



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

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**Committee on the Elimination of Discrimination  
against Women**

**Forty-first session**

Item 6 of the provisional agenda\*

30 June – 18 July 2008

**Ways and means of expediting the work of the Committee  
on the Elimination of Discrimination against Women**

**Ways and means of expediting the work of the Committee  
on the Elimination of Discrimination against Women**

**Note by the Secretariat**

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\* CEDAW/C/2008/II/1.

## **I. Introduction**

1. The present report contains information relevant to the work of the Committee on the Elimination of Discrimination against Women. Section II contains information on developments in the United Nations human rights regime, including information Human Rights Council, its universal periodic review mechanism, the Commission on the Status of Women and the General Assembly. Section III provides on reports to be considered by the Committee at future sessions, as well reports that have been received, but have not been scheduled for consideration. Section IV provides information on the approaches of human rights treaty bodies to the consideration of States parties in the absence of a report. Section V addresses the working methods of the pre-session working group, and section VI provides information on the activities of the Division for the Advancement of Women and the Women's Rights and Gender Unit of the Office of the High Commissioner for Human Rights of relevance to the Committee.

## **II. Developments in the human rights regime**

### **A. Human rights treaty bodies**

2. On 4 April 2008, the fifth session of working group on an optional protocol to the International Covenant on Economic, Social, and Cultural Rights adopted its report and agreed to transmit a draft optional protocol to the Human Rights Council for its consideration (A/HRC/8/7). The draft would invest the Committee on Economic, Social and Cultural Rights with competence to consider communications meeting standard admissibility criteria submitted by or on behalf of individuals or groups of individuals under the jurisdiction of a State party claiming to be victims of a violation of any of the rights set forth in Parts II and III of the Covenant by that State party. In cases where the State party concerned has recognized the Committee's competence in this regard, the Committee would also be competent to receive and consider inter-State communications or to conduct an inquiry in cases where it receives reliable information indicating grave or systematic violations of the rights set forth in Parts II and III of the Covenant. The draft builds on existing communications and inquiry procedures, and contains some novel provisions, including article 4, providing that the Committee may, if necessary decline to consider a communication where it does not reveal that the author has suffered a clear disadvantage, unless the Committee considers that the communication raises a serious issue of general importance. Article 8, paragraph 4 provides that when examining communications the Committee shall consider the reasonableness of the steps taken by the State party in accordance with Part II of the Covenant, and bear in mind that the State party may adopt a range of possible policy measures for the implementation of the rights set forth in the Covenant. Article 14, concerning international assistance and cooperation, inter alia, provides for the establishment of a trust fund to provide expert and technical assistance to States parties, with their consent, for the enhanced implementation of the rights contained in the Covenant, thus contributing to building national capacities in the area of economic, social and cultural rights.

3. On 3 May 2008, the Convention on the Rights of Persons with Disabilities and its Optional Protocol entered into force. Twenty-six States are party to the Convention, of which 16 are party to the Optional Protocol. The initial election of members to the Committee on the Rights of Persons with Disabilities must be held no later than six months after the entry into force of the Convention. Members are elected for a term of four years, and are eligible for re-election once. The Convention mandates the Committee to consider the reports of States parties which are to be submitted within two years of entry into force of the Convention for the State

party concerned, and every four years thereafter and further whenever the Committee requests. The Optional Protocol provides the Committee with competence to consider communications from or on behalf of individuals or groups of individuals who claim to be victims of a violation of a State party of the Convention and the Protocol of the provisions of the Convention in cases where such communications meet the admissibility criteria set out in the Protocol. The Optional Protocol also provides for an inquiry procedure, which States parties to the Protocol may opt out of at the time of signature, ratification or accession. Amongst the principles set out in article 3 of the Convention are non-discrimination and equality between men and women, while article 6 specifically concerns women and disabilities.

4. The human rights treaty bodies have continued to harmonize and simplify their working methods. Both the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women have adopted guidelines for their treaty specific document which will be submitted in tandem with the common core document. At its eighth session, held from 14 to 25 April 2008, the Committee on Migrant Workers adopted guidelines for its treaty specific document. The Committee on Economic, Social and Cultural Rights discussed draft guidelines for its treaty specific document during its fortieth session from 28 April to 16 May 2008. The Human Rights Committee is also discussing the possibility of adopting guidelines for its treaty-specific document, while the Committee on the Rights of the Child is discussing options in relation to draft guidelines for targeted reports in respect of the Convention and its two optional protocols.

## **B. Human Rights Council**

### **i. Resolution 6/30 on integrating the human rights of women throughout the United Nations system**

5. During the second part of its sixth session held from 10 to 14 December 2007, the Human Rights Council adopted resolution 6/30 on integrating the human rights of women throughout the United Nations system. *Inter alia*, the resolution specifically encourages States to consider ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol as a matter of priority, and encourages entities of the United Nations system, Governments, intergovernmental and non-governmental organizations to pay full and systematic attention to the Committee's recommendations.

6. The Council reaffirmed its commitment effectively to integrate the human rights of women as well as gender perspective in its work and mechanisms, including in all phases of the universal periodic review, the Advisory Committee and the review of mandates, and decided to incorporate into its programme of work sufficient and adequate time, at minimum an annual full-day meeting, to discuss the human rights of women, including measures that can be adopted by States and other stakeholders, to address human rights violations experienced by women. The Council decided that the first such meeting should take place in the first half of 2008 and should include a discussion on violence against women in all its forms and manifestations. The Council also requested the Office of the High Commissioner for Human Rights to report on implementation of the resolution, including any obstacles and challenges in this regard. The Committee may wish to consider the outcome of the Council's discussion, as well as its next annual meeting.

ii. Universal periodic review

7. Pursuant the Human Rights Council's resolutions 5/1 on institution building of the United Nations Human Rights Council, and its general guidelines, the first session of the working group on the universal periodic review was held from 7 to 18 April 2008, while the second session was held from 5 to 19 May 2008. Amongst the sixteen countries reviewed by the working group were several which will be considered by the Committee at future sessions (Bahrain, Ecuador, Finland and the United Kingdom). The documentation submitted to the working group, and the outcome of the working group in respect of these countries will be made available to the Committee.

**D. Commission on the Status of Women**

8. The fifty-second session of the Commission on the Status of Women was held from 25 February to 7 March 2008. The Chairperson of the Committee on the Elimination of Discrimination against Women addressed the Commission on the work of the Committee; and participated in the panel discussion on the priority theme on 'key policy initiatives on financing for gender equality and the empowerment of women'. The Commission adopted agreed conclusions on financing for gender equality and the empowerment of women ([http://www.un.org/womenwatch/daw/csw/csw52/AC\\_resolutions/L.8\\_Advance%20unedited\\_as%20corrected.pdf](http://www.un.org/womenwatch/daw/csw/csw52/AC_resolutions/L.8_Advance%20unedited_as%20corrected.pdf), to be issued in document E/2008/27), in which it, inter alia, called on Governments and other actors to make available human and financial resources for the empowerment of women and that funding had to be identified and mobilized from all sources and across all sectors to achieve the goals of gender equality and the empowerment of women. The Commission reaffirmed the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol and the Convention on the Rights of the Child and takes note of the work of the Committee on the Elimination of Discrimination against Women towards the practical realization of the principle of equality between women and men and girls and boys. It urged Governments and/or as appropriate, the relevant funds, programmes and specialized agencies of the United Nations system within their respective mandates, and invited the international financial institutions, civil society, non-governmental organizations and the private sector, bearing in mind national priorities to provide assistance to States parties to the Convention on the Elimination of All Forms of Discrimination against Women, upon their request, to support the implementation of States parties' obligations under the Convention. The Commission also invited the Committee on the Elimination of Discrimination against Women to continue to give, while exercising its mandated functions, due consideration to financing for gender equality and the empowerment of women in its work. The Committee may wish to consider how it might respond to this invitation.

9. The Commission also adopted a number of resolutions which are relevant to the work of the Committee, including resolutions on ending female genital mutilation and women, the girl child and AIDS. The advance unedited versions of these resolutions, which will be issued in document E/2008/27 are available at <http://un.org/womenwatch/daw/csw/csw.52>.

**E. General Assembly**

10. At its sixty-second session, General Assembly adopted resolution 62/218 on the Convention on the Elimination of All Forms of Discrimination against Women, the Assembly authorized the Committee to hold three annual sessions of three weeks each, with a one-week pre-session working group for each session, for an interim period effective from January

2010, pending the entry into force of the amendment to article 20, paragraph 1, of the Convention, and to authorize three annual sessions of the Working Group on Communications under the Optional Protocol to the Convention. The Assembly also recommended that the Committee meet on an exceptional and temporary basis in the biennium 2008-2009 in a total of five sessions, of which three would occur in parallel chambers, and that two of the five sessions will take place at United Nations Headquarters in New York. The Committee was urged to evaluate progress and the Assembly also decided to assess the situation with regard to the location of the sessions of the Committee after two years, also taking into account the wider context of treaty body reform. The Chairperson of the Committee on the Elimination of Discrimination against Women was also invited to address the General Assembly at its sixty-third and sixty-fourth sessions, while the Secretary-General was requested to submit to the General Assembly at its sixty-fourth session a report on the status of the Convention and the implementation of the resolution. The Committee may wish to consider modalities for the evaluation of progress called for by the Assembly.

11. Several other resolutions, including resolution 62/132, on violence against women migrant workers; resolution 62/133 on intensification of efforts to eliminate all forms of violence against women; resolution 62/134 on eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations; resolution 62/136 on the improvement of the situation of women in rural areas; resolution 62/138 on supporting efforts to end obstetric fistula; resolution 62/140 on the girl child are also relevant to the work of the Committee.

### **III. Reports to be considered by the Committee at future sessions**

12. All States parties invited by the Committee to present their reports at the forty-first session, to be held from 30 June to 18 July 2008, will be able to do so. All States parties invited by the Committee to present their reports at the forty-first session from 20 October to 7 November 2008 have agreed to do so. They are Bahrain, Belgium, Cameroon, Canada, Ecuador, El Salvador, Kyrgyzstan, Madagascar, Mongolia, Myanmar, Portugal, Slovenia and Uruguay.

13. The Committee invited the following States parties to present their reports at its forty-third session to be held in January 2009: Armenia, Bhutan, Germany, Guatemala, Israel, Libya Arab Jamahiriya and Rwanda. It has also indicated its intention to consider implementation of four States parties with long overdue initial reports in the absence of a report at that session (Dominica, Guinea-Bissau, Haiti and Liberia).

### **IV. Consideration of State parties in the absence of reports**

14. At its thirty-seventh session held from 15 January to 2 February 2007, the Committee decided to send letters to 12 States parties whose initial reports are more than 10 years overdue (Bahamas, the Central African Republic, Chad, Comoros, Dominica, Grenada, Guinea-Bissau, Haiti, Lesotho, Liberia, Papua New Guinea and Seychelles) requesting that they submit their reports by a given date. It also decided to request the four States parties whose initial reports are more than 20 years overdue to submit all their overdue reports as combined reports by March 2008, for consideration at its forty-third session in January 2009 (Dominica, Guinea-Bissau, Haiti and Liberia). Failing receipt of the reports within the suggested time-frame, and as a measure of last resort the Committee decided to proceed with consideration of the implementation of the Convention in these States parties in the absence of a report. Similarly,

the Committee identified a time-frame for the submission of the overdue reports of the other States parties, nominating the sessions at which they would consider these States parties in the absence of a report in the event these reports were not submitted.

15. The Chairperson of the Committee or the Director of the Division for the Advancement of Women informed Dominica, Guinea-Bissau, Haiti and Liberia of the Committee's decision, and an invitation from the Office of the High Commissioner for Human Rights (OHCHR) has been sent to these States parties inviting them to participate in the consideration of implementation of the Convention in their respective States parties at the forty-third session. This invitation indicates that a list of issues and questions will be formulated by the pre-session working group in July 2008, and transmitted thereafter, to inform them that they will be taken up at the forty-third session in the absence of a report. The OHCHR has also encouraged the Resident Coordinators in the States parties concerned to offer assistance to States parties to the Convention in the preparation of their reports. Haiti submitted its report on 12 May 2008 and Liberia has indicated that its report will be submitted in September 2008, while no response has been received from the other States parties concerned.

16. The following information on the practice of other human rights treaty bodies is provided to the Committee to assist it develop modalities for the consideration of implementation of the Convention in the absence of a report

17. Most human rights treaty bodies have adopted the practice, reflected in their rules of procedure,<sup>1</sup> pioneered by Committee on the Elimination of Racial Discrimination (CERD) in 1991 under the so-called "review procedure", of examining the implementation of the relevant treaty in the State party in the absence of the State party's report. This practice is provided for in article 36, paragraph 2 of the Convention on the Rights of Persons with disabilities which provides that if a State party is significantly overdue in the submission of a report, the Committee may notify the State party concerned of the need to examine the implementation of the Convention in that State party on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State party concerned to participate in such examination, and should the State party respond by submitting the relevant report, the usual process of consideration will occur.

18. In the current practice, the relevant treaty body notifies a non-reporting State party of its intention to examine the implementation of the relevant treaty by the State party in the absence of a report during a public meeting on a specified date. In many cases the notification by the treaty body of its intention to review the country in the absence of a report encourages the State party to submit the report. If the State party submits its report, the procedure is suspended and the normal process of consideration will begin.

19. In some cases, notification of the intention to consider implementation in the absence of a report will be followed by an indication by the State party that the report be submitted at a later stage. In these circumstances, the treaty body may postpone the review to another session, pending receipt of the report.

20. Where the State party fails to respond to the notification of the consideration of implementation in the absence of a report, treaty bodies usually formulate a list of issues and

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<sup>1</sup> See CERD, A/58/18, annex IV, Section P; CESCR, E/C.12/2004/9; CEDAW, rule 49; HRC, rule 70; CAT, rule 65; CRC, CRC/C/33, paras. 29 to 32 and rule 67.

questions, designed to elicit as much information as possible in order to proceed with the consideration of the country situation, which is transmitted to the State party. The State party is invited to respond to the list and send a delegation to attend the meeting at which its implementation will be considered.

21. A number of scenarios may follow after the transmission of the list of issues and questions to the State party. First, the State party may transmit a written response to the list of issues and questions, but decide not to send a delegation. In such circumstances, the treaty body may decide to consider the written response transmitted by the State party. For example, at its eighty-eighth session in October 2006, the Human Rights Committee decided to consider the situation of civil and political rights in Grenada at its ninetieth session in July 2007 as the State party had not submitted its initial report, due on 5 December 1992. The State party submitted a written response to the Committee and it considered its implementation on the basis of that response in the absence of a delegation at its ninetieth session.

22. Second, the State party may not submit a response to the list of issues and questions. The Committee concerned may decide to consider the country situation in the absence of a report, but in the presence of a delegation. For example, at its eighty-first session in July 2004, the Human Rights Committee examined the situation of civil and political rights in the Central African Republic in the absence of a report, and answers to a list of issues and questions, but in the presence of a delegation. The Committee chose to adopt provisional concluding observations which were transmitted to the State party, but not made public in light of assurances made to the Committee during the examination of the country situation that a report would be forthcoming. The Central African Republic submitted its second periodic report, which was considered by the Committee at its eighty-seventh session in July 2006, at which concluding observations were adopted and made public. The Committee had decided that the provisional concluding observations would become public and final if the State party did not respond or indicate that it would submit a report in the near future. The practice of adoption of provisional concluding observations had been implemented to provide the State party with an additional opportunity to respond to the treaty body and engage in dialogue with the Committee.

23. Third, notwithstanding receipt of an indication that implementation will be considered in the absence of a report, and the Committee's list of issues and questions, as well as further reminders, there may be no reaction from the State party concerned. In these cases, committees usually decide to proceed with the analysis of the country situation in the absence of a report and in the absence of a delegation. For example, in light of the failure of the State party to submit its initial and 13 periodic reports, the Committee on the Elimination of Racial Discrimination considered the situation in Liberia under its review procedure and adopted concluding observations. Additionally, in its decision 3 (49), the Committee decided to remain seized of the situation in Liberia under its early warning and urgent action procedure. At its seventy-ninth session in October 2003, the HRC examined the situation of civil and political rights in Equatorial Guinea in the absence both of a report and a delegation, and provisional confidential concluding observations were transmitted to the State party. At its ninety-first session, the Committee decided to convert the provisional concluding observations on the country situation of Equatorial Guinea into final and public conclusions since it had failed to submit its initial report.

24. The practice of other treaty bodies indicates that notification by a committee of its intention to examine a country situation in the absence of a party report (whether initial or

periodic) can be a very effective way to engage non-reporting States parties. Generally, States parties will either be prompted to submit the overdue report, or will signal their intention to do so. In the absence of a response from the State party, practice has shown that treaty bodies will often formulate a list of issues and questions that they will present to the State party. This list of issues and questions may elicit a formal response, or may encourage the State party to send a delegation to the session. Even in the absence of a response from a State party, the establishment of contact with the State party has been shown to open the door to future communication and cooperation between the treaty body and the State. The Committee may adopt provisional concluding observations, as in the case of the HRC, or public and final concluding observations, as is the practice followed by CERD. Where the answers of lists and issues and questions are concerned, CERD has used these as the basis for preliminary debate. This was the case with Malawi during its sixty-ninth session in August 2006. Following this preliminary debate and the assurances given by the delegation that it would submit a report, the Committee sent a letter to the delegation requesting that the overdue report (initial to sixth periodic report) of Malawi be submitted no later than 30 June 2008.

25. In developing its practice in this context, the Committee may wish to consider the most recent practice of the HRC which transmits a list of issues and questions. The Committee may also wish to reflect on the developing practice of the Committee against Torture which has invited States whose periodic reports are due in 2009 to respond to a list of issues and questions transmitted by the Committee, and agree that the answers to the list of issues, rather than a report, would form the basis of the dialogue. Of the 11 States which have received such invitations, six have formally responded positively to this invitation, while a further three have informally indicated their intention of so doing. The Committee may also wish to decide to adopt final and public concluding observations after the consideration of implementation in the absence of a report.

#### **V. Working methods of the pre-session working group**

26. At its last meeting, held from 4 to 8 February 2008, the pre-session working group recommended that the Committee consider the working methods of the pre-session working group with a view to their revision. Taking into account the various decisions made of the Committee in relation to the working methods of the pre-session working group (decisions 22/IV, 25/II, 31/III), the Committee may wish to decide that the pre-session working group further reduces the number of its list of issues and questions, particularly taking into account its decision that States parties' replies should not exceed 25 to 30 pages and that additional questions may still be raised during the constructive dialogue with the State party. The Committee may wish to decide that the pre-session working group limit itself to a maximum of twenty short, clear and focused questions, while continuing to cluster the questions under priority topics rather than addressing specific articles. The Committee may also wish to decide that the pre-session working group pay priority attention to the State party's follow-up to its previous concluding observations. It may also wish to consider developing internal guidelines for the drafting of lists of issues.

#### **VI. Activities of the Division for the Advancement of Women and the Women's Rights and Gender Unit of OHCHR of relevance to CEDAW**

27. Since the transfer of the responsibility for servicing the Committee on 31 December 2007 from the Division to the Advancement of Women to the Office of the High Commissioner for



Human Rights, the Division continued to seek opportunities to highlight the synergies in the holistic implementation of the Platform for Action and the Convention. Several of the reports of the Secretary-General submitted to the fifty-second session of the Commission on the Status of Women including those on the Commission's priority theme, financing for gender equality and the empowerment of women (E/CN.6/2008/5), forced marriage and the girl child (E/CN.6/2008/4), and on female genital mutilation (E/CN.6/2008/3) drew attention to the work of the Committee. The Division also provided substantive support to the Chairperson of the Committee on the Elimination of Discrimination against Women in her participation in the panel discussion on 'Key policy initiatives on financing for gender equality and the empowerment of women - The experiences and efforts of the Committee on the Elimination of Discrimination against Women'.

28. The Division continued its activities to support countries emerging from conflict in their implementation of the Convention. Following an invitation from the Minister for the Status of Women of Haiti, the Division conducted a high-level consultation mission to Haiti from 16 to 19 April 2007, with the participation Ms. Gaspard and Ms. Tavares da Silva, two members of the Committee. The Division supported the convening of a validation workshop on the draft report of Haiti required under article 18 of the Convention from 13 to 15 February 2008, as well as the work of an international consultant to subsequently finalize the report which was posted on the Ministry's website in March 2008 (<http://www.mcfdf.gouv.ht/pdf/CEDEF.pdf>), and received in the Secretariat in May. Throughout these efforts, the Division worked closely with the United Nations Stabilization Mission in Haiti.

29. The Division also continued its capacity-building support to the Government of Liberia for the promotion of gender equality, and the preparation of its report under the Convention. Following a high-level consultation mission in June 2006, workshops on implementation and reporting under the Convention for staff of the national machinery for the advancement of women were held from 19 to 21 March 2007, 18 to 22 June 2007, and 19 to 20 November 2007. A report writers' workshop will take place from 19 to 21 May 2008, and the Government has indicated that it intends to submit the report to the Committee in September 2008. These activities benefited from the contributions of Ms Coker-Appiah and Ms Dairiam, two members of the Committee. Throughout these efforts, the Division worked closely with the United Nations Mission in Liberia.

30. On 25 February 2008, the Secretary-General of the United Nations launched his system-wide multi-year campaign to eliminate violence against women and girls through 2015, coinciding with the target date for the implementation of the Millennium Development Goals. All entities of the United Nations system will participate in the campaign from their respective areas of comparative advantage. The campaign will focus on three key areas, namely global advocacy; strengthened efforts and partnerships at the national and regional levels; and UN leadership by example.

31. The Division is convening an expert group meeting on good practices in legislation on violence against women, in collaboration with the United Nations Office on Drugs and Crime, from 26 to 28 May 2008, at the United Nations Office in Vienna. The meeting will analyze different legislative approaches; assess lessons learned in regard to laws and legislative reforms on violence against women; and identify effective approaches and recommended future strategies for legislation on violence against women.

32. OHCHR's Women's Rights and Gender Unit has continued to analyse international jurisprudence in order to create a better understanding of the gender dimensions of different human rights violations so as to secure greater equality in outcome between the sexes. Several papers have been commissioned, including on laws which discriminate against women; the prosecution of the purchaser of sex in the context of trafficking for the purposes of forced prostitution; the prosecution of rape under international law and the protection of, and access to, social and economic rights by women in post-conflict situations. The Unit provided substantive input to the Special Rapporteur on Torture in the preparation of his report on the application of his mandate to women, as well as to the Special Rapporteurs on adequate housing as a component of the right to an adequate standard of living and on violence against women its causes and consequences on adequate housing in the context of domestic violence.

33. The Unit will continue to provide thematic analyses to the Committee, and looks forward to specific requests for information. The Unit is also collaborating with Medica Mondiale, an international non-governmental organization, in the organization of major conference, Seeking Justice, Getting Law, the outcome of which should be of assistance to the Committee in its consideration of States parties affected by conflict or in post-conflict or transition.

## **Annex I**

### **States that have not ratified or acceded to the Convention**

#### **Africa**

Somalia  
Sudan

#### **Asia and the Pacific**

Iran (Islamic Republic of)  
Nauru  
Palau  
Qatar  
Tonga

#### **Western Europe and other**

Holy See  
United States of America

**Annex II**

**States parties whose reports have been submitted but not yet considered or scheduled for consideration by the Committee as of 30 April 2008**

**A. Initial reports**

<b>State party (report)</b>	<b>Date Due</b>	<b>Date received</b>	<b>Previously considered</b>	<b>Previous report(s)</b>
Timor-Leste (1)	16 May 2004	22 April 2008	-	Initial report

**B. Periodic reports**

<b>State party (report)</b>	<b>Date Due</b>	<b>Date received</b>	<b>Previously considered</b>	<b>Previous report(s)</b>
Egypt (6-7)	18 October 2002	27 February 2008	2001, 24 <sup>th</sup> session	3, 4-5
Japan (6)	25 July 06	30 April 2008	2003, 29 <sup>th</sup> session	2, 3, 4, 5
Spain (6)	4 February 05	21 April 2008	2004, 31 <sup>st</sup> session	3, 4, 5
Switzerland (3)	26 April 2006	18 April 2008	2003, 28 <sup>th</sup> session	1-2