



Convention on the Elimination  
of All Forms of Discrimination  
against Women

Distr.  
GENERAL

CEDAW/C/SR.231  
16 February 1993

ORIGINAL: ENGLISH

---

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Twelfth session

SUMMARY RECORD OF THE 231st MEETING

Held at the Vienna International Centre, Vienna,  
on Friday, 5 February 1993, at 10 a.m.

Chairperson: Ms. CORTI

CONTENTS

Adoption of the report of the Committee on its twelfth session

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of distribution of this document to the Head, Translation Service, room D0749.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS TWELFTH SESSION  
(CEDAW/C/1993/L.1 and Add.1-14)

1. The CHAIRPERSON suggested that, in cases where no changes were proposed to a document containing a section of the draft report, that document should be adopted without discussion.

2. It was so decided.

CEDAW/C/1993/L.1

3. Ms. CREYDT (Secretary of the Committee) said that paragraph 9 would be finalized after the end of the session.

4. Document CEDAW/C/1993/L.1 was adopted.

CEDAW/C/1993/L.1/Add.1

5. Ms. ABAKA proposed that paragraph 46 be amended to read: "In a subsequent remark, concern was expressed by one of the Committee members about the scarcity of contraceptive means. The scarcity of contraceptives might lead to repeated abortions, which usually involved health hazards for women."

6. It was so decided.

7. Document CEDAW/C/1993/L.1/Add.1, as orally amended, was adopted.

CEDAW/C/1993/L.1/Add.2

8. Ms. GARCIA-PRINCE felt that the word "aggression" in the second sentence of paragraph 5 might be regarded as tendentious, even if that word had been used by the representative of Iraq.

9. After a discussion in which Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women), Ms. CARTWRIGHT and Ms. BUSTELO GARCIA DEL REAL took part, the CHAIRPERSON said that, if there was no objection, she would take it as agreed that the word "aggression" should be replaced by the word "conflict".

10. It was so decided.

11. After a discussion in which Ms. GURDULICH DE CORREA, Ms. NIKOLAEVA, Ms. BUSTELO GARCIA DEL REAL and Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women) took part, the CHAIRPERSON asked whether it was agreed that the word "Members" at the beginning of paragraph 7 should be rendered by "Des membres" and "Miembros" in the French and Spanish versions respectively, and that a corresponding change should be made in the Arabic version.

12. It was so decided.

13. Document CEDAW/C/1993/L.1/Add.2, as amended, was adopted.

CEDAW/C/1993/L.1/Add.3

14. After a discussion in which Ms. BUSTELO GARCIA DEL REAL, Ms. GURDULICH DE CORREA and Ms. GARCIA-PRINCE took part, the CHAIRPERSON asked whether it was agreed that the last sentence of paragraph 4 should be amended through the inclusion of a reference to information provided by the representative of the Centre for Human Rights and that the letter mentioned in that sentence should be annexed to the Committee's report.

15. It was so decided.

16. Document CEDAW/C/1993/L.1/Add.3 was adopted, as amended, on the understanding that the letter mentioned in paragraph 4 would be annexed to the report.

CEDAW/C/1993/L.1/Add.4-7

17. Documents CEDAW/C/1993/L.1/Add.4-7 were adopted.

CEDAW/C/1993/L.1/Add.8

18. Ms. FORDE proposed that the words "they were associated States" in the first sentence of paragraph 11 be replaced by "of their constitutional status".

19. It was so decided.

20. Ms. QUINTOS-DELES (Rapporteur) said that Ms. Gurdulich de Correa had proposed that the last sentence of paragraph 11 be amended to state that one member had questioned the assumption regarding sovereignty over the Falkland Islands (Malvinas) given the existence of a dispute concerning it.

21. It was so decided.

22. Ms. QUINTOS-DELES (Rapporteur) said that Ms. Lin Shangzhen had proposed that the following sentence should be added as the second sentence of paragraph 12: "To this effect, a member informed the Committee of the proper procedures in the event of any intention to extend the Convention to Hong Kong during the transitional period before 13 June 1997 or thereafter."

23. It was so decided.

24. Ms. QUINTOS-DELES (Rapporteur) said that Ms. Forde had proposed that the wording of paragraph 32 should be revised in the light of the relevant summary record.

25. It was so decided.

26. Document CEDAW/C/1993/L.1/Add.8, as amended, was adopted.

CEDAW/C/1993/L.1/Add.9-11

27. Documents CEDAW/C/1993/L.1/Add.9-11 were adopted.

CEDAW/C/1993/L.1/Add.12

28. Ms. ABAKA suggested that the following sentence should be added at the end of paragraph 46: "Experts and others present were requested to pressure their Governments to increase their contributions to these two United Nations bodies."

29. It was so decided.

30. Ms. BUSTELO GARCIA DEL REAL requested that paragraph 48 be amended to reflect more accurately the statement she had made during the meeting.

31. The CHAIRPERSON suggested that the text should be aligned with the relevant summary record.

32. It was so decided.

33. Document CEDAW/C/1993/L.1/Add.12, as amended, was adopted.

CEDAW/C/1993/L.1/Add.13

34. Ms. QUINTOS-DELES (Rapporteur) said that it had been suggested that a drafting change should be made in the second sentence of operative paragraph 11 of the recommendation to the World Conference on Human Rights, set forth in paragraph 16 of document CEDAW/C/1993/L.1/Add.13, so that the sentence would read: "This is even further aggravated by the lack of a gender dimension in these programmes and continuance of existing gender discrimination in public and family life."

35. It was so decided.

36. Ms. BUSTELO GARCIA DEL REAL said that the expression "the successor State" in the last sentence of paragraph 22 should read "the successor States". In addition, she thought that a new sentence should be added at the end of the paragraph to reflect the Committee's agreement that it would consider the reports concerned at its next session.

37. Ms. SINEGIORGIS asked for clarification of the last sentence of paragraph 22 in document CEDAW/C/1993/L.1/Add.13.

38. Ms. BUSTELO GARCIA DEL REAL recalled that the Committee had discussed action it might take in the light of information received regarding the violation of the human rights of women in the former Yugoslavia, and it had been decided that the Chairperson should send a letter on the matter to the Special Rapporteur appointed by the United Nations to report on the human rights situation in the territory of the former Yugoslavia. No response had so far been received. It would be reasonable to leave it to the Chairperson to take whatever action she considered necessary on the basis of information subsequently received from the Special Rapporteur. Under article 18 of the Convention, the Committee could request the successor States of the former Yugoslavia, which, as she understood it, had inherited under international law the responsibilities of the former Yugoslavia in respect of international treaties, to report to the Committee on the violations of the basic rights of women which had occurred in their territories. The Committee would consider the reports at its next session.

39. Ms. SINEGIORGIS said that the Committee could only request reports pursuant to article 18 from States that had ratified the Convention. That situation should be reflected in the text.
40. Ms. SELAMI-MESLEM (Director, Division for the Advancement of Women) explained that successor States did not automatically endorse all the conventions ratified by the former State.
41. Ms. FORDE said that, now that the Committee had set a precedent by taking up the specific situation of the former Yugoslavia, it should give due consideration to women in other regions of the world who were being subjected to, or had been subjected to, similar violence, so that the charge of selectivity and double standards could not be made against the Committee.
42. In reply to a question from Ms. SCHÖPP-SCHILLING, Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that Yugoslavia was a State party to the Convention and that instruments of accession had been received from the Governments of Slovenia and Croatia.
43. Ms. BUSTELO GARCIA DEL REAL wondered whether any of the new States had ratified the International Covenant on Civil and Political Rights. The Human Rights Committee had requested the successor States of the former Yugoslavia to provide information on the situation in their territories and the Committee should take similar action.
44. Referring to Ms. Forde's statement, she said that the Committee should not miss any opportunity to defend the human rights of women in other areas of the world where the United Nations might intervene, now that a precedent had been set. It was extremely important for the Committee to use its powers in that regard in view of the vulnerability of women in times of war. It was difficult to understand the reluctance of some members of the Committee to take action on the former Yugoslavia at the present time, given the suffering of so many women there.
45. Ms. GARCIA-PRINCE supported the previous speaker's remarks and said it would be inexplicable if the Committee were to fail to react to what was occurring in the territories of the former Yugoslavia even if it had no official information at its disposal. The views of the Committee had to be reflected, and it was a pity that no text had been prepared for a recommendation to the Commission on the Status of Women on the situation regarding the human rights of women in the territories of the former Yugoslavia.
46. The CHAIRPERSON said that she would be invited to present a report on the Committee's work to the Commission on the Status of Women and she would, of course, be giving a full account of the discussion that had taken place. There was perhaps no need to reopen the matter now. The successor States of the former Yugoslavia were, as far as the Committee and the Convention on the Elimination of Discrimination against Women were concerned, the new Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia and Slovenia. As regards women who were subjected to violence in other parts of the world, it was true that in the past the Committee had not reacted to such cases but it would no doubt in future be prompted to further action. The Committee had an obligation to react where grave violations of the human rights of women occurred, and there was no question of double standards.

47. Ms. QUINTOS-DELES (Rapporteur) wondered whether an additional sentence should be added to paragraph 22 putting on record the Committee's commitment to continue to look into cases of grave violence against women in any part of the world.
48. Ms. BUSTELO GARCIA DEL REAL said that the Committee should adopt the same stance as the Human Rights Committee had done when dealing with the same subject; a flexible form of words was required.
49. Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women) said that Bosnia and Herzegovina had not ratified the Convention. Did the Committee intend to ask the new Federal Republic of Yugoslavia, Croatia and Slovenia to provide information on territories over which they had no jurisdiction?
50. Ms. BUSTELO GARCIA DEL REAL said that it was not clear what precisely the Committee could do in legal terms. However, she thought it could agree on the following text: "The Committee decided that, if the situation warranted it, the Chairperson, under article 18 of the Convention, would request the successor States of the former Yugoslavia to submit reports to the Committee on an exceptional basis so that they might be considered by the Committee at its next session." If necessary, the Committee could take a vote on the matter.
51. Ms. FORDE said that article 18 of the Convention, as she understood it, did not give the Committee the right to request reports whenever it wished; the words "and further whenever the Committee so requests" in paragraph 1 (b) referred to further reports after an initial report had been submitted.
52. Ms. SINEGIORGIS said that what was needed was a reference to the new States parties that had succeeded the former Yugoslavia.
53. Ms. CARTWRIGHT said that a formula should be found that would enable the Chairperson to take the legal advice she needed in order to establish from which States and in what form reports would be requested.
54. Ms. SCHÖPP-SCHILLING asked what other human rights treaty bodies had requested such reports, and on what basis.
55. Ms. BUSTELO GARCIA DEL REAL said it was for the Chairperson to decide which of the successor States of the former Yugoslavia would be asked to submit reports, but it was important to establish that the Committee agreed in substance on the issue. In her view, the Committee should ask for anything that would help it better to defend the human rights of women in the territories of the former Yugoslavia. A decision was needed on the substance of the issue.
56. Ms. FORDE suggested that the third sentence of paragraph 22 be deleted on the understanding that a decision would be taken at a later stage after legal opinion had been sought and given.
57. Ms. LIN Shangzhen agreed that the Committee should seek legal advice.

58. The CHAIRPERSON said she believed that it was essential for the Committee as a body to send a political signal by reacting in defence of the equal rights of women and their basic human rights. The precise way in which that reaction was to be conveyed could be decided later on the basis of legal advice.

59. Ms. BUSTELO GARCIA DEL REAL said that her concern was not merely to obtain more information on what had occurred; she believed that the Committee was entitled to ask what the States of the former Yugoslavia were doing or intended to do on behalf of the women affected.

60. Ms. SCHÖPP-SCHILLING said that there was clearly a difference of opinion on how the Committee should proceed. She thought that it could take a decision on the substance of the proposal, if necessary by a vote, while leaving the wording to be finalized on the basis of legal advice. She understood that the Human Rights Committee had already requested reports from the States concerned.

61. The CHAIRPERSON said that the Committee would need to have legal advice before a vote was taken in order to be sure what it was voting on.

62. Ms. CARTWRIGHT said that, if there was general agreement that the Committee wished to have further reports from the States of the former Yugoslavia, she would propose an appropriate text. However, it was not clear whether a consensus existed.

63. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that the general view of the Human Rights Committee had been that the peoples of the territories concerned were entitled to the guarantees of the International Covenant on Civil and Political Rights, and the Committee had therefore decided to act under article 40, paragraph 1, of the Covenant which governed the reporting procedure. Perhaps, since the first sentence of paragraph 22 referred to "the territories of former Yugoslavia", the second sentence should refer to "the respective States". It would be understood that, if the States concerned were not parties to the Convention, the Committee could not require them to submit reports.

64. The CHAIRPERSON asked whether there was a consensus that, in case of necessity, the Chairperson should request the submission of special reports.

65. Ms. FORDE, supported by Ms. NIKOLAEVA, said that she would agree to that, subject to an interpretation of article 18 of the Convention.

66. Ms. CREYDT (Secretary of the Committee) said that it was the view of the Legal Liaison Officer that the provision in article 18 of the Convention concerning the obligation of States parties to submit reports "further whenever the Committee so requests" was somewhat ambiguous and could not be clearly interpreted.

67. Ms. GURDULICH DE CORREA said that, if a consensus could not be reached on the substance of the question, a vote should be taken.

68. Ms. OUEDRAOGO said that it was clear from article 18 that a State could not be asked for a report if it had not ratified the Convention.

69. In reply to a question from Ms. SCHÖPP-SCHILLING, Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women) said that Slovenia and Yugoslavia had ratified the Covenant on Economic, Social and Cultural Rights. Only Yugoslavia among the entities of the region had ratified the Covenant on Civil and Political Rights.

70. The CHAIRPERSON said that she would seek further legal advice. She hoped that, before the next meeting, the members of the Committee would consult together so that a decision could be taken.

71. Ms. CARTWRIGHT suggested that the Committee should postpone a decision on paragraph 22 of document CEDAW/C/1993/L.1/Add.13 and meanwhile adopt that document with the exception of paragraph 22.

72. It was so decided.

The meeting rose at 12.55 p.m.