



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Second session

SUMMARY RECORD OF THE 23rd MEETING

Held at Headquarters, New York,
on Thursday, 11 August 1983, at 10 a.m.

Chairperson: Ms. IDER

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The meeting was called to order at 10.30 a.m.

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

1. Ms. FINLAY (Cuba) thanked the Secretariat for its co-operation, which had enabled her to reorder the questions, and said she would make every effort to answer them as fully as possible.
2. The first question concerned the trade unions and particularly the role of women in trade union efforts to promote regional and world peace. In that connection, it should be noted that approximately 98 per cent of Cuban workers were unionized and that women constituted a large percentage of the work force, but she said that she had no precise figures. She would point out, however, that in 1980 42.7 per cent of the trade union officials had been women. Among trade union activities mention should be made of courses organized to enable workers who had left school before the ninth form to reach that level. It was estimated that in 1985 approximately 700,000 workers, men and women, would do so. Furthermore, the trade union movement discussed the plans of the national economy and monitored, inter alia, the implementation of labour legislation. Finally, with respect to activities in behalf of peace, the trade union movement was particularly active whenever it perceived that the survival of the human species was threatened.
3. A very specific question had been raised with regard to the system of study grants and the percentage of women recipients. She explained in that connection that the system governing the award of study grants made no distinction between the sexes. Those grants existed for secondary education, pre-university education, specialized schools and institutes of higher education as well as for specialized learning centres. It should perhaps be mentioned that for the school year 1980/81 more than 580,000 students had received grants, but she was unable to provide data on the distribution between men and women.
4. As for the access of women to the university and the continuation of education by young women, she explained that access to higher education did not give rise to any discrimination against women; it depended solely on grades, regular attendance, punctuality and discipline, conditions in keeping with the basic obligations of a student.
5. Among the measures which had been taken to help girls choose non-traditional occupations, from primary school up, there were activities designed for both boys and girls. "Orientation centres" had been established for the purpose of identifying and developing children's aptitudes in order to guide them more effectively towards the kinds of education and occupations which suited them. Such centres existed for agriculture, industry, science and technology, art, etc. They were organized in primary, secondary and pre-university schools and were among the optional activities open to students. The courses were taught by specialized personnel and their aim was to educate young people, and particularly to eliminate all forms of prejudice with respect to the choice of studies, careers and occupations.

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6. Although it was impossible to indicate the percentage of those working in the Ministry for Foreign Affairs who were women, it could be stated that while as yet few women were ambassadors or occupied managerial posts, the number of women advisers and technical specialists in the Ministry had increased in recent years, as had the participation of women in international bodies concerned with matters not ordinarily dealt with by women.
7. The next question related to the possibility of invoking the provisions of the Convention in court. Cuban penal law stipulated in that connection that every offence must be described in the Penal Code in order to be punishable. The Convention could be invoked in court if the offence involved sex discrimination and if there was an infringement of the rights guaranteed by the Convention.
8. As for the principles adopted by the Second Congress of the Federation of Cuban Women regarding the role of the family under socialism, the main points of which had been reflected in the report (p. 18 of the English text), mention should be made, inter alia, of the establishment of the National Group for Sex Education, the aim of which was to provide guidance to families and contribute effectively to the education of children in matters pertaining to sex.
9. Several questions had been asked about the situation of children in the case of divorce. Article 58 of the Family Code provided that in the divorce decree the court must determine which of the spouses was to have custody of the children and regulate the visiting rights of the other spouse. Furthermore, article 38 of the Family Code provided that joint property should be divided equally between the spouses. In addition, the court could decide that certain joint property considered necessary to the education of the children would be awarded by preference to the spouse who was given custody of the children. Another question concerned the exercise of parental authority after divorce. That matter was dealt with in article 85 of the Family Code, which laid down the obligations and rights of parents towards their children, in accordance with article 16, paragraph 1 (d) of the Convention. The Family Code made it clear that parental authority was exercised by both parents, whether or not the marriage had been dissolved. Finally, adoption was possible if there were two spouses, but a single man or woman could not adopt a child.
10. According to statistics compiled in December 1980, Cuba had 9,748,918 inhabitants, of which 4,927,167 were men and 4,821,751 were women. It had been asked why there was a discrepancy between the number of men and women at different levels of education; and the fact that lack of qualification prevented women from occupying certain posts, although access to education was equal at all levels, had caused some surprise. That was a phenomenon which could easily be explained by the rate of school attendance. From 1961 to 1967 that rate had been 14.4 per cent, and it had risen to 70.8 per cent between 1975 and 1981. It should also be pointed out that in that regard there was a considerable difference between the urban sector and the rural sector. The drop-out rate was far higher among women and in rural schools, because of the dispersion of population centres and of schools with more than one level, as well as for other social and economic reasons, such as marriage or migration. That explained why women sometimes did not have the necessary qualifications for certain posts.

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11. Replying to another question, she explained that abortions of pregnancy were permitted and were free of charge, provided that they were performed in a Cuban medical establishment and did not endanger the woman's health. The only conditions imposed was that the consent of the party concerned must be obtained. In the case of a minor, the consent of the parents was required.

12. Much information had been requested in connection with Cuba's success in eliminating prostitution as a social phenomenon. The Federation of Cuban Women had taken steps in that direction shortly after the triumph of the Revolution. First it had taken a census after which it had adopted a number of practical measures such as health inspection for women, each of whom was given a health book, and the institution of compulsory courses to reintegrate prostitutes into society and provide them with vocational training. At the same time measures had been taken against, for example, street prostitution and pornographic shows. Rehabilitation centres had been established to help women find jobs, preferably in places far from where they lived, in order to make it easier for them to make a new start.

13. The Cuban Penal Code defined prostitution as a danger and as punishable by a prison sentence. She was sorry she could not provide more information as to the length of the penalties stipulated in the Penal Code. Footnotes 21 and 22, contained in the annex to the report, showed what measures and punishments could be applied in that area.

14. One member of the Committee had asked whether all women were members of the Federation of Cuban Women. That Federation had more than 2.5 million women members, or approximately 82 per cent of the country's female population. Women who did not belong could still take part in activities organized by the Federation and attend, for example, cultural improvement courses, courses on health and hygiene, etc.

15. Cuban women were represented at all levels of the judicial system, from the Supreme Court to the municipal courts. More and more women were becoming judges, public prosecutors and members of the Public Prosecutor's Office of the Republic. Unfortunately, neither figures nor percentages were currently available. Women occupied high-level posts in the Government as well as in the judicial system, but their number was still too low.

16. Regarding the percentage of women who had taken part in the popular debates on the Constitution, it was estimated that some 6 million persons above 14 years of age had participated in the debates in each of Cuba's mass organizations. Women had accounted for an estimated 50 per cent of the participants in organizations other than the Federation of Cuban Women.

17. The municipal assemblies established by the People's Power had made it possible to establish the conditions necessary for the exercise of socialist democracy, through the participation of the masses in the Government and through municipal and local activities. The delegates to the provincial assemblies and the National Assembly, the supreme organ of the State, were elected in those municipal

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assemblies. There were many women among the delegates. There were no statistics available on the subject; however, while there were as yet few women in posts at the decision-making level, their number had increased substantially over the past 20 years.

18. In the report submitted by the Republic of Cuba, social and mass organizations had been designated solely by their initials, and she felt that it undoubtedly would be useful to indicate the precise names of some of those organizations.

Among them were the Federation of Cuban Workers, the committees for the defence of the Revolution, the Federation of Cuban Women, the National Association of Small Farmers, the Federation of Intermediate-Level Students, the Federation of University Students and the Union of Pioneers of Cuba. Those organizations embraced almost the entire population of the country, and the number of female participants was very high, as was the number of women occupying positions of responsibility. Women who were homemakers could participate in building the socialist society. In that regard, it should be noted that more than 2.5 million women took part in voluntary activities organized by the Federation of Cuban Women or other organizations.

19. With regard to measures taken to eliminate stereotyped conceptions and socio-cultural prejudices which impeded equality between men and women, it was stated in the report that, from the earliest levels, co-education helped to eliminate discrimination between boys and girls. Furthermore, the mass media actively worked together to educate the public and young people in order to eliminate long-standing socio-cultural prejudices concerning the equality of the sexes.

20. Several questions had been raised regarding the provision of the Fundamental Law of the Republic concerning freedom of artistic expression provided that its content was not contrary to the Revolution. It must be clearly understood that the Cuban Revolution had brought about a radical transformation of the country, which until that time had suffered from exploitation, poverty and the flagrant violation of human rights. The Revolution had guaranteed the freedom and equality of all citizens and the right of all to employment, land, free education, medical care, social security, etc. Artistic expression could not be permitted to diverge from the principles of the Revolution, nor could the interests of the population as a whole be compromised by the interests of an individual.

21. A great many questions had been raised regarding the statement by President Fidel Castro to the effect that there must be "some small privileges and some small inequalities in favour of women". That statement was not in contradiction with the content of the report, nor did it imply any "over-protection" of women. The underlying reason for the difference was the reproductive role which nature had entrusted to women and which could not help but have repercussions on their health. It was in that context that the President's remarks must be understood.

22. The Law on Protection and Hygiene at Work indicated, for the same reason, tasks which could be harmful to women owing to their physical and biological

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make-up. The text of the Law was not available, but the next report of Cuba would include details of the regulations envisaged in the Law.

23. The fact that the retirement age was not the same for men and women was explained by the same physiological reasons. It was not a question of discrimination against men. In that regard, it should be noted that if a man was unable to continue working for health reasons, under the social security legislation he was entitled, subject to medical examination, to retire before the statutory age and to receive a pension.

24. In reply to a question from a member of the Committee concerning the ties between the Federation of Cuban Women and the Government, she said that the President of the Federation was a member of the Council of State and President of the National Assembly's Standing Committee on Children, Youth and Equal Rights for Women. It was through that channel that the concerns, views and proposals of the Federation were transmitted to the higher governmental bodies.

25. Details had been requested concerning the Office of the Public Prosecutor of the Republic. Footnote 13, contained in the annex to the report, provided some information in that regard. The Law on the Organization of the Judicial System and the regulations governing the Public Prosecutor's Office supplied further information which could be included in Cuba's next report.

26. The Constitution guaranteed the right of all citizens to social security protection against old age, illness and accidents, and the social security legislation governed the implementation of that constitutional guarantee. It should be emphasized that Cuban workers made no financial contributions in return for the right to social security benefits.

27. She hoped that she had replied in a satisfactory manner to the questions raised by the members of the Committee. The task had not been easy for her, firstly, because she had been unable to obtain additional information, secondly, because she had had little time to prepare her replies and, lastly, because she was not sufficiently familiar with the procedure to be followed for the presentation and discussion of country reports submitted to the Committee. She wished to suggest that the Chairperson should in the future issue guidelines enabling Government representatives to submit their reports in full knowledge of the procedure and, if possible, allow more time for representatives to prepare their replies. The very helpful questions and observations of the members of the Committee would be taken into account, so that Cuba's next report would be more comprehensive and analytical.

28. The CHAIRPERSON said that, if there were no objections, and if no member of the Committee had further comments to make, she would take it that the Committee had completed its consideration of the report of the Cuban Government.

29. It was so decided.

SESSIONS OF THE COMMITTEE IN 1984 AND 1985 (continued)

30. Ms. GONZALEZ MARTINEZ submitted the following draft decision to the Committee for approval: "In accordance with article 22 of the Convention, the Committee decided to invite the specialized agencies whose activities were relevant to articles of the Convention to prepare reports on such programmes as might promote the implementation of the Convention and to provide the Committee with additional information."

31. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee approved the proposed text.

32. It was so decided.

33. Ms. REGENT-LECHOWICZ pointed out that the French text of the draft decision referred to "articles" of the Convention, whereas article 22 of the Convention referred to "provisions". She therefore proposed that the word "articles" should be replaced by the word "provisions".

34. Ms. GONZALEZ MARTINEZ approved the change, noting that in a number of places the Spanish text had been influenced by the English version.

35. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to adopt the change.

36. It was so decided.

GUIDELINES FOR REPORTS BY STATES PARTIES (continued)

37. Ms. CARON (Chairperson of the Working Group) said that document CEDAW/C/3/Rev.2, prepared by the Working Group, was the result of many lengthy meetings during which all the members of the Group had been very open-minded and had taken into account diverse and often very divergent suggestions and ideas. She was glad to report that the Working Group had nevertheless arrived at a consensus text, and she recommended that the draft general guidelines should be adopted.

38. The outline of the draft was as follows: the first two paragraphs made up an introduction. Paragraphs 3 and 4 dealt with the content of the reports. Paragraphs 5, 6, 7 and 8 contained general recommendations. Paragraph 7 of document CEDAW/C/3/Rev.2 corresponded to paragraph 5 of document CEDAW/C/3/Rev.1, which had been amended so as not to specify which preambular paragraphs were involved. She said that she was prepared to answer any questions that the members of the Committee might wish to ask her about the document.

39. Ms. OESER said that paragraph 4 (f) of document CEDAW/C/3/Rev.2 should form a new paragraph, paragraph 9.

40. Ms. GONZALEZ MARTINEZ said that, according to her notes, paragraph 4 (f) should come immediately after paragraph 7, in place of paragraph 8.

41. The CHAIRPERSON said that that observation was correct.
42. Ms. EL-FETOUH pointed out that the Arabic text of paragraph 7 differed from that approved by the Working Group in that it mentioned the ninth, tenth and eleventh preambular paragraphs of the Convention.
43. The CHAIRPERSON said that the mistake would be corrected.
44. Ms. REGENT-LECHOWICZ said that, in her opinion, the word "violations" in paragraph 6 was out of place in the context. The Convention was, after all, a recent one, and time was needed to change laws and, above all, attitudes. She proposed that paragraph 6 should be replaced by the following: "The report should also pay special attention to the difficulties and obstacles which counteract the principles and provisions of the Convention and thus obstruct its implementation".
45. Ms. GONZALEZ MARTINEZ pointed out that paragraph 4 (c) and (d) would then duplicate paragraph 6 as Ms. Regent-Lechowicz wished to amend it. In her opinion, paragraph 6 called for precise information on cases of actual violations of the Convention, like those referred to in, for example, the report of Sweden. There was no need to compile a complete list of violations recorded but rather to indicate the number, for example, for each case of discrimination. The thrust of those two paragraphs was therefore very different.
46. The CHAIRPERSON suggested that, for the sake of convenience, the document should be considered paragraph by paragraph.

Paragraph 1

47. Ms. CARON said that paragraph 1 reflected the spirit of article 18.
48. Paragraph 1 was adopted.

Paragraph 2

49. Ms. BERNARD, Rapporteur, requested the deletion of the preposition "to" between "help" and "insure" in the fourth line of paragraph 2.
50. Paragraph 2 was adopted.

Paragraph 3

51. Ms. SMITH pointed out that the Working Group proposed that the colon before "Part I" in the English text should be replaced by a full stop.
52. Paragraph 3 was adopted.

Subparagraph (a)

53. Ms. BIRYUKOVA said that she would like the words "article 1" in the last line of paragraph 3 (a) to be replaced by the words "defined in the Convention".

Subparagraph (b)

54. Ms. GONZALEZ MARTINEZ pointed out that, in the Spanish text of subparagraph (b), the words "los efectos" should be replaced by the words "cualquier efecto que", which was more in line with the English words "any effects".

Subparagraph (c)

55. Mr. NORDENFELT asked what exactly was meant by the expression "legal instruments" in subparagraph (c). He believed that it meant treaties or international agreements, but it might be that members of the Committee thought differently.

56. Ms. CORTES said that the term "instruments" could indeed be confusing: what was actually meant was measures. The word "instruments" should likewise be deleted in the second sentence of the same subparagraph.

57. Ms. BERNARD, Rapporteur, proposed that the phrase "the absence of such instruments" should be replaced by the words "their absence".

58. Ms. BIRYUKOVA said she agreed with Ms. Cortes that the word "instruments" should be deleted and replaced by the word "measures"; in her view, the word "legal" should be deleted, so that reference was made simply to measures in general.

59. Ms. DE REGO DA COSTA SALEMA MOURA RIBEIRO said that she did not quite understand the point of the discussion. To replace "legal instruments" by "measures" in subparagraph (c) would amount to reproducing the wording used in article 18 of the Convention. What she would like to know was what the Working Group had had in mind when it employed the words "legal instruments" in that subparagraph.

60. Ms. GONZALEZ MARTINEZ said that subparagraph (c) had been in the original text prepared by the Secretariat (CEDAW/C/3). What the Working Group had wanted was that States should provide information on the implementation of the Convention and indicate, in a general way, legislative, administrative or other measures adopted since ratification of the Convention for the purpose of implementing it. The second sentence of the subparagraph took account of cases in which a State had adopted no specific measures, either because it was against doing so or because it did not see the need for them in so far as they would be a duplication of the Convention. She agreed with the view of the expert from the Soviet Union that it was sufficient to speak of "measures" without going into greater detail.

61. Ms. BERNARD agreed with the views expressed by the experts from the Soviet Union and Mexico. She did, however, feel that, before taking a decision on subparagraph (c), the wording of paragraph 4 (a), which referred to the constitutional, legislative, administrative or other measures in force in the reporting States, should be taken into account.

62. Ms. MACEDO DE SHEPPARD said that in her view subparagraph (c) would be far too general if the words "legal" or "administrative" were omitted. She proposed that the first sentence of the subparagraph should read: "Any legal or administrative measures adopted to implement the Convention". That formula would seem to be all the more justified since the following subparagraph referred to authorities which had as their task to ensure that the principle of equality between men and women was complied with "in practice". Thus, the Working Group seemed to be referring in subparagraph (c) to the de jure situation of women but, in subparagraph (d), to their de facto situation. To refer simply to measures in subparagraph (c) would amount to a duplication of what appeared in subparagraph (d).

63. Mr. NORDENFELT agreed with the expert from Guyana that there was a similarity between paragraph 3 (c) and paragraph 4 (a), but he observed that the latter did not make it clear if the provisions in question had existed already before the ratification of the Convention, whereas paragraph 3 (c) referred specifically to the measures adopted after the ratification of the Convention with a view to its implementation. Furthermore, to remove the word "legal" from paragraph 3 (c) might create a discrepancy as compared with paragraph 3 (b) which referred to the effects that ratification had had on the State party's general social, economic, political and legal framework. He would like to hear the views of the members of the Working Group on that question, however.

64. Ms. REGENT-LECHOWICZ said that, given the contents of paragraph 3 (b) and paragraph 4 (a), the best wording for paragraph 3 (c), in her view, would be the one proposed by Mr. Nordenfelt, which would be to ask State parties what general measures had been adopted to implement the Convention.

65. Ms. CORTES said that she personally had no objection to replacing the word "instruments" in paragraph 3 (c) by the word "measures", although that might duplicate the wording of paragraph 3 (b). Nevertheless, there was a real difference between paragraph 3 (c) and paragraph 4 (a). In fact, paragraph 4 (a) requested States to provide specific information in relation to each article of the Convention; also, those provisions might very well have been in existence before the ratification of the Convention, whereas paragraph 3 (c) referred specifically to instruments adopted after the ratification of the Convention. Furthermore, for paragraph 3 (c) to refer simply to general measures might duplicate paragraph 3 (b).

66. Ms. OESER said that, after hearing the previous speakers, she wondered if the solution might not be to delete subparagraph (c) or to combine it with another part of paragraph 3 or with part of paragraph 4. Paragraph 4 (a) might, for instance, be reworded to read: "The constitutional, legislative, administrative, or other provisions in force, particularly those which had been adopted in order to implement the Convention". That would make it possible to stress the Committee's wish to know what measures had been adopted after the Convention had come into force.

67. Ms. SMITH said that she agreed with Mr. Cortes that there was a difference between paragraph 3 (c) and paragraph 4 (a). Though inclined to accept Ms. Oeser's suggestion, she none the less feared that there were certain provisions or measures

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which were so general in nature that they could not be covered by paragraph 4 (a), which referred to specific articles of the Convention. Furthermore, if paragraph 4 (a) were given a general character, it might duplicate paragraph 4 (b). She therefore felt that it was better to refer in paragraph 3 (c) to legal and administrative measures, thereby distinguishing it from paragraphs 3 (b) and 4 (a).

68. Mr. NORDENFELT said that, since there was a difference of purpose between paragraphs 3 (c) and 4 (a), the problem might best be solved by combining paragraphs 3 (b) and 3 (c) in a single paragraph 3 (b), the beginning of which would read: "Any legal measures adopted to implement the Convention and any other effects which ratification of the Convention has had ...".

69. Ms. BERNARD said that she could easily accept the amendment proposed by Mr. Nordenfelt provided that the word "other" between the words "any" and "effects" was deleted. As for paragraph 4 (a), she felt that it would be desirable to add to the end of that subparagraph the words "after the entry into force of the Convention", to show the Committee was interested in the measures taken after the adoption of the Convention.

70. Mr. NORDENFELT said that the beginning of the new paragraph 3 (b) should therefore read: "Any legal or other measures adopted to implement the Convention and any effects which ratification of the Convention has had ...".

71. Ms. BERNARD asked what would happen to the second sentence of paragraph 3 (c).

72. Mr. NORDENFELT said he thought that it would be implicit in the text of the new paragraph 3 (b).

73. Ms. SMITH stressed that, in adopting the wording of the second sentence of paragraph 3 (c), the Working Group had wished to draw the attention of States parties to the need to indicate the measures which had not been adopted, despite the fact that, in their view, such measures were necessary.

74. Ms. CARON added that the purpose of that sentence was to help States parties in drafting their reports by asking them to indicate explicitly the cases in which no measures had been taken.

75. Ms. BERNARD proposed the addition, after the proposed new paragraph 3 (b), of a new sentence, reading: "If none, clearly indicate their absence".

76. Ms. CORTES asked whether the new text referred to the absence of legal instruments or, more broadly, to the absence of any measures adopted since the entry into force of the Convention.

77. Ms. SMITH joined Ms. Cortes in asking whether the Committee wanted to obtain information on the absence of measures in general or merely of legal instruments. The new version was in fact far broader.

78. Mr. NORDENFELT said that it might be best to amend the second sentence of the proposed new paragraph 3 (b) to read: "If no measure has been adopted, that should be clearly indicated".

79. Ms. GONZALEZ MARTINEZ said she wondered if it was really necessary to amend the wording of paragraph 3 and if it was not enough simply to replace the words "legal instruments" in subparagraph (c) by the words "legal or administrative measures". There was in fact no difference in substance between the text proposed by the Working Group and the version now proposed.

80. Ms. BERNARD said she thought she had succeeded in formulating a text which would satisfy all the members of the Committee, to be worded:

"(c) Any legal or other measures adopted to implement the Convention. If none, indicate their absence and any effects which ratification of the Convention has had on the State party's general social, economic, political and legal framework since the entry into force of the Convention for the reporting State".

81. Ms. CARON said that, while she had no objection to the amendment proposed by Ms. Bernard, she agreed with Ms. González Martínez that the amendment did not contribute anything really new. Moreover, it might create confusion by mixing the practical effects of the entry into force of the Convention referred to in subparagraph (b) and the legal instruments or measures referred to in subparagraph (c). She was therefore in favour of retaining the original wording of paragraph 3 (c).

82. The CHAIRPERSON said that the Committee as a whole appeared to be in favour of the amendment and that, if she heard no objection, she would take it that the proposed amendment had been adopted.

83. It was so decided.

84. Ms. MACEDO DE SHEPPARD said that she, like Ms. González Martínez and Ms. Caron, did not see the usefulness of the amendment but felt that it had been adopted too hastily.

85. The CHAIRPERSON said that no member of the Committee had raised any objection at the time of the adoption of the amendment.

86. If she heard no objection, she would take it that the text of subparagraph (c), formerly subparagraph (d), would be retained as it stood.

87. It was so decided.

Subparagraph (e)

88. Ms. PEYTCHEVA said that the present text of subparagraph (e) created some difficulties for her, primarily because the Russian version used an expression which referred to "protecting the recognition of rights and freedoms", an expression which, in itself, did not have much meaning. She proposed that that wording should be replaced by the following text: "The means used to ensure the development and general advancement of women for the purpose of guaranteeing them entitlement to, and enjoyment of, human rights and fundamental freedoms in all fields on a basis of equality with men".
89. Ms. SMITH noted that the text adopted by the Working Group was based on article 1 of the Convention and departed somewhat from article 3.
90. Ms. CARON, supporting Ms. Smith, emphasized the fact that the Working Group had intentionally adopted that wording because it was based on articles 1 and 3 but also went slightly further, in that it spoke, inter alia, of protecting and promoting the recognition of human rights and fundamental freedoms.
91. Ms. ESCUDERO-MUSCOSO felt that the text proposed by the Working Group should be retained, since the existing wording was quite clear and logical.
92. Ms. PEYTCHEVA said that article 1 of the Convention defined discrimination and that, consequently, it would be inappropriate to use it as a guideline. She therefore felt that the text should rather be based on article 3.
93. Ms. BIRYUKOVA said that the Russian version of subparagraph (e) was difficult to understand. The Russian word which had been used for "recognition" and which generally referred to a confession in a criminal law context, was certainly not the appropriate word. Moreover, the wording of the provision in question should follow the text of article 3 of the Convention more closely, and, therefore, the text proposed by the Bulgarian expert more clearly set forth the basic obligations of States parties in the area concerned. She therefore supported the text proposed by Ms. Peytcheva.
94. Ms. CORTES recalled that subparagraph (e) had been drafted on the basis of article 1 of the Convention in order to embrace all forms of discrimination against women, and she therefore felt that the proposed text adequately met the desired objective. However, she understood the difficulty confronting the USSR expert, since the English version of the subparagraph also contained some inappropriate language; the expression "protect the recognition" hardly made any sense. In order to remedy the situation, she therefore proposed that the English version should be brought into line with the French version by the substitution of the word "guarantee" for the word "protect" and that the subparagraph as amended should be adopted.
95. Ms. GONZALEZ MARTINEZ agreed with Ms. Cortes and recalled that the purpose of subparagraph (e) was, precisely, to reflect the provisions of article 1 of the Convention; if the paragraph gave rise to any objections, it should be put to the vote.

96. Ms. BERNARD said that, if it was, in fact, important for subparagraph (e) to reflect the provisions of article 1 of the Convention, which defined the concept of discrimination, then the text proposed by the Bulgarian expert had the advantage of also referring to article 3, while preserving the substance of the provisions of article 1. She therefore supported the text proposed by the Bulgarian expert.

97. Ms. PEYTCHEVA confirmed that she had, in fact, prepared her text taking into account the fact that article 1 was descriptive whereas article 3 imposed obligations on States.

98. Ms. BIRYUKOVA said that the Committee could ask the Chairperson, the Rapporteur, Ms. Peytcheva and Ms. Caron if they could prepare a text reconciling the two points of view. She recalled that the Committee had agreed to work in a spirit of compromise and that its rules of procedure contained a provision stating that members should make every effort to reach a consensus when taking decisions. In the case at hand, the differences appeared minor, and it should be possible to prepare a wording acceptable to all. She therefore requested the aforementioned members of the Committee to propose a new text.

99. Ms. SMITH supported the proposal made by Ms. Biryukova and said that she felt that the two texts were almost acceptable; it should, therefore, be possible to arrive at a compromise text without any difficulty.

100. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee decided to defer consideration of subparagraph (e) and to request the members of the Committee concerned to meet and prepare a new draft text.

101. It was so decided.

Subparagraph (f)

102. Ms. MACEDO DE SHEPPARD approved the substance of subparagraph (f) but said that there was an ambiguity in the Spanish version of the proposed text, because it was not clear which verb the word "directamente" qualified.

103. Mr. NORDENFELT said that, since the difficulty was not a substantive one and since the problem did not arise in the other language versions, if the Uruguayan expert had no objection, the matter could be referred to the translation services so as not to delay the consideration of the draft guidelines.

104. The CHAIRPERSON said that, if she heard no objection, she would take it that the Committee wished to adopt subparagraph (f).

105. It was so decided.

The meeting rose at 1 p.m.