58/1), the Secretary-General had highlighted human trafficking as one of the scourges of the day, and had spoken of its severe impact on women and girls.

8. Turning to the work of the Commission on the Status of Women (CSW), she said that it would review two thematic issues at its forty-eighth meeting in March 2004: "The role of men and boys in achieving gender equality" and "Women's equal participation in conflict prevention, management, and conflict resolution and in post-conflict peace-building". The Division had covered two expert group meetings to prepare the discussions. Her Office was also organizing an expert group meeting on "Enhancing women's participation in election processes in post-conflict countries", to be held in New York in January 2004. The findings would provide input for the Commission's deliberations in March as well as for the review of Security Council resolution 1325, at its fourth anniversary in October 2004. She had addressed the Human Rights Committee at its seventy-eighth session in July 2003, and held several discussions with the Acting High Commissioner for Human Rights, Mr. Bertrand Ramcharan, who had also participated in a panel showcasing gender mainstreaming in various areas during the 2003 substantive session of the Economic and Social Council.

9. The fifth joint workshop of the United Nations Inter-Agency Network on Women and Gender Equality and the Organisation for Economic Cooperation and Development Development Assistance Committee Network on Gender Equality had been held in Paris in July 2003. The meeting had discussed good practices and lessons learned, drawing on experiences from Afghanistan, Sierra Leone and elsewhere. With regard to Afghanistan, she noted that its ratification of the Convention in March 2003 had pushed the issue of women's rights to the forefront, with the result that the controversial issue of specifying equal rights for men and women in that country's new draft constitution had been successfully resolved. Finally, her Office had taken part in the first session of the newly established Committee on Women of the United Nations Economic and Social Commission for Western Asia, in December 2003.

10. **Ms. Hannan** (Director, Division for the Advancement of Women) noted that, since the Committee's previous session, San Marino had ratified the Convention, bringing the total number of States

parties to the Convention to 175. Moreover, six States parties had ratified the Optional Protocol to the Convention since the previous session, bringing the total to 59. There had been two additional acceptances of the amendment to article 20.1 of the Convention, and the Government of France had decided to lift its reservation relating to articles 5 (b) and 16 1 (d). The progress made in ratification of the Convention and its Optional Protocol was a significant confirmation of the commitment of States to the protection and promotion of women's human rights through international human rights standards. However, while the growing number of ratifications was very positive, the large number of States that had not submitted their initial reports remained a cause for concern.

11. The technical assistance activities of the Division, which were aimed at implementation of the Convention, remained a critical part of overall efforts in support of the protection and promotion of women's human rights. In September the Division had implemented a subregional workshop on reporting under the Convention for 13 African countries, hosted by the Government of Tanzania. It was hoped that two similar events might be organized for other regions during 2004. The technical assistance activities of the Division and its ongoing activities and plans for 2004 should make a significant contribution to States parties' capacity to implement the Convention, follow up the Committee's concluding comments and expand the use of the Optional Protocol. It was also hoped that those activities would contribute to timely reporting by States parties. The anticipated increase in reports received would also require the Committee to identify new ways to consider the reports in a timely manner. In October 2003 the Division and the Inter-Parliamentary Union had jointly organized a one-day briefing session for parliamentarians as a follow-up to their joint publication of the Handbook for Parliamentarians on the Convention.

12. In December the Division had also taken part in a two-day brainstorming session convened in Istanbul by the former United Nations Special Rapporteur on violence against women, Ms. Radhika Coomaraswamy, to gather ideas and suggestions on the future direction of the Special Rapporteur's mandate. The Committee had traditionally paid significant attention to the effectiveness of its working methods. Timely reporting and timely consideration of reports was one aspect of that commitment. A second aspect was the common

efforts of all treaty bodies to ensure that reporting fulfilled its purpose of promoting enhanced treaty implementation at the national level. At the second inter-committee meeting, held in June 2003, a series of internal meetings had been held by staff of the United Nations Office of the High Commissioner for Human Rights, with the Division participating by telephone. The aim of the talks had been to implement the recommendation of the inter-committee meeting that the Secretariat should prepare draft guidelines for an expanded core document for consideration by each Committee and adoption by the third inter-committee meeting in 2004.

13. The Division had received a generous financial contribution from the Government of New Zealand for technical cooperation activities in support of the implementation of the Convention in countries emerging from conflict. In consequence, the Division was now working with Afghanistan and Sierra Leone to design a series of activities to raise awareness and understanding of Convention rights and the resultant obligations of States parties among senior and mid-level government officials, as well as to enhance the capacity of such officials to develop legislative initiatives and policy, programme and other measures to ensure that the Convention became the basis for all national efforts to promote women's rights. The Division had also received a major financial contribution from the Swedish International Development Agency for the preparation of a Convention implementation kit. The Division had also been able to assist the Government of Mali in the preparation of its combined second, third, fourth, and fifth periodic report, and to provide financial support for the meeting of three of the Committee experts, held in October 2003 in Berlin, to finalize the revised draft of the Committee's general recommendation on article 4.1 of the Convention.

Solemn declaration by a new member of the Committee

14. **Ms. Coker-Appiah** made the solemn declaration provided for in rule 15 of the Committee's rules of procedure.

Adoption of the agenda and organization of work (CEDAW/C/2004/I/1)

15. *The provisional agenda and organization of work (CEDAW/C/2004/I/1) were adopted.*

Report of the Chairperson on activities undertaken between the twenty-ninth and thirtieth sessions of the Committee

16. **The Chairperson** said that her participation in the work of the General Assembly was an important link between the Committee and United Nations political processes and a reaffirmation of the need for policy and treaty-based approaches to gender equality and the advancement of women to go hand in hand. The Chairperson's annual participation in the opening meeting on advancement of women of the Third Committee also reminded States parties to the Convention of the commitments made to its universal ratification at the World Conference on Human Rights in Vienna in 1993 and the Fourth World Conference on Women in Beijing in 1995. She commended the efforts of the Secretariat and Committee to remind States of that goal, which was supposed to have been reached by 2000, and suggested that no new goal should be set in order to highlight the necessity of general compliance with the commitments already undertaken.

17. Although the Committee had received much attention and expressions of wide support in the Third Committee, much remained to be done to ensure that all States fully embraced the Convention.

18. She had briefed the Assembly about the Committee's work under article 18 of the Convention, in particular the number and types of reports that the Committee had considered during the year, identified some of the common trends and challenges that had emerged from the reports and reviewed the Committee recommendations on how best to address them. She had also drawn the Assembly's attention to the concern by the Committee about the status of women's human rights in post-war Iraq and to her letter to the late Sergio Vieira de Mello, the Secretary-General's Special Representative for Iraq, on the need for drawing up all post-war activities in Iraq in full conformity with the Convention.

19. She had also conveyed to the Assembly the Committee's concern about States parties that had failed to submit reports. She had written to 29 States parties whose initial reports would be five years overdue on 18 July 2003 as well as the Administrator of the United Nations Development Programme to encourage him to support States parties in meeting their reporting obligations. She had affirmed to the Assembly the Committee's commitment to enhancing

its working methods and, in that respect, noted in particular its decision to examine the option of considering periodic reports in parallel working groups rather than in plenary.

20. Given that 33 reports awaited consideration and an average of eight were considered each session, States parties would have to wait for two to two and a half years after submission of their reports before the Committee could consider them, which, she stressed, might discourage other States parties from submitting reports.

21. In a day-long meeting organized by the Division of the Advancement of Women and the Inter-Parliamentary Union in October 2003, she had briefed a group of Parliamentarians from States that had submitted reports in 2003 or would be doing so in 2004 on the Convention and its reporting process. She hoped that the Division would work with IPU to expand such briefings and reported that the Turkish version of the "Handbook for Parliamentarians on the Convention on the Elimination of All Forms of Discrimination against Women", which was also being translated into other languages, would shortly be launched.

22. The meeting in Dubrovnik of 25-26 October 2003, co-hosted by the Government of Croatia and the United Nations Development Fund for Women (UNIFEM), provided a platform for an effective and timely evaluation of the implementation of the Convention in the critical Balkan region and served as an example of cooperation among the various United Nations bodies addressing women's human rights, including the Committee, the Division for the Advancement of Women and UNIFEM. She hoped that the results of the seminar would provide an institutional framework for the six participating countries to give ongoing attention to the Convention.

23. In her personal capacity, she had given the keynote address in symposiums titled "Policy dialogue on gender equality 2003", organized by the Japanese Government, in Tokyo and Okiyama, which, following consideration of Japan's fourth and fifth reports by the Committee in July 2003, had provided timely opportunities to discuss women's human rights from a global perspective and review international commitments and national action in the presence of large groups of participants from both Government and civil society in Japan. She welcomed the fact that the Convention and Committee work were held in high

esteem and provided guidelines for efforts to achieve gender equality in Japan.

24. She had also participated in a two-day brainstorming session convened by Yakin Ertürk, Special Rapporteur on violence against women, in Istanbul on 7 and 8 December 2003, at which she had discussed the critical work done by the Committee to combat violence against women and highlighted some of the challenges that the Committee had identified through its work. The participation of the Office of the High Commissioner for Human Rights, UNIFEM and the Division for the Advancement of Women had reflected their commitment to support the Special Rapporteur's mandate.

25. In a press statement, she had applauded the adoption of a new Constitution by the Loya Jirga in Afghanistan which included an explicit guarantee of the equal rights of women and men, and had pledged support for the full and effective implementation of the Convention in Afghanistan.

26. The twenty-fifth anniversary of the adoption of the Convention in 2004 should be used to convey its principles to wider segments of the international community and to enhance the voice and visibility of the Committee as the legitimate international monitor of women's human rights.

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

27. **Ms. González** introduced the report of the pre-session working group (CEDAW/PSWG/2004/I/CRP.1).

Implementation of article 21 of the Convention

28. **Ms. Brautigam** (Women's Rights Section) said that, pursuant to article 21 of the Convention, the Committee had before it reports from some of the specialized agencies, namely, the Food and Agriculture Organization and the United Nations Educational, Scientific and Cultural Organization (CEDAW/C/2004/I/3/Add.1 and 3), on the implementation of the Convention in areas falling within the scope of their activities. Also pursuant to article 21, the draft of a general recommendation on article 4.1, which had been prepared by Ms. Schöpp-Schilling at the twenty-ninth session and was available in the official languages, should be adopted by the Committee at its thirtieth session.

Ways and means of expediting the work of the Committee

29. **Ms. Brautigam** (Women's Rights Section) drew the Committee's attention to two addendums to the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/2004/I/4/Add.1 and 2). The Committee might wish to include in its annual report the summary of its current working methods, contained in CEDAW/C/2004/I/4/Add.1, which was intended to make them better known and easily accessible to States parties and others interested in the work of the Committee. The second addendum responded to the Committee's request for a note, for discussion at the thirtieth session, on the implications and possible modalities of the consideration of reports of States parties in two parallel working groups or chambers.

30. Annex III of the Secretary-General's report on the status of submission of reports by States parties under article 18 of the Convention (CEDAW/C/2004/I/2) provided information about the reports that had been submitted as of 1 November 2003 but had not yet been considered by the Committee. The following reports had been received since completion of that document: the initial report of Eritrea; and the periodic reports of Iceland, Guatemala, Italy, Lebanon and Romania.

The meeting rose at 11.30 a.m.