



## 43RD SESSION OF THE COMMISSION ON THE STATUS OF WOMEN 1-19 MARCH 1999

The Commission on the Status of Women (CSW) held its 43rd session at United Nations Headquarters in New York from 1-19 March 1999. The CSW met in two sessions: in the first session (1-12 March), the Commission followed up on the Fourth World Conference on Women (FWCW), and in the second session (15-19 March), the Commission acted as the Preparatory Committee (PrepCom) to the Beijing+5 process. The session, which was attended by approximately 1000 participants, including ministers and other high-level government officials, UN agency representatives, international and non-governmental organizations (NGOs) and the media, had the following objectives:

- to follow-up on the FWCW, held in Beijing in 1995;
- to initiate a comprehensive review and appraisal of the implementation of the Platform for Action (PFA) that was adopted at the FWCW by acting as the PrepCom for the UN General Assembly Special Session to take place in June 2000 (Beijing+5); and
- to agree on the text for an optional protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

To achieve its first objective, the CSW devoted much of its time to negotiating the texts of two draft documents that address two of the 12 critical areas of concern set out in the PFA: women and health, and institutional mechanisms. The CSW's aim was to reach consensus on the wording of the draft agreed conclusions on these two key areas. These documents would then feed into the Beijing+5 process. Protracted informal negotiations – which were dominated by G-77/CHINA, JUSCANNZ and the EU – failed to reach full agreement on either, with discord centering on the emphasis to be placed in the texts on the need for adequate resources and on women's sexual and reproductive health. An additional one-day meeting is being considered for early April 1999 to complete negotiations.

In terms of its second objective — to review and appraise the implementation of the PFA – the Commission was more successful. In its third week, the CSW, acting as the PrepCom for next year's Special Session, reached agreement on the draft text for a resolution on "Preparations for the Special Session of the General Assembly." Although a lack of transparency and the protracted informal consultations of the

previous two weeks remained, the three key negotiating groups showed a willingness to compromise and reached agreement on a resolution that sets out the framework for the Beijing+5 process.

The CSW's third objective — reaching agreement on the text for an optional protocol to CEDAW — was addressed during the first two weeks. The protocol, one of the commitments of the Beijing PFA, establishes complaints and inquiry procedures within a legal framework for women who experience violations of their human rights. After three meetings and a considerable number of informal consultations, a working group on the draft optional protocol reached a consensus, which was adopted by the CSW on Friday, 12 March, and will be recommended to the General Assembly through the Economic and Social Council (ECOSOC).

This session was not intended to renegotiate the Beijing PFA. Instead it began the process of reviewing progress since Beijing and developing strategies and actions for consideration by the Special Session. It has initiated a long process that has many stages left, including another PrepCom in March 2000 and the Special Session in June 2000. The CSW's successful negotiation of the optional protocol however, marks a major step forward for the promotion of women's rights through international law.

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## A BRIEF HISTORY OF THE BEIJING+5 PROCESS

The FWCW was held in Beijing, China, from 4-15 September 1995. An estimated 50,000 government delegates, UN representatives, NGOs and members of the media attended the conference and its parallel NGO Forum at Huairou. The FWCW agreed on a PFA that sets out an agenda for empowering women and accelerating implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women that was adopted in 1985. The PFA establishes a set of actions aimed at achieving significant change by the year 2000, and was adopted by 163 countries.

In Resolution 52/100, the General Assembly (GA) decided to convene a Special Session to review and appraise progress in implementing the Nairobi Forward-Looking Strategies for the Advancement of Women and the Beijing PFA to take place five years after the FWCW, and to deliberate on further actions and initiatives. This review will not renegotiate existing arrangements, but will assess successes, failures and obstacles to goals set at Nairobi and Beijing. The GA decided to entitle the Special Session, "Women 2000: Gender equality, development and peace for the twenty-first century." The Special Session is scheduled to take place from 5-9 June 2000.

In Resolution 52/231, the GA designated the CSW as the PrepCom and directed it to carry out this task at its 43rd and 44th sessions in March 1999 and March 2000 by extending each session by five days. The GA has invited the Commission to propose the agenda and documentation for the Special Session and to focus in particular on the report requested from the Secretary-General (SG) that will contain suggestions on further actions and initiatives. The PrepCom was asked to pay particular attention to mainstreaming a gender perspective and common trends and themes across the twelve critical areas of concern set out in the PFA. To enhance participation in the Beijing+5 process, ECOSOC invited those NGOs that were accredited to the FWCW to attend the 43rd and 44th sessions of the CSW, including the PrepCom sessions. It was agreed that two panels of experts on further actions and initiatives would be convened to contribute at the PrepComs, with 15 November 1998 set as the deadline for governments wishing to propose panelists.

Regional reviews of PFA implementation conducted by the UN Regional Commissions will also contribute to the Beijing+5 process. UN organizations will provide an assessment of implementation of the System-wide Medium-term Plan for the Advancement of Women from 1996-2001. Several publications scheduled to come out this year and early next year prior to the Special Session will also contribute to the review, including *The World's Women, 2000* and *The World Survey on the Role of Women in Development*.

## REPORT OF THE 43RD SESSION

Commission Chair Patricia Flor (Germany) opened the CSW's 43rd session on Monday morning, 1 March 1999. Her opening statement emphasized that the CSW, as the main UN body for the advancement of women, cannot ignore the plight of women and girls in the area of health and has a duty to make action-oriented recommendations about possible remedies. Since such discussions would touch on sensitive issues, consensus could be achieved if deliberations were approached with an open mind and a pledge not to reopen or renegotiate Beijing. She commended the draft programme of work, as contained in document E/CN.6/1999/1, for consideration by the session. Other speakers who addressed the Commission in its opening session included: Nitin Desai, Under-Secretary-General, Division for Social and Economic Affairs, who discussed linkages between various conference processes as well as the issue of institutional mechanisms; Angela King, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, who spoke about challenging old

paradigms and institutions that perpetuate gender discrimination; Noeleen Heyzer, Executive Director, United Nations Development Fund for Women (UNIFEM), who introduced the Note to the Secretary-General transmitting information provided by UNIFEM on the implementation of GA Resolution 50/166 (E.CN.6/1999/6) and outlined various UNIFEM initiatives.

From 1-12 March, the Commission devoted most of its time in both formal and informal sessions to the following agenda items:

- Agenda Item 3: Follow-up to the FWCW: (a) Review of gender mainstreaming in organizations of the UN system; (b) Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men; and (c) Implementation of strategic objectives and action in the PFA's critical areas of concern, including "women and health" and "institutional mechanisms;" and
- Agenda Item 4: Initiation of the comprehensive review and appraisal of the implementation of the PFA and preparation of the Special Session of the GA in the year 2000.

The CSW's attention, through formal and informal negotiations, centered on Agenda Item 3(c). These negotiations were preceded by formal panel discussions on both areas, which were intended to focus and progress the negotiations.

The Commission decided that the issues pertaining to Agenda Item 3(a) would be subsumed under discussions and actions on Agenda Item 3(c) concerning the critical area of institutional mechanisms. Agenda item 3(b) was discussed with participation from a wide number of delegates. Over 50 countries made statements on the emerging trends and the opportunities and obstacles faced in implementing the PFA. Key issues addressed included: the lack of resources to achieve gender equality; the challenge of changing awareness and attitudes; the increase of violence in society, particularly gender violence; the importance of adequate legislative frameworks; and the need for political will. Several NGO representatives spoke on their accomplishments and the issues that needed to be addressed for implementation of the spirit and content of the PFA. The CSW agreed that Agenda Item 4 would be taken up during the third week (15-19 March 1999) when it would act as the PrepCom.

On Friday, 12 March 1999, the Commission recommended the following draft resolutions for adoption by ECOSOC under Agenda Item 3:

- "Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts" (E/CN.6/1999/L.5);
- "Women, the girl child and HIV/AIDS" (E/CN.6/1999/L.6);
- "Palestinian women" (E/CN.6/1999/L.9);
- "System-wide medium-term plan for the advancement of women, 2002-2005" (E/CN.6/1999/L.10); and
- "Enabling the Commission on the Status of Women to continue to carry out its mandate" (E/CN.6/1999/L.11).

The US requested a vote on the draft resolution "Palestinian women." Thirty-four countries supported the acceptance of the resolution, while the US opposed it. The US then made a statement explaining its request for a vote on the issue.

The Commission adopted the optional protocol, an enabling resolution and various relevant documents referred to it by the Working Group (Agenda Item 6), and recommended the text for adoption by the GA through ECOSOC.

However, at the end of the first session (12 March 1999), the CSW did not reach final agreement on either of the two critical areas of concern (Agenda Item 3(c)). The three key groups – JUSCANNZ, the G-77/CHINA and the EU – felt compelled to stand by their proposals as the texts, once finalized, would not be open to further negotiations. Key differences were over the emphasis placed in the texts on availability of resources and sexual and reproductive rights. The final



meeting was adjourned until early morning Saturday, 13 March, when the Chair announced that negotiations were still underway on the issues of health and institutional mechanisms. No report of the CSW could be agreed and the CSW adopted a short decision to request ECOSOC to grant permission for it to continue to meet for an additional day in early April. This decision was arrived at with the understanding that it not impact on the Commission's work as a PrepCom the following week. The first session was then declared closed at 5:00 am.

Negotiations continued during the second session (15-19 March) in several late-night meetings after the PrepCom completed its work for the day. Most of the negotiations began with intra-group sessions held behind closed doors. The groups then came back to outline their respective positions defined and proposed amendments. Following several such amendments proposed by the G-77/CHINA, JUSCANNZ and the EU, the "draft agreed conclusions" on women and health and institutional mechanisms (E/CN.6/1999/L.2/Rev.1 and E/CN.6/1999/L.3/Rev.1) were submitted by the Chair to the CSW on 16 March 1999.

By the final meeting of the PrepCom on Friday, 19 March, no final agreement had been reached on these documents. During the closing Plenary, the Secretary to the CSW informed delegates that ECOSOC, at its organizational meeting on Thursday, 25 March, would consider the request of the CSW to resume its session to complete the above work. Should ECOSOC approve the request the CSW would meet in a resumed one-day session on Thursday, 1 April 1999, where it would take up the above-mentioned documents for further negotiation and adoption.

### **IMPLEMENTATION OF STRATEGIC OBJECTIVES AND ACTION IN THE CRITICAL AREAS OF CONCERN**

As part of the follow-up to the FWCW, the CSW assessed the implementation of the strategic objectives and action in the critical areas of concern set out in the PFA. ECOSOC Resolution 1996/6, which framed a calendar for considering the PFA's 12 critical areas of concern, identified specific areas for each year in order to make possible a focused and thematic multi-year work programme on these areas. In carrying out this assessment, this session of the CSW focused on: Women and health (PFA, Chapter IV. C); and Institutional mechanisms for the advancement of women (PFA, Chapter IV. H).

The reports of two panel discussions on the above two critical areas are contained in documents E/CN.6/1999/CRP.4 and CRP.6, including the summaries of the principal elements emerging from the discussions, and will be annexed to the final report of the 43rd session of the CSW. Neither document is intended for negotiation or adoption by the CSW.

#### **WOMEN AND HEALTH**

On Wednesday, 3 March 1999, the CSW took up the issue of women and health and draft proposals were negotiated in several informal and "informal informal" meetings. In considering this issue, the CSW had before it the report of the Secretary-General on the thematic issues (E.CN.6/1999/4) and the conclusions and recommendations of the expert groups on women and health, including a framework on designing national health policies with an integrated gender perspective.

Following several amendments proposed by various parties — mainly the G-77/CHINA, JUSCANNZ and the EU — a final draft agreed conclusions (E/CN.6/1999/L.2/Rev.1) was circulated on Tuesday, 16 March 1999.

Negotiations continued in several late-night meetings and into the last week of the session before any draft conclusions could be framed. The negotiations were prolonged because some sensitive issues — such as the linkage between human rights and gender equality — were

included, and delegates had a wide cross-section of views and concerns that had to be reflected. For instance, on the issue of sexual and reproductive rights, G-77/CHINA had difficulty reaching agreement within its own membership, and a large number of its members contributed to the different bracketed items. In addition, NGOs played a significant role. Several NGOs had made strong pleas on these issues and many countries sought to take these concerns into consideration before arriving at any agreement. Many countries wanted the linkages between poverty and women's health to be reflected in any agreed conclusions on the issue. Some delegates noted that because these documents would not be open for renegotiation once they had been agreed, the manner in which they connect human rights with women's equality had to be handled with sensitivity. In addition, some developing country delegates were concerned that gender-related formulations frequently included hidden implications, for instance on trade and aid issues. Another point of contention was the shrinking public resources available in developing countries and the additional burdens further agreements would place on them. Some delegates felt that many issues could not be solved by a legalistic approach alone. Some members of G-77 were concerned about what they considered to be a push among a number of delegations towards the "universalization" of sensitive agenda issues, without consideration for traditional practices, religious beliefs and cultures. This caused particular discord on the issue of reproductive rights. However, agreement within the G-77/CHINA was eventually reached that the CSW must look beyond the sexual and reproductive health needs of women and instead focus on their different needs throughout the entire life-cycle.

The current wording of the draft agreed conclusions reflects the complex and difficult processes in its preamble and text, which is expected to be taken up for reconsideration and adoption by the CSW when it resumes on 1 April 1999.

**SUMMARY OF THE DRAFT AGREED CONCLUSIONS:** In the preamble to its draft agreed conclusions on Women and Health, the CSW acknowledges that the realization by women of their right to the enjoyment of the highest attainable standard of physical and mental health is an integral part of the full realization by them of all human rights. It also states that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. It further reiterates the link between women's physical and mental health throughout the life-cycle, the level of national development including availability of basic social services, their status and degree of empowerment in society. It also recognizes that lack of development is a major obstacle for women in many countries and that the international economic environment, through its impact on national economies, affects the capacity of many countries to provide and expand the quality of health services to women.

In order to accelerate the implementation of the strategic objectives on Health and Women of the Beijing PFA, the text proposes a number of actions to be taken by governments, the United Nations system and civil society.

On the issue of universal access to health care, the text stresses that equality between women and men should form the basis for comprehensive, affordable and quality health care and services throughout the life-cycle. In order to bridge the gap between commitments and implementation, it recommends policies favoring investments in women's health and efforts to meet the targets identified in the PFA. The text also includes action on poverty eradication, support to disadvantaged and socially excluded women, appropriate screening services for women and encouragement to recreational activity and equal opportunity to practice sports.

On sexual and reproductive health, the need for accelerated efforts to implement the targets established in the Beijing PFA is emphasized. There is support for breast-feeding, female-controlled methods of



family planning, and male contraceptive methods. The need to eradicate the practice of female genital mutilation (FGM) and other harmful traditional practices affecting the health of women and girls is highlighted on the grounds that they constitute a definite form of violence against women and a violation of their human rights.

On health-related harm caused to women by HIV/AIDS, sexually transmitted diseases (STDs) and other infectious diseases, it seeks to support public education and research, treatment and mitigation of impact, including poverty alleviation. The text seeks to increase preventive measures, enact laws and take steps to eliminate sexual violence against women, which is identified as one of the causes of HIV/AIDS. It seeks to support mechanisms that counsel and encourage men and women infected with HIV/AIDS and STDs to inform their partners to help protect them from infection and curtail the spread of the disease.

On mental health and substance abuse, the text seeks to make available gender-sensitive and age-sensitive mental health services and counseling by integrating them into primary health care systems. It supports development of effective preventive and remedial health services to provide appropriate counseling treatment for mental disorders related to stress, depression, marginalization and trauma since women and girls may suffer more of these ailments as a result of discrimination, violence and sexual exploitation, particularly in situations of armed conflict. It supports research and dissemination of information on gender differences in the causes and effects of the use and abuse of substances, including narcotic drugs and alcohol. It seeks to promote design and implementation of programmes aimed at reducing use of tobacco by women and girls.

On occupational and environmental health, the text supports gender-specific research on the effects of occupational and environmental risks of work in formal and informal sectors. It supports the provision of full and accurate information to the public on environmental health risks and provision of effective legal measures to reduce such risks.

On policy development, research, training and evaluation, the text seeks to advance a comprehensive interdisciplinary and collaborative research agenda on women's health encompassing the entire lifespan of women. It supports establishment of accountability mechanisms at the national level for reporting on implementation of health and other related critical areas of the PFA. The report seeks to promote participation of women at all levels in the planning, implementation and evaluation of health programmes and to ensure a gender perspective in the health sector at all levels. It seeks to ensure that the curricula of health care providers include relevant human rights topics to strengthen the medical ethics and ensure that women are treated with dignity. It also provides for collection and dissemination of data on scientific and legal developments on the human genome and related genetic research and their implications for women's health and rights.

On health sector reform and development, the text supports action to secure equal and equitable access to care for women and systematically integrate the process of gender analysis in the health sector. It seeks to encourage gender impact assessments and monitoring of all health sector reforms to ensure that women benefit from such reforms. It supports strategies to reduce occupational concentration by gender to eliminate gender-based pay inequality.

On international cooperation, the text supports a strong political commitment by the international community to mobilize domestic and international finance for development and the provision of health services for women. It seeks to promote progress in external debt relief and improve terms of trade so as to release resources for health services. It encourages the international community to assist developing countries in provision of basic social services and, in particular, health care for women. It encourages, through cooperative efforts,

maximizing the benefits of globalization and promoting macro-economic policies and institutions supporting provision of health care services for women.

### **INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN**

On Thursday, 4 March, the CSW took up the issue of institutional mechanisms for the advancement of women. Draft proposals were negotiated in both informal and "informal informal" meetings.

The G-77/CHINA proposed revised draft proposals after closed door consultations, which were then negotiated in informals lasting well beyond the deadline of Friday, 12 March. Final agreement could not be reached. However, during the last week of the session the draft agreed conclusions were submitted to the Commission by the Vice-Chair of the CSW, Nonhlanhla P.L. Mlangeni (Swaziland) and will be taken up at an additional one-day meeting planned for 1 April 1999. The issues within this critical area of concern proved to be less contentious than in the case of women and health. However, there were many bracketed items concerning the quantitative and qualitative changes that would be required in implementing the PFA and how best these could be reflected in national machineries. One of the challenges was in identifying the obstacles or opportunities presented by global economic changes. The G-77/CHINA drew attention to the need to take into consideration the impacts of such changes on the effective functioning of national machineries.

The revised draft agreed conclusions on women and health (E/CN.6/1999/L.2/Rev.1), the revised draft agreed conclusions on institutional mechanisms (E/CN.6/1999/L.3/Rev.1) and a draft resolution entitled "Women and mental health, with emphasis on special groups" (E/CN.6/1999/L.8/Rev.1) will be before the CSW for consideration at the resumed session, tentatively scheduled for 1 April 1999, if sanctioned by ECOSOC.

### **SUMMARY OF THE DRAFT AGREED CONCLUSIONS:**

The preamble to the document recognizes that gender equality is advanced through the promotion and protection of all human rights and fundamental freedoms, respect for democracy, peace and development, and full involvement of both women and men. It acknowledges that national machineries are necessary for the implementation of the Beijing Platform for Action. It identifies the following elements for national machineries to be effective: clear mandates; accountability mechanisms; partnership with civil society; transparent political process; adequate financial and human resources; and continued strong political commitment. It stresses the importance of international cooperation in order to assist the work of national machineries in all countries, especially for the advancement of women.

The text recommends various actions to be taken by governments, national machineries and other institutional mechanisms and the international community, including the United Nations system.

It recommends that governments:

- support the strengthening of national machineries and the advancement of women;
- ensure that adequate and sustained financial and human resources are available to these machineries through national and international sources;
- structure appropriately their functioning to ensure effective mainstreaming of gender;
- ensure that senior management in each ministry or agency takes responsibility for guaranteeing that the goal of gender equality is pursued;
- promote effective gender focal points at all decision-making levels;
- promote capacity-building, including gender training, for both women and men in government ministries to be more responsive



to the needs and interests of women;

- recognize the unremunerated work of women and develop methods for assessing its value in quantitative terms in order to develop appropriate policies;
- respect the involvement of NGOs in assisting governments in the implementation of regional, national and international commitments;
- ensure transparency through open dialogue and promotion of balanced participation of women and men in all areas of decision-making;
- create anti-discriminatory regulations including proper legal frameworks for addressing violations; and
- involve parliament and the judiciary in monitoring progress in gender mainstreaming and strengthening gender-related aspects of all government and at various levels of decision-making.

It recommends that national machineries and other institutional mechanisms:

- design and promote policies for the advancement of women;
- catalyze gender mainstreaming in all policies and programmes;
- assist governments in taking specific actions in the gathering and disaggregation of data;
- promote research and dissemination of information on women and gender equality;
- take specific actions including the establishment of documentation centers to disseminate relevant data and other information to promote public dialogue through the media;
- create and strengthen collaborative links with other agencies at local, regional, national and international levels;
- establish partnerships with women's organizations, academic institutions and NGOs;
- engage the media on dialogue aimed at re-examining the gender stereotypes and negative portrayal of women and men; and
- create and strengthen collaborative relationships with the private sector, including through initiating advocacy dialogue and advising private companies to address the issues affecting women in the paid labor force, and set up ways and means to promote equality of men and women.

It recommends that the international community:

- fully implement the revised System-Wide Medium-Term Plan for the Advancement of Women (1996-2001);
- ensure that individual managers are held accountable for implementing the strategic plan of action for the improvement of the status of women in the Secretariat within their areas of responsibility, that heads of departments and offices develop gender action plans that establish strategies for the achievement of gender balance, and that the appointment and promotion of women not be less than 50% until the goal of 50/50 gender distribution is met;
- request the Administrative Committee on Coordination and the Inter-Agency Committee on Women and Gender Equality to continue work to implement the Beijing PFA and to promote the integration of a gender perspective in the implementation and follow-up to major UN conferences and summits;
- support the implementation of the Beijing PFA, including through support for the important activities of UNIFEM and INSTRAW;
- encourage multilateral and bilateral donor agencies to include in their programmes of assistance activities that strengthen national machineries;
- document and publish "good practices;"
- develop and disseminate gender disaggregated data and qualitative performance indicators to ensure effective gender sensitive planning, monitoring and evaluation of programmes; and
- request the Division for the Advancement of Women to expand the directory of national machineries.

## WORKING GROUP ON THE DRAFT OPTIONAL PROTOCOL

In July 1995, ECOSOC authorized the CSW to set up an in-session open-ended Working Group (WG) (Resolution 1995/29), to develop a draft optional protocol to CEDAW. The optional protocol, one of the commitments of the Beijing PFA, establishes complaints and inquiry procedures within a legal framework for women who experience violations of their human rights.

The WG met from 1 - 11 March 1999, holding three meetings and a considerable number of informal consultations. At its final meeting on Thursday, 11 March, the WG adopted its draft report (E/CN.6/1999/WG/L.1) on the first meeting and authorized the Chair to produce an addendum report (E/CN.6/1999/WG/L.1/Add.1) on the second and third meetings. Aloisia Wörgetter (Austria) served as the WG Chair. Opening the first meeting on Monday, 1 March, Wörgetter observed that the WG's aim was to finalize the text of the draft protocol and to shape a strong and enhanced procedure for the implementation of CEDAW. She said the WG had made considerable progress towards reaching an agreed text at last year's session, and expected it to complete its work during the next two weeks. Angela King, Special Adviser to the SG on Gender Issues and the Advancement of Women, said agreement on the protocol would be timely given that this is the 20th anniversary of CEDAW.

During the general exchange of views that followed, 32 government delegates, one international organization and one NGO made interventions. Most participants pledged their full support to efforts to finalize the protocol at this meeting, stressing that only a few outstanding issues had yet to be agreed upon and that consensus was possible if delegates were willing to compromise. Many delegations, including NORWAY, CANADA and GHANA, favored including a specific article prohibiting reservations to the protocol (Article 17), with several, including JAPAN and CANADA, stating that the protocol should be consistent with other similar mechanisms.

Informal negotiations, chaired by Victoria Sandru (Romania) and held from Tuesday, 2 March, to Wednesday, 10 March, successfully cleared all remaining brackets from the text and developed a revised draft optional protocol. Much of the time was spent on key articles that relate to: who can communicate complaints about alleged violations (Article 2); under what circumstances the Committee can undertake an inquiry, including whether it can visit the State in question (Article 8); and whether reservations to the protocol will be permitted (Article 17).

On Thursday, 11 March, the WG adopted by consensus the draft optional protocol (E/CN.6/1999/WG/L.2) and its enabling resolution (E/CN.6/1999/WG/L.3) and recommended their submission to the CSW for its consideration. It also adopted its draft report and authorized the Chair to produce an addendum report. It agreed that written interpretative statements on the optional protocol would form part of its report.

CSW Chair Patricia Flor (Germany) told delegates that the protocol was a major breakthrough that followed from the adoption of CEDAW 20 years ago. She acknowledged that at times it had been a painful process that had taken several years to complete. The WG Chair Wörgetter thanked Angela King and Patricia Flor and then opened the floor for interpretative statements on the protocol. Twenty-seven delegates took the floor. Several expressed disappointment that the wording was not stronger, particularly in Article 2, which in its agreed form places restrictions on sending complaints to the Commission without the consent of the alleged victim/victims. CHINA and EGYPT indicated that they favored such restrictions. JAPAN, NEW ZEALAND, CANADA, GHANA (on behalf of a number of African states), the PHILIPPINES and the US said the interpretation of Article 2 should be guided by practices in other similar protocols. The



RUSSIAN FEDERATION expressed concern that fewer States would sign the protocol because of the no reservations clause (Article 17). Nevertheless, most delegates were confident that the protocol represented a major step forward. Eight participants spoke on behalf of NGOs. YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF AUSTRALIA said it was "deeply regrettable" that a stronger protocol was not achieved. Most NGOs called on countries to adopt and ratify the protocol as a priority and wanted a broad interpretation of the document. With the WG's work concluded, the Chair declared the work of the WG on the optional protocol closed.

**SUMMARY OF THE OPTIONAL PROTOCOL:** The optional protocol establishes a legal instrument that acts as a complaint and inquiry procedure under CEDAW for women who have had their human rights violated. In its introductory section, Parties to this protocol note that the UN Charter reaffirms faith in fundamental human rights and in the equal rights of women and men. It recalls that the International Covenants on Human Rights and other human rights instruments prohibit discrimination on the basis of sex. Under the protocol, Parties agree that:

- The competence of CEDAW to receive and consider complaints will be recognized (Article 1);
- Communications about a violation of the rights set out in CEDAW may be submitted by or on behalf of individuals or groups of individuals. Where the communication is on behalf of individuals or groups of individuals, it must have the consent of the victim/victims unless the author can justify acting on their behalf without such consent (Article 2);
- Communications shall be in writing, will not be anonymous, will only relate to a Party to this protocol and will be considered by the Committee only if available domestic remedies have been exhausted, unreasonably prolonged or are unlikely to bring effective relief (Articles 3 and 4);
- A request from the Commission for the Party to take interim measures to prevent the alleged victim/victims from suffering irreparable damage can be made without implying judgment on the allegation (Article 5);
- Communications where individuals agree to disclose their identity shall be brought confidentially to the attention of the State Party concerned. The State Party will be expected to respond within six months (Article 6);
- Committee meetings to examine communications will be closed and the Committee will transmit its views to those involved. The State Party will give due consideration to the views of the Committee and will provide a written response within six months, although the Committee has the right to request additional information (Article 7);
- The Committee may conduct its own inquiry, including a visit to the territory in question if the State Party agrees, should reliable information indicate "grave or systematic" violations of rights. The Committee will then transmit its findings and recommendations to the State Party, which should reply within six months (Article 8);
- The Committee may request details of any measures taken in response to "grave or systematic" violations (Article 9);
- Parties can opt out of Articles 8 and 9 when they sign or ratify this protocol, although they can withdraw this declaration later (Article 10);
- A State Party is expected to ensure that complainants are not subjected to ill-treatment or intimidation because of their allegations (Article 11);
- The Committee will include a summary of its protocol-related activities in its annual report and will develop its own rules of procedure (Articles 12 and 14);
- Each State Party will disseminate information about CEDAW, the

protocol and the views and recommendations of the Committee (Article 13);

- States that have ratified or acceded to CEDAW can ratify or accede to this protocol (Article 15);
- The protocol will enter into force three months after the tenth State ratifies or accedes to it and applies to States three months after their ratification or accession (Article 16);
- Reservations to the protocol are not permitted (Article 17);
- Amendments to the protocol can be proposed by any State Party, and the UN Secretary-General must hold a conference on the issue if one-third of the States Parties support it. Should a majority of States Parties at the conference support the amendment, it will come into force and bind State Parties that accept it, if first approved by the GA and two-thirds of the States Parties to the protocol. States Parties that do not support the amendment will be bound by the previous provisions of the protocol (Article 18); and
- A State Party may denounce the protocol in writing, although it will take effect after six months and will not apply to any communication received before the effective date of denunciation (Article 19).

The protocol is supported by an enabling resolution. It calls on ECOSOC to recommend to the GA the adoption of the protocol. Recalling that the Beijing PFA endorses a protocol under CEDAW, the resolution calls for: States that are Parties to CEDAW to sign and ratify or accede to the protocol as soon as possible; the Committee to hold adequate meetings to exercise its functions under the protocol effectively and to continue to be guided by the principles of non-selectivity, impartiality and objectivity; and the Secretary-General to provide the staff and facilities so the Committee can effectively perform its functions under the protocol.

The Working Group's report also contains written interpretative statements from 25 countries. In its statement, INDIA reflected on the need for compromise in reaching agreement, saying "everybody is individually displeased but collectively satisfied" with the outcome. Many statements said Article 2 should be interpreted in the light of practices and rules established in other human rights protocols, with a majority wanting a broad interpretation. CHINA stated that Article 8 should apply only to serious violations on a large scale and should not cover a single event. The US and JORDAN expressed concern that fewer States will ratify the protocol because of Article 17, which stipulates that there will be no reservations permitted. Several countries, including EGYPT, ALGERIA, INDIA, ISRAEL and CHINA, said the "no reservations" clause in this protocol should not be considered a precedent for other treaties.

## THE PREPCOM

From 15-19 March 1999, the CSW addressed Agenda Item 4: Initiation of the comprehensive review and appraisal of the PFA and preparation for the Special Session of the General Assembly in 2000. Acting as the PrepCom for the Special Session, the CSW held five meetings and many informal negotiations. Acting Chair Patricia Flor (Germany) opened the PrepCom, congratulating incoming PrepCom Chair Irma Engelbrecht (South Africa), who was elected by acclamation. Vice-Chairs, also elected by acclamation, were: Patricia Flor (Germany), Christine Kapalata (Tanzania), Sonia R. Leonce-Carryl (Saint Lucia), Mónica Martínez (Ecuador), Kirsten Mlacak (Canada), Rasa Ostrauskaite (Lithuania) and Dubravka Šimonovic (Croatia). The Asian Group had not proposed members for the two remaining Vice-Chair posts by the conclusion of this meeting. The PrepCom adopted its provisional agenda (E/CN.6/1999/PC/1) and the Chair invited Angela King, Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, to make the introductory statement on the



substantive area of work, Preparations for the Special Session. To assist the CSW in its PrepCom work, she introduced the following relevant documents:

- Initiation of the comprehensive review and appraisal of the implementation of the Beijing PFA (E/CN.6/1999/PC/3), which begins the review and appraisal process by setting out a framework for the review. It identifies various sources of information that the Secretariat will draw on to provide a comprehensive assessment of the achievements and obstacles encountered since 1995.
- Report prepared by the CEDAW on progress in implementing the PFA based on its review of the States Parties' reports (E/CN.6/1999/PC/4); and
- Framework for further actions and initiatives that might be considered during the Special Session of the General Assembly entitled "Women 2000: Gender equality, development and peace for the twenty-first century" (E/CN.6/1999/PC/2) that proposes a framework for identifying further actions and initiatives for overcoming obstacles to implementing the twelve critical areas of concern in the PFA. It recommends the application of a holistic approach. It also pulls together inter-linkages between the PFA's critical areas of concern to achieve gender equality.

The second and third meetings of the PrepCom, held on Monday afternoon and Tuesday, 15-16 March, considered Agenda Item 2 with the assistance of two panels of experts, who outlined further actions and initiatives and responded to numerous comments and questions from the floor.

The first panel included: Patricia Licuanan (Philippines), President of Miriam College and Professor of Psychology, Ateneo de Manila University; Mihaly Simai (Hungary), Research Professor at the Institute for World Economics, Hungarian Academy of Sciences; Asma Jahangir (Pakistan), UN Special Rapporteur on extrajudicial, summary or arbitrary executions; and Hassan Keynan (Somalia), researcher for the Norwegian Institute for Urban and Regional Research. Key issues discussed included: the uneven implementation of the Beijing PFA; the need for ongoing monitoring of programmes and projects, including the provision of gender-sensitive indicators; the importance of a highly-participatory approach to the Beijing+5 process; the problems resulting from an absence of political will; and the significance of enlisting men as partners in promoting gender equality.

The second panel included: Laura Balbo (Italy), Minister for Equal Opportunities, Magalys Arocha Dominguez (Cuba), National Secretariat of the Federation of Cuban Women for International Affairs; Diane Elson, Special Adviser to the Executive Director of UNIFEM; and Nirmaladevi Nababsing (Mauritius), Ministry of Women, Family Welfare and Child Development. Discussions focused on: the need for both a global and regional approach to gender mainstreaming; the importance of sharing global resources equitably in order to ensure women's access to development; and the value of gender-sensitive budget analysis as a tool for implementing the PFA.

NGOs were given an opportunity to address the PrepCom on Thursday, 18 March, when they raised issues such as the value of unwaged domestic and informal sector work, the importance of NGOs in helping achieve the aims of the PFA, the ongoing problems faced by indigenous women, and the need to mainstream gender issues into major development issues.

The PrepCom met as a whole and in various sub-groups in informal consultations from Tuesday, 16 March, to Friday, 19 March. Its aim was to reach agreement on the draft text for a resolution on "Preparations for the Special Session of the General Assembly," as instructed in CSW Agenda Item 4 (PrepCom Agenda Item 2). Discussion revolved around the positions and drafting alternatives outlined by the G-77/CHINA, the EU and JUSCANNZ. The resolution was adopted on Friday, 19 March 1999, by the PrepCom at its final session.

**SUMMARY OF THE RESOLUTION:** The resolution, as contained in document E/CN.6/PC/L.2, contains 19 operative paragraphs.

Paragraph 1 invites governments to prepare national action plans on implementation of the PFA involving relevant actors of civil society.

Paragraph 2 invites Member States to report on good practices, the use of quantitative indicators for measuring progress and key challenges remaining in the critical areas of concern of the PFA.

Paragraph 3 encourages all the UN Regional Commissions and other intergovernmental organizations to carry out activities in support of the preparations for the Special Session, including holding preparatory meetings and making their reports available in 2000 to the CSW acting as PrepCom.

Paragraph 4 encourages all entities of the UN system to be actively involved in the above process through presentations to accelerate the implementation of the PFA and address new and emerging trends.

Paragraph 5 decides that the Special Session should have a Plenary and an *Ad Hoc* Committee of the Whole.

Paragraph 6 reaffirms that the Special Session will be undertaken on the basis of the PFA with no renegotiation of the existing agreements contained therein.

Paragraph 7 stipulates that the provisional agenda should include: a review and appraisal of progress made in the implementation of the 12 critical areas of concern in the PFA; and further actions and initiatives for overcoming obstacles to implementing the PFA.

Paragraph 8 requests the Secretary-General to prepare the following reports for the PrepCom in 2000:

- A review and appraisal of the implementation of the PFA based on, *inter alia*, national action plans, reports of the Parties to the CEDAW Committee under Article 18 of the Convention, reports from various commissions of the UN system and follow-up to recent global UN conferences;
- Good practices, lessons learned, successful strategies and promising initiatives for the implementation of the PFA;
- Obstacles encountered and strategies for overcoming them; and
- Further actions and initiatives within the overall goals of gender equality, development and peace, to accelerate implementation of the 12 critical areas of concern of the PFA beyond the year 2000, recognizing the need for analytical tools and strategies for implementation and inviting Member States to provide inputs and comments on the above issues.

Paragraph 9 requests the Secretary-General to make available all documentation for the Special Session in the context of GA Resolutions 52/231 and 533/120.

Paragraph 10 encourages the UN system to continue to hold discussions with relevant actors of civil society for the review and appraisal of the implementation of the PFA.

Paragraph 11 urges Member States and observers to ensure their representation at the Special Session at a high political level.

Paragraph 12 confirms that the Special Session will be open to the participation of all Member States of the UN, members of the specialized agencies and observers.

Paragraph 13 calls for the participation of associate members of regional economic commissions in the Special Session in the same capacity of observer that held for their participation in the 1995 FWCW;

Paragraph 14 encourages Member States to include actors of civil society, especially NGOs and representatives of women's organizations, in their national preparatory processes as well as on their delegations to the PrepCom and the Special Session.



Paragraph 15 emphasizes the important role of NGOs in implementing the PFA and the need for their active involvement in the preparations for the Special Session and the need to ensure appropriate arrangements for their contributions to the Special Session.

Paragraph 16 decides that NGOs in consultative status with ECOSOC as well as the NGOs that were accredited to the FWCW may participate in the Special Session without creating a precedent for future sessions of the GA.

Paragraph 17 decides to defer consideration of all the modalities for participation of NGOs in the Special Session until the next PrepCom.

Paragraph 18 invites the Bureau of the CSW acting as the PrepCom to convene informal open-ended consultations, as appropriate, to consider preparations for the Special Session.

Paragraph 19 recommends that the major share of the three-week 44th session of the CSW in March 2000 be allocated to the CSW acting as the PrepCom.

### **CLOSING PLENARY**

At its closing Plenary on Friday afternoon, 19 March 1999, the CSW adopted the resolution, as contained in E/CN.6/PC/L.2, after considering the text paragraph by paragraph. Delegates then adopted the PrepCom's provisional agenda for its next session (E/CN.6/1999/PC/L.3) and the report of this session of the PrepCom (E/CN.6/1999/PC/L.1). They also agreed to append E/CN.6/1999/PC/CRP.1, which contains a summary of the general debate held during the previous week under CSW Agenda Item 4. With the official work of the meeting finished, the Chair noted that the PrepCom will hold informal consultations during the first two weeks of June 1999 "to consider a text on the outcome of the Special Session of the GA."

The CSW Secretary explained that ECOSOC will be holding informal negotiations on Tuesday, 23 March 1999, to discuss the CSW's recommendation that it should hold a resumed one-day session on Thursday, 1 April 1999 (E/CN.6/1999/L.13). ECOSOC will make its decision on this recommendation at a session on Thursday, 25 March 1999. If the resumed session is approved, it will consider three revised texts: revised agreed conclusions on women and health (E/CN.6/1999/L.2/Rev.1); revised agreed conclusions on institutional mechanisms (E/CN.6/1999/L.3/Rev.1); and a document entitled "Women and mental health, with emphasis on special groups" (E/CN.6/1999/L.8/Rev.1).

The Chair thanked delegates for their spirit of consensus and declared the PrepCom closed at 6:00 pm.

### **A BRIEF ANALYSIS OF THE CSW**

Like New York's weather in March, the CSW's 43<sup>rd</sup> session blew both hot and cold during its three-week session. As it drew to a close, most participants expressed satisfaction with what had been achieved. Many pointed to the agreement on the optional protocol to CEDAW, which now goes to the GA through ECOSOC, as the meeting's major achievement. The protocol will provide an international legal instrument for making complaints about violations of women's rights and investigating these complaints. It is a major step forward and fulfils one of the goals of the Beijing PFA. In spite of this, not everyone was pleased with the shape of the finished product. Many delegates and most NGOs believed the protocol could have been stronger, particularly in relation to Article 2, which, in its agreed form, places restrictions on sending complaints to the Committee without the consent of the alleged victim/victims. On the other hand, those who seemed to want a document that was less strongly worded, including Algeria, Egypt and China, appeared equally dissatisfied with Article 17, which does not allow Parties to register any reservations to the protocol.

Nevertheless, most agreed that the protocol represented a major step forward and was a successful conclusion to four years' hard work that would not have been achieved without a willingness to compromise.

Not all of the CSW's work produced such positive results. The Commission had a more difficult time reaching agreement on the key issues of health and institutional mechanisms, with the former proving more controversial than the latter. Final agreement has not been reached on either issue, although it is expected that this may be accomplished at an additional one-day meeting planned for 1 April 1999. One of the problems in this regard was that, because of its considerable and disparate membership, the G-77/China often took time to clarify its position on specific issues. This meant that formal meetings or informal meetings of the Commission were often interrupted while the G-77/China, and sometimes the EU or JUSCANNZ, attempted to establish their collective negotiating position on a particular issue. In addition to a lack of transparency, these regular disruptions in the meeting caused frustrating delays that ultimately meant the CSW was unable to approve the draft agreed conclusions on these key issues.

NGOs gave a mixed assessment of the outcome on the critical area of women and health. Some felt that delegates were not taking a holistic approach and that individual issues such as sexual and reproductive rights created a more narrow focus and did not place health in the larger context of development. Others thought delegates were taking a cautious approach on this controversial area because they were waiting to see what the upcoming PrepCom and Special Session of the GA for a five-year review of the International Conference on Population and Development (ICPD+5) does before taking any steps of its own. On the other hand, some felt that the CSW was being sensible by proceeding cautiously on this sensitive issue, especially since the Special Session is still more than a year away.

On the issue of institutional mechanisms, several participants felt that sufficient emphasis on identifying relevant national machineries at the higher levels of political influence was lacking. They added that many of the references to institutional mechanisms in the draft conclusions were disaggregated and diffused.

In the final week, however, progress was made. The disagreements that had clouded the first two weeks of the Commission's negotiations seemed to give way to greater consensus, at least on the draft resolution before the PrepCom, with other groups agreeing to include G-77/China wording regarding good practices, gender-sensitive indicators and other specific measures relating to implementing the PFA.

In spite of problems with the draft agreed conclusions on women and health and institutional mechanisms, the CSW's 43<sup>rd</sup> session achieved its goal by beginning the review of progress since Beijing and developing strategies and actions for consideration by the GA's Special Session next year. It has initiated a long process that has many stages left, including another PrepCom in March 2000 and, of course, the Special Session itself. Although it is too early to discern what Beijing+5's likely outcome will be, the CSW's 43<sup>rd</sup> session suggests that women's sexual and reproductive rights, the linkages between women's rights and human rights, and the distribution of resources will be highly contentious issues. Observers will be looking to the upcoming PrepCom and the ICPD+5 Special Session, which are concerned with many of the same issues, to see what sort of lead they take. In spite of the uncertainty at this stage over how Beijing+5 will work out, the other aspect of the CSW's work at this session – namely its successful negotiation of the optional protocol – marks a significant step forward for the promotion of women's rights through international law.





## THINGS TO LOOK FOR BEFORE BEIJING+5

### COMMISSION ON POPULATION AND DEVELOPMENT:

The 32nd session of the Commission on Population and Development (CPD) will convene from 22-31 March 1999 in New York and, beginning on 24 March, will act as the PrepCom for the Special Session of the General Assembly to review and appraise implementation of the ICPD Programme of Action, which will be held from 28 June - 2 July 1999 (see below). For more information contact: United Nations Population Fund, 220 East 42nd Street, New York, NY 10017 USA; fax: +1 (212) 557-6416; e-mail: [dayal@unfpa.org](mailto:dayal@unfpa.org); Internet: <http://www.undp.org/popin/icpd5.htm>.

**COMMISSION ON HUMAN SETTLEMENTS:** The 17th session of the Commission on Human Settlements will meet from 5-14 May 1999 in Nairobi, Kenya. For more information contact: Information and External Relations, UN Centre for Human Settlements, UNCHS (Habitat); tel: +254-2-623067; fax: +254-2-624060; Internet: <http://www.unhabitat.org/>.

**COPENHAGEN+5:** The Preparatory Committee for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development (WSSD) and Further Initiatives will hold its first substantive session in New York from 17-28 May 1999. The second session will be held in April 2000, with the Special Session to take place later in 2000. For more information contact: Secretariat, UN Commission for Social Development; tel: +1 (212) 963-6763; fax: +1 (212) 963-3062; e-mail: [ngoran@un.org](mailto:ngoran@un.org); Internet: <http://www.un.org/esa/socdev/wssdcall.htm>.

**CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW):** The 21st session of CEDAW will meet from 7 - 25 June 1999 in New York. For more information contact: Women's Rights Unit, DAW, Room DC2-1226, UN, New York, NY 10017, USA; fax: +1 (212) 963-3463; e-mail: [connorsj@un.org](mailto:connorsj@un.org); Internet: <http://www.un.org/womenwatch/daw/cedaw/committ>.

### 7TH INTERNATIONAL INTERDISCIPLINARY

**CONGRESS ON WOMEN:** The Center for Women's Studies and Women in Research, University of Tromsø, Norway, will host this meeting, entitled "Women's World 99," from 20 - 26 June 1999. For more information contact: Women's World 99, Kvinnforsk, University of Tromsø, N-9037, Norway; tel: +47 (77) 645-899; fax: +47 (77) 646-420; e-mail: [womens.worlds.99@skk.uit.no](mailto:womens.worlds.99@skk.uit.no); Internet: <http://www.skk.uit.no/ww99/ww99>.

**CEDAW WORKING GROUP:** The pre-session Working Group preparing for CEDAW's 22nd session will meet from 28 June - 2 July 1999 in New York. For more information contact: Women's Rights Unit, DAW, Room DC2-1226, UN, New York, NY 10017, USA; fax: +1 (212) 963-3463; e-mail: [connorsj@un.org](mailto:connorsj@un.org); Internet: <http://www.un.org/womenwatch/daw/cedaw/committ>.

### SPECIAL SESSION OF THE GENERAL ASSEMBLY ON

**ICPD+5:** The Special Session of the UN General Assembly will meet from 30 June-2 July 1999 in New York to review and appraise implementation of the Programme of Action five years after the ICPD. For more information, contact: United Nations Population Fund, 220 East 42nd Street, New York, NY 10017 USA; fax: +1 (212) 557-6416; e-mail: [dayal@unfpa.org](mailto:dayal@unfpa.org); Internet: <http://www.undp.org/popin/icpd5.htm>.

**9TH INTERNATIONAL CONFERENCE ON GENDER AND SCIENCE IN TECHNOLOGY:** This meeting, entitled "From Policy to Action in Gender, Science and Technology for Sustainable Development in the 21st Century," will be hosted by the Gender and Science and Technology Association (GASAT) from 4 - 9 July 1999 in Accra,

Ghana. For more information, contact: FEMSA Project, Girls' Education Unit, Ghana Education Service, P.O. Box M. 45, Accra, Ghana; e-mail: [gquaisie@africaonline.com.gh](mailto:gquaisie@africaonline.com.gh).

### 8TH INTERNATIONAL FORUM OF THE ASSOCIATION

**FOR WOMEN IN DEVELOPMENT (AWID):** The 8th Forum of AWID, "Leading Solutions for Equality and Justice" will meet from 11 - 14 November 1999 in Washington, DC. For more information contact: AWID, 1511 K Street, NW, Suite 825, Washington, D.C. 20005, USA; tel: +1 (202) 628-0440; e-mail: [awid@igc.apc.org](mailto:awid@igc.apc.org); Internet: <http://www.awid.org>.

**COMMISSION ON THE STATUS OF WOMEN (CSW):** The 44th Session of the CSW will meet in New York from 6 - 24 March 2000 and will act as the PrepCom for the Special Session of the General Assembly in June 2000 to review and appraise implementation of the Beijing PFA. For more information contact: DAW, Room DC2-1216, UN, New York, NY 10017, USA; fax: +1 (212) 963-3463; e-mail: [timothy@un.org](mailto:timothy@un.org); Internet: <http://www.un.org/womenwatch/daw>.

**SPECIAL SESSION OF THE GENERAL ASSEMBLY ON BEIJING+5:** Entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century," this Special Session of the General Assembly will meet from 5 - 9 June 2000 in New York. For more information contact: DAW, Room DC2-1216, UN, New York, NY 10017, USA; fax: +1 (212) 963-3463; e-mail: [timothy@un.org](mailto:timothy@un.org); Internet: <http://www.un.org/womenwatch/daw>.