



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

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## Committee on the Elimination of Discrimination against Women Fiftieth session

### Summary record (partial)\* of the 997th meeting

Held at the Palais des Nations, Geneva, on Monday, 3 October 2011, at 10 a.m.

*Chairperson:* Ms. Pimentel

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\* No summary record was prepared for the rest of the meeting.

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

### **Opening of the session**

1. **The Chairperson** declared open the fiftieth session of the Committee.

### **Statement by the United Nations High Commissioner for Human Rights**

2. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that the current human rights and economic situation in the world affected women in particular. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had devoted considerable attention to critical country situations in the Middle East, North Africa and other parts of the world. The Human Rights Council had led global calls for accountability for gross violations of human rights and serious violations of international law by establishing international commissions of inquiry for Libya, the Syrian Arab Republic and Côte d'Ivoire. She was increasingly called upon to brief the Security Council about critical situations, most recently in the case of Libya, the Syrian Arab Republic and the Sudan.
3. As part of its response to the Arab Spring, OHCHR had established a country office in Tunisia and negotiations were under way to establish a regional office in Egypt. In both countries, women had played a pivotal role in the protests and should play a prominent role in the political transition; parity between men and women was an important factor in the development of society and democracy.
4. An increasing number of countries were requesting technical assistance from OHCHR and the Committee's recommendations were of great importance in that regard and, more generally speaking, in the work that remained to be undertaken by States parties in empowering women.
5. The President of the Human Rights Council — the first woman to hold that position — had recently highlighted the need to fight discrimination against women both in law and practice, and the Council had reiterated the importance it attached to the Committee's work. In that connection, she welcomed the close cooperation established between members of the Committee and members of the relevant working group of the Council.
6. In her opening speech of the General Debate at the sixty-sixth session of the General Assembly, President Dilma Rousseff, the first female Head of State of Brazil, had acknowledged that much work remained to be done in empowering women. The Committee's recommendations provided vital guidance for States parties undertaking that task.
7. As part of the process of consultations under way on strengthening the treaty body system, she had attended the technical consultation meeting held in May 2011, in Sion, at which over 90 countries had been represented. At the meeting, she had stressed the need for the treaty body system to be resourced properly, in view of the rising number of treaty bodies and their increasing workload. The dramatic reduction foreseen in the budget of the United Nations Secretariat would pose a considerable challenge, particularly for servicing meetings. While it was unacceptable, in her view, that a lack of resources should weaken the oversight mechanisms to which States parties had given their voluntary and binding consent, the Report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system (A/66/344) presented a possible way forward: a periodic review of resource requirements, rather than the current system of ad hoc requests for additional meeting time.
8. One key demand to have emerged from the meeting was that all treaty bodies should align their engagement procedures, instead of multiplying them in different forms and formats. States had called for self-discipline on the part of treaty bodies, particularly with

regard to the “non-mandated” activities undertaken by nearly all treaty bodies, such as follow-up procedures and the drafting of general recommendations. She would welcome the Committee’s views on the proposals that OHCHR had compiled about the treaty body strengthening process.

9. At the twenty-third meeting of chairpersons of human rights treaty bodies, the chairpersons had decided to draft guidelines on the independence and expertise of members of treaty bodies and had recommended that the chairpersons should be empowered to adopt measures on working methods and procedural matters that were common to all treaty bodies. Chairpersons would consult with their respective committees on those matters in advance, and if a treaty body was not in agreement with the measures adopted by the chairpersons, it could dissociate itself from them. The next meeting of chairpersons, scheduled for June 2012, would be held in Africa. The inter-committee meeting of the human rights treaty bodies had been suspended by the chairpersons, but OHCHR could support a substantive meeting or working group, if deemed necessary by the chairpersons.

10. She welcomed the action taken by treaty bodies to implement the United Nations greening policy; some committees had already conducted paperless sessions, and she encouraged the Committee to make further efforts to implement the policy.

11. **Ms. Šimonović**, noting that States had called for treaty bodies to exercise self-discipline with regard to “non-mandated activities” such as follow-up and general recommendations, said that the Committee did in fact have a mandate to work in the areas of follow-up, under article 18 of the Convention, and on general recommendations, under article 21. It was important to make States parties aware of that.

12. **Ms. Ameline** said that it was important to provide support to the emerging democracies in the Mediterranean region, not least to ensure that women were integrated to a greater extent. Noting the budgetary constraints mentioned by the High Commissioner, she asked whether closer links could be forged between OHCHR and the European Union — the largest source of funding in the world — in order to coordinate action for women in that strategic region. It was important to take advantage of the historic opportunity that had arisen in the region to strengthen links with other international organizations, in order to better harness development and reconstruction aid.

13. **Ms. Popescu**, referring to comments on “non-mandated” activities, said that, as highlighted during consultations on strengthening the treaty body process and at meetings of chairpersons of human rights bodies, the treaty bodies had an important role to play in the development of the human rights system and in enhancing the protection of human rights through their mandated activity of monitoring implementation of treaty provisions. While the protection of human rights was ensured at the national level, treaty body recommendations and above all follow-up activities contributed to and facilitated States parties’ efforts in that area. It was important to make States parties understand that. More time was required in order to assess the effectiveness of follow-up procedures, and to make adjustments where necessary.

14. **Ms. Gabr** said that treaty bodies had a very important role to play in countries that were going through a period of transition and democratization, where they were viewed with great respect. Since treaty bodies were composed of independent experts, they had the advantage of not being seen to be “politicized”.

15. It was important to uphold democracy in the work of the Committee, and to take into account the opinions of its experts. Efforts to restructure or harmonize treaty bodies should first be discussed within the Committee, before any decisions were taken by the chairpersons. She asked which African country would be hosting the meeting of chairpersons.

16. **Ms. Arocha Domínguez** recalled that, at the outset of the treaty body reform process, many treaty body experts had expressed reservations about the way in which the treaty bodies would be “strengthened”. She was not convinced that increased harmonization of issues of common concern would necessarily lead to greater effectiveness of the treaty body system, and she recommended adopting a cautious approach. In her view, harmonization of the work of treaty bodies was often understood as meaning homogenization, which was unhelpful, given that the treaty bodies had different mandates, areas of specialization and working methods, and varying levels of experience.

17. With regard to the implementation of the greening policy, she said that the availability of documents in the different United Nations official languages was an important issue, which had a bearing on the representativeness of committees. The hardest hit by the drive towards paperless meetings with few working languages were experts from underdeveloped countries, or countries with economic difficulties, that had slow Internet connections. She came from such a country and was often unable to download electronic versions of files. She was concerned that, in future, candidates for membership of treaty bodies would have to be from first-world countries, have access to sophisticated technology, and speak English and French fluently in order to be able to participate actively.

18. **Ms. Belmihoub-Zerdani** said that six countries had not yet ratified the Convention, including the United States of America which sat on the Security Council. She asked whether, in the interests of universal ratification, the High Commissioner had the authority to demand that those six countries should ratify the Convention. It was, of course, important for States parties, once they had ratified the Convention, to implement strictly its provisions. Third-world countries, however, which had previously been colonized, lacked the resources to do so. Was it possible for the High Commissioner to request that rich countries, many of whom had benefited economically from colonization, should contribute financially to the cost of implementing the Convention in poorer, decolonized countries?

19. **Ms. Schulz** asked the High Commissioner whether there was anything that the committees themselves could do, in a coordinated manner, to support her request for more funding for their work and the work of OHCHR. Similarly, was there anything that individual members of treaty bodies could do to that end, in liaison with their respective Governments?

20. **Ms. Pillay** (United Nations High Commissioner for Human Rights) said that the role of her Office in efforts to achieve treaty body reform was to facilitate cooperation between the Member States and treaty bodies. In briefing the Committee at the current meeting, her aim had been to alert it to the various points raised by certain Member States, which found it burdensome to report to multiple treaty bodies with differing reporting requirements. Those States were requesting that the treaty bodies should coordinate and prioritize their methods in order to help States parties organize their own work. That seemed to be a basic and, for the most part, reasonable request. By “harmonization of working methods”, Member States did not mean a wholesale restructuring of the methods practised by treaty bodies, but rather an identification of common areas of concern and alignment of relevant procedures.

21. In meeting the request of Member States, there were two realities that had to be taken into account. The first was that the Committee was holding its fiftieth session and thus could rely on decades of experience. Moreover, its jurisprudence formed the basis of the national laws of many countries, including new democracies. She encouraged the Committee to seize the moment and assert its leadership role. The second reality was that a financial crisis had struck the United Nations. On the issue of the “non-mandated” activities, some States had argued that it had not been the original intention of Member States to establish an additional reporting procedure. They further maintained that article 18

of the Convention applied only to exceptional situations and should not be invoked systematically in the Committee's concluding observations, as was currently its practice. While she herself considered the follow-up procedure to be a considerable advance, and one that several other treaty bodies understandably wished to replicate, the reality was that the entire United Nations system was expected to tighten its belt. She therefore urged the Committee to examine areas where it could address some of the Member States' concerns.

22. At meetings she attended, she regularly called for the ratification of all human rights treaties, and had done so in her most recent address to the General Assembly. Representatives of the Obama Administration had expressed embarrassment at the failure of the United States to ratify the Convention, stating that efforts along those lines in keeping with priorities set by Secretary of State Hillary Clinton had met with obstacles in relation to the adoption of the necessary legislation.

23. With regard to the greening policy of the United Nations, she admitted that OHCHR was unable to provide the Committee with all the resources that it would need to work in a paperless environment. However, the Committee should begin implementing the policy in whatever ways it could, since that was the direction in which the world was heading. One potential benefit would be a much more rapid dissemination of the Committee's message through the social media, which offered instantaneous access to millions of people.

24. Although she publicly denounced the prevalence of rhetoric on human rights and the lack of support, particularly in terms of resources for the treaty bodies, she was also committed to finding ways to address the issues raised by Member States. Their cooperation was essential to the Committee's future success.

25. **Mr. Salama** (Director of the Human Rights Treaties Division (OHCHR)) said that the High Commissioner had emphasized the natural partnership that existed between OHCHR and the treaty bodies. In order to complete her report on treaty body strengthening in early 2012, the High Commissioner had requested that Committee members should respond both in their individual and collective capacity to the non-exhaustive list of emerging proposals found on the OHCHR website. On the basis of consultations carried out to date, OHCHR was convinced that all avenues for achieving harmonization among treaty bodies had not yet been exhausted. It did not make sense, for example, that in some treaty bodies NGOs were received at the beginning of the session, while in others they were received mid session, or that in some they could communicate with the relevant committee only in writing, while in others they could do so only orally. By means of the important decisions taken at the twenty-third meeting of chairpersons of the human rights treaty bodies and the list of emerging proposals posted on the website, OHCHR was striving towards a shared vision. If Member States were able to see the benefits that they could derive from that vision, then progress could be achieved for the human rights system as a whole.

26. **Ms. Wan-Hea Lee** (Chief of the Groups in Focus Section, Human Rights Treaties Division (OHCHR)) suggested that the Committee should set aside some time to discuss the emerging proposals in greater depth and to identify their specific implications for the Committee. Similarly, with regard to the greening policy of the United Nations, representatives of OHCHR would be happy to explain the facilities that could be made available to Committee members to enable them to take informed decisions on the implementation of the policy.

#### **Adoption of the agenda and organization of work (CEDAW/C/50/1)**

27. **The Chairperson** drew attention to the provisional agenda contained in document CEDAW/C/50/1 and said that, if she heard no objection, she would take it that the Committee wished to adopt it subject to any necessary adjustments.

28. *It was so decided.*

**Report of the Chairperson on activities undertaken between the forty-ninth and fiftieth sessions of the Committee**

29. **The Chairperson** said that all women could feel justifiably proud of the fact that Brazilian President, Dilma Rousseff, had been the first woman in the 66-year-long history of the United Nations to open the proceedings of the General Assembly – one of the most representative podiums in the world.

30. In addition, she wished to pay a tribute to the memory of Wangari Maathai, Nobel Peace Prize laureate and champion in the global environmental and women's rights movement who had recently passed away. The Secretary-General of the United Nations had called Ms. Maathai a "globally recognized champion for human rights and women's empowerment" and a "pioneer in articulating the links between human rights, poverty, environmental protection and security". Her passing represented a loss not only for Kenya and Africa, but for the entire world.

31. With regard to the status of the Convention and Optional Protocol, she reported that the number of States parties remained at 187. Palau had signed the Convention on 20 September 2011, and Singapore had partially withdrawn its reservation to articles 2 and 16 of the Convention. Currently, 64 States had accepted the amendment to article 20, paragraph 1, of the Convention, and 102 States were parties to the Optional Protocol.

32. Following the forty-ninth session, she had attended a regional capacity-building seminar organized by the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM) in Quito, Ecuador, which had focused on national and international strategic litigation in the context of the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol and the inter-American system. At the seminar, she had described the complaints mechanism available under the Optional Protocol and the decision of the Committee in the *Pimentel v. Brazil* case (communication No. 17/2008) – the first case relating to the Latin American and Caribbean region to address issues of health and maternal mortality. In October 2011, she planned to report to the Third Committee of the General Assembly on the Committee's activities.

33. Committee members had also been involved in panel discussions and seminars relating to women's issues. In August 2011, Ms. Patten had participated in a training seminar for parliamentarians in Turkmenistan and would participate in another one in Hungary in October 2011. In September 2011, Ms. Patten and Ms. Šimonović had participated in a mock session of the Committee in Oman.

34. Also in September 2011, Ms. Schulz had participated in meetings with the Swiss Federal Department of Foreign Affairs regarding gender issues and humanitarian affairs, especially the situation of internally displaced persons. She had also participated in a television programme on gender equality issues in Switzerland. Ms. Schulz had recently been appointed by the Economic and Social Council to the Board of Directors of the United Nations Research Institute for Social Development.

35. Ms. Popescu had been invited by the University of Bristol to speak at a high-level seminar in September 2011 on treaty body concluding observations. Ms. Gabr had participated in two workshops organized in September 2011 by the Cairo Regional Centre for Training on Conflict Resolution and Peacekeeping in Africa, where she had spoken in her capacity as chairperson of the National Coordination Committee on Combating and Preventing Human Trafficking. Ms. Zou had been invited by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) to an expert group meeting on enabling rural women's economic empowerment, held in Accra, Ghana.

36. Ms. Awori had just returned from Zimbabwe, where she had given a presentation on the Convention and the Optional Protocol at a training seminar organized jointly by UN Women, the United Nations Development Programme, OHCHR and the Zimbabwe Human Rights Commission. The Committee had begun drafting a statement on rural women, which it hoped to finalize with a view to its adoption at the forthcoming session of the Commission on the Status of Women in February 2012.

37. At its forty-ninth session, the Committee had adopted recommendations in relation to the admissibility and merits of three communications. In *Pimentel v. Brazil* (communication No. 17/2008), the Committee found that the State party had failed to secure the safety during pregnancy and childbirth of the daughter of the author; in *Komova v. Bulgaria* (communication No. 20/2008), the Committee found that the State party had failed to provide the author with effective protection against domestic violence; in *Abramova v. Belarus* (communication No. 23/2009), the Committee found that actions by State agents constituted sexual harassment and discrimination.

38. At the current session, the Committee would consider eight periodic reports. It would also consider communications under the Optional Protocol to the Convention and would continue its discussion on several draft general recommendations. In addition, it would consider reports and information received under its follow-up procedure and would discuss working methods within the context of the continuing discussions on the treaty body strengthening process. The Committee would meet with NGOs, representatives of national human rights institutions and United Nations bodies, all of which made valuable contributions to the Committee's work. It would also hold meetings with the Human Rights Committee, and the Working Group on Discrimination against Women in Law and Practice. Regrettably, Ms. Jaising was unable to attend the fiftieth session.

### **Consideration of reports submitted by States parties under article 18 of the Convention**

#### *Report of the pre-session working group*

39. **Ms. Amandine**, speaking as chairperson of the pre-session working group, said that the group had met in Geneva from 7 to 11 February 2011 and had prepared lists of issues and questions regarding the situation of women in Chad, Côte d'Ivoire, Kuwait, Lesotho, Mauritius, Montenegro, Oman and Paraguay. In so doing, it had consulted all the relevant documentation, including information provided by United Nations entities, NGOs and a human rights institution. The lists of issues had been transmitted to the parties concerned.

### **Follow-up to the consideration of reports submitted by States parties under article 18 of the Convention**

40. **Ms. Šimonović**, speaking as Rapporteur on follow-up, reminded Committee members that, at its previous session, the Committee had recommended that additional follow-up information should be incorporated into the next periodic reports of Finland, Iceland, Lithuania, Slovakia, United Kingdom, Bahrain, Portugal and Slovenia.

41. The Committee was expecting to receive follow-up reports or additional information from Cameroon, Mongolia, Nigeria, Rwanda, El Salvador, Tanzania, Tuvalu, Uruguay and Yemen. Reminders would need to be sent to Bhutan, Guinea-Bissau, Lao People's Democratic Republic, Liberia, Spain, Switzerland and Timor-Leste. The Committee also needed to decide on a follow-up procedure with regard to Haiti and Libya.

42. Since the last session, the Committee had received follow-up reports in English from Canada, Denmark, Germany, Japan, Kyrgyzstan and Myanmar, which would be assessed at the current session. The follow-up reports from Armenia, Belgium, Madagascar and

Ecuador, received more recently in other languages, would be assessed at the fifty-first session. Since the last session, NGOs had submitted alternative follow-up reports on Japan.

*The discussion covered in the summary record ended at 11.35 a.m.*