



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

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventh session

SUMMARY RECORD OF THE 121st MEETING

Held at Headquarters, New York,
on Friday, 26 February 1988, at 4 p.m.

Chairperson: Ms. BERNARD

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The meeting was called to order at 4.25 p.m.

ACTION TAKEN BY THE GENERAL ASSEMBLY AT ITS FORTY-SECOND SESSION ON THE ANNUAL REPORT SUBMITTED BY THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (continued)

1. The CHAIRPERSON read out the following text proposed by the Working Group:

"1. The Committee took note of General Assembly resolution 42/60 of 30 November 1987 entitled 'Convention on the Elimination of All Forms of Discrimination against Women', and in particular welcomes paragraph 3 thereof, which emphasizes 'the importance of the strictest compliance by States parties with their obligation under the Convention'.

"2. In connection with paragraph 9 of that resolution, and having considered the views expressed by delegations at the first regular session of 1987 of the Economic and Social Council and in the Third Committee of the General Assembly at its forty-second session, the Committee of independent experts wishes to clarify the context in which decision 4 was reached.

"3. It is to be recalled that the reports and replies of some States parties have referred directly or indirectly to Islamic religion, traditions and customs as a source of or an influence on laws relating to the status of women.

"4. Therefore, the Committee, in order to enable it to carry out its duties under articles 17 and 21 of the Convention, sought the studies contained in decision 4. In so doing there was no intention by the Committee to criticize any religion or State."

2. Ms. OESER said that the text of paragraph 4 differed from that adopted at the 119th meeting. The text of paragraph 4 which had been adopted at that meeting read: "Therefore, the Committee, in order to enable it to carry out its duties under articles 17 and 21 of the Convention, asked for more information. In seeking the studies, the Committee did not intend to criticize any religion or State."

3. Ms. EVATT said there had been some confusion at the 119th meeting. She felt that the text which Ms. Oeser had just read out met the concerns expressed and was generally acceptable.

4. Ms. CARON said that the Committee should find the exact text adopted at its 119th meeting.

5. Ms. NOVIKOVA said that she was not in favour of the reference to "Islamic religion" in paragraph 3.

6. The CHAIRPERSON said that, in the text, the references to the request made by the Committee had been deleted as proposed by Ms. Oeser.

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7. Ms. FORDE proposed that the text read out by the Chairperson, which met all the concerns expressed by the experts, should be adopted.
8. Ms. LAIOU-ANTONIOU supported the proposal made by Ms. Forde: the text which the Chairperson had just read out did not change anything that had been adopted by the Committee at its 119th meeting.
9. Ms. OESER said that she could accept the text of paragraph 4. The Committee, however, should be more careful in its work and should keep a record of all texts and amendments that were adopted. Similar confusion had occurred in the past and should be avoided in the future.
10. Ms. SINEGIORGIS said that she agreed with the statement made by Ms. Oeser. There should not have been any confusion about the wording of the text adopted by the Committee. The Secretariat should ensure that a record was kept of all texts and amendments to them.
11. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to adopt the text proposed by the working group.
12. It was so decided.
13. Ms. NOVIKOVA said that she was not pleased with the text adopted by the Committee. Under General Assembly resolution 42/60, the Committee had been requested to review decision 4 taking into account the views expressed by delegations in the Economic and Social Council and the General Assembly. Instead of responding constructively to that request, the Committee had obstinately reaffirmed its earlier position. CEDAW should find a new, constructive approach and should not maintain a position which had elicited a negative reaction on the part of delegations in higher bodies. She could not agree with paragraph 3 of the text adopted and reserved the right to return to decision 4 in the discussion of ways and means of implementing article 21 of the Convention.
14. Ms. TALLAWY played a tape recording of excerpts from the relevant discussion at the previous session of the Committee in order to clarify the reasons for which decision 4 had been taken.
15. The Committee's sole objective had been to obtain additional information in order to be better able to consider the reports of States parties. She had been astounded by the misunderstanding which had come about in the Economic and Social Council and the General Assembly. It was possible that certain paragraphs of the Committee's report had conveyed the wrong impression to delegations in the Council. The Committee had requested additional information in accordance with the Convention because a number of States parties had indicated in their reports that their national legislation and the social status of women in their countries had been based on or influenced by Islam.

(Ms. Tallaway)

16. The Committee, which was aware of the fact that it was not the task of CEDAW or the United Nations to interpret religious beliefs, had not criticized Islam or passed judgement on it. The experts who were not familiar with that religion had merely wished to have sufficient background information for considering the reports of States parties whose societies had been influenced by Islamic beliefs. Some of those reports did not indicate the rights and privileges which were accorded to women under Islam. In accordance with that religion, men bore the responsibility for the welfare of women and children. In divorce cases, women were given compensation, whereas men were not. Women had the right to dispose freely of their property and had full civil rights. They also retained their maiden names, which was not the case under other religions. If that situation was not reflected in the reports of States parties, the Committee would not be able to understand that inequality resulted from the fact that women had privileges which went beyond the rights laid down in article 16 of the Convention.

17. Under the Convention, the Committee could ask for information from States parties. Since, in the case in question, the information would be of relevance to many States parties, it had been thought best to conduct the study through well-known organizations familiar with the topic, such as the Organization of the Islamic Conference. It should be reiterated that the intention had been to produce a compilation of Islamic texts, not a critical study. The impression had been gained that the Committee was requesting some new interpretation of religious texts, but that was far from being the case. The fact was that Islam inspired legislation relevant to the Convention and, indeed, gave more rights to women than were available under some other religions. Somehow the Economic and Social Council had formed an erroneous impression of what was intended. It should also be noted that there had been no discord between the Committee and the representatives of Islamic States when their reports had been discussed.

ADOPTION OF THE AGENDA AND OTHER ORGANIZATIONAL MATTERS (continued)

18. Ms. EVATT said that Working Group I would soon be in a position to report on the draft agenda for the meeting of persons chairing treaty bodies, to be held at Geneva in October 1988. The question had arisen, however, of whether there was any financial provision for attendance by a representative of the Committee.

19. Ms. CREYDT (Secretary of the Committee) said that it might be possible for the Committee to use for that purpose funds saved as a result of the failure of one member to attend the current session.

20. Ms. SINEGIORGIS said that the adoption of General Assembly resolution 42/105, which referred to the meeting, meant that a budget appropriation must have been approved. The Committee should follow standard procedure and not have to devise ad hoc means of providing for representation. It appeared that the Committee was being discriminated against.

21. The CHAIRPERSON agreed that financial provision must have been made for attendance at the meeting.

22. Ms. CARON said that the Secretariat could be asked to clarify the situation.
23. Ms. CREYDT (Secretary of the Committee) said that, although it appeared that financial provision would have been made for attendance, the Committee had an obligation to keep costs to a minimum.
24. The CHAIRPERSON said that further discussion would be pointless until additional information had been obtained.

SESSIONS OF THE COMMITTEE

25. Ms. EVATT said that different views had been expressed in Working Group I on whether there should be a two-week or three-week session in 1989. Her own view was that two weeks would suffice. There was a negligible cost difference between Vienna and New York, in view of which the Committee might wish to consider the preference of States parties, since many did not maintain permanent missions in Vienna. The Committee would find it of benefit to develop closer relations with the Geneva-based human rights bodies. In particular, it would be of interest to learn of the servicing facilities available in Geneva, and the Committee should perhaps consider meeting there.
26. The CHAIRPERSON said that the Committee had final responsibility for determining the venue for its sessions, although she agreed that Vienna might pose problems for some States parties.

WAYS AND MEANS OF IMPLEMENTING ARTICLE 21 OF THE CONVENTION

27. Ms. SINEGIORGIS said that Working Group II was not yet in a position to report to the Committee.
28. Ms. GONZALEZ MARTINEZ asked the Chairperson to invite the Co-ordinator for the Improvement of the Status of Women to report on the current status of women in the Secretariat.
29. The CHAIRPERSON said that she would do so.
30. Ms. WADSTEIN said she wished to draw the Committee's attention to the suggested procedure for proposing suggestions and general recommendations, proposed by Working Group II (A/42/38, para. 56).

The meeting rose at 6 p.m.