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Summary record of the 2264th meeting

Held at Headquarters, New York, on Monday, 21 March 2005, at 10 a.m.

Chairperson: Ms. Chanet

Contents

Meeting with the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women

Organizational and other matters

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05-27744 (E)

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

Meeting with the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women

1. **Ms. Mayanja** (Special Adviser to the Secretary-General on Gender Issues and Advancement of Women) said that the major focus of her work to date had been the recently concluded forty-ninth session of the Commission on the Status of Women, which had adopted a Declaration on 4 March 2005 reaffirming the 1995 Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly and pledging to take action to further accelerate their implementation. Member States had recognized that implementation of the Beijing Declaration and Platform for Action and the fulfilment of the Convention on the Elimination of All Forms of Discrimination against Women were mutually reinforcing in achieving gender equality and the empowerment of women.

2. She reviewed recent developments in the work of the Committee on the Elimination of All Forms of Discrimination against Women, including its work under articles 2 and 8 of the Optional Protocol to the Convention. The Committee had also initiated work on a general recommendation on article 2 of the Convention and on the general obligations of States parties. The general recommendation would be important in further clarifying and elucidating the scope of women's right to equality and would build on the Committee's general recommendation 25.

3. One of the biggest challenges the Committee faced was handling its workload. The reports of some 50 States parties currently awaited consideration and at the current average rate of 16 reports a year, the waiting period, once a report had been submitted, was more than three years. The Committee hoped that the forthcoming session of the General Assembly would grant its request for an eventual extension of its meeting time to three annual sessions. It would take up the matter again in July, taking into account the situation of other treaty bodies.

4. The Committee had started using a country task force for consideration of some reports and would be looking especially at the experience of the Human Rights Committee as it further developed that approach. For the first time, it had invited two States

parties to submit long-overdue reports within a specific time frame, indicating that it would consider the implementation of the Convention in the absence of a report. The Committee had also given serious attention to the proposals for harmonized guidelines on reporting and for a common core document and treaty-specific reports, in follow-up to the recommendation of the sixteenth meeting of Chairpersons of treaty bodies and third inter-committee meeting. While the reform process offered opportunities, the specific nature of discrimination against women continued to require special attention.

5. The Division for the Advancement of Women continued to provide technical assistance at the request of States parties in collaboration with its partners in the United Nations. For instance, the Division had recently cooperated with the Office of the United Nations High Commissioner for Human Rights to organize a round-table of national human rights institutions and the national machineries for the advancement of women in November 2004, which had brought together representatives from 14 countries to discuss strategies for strengthening the linkages between their respective areas of work and promoting a human rights-based approach to gender equality. The Division also had responsibility for preparing the Secretary-General's in-depth study on all forms of violence against women which would, inter alia, provide a statistical overview of the prevalence of all forms of discrimination against women, give best practices examples in areas ranging from legislation to effective remedies and endeavour to synthesize and consolidate the significant body of analytical and practical work on that issue.

6. Areas that deserved renewed attention in order to accelerate the achievement of the goal of women's equality included violence against women, women's health, women and justice and temporary special measures. There was clearly a global consensus that all forms of violence against women were unacceptable and that the international normative framework for combating such violence was in place. However, there were gaps, including shortcomings in the implementation of global treaty obligations at the national level and ongoing and widespread impunity for perpetrators. In the area of justice, she urged the Committee to consider the gender dimensions of the right to a fair trial in developing its new general comment on article 14 of the Covenant, thus building

in particular on its general comment 28 on article 3 of the Covenant.

7. **Ms. Wedgwood** wondered whether the Committee on the Elimination of All Forms of Discrimination against Women had a mandate to look at the gender hiring practices of international organizations, including the Secretariat. In that regard, she would appreciate the Special Adviser's views on a comment by a former Assistant Secretary-General for Gender Issues that there were fewer females in senior management positions in the Secretariat because member States did not propose suitably qualified candidates.

8. **Mr. Ando**, noting that one of the methods used to protect women victims of domestic violence was the establishment of shelters, asked whether the Special Adviser had developed an information network not only in each country but also among the various international bodies concerned about the effectiveness of such shelters. As Special Rapporteur on the follow-up to the Covenant's Optional Protocol, he asked the Special Adviser to share with the Committee any lessons learned on the follow-up to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, especially in view of the need for adopting a flexible country-by-country, case-by-case approach. The stress on the need for education in order to enhance women's awareness of their rights in the area of justice required considerable effort and time but paid dividends in the long run. Education, enlightenment and concrete programmes to put that knowledge into practice were important.

9. **Mr. Shearer** asked whether the Special Adviser saw any inconsistency between the Committee's practice of referring, in addressing substantive infringements of equality, to positive measures while avoiding the use of phrases such as "affirmative action" and the notion of temporary special measures used by the Committee on the Elimination of All Forms of Discrimination against Women.

10. **Mr. Solari Yrigoyen** said that the Human Rights Committee, in its consideration of country reports and in its work on communications, continuously addressed women's issues in order to ensure that women's rights were protected. Article 3 of the Covenant proclaimed the equality of men and women in the enjoyment of all civil and political rights set forth in the Covenant. The

Committee was convinced of the importance of the work being done by the Committee on the Elimination of Discrimination against Women and he expressed the hope that dialogue between that Committee and the Human Rights Committee and with the Special Adviser would continue.

11. **Mr. Wieruszewski** asked whether the Special Adviser on Gender Issues and the Advancement of Women had not intended also to mention trafficking in women in her statement, especially in the light of recent disclosures about the misbehaviour of United Nations peacekeeping forces towards women in mission areas. Human rights treaty bodies needed to be more effective in combating such practices. He requested more information on how the Committee on the Elimination of Discrimination against Women (CEDAW) followed up its concluding observations in order to monitor effectiveness. In that connection, he pointed out that States parties sometimes cross-referenced issues in their reports to the Human Rights Committee and CEDAW, referring in one report to information submitted in the other. However, with the delay in the consideration of country reports by CEDAW, as mentioned by the Special Adviser, information in reports to CEDAW on an issue that might be of interest to the Human Rights Committee was sometimes unavailable to the Committee because CEDAW had not yet been able to consider the report. In conclusion, he asked how effective the use of "special measures" had proved to be in the experience of CEDAW.

12. **Mr. Kälin** said that the Human Rights Committee had always stressed the protection of the rights of women against gender-based violations and trafficking. Reports of such violations and crimes against women committed by members of United Nations operations were most disturbing. The Committee had recently stated that the Covenant applied fully outside the borders of States parties and must be observed by the armed forces of States parties wherever they might serve. He asked how the Committee on the Elimination of Discrimination against Women (CEDAW) and the Special Adviser were dealing with the problems raised by violation of rights by United Nations peacekeepers and mission staff. Noting that CEDAW had sometimes supported the application of "temporary special measures", he pointed out that the Human Rights Committee had also recently determined that what it called "positive measures", such as quotas, were in

some cases appropriate. In his capacity as the Committee member charged with drafting the Committee's general comments on article 14 he welcomed any input the Special Adviser might offer to ensure that the gender dimensions of the protections offered under the article were fully addressed.

13. **Mr. Glele Ahanhanzo** noted that he had recently sought to study the representation of women in the upper levels of certain international organizations and had been denied cooperation in his study by the leadership of those organizations. He asked whether the Special Adviser had undertaken such a study. Of all the problematic cultural issues facing human rights organizations, female genital mutilation was one of the most difficult practices to eliminate. He asked how the Special Adviser planned to deal with that issue and how education could be mobilized to encourage people to give up that harmful practice.

14. **Sir Nigel Rodley** pointed out that the two main bodies within the United Nations dealing with human rights and the protection of women — one in Geneva and the other in New York — were separated by a vast ocean. He asked how the integration of their work could be maximized so as to ensure optimal coordination.

15. **Ms. Mayanja** (Special Adviser to the Secretary-General on Gender Issues and the Advancement of Women) said she welcomed the opportunity for a dialogue and review of common issues with the Committee. Her office requested and received reports from all organizations in the United Nations system and from others on gender balance and the representation of women on their staff. It had established its own networks within the system, with non-governmental organizations and with professional organizations, seeking to identify qualified female candidates for higher level posts. However, women who were already in high positions in their national civil service or other organizations were sometimes reluctant to leave those posts to work for the United Nations. People at high levels also tended not to scan the United Nations websites to see what posts might be available, and had to be sought out. There were also sometimes problems in retaining them once they had been hired.

16. Her office did not have an international network devoted to shelters for abused women, although it received information on the subject from Member

States and was aware of the best practices in various regions. However, no formal review of what was effective had been carried out. Education with regard to women's rights and access to justice was time consuming, but such education was extremely important, as victims were often unaware of their rights or that a right had been violated. Trafficking in women was a subject of great concern to CEDAW; it had figured extensively, for instance, in the recent review of the Beijing Programme of Action and had been the subject of a resolution adopted at the recent forty-ninth session of CEDAW.

17. With regard to making treaty bodies more effective in protecting human rights, CEDAW sought to maintain an active dialogue with States parties, monitoring legislation and providing guidance. Non-governmental organizations had shown themselves to be useful in helping CEDAW to be more effective. Unfortunately, with the workload and backlog facing CEDAW, it had not been able to devote adequate time to thorough reviews of the effectiveness of its concluding remarks and other aspects of its work. In that connection, she expressed the hope that the General Assembly would grant CEDAW more meeting time to enable it to reduce its backlog and consider reports more promptly, thus making it possible to follow up other aspects of its mandate. She pointed out that special measures could be effective in promoting equality between men and women. Gradually, more and more women were being elected to high posts in government and business. There had been some backlash and such measures needed to be applied carefully and in a balanced manner. She welcomed the opportunity to offer some input into the process of drafting the Committee's general comment on article 14.

18. The problem of how to ensure that Member States recognized that treaty obligations applied even outside their borders, in particular with regard to the conduct of their armed forces serving in United Nations missions, was taken very seriously by the Secretary-General. She herself would be visiting missions in the field to observe the situation and inform staff. There had been a number of investigations into violations and some prosecutions. Preventive measures were needed to train mission staff and to inform people in host communities of their rights and of the purpose of the mission.

19. Genital mutilation was one of the worst forms of violence against women and her office and CEDAW strove constantly to ensure that all understood that such harmful customary practices were in contravention of international norms, and usually of national laws as well, and were completely unacceptable.

20. *The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.*

Organizational and other matters

21. **The Chairperson** drew the Committee's attention to document CCPR/C/83/CRP.1, prepared by Mr. Amor on the basis of two documents relating to reporting under international human rights treaties, HRI/MC/2004/3 prepared for the third inter-committee meeting and A/59/254 containing the report of the sixteenth meeting of chairpersons of human rights treaty bodies. She also referred to the report of the Secretary-General (A/59/2005) just issued, and in particular to its paragraphs 146-147, proposing a reform of the United Nations human rights system through the harmonization of reporting guidelines for all the treaty bodies.

22. **Mr. Gillibert** (Secretary of the Committee), in the absence of Mr. Amor, introduced document CCPR/C/83/CRP.1, which had grown out of the Committee's discussions at the eighty-second session. It was intended to serve as input in preparation for a secretariat report on all the treaty bodies to be considered by the fourth inter-committee meeting later in the year.

23. **Mr. Kálin** said that Mr. Amor's paper, while reflecting the Committee's position, did so too harshly. It was going too far to say that the idea of a single report should be ruled out once and for all, especially since there had been no consensus on the question of legal propriety. The Committee should be careful not to block an expanded core document approach, bearing in mind that some countries were already proceeding on those lines. The discussion should be taken up again after a few years in the light of the experience gained. The Committee should reserve its right to return to its original position.

24. **Mr. O'Flaherty** emphasized the importance given in the Secretary-General's report to treaty body reform. While he agreed that there was a need for a system-wide approach, the link between the problem and the proposed solution was not evident. With regard

to Mr. Amor's paper, the secretariat had never supported the single report approach, which did not however present any legal problem. On the different requirements of initial and subsequent reports, as formulated in paragraph 2 of the paper, he wished for clarification, as the Committee should not be prevented from raising questions that had not already been covered in the written documentation.

25. **Sir Nigel Rodley** stressed that the aim was to ease the burden on States by calling not for a voluminous document but for a tailored report in response to the Committee's questions, and at the same time to facilitate its own work as well as that of the other treaty bodies. The essential concern was to maintain a dialogue with States parties on the basis of questions. The Committee should therefore stick to its original position.

26. **Ms. Wedgwood** highlighted the importance of further reporting by States, in the event of new developments making it necessary to consider the situation anew. The Committee must be careful not to adopt a non-negotiable position.

27. **Mr. Rivas Posada** noted that the proposal of a single report was not a new one but had been put forward previously by the Secretary-General and discussed at the inter-committee meetings where views had continued to change without, for all that, clarifying the issues. Mr. Amor's proposal accurately reflected the concerns raised and could accordingly serve as a good basis for discussing how the Committee might usefully guide the Rapporteur in taking the matter forward.

28. **Mr. Lallah** commented on the wooliness of the ideas expressed in regard to a problem that was longstanding. The current system had been created not by the treaty bodies but by States, and harmonization would be limited by the substance of each of the different treaties. What exactly was meant by a unified approach? Was it being proposed that all the treaties should be put together for a unified report, which might be considered by a unified committee? Different instruments required different systems and procedures. Unification might, however, be achieved through a core document that could be used by all the committees. Specific questions could still be asked under the Covenant, as had been noted by Mr. Scheinin at the Committee's eighty-second session. The Committee must not be prevented from acting, since

human rights situations could change in any country and it must be able to address real problems as they arose, in accordance with the oath taken by its members.

29. **Mr. Solari Yrigoyen** said that he had left the third inter-committee meeting with the impression that the Secretary-General was unclear in his intentions concerning the core document. Mr. Amor's paper would provide a good starting point for further discussion of the question. The meeting report (HRI/MC/2004/3) contained a number of very positive proposals for the reform of the Committee's reporting requirements, as did the proposals of Mr. Kälin, Mr. Rivas Posada and the Working Group. The Committee should not mix the discussions of the two types of report. While it had little decision-making power regarding the core document, it could offer its ideas as a constructive contribution to the debate. Its decision-making power could be used to achieve greater efficiency in its own working methods.

30. **The Chairperson** said that Mr. Amor's paper might be abrupt and ambiguous, but the substance reflected the discussions so far. The idea of a single report raised in the paper's first point had been ruled out. In the second point, confusion had arisen because the necessary expansion of the core reports had not been stressed. Several elements could be added to the core report, such as specific constitutional information to allow each committee to see the framework within which its treaty would be implemented, or States could usefully reveal whether their legal systems were monist or dualist. The Committee could propose that the other treaty bodies should follow the procedures that it was considering, namely, that the initial report submitted by States would be general in nature but broad in scope; subsequent reports would be treaty-specific, focusing on questions raised by the respective committees, follow-up to recommendations and questions that had arisen since the submission of the previous report.

31. **Mr. Schmidt** (Secretariat of the Committee) said that the third inter-committee meeting had offered States the option of submitting a single report, which some countries were pursuing. The Committee had asked all treaty bodies to state more clearly how they envisaged the expanded core document and the treaty-specific report. The information was being compiled and would be made available later in 2005. Finally, the Committee had already come up with a proposal: after the initial report it would prepare, well in advance, the

list of issues for the State party. The next targeted treaty-specific report would be composed of the replies to those questions and other relevant information.

32. **Mr. Kälin** asked whether "single report" meant one report for all the committees or an expanded core report. While he could agree on ruling out the former, he was against ruling out the expanded core document. In terms of its content, he saw no difficulty in including the elements in sections I and II of the diagram contained on page 14 of the meeting report. Difficulties arose with the elements set out in section III, particularly "procedural guarantees" and "participation", because of the specific features of the various treaties. A compromise should be sought between the structure of the report as envisaged by the third inter-committee meeting and Mr. Amor's proposals.

33. **Sir Nigel Rodley** said that the Committee should not oppose the idea of a State submitting a unified report if it found the practice easier. Subsequent reports should not be unified, in order to avoid the submission of long and complicated documents containing irrelevant information.

34. **Mr. Ando** agreed that there was little difference of opinion among the members of the Committee, but in the end the States parties would have the final word on the structure of the reports.

35. **The Chairperson** noted that the Committee appeared to agree with the substance of Mr. Amor's paper. It should be reviewed in the light of the morning's discussion, and a new document should be distributed for discussion the following week.

The meeting rose at 1 p.m.