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## Third Committee

### Summary record of the 28th meeting

Held at Headquarters, New York, on Friday, 21 October 2011, at 3 p.m.

*Chair:* Mr. Haniff..... (Malaysia)

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*The meeting was called to order at 3.05 p.m.*

**Address by the President of the sixty-sixth session of the General Assembly**

1. **Mr. Al-Nasser** (President of the sixty-sixth session of the General Assembly) said that, while it was not a common tradition for the President of the General Assembly to address the Main Committees, he was pleased to have the opportunity to address all six committees during the current session to deliver a personal message of appreciation and encouragement.

2. He was deeply aware that the Third Committee played a critical role in promoting human rights, one of the three pillars of the United Nations. The issues currently before the Committee were particularly pertinent in view of emerging democracies calling for liberty, dignity and social justice. The Committee's work covered topics that were fundamental starting points for realizing the potential of democratic nations as well as essential elements of peaceful and secure livelihoods for all.

3. The Human Rights Council, as a subsidiary body of the General Assembly, played a crucial role in the worldwide protection and mainstreaming of human rights. Last year, the General Assembly had carried out negotiations on the review of the Council in order to strengthen its functions and methods of work. Everyone should benefit from the new practice of holding an interactive dialogue between the Third Committee and the President of the Human Rights Council. Furthermore, he acknowledged the leadership of the High Commissioner for Human Rights in supporting United Nations human rights efforts.

4. He urged members of the Committee to strive for consensus in their deliberations in order to ensure lasting, legitimate resolutions to the very complex issues before it, which would help alleviate the General Assembly's workload.

**Agenda item 28: Advancement of women (continued)**

**(a) Advancement of women (continued)**  
(A/C.3/66/L.18, L.20 and L.21)

*Draft resolution A/C.3/66/L.18: Violence against women migrant workers*

5. **The Secretary** said that, due to a technical error, the word "Also" had been omitted from paragraph 21

of the draft resolution. The paragraph would now read: "Also encourages concerned Governments ...".

6. **Ms. Hernando** (Philippines), introducing draft resolution A/C.3/66/L.18, said that Argentina, Belarus and Honduras had joined the sponsors.

7. Migration could create opportunities and promote economic independence for women. However, it had attendant risks because migrants had limited access to social services and legal protection. In particular, violence against women migrant workers needed to be addressed at all levels.

8. The draft resolution welcomed the adoption of International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers, the establishment of UN Women, and the Agreed Conclusions of the fifty-fifth session of the Commission on the Status of Women, in particular the commitment to implement gender-sensitive policies and programmes for women migrant workers. The need to address the vulnerability of the migrant population to HIV/AIDS and support their access to prevention, treatment, care and support was another new element of the draft resolution.

9. **The Chair** said that Peru had joined the sponsors.

*Draft resolution A/C.3/66/L.20: Women and political participation*

10. **Ms. Nemroff** (United States of America) said that the following countries had joined the sponsors of the draft resolution: Colombia, Cyprus, Georgia, Ghana, Honduras, Maldives, Monaco, Mongolia, Palau, the Republic of Moldova, the Republic of Korea, Tunisia, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

11. The need for proactive measures to ensure that women enjoyed their right to participate in political processes and decision-making on an equal basis with men had become increasingly evident, especially in times of transition. Discriminatory laws and practices persisted and women activists often faced exclusion from key political negotiations; consequently, the draft resolution underlined the need to ensure women's involvement in all aspects of political processes and decision-making.

*Draft resolution A/C.3/66/L.21: Convention on the Elimination of All Forms of Discrimination against Women*

12. **Ms. Leveaux** (Sweden), introducing draft resolution A/C.3/66/L.21 on behalf of the Nordic Countries, said that 2011 marked the thirtieth anniversary of the entry into force of the Convention. Since the purpose of the draft resolution in previous years, to urge universal ratification of the Convention, had nearly been achieved, the aim of the current draft resolution was to ensure that the issue remained on the agenda while allowing time for a more thorough discussion on how to proceed, taking into account the ongoing discussions on treaty body strengthening and reform.

13. **The Chair** said that the following countries had joined the sponsors: Andorra, Benin, Bolivia (Plurinational State of), Canada, the Dominican Republic, Ethiopia, Georgia, Japan, Liechtenstein, Maldives, Monaco, Mongolia, Peru, the Republic of Korea, the Republic of Moldova, Serbia, Turkey, Ukraine and Uruguay.

**Agenda item 65: Promotion and protection of the rights of children** (*continued*)

**(a) Promotion and protection of the rights of children** (*continued*) (A/C.3/66/L.22)

*Draft resolution A/C.3/66/L.22: Strengthening of the Coordination of the United Nations System on Child Protection*

14. **Mr. Srivali** (Thailand), introducing draft resolution A/C.3/66/L.22, said that the protection of children must be a high priority in every country and the support that Member States received from the United Nations system could be pivotal to success in that regard. The draft resolution was aimed at improving the coordination, coherence and collaboration of the United Nations system on the issue of child protection, in order to further support capacity-building for Member States and the sharing of best practices.

15. **The Chair** said that Myanmar had joined the sponsors.

**Agenda item 69: Promotion and protection of human rights** (*continued*) (A/66/87)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/66/156, A/66/161, A/66/203, A/66/204, A/66/216, A/66/225, A/66/253, A/66/254, A/66/262, A/66/264, A/66/265, A/66/268, A/66/269, A/66/270, A/66/271, A/66/272, A/66/274, A/66/283, A/66/284, A/66/285, A/66/289, A/66/290, A/66/293, A/66/310, A/66/314, A/66/325, A/66/330, A/66/342 and Add.1 and A/66/372)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/66/267, A/66/322, A/66/343, A/66/358, A/66/361, A/66/365, A/66/374 and A/66/518)

16. **Mr. LaRue Lewy** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) said that his report (A/66/290) focused on the right to freedom of opinion and expression exercised through the Internet and addressed the issue through two equally important dimensions: access to online content and access to Internet connection. His main recommendation to all States was to maintain the free flow of information and ideas on the Internet, and to ensure that the Internet was made widely available, accessible and affordable to all.

17. The Internet had become a vital tool to connect individuals everywhere and had played a key role in mobilizing the peaceful and democratic movements taking place around the world. However, the potential of the Internet as a catalyst for change had generated fear among Governments and the powerful, leading to the adoption of increasingly sophisticated technologies to censor content, and to identify and monitor individuals who expressed critical opinions.

18. Even though the Internet could be used to cause harm, as a general rule, there should be as little restriction as possible to the flow of information. His report clarified the differences between illegal contents, which States were required to prohibit under international law, and those considered harmful, offensive, objectionable or undesirable, but which States were not required either to prohibit or to criminalize.

19. Internet usage continued to lag behind in developing countries. States needed to play a proactive role by making the Internet more affordable, and facilitating access. His report described the actions taken by the Governments of Brazil and Ecuador in that regard. He also encouraged States to provide support for training in information and communications technology skills, which could be done by integrating Internet literacy into school curricula. An example was the ThutoNet programme in Botswana, which aimed not only to provide all schools in the country with computers and access to the Internet, but also to train teachers on how to use such skills as a classroom tool.

20. **Ms. Morch-Smith** (Norway) said that, in his report, the Special Rapporteur had indicated that any legislation restricting the right to freedom of expression should be applied by a body that was independent of any political or commercial influences (para. 17); she asked him to elaborate on why he considered that important.

21. It would also be useful if he would expand on the role of Governments in fully guaranteeing the right to privacy of all individuals. Norway agreed that in the absence of such a guarantee the right to freedom of opinion and expression could not be fully enjoyed, because new technologies could make journalists and human rights defenders more vulnerable.

22. Access to the Internet was essential for a truly democratic society and it would be useful to know what more could be done to ensure full access for women and disadvantaged groups.

23. **Mr. Andrade** (Brazil) said that respect for freedom of expression on the Internet was one of the main challenges in the field of human rights. Nevertheless, Brazil considered that the United Nations human rights system already had tools and mechanisms to monitor compliance with the commitments made by States concerning freedom of opinion and expression on the Internet.

24. He thanked the Special Rapporteur for mentioning Brazil's public policies concerning access to the Internet for people with lower incomes and schools. His Government was very much aware of the importance of providing access to the Internet as a component of achieving human rights.

25. **Ms. Reckinger** (Observer for the European Union) said that the European Union had noted that there were pending requests to visit several countries, including the Bolivarian Republic of Venezuela, the Islamic Republic of Iran, Sri Lanka, Tunisia and Uganda; it urged those countries to use the Special Rapporteur's expertise to strengthen their commitment to their international obligations. It also noted the Special Rapporteur's attempts to distinguish between different types of expression and would welcome ongoing discussion on the issue.

26. Government restrictions on Internet content should be strictly limited. Citizens must be allowed to discuss and debate issues, challenge their Governments and make informed decisions. It was important for individuals to be able to enjoy the right of freedom of expression as well as other rights such as freedom of association and assembly. Recent events in Tunisia, Egypt and Libya had shown that limiting freedom of expression had not created stability or made grievances go away. It would be interesting to know whether the Special Rapporteur had been cooperating with regional human rights mechanisms in that regard.

27. The European Union was working to reduce the digital divide for disadvantaged groups, and would be interested to hear more about the ThutoNet programme in Botswana and whether it could serve as a model for other countries. The report had underlined the key role of equal and effective access to the Internet for women in promoting their empowerment; further information on the research project in India that focused on the use of information and communication technology to promote women's entrepreneurship would be appreciated.

28. Lastly, the European Union welcomed the recommendation that the development of Government strategies and policies should be based on stakeholder consultations and supported multi-stakeholder global, regional and national Internet governance discussions.

29. **Mr. Yahiaoui** (Algeria) said that the Special Rapporteur had visited Algeria in April 2011 and the decisions taken at that time by the President were now being implemented; in particular regarding the opening up of the audio-visual media to the private sector.

30. Algeria reiterated its willingness to collaborate with the Special Rapporteur, acting within his mandate and respecting the Code of Conduct for Special Procedures Mandate-holders. It was necessary to have

confidence in the information provided by national authorities, rather than relying on allegations without corroborating them with the country concerned.

31. He asked the Special Rapporteur how free access to Internet could be ensured in the less developed countries, especially in rural areas, in the absence of such basic services as electricity.

32. **Mr. Sammis** (United States of America) said that his delegation would like further information about what the Special Rapporteur had described in his report as the relationship between Internet access and the empowerment of women, in particular with regard to employment and citizen participation. It agreed that there should be more research into the matter, and would be interested in his thoughts on other initiatives that should be supported at both the national and the international levels.

33. **Mr. Luhan** (Czech Republic) asked whether the Special Rapporteur agreed that the freedom to receive and impart information via the Internet was becoming vital for preserving a democratic political debate within States, with specific accent on the period around elections. Furthermore, his delegation found the idea of limiting intolerant speech by more speech, rather than through bans and sanctions, extremely important and worth further examination. In that regard, it would be useful if the Special Rapporteur could provide some positive examples of how the promotion of tolerance and mutual respect through the Internet helped overcome tensions within societies.

34. Lastly, the Czech Republic endorsed the emphasis that the Special Rapporteur had placed on ensuring the wide availability and accessibility of Internet, and the role it could play in ensuring the participation of all segments of society in political and social life.

35. **Mr. Roch** (Switzerland) said that recent events had recalled the important role of new media in the context of democratization and claims for fundamental rights. The Internet and the new media using it represented an unprecedented opportunity, but also new challenges.

36. Many States tried to control the use of the Internet or restrict access and limit content, but Switzerland called on all States to facilitate access to the Internet for everyone, without discrimination. By helping marginalized groups to accede to the Internet, the State was providing them with access to the

information and knowledge society and, thereby, to their autonomy.

37. Access was especially important in closed societies or in times of conflict. However, guaranteeing the functioning of Internet access was the task of the private sector; it would be useful to know how the international community could collaborate with the private sector to promote Internet access and to protect freedom of expression in all circumstances.

38. **Ms. Ploder** (Austria) said that the report had mentioned that, in addition to legal regulations that fully respected human rights, digital literacy training was of crucial importance to ensure that the Internet had a positive effect and that such training should clarify the benefits not only of accessing information online, but also of responsibly contributing information. She asked the Special Rapporteur to provide examples of relevant good practices that promoted the full enjoyment of human rights, while avoiding abuse.

39. Regarding Internet access, the report indicated that States had a positive obligation to create an enabling environment to exercise the right to freedom of opinion and expression, and she asked how States should comply with that obligation.

40. **Mr. Gómez** (Sweden) said that Sweden had noted with concern the attempts of Governments to censor and filter Internet content that went far beyond the four permissible categories outlined in the Special Rapporteur's report, and reiterated its strong commitment to keep the Internet free and open. In that regard, it welcomed the recent decision of the Human Rights Council to hold a panel discussion on the matter early in 2012.

41. Human rights issues had figured prominently during the recent Internet Governance Forum in Nairobi and several new initiatives had been discussed to create a set of principles for the governance of the Internet. He asked the Special Rapporteur to outline the role that the United Nations human rights bodies, such as the Human Rights Council and the Third Committee, could play, based on his report's findings concerning the applicability of the existing legal obligations, and whether it should be directed towards enforcement of those obligations or towards the creation of an enabling environment.

42. **Mr. Toro-Carnevali** (Venezuela) said that the observer for the European Union had questioned the right of Venezuelan citizens to participate in the country's democratic process. Consequently, his delegation wished to insist that Venezuelan citizens were able to exercise all the rights necessary to organize and to express their opinions peacefully and enjoyed a vibrant and participatory democracy.

43. Venezuelans could accede to any webpage or to any national means of communication without restrictions of any type. Over the past 12 years, the State had democratized the media, by granting licences to many hundreds of new means of communication. Moreover, despite the role played by some private media in trying to destabilize the State, the Government had never suspended, seized or closed any of them.

44. **Ms. Alsaleh** (Syrian Arab Republic) said that, in his report, the Special Rapporteur had expressed concern regarding the lack of Internet access and the digital divide between developed and developing countries, which exacerbated the lack of development as well as the social and economic differences both between and within countries, together with the lack of access to many human rights. Thus, he had suggested that the State's responsibility to provide Internet access to its population formed part of its protection of the right to freedom of opinion and expression. Her delegation wished to know how the foregoing could be reconciled with fact that a large number of developed countries rejected that focus by creating obstacles to access to information and communications technology by developing countries.

45. It would also be interesting to know the Special Rapporteur's opinion on the need to transfer technology to all developing countries without any restrictions whatsoever and about the effects of economic sanctions imposed unilaterally by developed countries that affected the free and unrestricted access to technology by developing countries and their people's enjoyment of the right to freedom of opinion and expression.

46. The report stated that the Internet could primarily be used as a positive tool to increase transparency over the conduct of those in power. That comment was tantamount to interfering in the internal affairs of States. Parliament and Government had sole responsibility for controlling the authorities and their

actions. The right to freedom of opinion and expression could not be used as a tool to achieve certain goals or to inflame public opinion against the Government.

47. **Mr. Ulibarri** (Costa Rica) said that the closing of the digital divide was not only a matter of resources and access to technology, but also of appropriate policies that respected the rule of law and tolerance of differences.

48. The Special Rapporteur had indicated that States were obliged to guarantee a free flow of ideas and information and the right to seek and receive as well as to impart information and ideas over the Internet. Some examples of the specific actions that States should undertake to put that recommendation into practice would be useful.

49. **Mr. LaRue Lewy** (Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression) said that he recognized that there was a digital divide not only between developed and developing countries but also within each country. He had found countries where technology and research were highly developed, but few people were interconnected.

50. Algeria had invited him to visit the country on its own initiative and, responding to the question it had posed, he agreed that many poor communities had difficulty in obtaining basic services, including electricity. However, he had found that many African countries were resolving access to Internet with mobile technology. The overlap between Internet connectivity and mobile cellular communication was growing. Evidently, the service was not the same, but it was a first step towards guaranteeing access.

51. It was fundamental to understand that communication was a stepping stone towards development, because it brought people into contact with national development programmes, and encouraged them to exercise their citizenship and rights. Freedom of expression was essential in order to get potable water and electricity, especially for the poorest and most remote communities, and that was why he had brought up the issue of access.

52. Several questions had been asked regarding censorship. He had observed a growing trend to use criminal law to criminalize speech over the Internet that must be halted. The Internet should be seen as a public space where people could meet, communicate

and exchange ideas. Evidently, there were risks, but he believed that the risks could be overcome by a strong democratic society. Thus he had said that the response to hate speech and intolerance was more speech in order to increase levels of communication, understanding and dialogue.

53. He had taken part in discussions on hate speech within several United Nations bodies and everyone had reached the same conclusion: the best State policy was prevention. It was much easier to prevent crises, conflicts, intolerance and hate speech than to prohibit them; prohibitions did not solve the structural causes that could be resolved with better understanding and communication.

54. Many questions had been asked about the empowerment of women and other sectors. He strongly believed that freedom of expression was an essential element to eliminate impunity, especially in cases of domestic violence, sexual abuse and gender discrimination. In addition, the Internet could create equal participation and job opportunities. A special effort had been made in Guatemala to train rural women to use the Internet with remarkable results in terms of empowering them and increasing their self-esteem.

55. The same applied to minorities who were often silenced or discriminated against; promoting their freedom of expression and enhancing dialogue with them was essential, and the Internet could play an important role.

56. As a follow-up to his report, he would like to analyse accessibility policies and good practices that were being implemented around the world in order to show what was possible when a Government had the political will. He also wanted to examine decriminalization efforts in relation to freedom of expression.

57. Regarding the concern raised that the Internet could be used to turn public opinion against public officials, he believed that public office went hand in hand with public scrutiny, and public scrutiny went hand in hand with public criticism. Even if, at times, the criticism was unwarranted, it was essential for democracy. People should be able to speak their minds, criticize their authorities, know how political decisions were made, or how public resources were being spent. That knowledge allowed the population to influence policies, which was precisely the essence of democracy

and, in that regard, the Internet had become a very important tool. He encouraged anyone in public service not only to be open to the new technologies, but to see them as allies, because the greater the transparency, the more robust the democratic regime and the stronger and safer the nation.

58. **Ms. Knaul** (Special Rapporteur on the independence of judges and lawyers) said that during her second year as Special Rapporteur, she had focused on the integration of a gender perspective and women's human rights into the work of her mandate, and her second report to the Human Rights Council (A/HRC/17/30) had addressed some of the major obstacles that women encountered in access to justice.

59. The report before the Committee (A/66/289) examined the need to consider and integrate a gender perspective into the criminal justice system as a fundamental step towards allowing equal access to justice for women and men and the role that judges and lawyers should play. It was the pervasive historical discrimination against women throughout the world that compelled her to look at how women were treated under the criminal justice system.

60. She considered that the representation of women among judicial officers was an important requirement for an independent and impartial judiciary. Yet, having women in the judiciary did not in itself guarantee the inclusion of a gender perspective, since both men and women were prone to gender-based biases, stereotypes and prejudices. That was why she had underlined the need to create and strengthen training and capacity-building programmes on international human rights law and jurisprudence, in particular gender equality and women's rights, for judicial actors.

61. Gender-based discrimination was also a serious concern with regard to women's participation in the criminal justice system. Such discrimination could be particularly blatant when women were victims of gender-based violence, but could also play a major role in respect of non-gender based crimes experienced by women. Prosecution of gender-based crimes should be based on an institutional policy and that required integrating a gender perspective into the criminal justice system as well as the institutionalized and sustained training of prosecutors.

62. Although her report focused on the criminal justice system, considerations of gender were crucial in the context of the role of judges, prosecutors and

lawyers in non-criminal law settings, or in personal status law and jurisprudence. Comprehensive reform, policies and programmes needed to be designed, implemented and monitored in all branches of the State to make justice work for women.

63. While not a definitive or comprehensive overview of women in the criminal justice system, the report provided a starting point to encourage stakeholders to study and understand the effects that gender-based stereotypes and discrimination had on both women and men in their access to and engagement with the justice system.

64. In conclusion, she referred to the global thematic study on capacity building for judicial actors that the Human Rights Council had requested her to prepare ((HRC/15/3). The first stage would include a questionnaire requesting information from all relevant actors and stakeholders and she hoped to receive the full cooperation of Member States by obtaining comprehensive, substantive and updated information in their replies.

65. Following presentation of the study to the Human Rights Council during its twentieth session, a second stage of the project would involve regional consultations with Government authorities and representatives of the judicial sector to identify existing institutions and programmes and best practices. The outcome of the two-stage process should enable her to prepare a document on capacity-building guidelines to be discussed at an international conference.

66. **Ms. Rasheed** (Maldives) said that the Maldives wished to thank the Special Rapporteur for her guidance on the establishment of an independent judiciary under its new Constitution. It was also pleased by the recognition in the report of legitimacy as the key to the authority of an independent judiciary, which was increased when its composition reflected the population over which it presided. Maldives had begun to make progress in that area by promoting the participation of women and was particularly proud of the achievements of Ms. Shujune Muhammad, currently Vice-Chair of the Subcommittee on Prevention of Torture.

67. The Government recognized that the independence, professionalism, accountability and acceptance of the judiciary by the people were key challenges in the democratic transition and had pledged

to continue to work closely with the Special Rapporteur and the International Commission of Jurists.

68. **Mr. De León Huerta** (Mexico) said that, following the Special Rapporteur's visit, Mexico had amended its Constitution in the area of criminal law and human rights. In addition, the judiciary had made a commitment to follow up on her recommendations. Recently, changes had been made in the action for amparo, the purpose of which was to provide judicial protection to any individual who had suffered a violation of his human rights owing to the acts of a State authority. The range of rights that could be protected had been expanded by incorporating the international treaties in the list of guarantees that could be claimed, and the remedy had been extended to include not only the acts of the authorities, but also their omissions.

69. Mexico understood that the issue of providing human rights training to judges and lawyers was extremely important, especially in view of the constitutional reform, which required them to have a better knowledge of international instruments and jurisprudence. It therefore considered that the questionnaire and its follow-up mentioned by the Special Rapporteur would be most useful.

70. **Ms. Razzouk** (United States of America) said that her delegation welcomed the report's focus on both the administration of justice for women and the need for developing a gender-sensitive judiciary as well as the role of the judiciary in advancing women's rights. The report called attention to the challenges that religious, cultural or local customs could sometimes pose to the application of equal legal protection to women. She asked whether the Special Rapporteur had any specific recommendations concerning actions the United Nations could consider in order to address those challenges more effectively.

71. **Mr. de Bustamante** (Observer for the European Union) said that the report's findings revealed that women continued to face discrimination under the criminal justice system and recommended compulsory institutionalized training on gender equality and women's rights for the judiciary and members of the legal profession. Regarding the parallel need to safeguard and uphold judicial independence, he asked whether the Special Rapporteur had any examples of best practices that could serve as guidance.



72. The Special Rapporteur had pointed out that gender stereotyping was one of the main causes of discrimination against women under the criminal justice system, particularly in cases of gender-based violence. She had also mentioned discriminatory laws that directly limited women's access to the criminal justice system. It would be useful if she could provide examples of how those issues should be addressed nationally and internationally.

73. The report also noted that women were disproportionately targeted by sentences that amounted to torture and other cruel, inhuman or degrading treatment or punishment, such as stoning and flogging, which were prohibited under international law. The Special Rapporteur should clarify why women were at a higher risk of facing such sentences and how compliance with international law could be ensured.

74. **Ms. Knaul** (Special Rapporteur on the independence of judges and lawyers), referring to gender stereotypes, said that it was important to keep in mind the definition she had given in her report. Gender stereotypes were diverse and created by historical, cultural, social or environmental factors. Some examples were the exclusion of women from judicial office because the legal profession had been and often still was considered a male domain. The stereotypical role of women in society and in the family as caretakers meant that women appointed to office often had to face bias and discrimination. Gender stereotyping also affected proceedings in cases of rape and violence against women, and her report (para. 48) had given many examples.

75. Delegates had asked for examples of good practice and, in paragraph 29 of her report, she had indicated that, in South Africa, the Constitution provided for greater gender representation in the Judiciary and had mentioned the Virtue Foundation's Women Judges in the Pipeline Initiative and the programme Calling African Women Lawyers.

76. With regard to women who were before the justice system, in paragraph 40, she had referred to the use of international law by national judges in a case before the Supreme Court of Canada concerning the elimination of discrimination against women. Also, as she had described in her report (para. 50), the International Tribunals for the former Yugoslavia and Rwanda and, later, the International Criminal Court, had introduced some progressive measures regarding

rules of procedure and evidence when women were victims.

77. Regarding the prosecutor's role, under the Rome Statute the prosecutor was charged with investigating and prosecuting crimes in a way that respected the interests and personal circumstances of victims and witnesses, including gender, and was required to take into account the nature of the crime, particularly when it involved sexual or gender violence or violence against children.

*The meeting rose at 5.40 p.m.*