



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-fourth session

Summary record of the 892nd meeting (Chamber B)

Held at Headquarters, New York, on Friday, 24 July 2009, at 10 a.m.

Chairperson: Ms. Neubauer (Rapporteur)

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Fourth periodic report of Azerbaijan



In the absence of Ms. Gabr, Ms. Neubauer, Rapporteur, took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Fourth periodic report of Azerbaijan (CEDAW/C/AZE/4 and Add.1; CEDAW/C/AZE/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Azerbaijan took places at the Committee table.*

2. **Ms. Huseynova** (Azerbaijan), introducing the fourth period report of Azerbaijan (CEDAW/C/AZE/4 and CEDAW/C/AZE/4/Add.1), said that the State Committee for Family, Women and Children's Affairs, a governmental body with a ministerial portfolio and the national machinery responsible for formulating and pursuing State policy on all aspects of the promotion and protection of women's rights, the empowerment of women and the implementation of the Convention, had been established in 2006. The existence of the Committee testified to the political will of the Government to achieve gender equality. Prior to the establishment of the Committee, the body addressing women's issues had been merely advisory. Following the examination of the previous report of Azerbaijan, the Committee recommendations had been widely disseminated in the Azerbaijani language to State bodies, non-governmental organizations, the media and the public.

3. A successful gender budgeting system had been established to guarantee the equitable allocation of State financial resources. An Initiative Group on Gender Budgeting had been established by the State Committee and the United Nations country team. The Group had analysed the 2006 State budget from a gender perspective and prepared recommendations, developed advocacy materials on gender-sensitive budgeting and organized training sessions on gender budgeting for State employees and parliamentarians. Gender budgeting had had a direct impact on gender equality in the country.

4. The State Committee had submitted an amendment to the Family Code to equalize the minimum marriage age for women and men. Members of the Permanent Commission on Social Policy of the

Parliament had stated that it would be enacted during the parliamentary session in late 2009.

5. The State Committee had drafted a law to prevent domestic violence, which provided for shelters, counselling, rehabilitation and support services for female victims, punishment of perpetrators and collection of data on domestic violence. International experts had been commissioned to prepare a national strategy to combat violence against women to accompany the legislation. The initiative had given rise to much debate, and advocacy and behaviour change material containing information on violence and how to eliminate it had been developed, published and disseminated. Famous male public figures, including an Olympic champion, a famous writer, a celebrated musician and a Member of Parliament had served as advocates against domestic violence. Public service announcements calling for an end to violence against women had been broadcast on television, and awareness-raising had been carried out in schools and in public forums. Subsequently, there had been an increase in the number of domestic violence cases reported by women.

6. Women refugees and internally displaced persons (IDPs) received a comprehensive range of services, including increased access to education and employment, and awareness-raising on violence. The poverty rate among IDPs had been reduced from 74 per cent to 35 per cent. Living conditions for refugees and IDPs had improved significantly.

7. Socially vulnerable groups, such as girls under 20, single mothers, disabled women and others, were the target of an employment strategy that had been approved by the President in 2007. The strategy entailed the provision of job training and the study of the underlying causes of unemployment. The numbers of women entrepreneurs in agriculture, tourism, health care, carpet weaving and other fields had increased, with support from the State Programme on Social and Economic Development of the Regions of Azerbaijan. Training centres provided entrepreneurs with advice on business plans, marketing and training.

8. The number of women engaged in politics had increased. There were now four women Deputy Ministers and one woman Chair of a State Committee at the national level. The year 2008 had seen the third National Congress of Azerbaijani Women, attended by 2,000 women from around the country as well as

woman leaders from abroad. There had also been conferences of women in the arts and woman lawyers and entrepreneurs. Recently, the first forum of woman journalists had been held.

9. Awareness-raising activities had been organized to root out gender stereotypes among young people and to inform rural women of their rights. Education had received particular attention. Every year, girls' enrolment at all levels of education was monitored and trends were analysed. All the relevant State bodies then focused on those regions where the percentage of girls entering universities was low. All sectors were immediately mobilized to promote education for all women.

10. An example of successful collaboration between the Government and non-governmental organizations was a joint project of the State Committee, the H. Aliyev Foundation and the United Nations Population Fund called the "Twenty-first Century without Violence against Women". Its main objectives were to provide women with additional opportunities to enjoy their rights, increase their participation in society, prevent violence and early marriage, and reduce the negative effects of those phenomena on the next generation, protect women and children against domestic violence and raise awareness of gender issues.

Articles 1 to 6

11. **Ms. Patten** asked whether training on the Convention was being conducted for members of the judiciary and people working in law enforcement, especially on direct and indirect discrimination. She wondered whether women had been bringing more complaints before the courts and the Ombudsperson recently.

12. It would be helpful to hear more about the involvement of civil society, women's non-governmental organizations and the Parliament in the preparation of the report. Had the report been submitted to the Parliament, and would the concluding observations be presented to Parliament as well?

13. Some discriminatory laws remained on the books in Azerbaijan. Information about the Government's plans to review such legislation and make the necessary amendments would be appreciated. She would like to know to what extent the Government was facilitating access by women to legal justice and

information on the existence of a Government legal aid system.

14. **Mr. Bruun** requested confirmation that where there were discrepancies and conflicts between international and domestic law, international law prevailed. He wondered whether there had been cases in actual practice where the Convention had been referred to and national law set aside. He also requested information on how to ensure that the judiciary was not influenced by pressure from the stronger party to a case.

15. Non-governmental sources reported that hate speech and campaigns against lesbians and bisexual and transsexual women were quite common. He wished to know what measures were being taken to combat such phenomena.

16. **Ms. Šimonović** said that she would like to know whether the Convention did in fact take precedence over national legislation in the event of a conflict between the two. While the new law on gender equality was commendable and important for full implementation of the Convention, some of its provisions, such as the different marriage age for women and men, were not in line with the Convention. Further clarification would also be helpful on existing national mechanisms to expedite changes in legislation that was incompatible with the Convention. Lastly, she wondered how women went about seeking legal protection from gender-based discrimination, as the new law on gender equality did not include any provisions related to legal remedies.

17. **Ms. Huseynova** (Azerbaijan) said that training aimed at raising awareness of the Convention had been provided for police and court staff for some time, in cooperation with United Nations bodies and non-governmental organizations (NGOs). A major conference on women's rights issues ranging from domestic violence to early marriage, held on the eve of the third Azerbaijani women's congress, had brought together participants from both civil society and Government.

18. **Mr. Gurbanov** (Azerbaijan) said that a campaign to raise awareness of the provisions of the Convention among law enforcement officials and Ministry of Justice employees was currently under way. Regarding women's recourse to justice, it was indeed possible for women to bring discrimination claims before the

courts, as one woman who had been fired when she became pregnant had done successfully.

19. Certain seemingly discriminatory provisions of Azerbaijani law, such as those relating to the exemption of women from military service, marriage, and protection from divorce while pregnant, were actually positive measures intended to protect women. The provisions of international conventions did take precedence over national laws.

20. A referendum to amend the Azerbaijani Constitution had taken place on 18 March of that year; the new Constitution included provisions that protected women's and children's rights and granted immunity to certain individuals. References to international conventions, and to the Convention on the Elimination of All Forms of Discrimination against Women in particular, both in the courts and in Azerbaijani legislation, would continue to increase as awareness of such international instruments increased.

21. Best practices would be followed in selecting and training judges and prosecutors, and judicial decisions would have to refer to constitutional standards. On 1 September 2000, new criminal, civil and procedural codes drafted to incorporate the standards set forth in international conventions had entered into force. Judicial reform had also been under way since 2000 and had strengthened public trust in the justice system. Among the reforms was an increase in the number of appellate courts, which had facilitated access for complainants. Furthermore, the State provided special legal aid clinics for vulnerable people with support from international bodies and local NGOs. Women had ready access to justice in the event that they wished to bring a particular claim before the courts.

22. **Ms. Huseynova** (Azerbaijan) said that the issue of different minimum marriage ages for men and women, which had been difficult to address, would very likely be settled at the parliamentary session, later in the year. With regard to complaints brought before the courts, several thousand complaints had been filed, most relating to property, of which a small percentage had been brought by women. The State Committee for Family, Women and Children's Affairs had established a free legal aid system for women in need of financial support or assistance filling out forms.

23. Turning to hate speech against sexual minorities, she noted that such speech occurred in populist, private newspapers, and that such publications had the right to

express their views freely. However, discriminatory speech never appeared in Government newspapers, and the President of the Republic had established a special council to examine such phenomena in the press at large and would certainly curb such expressions of hate.

24. **Mr. Gurbanov** (Azerbaijan) said that there was a large number of newspapers in Azerbaijan, all of which enjoyed full freedom of expression. He was not aware of any complaints about the hate speech in question; however, journalists had full freedom of expression to voice their views with regard to any category of persons, not just sexual minorities. The issue might instead be addressed from the standpoint of professional ethics, by determining whether slander, a criminal offence under Azerbaijani law, had been committed.

25. **Ms. Neubauer**, noting with satisfaction the extent to which the national machinery for gender equality had been reinforced, said that she would like more specific information on the objectives and concrete targets in implementation of the National Action Plan on Family and Women's Issues for the period of 2008-2012, as well as on the measures envisaged to achieve them and whether a system for regular reporting on implementation of the Plan had been put in place. It would also be useful to obtain more concrete information on the National Plan of Action on protection of human rights. Were time-bound targets set for its implementation, and could an estimate of the budget allocated for its implementation be given?

26. According to the State party's report, the State programme on poverty reduction and sustainable development was one of many programmes into which a gender-equality perspective had been incorporated; it would be useful to know more about the concrete measures envisaged in that programme that would lead to de facto gender equality, as well as whether any parliamentary structures for the promotion of gender equality existed.

27. Turning to article 4 of the Convention, the so-called positive measures intended to protect women could not be considered temporary special measures, as they did not comply with the principle of gender equality, nor could they be deemed to be in the interest of women, as in the case of the earlier retirement age option for women, which could lead to lower pensions

and fewer resources for a decent living in a later stage of life. Similarly, the different minimum marriage age for women and men did not in any way afford protection of women's human rights. She expressed concern at the possibility that the concept of temporary special measures had been confused by the State party with that of equality before the law, as the report alluded to, for instance, membership in political parties as an instance of the former, when in reality it was an example of the latter. She requested further clarification of the use of temporary special measures in State policies, particularly with regard to election legislation. If the Government refused to apply such measures in that case, what were its reasons for not doing so?

28. **Ms. Ameline** wondered whether a consensus existed among Government stakeholders on the draft law on prevention of domestic violence that would be considered in the upcoming parliamentary session. It would also be useful to know what kind of violence would be addressed by the law, and specifically whether the question of rape, including rape within a relationship, would be reviewed. In addition, she would appreciate further information on measures to be taken against the violent spouse, including a possible order of protection. Did Azerbaijani law make such complaints an urgent priority? Did the State envisage the creation of a network among all the parties involved, whether police-, justice- or social service-related, to respond more effectively to violence against women? Lastly, she enquired whether the "Twenty-first Century without Violence against Women" project, due to end in September 2009, had yielded any tangible results.

29. **Ms. Murillo de la Vega** observed that the important draft law on prevention of domestic violence had not been passed because violence within the family had been considered a private matter in Azerbaijan. The State party had the opportunity to take a different approach by addressing the issue as a public matter.

30. Noting with dismay the case of one 16-year-old girl whose name and HIV test results had been revealed by a news source, she stressed the importance of the right to confidentiality of such tests and enquired whether the test could become voluntary rather than mandatory.

31. Turning to the question of refugees, 50 per cent of whom were women in Azerbaijan, she noted that

violence against women on the part of their husbands should be recognized as a form of persecution, thereby rendering foreign women who were victims of domestic violence eligible for refugee status. Lastly, she would like to know whether a specific action plan to assist women with disabilities had been envisaged.

32. **Ms. Šimonović** said that she would like further clarification with regard to positive discriminatory measures such as different marriage ages for women and men, and their relation to temporary special measures under article 4. She wondered which forms of violence were addressed by the law on domestic violence, and requested additional details on the parliamentary process behind the law. Was there any specific organ to coordinate the national policy on violence against women, or would the State Committee be responsible for doing so?

33. It was important to look closely at statistical data, where available, on women murdered by partners or ex-partners, in order to prevent such avoidable deaths. In that connection, she would like to know whether protection orders, shelters, 24-hour hotlines and other related measures would be envisaged in the legislation. Lastly, she commended the reporting Party on its positive campaign on violence against women, which should be followed up by adoption of the relevant law and national action plan.

34. She asked whether the definition of violence due to be adopted would be restricted to domestic violence or be broader. Had the Government cooperated with non-governmental organizations in applying the provisions of the Convention? Lastly, noting the existence of legislation on the family and children with disabilities, she asked whether the Government had any programmes for women with disabilities.

35. **Ms. Šimonović** requested clarification of the measures of positive discrimination and temporary special measures referred to in the report, which seemed to be limited to membership in non-governmental organizations, political parties and trade unions. She asked whether the pending legislation on violence against women was restricted to domestic violence or would cover all forms of violence, and what the content of the national policy on violence would be. Would there be a coordinating body? Were data available on violence against women, in particular women murdered by their former partners

or spouses? Were protection orders available, and, if not, envisaged in new legislation?

36. She would welcome more information about shelters, in particular whether non-governmental organizations as well as the Government operated shelters and whether Government funding was available, and whether there was a 24-hour hotline. Lastly, she welcomed the recent campaign to raise awareness of violence against women, which should be followed up by appropriate legislation and action plans.

37. **Ms. Awori** welcomed the fact that during 2006-2008, 167 persons had been arrested in connection with trafficking. However, the Committee had received information indicating that Government policy on trafficking was ineffective given the scale of the problem and corruption among law enforcement personnel and the judiciary. It appeared also that sentences failed to reflect the severity of the crime. What steps were being taken to raise the awareness of law enforcement personnel and members of the judiciary?

38. The fact that there was only one Government shelter for victims of trafficking, able to accommodate only 45 women, meant that victims faced problems in receiving assistance, and had even been subject to arrest themselves. In fact, only some 12 per cent of victims were placed in a shelter. Did the Government have specific plans to open further shelters, and were non-governmental organization shelters readily available?

39. **Ms. Rasekh** welcomed the progress made by Azerbaijan in empowering women and promoting gender equality. In connection with article 6, she wished to know to what extent the action plan on trafficking focused on women, a particular problem given that Azerbaijan was both a country of origin and a country of transit, and the extent of sexual exploitation. Noting that the prosecution of traffickers was very important, she asked what sentences were imposed on traffickers and those who forced women into prostitution. Lastly, what was the status of the preventive measures taken to reduce trafficking, such as poverty alleviation initiatives and measures to create employment for women?

40. **Ms. Huseynova** (Azerbaijan) said that two parliamentary committees dealt with women's rights, one with social issues and one with human rights. Each

covered the full spectrum of concerns and worked closely with the relevant State authorities. The committees were heavily involved in drafting the new legislation on domestic violence, for example.

41. A national plan of action on family and women's issues was being formulated pursuant to a presidential decree. The plan detailed all the federal structures involved. Progress reports were submitted to the Government every six months.

42. A presidential decree had been adopted on women's policy in 2008. Difficulties had been encountered in implementation, but in the past two years an action mechanism had been established, so that now women headed local administrations in 35 regions of the country. Specialized departments for women's affairs had also been set up in each region, supported by local offices of the ombudsman. The State Committee for Family, Women and Children's Affairs had established an analysis centre to provide recommendations on legislative and judicial instructions. Positive results had already been obtained.

43. The pending legislation on domestic violence had encountered a degree of opposition and was the subject of discussion with NGOs, Parliament and international experts. The legislation was currently before the social policy committee, where only a minority were opposed, subsequent to an effective lobbying campaign. It seemed probable that the legislation would be enacted in the autumn of 2009.

44. The main difficulties were not related to gender, but, rather, to an understanding of why such legislation was necessary. In fact, men also benefited and an intensive publicity campaign was being conducted to raise awareness.

45. The "Twenty-first Century without Violence against Women" project was very important. Five centres for victims of violence were being established, and more were planned. Training of staff had already begun. The aim was to provide psychological support for victims.

46. The Ministry of the Interior submitted annual reports to Parliament on cases of trafficking and domestic violence, issues that were taken very seriously.

47. **Mr. Zalov** (Azerbaijan) said that efforts to combat trafficking were continuing pursuant to a presidential decree of 2005, further to which action

plans to combat trafficking had been adopted. In addition, international and NGO initiatives were also being implemented. Legislation had been adopted and initiatives had been taken to identify victims through outreach activities designed to provide rehabilitation, including educational opportunities and medical assistance. A modern computerized database, which would include biometric data, was being established. Productive cooperation with other countries and with international organizations was being undertaken, and beginning in 2009 would be extended to include NGOs. Cooperation was also undertaken with local and regional government and law enforcement agencies. A number of workshops and seminars had been organized in coordination with a coalition of NGOs. Training sessions on providing assistance to victims of trafficking had also been organized. Trafficking had been made a crime in October 2005. In 2007 and 2008, approximately 150 cases had been investigated, with some 44 cases so far in 2009, resulting in a large number of prosecutions. Suspended sentences had largely been applied in the case of underage girls, the men concerned having been punished much more severely. Since 2007, approximately one third of the 320 victims identified had been placed in shelters, and had received assistance or compensation. In that regard, the Government had sought to improve relations with the press and with NGOs, and there was now more media focus on the issue.

48. A focal point had been established to coordinate the work of the 9 ministries and agencies dealing with trafficking. Monthly meetings were held and annual reports were submitted to Parliament.

49. **Ms. Huseynova** (Azerbaijan) said that the Ministry of Youth and Sport had established a 24-hour anonymous hotline to provide psychological and social support, which had received more than 6,000 calls in only 10 months, mostly from girls, on such issues as interpersonal relations, family violence and sexual violence. The hotline, currently available in Baku, would be extended throughout the country, and regional crisis centres were being established.

50. **Mr. Mammadov** (Azerbaijan) explained that the Ministry of Labour and Social Protection had set up centres to help victims of trafficking. The centres provided psychological, medical and other forms of help; they also provided vocational rehabilitation assistance to victims. So far, the centres had sent 13 women on vocational training courses and 9 on

language courses. Additionally, victims of trafficking were provided with monetary assistance from the State budget, in line with a decree from the Committee of Ministers. There was also a hotline intended to prevent crimes linked with trafficking in persons.

51. **Mr. Gurbanov** (Azerbaijan) said that 2009 had been declared the Year of the Child in Azerbaijan. That was significant because children's rights were inextricably linked with women's rights and with the well-being of the family. In that context, a whole range of events and activities were under way in the country, including in particular implementation of a new national plan on reproductive health for 2009-2012 and a programme to combat poverty in the years 2008-2015. In all of those activities, the Government was working with civil society and relevant international bodies.

52. In response to the questions on the plan to protect human rights, he said that it was a very comprehensive programme, covering several different areas of activity. Its main focus was to protect the rights of vulnerable groups in Azerbaijan, such as refugees, internally displaced persons, women, children, or prisoners. Some of the activities had a definite timetable, others were ongoing without a specific end date.

53. Turning to the question of how Azerbaijani legislation categorized sexual offences, he said that criminal law applied to rape and to sexual crimes, including sexual violence and forcing people to engage in sexual activities. Such crimes were punishable by imprisonment. An important point was that a woman who was a victim of sexual violence did not have to prove that she had resisted her attacker in order for there to be criminal liability.

54. The courts were expected to take account of international conventions and in particular the recommendations of treaty bodies. The case law of the European Court of Human Rights, inter alia, was followed by the Azerbaijani Supreme Court.

55. Replying to the question about cooperation among the various law enforcement agencies to combat violence against women and foster gender equality, he said that such cooperation existed not only among law enforcement agencies but also with specialized United Nations bodies such as the Human Rights Council, the United Nations Population Fund and the United Nations Children's Fund.

56. **Ms. Huseynova** (Azerbaijan) added that Azerbaijan employed temporary special measures in some circumstances, such as to promote women's participation in local government, for which quotas had been established. However, quotas had never been used at the national level because Azerbaijan had very negative memories of the Soviet era, when State-established quotas had allowed women to advance merely because they were women. Consequently, after Azerbaijan had achieved independence, there had been great reluctance to use quotas: if women were to advance they should do so on their own merits, on the same terms as men. However, as it continued to pursue the advancement of women, the Government was discovering a need for such measures and they had been authorized by a presidential decree.

57. With regard to the question on involvement of NGOs, she said there was a Government focal point for cooperation with NGOs. Some 80 NGOs had received grants from the Government, and some were participating very actively in efforts to advance gender equality.

58. **The Chairperson** invited the Committee to ask follow-up questions.

59. **Ms. Šimonović** asked about current possibilities for issuance of protection orders under civil or criminal law. If such orders did not yet exist, did the Government intend to provide for them in the new law on domestic violence?

60. Referring to the Year of the Child in Azerbaijan, she emphasized the importance of connecting the observance with the twentieth anniversary of the Convention on the Rights of the Child. At the same time it must not be forgotten that 2009 also marked 30 years of the Convention on the Elimination of All Forms of Discrimination against Women and 10 years of its Optional Protocol. There was an opportunity therefore to link all those issues. However, when linking women and children, it was very important not to categorize them as vulnerable groups of persons, and to have a clear understanding that there was equality between women and men within the family and that the protection of children had to be pursued in the best interests of the child.

61. **Ms. Patten** considered that an adequate answer had not been given to the question about the draft law on domestic violence. She wished to know whether the

draft law made provision for protection orders and what penalties it envisaged for offenders.

62. She also observed that the country had adopted some temporary special measures with regard to recruitment of women by its employment services. In the private sector, too, some temporary special measures had been adopted for internally displaced women. It was interesting to hear that the Government would envisage the adoption of temporary special measures in other fields as well.

63. **Ms. Awori** wished to know how many women's shelters there were, whether run by the Government or by NGOs, and whether any more were planned. She also asked about training for law enforcement officials on issues of corruption and whether the judiciary was aware of the seriousness of trafficking and of the need to impose commensurate sentences, irrespective of whether the perpetrators were men, or women, or older persons.

64. **Ms. Rasekh** said that she had heard from alternative sources that some low-ranking police officers in Azerbaijan had been involved in the kidnapping, trafficking and sexual exploitation of young women and that there had been not a strong effort by the Government to investigate. She sought information on that situation.

65. She also asked for detailed information on the protection afforded to victims of sexual harassment. What kind of protective services were available, how were the victims' jobs protected, was there a system for reporting sexual harassment, and what kinds of penalty were imposed on offenders?

66. **Mr. Gurbanov** (Azerbaijan) recalled that it had already been mentioned that criminal law applied to sexual violence and to trafficking. In addition, civil penalties might also attach to sexual harassment. Women who had been subjected to violence had access to the law enforcement agencies and to the justice system in general. Protection orders could be issued for them, and the law contained adequate provisions to prosecute anyone perpetrating such crimes. The bill on domestic violence contained general provisions aimed at preventing such violence, but the applicable penalties were prescribed in the criminal code.

67. **Mr. Zalov** (Azerbaijan) said that a special office for internal investigation had been set up in the Ministry of Internal Affairs. Its function was to review

reports of violations by law enforcement personnel. In the past three years, the office had handled more than 320 cases of violation of the law and of human rights by employees of the Ministry. In consequence, 18 officials had been tried and convicted, about 50 had been dismissed, and the rest had been subjected to various disciplinary measures. The office had not discovered any cases in which law enforcement officials had been involved in trafficking in persons, nor had the Ombudsperson, the Public Prosecutor or the media.

68. **Ms. Huseynova** (Azerbaijan) said that the draft law on domestic violence contained legal innovations and made provision for legal, medical and psychological assistance to victims, as well as for shelter. It also contained provisions designed to prevent domestic violence. Adoption of the bill would necessitate some changes to the existing criminal code.

69. With regard to the question on shelters, she said that Azerbaijan had one shelter established by the Government and another set up by a non-governmental organization. It was planned that five more shelters would be established by her department, with an additional 30 eventually being set up by the Ministry of Labour and Social Protection.

70. One very important aspect of the whole issue of violence was the situation of women affected by the Nagorno-Karabakh conflict. Many women there had suffered physical and psychological violence, but the fate of many of them was simply unknown. Azerbaijan had repeatedly tried to obtain assistance from international organizations with respect to those women, and appealed to the Committee for its support.

The meeting rose at 12.55 p.m.