



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

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 263rd MEETING

Held at Headquarters, New York,
on Tuesday, 17 January 1995, at 3 p.m.

Chairperson: Ms. CORTI

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* Items considered together.

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

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

Initial report of Bolivia (continued) (CEDAW/C/BOL/1 and Add.1)

1. At the invitation of the Chairperson, Ms. Montaña (Bolivia) took a place at the Committee table.

Article 7

2. Ms. GARCIA-PRINCE asked what measures existed to support women's non-governmental organizations and other women's organizations, and to encourage women's participation in politics. She also wished to know whether there had been any increase in the percentage of women occupying decision-making positions in public or legal administration.

3. Ms. ESTRADA CASTILLO wondered whether the law in favour of women's political participation had been put into practice and whether it recognized the various ethnic groups. She would welcome any information regarding political and legal education, especially for the indigenous population, to enable them to make use of the resources made available to them. The report was quite comprehensive regarding theoretical changes in the law, but less so regarding the concrete steps taken to improve the situation.

4. Ms. BERNARD, referring to paragraph 118 of the report, asked whether there were any plans to resume the military training for women and, if so, what steps would be taken to encourage women to pursue military careers. Regarding paragraph 125, she asked whether the number of women occupying ministerial posts had increased since the drafting of the report.

5. Ms. BARE commended the Bolivian Government for having passed a law on political participation which recognized grass-roots organizations. She wondered whether there was any programme to use such organizations to ensure that women's representation was increased in low-level decision-making positions perhaps at the municipal level. She also wondered if there was any programme of civic education to encourage women to use their right to vote, in order to increase their representation in parliament, and whether grass-roots organizations could assist women in obtaining the identity cards which they needed in order to vote.

6. Ms. AOUIJ said that women had traditionally been excluded from political life, except during election periods when the political parties needed their votes; they should organize in order to improve their participation, and ensure better representation in elected positions. Women had an important political and ethical contribution to make, but that required their participation in the political process. She hoped to see, in a future report, details of measures taken to increase that participation.

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Article 8

7. Ms. HARTONO asked whether men and women were judged by the same criteria in the diplomatic service and, if they were, whether there were any barriers that prevented women from reaching the highest decision-making positions. For example, she wondered whether a university degree was required; also, was there any rule preventing a husband from joining his wife, or enabling him to oppose his wife's appointment to a post in a foreign country.

Article 9

8. Ms. AOUIJ said that it seemed from the report that there was perfect equality regarding nationality; however, it was not clear whether women had the same rights in terms of transmitting their nationality to their children.

9. Ms. BERNARD, referring to paragraph 132, wondered whether a Bolivian woman had the right to confer Bolivian nationality on her foreign husband.

Article 10

10. Ms. SATO, referring to page 7 of the Bolivian Government's statistical document, welcomed the increase in the proportion of women enrolling in Government literacy courses. However, referring to the statistics for adult illiteracy, she asked why the gap between the sexes (adult males 15 per cent, adult females 95 per cent) was so great, what measures were being taken to reduce it, and whether there were any plans to encourage access by women to programmes of continuing education.

11. Ms. JAVATE DE DIOS inquired about reports of a plan to privatize education, which would seem to imply that the Government would relinquish to the private sector its duty to provide education. That would have very serious implications, particularly for the provision of education to the most marginalized sectors of society such as indigenous women. Regarding the policy of bilingualism, she wondered how, given the policy of exclusively Spanish-language education above the fifth level, the country's other languages and cultures would be accommodated. She would also welcome information regarding the encouragement of women's studies and gender studies at the tertiary level, which she considered necessary if the country was to have sufficient specialized and knowledgeable people in the area of gender concerns.

12. Ms. BUSTELO GARCIA DEL REAL asked whether any difficulties had been encountered due to the apparent contradiction between, on the one hand, the policy of ensuring that educational curricula and teaching materials respected the country's various cultural traditions, and on the other hand, the need to combat sexism and gender stereotypes in education. She also wondered whether there were any provisions for health education, and if so, whether that included programmes such as education for family planning, access to contraception and prevention of AIDS.

Article 11

13. Ms. BERNARD inquired whether the activities of street vendors in the "informal" sector were included in formal economic statistics.

14. Ms. GARCIA-PRINCE requested additional information regarding the Government's policy on employment projects for women, especially the need to overcome various gender barriers. Since indigenous women workers in rural areas worked in the least advanced types of production and were restricted to low-status, low-salary jobs, she wondered what concrete measures were being taken in terms of introducing a gender-based approach in the field of vocational training courses.

15. Ms. JAVATE DE DIOS inquired whether there was a law on sexual harassment in the workplace, and what measures existed for the welfare and protection of women involved in domestic work. Also, in view of the increase in internal migration, especially regarding women seeking employment in the cities, she wondered whether the Government had any plans to meet the economic needs of migrant women.

16. Ms. OUEDRAOGO asked whether children who stayed at home to look after their younger siblings were predominantly girls; if so, that would constitute discrimination and would jeopardize the girls' education. She inquired as to the existence of any measures to eliminate the practice.

17. The CHAIRPERSON, speaking in her individual capacity, asked whether there was a minimum wage for those in full-time employment, and if so, whether it was the same for men and women.

Article 12

18. Ms. AYKOR, noting that, although abortion was considered a criminal offence, the Government had legalized a form of traditional medicine which induced abortion, asked whether any information was available regarding the numbers or the rate of abortions. Since 58 per cent of Bolivian women of reproductive age, while expressing the desire to control the number of their pregnancies, had admitted that they had no knowledge of contraception, she inquired whether the Government planned any educational or consciousness-building programmes for family planning. A high fertility rate would lead to a high rate of infanticide, especially in rural areas where most indigenous people lived. She asked whether the Government had approved the recommendations of the International Conference on Population and Development on the subject of reproductive rights.

19. Ms. KHAN asked what percentage of women had access to pre-natal care, whether information and services regarding matters such as contraception were available to women in rural areas, and whether there were any plans to change the law which currently considered abortion as a criminal offence.

20. Ms. GARCIA-PRINCE asked whether any initiatives existed for preventing or dealing with teenage pregnancies.

21. Ms. JAVATE DE DIOS asked whether adequate measures and programmes existed for the reduction of maternal mortality, and to what extent such programmes focused on the needs of indigenous women. Referring to paragraph 248, she asked what was being done to change the laws on rape, which unduly put the burden of proof on the victim; whether there was any crisis centre for the victims of domestic violence and rape; and whether any training or orientation was being given to the police and law courts to improve their handling of such cases.

22. Ms. SHALEV expressed alarm at the high mortality rates connected with abortion and childbirth, and at the overall fertility rate of six children per woman, which implied that women were not free to make their own choices and consequently were unable to participate fully in the political and economic life of the country. She wondered whether the difficulty for women in obtaining access to information on contraception was due to any religious, legal or constitutional barrier, or whether it was simply a social and cultural matter.

23. The CHAIRPERSON, speaking in her individual capacity, asked whether there was any plan to provide sex education to adolescents, bearing in mind the tragic consequences of teenage pregnancies in terms of young women's education and freedom of choice.

Article 14

24. Ms. OUEDRAOGO said that she would like to see special programmes for women in rural areas, who were among the most underprivileged members of society. She hoped that the next report would give details of such programmes.

25. Ms. HARTONO asked what ethnic groups were denoted by the term "indigenous people" and wondered whether the status and living conditions of the country's "non-indigenous" people were better. Also, she would like to know whether there were any programmes dealing with women's rights, literacy, and health; and to what extent women participated in programmes not specifically designed for them.

26. Ms. BARE, referring to paragraph 265, said it was regrettable that agricultural work was not covered by the General Labour Act, since that had strong implications for women workers. It was not clear whether they could join the labour movement to fight for better working conditions and a better livelihood. She would also like to know in what way public investment in rural development benefited women; and if any technology was involved, whether it was environmentally friendly.

27. Referring to the high school drop-out rates described in paragraph 278, she wondered whether there were any plans for the creation of pre-school facilities in rural areas, which could help to encourage girls to continue their education beyond the age of 13. She asked what initiatives had been taken by non-governmental organizations and grass-roots women's organizations to improve educational opportunities for girls.

Article 16

28. Ms. BUSTELO GARCIA DEL REAL inquired about an article in Bolivian family law which gave men the right to forbid their wives to exercise certain

professions or offices. If such a law was still in force, it should be changed as soon as possible.

29. Ms. JAVATE DE DIOS commended Bolivia for its adoption in 1973 of a comprehensive family code covering matters of marriage, divorce and child custody.

Article 16

30. Ms. ESTRADA CASTILLO asked whether there was any plan to change the provision of the criminal law which prevented a woman from making an official complaint if she was assaulted by a close relative or by her husband, or to improve the training and awareness of family judges in respect of the rights of women and minors. The current provision whereby, in the event of a divorce, custody of a child aged seven and above was awarded to the parent of the same sex, was in violation of the Convention on the Rights of the Child, as was the law preventing single mothers from adopting children. She wondered if there were any plans to bring those laws into line with international agreements; whether a single mother had the right to give her child up for adoption; whether any measures were planned to prevent the exploitation of women in the areas of international adoptions and surrogate motherhood; whether any statistics were available regarding abandonment of minors, and what steps were being taken to counteract that problem; and whether a foreign woman leaving the country after ending her marriage was allowed to take her children with her, or whether a Bolivian ex-husband could prevent her from doing so.

31. Ms. KHAN, referring to paragraphs 326 and 329, suggested that, given that it was now possible to determine within a few weeks whether or not a woman was pregnant, the Government should reconsider the provision whereby widows and divorcees were required to wait 300 days before they could remarry.

32. Ms. HARTONO requested clarification of the apparent contradiction between paragraphs 309 and 310 of the report, regarding the transmission of surnames from parents to children. More background information would also be welcome on the equal responsibility of husbands and wives for the care of children. From her reading of paragraph 376, legal equality might lead to a social inequality, in that women, although not in a financial position equal to men, appeared to have the same legal responsibility.

33. Ms. Montaña (Bolivia) withdrew.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW/C/1995/4)

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW/C/1995/6)

34. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women), introducing the reports of the Secretariat on, respectively, the analysis of article 2 of the Convention (CEDAW/C/1995/4), and ways and means of expediting the work of the Committee (CEDAW/C/1995/6), said that the latter inter alia stressed the need for a review of the Committee's Rules of Procedure

and provided the text of a number of proposed amendments to the general guidelines, which had been discussed at various sessions but never formally adopted. The secretariat's understanding of the proposed amendments was reflected in annex II of the document. As the guidelines were designed to assist States Parties in the preparation of their reports, it would be useful if the Committee could complete its consideration of the amendments. That would help bring the reports submitted to it into conformity with those submitted to other human rights treaty bodies.

35. Ms. TALLAWY suggested that it might be useful to draw up a list of the topics to be discussed in the working groups listing them in order of priority.

36. The CHAIRPERSON said that she would ask the Secretariat to prepare such a list.

37. Ms. VANEK (Chief of the Gender Statistics Unit, Statistical Division), noting the growing emphasis placed by the Committee on the use of statistics in the preparation of country reports, said that while the availability of statistics as a measurement of social, economic and political rights had greatly increased at the national and international levels, there was still much room for improvement in the use of statistics in such areas as education, employment, health and income and at the national level.

38. The use of statistics in human rights monitoring and analysis was inevitably controversial. Statisticians had developed a variety of techniques for the compilation and analysis of data on a wide range of social issues, had assessed the validity of those techniques, and had designed new data collection instruments, where necessary. A number of issues had been dealt with in the second edition of The World's Women: Trends and Statistics, which would be an official document of the Fourth World Conference on Women. The publication contained a new section on violence against women and one of the indicators in the country table included at the end of the chapter on power specified whether countries had acceded to or ratified the Convention.

39. The first edition had become a best-selling United Nations research publication. The Division was seeking to disseminate the second edition as widely as possible prior to the Beijing Conference: its goal was to sell 100,000 copies.

40. Ms. GARCIA-PRINCE and Ms. ABAKA asked whether the gender-disparity-adjusted human development index prepared by the United Nations Development Programme (UNDP) was available.

41. Ms. VANEK (Chief of the Gender Statistics Unit, Statistical Division) clarified that UNDP, which prepared the Human Development Report annually was a distinct entity. The information requested would be in the 1995 edition of the report, which would be available in the summer.

42. At the invitation of the Chairman, Mr. Hunter (Harrison Programme on the Future Global Agenda and American Association for the Advancement of Science) took a seat at the Committee table.

43. Mr. HUNTER (Harrison Programme on the Future Global Agenda, and American Association for the Advancement of Science) said that, in 1994, the Association had addressed the question of information management with regard to the human rights treaty monitoring functions and had submitted a concept paper on that question to the fifth meeting of persons chairing the human rights treaty bodies. Treaty monitoring functions, which consisted mainly of the review of country reports, oversight and evaluation, were extremely dispersed. Therefore, information management of the vast array of documents and statistics for each treaty body must focus on the particular needs of each Committee.

44. The meeting of chairpersons had recommended that each Committee should assume responsibility for defining its own information needs; had requested the Association to work with each Committee in order to help them in that task. The meeting of chairpersons would then address the consolidated information requirements of all treaty bodies. Subsequent to that meeting the Committee on Economic, Social and Cultural Rights had designated one member to work with him and the Association had been invited by it to participate in the future meetings.

45. Ms. CARTWRIGHT suggested that the question should be considered by Working Group I.

Draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/1995/WG.I/WP.1)

46. Ms. CARTWRIGHT, introducing the draft optional protocol to the Convention (CEDAW/C/1995/WG.I/WP.1), which had been elaborated at Maastricht by an expert group meeting sponsored by the International Human Rights Law Group and the Maastricht Centre for Human Rights, said that its purpose was to provide a mechanism whereby individuals or groups could submit communications to the Committee, alleging violations of women's rights or violations by States parties of their obligations under the Convention and the optional protocol. The elaboration of the optional protocol was the first major amendment to the basic instrument which legally recognized women's human rights. She proposed that the text should be considered in Working Group II and referred to the Commission on the Status of Women for adoption.

47. Ms. BUSTELO GARCIA DEL REAL noted that the draft optional protocol would increase opportunities for the effective implementation of the Convention by opening up the possibility for individuals and also for women's and other groups and associations to file complaints to the Committee.

48. Ms. AOUIJ pointed out that States parties to the Convention might feel that they were under moral pressure to accede to the new instrument.

49. Ms. JAVATE DE DIOS said that the draft optional protocol would provide a means of enforcing the Convention, and that, by giving serious treatment to the issue of violation of women's rights, it would complement the mandate of the Special Rapporteur on violence against women. She agreed that it should be examined in Working Group II.

50. Ms. LIN Shangzhen said that while appreciating the desire of Committee members to advance CEDAW's work and disseminate information about that work as widely as possible, she doubted whether the Fourth World Conference on Women would have the time or the capacity to consider such a specifically legal document.

51. The CHAIRPERSON pointed out that that was not the Committee's concern; it was merely deciding whether to refer the text to a higher body.

52. Ms. ESTRADA CASTILLO supported the positive comments made regarding the adoption of the draft optional protocol, noting that its adoption would strengthen and enrich the Committee's work.

53. Ms. GARCIA-PRINCE also expressed support for the draft optional protocol which would be a tool for democratizing the rights articulated in the Convention.

54. After a discussion in which Ms. TALLAWY, Ms. ABAKA, the CHAIRPERSON, Ms. SINEGIORGIS and Ms. SHALEV participated, the CHAIRPERSON suggested that the text should be referred to Working Group II.

55. It was so decided.

OTHER MATTERS

56. Ms. GARCIA-PRINCE inquired whether the Secretariat had prepared the concluding comments on the reports of Guyana, Japan, Colombia and Australia which the Committee had considered at its previous session. She would also be interested to learn whether the text she had submitted to the Secretariat in September or October 1993 containing ideas for recommendations to article 2 of the Convention had finally been translated, and if so, whether it could be made available.

57. The CHAIRPERSON said that the Secretariat would answer both those questions at the next meeting.

The meeting rose at 6.20 p.m.