



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

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Third session

SUMMARY RECORD OF THE 40th MEETING

Held at Headquarters, New York,
on Wednesday, 4 April 1984, at 10 a.m.

Chairperson: Ms. IDER

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The meeting was called to order at 10.30 a.m.

ORGANIZATIONAL MATTERS (continued)

1. The CHAIRPERSON invited the Committee to comment on the proposal made previously by Ms. Gonzalez Martinez that the introductory statements made by representatives of States parties at the time the Committee considered their reports should be annexed to the reports in the Secretariat files.
2. Ms. JERYASINGHE, supported by Ms. MACEDO de SHEPPARD, Ms. SALEMA, Ms. REGENT-LECHOWICZ, Ms. EL-FETOUH, Ms. VELIZ de VILLAVILLA, Ms. OESER, Ms. BERNARD, Ms. LAMM, Ms. GUAN Mingqian, Ms. CORTES, Ms. SMITH and Ms. BERYUKOVA, agreed that it would be extremely useful to keep copies of those introductory statements in the files since they invariably provided much valuable background and up-to-date statistical information not contained in the reports themselves.
3. Ms. SALEMA asked what the procedure would be if the representative of a State party did not come to the meeting with a copy in writing of the introductory statement.
4. Ms. EL-FETOUH suggested that the Secretariat could transcribe the statements from the tapes of the meetings.
5. Ms. REGENT-LECHOWICZ, supported by Ms. VELIZ de VILLAVILLA and Ms. OESER, asked who would take responsibility for translating the introductory statements for the files, the Governments themselves or the Secretariat.
6. Ms. SELLAMI-MESLEM (Representative of the Secretary-General) pointed out that while the tapes of the meetings and the notes of the précis-writers were of course available, the transcription, typing and translation of the introductory statements would have financial implications for which no provision had been made in the budget.
7. Ms. GONZALEZ-MARTINEZ recalled her earlier proposal that copies of the oral replies of the representatives of States parties to the Committee's questions, which were often illuminating, should be included in the files as well.
8. Ms. VELIZ de VILLAVILLA, Ms. OESER, Ms. GUAN Mingqian, Ms. CORTES agreed that the replies of the representatives of the States parties should also be put in writing and included in the files.
9. Ms. BERNARD, Rapporteur, said that the Committee should bear in mind the additional burden that would be placed on the Secretariat in cases where the representatives of States parties did not supply copies of their introductory statements in writing.
10. The Committee could alert the States parties in advance to send their representatives to the meeting with a written copy of their oral statement in one of the working languages, which the Secretariat could later translate if necessary.

11. Ms. CORTES suggested that the States parties could also be asked to make their representatives' replies to Committee questions available later in written form.
12. Ms. GUAN Mingqian said that Governments should be responsible for submitting written copies of their representatives' introductory statements and replies to the Committee, and that translation should be left to the Secretariat.
13. Ms. SMITH, supported by Ms. SALEMA, Ms. REGENT-LECHOWICZ, and Ms. BIRYUKOVA, said that the Committee had no authority to compel States parties to submit their representatives' introductory statement in writing in advance, nor was that desirable.
14. Ms. SALEMA said that, at most, the Committee could ask States parties to submit a written copy of their representatives' introductory remarks at a later stage.
15. Ms. REGENT-LECHOWICZ, supported by Ms. JERYASINGHE, Ms. GONZALEZ MARTINEZ, and Ms. BIRYUKOVA, proposed that the Committee should invite States parties to submit a written copy of the oral report by their representatives in one working language. States parties could not be required, but could only be requested, to do so through the Secretariat. The Secretariat would have to determine whether the budget allowed for translation into all languages.
16. Ms. BIRYUKOVA said that the Committee must proceed on the assumption that there were no additional resources available for translation and that copies in one working language would have to suffice.
17. Ms. LAMM said that the question under discussion involved the more basic problem of the disproportion between the reports of the States parties and the introductory statements by their representatives, which frequently contained more information than the reports themselves. As a result the Committee was handicapped by its inability to review the new material beforehand.
18. Ms. CORTES said that compliance with the Committee's new guidelines should remedy that situation in the future.
19. Ms. GUAN Mingqian added that the country reports were often submitted a year before they were considered by the Committee, necessitating the oral presentation of updated material.
20. Ms. SMITH said that the ideal situation would be to have all relevant factual information in the reports themselves. To compensate for any time lapse, the States parties could submit a brief addendum to the reports to update the facts.
21. Ms. BIRYUKOVA said that even with a one- or two-year time lapse, the situation described in a country report would not have changed radically. The new guidelines would henceforth ensure that States parties included in the reports all the necessary information on legislation and all the facts on the situation in a given country.

22. The CHAIRPERSON said that she would take it, if she heard no objection, that the Committee agreed that a written copy of the introductory statement by the representative of each State party should be annexed to its report, and that it should be left to the Secretariat to translate those written statements into the working languages of the Committee.

23. Ms. GONZALEZ MARTINEZ said that it should be made clear that the Committee specifically decided that States parties were to be asked through the Secretariat to make a written copy available in one of the working languages at or after the relevant meeting.

24. Ms. BIRYUKOVA objected to the reference to translation into the working languages because of the financial implications.

25. Ms. ILIĆ said that the Committee should make arrangements for what was, in fact, only a transitional problem. If the new guidelines were followed and the Committee received better and more complete reports, the introductory statements by the representatives of States parties would become mere formalities and having copies of them in the files would no longer be an issue.

26. The Committee should not take a decision with financial implications that had to be submitted to the Economic and Social Council. It should simply decide to advise States parties through the Secretariat that copies of the introductory statements of their representatives should be submitted in writing, preferably in English, Spanish or French since all the Committee members could read one of those languages.

27. The CHAIRPERSON said that she would take it that the Committee concurred in that suggestion and agreed to leave it to the Secretariat to decide on the translation of the written statements within the limitations of the budget.

28. It was so decided.

29. The CHAIRPERSON said that, in response to the Committee's request, the Office of Legal Affairs had transmitted an opinion on the Committee's responsibility for implementing the provision in article 28, paragraph 2 that "a reservation incompatible with the object and purpose of the Convention shall not be permitted".

30. Ms. CREYDT (Secretary of the Committee) read out the opinion. In it, the Office of Legal Affairs pointed out that the Convention did not offer any specific criterion of incompatibility. If a dispute arose with regard to the interpretation of article 28, article 29 would become applicable. The depositary, who was the Secretary-General, did not have the power to interpret the Convention, although he would certainly refer to the parties any matter that needed to be settled in order to enable him to discharge his functions. Article 28, paragraph 1 of the Convention made it quite clear that the depositary must receive and circulate the texts of reservations. According to article 17, the Committee had been established for the purpose of considering the progress made in the implementation of the

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Convention, and in pursuance of article 21 it was to report annually to the General Assembly on its activities and could make suggestions and general recommendations based on the examination of reports and information received from States parties. The Committee's functions thus did not appear to include the determination of the incompatibility of reservations, although such reservations undoubtedly affected the implementation of the Convention, and the Committee might have to comment on them in its reports.

31. Ms. ILIĆ, supported by Ms. NGUYEN NGOC DUNG, requested that copies of the legal opinion be distributed to members of the Committee.

32. Ms. BIRYUKOVA, supported by Ms. CARON, Mr. NORDENFELT, Ms. GONZALEZ MARTINEZ and Ms. SMITH, suggested that the legal opinion, which made it clear that it was not the Committee's responsibility to decide whether reservations were compatible with the purpose and object of the Convention, be incorporated into the Committee's report for future reference.

33. Ms. BERNARD said that in her view the opinion of the Office of Legal Affairs shed no new light on the question and should not be included in the Committee's report.

34. Ms. SELLAMI-MESLEM (Representative of the Secretary-General) said that in order for the Committee to acquire a fuller understanding of how the Convention should be implemented, it might study the Vienna Convention on the Law of Treaties and other international conventions. The question whether reservations made by States parties prejudiced the implementation of the Convention was a serious matter and should be given careful consideration at a much later stage in the Committee's work.

35. Ms. ILIĆ, Ms. OESER and Ms. REGENT-LECHOWICZ agreed with that point of view.

36. Ms. CARON, supported by Ms. MUKAYIRANGA, said that she disagreed with the representative of the Secretary-General that the subject should be discussed at a later stage. The number of States parties to the Convention had rapidly climbed to 56, and an increasing number of reservations were being made. The legal opinion the Committee had just heard provided no guidance regarding who was to determine the compatibility of a reservation with the purpose and object of the Convention. The Committee should consider making a suggestion on that matter for consideration by the General Assembly.

37. Ms. LAMM said that States had the right to raise objections to reservations made by other States parties. Information on any such objections, and on the reservations themselves, should be annexed to initial reports.

38. Ms. OESER, supported by Ms. EL-FETOUH, suggested that the Committee postpone its consideration of its duties and functions under article 21 of the Convention. She endorsed Ms. Lamm's proposal that the Committee's reports should be supplemented by information on reservations made by States parties and on objections, if any, raised by other States parties.

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39. The CHAIRPERSON said that she had been informed by the Secretariat that no objections to reservations had been raised thus far. She would therefore take it that the Committee wished to adopt the proposal that information on reservations and objections to those reservations be annexed to the initial reports of States parties.

40. It was so decided.

41. The CHAIRPERSON asked whether the Committee agreed to the suggestion that the legal opinion should be included in its report.

42. Ms. BERNARD said that she supported the suggestion. While she agreed with Ms. Caron that a decision should be taken with regard to reservations, the Committee apparently had no power to decide whether or not reservations were compatible with the Convention. She suggested therefore that the Committee should also include in its report a recommendation that the Convention be revised along the lines of article 20 of the Convention on the Elimination of All Forms of Racial Discrimination, which sought to define incompatibility.

43. Ms. NGOC DUNG said that she would like to see a definite proposal that the agenda for the Committee's fourth session should include an item devoted specifically to that issue.

44. Mr. NORDENFELT drew the Committee's attention to article 26 of the Convention, which described the procedure for revising that instrument. If the Committee saw fit, it might include in its report a recommendation that the Convention be revised. The actual request for revision must come from a State party, however.

45. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee decided to include the legal opinion in its report.

46. It was so decided.

47. The CHAIRPERSON, turning to the question of the Committee's future work, recalled that at the opening of the current session the Under-Secretary-General for International Economic and Social Affairs had indicated that 20 reports had been received from States parties thus far and had suggested that, at its fourth session, the Committee should take up the reports of Austria, Bulgaria, Canada, El Salvador, Mongolia and Yugoslavia. Since the report of Panama had not been considered at the current session, at the request of that country, it too could be taken up at the fourth session. In the light of the experience gained at the second and third sessions, she questioned whether the Committee would be able to consider all seven reports.

48. Ms. SALEMA asked why the report of Portugal had not been included in the list of reports to be considered at the fourth session. That report had been submitted in November 1983 and had been received on the same day as the report of Mongolia. It had been prepared in 1982 and might prove out of date if it was considered only in 1986.

49. Ms. ILIĆ suggested that, if any of the seven countries mentioned preferred to present their reports in New York, rather than incur the expense of sending representatives to Vienna, a reserve list of European countries whose reports were also pending might be established since those countries were likely to have a preference for Vienna over New York.

50. The CHAIRPERSON observed that Mongolia would prefer that its report be considered at the Committee's fifth session in New York.

51. Ms. CARON agreed that initial reports submitted by States parties some time previously must be considered at the fourth session. Canada's was one such report and, if it was not considered until 1986, that date would almost coincide with the time of submission of Canada's second report. She stressed that if the Committee exerted every effort to streamline its procedures and adopted guidelines to that end, it would not have to devote so much time to procedural debate at the fourth session and would be perfectly capable of dealing with seven reports. In future years, many countries would be ratifying the Convention and submitting reports and a backlog might be built up, if the Committee failed to expedite its work; indeed, initial and second reports might have to be considered simultaneously. The Committee must consider how best to ensure that it dealt with at least seven reports at its fourth session.

52. The CHAIRPERSON suggested that the Committee should decide to consider reports first on the basis of the order in which they had been received, and secondly on the basis of countries' preference for presenting their reports at Vienna or in New York. The Secretariat could draw up the list of reports to be considered at the fourth session in accordance with those criteria.

53. Ms. OESER said that, while she agreed with the procedure suggested by the Chairperson, for the purposes of comparison the Committee should also attempt, at each session, to consider reports from different parts of the world. Although preference for Vienna or New York might be legitimately based on financial considerations, it should not preclude consideration of a wide variety of reports which reflected the diverse nature of the problems facing women in different cultures and different regions.

54. While the time lapse between the submission and consideration of reports was regrettable, it was due largely to the fact that the Committee held only one two-week session each year. A maximum of six reports at each session might be desirable in order to leave the Committee sufficient time for an in-depth discussion of the suggestions and general recommendations referred to in article 21 of the Convention.

55. Ms. GONZALEZ MARTINEZ endorsed the Chairperson's suggestions. The Committee should have no difficulty in considering the seven pending reports at its fourth session; that number excluded the report of Mongolia which had expressed a preference for presenting its report in New York.

56. Ms. CORTES observed that, while only eight reports were pending at the present time, additional reports would be submitted before the fourth session. The Committee might find itself so overburdened with reports that States parties' second reports might be submitted before their initial reports were considered. If that situation arose, would the Committee consider both reports at the same time? She agreed with Ms. Oeser that the Committee should also take into account the desirability, for purposes of comparison, of considering reports from different parts of the world and from countries with different levels of development at its fourth session.

57. Ms. REGENT-LECHOWICZ asked how many reports were considered annually by bodies such as the Human Rights Committee, which held two or more annual sessions. It seemed to her unrealistic to attempt to consider seven reports at a single session. If they were to be considered in depth, the maximum should be five per session. While she agreed that States parties should be able to voice a preference for presenting their reports at Vienna or in New York, she agreed with Ms. Oeser's implication that it was not advisable to group all the European reports together at one session. The experience of the second and third sessions had shown the value of considering reports from different regions and from countries with different economic and social systems.

58. The CHAIRPERSON informed Ms. Regent-Lechowicz that the Human Rights Committee considered no more than four reports at its annual sessions. The work of that Committee could not, however, be compared with the work of the Committee on the Elimination of Discrimination against Women.

59. Ms. BERNARD expressed the view that the Committee should not consider more than seven reports at Vienna. If Portugal wished to present its report at Vienna, it should be given priority. Clearly, some kind of balance must be established between the need to consider reports from different geographical regions and the preference of States parties for presenting them at Vienna or in New York.

60. Ms. CREYDT (Secretary of the Committee) informed Ms. Salema that a decision had not been taken on Portugal's report because the Secretariat had not yet received the revision promised by the Portuguese Government.

61. Ms. MACEDO de SHEPPARD maintained that reports must be given priority in accordance with the dates on which they had been submitted. It had also been recommended, however, that the Committee should attempt to consider reports from a variety of regions. Finally, States should be able to voice a preference for presenting their reports either at Vienna or in New York. The Committee must establish some order of priorities among those criteria if it was to avoid conflicts in the future.

62. She questioned the necessity for deciding at the present stage how many reports the Committee should consider at its fourth session. The Committee ought to be flexible, for it was impossible to judge in advance how long a report would take to consider and the Committee must leave sufficient time to consider its own annual report.

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63. She was also concerned that failure to consider initial reports expeditiously might mean that they were eventually considered in conjunction with second reports, thus covering a four-year period in which changes of Government and radical changes of policy might have occurred in the country concerned. There might be a case for changing the Committee's methodology: for instance, States parties might submit their reports at longer intervals or the Committee might hold extended or additional sessions.

64. Ms. ILIĆ said that the Committee should consider a maximum of six or seven reports at its next session. She would be reluctant to consider two reports of the same State party simultaneously. She did not believe that the Committee could extend its sessions. On the other hand, it could consider holding three meetings a day instead of two.

65. Ms. CARON said that consideration of the report submitted by the Government of Canada would not require an inordinate amount of time since the report had been prepared in accordance with the guidelines and should not give rise to many questions. While at some point it might become necessary to request that the sessions should be extended, the Committee should first make every effort to complete consideration of the reports submitted to it in the time allotted to it. At the fourth session, the Committee should try to deal with the seven reports awaiting consideration, leaving aside the report of the Government of Mongolia, which it would take up at its session in New York.

66. Ms. SALEMA said that she assumed that the Government of Portugal wished to submit another report in order to comply with the Committee's guidelines.

67. The Committee should make an effort to consider the eight remaining reports. If that was not possible, it should adopt the approach suggested by Ms. Bernard.

68. Ms. PEYTCHEVA observed that all the reports submitted thus far had been prepared without the benefit of the Committee's guidelines.

69. The Committee should be flexible and entrust the Secretariat with the task of adopting a decision on how many and which reports should be considered at the following session, in accordance with the criteria referred to earlier by the Chairperson. She wished to draw attention to the fact that the question of elections would also be on the agenda.

70. Ms. SMITH agreed that the Committee should leave it to the Secretariat to decide which reports should be considered at the next session. It should consider no more than six or seven reports and should not request an extension of the third session.

71. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to consider six or seven reports at its fourth session and that it would leave it to the Secretariat to decide which reports should be considered in accordance with the criteria to which she had referred earlier in the meeting.

72. It was so decided.

The meeting rose at 12.55 p.m.