



Convention on the Elimination
of All Forms of Discrimination
against Women

Distr.
GENERAL

CEDAW/C/SR.213
25 January 1993

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Twelfth session

SUMMARY RECORD OF THE 213th MEETING

Held at the Vienna International Centre, Vienna,
on Wednesday, 20 January 1993, at 2.30 p.m.

Chairperson: Ms. CORTI

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consolidated in a single corrigendum, to be issued shortly after the end of
the session.

The meeting was called to order at 2.40 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Iraq (CEDAW/C/5/Add.66/Rev.1) (continued)

1. The CHAIRPERSON invited the Committee to resume consideration of the report with reference to individual articles of the Convention.

Article 16

2. Ms. AKAMATSU said that the section of the report dealing with article 16 was extremely detailed and instructive. Referring to the proposal unsuccessfully made in the Committee by Ms. Tallaway in 1987 that a review of the interpretation of the Islamic shariah should be undertaken, she hoped that the Government of Iraq would display a cooperative attitude in that regard.

3. Ms. FORDE welcomed the extensive details of Islamic law provided in the report. Noting that a husband had the right to divorce his wife three times, she asked on what grounds a wife was permitted to divorce her husband.

4. Ms. AOUIJ said that it should be possible for Iraq to reconcile its religious and cultural values with the imperatives of modern life. Certain Muslim reformers had advocated an evolutive interpretation of the Koran. In her own country, Tunisia, such a new approach had resulted in numerous changes, in particular the prohibition of polygamous marriages. The General Federation of Iraqi Women was in a position to militate for even greater equality of rights for women and, despite the current situation in the country, could achieve an advancement in their status. Referring to the promulgation by the Revolutionary Council in 1991 of a decree authorizing a loan of 7,000 dinars to any person marrying a war widow, she said that such an edict was unacceptable to women, especially in a context of polygamy, and asked whether the decree was actually in force, and if so, whether it was temporary and subject to any time-limit. She also asked whether it was in fact the case that the minimum marriageable age for women was 12 years.

5. Ms. BRAVO NUÑEZ DE RAMSEY said that article 16 was one of the articles of the Convention that most showed up the considerable differences between the legal status of men and women in Iraq, in such areas as polygamy, obedience, and the right to use of the home following divorce, amongst others. She sought clarification regarding the apparent legal contradiction inherent in the fact that a mentally-ill person could marry but could not obtain a divorce.

6. Ms. KHAN, referring to the matter of competence in marriage contracts (page 32 of the report), wished to have the term "legitimate woman" defined. She asked whether a woman could specify in the marriage contract that she had the right of divorce if her husband took a second wife. She also wished to know how the provisions of Iraqi marriage law concerning child custody, which were more favourable to the mother both during marriage and after separation, could be reconciled with the stricter stipulations of Islamic law, under which a mother was entitled to custody of female children up to the age of seven years and of male children up to the age of 11 years.

7. Ms. QUEDRAOGO, referring to the list of legislative texts that protected women (page 30), asked what specific measures were being taken to disseminate and publicize such laws.
8. Ms. CARTWRIGHT wished to urge the Government to consider the withdrawal of its reservation to article 16 as soon as possible. She asked whether personal laws based on custom and religious belief had had such an impact in any other areas of Iraqi law (e.g. criminal, civil or contractual law). She inquired whether the Government intended to introduce statutory provisions under which a marriage that was contracted under duress would be declared null and void regardless of whether it had been consummated. She asked whether the incidence of polygamous marriages was increasing following the recent apparent changes in policy and whether Iraqi women expressed any desire for that custom to be changed. With regard to the stipulation in Iraqi law whereby if a wife refused to join her husband without valid reasons, he need not support her financially, she wished to know what in general constituted "valid reasons" and whether they included violence by the husband against his wife or their children. Finally, she asked what measures were contemplated to give women and men identical grounds for divorce.
9. Ms. GURDULICH DE CORREA said that she shared Ms. Aouij's concern regarding polygamy and its consequences. She supported the views expressed by Ms. Bravo Nuñez de Ramsey concerning inconsistencies in the law and considered it essential that the Government introduce a new family law embodying the principle of equality between the sexes.
10. The CHAIRPERSON said that the many questions that had been raised were an indication both of the deep concern felt about the status of women in Iraq and of the highly informative nature of the report. She invited the Iraqi representative to reply briefly, on the understanding that she would be given time for fuller answers at a later stage of the current session.
11. Ms. IMAN AL-AZAWI (Iraq) expressed her gratitude to the Committee for its valuable observations, which would be of assistance in the preparation of her Government's next report. She wished to emphasize that the position of Iraq regarding the status of women was most clear. It was necessary to appreciate the critical conditions prevailing in the country which made it difficult to implement the provisions of the Convention.

CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES (continued)

12. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said two forthcoming events were of particular relevance to the work of the Committee: the International Year of the Family and the World Conference on Human Rights. In regard to the latter, two papers were to be issued by the Centre for Human Rights and had already been made available to the Committee informally in an unedited version. Another document, entitled "United Nations Action on Human Rights", was to be issued in advance of the Conference. In addition, the Commission on the Status of Women had decided to make its own input to the Conference. The Secretariat would make available to the Commission the results of the Committee's deliberations at its current session. The Centre for Human Rights was currently devising a procedure whereby the comments of all treaty bodies could be conveyed to the Preparatory Committee for the World Conference on Human Rights.

13. Regarding the Fourth World Conference on Women, the Commission on the Status of Women, at its meeting in March 1992, had decided on the organizational arrangements for the Conference and had agreed to invite CEDAW to participate. The nature of that participation would be worked out in the context of the Conference's rules of procedure, which were to be drafted in 1994. The agenda for the Conference was set out in the document "Women 2000", which had already been circulated to members of the Committee. Members would also be receiving twice a year a document entitled "Conference 1995". The Conference's agenda included review and appraisal of the Nairobi Forward-looking Strategies, and adoption of a platform for action for the next five years.

14. One important document to be considered at the World Conference on Women was a new version of the compendium of achievements of the Convention. It would analyse the entire history of the Convention, beginning with a review of the history of women's rights since the founding of the United Nations. The Secretariat intended to prepare an analysis of how the Convention was being implemented, based on the reports of States parties and on reports and recommendations by the Committee. The compendium should be available for comments by the Committee by 1995 and would subsequently be modified to take those comments into account. In that way, the work of the Committee would be very clearly reflected in the deliberations of the World Conference on Women.

15. The Commission on the Status of Women would be holding further discussions on review and appraisal in February 1993. It would be recommending to States statistical indicators to be used in national preparations and would agree on an outline plan of action. The results of those discussions should be available to the Committee in time for its next session.

16. Mr. DU GUERNY (Promotion and Analysis Branch, Division for the Advancement of Women) said another forthcoming conference of concern to the Committee was the International Conference on Population and Development. The first population conference to deal seriously with women's issues had been the one held in Mexico in 1984: it had produced a plan with a section relating specifically to women in the context of family planning. In recent years, the United Nations Fund for Population Activities (UNFPA) had done much to bring women's issues to the forefront, but still within the context of family planning. The Centre had been doing its best to see that those issues were viewed in a broader context.

17. The Conference on Population and Development had six major objectives: to make a review and appraisal of progress; to identify mechanisms for ensuring that recommendations were implemented; to increase levels of awareness of population issues; to create links with development in general; to produce recommendations for the next decade; and finally, to respond to population and development issues that had been identified as having high priority, including women's issues.

18. To prepare for the Conference, six expert groups had been set up to work on six priority issues, namely, environment, policies, women and population, family planning and population, population growth and structure, and migration and distribution. The Centre had been closely concerned with the last three

of those groups and had prepared papers for them highlighting the importance of gender analysis as a means of viewing population issues in a new perspective.

19. The papers had been critical of traditional approaches to population activities and programmes. In the past, women's concerns had not been properly taken into account in the area of family planning, and women had tended to be seen as mere instruments for achieving global macro-demographic targets. That attitude had had an effect on how family-planning programmes were organized, how clinics were set up and how research was funded. It was now accepted that there should be less emphasis on quantitative targets, and more on women's rights, and that was an important step forward. In the expert group meetings, great efforts had been made to ensure that population issues were not seen merely in the context of family planning and that women's health was seen in a broader context than that of maternal and child health alone.

20. In addition to the expert group meetings, regional conferences had been held to prepare for the Conference. In the Asian region, the emphasis had been on poverty and sustainable development, and in the African region on health. Each participating country had been requested to set up a national committee to prepare for the Conference and had been advised that the issue of women was to be a key theme. Lastly, the review and appraisal document was to include a chapter on women's issues.

21. The CHAIRPERSON said it was encouraging to hear that so many forthcoming conferences would be including women's issues on their agendas. She pointed out that in dealing with those issues, environmental factors should also be taken into account.

22. Ms. TALLAWY welcomed the efforts made to link the work of CEDAW with that of the forthcoming conferences. She agreed that it was high time that population issues ceased to be viewed simply in terms of family planning. At a recent meeting in Egypt with major donor countries on preparations for the Conference on Population and Development, the hope had been expressed that all issues to be dealt with, notably those relating to women and migration, would be seen in a wide perspective. She would be glad to be informed of the results of the expert group meetings referred to.

23. Ms. GARCIA-PRINZ asked for clarification in regard to the chapter on women's issues which she had understood was to be included in the documentation for the forthcoming Conference on Population and Development. A number of women's organizations meeting under the auspices of the Economic Commission for Latin America had recently urged the United Nations Secretariat to declare its intention of making women's issues central to the consideration of global issues. It was hardly satisfactory for a conference as important as the Conference on Population and Development to have a mere chapter devoted to women, since women's issues in fact constituted a vital dimension in all the subjects to be dealt with. She agreed with the previous speaker that it would be wrong for women's issues to be viewed only in the context of the management of women's reproductive capacity.

24. She would like to know on what basis the agenda for the 1995 World Conference on Women had been drawn up.

25. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that the Commission on the Status of Women had already, in 1992, determined the categories of issues to be examined by the World Conference on Women. Its task now, as the preparatory body for the Conference, was to put some flesh on those bones. One of the main inputs at the intergovernmental level would be the work of the regional conferences which had been scheduled for each region, with the exception of Europe, where a similar preparatory task would be undertaken by the Economic Commission for Europe. The Commission on the Status of Women would be kept informed of all relevant recommendations by non-governmental organizations and expert bodies. The Commission was intending to adopt a very short document as a preparatory memorandum for the Conference.

26. Ms. BUSTELO GARCIA DEL REAL referred to resolution A/C.3/47/L.51/Rev.1, containing the text of the General Assembly decision to convene a world summit for social development at the level of heads of State and/or Government in early 1995. She asked whether that conference would in fact take place. If so, it would necessarily deal with issues affecting women, and the preparatory work for the other international conferences would in turn be relevant to the so-called "social summit".

27. MR. MATHIASON (Deputy Director, Division for the Advancement of Women) said that he had not been intending to refer to the "social summit"; however, the General Assembly had indeed decided to hold such a conference, in Copenhagen in early 1995. No other details were yet available. CEDAW would be able to prepare its contribution to that conference at its 1995 session. In the meantime, he would keep the Committee informed of all relevant developments.

28. Ms. AQUIJ said that population problems, which were linked to the question of sustainable development, were the root cause of many serious economic and political problems. Since the development of human resources was a key problem in many developing countries, the introduction of effective population programmes would do much to improve the situation of women and to promote development. As for the question of migration, she noted that the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families had not yet obtained a sufficient number of signatures to secure its entry into force. The forthcoming conference would be an opportunity to encourage participating States to sign that Convention.

29. Mr. DU GUERNY (Promotion and Analysis Branch, Division for the Advancement of Women) was uncertain whether the preparations for that conference had a bearing on the Convention. The group of experts dealing with migration had been concentrating on migrant flows and employment, i.e. on the demographic aspects of the question.

ORGANIZATION OF WORK (continued)

30. The CHAIRPERSON said that the membership of the two informal working groups would be as follows: Working Group I: Ms. Gurdulich de Correa, Ms. Ilic, Ms. Mäkinen, Ms. Muñoz Gómez, Ms. Nikolaeva, Ms. Quedraogo, Ms. Lin Shangzhen, Ms. Sinigiorgis, Ms. Tallawy and Ms. Ukeje; Working Group II: Ms. Abaka, Ms. Akamatsu, Ms. Aouij, Ms. Aykor, Ms. Bravo Nuñez de Ramsey and Ms. Bustelo García del Real.

31. Working Group I would deal with agenda items 4, 6 and 7.

32. Ms. CREYDT (Secretary of the Committee) referred to the proposal by the Secretariat that Working Group I should focus on issues arising from the report of the chairpersons of the human rights bodies and make nominations for the membership of the pre-session working group. In light of the comment by Ms. Cartwright, it should also consider whether the Committee should continue to circulate initial reports by States parties when considering second and subsequent periodic reports. In future, the number of second and subsequent periodic reports would increase, multiplying in turn the number of documents distributed.

33. In response to a remark by Ms. Quintos-Deles, she added that the efficiency of the reporting procedure should be among the subjects considered by Working Group I. However, it would be for each working group to determine its own priorities, with a view to submitting its proposals by the end of the second week of the session.

The meeting rose at 4 p.m.