



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

Distr.: General
31 August 2001

Original: English

**Committee on the Elimination of Discrimination
against Women**
Twenty-third session

Summary record of the 467th meeting

Held at Headquarters, New York, on Monday, 12 June 2000 at 10 a.m.

Chairperson: Ms. González

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The meeting was called to order at 10.20 a.m.

Opening of the session

1. **The Chairperson** declared open the twenty-third session of the Committee on the Elimination of Discrimination against Women.

2. **Ms. King** (Assistant Secretary-General, Special Adviser on Gender Issues and Advancement of Women) said that it gave her great pleasure to welcome the Committee members to the session, immediately following the very positive closing of the twenty-third special session of the General Assembly, which had reviewed the implementation of the Beijing Declaration and Platform for Action. Despite dire predictions, there had been no rollback of the Platform and many significant new areas had been discussed. During the general debate at the special session, a large majority of Member States had recommitted themselves to the principles of the Convention and its implementation, and had expressed firm intentions to ratify or accede to the Optional Protocol.

3. The final document adopted at the session identified the ratification of the Convention by 165 countries, the promotion of its full implementation and the adoption of the Optional Protocol among the achievements in implementing the Platform for Action. At the same time, the fact that the goal of universal ratification of the Convention by 2000 had not been achieved, the persistence of a large number of reservations, and the failure by many countries fully to implement the provisions of the Convention were cited as obstacles to its implementation. The actions and initiatives agreed by Member States to overcome obstacles to the full implementation of the Platform included the ratification of the Convention, limitation and withdrawal of reservations and acceptance of the Optional Protocol. Many other actions agreed aimed at creating a gender-sensitive legal and policy environment by reviewing legislation to remove discriminatory provisions and eliminate the gaps leaving women and girls without protection for their rights or effective recourse against gender-based discrimination.

4. Definite gains had been made in such areas as the recommendation for ratification of the Statute of International Criminal Court, more extensive criminalization of violence against women,

globalization, health rights, HIV/AIDS and many others. The influence of the Convention could clearly be seen on the development of the international policy framework for women's advancement, with the Convention itself forming the legal basis for that framework. In closing, she was pleased to report that two Member States would shortly deposit their instruments of ratification with the Secretary-General, who had made a special call for ratifications of international instruments during the Millennium Summit.

5. **Ms. Ertürk** (Director, Division for the Advancement of Women) said that, throughout the preparatory process for the special session of the General Assembly, the close linkages between the Convention, the work of the Committee and the full implementation of the Beijing Platform for Action had been clearly apparent. During the forty-fourth session of the Commission on the Status of Women, delegations had urged Governments to make efforts to realize the goal of universal ratification of the Convention and to limit or withdraw reservations. Acceptance of the amendment to its article 20, paragraph 1, was also advocated and the adoption of the Optional Protocol welcomed.

6. The stated commitments by Governments to the Optional Protocol had been translated into reality: to date, 42 States parties to the Convention had signed the Protocol and four had ratified it. It was her expectation that the 10 ratifications required for this entry into force would be achieved during 2000. At the current session, the Committee would begin consideration of the procedures that it would introduce for the implementation of the Optional Protocol. Since the previous session of the Committee, the Division had sought to promote universal ratification of the Convention and the Optional Protocol and the amendment to article 20, paragraph 1. She had met with many delegations at the Commission on the Status of Women to discuss ratification and compliance with reporting obligations, and had drawn attention to the capacity of the Gender Advisory Services Unit to provide technical support in those areas and also to the recent update of the CEDAW manual on reporting "Assessing the Status of Women".

7. The pre-session working group, meeting from 7 to 12 February, had taken important decisions on streamlining of its working methods. At the current session, the Committee would consider the reports of

seven States parties and would continue and complete its revision of the rules of procedure. A report on the Committee's working methods would also be introduced for discussion. The staff of the Division would continue to explore ways to improve procedures regarding documentation, given the many contingencies involved. In closing, she emphasized the growing prominence of the Convention as the legal basis of the policy framework for women's advancement.

Adoption of the agenda

8. **The Chairperson** drew attention to the provisional agenda for the twenty-third session of the Committee as contained in document CEDAW/C/2000/II/1.

9. *The agenda was adopted.*

Report of the Chairperson on activities undertaken between the twenty-second and twenty-third sessions of the Committee

10. **The Chairperson** said that, among the many activities which had taken place since the end of the Committee's twenty-second session, she wished to draw particular attention to the regional conference on women in Latin America and the Caribbean, which had also served as a preparatory meeting for the recent special session of the General Assembly. That conference, held in Lima, Peru, has resulted in the Lima Consensus, in which participating countries had reiterated their adherence to the Convention as the legal framework for the commitments made at the sixth regional conference and the Fourth World Conference on Women, as well as their primary responsibility for implementing them. At the recent session of the Commission on the Status of Women, the European Union had expressed similar views. She had made a statement to the Commission in which she had highlighted the need for universal ratification of the Convention and urged States parties to withdraw their reservations.

11. Over half the members of the Committee, including the Chairperson, had participated in the general debate, panels, workshops and other events of the recently completed special session of the General Assembly to review the implementation of the Beijing Platform for Action. She paid tribute to the intensive efforts of the Division for the Advancement of Women

in the preparations for the special session and the production of the final document. A panel on the Optional Protocol to the Convention had also been held, with the participation of Namibia and Senegal as the first two countries to ratify it, and she had just received the encouraging news that France had also ratified the Protocol.

12. In her statement during the general debate at the special session, she had presented the Committee's views, agreed at the end of its twenty-second session, on the interaction of the Convention and the Beijing Platform for Action, and reaffirmed the importance of implementing the Convention for achieving equality, development and peace. After arduous negotiations, the special session had adopted a political declaration which included, among its recommended actions, a study on withdrawal of existing reservations to the Convention and ways to avoid new ones. Finally, the current session of the Committee was particularly important, given the imminent entry into force of the Optional Protocol.

Implementation of article 21 of the Convention

Ways and means of expediting the work of the Committee

13. **Ms. Connors** (Chief of the Women's Rights Unit, Division for the Advancement of Women), introducing the agenda item on the implementation of article 21, said that the article provided for suggestions and general recommendations based on the examination of the reports and information received from States parties. The Committee had decided to provide opportunities for specialists from the specialized agencies and other United Nations bodies to present information related to specific articles of the Convention or to issues being considered for general recommendations and suggestions. Similarly, article 22 of the Convention provided that the specialized agencies should be entitled to be represented during the consideration of the implementation of such provisions of the Convention as fell within the scope of their activities, and the Committee could invite the specialized agencies to submit reports on implementation of the Convention in those areas. The twenty-third session would have before it a note by the Secretary-General on reports of specialized agencies on that subject (CEDAW/C/2000/II/3 and addenda).

14. With regard to the agenda item on ways and means of expediting the work of the Committee, she said that the report of the Secretariat (CEDAW/C/2000/II/4) contained comments made by members of the Committee or developments elsewhere in the human rights regime. At its previous session, the Committee had decided to continue its consideration of the rules of procedures, based on a working paper (CEDAW/C/2000/I/WP.1) integrating discussions that had taken place during the twenty-first and twenty-second sessions and proposals and amendments made by the Committee members. In addition, a member of the Committee had been designated to prepare a working paper (CEDAW/C/2000/II/WP.2) on proposed procedures with regard to the Optional Protocol to the Convention.

15. **Ms. Schöpp-Schilling** said she was pleased by repeated reference to the fact that CEDAW was the legal basis for the Platform for Action and there was currently greater recognition of that fact among the community of non-governmental organizations.

16. **Ms. Corti**, alluding to the relationship between the Convention, the work of the Committee and the Platform for Action, acknowledged that for the first time all parties understood the relevance of that relationship to the advancement of women. The time was also ripe for States parties to sign and ratify the Optional Protocol. Referring to a panel discussion held during the recent special session on the review of the implementation of the Beijing Platform for Action, she said that the United Nations High Commissioner for Human Rights had underscored the important connection between the conventions on the elimination of racial discrimination and discrimination against women, within the context of racism and gender issues.

17. **Ms. Acar** (Rapporteur), reporting on her statement to a recent session of the Commission on Human Rights, said that the statement had outlined the key elements of the Convention and the contents of the Optional Protocol and had also stressed the Committee's commitment to strengthening its collaboration with other human rights bodies in general and with the Office of the High Commissioner for Human Rights and the Commission on Human Rights in particular. In her estimation, interest in the work of the Committee and the Optional Protocol was keen. The Optional Protocol had also generated much interest as a topical issue at the special session as there was

much evidence that the spirit of the Convention was foremost in the minds of participants.

18. **Ms. Cartwright**, endorsing the views expressed by **Ms. Corti** on racism and gender, stressed that the two issues would be most critical in coming years. Another area of concern was the ratification and reporting capabilities of Pacific island States. Since various factors prevented those States from fulfilling their obligations under the Convention, she strongly urged the Committee to place a discussion of support for those States on the agenda of the current session.

19. **The Chairperson** agreed to include a discussion on the Pacific island States under agenda item 5.

20. **Ms. Ertürk** (Director, Division for the Advancement of Women) pointed out that at its forty-fifth session, the Commission on the Status of Women intended to take up the issue of racism and HIV-AIDS, and in that regard, the input of the Committee's experts would be most welcome.

21. **Ms. Taya**, speaking as the focal point for the Committee on Economic, Social and Cultural Rights reported on the activities of that Committee at its twenty-first and twenty-second sessions, drawing particular attention to practices which CEDAW might find useful to consider in future, including procedures concerning follow-up action. Cases in that regard were roughly divided into three categories: cases where the insufficiency of information or written replies to the list of issues prevented the full consideration of specific country reports; cases where matters which required follow-up measures urgently or in a very short period of time could be reported to the Committee; and cases where United Nations action or action on the part of States parties was required.

22. In view of the considerable backlog of reports pending consideration, the Committee on Economic, Social and Cultural Rights had decided at its twenty-first session to request the holding of one additional session per year. General comment No. 13 on the right to education had been adopted at that session, while general comment No. 14 on the right to the highest attainable standard of health had been adopted at the twenty-second session. Specialized agencies of the United Nations, and non-governmental organizations, had participated actively in the discussions relating to the drafting of general comments.

23. **Ms. Abaka** asked why Mauritania had been listed among the countries that had not yet ratified the Convention even though that country's delegation had informed African delegates during the recent special session that it had ratified the Convention. She wondered whether the Holy See, which had observer status within the United Nations, also had to ratify the Convention.

24. **Ms. King** (Assistant Secretary-General, Special Adviser on Gender Issues and Advancement of Women) said that the Minister for Women's Affairs of Mauritania had informed the Secretariat that Mauritania had ratified the Convention. As soon as the Office of Legal Affairs informed her that all the relevant procedures in that regard had been completed, she would inform the Committee. As far as observers were concerned, they, like Member States, were encouraged and expected to ratify the Convention.

25. **Ms. Cartwright** wondered whether the fact that observer States were encouraged to ratify the Convention meant that they could also put forward candidates for membership on the Committee.

26. **The Chairperson** said that, basically, any State which was a party to the Convention had the rights and obligations conferred by it. It was a matter that would undoubtedly be studied very carefully by politicians and academics.

27. **Ms. King** (Assistant Secretary-General, Special Adviser on Gender Issues and Advancement of Women) said that the Holy See had ratified the Convention on the Rights of the Child. As far as the question of putting forward candidates was concerned, she believed that, as a State party to the Convention, the Holy See would have the right to propose candidates.

28. **Ms. Schöpp-Schilling**, speaking as the liaison person for the Human Rights Committee, drew attention to that Committee's new guidelines for reporting and general comment No. 28. The new guidelines, which had come into effect on 31 December 1999, were integrated guidelines for initial and subsequent periodic reports. The Human Rights Committee hoped that they would reduce the need to request further information and would help it to consider the human rights situation in every State party on an equal basis. The guidelines, inter alia, requested all Governments to take into account all articles and general comments. In that regard CEDAW might

consider new ways of presenting and publishing its general recommendations, since most Governments and non-governmental organizations were not familiar with them.

29. Governments were also asked to explain measures derogating from their obligations under the Covenant and explain the use of restrictions that were permitted by giving data and statistics. While such data did not have to be disaggregated according to gender, all States parties were required to give specific information on ensuring the equal rights of men and women under article 3 of the Covenant.

30. With general comment No. 28, the Human Rights Committee had dramatically expanded the scope of the International Covenant on Civil and Political Rights. On the one hand, the Committee made it quite clear that the Covenant not only related to State responsibility vis-à-vis public agents, but also covered State accountability with regard to private agents. Moreover, in many of the article-by-article explanations, the Human Rights Committee seemed to have taken into account the CEDAW recommendations with respect to articles 7, 8, 12 and 16 of the Convention.

31. The human rights of women were addressed from the perspective of the actual day-to-day experiences of women. In paragraph 5 of the general comment, for example, the Committee took up the issue of traditional, historical, religious and cultural attitudes, implicitly referring to article 5 of the CEDAW Convention and how such attitudes impeded the implementation of women's human rights. Paragraph 8, which referred to international and internal armed conflicts, made it quite clear that the State had an obligation to protect women from rape, abduction and other forms of gender-based problems. Lastly, she suggested that the Committee should establish a special working group to undertake a formal evaluation of general comment No. 28 of the Human Rights Committee in more detail.

The meeting rose at 12.15 p.m.