

**CEDAW, A/63/38 (2008)**

...

**Part I**

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**Chapter I**

**Matters brought to the attention of States parties**

**Decisions**

**Decision 40/I**

The Committee adopted reporting guidelines for documents that specifically relate to the implementation of the Convention, which complements the guidelines for the common core document (see annex I to part one of the present report).

**Decision 40/II**

The Committee adopted a statement on its relationship with national human rights institutions (see annex II to part one of the present report).

**Decision 40/III**

In line with efforts to harmonize the working methods of the human rights treaty bodies, the Committee decided to change the title of its “Concluding comments” to “Concluding observations”.

**Decision 40/IV**

The Committee decided to request States parties that reported at the fortieth session to present their subsequent two reports as combined reports.

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**Chapter VI**

**Ways and means of expediting the work of the Committee**

**Future sessions**

402. In the light of the authorization by the General Assembly, in its resolution 62/218, of the extension of meeting time of the Committee in 2008 and 2009, the Committee confirmed the dates of its sessions in 2008, as follows:

- (a) Forty-first session: 30 June-18 July 2008, New York;

- (b) Twelfth session of the Working Group on Communications under the Optional Protocol: 21-23 July 2008, New York;
- (c) Pre-session working group for the forty-third session: 21-25 July 2008, New York;
- (d) Forty-second session: 20 October-7 November 2008, Geneva, with parallel chambers;
- (e) Thirteenth session of the Working Group on Communications under the Optional Protocol: 14-17 October 2008, Geneva;
- (f) Pre-session working group for the forty-fourth session: 10-14 November 2008, Geneva.

### **Reports to be considered at future sessions of the Committee**

403. The Committee confirmed that, at its forty-first session, it would consider the reports of the following States parties:

- Finland
- Iceland
- Lithuania
- Nigeria
- Slovakia
- United Kingdom of Great Britain and Northern Ireland
- United Republic of Tanzania
- Yemen

404. The Committee decided to consider the reports of the following States parties at its forty-second session:

- Belgium
- Cameroon
- Canada
- Ecuador
- El Salvador
- Kyrgyzstan
- Mongolia
- Myanmar
- Portugal
- Slovenia
- Uruguay

405. The Committee also agreed to consider the reports of Bahrain and Madagascar at that session.

406. The Committee made a preliminary selection of States parties that would be invited to present their reports at its forty-third session:

- Armenia
- Bhutan
- Dominica

Guatemala  
 Guinea-Bissau  
 Haiti  
 Israel  
 Liberia  
 Libyan Arab Jamahiriya  
 Rwanda

**Composition of parallel chambers at the forty-second session of the Committee to be held from 20 October to 7 November 2008**

407. The Committee decided on the following composition of its parallel chambers for the forty-second session and the allocation of reports of States parties to the chambers.

<i>Chamber A</i>	<i>Chamber B</i>
Magalys Arocha Dominguez	Ferdous Ara Begum
Saisuree Chutikul	Meriem Belmihoub-Zerdani
Dorcas Ama Frema Coker-Appiah	Mary Shanthi Dairiam
Cornelis Flinterman	Náela Gabr Mohamed Gabre Ali
Ruth Halperin-Kaddari	Françoise Gaspard
Heisoo Shin	Yoko Hayashi
Glenda P. Simms	Tiziana Maiolo
Dubravka Šimonović	Violeta Neubauer
Anamah Tan	Pramila Patten
Maria Regina Tavares da Silva	Silvia Pimentel
Xiaoqiao Zou	Hanna Beate Schöpp-Schilling

**Reports of the States parties to be considered**

<i>Chamber A</i>	<i>Chamber B</i>
Belgium (CEDAW/C/BEL/6)	Cameroon (CEDAW/C/CMR/3)
Canada (CEDAW/C/CAN/7)	Ecuador (CEDAW/C/ECU/7)
El Salvador (CEDAW/C/SLV/7)	Kyrgyzstan (CEDAW/C/KGZ/3)
Myanmar (CEDAW/C/MMR/3)	Madagascar (CEDAW/C/MDG/5)
Slovenia (CEDAW/C/SVN/4)	Mongolia (CEDAW/C/MNG/7)

<i>Chamber A</i>	<i>Chamber B</i>
Uruguay (CEDAW/C/URY/7)	Portugal (CEDAW/C/PRT/7)

408. The combined initial and second periodic report of Bahrain (CEDAW/C/BHR/1-2) will be considered in plenary meetings.

**Action in relation to item 7, Activities of the Committee under the Optional Protocol to the Convention**

**Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol**

409. The Committee decided to discontinue the examination of communication No. 9/2005. It discussed and adopted a note on the formulation and format of individual opinions on Committee's decisions, and endorsed the reports of the Working Group on Communications under the Optional Protocol at its eleventh session.

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**Annex I**

**Decision 40/I**

**Convention-specific reporting guidelines of the Committee on the Elimination of Discrimination against Women<sup>1</sup>**

**A. Introduction**

1. The present Convention-specific reporting guidelines of the Committee on the Elimination of Discrimination against Women must be applied in conjunction with the harmonized reporting guidelines on a common core document.<sup>2</sup> Together they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. They replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women.<sup>3</sup>

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<sup>1</sup> Technical assistance may be sought from the Office of the United Nations High Commissioner for Human Rights or other United Nations entities for reporting and for the creation of mechanisms to collect data.

<sup>2</sup> The harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.5, chap. I).

<sup>3</sup> HRI/GEN/2/Rev.5, chap. V.

2. Reports of States parties on the implementation of the Convention thus constitute two parts: a common core document and a document that specifically relates to the implementation of the Convention.

### **Common core document**

3. The common core document constitutes the first part of any report prepared for the Committee in accordance with the harmonized reporting guidelines.<sup>4</sup> The common core document contains information of a general and factual nature.

4. In general, information that is contained in the common core document need not be repeated in the Convention-specific document submitted to the Committee. The Committee underlines that, should a State party not have submitted a common core document, or if the information in the common core document has not been updated, all relevant information must be included in the Convention-specific document. In addition, the Committee encourages States to review information given by them in the common core document as to its sex and gender dimensions. If that is found to be insufficient, States are encouraged to include relevant information in the Convention-specific document and in the next update of the common core document.

### **Convention-specific document**

5. The present guidelines pertain to the preparation of the second part of reports and apply to the initial as well as all subsequent periodic reports to the Committee. The Convention-specific document should contain all information relating to the implementation of the Convention.

6. While general factual information on the general framework for the protection and promotion of human rights disaggregated according to sex, where applicable, and on non-discrimination and equality and effective remedies should be included in the common core document,<sup>5</sup> additional information specific to the implementation of the Convention and to the relevant general recommendations of the Committee, as well as information of a more analytical nature on the impact of laws, the interaction of plural legal systems, policies and programmes on women should be provided in the Convention-specific document. Analytical information should also be provided on the progress made in ensuring enjoyment of the provisions of the Convention by all groups of women throughout their life cycle within the territory or jurisdiction of the State party.

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<sup>4</sup> See, in particular, HRI/GEN/2/Rev.5, paras. 24-59.

<sup>5</sup> See HRI/GEN/2/Rev.5, paras. 40-59. This includes general information on customary or religious law affecting women's equality in and before the law; inclusion of the prohibition of sex discrimination in the constitution; the existence of specific anti-discrimination legislation, equal opportunity legislation and legislation prohibiting violence against women; whether the legal system allows for or mandates special measures; the number of court cases on allegations of sex discrimination; the institution(s) serving as the national machinery for women; the gender dimension of national human rights institutions; the existence of gender budgeting and its results; and human rights education targeted specifically at women.

## **B. Reporting obligation**

7. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within one year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

## **C. General guidance for the contents of the reports**

### **1.General**

8. The report should follow paragraphs 24 to 26 and 29 of the harmonized reporting guidelines.<sup>6</sup>

### **2. General recommendations of the Committee**

9. General recommendations adopted by the Committee should be taken into account in preparing the Convention-specific document.

### **3. Reservations and declarations**

10. General information on reservations and declarations should be included in the common core document in accordance with paragraph 40 (b) of the harmonized reporting guidelines. In addition, specific information in respect of reservations and declarations to the Convention should be included in the Convention-specific document submitted to the Committee in accordance with the present guidelines, the Committee's statements on reservations<sup>7</sup> and, where applicable, the Committee's concluding observations. Any reservation to or declaration relating to any article of the Convention by the State party should be explained and its continued maintenance clarified. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 7, 9 and 16 should report on the interpretation and the effect of those reservations. States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

### **4. Factors and difficulties**

11. Information on factors and difficulties of particular relevance to the implementation of the provisions of the Convention and not covered in the common core document, in accordance with paragraph 44 of the harmonized

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<sup>6</sup> HRI/GEN/2/Rev.5, chap. I.

<sup>7</sup> *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38 (A/53/38/Rev.1)*, part two, chap. I, sect. A.

reporting guidelines, should be provided in the Convention-specific document, including details of the steps being taken to overcome them.

## **5. Data and statistics**

12. While general factual and statistical information should be included in the common core document,<sup>8</sup> the Convention-specific document should include specific data and statistics disaggregated by sex<sup>9</sup> which are relevant to the implementation of each article of the Convention and the general recommendations of the Committee in order to enable the Committee to assess progress in the implementation of the Convention.

## **D. Initial report**

13. The initial Convention-specific document, together with the common core document, constitutes the State party's initial report and is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention.

14. A State party should deal specifically with every article in parts I to IV of the Convention; in addition to information contained in the common core document, a detailed analysis of the impact of legal norms on women's factual situation and the practical availability, implementation and effect of remedies for violations of provisions of the Convention should be provided and explained in the Convention-specific document.

15. The initial Convention-specific document should, to the extent that such information is not already contained in the common core document, outline any distinctions, exclusions or restrictions made on the basis of sex and gender, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on women's enjoyment of each provision of the Convention.

16. The initial Convention-specific document should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative, judicial and other texts which guarantee and provide remedies in relation to the rights and provisions of the Convention, in particular when those are not attached to the report or are not available in one of the working languages of the United Nations.

## **E. Periodic reports**

17. The subsequent Convention-specific document, which, together with the common core document, forms a subsequent periodic report, should focus on

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<sup>8</sup> See HRI/GEN/2/Rev.5, para. 32.

<sup>9</sup> Using appropriate indicators as set out in HRI/GEN/2/Rev.5, chap. I, appendix 3.

the period between the consideration of the State party's previous report and the presentation of the current report.

18. Periodic Convention-specific documents should be structured so as to follow the main clusters (parts I-IV) of the Convention. If there is nothing new to report under any article, it should be so stated.

19. There should be at least three starting points for such subsequent Convention-specific documents:

(a) Information on the implementation of concluding observations (particularly "concerns" and "recommendations") to the previous report and explanations for the non-implementation or difficulties encountered;<sup>10</sup>

(b) An analytical and result-oriented examination by the State party of additional legal and other appropriate steps and measures undertaken towards the implementation of the Convention;

(c) Information on any remaining or emerging obstacles to the exercise and enjoyment by women of their human rights and fundamental freedoms in the civil, political, economic, social, cultural or any other field on the basis of equality with men, as well as information on measures envisaged to overcome those obstacles.

20. Periodic Convention-specific documents should, in particular, address the impact of measures taken, and should analyse trends over time in eliminating discrimination against women and ensuring women's full enjoyment of their human rights.

21. Periodic Convention-specific documents should also address the implementation of the Convention with respect to different groups of women, in particular those subject to multiple forms of discrimination.

22. Where a fundamental change has occurred in the State party's political and legal approach affecting the implementation of the Convention, or where new legal or administrative measures have been introduced by the State party which require the annexure of texts and of judicial or other decisions, such information should be provided in the Convention-specific document.

## **F. Exceptional reports**

23. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports that may be requested and which are governed by rule 48.5 of the Committee's rules of procedure and its decisions 21/I and 31/III (h) on exceptional reports.

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<sup>10</sup> States parties may decide to present such information at the beginning of the report or to integrate it, with specific reference to the particular concluding observation, under the relevant parts of the report.

## **G. Annexes to reports**

24. If needed, the report should be accompanied by a sufficient number of copies, in one of the working languages of the United Nations, of the principal legislative, judicial, administrative and other supplementary documentation that the reporting States may wish to have distributed to all members of the Committee to facilitate the consideration of their report. Those texts may be submitted in accordance with paragraph 20 of the harmonized guidelines on reporting.

## **H. Optional Protocol**

25. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued views entailing provision of a remedy or expressing any other concern relating to a communication received under that Protocol, the Convention-specific document should include further information about the remedial steps taken as well as other steps taken to ensure that any circumstance giving rise to the communication does not recur.

26. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, the Convention-specific document should include details of any further measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

## **I. Measures to implement outcomes of United Nations conferences, summits and reviews**

27. There is a significant synergy between the substantive content of the Convention and the Beijing Platform for Action,<sup>11</sup> and they are therefore mutually reinforcing. The Convention comprises legally binding obligations and sets out women's right to equality in the civil, political, economic, social, cultural or any other field. The Platform for Action, through its 12 critical areas of concern, provides a policy and programmatic agenda that can be used for the implementation of the Convention. The Convention-specific document should also contain information on how the implementation of the 12 critical areas of the Platform for Action, as they relate to specific articles of the Convention, is integrated into the State party's implementation of the Convention's substantive equality framework.

28. The Convention-specific document should also include information on the implementation of the gender elements of the Millennium Development Goals and on the outcomes of other relevant United Nations conferences, summits and reviews.

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<sup>11</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.

29. Where applicable, the Convention-specific document should include information on the implementation of Security Council resolution 1325 (2000) and its outcomes.

## **J. Format of the Convention-specific document**

30. The format of the Convention-specific document should be in accordance with paragraphs 19 to 23 of the harmonized reporting guidelines. The initial report should not exceed 60 pages, and subsequent Convention-specific documents should be limited to 40 pages. Paragraphs should be numbered sequentially.

## **K. Consideration of reports by the Committee**

### **1. General**

31. The Committee intends its consideration of a report to the Committee to take the form of a constructive dialogue with the delegation, the aim of which is to improve the implementation of the Convention by the State party.

### **2. List of issues and questions with respect to initial and periodic reports**

32. On the basis of all information at its disposal, the Committee will supply in advance a list of issues and questions intended to clarify and complete information provided in the common core document and the Convention-specific document. Written answers to the list will be required from the State party at least three months in advance of the session at which the report will be considered. The delegation should come prepared to respond to additional questions by Committee experts.

### **3. State party's delegation**

33. The State party's delegation should include persons who, through their knowledge and competence and their position of authority or accountability, are able to explain all aspects of women's human rights in the reporting State and are able to respond to the Committee's questions and comments concerning the implementation of the Convention.

### **4. Concluding observations**

34. After its consideration of the report, the Committee will adopt and publish its concluding observations on the report and the constructive dialogue with the delegation. The concluding observations will be included in the annual report of the Committee to the General Assembly. The Committee expects the State party to disseminate the concluding observations widely, in all appropriate languages, with a view to public information and discussion for implementation.

## **Annex II**

### **Decision 40.II**

#### **Statement by the Committee on the Elimination of Discrimination against Women on its relationship with national human rights institutions**

1. The Committee on the Elimination of Discrimination against Women and independent national human rights institutions share the common goals of protecting, promoting and fulfilling the human rights of women and girls. The Committee considers that close cooperation between the two is critical. It is accordingly exploring ways to create further interaction and links with national human rights institutions.

2. The Committee emphasizes that national human rights institutions should be established in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (The “Paris Principles”) adopted by the General Assembly (resolution 48/134, annex) in 1993 and duly accredited by the International Coordinating Committee of National Human Rights Institutions. The Paris Principles provide guidance on the establishment, competence, responsibilities, composition, including pluralism, independence and methods of operation, and quasi-judicial activities of such national bodies.

3. The Committee considers national human rights institutions as playing an important role in the promotion of the implementation of the Convention on the Elimination of All Forms of Discrimination against Women at the national level, the protection of women’s human rights as well as the enhancement of public awareness of such rights. In this regard, the Committee refers to national human rights institutions and their role in its monitoring activities.

4. The Committee expects national human rights institutions to ensure that their work concerning, inter alia, the consideration of individual complaints and the elaboration of recommendations on laws, policies and their activities in human rights education, is based on the principle of formal and substantive equality between women and men and non-discrimination, as contained in the Convention, and that women have easy access to all services for the protection of their rights provided by national human rights institutions. The Committee also expects that the composition of members and staff of national human rights institutions is gender balanced at all levels.

5. The Committee encourages national human rights institutions to publicize and disseminate the Convention and its Optional Protocol, its concluding observations, general recommendations and decisions and views on individual communications and inquiries conducted under the Optional Protocol, as well as to monitor the State party’s implementation of the Convention and its Optional Protocol.

6. The Committee recognizes that national human rights institutions may contribute in various ways to the work of the Committee under the monitoring procedures of the Convention and its Optional Protocol. National human rights institutions may provide comments and suggestions on a State party's reports in any way they see fit. National human rights institutions may also provide assistance to alleged victims of human rights violations under the Convention to submit individual communications to the Committee or, when the situation arises, provide reliable information in relation to the mandate of the Committee to conduct an inquiry.

7. The Committee welcomes the provision by national human rights institutions of country-specific information on States parties' reports that are before the pre-session working group or the Committee. Such information may be submitted in writing prior to or at the relevant pre-session working group meeting or the relevant session of the Committee. National human rights institutions may also physically attend and provide information orally in the meetings allocated to them in the pre-session working groups and sessions of the Committee. The Committee will include such a time allocation for national human rights institutions' contribution in the provisional agenda of the relevant working group meeting or session in order to enhance the visibility of input from national human rights institutions.

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## **Part Two**

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### **Chapter I**

#### **Matters brought to the attention of States parties**

##### **Decisions**

###### **Decision 41/I**

The Committee discussed the issue of the compatibility of reservations with the object and purpose of the Convention (vide article 28, para. 2 of the Convention). It decided that the determination of this issue, and thus of the permissibility of reservations, not only falls within its function in relation to the reporting procedure under article 18 of the Convention, but also in relation to the individual communication and inquiry procedures under the Optional Protocol.

###### **Decision 41/II**

The Committee decided to adopt the practice of including titles (subject headings) in its concluding observations. A list of the titles agreed by the Committee which will be applied flexibly and as appropriate for the State party concerned is contained in annex X to part two of the present report.

### **Decision 41/III**

The Committee decided to introduce a follow-up procedure whereby it would include a request to individual States parties in the concluding observations on their reports for information on steps taken to implement specific recommendations contained in those concluding observations. The request would call upon States parties to provide such information to the Committee within two years. The Committee decided to assess the experience of its follow-up procedure in 2011.

### **Decision 41/IV**

The Committee decided that requests by States parties to utilize technology, such as video-links, during the presentation of reports and constructive dialogue with the Committee should be submitted well in advance in order for the Committee as a whole to have the opportunity to consider and decide on such requests.

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## **Chapter VI**

### **Ways and means of expediting the work of the Committee**

413. The Committee considered agenda item 6, ways and means of expediting the work of the Committee, at its 830th and 850th meetings on 30 June and 18 July 2008 and several closed meetings.

### **Action taken by the Committee under agenda item 6**

#### **Members of the pre-session working group for the forty-fourth session of the Committee**

414. The Committee designated the following experts as members of the pre-session working group for the forty-fourth session, which will meet from 10 to 14 November 2008:

Ferdous Ara Begum  
Meriem Belmihoub-Zerdani  
Pramila Patten  
Glenda P. Simms  
Dubravka Šimonović  
Anamah Tan

### **Dates of future sessions of the Committee**

415. In accordance with the provisional calendar of conferences, the following dates are confirmed for the Committee's forty-second and forty-third sessions, and proposed for the Committee's forty-fourth session:

- (a) **Forty-second session:** 20 October to 7 November 2008, Geneva, with parallel chambers;
- (b) Thirteenth session of the Working Group on Communications under the Optional Protocol: 15 to 17 October 2008, Geneva;
- (c) Pre-session working group for the forty-fourth session: 10 to 14 November 2008, Geneva;
- (d) **Forty-third session:** 19 January to 6 February 2009, Geneva, with parallel chambers;
- (e) Fourteenth session of the Working Group on Communications under the Optional Protocol: 9 to 13 February 2009, Geneva;
- (f) Pre-session working group for the forty-fifth session: 9 to 13 February 2009, Geneva;
- (g) **Forty-fourth session:** 20 July to 7 August 2009, New York, with parallel chambers;
- (h) Fifteenth session of the Working Group on Communications under the Optional Protocol: 13 to 17 July 2009;
- (i) Pre-session working group for the forty-sixth session: 10 to 14 August 2009.

#### **Reports to be considered at future sessions of the Committee**

416. The Committee confirmed that it would consider the reports of the following States parties at its forty-second and forty-third sessions. The Committee also made a preliminary selection of States parties that would be invited to present their reports at the forty-fourth session:

##### **(a) Forty-second session**

Bahrain  
Belgium  
Cameroon  
Canada  
Ecuador  
El Salvador  
Kyrgyzstan  
Madagascar  
Mongolia  
Myanmar  
Portugal  
Slovenia  
Uruguay

##### **(b) Forty-third session**

Armenia  
Bhutan  
Dominica

Germany  
Guatemala  
Guinea-Bissau  
Haiti  
Liberia  
Libyan Arab Jamahiriya  
Rwanda

**(c) Forty-fourth session**

Argentina  
Denmark  
Egypt  
Japan  
Lao People's Democratic Republic  
Spain  
Switzerland  
Timor-Leste  
Tuvalu

**Composition of parallel chambers at the forty-third session**

417. The Committee decided to agree on the composition of its parallel chambers and the allocation of reports of States parties for its forty-third session, at its forty-second session. The initial reports of Dominica, Haiti and Liberia would be considered in plenary, as would the consideration of implementation of the Convention in Guinea-Bissau.

**Enhancing the Committee's working methods under article 18 of the Convention**

**Concluding observations**

418. The Committee reviewed its practices in relation to concluding observations. It concluded that in order to assist States parties to accelerate implementation of the Convention, it would strive to formulate detailed concluding observations, with concrete, achievable, but non-prescriptive recommendations. In order to achieve clarity, it also decided to include titles (subject headings) in its concluding observations. A list of titles, which would be used flexibly and as appropriate for the State party concerned, were agreed by the Committee and are included in annex X to part two of the present report.

**Request for long-overdue reports**

419. The Committee reviewed the status of submission of reports by States parties (CEDAW/C/2008/II/2), as well as steps aimed at encouraging States parties to submit long-overdue reports. It recalled that it had requested 12 States parties with long-overdue initial reports to submit all these reports as combined reports by a particular date for consideration by the Committee at identified future sessions. It also recalled that the Committee had decided that failing receipt of the reports within the suggested time frame, and as a last

resort, it would proceed with consideration of the implementation of the Convention in the States parties concerned in the absence of a report (see A/62/38, part three, para. 675). Taking account of these decisions, the Committee decided to invite States parties whose initial reports have been overdue for more than five years to submit their overdue reports as a combined report within two years (Afghanistan, Djibouti and Solomon Islands) and States parties whose periodic reports have been overdue for more than 10 years to submit their overdue reports as a combined report within two years (Bulgaria, Panama, Saint Vincent and the Grenadines, Senegal and Zimbabwe). Failing receipt of the reports within the suggested timeframe, and as a last resort, the Committee would proceed with consideration of the implementation of the Convention in those States parties in the absence of a report.

### **Exchange of views with States parties to the Convention**

420. On 16 July 2008, the Committee held an exchange of views with States parties to the Convention on the Committee's working methods, including its Convention-specific guidelines, relationship with national human rights institutions and steps taken by the Committee to encourage submission of long-overdue reports (see CEDAW/C/SR.849).

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### **Annex VIII**

#### **Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its eleventh session**

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its eleventh session from 9 to 11 January 2008. All members attended the session.
2. The Working Group adopted its agenda as set out in the appendix to the present annex.
3. The Working Group discussed correspondence that had been received since its tenth session and reviewed the status of six pending communications. It decided to appoint Pramila Patten as Case Rapporteur for communication No. 16/2007.
4. The Working Group discussed its working methods in relation to the handling of correspondence addressed to the Committee, in the light of the transfer of the servicing of the Committee and the Working Group to the Office of the United Nations High Commissioner for Human Rights in

Geneva. It stressed the importance, where appropriate, of the Secretariat sending individualized contact letters to complainants in order to seek further clarification and information on the complaints, together with the model complaint form.

5. The Working Group was briefed by the Follow-Up Rapporteurs Ms. Patten and Anamah Tan, on the follow-up to the Committee's views in communication No. 4/2004, *A.S. v. Hungary*.

6. The Working Group discussed the formulation and format of dissenting and concurring opinions to decisions and views adopted by the Committee, based on a note prepared by the secretariat, drawing upon the experience of other treaty bodies. The Working Group agreed to submit the note to the Committee for further discussion.

7. The Working Group discussed the issue of reservations to the Convention and their impact on the consideration of communications considered pursuant to the Optional Protocol.

8. The Working Group discussed possible lessons learned from the experience of the consideration of communication No. 7/2005, *Cristina Muñoz-Vargas y Sainz de Vicuña v. Spain*.

### **Action taken**

9. The Working Group:

(a) Decided that its twelfth session would be held in New York from 21 to 23 July 2008 and adopted the provisional agenda for that session;

(b) Requested that its secretariat facilitate a meeting between a representative of the Permanent Mission of Hungary to the United Nations Office at Geneva and the Follow-Up Rapporteurs, Ms. Patten and Ms. Tan, relating to the follow-up to the views of the Committee on communication 4/2004, *A.S. v. Hungary*, with a view to reporting to the Committee on the outcome of the meeting during its fortieth session;

(c) Requested that its secretariat provide information on the practice of other treaty bodies relating to voting during the adoption of decisions and views relating to communications, as well as the practice of the signing of attendance sheets by Committee members at the beginning and during the discussions leading to the adoption of decisions and views relating to communications;

(d) Request that its secretariat allow some time during the third week of the Committee plenary to discuss the issue of reservations to the Convention and, in particular, the impact of reservations on the consideration of communications;

(e) Decided to register a new case against Brazil (as communication No. 17/2008), and appointed Magalys Arocha Dominguez as Case Rapporteur,

and a new case against the Philippines (as communication No. 18/2008), and appointed Cornelis Flinterman as Case Rapporteur;

(f) Decided that the Working Group might submit alternative proposals for the determination of complaints to the Committee plenary if it deemed it appropriate.

10. The Working Group welcomed the listing produced by its secretariat of academic and scholarly articles on the work of the Committee, and recommended that the practice be continued and that the articles be distributed to the other members of the Committee.

11. The Working Group submitted to the Committee for its consideration and decision the following issues:

(a) The suggestion that the Committee discuss the formulation and format of dissenting and concurring opinions to decisions and views adopted by the Committee, drawing upon the experience of other treaty bodies, and based on a note prepared by its secretariat and agreed by the Working Group;

(b) The recommendation that the Committee consider for adoption the annexed drafts as the Committee's decisions on admissibility in communication No. 12/2007 (*G.D. and S.F. v. France*) and communication No. 13/2007 (*M.D. and others v. France*);

(c) The recommendation that the Committee consider discontinuing the examination of communication No. 9/2005 (*L.H. v. The Netherlands*), in the light of the submissions made by the State party and the author's counsel, which suggest that the claims of violations of the Convention advanced have become moot;

(d) The recommendation that the Committee set aside more time for plenary consideration of communications under the Optional Protocol;

(e) The suggestion that if the Committee plenary is divided over the determination of a complaint, it may refer the draft decision or views before it back to the Working Group, for further discussion and the provision of an alternative draft recommendation, where appropriate, reflecting the views expressed by members of the Committee;

(f) The recommendation that the Committee request the Office of the United Nations High Commissioner for Human Rights to budget for outreach and training activities on the Optional Protocol procedure and allocate sufficient human and financial resources to carry out capacity-building activities on the submission of communications for relevant stakeholders, including women's organizations, lawyers' associations and other interested civil society actors, in particular from the African, Asia-Pacific, the Latin American and Caribbean, and the Eastern European and Central Asian regions.

## **Appendix**

### **Agenda of the eleventh session of the Working Group**

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Discussion of working methods.
4. Review of draft recommendations.
5. Update of communications.
6. Any other matters.
7. Adoption of the provisional agenda and dates for the twelfth session of the Working Group, and of the report of the Working Group on its eleventh session.

## **Annex IX**

### **Formulation and format of individual opinions on Committee decisions**

#### **Background note by the Working Group on Communications under the Optional Protocol to the Convention adopted on 10 January 2008**

1. At its thirty-ninth session, in response to a suggestion made by the Working Group on Communications under the Optional Protocol to the Convention during its tenth session, the Committee requested its Working Group to prepare a discussion note on the formulation and the format of future individual (concurring and/or dissenting) opinions. On 9 and 10 January 2008, the Working Group discussed and adopted a draft background note prepared by its secretariat and decided to transmit it to the plenary for further discussion.

2. Committee members who wish to submit an individual opinion on a decision should inform the Committee plenary of their intention during the discussion of the recommendation or at the time the Committee adopts its decision on admissibility or its views on the merits.

3. Committee members wishing to submit individual opinions should, in their separate dissenting or concurring opinion, address the issue(s) on which they did not agree with the Committee majority or on which they wish further to elaborate. The individual opinion should refrain from addressing other, unrelated, issues.

4. Individual opinions should be submitted to the secretariat within a deadline of two weeks from the time that the final text of the decision or the views becomes available to the Committee member who wishes to submit an individual opinion in one of the official working languages of the United Nations. A deadline of two to three weeks has been practised by other treaty

bodies. Longer deadlines are problematic in that they unduly delay the transmittal of the Committee's final decision - the transmittal of decisions or views several months after adoption has been criticized by the parties to the case and also deprives any potential press releases of their newsworthiness. The Human Rights Committee recently decided that individual opinions submitted after the deadline would not be accepted or appended to the text of the decision or views. Subject to further experience with respect to deadlines for submission of individual opinions, an amendment to the rules of procedure may be appropriate.

5. Committee members who have not been present during the debate on a recommendation in the Committee plenary or its Optional Protocol Working Group will not be eligible to submit an individual opinion. Committee members who have been present and participated in the discussion of a recommendation in the Committee plenary or its Optional Protocol Working Group but who are not present at the moment of adoption of the final decision will remain eligible to submit an individual opinion if they so wish.

6. In the event of a vote on a decision, the opinion of a Committee member present during the discussion of a recommendation but absent during the vote should be counted, if she or he notifies the Chair and the secretariat of her or his position in writing.

7. Individual opinions received by the secretariat will be circulated by electronic means or by fax to any other Committee members who have expressed the intent to submit an individual opinion. The members concerned may then decide whether or not to join the individual opinion submitted by another member, or coordinate and synchronize the text of their respective individual opinions.

8. A Committee member may not undersign more than one individual opinion appended to any given decision or views of the Committee. If a Committee member subscribes to the legal reasoning of more than one individual opinion, she or he should formulate this in her or his own individual opinion.

9. The language of individual opinions (concurring or dissenting) should avoid giving the impression that the individual opinion is that of the Committee plenary. If the latter is the case, the secretariat is authorized to edit the individual opinion accordingly.

10. The Committee's decision or views will be transmitted to the parties together with the individual opinion(s) submitted by one or several Committee members. The individual opinion(s) will become an integral part of the Committee's decision or views and will be published jointly with the decision, on the website of the Office of the United Nations High Commissioner for Human Rights, in the Committee's annual report or any future volume of selected decisions of the Committee. Individual opinions to admissibility

decisions, though communicated to the parties, will be published only after the Committee has adopted its views on the communication in question.

11. The Committee's decision or views will be made public at the same time as any individual (concurring or dissenting) opinions. Any press release relating to a decision or views of the Committee under the Optional Protocol shall, where applicable, not only refer to the text of the final decision but also to the individual opinion(s).

## **Annex X**

### **Subject headings (titles) to be used in concluding observations**

- Legal status of the Convention, definition of equality, Federal States, Overseas Territories
- Visibility of the Convention and the Optional Protocol
- Reservations (including declarations amounting to reservations)
- National machinery for the advancement of women
- Discriminatory laws/provisions (compatibility, repeal)
- Temporary special measures (article 4, para. 1)
- Stereotypes, cultural practices
- Violence against women
- Trafficking
- Exploitation of prostitution
- Political participation and participation in public life
- Education
- Employment
- Economic empowerment
- Health
- Rural women
- Minority women
- Vulnerable groups of women
- Family relations
- Economic consequences of divorce
- National human rights institution
- Non-governmental organizations
- Data collection and analysis
- Parliament
- Preparation of the next report

- Follow-up to the Beijing Declaration and Platform for Action and the Millennium Development Goals
  - Dissemination
  - Ratification of other treaties
  - Technical assistance
  - Follow-up to concluding observations
  - Date of the next report
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