



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

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## Committee on the Elimination of Discrimination against Women Sixty-fifth session

### Summary record of the 1467th meeting\*

Held at the Palais des Nations, Geneva, on Thursday, 17 November 2016, at 10 a.m.

*Chair:* Ms. Hayashi

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\* No summary records were issued for the 1465th and 1466th meetings.

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*The meeting was called to order at 10.10 a.m.*

### **Meeting with States parties**

1. **The Chair**, welcoming participants to the meeting and acknowledging the presence of Mr. Salama, Director of the Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR) and Mr. Orest Nowosad, Chief of the Groups in Focus section of the Human Rights Treaties Division, said that the Convention on the Elimination of All Forms of Discrimination against Women enjoyed almost universal ratification and was the only human rights instrument that provided for the comprehensive protection of women's human rights. However, while 189 States parties had ratified the Convention, only 70 had accepted the amendment to article 20 (1). Since the approval of two thirds of States parties was required for the amendment to enter into force, she wished to urge the remaining States parties to approve the amendment.

2. In accordance with General Assembly resolution 68/268, on strengthening and enhancing the effective functioning of the human rights treaty body system, the Committee had been allocated additional working days, which it was using as extra meeting time to help tackle the backlog of State party reports. The Committee had also set up the Working Group on Inquiries, which was now receiving increasing numbers of requests for inquiries into alleged violations of women's human rights.

3. **Ms. Schulz** said that the Committee had acted on the recommendations of the General Assembly in resolution 68/268. A simplified reporting procedure was in place for States parties whose reports were overdue and whose common core documents had been updated within the past five years. To date, 20 requests to use the simplified reporting procedure had been received, of which 8 had been accepted. In that connection, she called upon all States parties to update their common core documents. Too often, those documents did not provide the information requested in the harmonized guidelines on reporting (HRI/GEN/2/Rev.6), which forced the Committee to ask questions that would not have been necessary had the information been provided in the first place.

4. While the simplified reporting procedure was still relatively new, some concerns had already come to light. For example, it had proved difficult to reconcile the wish of States parties to prioritize issues for consideration by the Committee with the obligation of the Committee to monitor the implementation of all of the Convention's provisions. Moreover, the Committee had become increasingly reliant on contributions from external sources such as other United Nations agencies, national human rights institutions and NGOs. Those contributions were not always provided in a timely manner, if at all; were often too brief; and the quality of the information was sometimes difficult to assess. In addition, the workload for secretariat staff and the Committee members was much greater when information from the State party was not forthcoming.

5. In line with General Assembly resolution 68/268, efforts had been made to streamline work processes. Such efforts included: clustering articles and establishing task forces to provide delegations with more time to answer questions during the dialogues with the Committee; producing short, focused, concrete and country-specific concluding observations; limiting the number of questions to 20 in the lists of issues and to 25 in the list of issues prior to reporting under the simplified reporting procedure; and accepting requests for dialogues to be conducted via videoconferencing. As part of its commitment to the harmonization of treaty body working methods, the Committee was due to revise its rules of procedure in the coming year. Similarly, all future general recommendations would be adopted under the new harmonized approach, providing States parties and other stakeholders with the opportunity to make more of a contribution. Members of the Committee had played an active role in the work of the Geneva Academy with a view to preparing for the 2020 review of the treaty body system and planning for its future.

6. Above and beyond the recommendations of the General Assembly in resolution 68/268, the Committee had taken steps to alleviate the burden for States parties in following up on its concluding observations. By way of example, it had been decided to apply a word limit of 6,000 words (7,500 in exceptional cases) to the documents containing concluding observations, which was well below the 10,400 words allowed under the resolution. Similarly, follow-up reports requested from the States parties had been limited to coverage of two or three issues and to a maximum length of 4,000 words.

7. However, the Committee was deeply concerned at what it saw as a real obstacle to the treaty body strengthening process: the secretariat was underresourced and the Committee was overworked. The Committee's resources did not cover its increasing workload, which included a larger number of individual communications and of requests for inquiries. She would be interested to hear ideas from those participating in the discussion as to how the Committee might proceed.

8. **Mr. Bruun** said that there were 189 States parties to the Convention but only 108 had ratified the Optional Protocol, which provided for the individual communications and inquiry procedures — two important mechanisms for promoting access to justice for women victims of discrimination. As Chair of the Working Group on Communications, he wished to report that, since 2003, 106 individual communications involving 31 countries had been registered. Of that figure, in 22 cases, violations of the Convention had been found and follow-up procedures had been initiated. Among the remaining cases, 30 had been declared inadmissible and 44 were pending. The vast majority of communications related either to violence against women or to women's reproductive rights, although cases involving women's rights in the workplace, the right to inheritance, custody disputes and asylum applications had also been received. In the latter two types of cases, the Committee had used its mandate to issue interim measures, where necessary, to avoid irreparable harm being done to the party concerned.

9. The Committee had limited but significant jurisprudence on individual cases; many of its decisions had become landmark decisions. In most instances, the Committee's recommendations had been taken seriously by the States parties concerned and appropriate measures had been taken, such as amending discriminatory laws or practices and compensating victims. There was, however, a shortage of resources to handle the increasing backlog of individual communications. In that light, and in view of the upcoming review of General Assembly resolution 68/268, the Committee would continue to request additional resources for its work.

10. Regarding inquiries, the Committee had established the Working Group on Inquiries some four years previously. While many requests for inquiries had been received, several of which were currently in process, only three had been finalized, namely, those involving Mexico, the Philippines and Canada. The confidential inquiry mechanism was an important tool and, although it took up significant resources, it was an important mandated activity of the Committee that deserved to be adequately resourced and further developed.

11. **Ms. Leinarte** said that, despite the fact that around 22 million unsafe abortions were performed around the world each year and 47,000 women died from complications arising from such procedures, restrictive abortion laws still applied to 40 per cent of the world's population. The Committee's approach to the issue of abortion was firmly rooted in articles 12, 14 and 16 (1) (e) of the Convention. Examples of its jurisprudence on abortion included an individual communication filed against Peru (CEDAW/C/50/D/22/2009) and the 2012 inquiry concerning the Philippines (CEDAW/C/OP.8/PHL/1). In both cases, the Committee had called on the States parties concerned to legalize abortion in certain circumstances. In a statement issued in 2014, the Committee had highlighted the fact that unsafe abortions were the leading cause of maternal mortality and morbidity and had recommended that States

parties should legalize abortion in, at the very least, cases involving rape, incest, a risk to the life and health of the mother or a serious malformation of the fetus.

12. The absolute restriction imposed on abortion in cases of rape and incest constituted an act of gender-based violence against women and contravened article 5 of the Convention. It was the Committee's view that any total restriction on abortion was tantamount to a form of discrimination against women and thereby violated articles 1 and 2 of the Convention. However, she wished to make it clear, in no uncertain terms, that the Committee did not advocate the use of abortion as a method of contraception.

13. The Committee urged States parties to remove punitive measures for women who had undergone an abortion. Furthermore, it called on States parties to provide access to safe abortion services in at least the four circumstances mentioned; to establish evidence-based, comprehensive sex education; and to ensure that effective, modern and affordable methods of contraception were available to women.

14. **Ms. Pomeranzi** said that, thanks to the almost universal ratification of the Convention, coupled with the Committee's vast experience gleaned over more than 30 years of dialogues with States parties, the Committee had become a genuine stakeholder in the implementation of the 2030 Agenda for Sustainable Development. The Committee was proud to be the only human rights mechanism involved in a monitoring exercise designed to help States parties to collect data relating to the Sustainable Development Goals. As part of a project involving UN-Women, the Committee had been asked to help monitor Sustainable Development Goals target 5.1 and define the criteria for indicator 5.1.1. to measure whether or not legal frameworks were in place to promote, enforce and monitor equality and non-discrimination on the basis of sex. The substantive provisions of the Convention would serve as the basis for identifying the legal frameworks envisaged under that indicator.

15. A joint pilot project involving UN-Women and the Committee was shortly to begin and would involve applying the articles of the Convention in order to facilitate data collection on indicator 5.1.1. Discussions with various stakeholders were being held in order to define the criteria for what was a very complex indicator. However, achieving the effective fulfilment of target 5.1 required the full participation of States parties, since they were the ones ultimately responsible for the attainment of the Sustainable Development Goals. Without their support and their commitment to reporting against indicator 5.1.1., only the symptoms, rather than the root causes, of discrimination against women would be addressed.

16. **Ms. Gabr**, providing an overview of the process involved in the formulation of the Committee's general recommendations, said that the Committee's most recent general recommendation No. 34 on the rights of rural women had been drafted in recognition of rural women's critical role in rural development, food and nutrition, and poverty reduction. However, rural women faced systematic and persistent barriers to the full enjoyment of their human rights, including social, economic and political obstacles, and in many countries they were marginalized and excluded from decision-making and their basic needs were not met. Article 14 of the Convention, while comprehensive, was the only legally binding obligation on States parties to protect and promote the rights of rural women. In that light, general recommendation No. 34 provided a comprehensive plan to enhance rural women's development. The document had been well received and was considered to provide a broad set of guidelines on sustainable rural development and tackling hunger and poverty in the world's poorest areas.

17. An update to the pioneering 1992 general recommendation No. 19 on violence against women was currently being prepared, since, in the intervening years, the Committee had accumulated a vast body of jurisprudence and information about measures to combat

violence against women. The aim of the exercise was to produce an updated version that would provide States parties with guidance on eliminating all forms of gender-based violence against women, including violence in the public space and cyberspace and in the context of migration and violent extremism. A further objective of the recommendation was to enhance understanding of the structural relationship between gender equality, violence against women and intersecting forms of discrimination and to underline the need for holistic policies and measures to empower women. The final document would also clarify the due-diligence obligations of States parties and their responsibilities concerning acts of omission by State and non-State actors. The draft text was available on the Committee's website for comments from stakeholders. More than 80 submissions from stakeholders had already been received.

18. **Ms. Gabr** said that consultations had been held on a draft general recommendation on the gender-related dimensions of disasters and climate change. A revised draft had been posted on the website of the Office of the United Nations High Commissioner for Human Rights for stakeholders to provide their input.

19. The Committee was drafting another general recommendation on the right to education in the light of the fact that more than 35 million girls in developing countries did not attend school. The general recommendation covered the key concerns regularly expressed by the Committee in relation to its consideration of State party reports, in particular the exclusion of vulnerable groups from education and the importance of education for personal and national development. It would address the issues of access to education at all levels; the provision of adequate infrastructure; rights within education systems, including the right to high-quality education; and the rights that could be enjoyed thanks to education, such as participation in decision-making.

20. **Ms. Bard** (Sweden) said that the case for women's rights must be remade, given that the global approach to human rights seemed to have shifted dramatically in recent times. In that connection, she asked how the content of the Convention could be more effectively communicated by the United Nations system and by States parties.

21. **Mr. Lomax** (United Kingdom of Great Britain and Northern Ireland) said that he would welcome information on the total number of individual communications received and whether any trends had been detected to date. In particular, he wished to know whether increased awareness of the communications procedure had led to an increase in submissions. He also wished to know how communications were selected for consideration.

22. **Ms. Tsuchiya** (Japan) asked whether the Committee might make the simplified reporting procedure more effective by basing its questions to a State party solely on its previous recommendations. She wished to know whether the Committee members considered that men's representation on the Committee should be increased, given that women's rights must be addressed by society as a whole.

23. **Ms. Zolotova** (Russian Federation) said that discussions between the Committee and States parties should take place within the formal setting of the meeting of States parties held in New York, thus allowing States parties without a permanent mission in Geneva to attend. Following its previous dialogue with the Committee, her delegation had raised a number of concerns regarding the Committee's working methods that did not appear to have been addressed. She asked what criteria were used to select the States parties that could take advantage of the simplified reporting procedure and how States parties could be allowed to provide information that the Committee had not requested in the list of issues. She requested clarification of the Committee's statement that it was increasingly forced to draw on information from sources other than State party reports.

24. While the Committee's efforts to reduce the number of concluding observations were commendable, the effectiveness of those observations was diminished by the constant

requests for follow-up information, which did not allow sufficient time for measures to be taken and absorbed considerable resources on the part of the receiving side. The strict time limits imposed upon delegations during the dialogue with the Committee sometimes prevented them from responding to all of the questions posed.

25. She wished to know how the Petitions Unit split its work between the treaty bodies that received communications. At a recent meeting between the Committee, civil society and NGOs, organizations that had travelled from the Russian Federation had been unable to communicate with the Committee because of a lack of interpretation with respect to Russian; that shortcoming should be remedied. Lastly, the Committee's time and resources were consumed by activities that were outside its scope, as set out in the Convention and the Optional Protocol, such as briefings and interaction with other treaty bodies. That issue should be reviewed at the next meeting of States parties.

26. **Mr. Stevens** (Belgium) said that the Government of Belgium fully supported the treaty body strengthening process, which had produced very positive initial results. However, he wished to draw the Committee's attention to a joint statement made by 30 countries, including his own, at a recent meeting of the Third Committee urging the treaty bodies to harmonize their working methods. In particular, some treaty bodies, including the Committee, seemed to have established particular selection criteria for the simplified reporting procedure, and he wished to know whether that procedure would be opened up to all States parties. His country had accepted the amendment to article 20 (1) of the Convention.

27. **Ms. D'Orlandi** (Italy) said that the 2030 Agenda for Sustainable Development could not be fully implemented without the full participation of women and the eradication of gender-based violence. The Government of Italy supported campaigns to eradicate female genital mutilation and early marriage around the world and had adopted an action plan to combat sexual and gender-based violence within its borders.

28. **Ms. Arian** (Australia) asked how the Committee planned to contribute to the follow-up work concerning the Sustainable Development Goals and, in particular, how it would work with UN-Women to monitor the achievement of target 5.1 of the Goals.

29. **Mr. Heinzer** (Switzerland) said that the Committee should enhance its cooperation with UN-Women and asked how the Committee would deal with its increased workload if additional resources were not forthcoming.

30. **Ms. Rodríguez Mancia** (Guatemala) said that awareness of the Convention should be raised among all groups, including boys and men. The participation of more men in the Committee and in wider efforts to advance women's rights would be helpful. She asked whether States parties' cooperation with the Committee was generally satisfactory and how States parties could be of greater assistance. She also wished to know how the Committee addressed cultural and religious practices that impinged on the rights of women and girls.

31. **Ms. Gordon** (Jamaica) said that the Committee should pay more attention to the achievements of States parties rather than focusing solely on their shortcomings. That would improve the public's engagement with the treaty body system.

32. **Ms. Schultz** said that a joint effort between the Committee and States parties was required to disseminate the concluding observations and the Convention, and States parties should also provide training on women's rights for professionals such as lawyers and medical staff. NGOs also played an important role in raising awareness of the Convention, something that the Committee endeavoured to support.

33. It was regrettable that Mr. Bruun was the only male Committee member, as that reinforced the mistaken notion that women's issues were a matter for women alone.

However, gender parity should be the goal of all treaty bodies, not just the Committee on the Elimination of Discrimination against Women.

34. Under the simplified reporting procedure, the drafting of lists of issues required the Committee to rely on sources in addition to the reports that States parties had submitted during the reporting cycle, reports which were often out of date. The Committee had accepted 8 of the 20 requests that it had received to report under the simplified reporting procedure. Although the Committee had considered making the simplified procedure available only to States parties whose reports were past due, it had ultimately decided not to.

35. During the constructive dialogues, Committee members' speaking times were strictly limited. As a rule, delegation members appearing before the Committee were given more time to speak than they were before other treaty bodies.

36. States parties were currently asked to submit follow-up reports within two years rather than one. The Committee was part of the human rights system of the United Nations and it made every effort to take advantage of the work done by the other treaty bodies, the special rapporteurs and other components of that system. Human rights fatigue was a serious concern that the Committee attempted to address in part by stressing the progress made by States parties in the concluding observations that it adopted.

37. **Ms. Pomeranzi** said that, starting in 2017, the Committee would ensure that questions about States parties' efforts to work towards the achievement of the Sustainable Development Goals, in particular target 5.1, were asked during all constructive dialogues.

38. **The Chair**, speaking in her capacity as an expert, said that the Committee was the only treaty body to have been invited to provide input to the High-level Political Forum on Sustainable Development. It was also providing input to the Inter-Agency and Expert Group on Sustainable Development Goal Indicators.

39. **Mr. Bruun** said that one way of increasing the visibility of the Convention would be to ensure that national lawmakers and local authorities were involved in the drafting of the reports that States parties submitted to the Committee. In connection with the Optional Protocol, he said that the five members of the Working Group on Communications, which met for 10 days a year, represented the five major regions of the globe. A rapporteur, preferably one familiar with the language of the communication, was appointed for each communication, and he or she, drawing on the full case file, worked closely with a member of the Petitions Unit to produce a draft decision. The Working Group discussed the draft before submitting it for adoption to the full Committee. All Committee members had access to the case file.

40. He did not have the exact figures to hand, but about half of the communications concerned countries in Western Europe. There were also communications involving Canada and countries in Latin America and Eastern Europe. There were relatively few from countries in Asia and Africa. It was possible that communications from countries in Western Europe found their way to the Committee more easily as a result of that region's strong human rights culture.

41. **The Chair** said that Mr. Bruun was only the third man to be a member of the Committee since its inception. She agreed that the treaty bodies should strive for gender parity and urged States parties to bear in mind the importance of that goal.

42. **Ms. Gabr** said that the Committee did not have the resources to ensure that its general recommendations received the necessary publicity. She asked States parties to keep in mind that the Committee's work on general recommendations was an integral part of efforts to raise awareness of the Convention. National machinery for the advancement of women played an important role in the follow-up to the Committee's concluding observations. For that reason, the Committee always recommended that it should be

provided with the necessary resources. Officials beginning to suffer from human-rights fatigue should be aware that the Committee's purpose was not to criticize States parties but to help them improve the situation for women and girls under their jurisdiction.

43. **Ms. Nwankwo** said that States parties should respect the decisions that the Committee had made on communications submitted under the Optional Protocol. She noted that the Committee made efforts to commend States parties on the milestones that they had reached not only in its concluding observations but also during the constructive dialogues. Lastly, she urged the States parties that had not yet done so to ratify the amendment to article 20 of the Convention.

44. **Ms. Acosta Vargas** said that the Committee counted on the States parties not just to ensure that the Convention was translated into their national languages but also to make it accessible to persons with disabilities or people who did not know how to read. The Committee promoted respect for cultural diversity, but there was no room for any form of cultural relativism, and any harmful traditional practices that affected the rights of women and girls prompted considerable concern. Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and general comment No. 18 of the Committee on the Rights of the Child on harmful practices (CEDAW/C/GC/31-CRC/C/GC/18) dealt specifically with that issue. In general, it was not possible to impose limits on the implementation of the Convention out of concern for the survival of harmful practices with cultural roots. In that connection, the Committee welcomed the submission of shadow reports on those issues from indigenous women's groups, for example.

45. **Mr. Salama** (Director of Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, before the adoption of General Assembly resolution 68/268, the Petitions Unit had had 16 staff members. Afterwards, it had gained one temporary post and five regular posts. The number of additional staff members, however, had been based on forecasts that had underestimated the tremendous increase in the workload.

46. The staff of the Petitions Unit provided support to all the treaty bodies. No one was assigned exclusively to a particular body. The treaty bodies were expected to reach a decision on eight communications a year. Although the Committee on the Elimination of Discrimination against Women had reached the target, it had a backlog of 40 communications, which had grown as it had become more familiar with the system of submitting communications.

47. Earlier in the week, OHCHR had published a study on national mechanisms for reporting and follow-up. The purpose of the study was to help States engage effectively with international human rights mechanisms. He encouraged States parties to develop national policies on the nomination of treaty body members, as current election practices, which too often involved vote trading, tended to perpetuate gender imbalances.

48. **The Chair**, speaking in her capacity as an expert, said that although the Committee generally engaged in non-mandated activities, those activities, as with the dialogue with the members of the Committee against Torture held during the present session, generally took place on the Committee's own time and without any interpretation or other related services being provided. As a result, they did not involve the wasting of any resources. The possibility of restructuring the meeting with States parties at Headquarters in New York to make it more substantial had been raised at the most recent annual meeting of the Chairs of the human rights treaty bodies.

*The discussion covered in the summary record ended at noon.*