



Convention on the Elimination  
of all Forms of Discrimination  
Against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Second session

SUMMARY RECORD OF THE 24th MEETING

Held at Headquarters, New York,  
on Thursday, 11 August 1983, at 3 p.m.

Chairperson: Ms. IDER

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Guidelines for reports by States parties (continued)

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

GUIDELINES FOR REPORTS BY STATES PARTIES (continued) (CEDAW/C/3/Rev.2)

Paragraph 3 (e)

1. The CHAIRPERSON invited the members of the Committee to resume their consideration of the draft general guidelines contained in document CEDAW/C/3/Rev.2, beginning with paragraph 3 (e), which, as agreed earlier, was to become paragraph 3 (d) in the final version.
2. Ms. BERNARD proposed the following new text for paragraph 3 (e): "The means used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all fields on a basis of equality with men;".
3. Ms. BIRYUKOVA expressed her support for the revised text.
4. Paragraph 3 (e), (new paragraph 3 (d)), as amended by Ms. Bernard, was adopted.
5. Paragraph 3, as a whole, was adopted.

Paragraph 4, chapeau

6. Ms. BIRYUKOVA proposed that the chapeau of paragraph 4 should be amended to read: "Part II should provide specific information in relation to the implementation of the preamble and each article of the Convention".
7. Mr. NORDENFELT pointed out that, although States parties to the Convention were legally bound to comply with the provisions contained in its articles, the preamble was merely an expression of a point of view and imposed no legal obligation on States parties. During the general debate on the Convention in the Third Committee of the General Assembly at its thirty-fifth session, many delegations had stated that they accepted the articles of that instrument but could not subscribe to its preamble. If the Committee should adopt the wording proposed by Ms. Biryukova, it would be forcing States parties to take on obligations that they had not assumed in ratifying the Convention.
8. Ms. SMITH agreed with Mr. Nordenfelt's legal interpretation of the matter. She also pointed out that, in preparing the draft guidelines, the Working Group had agreed to include a specific reference to the preamble of the Convention in paragraph 7, which made the amendment proposed by Ms. Biryukova unnecessary.
9. Ms. GONZALEZ MARTINEZ said that she could not support the amendment proposed by Ms. Biryukova. Paragraph 4 was intended to solicit information from States parties regarding specific measures they had taken to implement the Convention. The preamble referred to a number of broad issues, such as general and complete disarmament, for example, which could not be implemented by any single State.

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10. The members of the Working Group had noted during their consultations that it was in fact irrelevant for the Committee to request information concerning the implementation of certain articles of the Convention, such as those which defined the term "discrimination against women" and established the Committee. It would therefore be preferable for the guidelines to refer specifically to articles 5 to 16 of the Convention, which identified the measures States parties could take to eliminate discrimination against women.

11. Ms. BIRYUKOVA explained that her proposed amendment had been intended to indicate to States parties the importance of the guiding principles of the Convention, which were spelled out in the preamble. The guidelines were meant to assist States parties, not to impose obligations on them. However, she offered to modify the latter half of her proposed amendment to read "in relation to the implementation of the Convention".

12. Ms. SMITH, supported by Ms. PEYTCHEVA, said that she preferred the inclusion of a reference to specific articles of the Convention, as proposed by Ms. González Martínez.

13. Ms. NGUYEN NGOC DUNG said that it was reasonable to ask States parties to furnish the Committee with specific information regarding their implementation not only of the articles of the Convention but also of the guiding principles of the Convention as a whole. She therefore proposed that the first sentence of paragraph 4 should read: "Part II should provide specific information in relation to each article of the Convention and the guiding principles of the Convention as a whole". That wording would accommodate the objections raised by Ms. González Martínez and Mr. Nordenfelt as well as the intent of Ms. Biryukova.

14. Ms. CARON endorsed the view that the wording which the Working Group had proposed in document CEDAW/C/3/Rev.2 should be maintained. She noted that the last sentence of the preamble to the Convention stated that States parties "have agreed on the following", referring to the articles; they had not agreed to what preceded, which was the preamble. Moreover, the reference to the preamble in paragraph 7 of the draft guidelines represented a concession which had been made in the Working Group, and one that she would be disappointed to see changed.

15. Ms. MUKAYIRANGA, supported by Ms. PATIÑO DE MARTINEZ and Ms. CORTES, said she shared the views expressed by Ms. Caron. She added that the preamble referred to questions of international politics, an area which did not fall within the mandate of the Committee.

16. Ms. BIRYUKOVA said that, in a spirit of solidarity, she would accept the replacement of the phrase "each article of the Convention" with the phrase "each provision of the Convention". She felt that such wording might be more appropriate, since each article of the Convention contained several provisions.

17. Mr. NORDENFELT, supported by Ms. OESER, Ms. SMITH and Ms. GONZALEZ MARTINEZ, endorsed the wording proposed by Ms. Biryukova.

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18. Ms. OESER observed that the new wording more accurately reflected that of article 18 of the Convention, which referred to the "provisions", rather than the "articles", of that instrument.

19. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to adopt the chapeau of paragraph 4, as amended by Ms. Biryukova.

20. It was so decided.

Paragraph 4 (a)

21. Ms. MACEDO DE SHEPPARD suggested that the word "measures" should be replaced with the word "provisions", which she felt to be a more technical, and thus more appropriate, term.

22. Ms. ILIC, supported by Ms. BIRYUKOVA, Mr. NORDENFELT and Ms. SMITH, said that the amendment just proposed limited the type of information sought by the Committee, when in fact the Committee wished to know of a broad range of measures, not necessarily legislative, taken by States parties.

23. Ms. MACEDO DE SHEPPARD said she thought that other measures were sufficiently well covered by the wording of paragraph 4 (b).

24. Ms. ILIC suggested that the paragraph should be amended to read "the constitutional, legislative and administrative provisions or other measures in force".

25. Ms. MACEDO DE SHEPPARD supported the wording proposed by Ms. Ilic.

26. Paragraph 4 (a), as amended, was adopted.

Paragraph 4 (b)

27. Ms. GONZALEZ MARTINEZ proposed that the phrase "los hechos que hayan ocurrido" should be revised to read "los progresos que hayan alcanzado" in order to bring it more in line with the sense of the English version.

28. Paragraph 4 (b) was adopted.

Paragraph 4 (c)

29. Mr. NORDENFELT asked whether subparagraph (c) was intended to reflect article 4 of the Convention, which referred to "temporary special measures".

30. Ms. SMITH said that she interpreted the subparagraph as referring to other, specifically negative, restrictions.

31. Paragraph 4 (c) was adopted.

Paragraph 4 (d)

32. Ms. PATIÑO DE MARTINEZ suggested that the word "enjoyment" should be replaced by the word "exercise".

33. Mr. NORDENFELT suggested that both words might be used, since "enjoyment" was a passive concept and "exercise" an active one.

34. Ms. BIRYUKOVA agreed with Mr. Nordenfelt that the subparagraph should read "Any other factors or difficulties affecting the exercise and enjoyment of each right".

35. Paragraph 4 (d), as amended, was adopted.

Paragraph 4 (e)

36. Ms. GONZALEZ MARTINEZ said that the word "goce" in the Spanish version of subparagraph (e) did not fully render the word "fulfilment" in the English text. She suggested therefore that the words "al ejercicio y" should be inserted before the word "goce".

37. Mr. NORDENFELT suggested that the word "fulfilment" might best be rendered in the Spanish by the word "realización".

38. The CHAIRPERSON suggested that consultations should be held to determine the best Spanish rendering of the English text.

39. It was so decided.

40. Paragraph 4 (e) was adopted.

Paragraph 4 (f)

41. The CHAIRPERSON said that, as agreed earlier, paragraph 4 (f) would be taken up later, possibly as a new paragraph 6. of the draft guidelines.

42. Paragraph 4, as a whole, was adopted.

Paragraph 5

43. Ms. GONZALEZ MARTINEZ said that, in her view, paragraph 5 contained two basic ideas - the need for general information and the need for practical data on legislation - and should therefore be redrafted as follows:

"5 (a) It is recommended that States parties include in reports data on the general economic, social and political conditions existing in their countries.

"(b) It is recommended that the reports should not be confined to mere lists of legal instruments adopted in the countries concerned in recent years in

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relation to the implementation of the Convention. Where empirical data is given, a breakdown of the statistics on the category of sex should be supplied."

44. Ms. MUKAYIRANGA said that the need for information on countries' overall situation was already covered by paragraph 3 (a), to which the proposal by Ms. Gonzalez Martinez added nothing new.

45. Ms. CORTES said that paragraph 5 did not contain two ideas, only one. Moreover, any empirical data would relate to economic, political and social policies and general conditions and not to legal instruments.

46. Ms. SMITH said that paragraph 5 should be left as it was.

47. Ms. GONZALEZ MARTINEZ recalled that, when the Committee had come to analyse the reports submitted by States parties, various members had raised questions regarding the socio-political organization of reporting countries. Accordingly, it would be useful to establish a data bank on the political and social structure of each country. In some countries, for example, traditions and religious beliefs might affect the way in which certain articles of the Convention were implemented and certain social customs might appear to an outsider to be barbarous and flagrant violations of the Convention.

48. Ms. BIRYUKOVA observed that, when members of the Committee had considered the reports submitted by States parties, many of them had requested information on the actual situation regarding the practical implementation of the Convention and the progress achieved, as well as statistical data to illustrate that situation. She suggested therefore that the first sentence of paragraph 5 should be left as it was and a new second sentence inserted to the effect that all sections of countries' reports should describe the actual situation with regard to the practical implementation of the Convention. That new sentence would then be followed by the second sentence of paragraph 5 as currently drafted. The above addition would help to ensure that future reports not only provided information on any legal instruments adopted and an insight into the general economic, social and political conditions prevailing in the country concerned, but also showed how the Convention was being implemented in practice. Her suggestion was based on the guidelines adopted by other similar committees. The general guidelines adopted by the Committee on the Elimination of Racial Discrimination, for instance, contained a provision to the effect that all sections of countries' reports should describe the actual situation with regard to the practical implementation of the Convention on the Elimination of All Forms of Racial Discrimination.

49. After a brief discussion in which Ms. BERNARD, Ms. SMITH, Ms. MUKAYIRANGA, Ms. MACEDO DE SHEPPARD and Ms. EL-FETOUH took part, Ms. BERNARD, Rapporteur, suggested that a solution might be found by returning to the original drafting of paragraph 5 but adding the words "as well as data concerning these policies and conditions" at the end of the first sentence.

50. Mr. NORDENFELT proposed the following wording for the second half of the first sentence of paragraph 5: "but should also include information indicating how these legal instruments are reflected in the actual economic, political and social reality and general conditions in their countries".

51. Ms. GONZALEZ MARTINEZ said that she would not insist on her original proposal. In the light of all the amendments proposed subsequently, she would prefer to retain paragraph 5 as originally drafted. Of all the new amendments, she preferred that proposed by Mr. Nordenfelt.

52. Ms. BERNARD, Rapporteur, said that she could accept the proposal by Mr. Nordenfelt on condition that the additional phrase that she had proposed was inserted after it.

53. Ms. BIRYUKOVA said that she could support Mr. Nordenfelt's proposal as supplemented by Ms. Bernard.

54. Ms. OESER, supported by Ms. MACEDO DE SHEPPARD, proposed that the Committee adopt Mr. Nordenfelt's proposal as supplemented by Ms. Bernard.

55. Paragraph 5, as amended by Mr. Nordenfelt and Ms. Bernard, was adopted.

#### Paragraph 6

56. Ms. OESER said that she objected to the word "violations", since it might induce States parties to provide detailed information on each violation of every right in question, whereas the Committee was interested in more general information concerning major violations:

57. Ms. SMITH said that it was necessary to specify the type of violations.

58. Ms. CARON proposed that the words "incidence and frequency" should be inserted before "violations".

59. Ms. BIRYUKOVA said that priority should be given to obstacles to participation by women, so that it would be more logical to refer to such obstacles first. The paragraph should be worded: "The reports should reveal obstacles to the participation of women on an equal basis with men in the political, social, economic and cultural life of their countries which may lead to violations of the Convention, and also the type and frequency of these violations".

60. After a discussion in which Ms. REGENT-LECHOWICZ, Ms. EL-FETOUH, Ms. MUKAYIRANGA, Mr. NORDENFELT, Ms. CARON, Ms. MACEDO DE SHEPPARD, Ms. SMITH, Ms. OESER and Ms. BERNARD took part, the CHAIRPERSON said that the Committee would suspend its deliberations while a compromise text was drafted.

61. The meeting was suspended at 5.10 p.m. and resumed at 5.40 p.m..

62. Ms. BERNARD, Rapporteur, said that the experts concerned had agreed to the following wording for paragraph 6: "The reports should reveal obstacles to the participation of women on an equal basis with men in the political, social, economic and cultural life of their countries, and give information on the types and frequency of cases of non-compliance with the principles of equal rights."

63. Paragraph 6, as amended, was adopted.

Paragraph 7

64. Ms. CARON said that paragraph 7 had given rise to a lengthy debate in the Working Group, since some experts had felt that no reference should be made to the preamble while others had taken the opposite viewpoint. The debate had been difficult, in view of which she urged the Committee to adopt the paragraph as it was.

65. Ms. MACEDO DE SHEPPARD said that there had clearly been no reconciliation of the two positions, since, in fact, there was a reference to the preamble, which meant that one viewpoint had prevailed. The emphasis on the preamble was unfortunate and she therefore proposed that the word "special" should be deleted.

66. The CHAIRPERSON said that a compromise on paragraph 7 had been reached in the Working Group, in view of which she urged the Committee to accept paragraph 7 as it stood.

67. After a discussion in which Ms. PATIÑO DE MARTINEZ, Ms. GONZALEZ MARTINEZ, the CHAIRPERSON, Ms. MACEDO DE SHEPPARD, Ms. NGUYEN NGOC DUNG, Ms. CARON, Ms. OESER, Ms. BERNARD, Ms. EL-FETOUH, Ms. BIRYUKOVA, and Mr. NORDENFELT participated, Ms. PEYTCHEVA suggested that the beginning of paragraph 7 should be reworded so that it read: "The reports should also pay due attention to the role of women".

68. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to adopt paragraph 7, as amended by Ms. Peytcheva.

69. Paragraph 7, as amended, was adopted.

Paragraph 8

70. Paragraph 8 was adopted.

Paragraph 4 (f)

71. Ms. BERNARD, Rapporteur, suggested that paragraph 4 (f) should become paragraph 6 and that the paragraphs should be renumbered accordingly.

72. Ms. CARON, responding to a point raised by Ms. Biryukova, suggested that the beginning of the paragraph should read: "The States parties are invited to submit copies of the principal legislative, judicial, administrative and other texts referred to in the report".

73. Mr. NORDENFELT suggested that the end of the first sentence of the paragraph should be reworded to read: "so that these can be made available to the Committee".
74. The CHAIRPERSON said she took it that the Committee wished to adopt paragraph 4 (f), as amended by Ms. Caron and Mr. Nordenfelt.
75. Paragraph 4 (f) (new paragraph 6), as amended, was adopted.
76. The draft general guidelines, as amended, were adopted as a whole.

The meeting rose at 6.20 p.m.