

## **Excerpt from the Report on the Twenty- Eighth and Twenty-Ninth Sessions (E/2003/22 - E/C.12/2002/13), paras. 590-635**

### **B. Day of general discussion: The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the Covenant)**

#### **1. Introduction**

590. At its twenty-eighth session, on 13 May 2002, the Committee held a day of general discussion on the equal right of men and women to the enjoyment of all economic, social and cultural rights as enshrined in article 3 of the Covenant.

591. The day was also intended to lay the groundwork for the elaboration of a general comment dealing with relevant aspects of article 3.

592. Participants in the day of general discussion included: Ms. Savitri Goonesekere and Ms. Hanna Beate Schöpp-Schilling (Committee on the Elimination of Discrimination against Women), Ms. Marsha A. Freeman (Director, International Women's Rights Action Watch (United States of America)), Ms. Shelagh Day (Consultant on women's human rights and economic equity issues (Canada), Women's Economic Equality Project), Ms. Krisztina Morvai (Head, Women's Rights and Children's Rights Research and Training Centre, Eötvös Loránd University, Budapest), Ms. Katerine Landuyt (ILO), Mr. Miloon Kothari (Special Rapporteur of the Commission on Human Rights on adequate housing as an element of the right to an adequate standard of living), Ms. Elía del Carmen Sosa Nishizaki (Permanent Mission of Mexico to the United Nations Office at Geneva), Ms. Conchita Poncini (Non-Governmental Organizations Committee on the Status of Women), Ms. Leilani Farha (staff lawyer and manager, Women's Housing and Poverty Programme, Centre for Equality Rights in Accommodation (Canada)), Ms. Ingrid Westendorp (Maastricht University, the Netherlands), Ms. Ana Irma Rivera-Lassen (Latin America and the Caribbean Committee for the Defence of Women Rights), Ms. Irena Lieberman (Director of Legal Services, Tahirih Justice Center (United States of America)); and Ms. Maria Herminia Graterol (International Women's Rights Action Watch (Asia Pacific)).

593. The Committee had before it the following background papers:

(a) Background paper submitted by Ms. Ingrid Westendorp (lecturer in law, University of Maastricht, the Netherlands): "Women's right to adequate housing" (E/C.12/2002/4);

(b) Background paper submitted by Ms. Marsha A. Freeman (Director, International Women's Rights Action Watch, United States of America): "Equality and rights: article 3 of the International Covenant on Economic, Social and Cultural Rights" (E/C.12/2002/5);

(c) Background paper submitted by Ms. Leilani Farha (staff lawyer, Women's Housing and Poverty Programme Manager, Centre for Equal Rights in Accommodation (Canada)): "Re/Conceiving the human right to housing" (E/C.12/2002/6);

(d) Background paper submitted by the Center for Reproductive Law and Policy (United States of America): "Equal enjoyment of the right to health" (E/C.12/2002/7);

(e) Background paper submitted by Ms. Krisztina Morvai (Associate professor of Law, Eötvös Loránd University, Head of Women's Rights and Children's Rights Research and Training Centre, Budapest): "Domestic violence: an 'equal rights issue' - A history and analysis of Economic and Social Council and other United Nations documents on the prevention of and response to violence against women in the family" (E/C.12/2002/8);

(f) Discussion paper submitted by Ms. Shelagh Day (Consultant on women's human rights and economy equity issues (Canada)): "The meaning of article 3 and equal enjoyment by men and women of the rights in the Covenant".

## **2. Opening remarks**

594. Ms. Bonoan-Dandan, Chairperson of the Committee, opened the day of general discussion by pointing out that women were the most unprivileged group living in the privileged men's world; furthermore, women frequently had to face up to the unequal conditions which are imposed on them by society. At present, there is no society which could claim that men and women fully enjoyed equal rights. Ms. Bonoan-Dandan regretted that such discrimination forms against women had become stereotypes in many societies, so that women are subject to de facto inequality which prevented them from the full enjoyment of their economic, social and cultural rights.

595. Since the 1993 Vienna Declaration and Programme of Action on Human Rights,<sup>8</sup> and the Programme of Action adopted by the Fourth World Conference on Women,<sup>1</sup> the Committee had gathered sufficient experience on article 3 of the Covenant.

596. Ms. Bonoan-Dandan asked if the Committee was looking for the adoption of a general comment on the equal right of men and women to the enjoyment of all economic, social and cultural rights as set forth in the Covenant or a general comment on equality of men and women.

## **3. Statements and discussion**

597. Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) pointed out that both the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, through their respective instruments, had put forward the principle of indivisibility of human rights, therefore, both Committees should enforce each other's work, in order to promote and protect better economic, social and cultural rights for women. Ms. Goonesekere said many women lived in poverty because of the denial of their access to socio-economic rights. The Committee on Economic, Social and Cultural Rights demanded the integration of the socio-economic rights at the level of Constitutions and not only at policy level. The Committee on the Elimination of Discrimination against Women believed that States should play a vital role in the implementation of economic, social and cultural rights for women. This includes accountability mechanisms and measures, also by the private sector. Ms. Goonesekere said the Committee on the Elimination of Discrimination against Women focused on a balance between family responsibility and social responsibility. It sought to deal with such matters as domestic violence, inheritance law and family law, areas in which women are usually

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<sup>1</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

discriminated against. In addition, there should be an enforcement of policies and legal measures in the field of women's work, not only from the formal sector, but also from the informal sector. Another aspect pointed out in that day of general discussion by the Committee was the new issues arising, such as cross-border trafficking and sexual exploitation of women. Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women is related to the International Covenant on Economic, Social and Cultural Rights on these issues. Finally, the Committee emphasized that a wrong understanding of and wrong focus on cultural rights could lead to damage to and denial of women's rights.

598. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) pointed out that the Committee on the Elimination of Discrimination against Women had been working for the last 20 years to ensure the equality between men and women. This was reflected in article 4 of the Convention on the Elimination of All Forms of Discrimination against Women, which was mandatory; but the members of the Committee are now realizing that many States parties do not understand its significance. In order to achieve de facto equality, temporary special measures should be adopted. With regard to the question formulated by the Chairperson of the Committee on Economic, Social and Cultural Rights, on the two options for a general comment, Ms. Schöpp-Schilling hoped the Committee would be able to combine both options in a single document. Referring to the report<sup>2</sup> compiled by the Special Rapporteur on the concept and practice of affirmative action of the Sub-Commission on the Promotion and Protection of Human Rights, Ms. Schöpp-Schilling said that although she did not agree with all the terms used by him, de facto equality, or substantive equality as it also was termed, should be supported by measures such as positive action, positive discrimination or affirmative action. In order to remove the historical and current imbalances, it is fundamental to take affirmative action measures, which, moreover, would be a great step in order to achieve the desired de facto equality between men and women. In the view of the Committee on the Elimination of Discrimination against Women, these temporary special measures could be based on supraconstitutional measures or other legislative provisions. But it is important to differentiate the types of measures, whether they are temporary or permanent, according to the areas where they are going to be applied; for example, it has been easy to establish quota systems in politics, but it is not that easy to implement them in the field of education or employment. Finally, Ms. Schöpp-Schilling added that women should participate in the formulation of temporary special measures, as well as in monitoring an evaluation of such measures.

599. Mr. Texier suggested that, if the Committee on Economic, Social and Cultural Rights was to adopt a general comment, the emphasis should be on the equal access of women and men to the enjoyment of economic, social and cultural rights. Furthermore, he said that the Committee needed to address the issue of indicators. Whereas some dimensions of women's labour rights are easily reflected in numbers, such as inequality in wages, there are other aspects that are more complex and not easy to quantify. As to terminology, Mr. Texier objected to the term "positive discrimination". Finally, he underlined the importance of the national women's organizations, which could play a fundamental role in education.

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<sup>2</sup> E/CN.4/Sub.2/2001/15.

600. Mr. Riedel emphasized the cooperation with the Committee on the Elimination of Discrimination against Women, which was historic and also it was important to have close collaboration on issues of common interest. With regard to the question posed by the Chairperson of the Committee on Economic, Social and Cultural Rights, Mr. Riedel said that the general comment should be drafted from the perspective of equality rather than of women's rights, which is considered to fall within the competence of the Committee on the Elimination of Discrimination against Women, but that it should not be limited to the issue of equality at a theoretical level. Concerning temporary special measures and affirmative action, Mr. Riedel expressed himself in favour of propagating affirmative action aimed at specific rights, but he was against the adoption of a global policy, as well as the use of strict quota systems.

601. Mr. Sadi expressed his concern about the possible reaction of States parties if they perceive the treaty bodies to be exceeding their mandates and interpreting the articles of the Covenant beyond the initial understanding of States parties. He raised the issue of abortion as an example, with regard to which there is not a universal understanding nor position among States parties, and with respect to which the Committee on Economic, Social and Cultural Rights should demonstrate caution.

602. Mr. Malinverni asked members of the Committee on the Elimination of Discrimination against Women whether any complaints had been received to date under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. He expressed himself in favour of temporary special measures, which should not be applied in too strict a manner. Finally, Mr. Malinverni pointed out that the issue of transsexuality is increasingly becoming a topical issue, including in the context of the European Court on Human Rights and the European Court of Justice.

603. Mr. Marchán Romero asked if, in order to obtain an equality of results, it was justified to set aside the equality of opportunity. As for the general comment, he said that the emphasis should be on equality between men and women. He further said that it would be inappropriate to consider women as a "vulnerable" group, and that more careful wording would be required. He was not in favour of quotas as a form of affirmative action.

604. As regards the general question of the Chairperson of the Committee on Economic, Social and Cultural Rights, Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) noted that, in many countries, the centrality of equality of women must be seen as a community issue in which men are intrinsically involved. Equality must be mainstreamed into society. It is not exclusively a women's right issue, but a societal equality issue requiring the involvement and participation of men. On the nature of temporary special measures, Ms. Goonesekere said that the experience of the Committee on the Elimination of Discrimination against Women shows that even when a State has duly adopted legislation on equality between men and women, de facto inequality still usually exists. It is therefore necessary to provide for specific legal measures to attain a situation of parity. Moreover, the text of article 4 of the Convention itself seems to imply that such measures could be mandatory. She also pointed out that, according to articles 4 and 5, measures protecting maternity should not be considered a temporary special measure, but part of parenting as a social responsibility. With regard to Mr. Sadi's point about treaty bodies exceeding their mandates through interpretation of the rights in treaties, Ms. Goonesekere stated that legal systems generally are transformed through, inter alia, interpretation and that the Committee on the Elimination of Discrimination against Women has done this with the issue of violence against women by adopting its general recommendation no. 19 (eleventh

session, 1992) on violence against women.<sup>3</sup> Finally, she mentioned that the Optional Protocol to the Convention had been adopted and had entered into force, but that the Committee had not so far received any individual or group complaints.

605. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) urged that the term “temporary special measures” be used in the Committee’s general comment on article 3 of the Covenant, instead of “positive discrimination” or “affirmative action”. With respect to Mr. Sadi’s comment on treaty bodies exceeding their competence by “legislating”, Ms. Schöpp-Schilling emphasized the difference between interpreting and legislating, and said that a treaty body cannot be considered to exceed its competence when its extensive experience in the consideration of State reports is reflected in its general comments or recommendations. Finally, Ms. Schöpp-Schilling called for caution with regard to the use of rigid quota systems in fields such as employment and education.

606. Ms. Freeman (Director of the International Women’s Rights Action Watch, United States of America) said that if equality in the enjoyment of rights should be thought of as equality between men and women, and not equality of women to men, an equality had to be established in power relationships and in the capacity to negotiate. This would entail that equality between men and women does not merely entail women’s rights, but human rights, lest women are automatically stereotyped. Equal respect for the capacity of each individual and fairness are the foundations of human rights, and privilege or preference is one of the causes and results of inequality. One of the objectives of a general comment is to address existing imbalances in the world, without, however, intentionally taking away from those groups that are privileged by the imbalance. Finally, Ms. Freeman stressed that the term “gender” does not only concern women, as it is an intellectual construct and an analytical tool used with respect to relationships between women and men.

607. Ms. Day (Consultant on women’s human rights and economic equity issues (Canada), Women’s Economic Equality Project) commended the Committee on Economic, Social and Cultural Rights for its attention to gender equality issues in its work. She emphasized the important contribution by the Committee and other treaty bodies, through its concluding observations and general comments or recommendations, to national courts of law, which are increasingly taking into consideration output of international bodies. Ms. Day further said that, in a general comment on article 3 of the Covenant, it would be essential to discuss the obstacles standing in the way of women’s enjoyment of economic, social and cultural rights as, in rich and poor countries alike, women are not enjoying equal rights to men and harm is caused to women as a result of this unequal enjoyment of economic, social and cultural rights, which is both severe and sex-specific. Such harm does not only impact on the lives of these women, but also on their children, their families and even their communities. One of the primary objectives of a general comment on article 3 would be to explicitly state that men and women require both *de jure* and *de facto* equality in their enjoyment of economic, social and cultural rights. In order to guarantee *de facto* equality, it would be necessary to undertake measures to eliminate existing inequality. An important point to be borne in mind in undertaking steps to ensure *de facto* equality is that discrimination against women could be compounded by discrimination on the basis of other factors, such as race, language, ethnic origin, culture, religion, disability, or socio-economic level. In conclusion, Ms. Day recalled

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<sup>3</sup> See *Official Records of the General Assembly, Forty-seventh session, Supplement No. 38 (A/47/38)*, chap. I, pp. 1 et seq.

the immediate nature of States parties' obligation under article 3. As enshrined in other international human rights instruments, in national constitutions and anti-discrimination legislation, the prohibition of discrimination and the principle of equality should be considered as obligations of immediate application.

608. For Ms. Goonesekere (Committee on the Elimination of Discrimination against Women), it was important to place women's rights in the context of the general norm of equality and human rights in general, as well as in the context of society, as it was important to develop realistic and holistic strategies. She also stressed the importance of domestic jurisprudence taking into account international human rights jurisprudence, and in particular the concluding observations, general comments or recommendations of the Committee. Finally, she stated that temporary special measures did not undermine the concept of equality. On the contrary, article 4 of the Convention on the Elimination of All Forms of Discrimination against Women made it clear that the adoption by the States parties of these measures aimed at accelerating de facto equality between men and women, should not be considered discrimination, and would in no way entail the maintenance of unequal or separate standards. Equality was not a formal measure, but needed to be contextualized in order to take into account the real situation and possible distorting factors.

609. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) referred to the concept of discrimination used by the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and by various general comments or recommendations, all of which made it clear that the term applied not only to direct and intentional discrimination, which was less common today, but also to indirect discrimination.

610. Ms. Day (Consultant on women's human rights and economic equity issues (Canada), Women's Economic Equality Project) emphasized that, although women's rights could not be separated from other human rights, women often suffered substantial and disproportionate difficulty in securing their human rights, so it was sometimes necessary to take special steps to ensure that they could benefit from equal rights. It was not enough for the law to state that men and women should be treated equally; according to the factual situation, it was necessary sometimes to treat women and men differently in order to compensate for existing inequalities.

611. Ms. Freeman (Director of the International Women's Rights Action Watch, United States of America) added that none of the international human rights treaties, which derived from the Universal Declaration of Human Rights, defined a special set of rights for women. The Convention on the Elimination of All Forms of Discrimination against Women had been established not as a declaration of a new set of rights for women, but as a statement of the obstacles that were preventing women from the equal enjoyment of their rights.

612. Mr. Kolosov raised the issue of budget allocations, asking whether separate funds should be earmarked for women's health and education.

613. In response to Mr. Kolosov, Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) stated that, although the budgets of many developing countries were not specifically targeted at men, the situation of women was often neglected. In order to ensure the access of women to services such as education and health, it was necessary to adopt a gender-sensitive budget. However, this did not mean the special earmarking of funds, but an integral and holistic approach to the entire process of budget allocation.

614. In addition, Ms. Day (Consultant on women's human rights and equity issues (Canada), Women's Economic Equality Project) said that the main issue was whether the budget allocation process actually impacted positively on the enjoyment of rights by both women and men.

615. Ms. Morvai (Lecturer, Eötvös Loránd University, Head of Women's Rights and Children's Rights Research and Training Centre, Budapest), in introducing her paper on domestic violence (E/C.12/2002/8), said that domestic violence was a gender-specific phenomenon and that it had finally been recognized as a public rather than a private issue, to be addressed by Governments and the international community. The World Conference on Human Rights, held in June 1993 in Vienna, called for the integration of women's issues into the realm of human rights, stating that rights could be violated by the State's failure to protect the victim from abuse by private individuals. In recent years, important control mechanisms had been established at the international level, including the Special Rapporteur on violence against women and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It was also essential to determine the State's responsibilities when an individual violated any of the rights in the Covenant, such as the right to adequate housing. Ms. Morvai also mentioned the State's obligations with regard to the health implications of domestic violence included the provision of training for medical personnel, so that they recognized the nature and dynamics of domestic violence.

616. Ms. Farha (Centre for Equality Rights in Accommodation, Canada), introducing her paper on the right to housing (E/C.12/2002/6), said that women's enjoyment of economic, social and cultural rights must be based on substantive equality, which imposed on States the immediate and simultaneous realization of the obligations to respect, protect and fulfil. She specifically addressed the problem regarding the right to adequate housing, saying that in many jurisdictions women did not enjoy equal rights to housing owing to a confluence of factors including discriminatory laws, third-party practices, women's general social and economic disadvantage, and gender stereotypes. In this way, States parties needed to anticipate the discriminatory impact of gender-neutral policies.

617. Ms. Westendorp (Lecturer in law, Maastricht University, the Netherlands) said that the Committee had already performed sterling work on the right to housing, as manifest in its general comments no. 4 (1991) and No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant). It was not possible to realize the right to housing in a gender-neutral manner. What should be sought was substantive equality in the enjoyment of the right to housing for both sexes, which was possible only if the specific needs and problems of women were taken into account, and female-specific factors were identified, such as domestic violence, cultural and traditional attitudes or patterns of behaviour, and widowhood. While laws should take specific gender circumstances into consideration, equal access and enjoyment of rights is only possible if laws are modified and discriminatory policies are abolished, as well as gender stereotypes and traditions that denied women equal access to socio-economic rights.

618. Mr. Sadi stated that requiring States parties not only to enact non-discriminatory laws, but also to anticipate any adverse effects, appeared to be asking too much. He did not see how they could be required to foresee such adverse effects.

619. According to Mr. Atangana, women themselves also had responsibility for the domestic violence perpetrated against them since they were often unwilling to report such acts.

620. Mr. Malinverni, in response to Mr. Sadi's question, said that indirect discrimination was involuntary and unintentional by definition. It was the responsibility of States parties to assess the effects of laws through the courts, which could determine whether a law that was not intentionally discriminatory when enacted had in fact become so.

621. Ms. Landuyt (ILO) said that her organization had produced a written statement containing comments relating mostly to articles 6, 7 and 8 of the Covenant. She called particular attention to the comments on fair wages and equal pay for equal work.

622. Mr. Riedel praised ILO for its impressive paper, which, although brief, addressed core issues of particular relevance to the Committee's general comment. ILO, with its enormous experience in drafting comments and treaties, had always been a staunch supporter of the Committee's general comments.

623. Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) said that both domestic violence and housing were key issues, furthermore, they were interrelated issues in the break-up of families, affecting women's access to the matrimonial home, and in inheritance law. As for Mr. Sadi's question, she replied that where policy formulation was concerned, laws reflected policy and gender-impact assessment was increasingly called for before legislation was passed, in a legislative drafting process that had become much more consultative. Furthermore, with regard to Mr. Atangana's remark, she noted that the focus on discrimination against women in public affairs rather than in private life had perhaps resulted in some neglect of domestic violence. The State or its agents sometimes failed to take action when domestic violence was reported, a problem that could be addressed through the training of police officers and members of the judiciary; therefore, domestic violence was not merely a private issue, but a public one as well.

624. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) drew the attention of the Committee on Economic, Social and Cultural Rights to the importance of the Declaration on the Elimination of Violence against Women,<sup>38</sup> which reflected the Committee on the Elimination of Discrimination against Women's general recommendation no. 19 (eleventh session, 1992) on violence against women.<sup>37</sup> Those texts made it clear that domestic violence was a violation of women's human rights.

625. Mr. Hunt noted that there was indeed a great gap between formal equality, which was necessary but not sufficient in itself, and substantive equality. He said that the Committee must help to achieve the latter, or it would inadvertently perpetuate inequality.

626. Ms. Farha (Centre for Equality Rights in Accommodation (Canada)) said that, by the very nature of law-making, legislators naturally sought to foresee and match the purposes and effects of the laws they adopted. The primary point was for them to consistently take a gender approach when drafting legislation.

627. Mr. Riedel said that the main point that Mr. Sadi had been trying to make was that the Committee was not a legislative body, but a treaty monitoring body, and that it must therefore show the utmost caution in recommending legislative courses of action to States. He said that the main focus of treaty bodies was not policy-orientation, which was covered, inter alia, by certain specialized agencies, but the elucidation of legal obligations.

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<sup>38</sup> General Assembly resolution 48/104 of 20 December 1993.

628. Ms. Morvai (Associate Professor of Law, Eötvös Loránd University, Head of Women's Rights and Children's Rights Research and Training Centre, Budapest), addressing the comments made by Mr. Atangana, said that, as a criminal lawyer, she was aware that when a crime took place, the perpetrator was normally held responsible by the police, the prosecution, the judiciary and society. However, for certain offences committed almost exclusively by men, such as rape, domestic violence, sexual harassment and sexual abuse of children, women were commonly held responsible. If there was a need for education to change attitudes, the onus should surely be placed on men, not women.

629. Ms. Rivera-Lassén (Latin American and the Caribbean Committee for the Defence of Women's Rights) said that, in order for States to evaluate the implementation of article 3 of the Covenant, they must focus on economic and social indicators of the status of women. There are many studies which show that the poorest of the poor were women and there are facts such as privatization and trade liberalization, which made job security increasingly precarious; women were the more seriously affected by these. It was therefore necessary to understand the ways in which gender discrimination was related to other forms of discrimination, including racism. While international consideration of human rights issues had benefited the cause of human rights and women's rights in particular, an ethnic-racial perspective was still, unfortunately, absent.

630. Ms. Graterol (International Women's Rights Action Watch, Asia Pacific) said, with regard to multiple, or intersectional, discrimination, that the Committee must encourage women to assert and claim their rights by calling on their Governments to establish appropriate mechanisms. She remarked that it was necessary to promote women's rights to achieve substantive equality, which meant equal opportunity in all the fields. Such progress could be monitored if appropriate data were available; it was therefore crucial to have access to data disaggregated by gender and by ethnicity. As for the measures that States could take to improve the lot of women, the Committee on Economic, Social and Cultural Rights might consider the fact that the Committee on the Elimination of Discrimination against Women had on numerous occasions called for temporary special measures, and that the Human Rights Committee had called for affirmative action. What was required were positive and proactive government efforts, including incentives for the private sector, with a view to promoting substantive equality.

631. Mr. Kothari (Special Rapporteur on adequate housing of the Commission on Human Rights) said that more account should be taken of the principle of self-determination. In his report (E/CN.4/2002/59 and Corr.1), he had stressed the need to remove all the obstacles to the realization of women's right to adequate housing. It was important to institutionalize ethical land use and housing practices, and to take residents' views into account when formulating planning policy. With regard to the negative impacts of globalization, the Committee on Economic, Social and Cultural Rights might like to refer in the general comment to the need to institutionalize inter-ministerial coordination within countries to ensure that the implementation of globalized trade policies did not lead to States contravening their obligations under the Covenant or to aggravating women's housing situation. Finally, with regard to the gap between the recognition of women's rights and their implementation, Mr. Kothari recognized that fine-sounding legislation and court rulings were often contradicted by the reality on the ground in many parts of the world, and said that human rights education at all levels of society was the key to reducing that gap.

632. Mr. Sadi said that it sometimes seemed that one of the obstacles to the advancement of women was the attitude of women themselves. For instance, they did not always take the opportunity to elect female candidates in parliamentary elections. Women's reluctance to seize opportunities that would empower them appeared to be a particular problem in traditional societies.

633. Ms. Sosa Nishizaki (Permanent Mission of Mexico to the United Nations Office at Geneva) said that the framework of principles under consideration by the Committee should refer not only to article 3 but also to other articles in the Covenant, in order to help States parties to improve the implementation of the Covenant.

634. Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) said that it was important to identify those areas in which the work of both Committees was complementary and those in which it overlapped. The Committee on the Elimination of Discrimination against Women had an advantage not enjoyed by the Committee on Economic, Social and Cultural Rights, in that it had a definition of discrimination in the Convention on the Elimination of All Forms of Discrimination against Women. The Committee on the Elimination of Discrimination against Women was able to consider not just States parties' legislation but also their policies and programmes. After all, policy measures were necessary for the process of enforcement, implementation and resource allocation. This Committee paid considerable attention to the girl child, especially with regard to education, health and the family, as a starting point for any consideration of gender discrimination and the denial of opportunities to women in any society.

635. In conclusion, Ms. Bonoan-Dandan, the Chairperson of the Committee on Economic, Social and Cultural Rights, thanked all participants for their valuable contributions and said that the day's discussion would stimulate the Committee to press ahead with its work on the drafting and adoption of a general comment on article 3 of the Covenant.