



Convention on the Elimination  
of All Forms of Discrimination  
against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighth session

SUMMARY RECORD OF THE 149th MEETING

Held at the Vienna International Centre, Vienna,  
on Friday, 3 March 1989, at 9 30 a m

Chairperson Ms EVATT

later Ms PILATAXI de ARENAS

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The meeting was called to order at 10 a m

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

Report of Working Group II (continued) (CEDAW/C/CRP 5/Rev 3)

Draft general recommendation 5

1 Ms SCHÖPP-SCHILLING, introducing her proposal - circulated to members of the Committee - for amendment of draft general recommendation 5, said that the original text had been redrafted in the light of information received from the International Labour Organisation (ILO) regarding ILO Convention No 100 concerning Equal Remuneration for Women and Men Workers for Work of Equal Value. In many countries there existed a sex-segregated labour market, female workers being by tradition concentrated in certain employment sectors where the pay tended to be lower than in the sectors where male workers predominated. The issue was not simply how to achieve equal pay for equal work, but rather how to make a comparison between the different types of work done in the different sectors, with different pay scales, by men and women respectively. In other words, there was need for new job evaluation systems based on gender-neutral criteria.

2 Although the amended recommendation was chiefly concerned with the situation in the developed countries, she hoped that experts from the developing countries too would be able to support it.

3 Ms CORTI recalled that one of the reasons why consideration of draft general recommendation 5 had been postponed until the present session was that it had been deemed insufficiently relevant to the developing countries. In the revised form proposed in Ms Schopp-Schilling's amendment, the recommendation was more universally applicable, and she therefore supported the new text.

4. Ms LAIOU ANTONIOU also supported the amended draft recommendation, which she did not think should present any difficulties for the developing countries, of which there were a considerable number among the 108 States which had ratified ILO Convention No 100. Adoption of the recommendation would reinforce ILO's efforts to extend the application of its Convention No 100, and would also provide a valuable opportunity for the Committee to increase its collaboration with the specialized agencies.

5. Ms BERNARD also supported the amended draft recommendation, which she considered just as relevant to the developing countries as to the industrialized countries. Throughout the world, certain jobs tended to be designated as "women's work" although they involved the same physical effort as jobs done by men, and if a proper value was to be placed on that work, effective job evaluation systems were essential.

6 Ms ALFONSIN de FASAN said women of the developing countries were particularly vulnerable where the issue of equal pay was concerned. She too supported the amended draft recommendation, but urged that clear guidelines be laid down for the studies called for.

7 Ms OESER supported the amended draft recommendation in principle, but considered the fourth preambular paragraph inappropriate as it seemed to imply some criticism of the Convention on the Elimination of All Forms of Discrimination against Women. She proposed that that paragraph should be deleted, and that an

(Ms Oeser)

addition be made to the third preambular paragraph along the following lines  
" and to overcome the sex-segregated labour market"

8 With regard to the operative paragraph of the draft recommendation, she believed the Committee should not call for the creation of implementation machinery before the proposed studies of job evaluation systems had been completed Subparagraph (c) should therefore be deleted, and the phrase "and report to the Committee on the results reached" should be added to subparagraph (b)

9 Ms SAJOGYO endorsed the amended draft recommendation Subparagraph (b) would be valuable, in her view, as an encouragement to policy-makers to take action in initiating studies of job evaluation systems

10 Ms GONZALEZ MARTINEZ said that although in her view the draft recommendation was relevant only to women of more developed countries, the Committee should not draw any distinctions where women's problems were concerned, but should rather seek to find solutions to those problems wherever they existed She was in favour of helping to promote ratification of ILO Convention No 100 and also of urging States to undertake the study and development of job evaluation systems

11 She shared Ms Oeser's view that the fourth preambular paragraph was too negative in tone the recommendation should be as positive as possible where the Convention was concerned The text of subparagraph (c) of the operative part should be amended to take account of the fact that collective agreements did not exist in many countries which were parties to the Convention

12 Ms PILATAXI de ARENAS considered the recommendation applicable to all countries, developed and developing alike in fact, it was even more important that the developing countries should concern themselves with the issue involved

13 She agreed that the wording of the preamble should be amended to convey a more positive impression Regarding subparagraph (a), she was not sure that it was appropriate for the Committee to call on States parties to the Convention to ratify an ILO Convention it was rather for ILO itself to do so Not all countries made provision in their Labour Codes for collective agreements, and it would therefore be better to delete subparagraph (c)

14 Ms FENGER-MÖLLER, for her part, thought the Committee was entitled to refer to a convention of another organization of the United Nations system Subparagraph (a) should therefore be retained It would also be preferable to retain subparagraph (c), to cover the case of countries in which there were collective agreements A distinction could perhaps be made in that paragraph between support for creation of implementation machineries and efforts by partners in collective agreements to ensure application of equal pay

15 Ms TALLAWY suggested that subparagraph (a) should be redrafted along the following lines "In order to implement the Convention on the Elimination of All Forms of Discrimination against Women, especially the right to equal pay, the Committee recommends that ILO Convention No 100 should be adhered to"

16 Ms OESER proposed that a small working group composed of Ms Schopp-Schilling, Ms Bernard and herself should meet to prepare, in the light of the discussion, a revised text of draft general recommendation 5

17. It was so decided

18 The CHAIRPERSON took note of a suggestion by Ms LAIOU ANTONIOU that a letter of thanks be sent to ILO for the information it had communicated to the Committee

Draft general recommendation 6

19 The CHAIRPERSON drew attention to her proposal - circulated to members of the Committee - related to draft general recommendation 6

20 Ms GONZALEZ MARTINEZ said that the amendment proposed by the Chairperson did not constitute a recommendation, it was rather a statement for inclusion in the Committee's report. She did not consider it appropriate for the Committee to make any recommendation on such a delicate subject, especially when it had not yet studied the subject in depth. Moreover, the subject was already being considered by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, a body with a large number of women members and with which the Committee had a working relationship. For the Committee to make a recommendation of its own could be damaging to its image in the eyes of the General Assembly and the United Nations at large.

21 The CHAIRPERSON explained that her proposal was for the inclusion, in the Committee's report, of a paragraph on the lines of the text she had submitted.

22 Ms SINEGIORGIS endorsed the wording proposed by the Chairperson, on the understanding that the matter would be kept in abeyance until the Committee's ninth session. At that juncture, the report on traditional practices being prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be available, and the Committee could then decide what kind of recommendation to adopt. She believed it was the forty-first session of the Commission on Human Rights that should be referred to in the proposed paragraph.

23 Ms LAIOU ANTONIOU, speaking as the Chairperson of Working Group II, said that the Working Group had considered recommending further action by the Committee but had finally decided to propose only the adoption of draft general recommendation 6, contained in CEDAW/C/CRP 5/Rev 3.

24 Speaking as a member of the Committee, she urged the Committee to adopt that text without amendment, for the sake of women's health in a number of countries where female circumcision - a crime against women - was regularly practised. Further studies of the subject would merely furnish additional data relating to the phenomenon.

25 Ms SOUMARE agreed with the previous speaker. Since 1987, when she had herself protested against the adoption of a recommendation on traditional practices, attitudes in a number of African countries had evolved. The Committee must take a strong stand on the subject. Whatever wording it decided upon, the reference to article 12 of the Convention must be retained.

26 Ms GONZALEZ MARTINEZ acknowledged that it had been agreed in Working Group II that female circumcision was injurious to the health of women and mothers. However, she was concerned with the image of the Committee in the eyes of the Economic and Social Council and the General Assembly. She drew attention to the fact that the Sub-Commission on Prevention of Discrimination and Protection of Minorities had dealt with the subject of female circumcision in reports in 1985.

(Ms. Gonzalez Martinez)

and 1987. Those reports had dealt with all aspects of the question and had reflected the expert views of doctors, sociologists and anthropologists. Were the Committee now to call for further studies of "traditional practices", it would give the impression of being ignorant of existing documentation on the subject. An earlier request by the Committee for a study of another subject had given rise to considerable controversy and to the voicing of criticism by certain countries in the General Assembly. In the present circumstances, she felt all the Committee could do was to state its concern. It should refrain from calling on States parties to eliminate the traditional practices in question until the report on the subject by the Sub-Commission on Prevention of Discrimination and Protection of Minorities was available.

27. Ms. GUAN Minqian, referring to the language of draft general recommendation 6, asked whether it would be sufficiently clear which "traditional practices" were meant. She agreed with the Chairperson that it was preferable to defer further consideration of the question for the present.

28. Ms. TALLAWY said that the text proposed by the Chairperson was not a recommendation, it was a substitute for one. The Committee must decide which text it preferred. She recalled that the question of female circumcision had been discussed at the Committee's seventh session, but no recommendation had been adopted, the Committee had decided to defer the matter until the current session. Draft general recommendation 6 was wholly reasonable, but it might be wiser again to defer consideration of the question until the report of the Sub-Commission of the Commission on Human Rights was available. She proposed that the text submitted by the Chairperson should be amended accordingly.

29. Regarding the reference made by Ms. Gonzalez Martinez to past criticism of the Committee for its call for study of another matter, she felt that such criticism was inevitable. The Committee's decisions were invariably treated with scant respect by other United Nations bodies, simply because it was a committee dealing with women's issues. She recalled that the Economic and Social Council had denied a request from the Commission on the Status of Women for an increase in the membership of the Committee, whereas similar requests from functional bodies had been approved. There were political factors at work, arising from the situation in certain countries. The United States of America, for instance, had objected to the holding of a conference on women in 1990. Such factors must not be allowed to prevent the Committee from fulfilling its functions.

30. The CHAIRPERSON said that, in her view, the Committee should never be dissuaded, through fear of criticism by other bodies, from a course of action it felt was correct. Regarding the issue of female circumcision, she thought it best not to take any decision until the next session of the Committee.

31. Ms. OESER said that the members of the Committee were in agreement that something must be done about "traditional practices", but did not agree on the course to follow. A decision must, however, be made now between two alternatives. The Committee could adopt draft general recommendation 6 prepared by Working Group II, which was admittedly rather brief, or it could include in its report, as an item dealt with by Working Group II, a paragraph on the lines suggested by the Chairperson. She preferred the second alternative.

32 The CHAIRPERSON said that it would be useful for the Committee to request communication to its members of the Sub-Commission's report on traditional practices. It was clear that no agreement could be reached on a recommendation at present and she therefore suggested that further discussion of the question should be deferred until the next session.

33. Ms FORDE supported that suggestion.

34 Ms CORTI wondered if damage to the Committee's image had not already been done. Had not two draft recommendations been published after the previous session of the Committee?

35 The CHAIRPERSON said that only the titles, and not the text, of the recommendations had been reproduced.

36 Ms BERNARD supported the suggestion that further discussion should be deferred, for the reasons given by Ms Gonzalez Martinez. In mentioning the subject in its report the Committee should, in her view, refer only to "harmful traditional practices".

37 Ms SCHÖPP-SCHILLING agreed to postponement of further discussion of the draft recommendation, but would prefer to see the words "injurious to the health of mothers and children" used in the Committee's report.

38 The CHAIRPERSON, supported by Ms AKAMATSU, suggested that the Sub-Commission's formula "traditional practices affecting the health of women and children" should be used by the Committee in its report.

39 Ms SOUMARE said that the word "harmful" was important. For her Government to heed any recommendation, it would have to be made clear that the practices referred to were injurious to health.

40 Ms LAIOU ANTONIOU found it objectionable that the Committee should be afraid of upsetting the Economic and Social Council. In her view female circumcision should not be conflated with other harmful traditional practices. In that connection, she drew attention to the fact that the Sub-Commission had referred to traditional practices harmful to the health of women and children and which violated their rights. In her view the Committee, being composed entirely of women, was eminently qualified to answer the call by the Inter-African Women's Association, which had demanded that action be taken to stop the practice under discussion.

41 The CHAIRPERSON, supported by Ms FORDE, agreed that the Committee should perhaps be the first to speak out on the subject, but suggested that its voice might be stronger when its members had taken cognizance of all the available documentation concerning it.

42 Ms TALLAWY said that she agreed with Ms Gonzalez Martinez's comments on the question of female circumcision. She suggested, however, that members of the Committee should take the question up with their own Government and let it know of the Committee's concern, not only about the traditional practices under discussion, but about all aspects of women's affairs. The Committee had taken steps to enhance its status and its voice was beginning to be heard. It should perhaps now be heard on the question of female circumcision and the uneasy atmosphere prevailing in the Economic and Social Council and the General Assembly on that subject.

43 Ms CORTI suggested that some member of the Committee should undertake the task of familiarizing herself with all aspects of the question and, in the light of her greater knowledge, make recommendations to the Committee Any recommendation of the Committee itself must be drafted with extreme care

44. Ms TALLAWY said that the paragraph to be included in the Committee's report should indicate that the Committee had discussed the subject and regarded it as having special priority

45 The CHAIRPERSON proposed that the opening of the paragraph for inclusion in the Committee's report should read "The Committee expressed its concern about traditional practices affecting the health of mothers and children and regarded it as a priority matter The matter had been discussed by the Committee at its seventh session and at its eighth session " The remainder of the paragraph could be along the lines which she had proposed in the text which she had circulated earlier to members of the Committee

46. Ms TALLAWY suggested that the word "continuing" should be inserted before the word "concern" in the Chairperson's revised text

47. The CHAIRPERSON approved that addition She noted that some members of the Committee had doubts about the wisdom of postponing further discussion of draft general recommendation 6 for the present She asked if deferral would be acceptable to them on the understanding that their doubts would be reflected in the report of the Committee

48 It was so agreed

49 The CHAIRPERSON asked if the Committee agreed to the inclusion in its report of the revised paragraph which she had proposed

50 It was so agreed

Draft general recommendation 5 (continued)

51 The CHAIRPERSON drew the Committee's attention to a revised version of draft general recommendation 5 which was the result of consultations among members The revised version consisted of the text introduced by Ms Schopp-Schilling, at the beginning of the meeting, with the incorporation of the following changes the second preambular paragraph to begin "Recalling also that ", the third preambular paragraph to end with the words "the gender-segregated labour market," the introductory part of the operative paragraph to end with a colon, subparagraph (a) to end with the words "those States parties which have not ratified the ILO Convention No 100 be encouraged to do so," subparagraph (b) to end with the words "and that they include the results in their reports to the Committee on the Elimination of Discrimination against Women,"

52. The revised version of draft general recommendation 5 was adopted

Draft decision 1

53 The CHAIRPERSON invited the Committee to consider draft decision 1 submitted by Working Group II She suggested that the word "domestic" before the word "violence" should be deleted

54. Ms SINEGIORGIS proposed that the words "domestic violence" be replaced by "violence against women" and that the words "individual members of" be deleted. She asked what was meant by the words "geographical study".

55. Ms BERNARD said that the intention had been that the Committee should be able to inform itself on regional patterns in violence against women, in order to see how cultural patterns affected the phenomenon. It would then be able to compare and contrast those patterns between regions.

56. Ms SCHÖPP-SCHILLING said the idea put forward in the draft decision was sound, but she did not see who would be able to carry out such a study and how the study would be funded?

57. Ms BERNARD said that the intention had been that members of the Committee would gather information from their own regions. No additional funds would be required.

58. Ms TALLAWY recognized the importance of the question but thought it was too much to ask of individual members of the Committee that they should carry out the study, follow it up and contribute information, especially as the phenomenon of violence had been discussed in other forums and remained on the agenda of other bodies. She suggested that the Secretariat be requested to undertake a compilation of existing documentation on the subject for the benefit of the Committee.

59. Ms BERNARD proposed that draft decision 1 should be amended to read

"The Committee on the Elimination of Discrimination against Women having regard to the increase in violence against women in several countries and to the lack of information on the subject, agreed that the Secretariat of the Division for the Advancement of Women supply members of the Committee with such information on the subject as is available, as well as information on the reasons therefor."

60. Ms BERNARD's amendment was adopted

61. Draft decision 1, as amended, was adopted

#### ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (continued)

62. The CHAIRPERSON announced that agreement had been reached on the following membership for the pre-session working group: Ms Tallawy, member, and Ms Ukeje, alternate, to represent Africa; Ms Corti, member, and Ms Schopp-Schilling, alternate, to represent western Europe; Ms Novikova, member, and Ms Oeser, alternate, to represent eastern Europe; Ms Guan Mingqian, member, and Ms Akamatsu, alternate, to represent Asia; and Ms Gonzalez Martinez, member, and Ms Forde, alternate, to represent Latin America and the Caribbean.

63. Ms LIAOU-ANTONIOU inquired how the membership had been decided on.

64. The CHAIRPERSON replied that the members of the groups of countries concerned had consulted and informed her of the results.

65. Ms LIAOU ANTONIOU drew attention to the fact that she had not been consulted. She was not happy about a decision taken in such a manner and hoped that more care would be taken in future.



66 The CHAIRPERSON assured Ms Liaou Antoniou that she had taken no decision in the matter. She had merely invited the members from the different regions to discuss the matter and to communicate the names chosen to her. She suggested that any problem should be discussed by the member concerned with other members from the same region.

67 Ms Pilataxi de Arenas took the Chair

The meeting was suspended at 12 noon and resumed at 12 10 p.m.

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS EIGHTH SESSION (CEDAW/C/L 5 and Add 1 to 16)

68 The CHAIRPERSON invited the Committee to consider the draft report in document CEDAW/C/L 5 and Add 1 to 16

CEDAW/C/L 5

69 Following a brief discussion of paragraph 1, during which it was suggested that the opening line should refer to the closing date rather than to the opening date of the eighth session, the CHAIRPERSON suggested that the Secretariat should be authorized to make such alterations to the paragraph as were necessary and to make it indicate correctly the number of States parties.

70. It was so agreed

Paragraphs 2-10

71. Paragraphs 2 to 10 were adopted, subject to minor editorial amendments in paragraphs 5 and 8

Paragraph 11

72 Ms CREYDT (Secretary of the Committee) said that paragraph 11 should be completed by the addition of the following: "At the 139th meeting, on 24 February 1989, Ms Schopp-Schilling (Germany, Federal Republic of) and at the 141st meeting, on 27 February 1989, Ms Fenger-Moller (Denmark) made the solemn declaration provided for under rule 10 of the rules of procedure"

73 Paragraph 11, as completed, was adopted

Paragraph 12

74 Ms CREYDT (Secretary of the Committee) indicated that the names of the members of the Committee would appear in the appropriate order in the final version of the report.

75. Paragraph 12 was adopted on that understanding

Paragraph 13

76 Paragraph 13 was adopted

Paragraph 14

77 Paragraph 14 was adopted, with the insertion of the words "and re-elected" before "members" in item 2

The meeting rose at 12 30 p.m.