

CEDAW, A/58/38 (2003)

Part I

Chapter I

Matters brought to the attention of States parties

Decisions

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Decision 28/II

The Committee decided to convene a meeting with States whose reports under the Convention have been due for over five years, during its twenty-ninth session, in July 2003.

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Chapter VI

Ways and means of expediting the work of the Committee

443. The Committee considered agenda item 8, on ways and means of expediting its work, at its 589th and 608th meetings, on 13 and 31 January 2003 (see CEDAW/C/SR.589 and 608).

444. In introducing the item, the Acting Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, drew attention to the report of the Secretariat (CEDAW/C/2003/I/4).

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5. Overdue reports

449. The Committee decided, as part of a strategy to encourage States parties to report in accordance with article 18 of the Convention, to convene at its twenty-ninth session, a closed meeting with non-reporting States parties whose reports have been overdue for more than five years in order to discuss, inter alia, challenges encountered when trying to adhere to the reporting cycle and ways and means to assist the State party in the preparation of its report.

450. The Committee also requested the Division for the Advancement of Women to prepare for its twenty-ninth session a compilation of profiles of non-reporting States, including priority non-reporting States, long-term non-reporting States and short-term non-reporting States, in order to facilitate the Committee's analysis of the root causes of non-reporting.

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Chapter I

Matters brought to the attention of States parties

Decisions

Decision 29/I

The Committee decided on further modalities for the implementation of its strategy to encourage States parties to report in accordance with article 18 of the Convention. In particular, the Committee decided that those States parties whose initial reports under article 18 of the Convention were more than five years overdue as of 18 July 2003 would receive a letter from the Chairperson of the Committee reminding them of their reporting obligations (see paras. 451-454 below).

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Chapter VI

Ways and means of expediting the work of the Committee

440. The Committee considered agenda item 6, Ways and means of expediting the work of the Committee, at its 609th and 628th meetings, on 30 June and 18 July 2003.

441. In introducing the item, the Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, drew attention to the report of the secretariat (CEDAW/C/2003/II/4). Also before the Committee would be three working papers requested by the Committee at its twenty-eighth session, namely: (a) a paper containing an analysis of the *travaux préparatoires* on article 6 of the Convention and the concluding comments of the Committee in respect of prostitution and trafficking; (b) a paper compiling information on the approach, if any, of other treaty bodies concerning the aspect of "sexual orientation" as it relates to discrimination and the enjoyment of human rights; and (c) a compilation of profiles of non-reporting States, including priority non-reporting States, long-term non-reporting States and short-term non-reporting States, in order to facilitate the Committee's analysis of the root causes of non-reporting.

Action taken by the Committee under agenda item 6

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

Follow-up to the recommendations of the fifteenth meeting of persons chairing the human rights treaty bodies and the second Inter-Committee Meeting

449. The Committee noted the recommendations and points of agreement reached at the fifteenth meeting of the persons chairing the human rights treaty bodies and at the second Inter-Committee Meeting, respectively. It considered several of those recommendations and points of agreement at its twenty-ninth session and agreed to continue consideration of other outstanding issues at future sessions. It requested the secretariat to include, in the next report on ways and means of expediting the work of the Committee, a synopsis of the Committee's working methods in relation to the recommendations of the chairpersons' meeting in order to facilitate further discussion, as well as to facilitate reporting by the Committee's Chairperson to the sixteenth meeting of the chairpersons in 2004.

450. The Committee concurred with the agreed view of the second Inter-Committee Meeting, and reaffirmed by the fifteenth meeting of the persons chairing the human rights treaty bodies, that the proposal that each State should be allowed to produce a single report summarizing its adherence to the full range of international human rights treaties to which it is a party would not adequately meet the overriding concerns and objectives of strengthening the implementation of human rights obligations at the national level. It also concurred that those concerns and objectives could be met more appropriately by requiring States parties to human rights treaties to prepare an expanded core document which would be regularly updated, as well as treaty-specific targeted reports to individual treaty bodies.

Expanded core document and revision of the related guidelines

451. In order to consider, at its thirtieth session, the draft guidelines for an expanded core document that will be prepared by the secretariat (see para. 41 of the report of the Inter-Committee Meeting) for consideration by each Committee and adoption by the third Inter-Committee Meeting in 2004, the Committee decided to establish a small intersessional working group to consider, via electronic communication, those elements and issues which, in the Committee's view, should be usefully included in such an expanded core document, including substantive human rights issues relating to provisions in all or several human rights treaties. Based on those elements, the working group would also consider proposals for the revision of the relevant guidelines. The following members were appointed to the working group: Ms. Heisoo Shin, Ms. Victoria Popescu and Ms. Hanna Beate Schöpp-Schilling.

Consideration of reports of States parties

452. As part of its ongoing efforts of enhancing its working methods, and in particular to achieve timely consideration of States parties' reports as soon as possible after they are submitted, the Committee decided to consider the option of holding meetings in parallel working groups for the consideration of periodic reports submitted under article 18 of the Convention. It requested the secretariat to prepare a note, as

part of the report on ways and means of expediting the work of the Committee, for discussion at its thirtieth session, on the implications, and possible modalities, of the consideration of reports of States parties in two parallel working groups, or chambers. The note should address questions such as the number of reports to be considered, composition of working groups, allocation of reports to working groups, implications with regard to the Committee's rules of procedure, tasks of country rapporteurs and of the pre-session working group, preparation and adoption of concluding comments, as well as implications for secretariat support, and financial implications.

Implementation of the Committee's strategy to encourage States parties to report in accordance with article 18 of the Convention

453. The Committee noted with concern that, as of May 2003, the initial reports of 29 States parties were more than five years overdue, several of them by as many as 20 years. In addition, 25 States parties were more than five years overdue in submitting periodic reports.

454. The Committee expressed the hope that the closed meeting held on 16 July 2003 with States parties whose reports were more than five years overdue would contribute to improved adherence by those States parties to their reporting obligations under article 18 of the Convention. The Committee reiterated its incremental measures to encourage reporting, agreed upon at its twenty-seventh session.² It also reiterated its decision 23/II on overdue reports, according to which States parties with overdue reports are invited to combine those outstanding reports into a single report, on an exceptional basis and as a temporary measure in order to address the backlog of reports awaiting consideration and encourage States parties to fulfil their reporting obligations.

455. The Committee decided that its Chairperson would send a letter to the Administrator of UNDP, drawing attention to the Convention and its reporting obligations, and the constraints and challenges in reporting that many States parties whose reports are substantially overdue encounter when attempting to adhere to the reporting obligations. The Chairperson would urge the Administrator to make every effort to provide support for such States parties, at their request, in fulfilling their reporting obligations under article 18 of the Convention.

456. The Committee decided on the following modalities for implementing its incremental approach to encourage reporting:

- (a) In a first phase:
 - (i) A reminder concerning outstanding reporting obligations will be sent to those States parties whose initial reports are more than five years overdue, as of 18 July 2003, the closing date of the Committee's twenty-ninth session;
 - (ii) The reminders addressed to these States parties will be signed by the Chairperson of the Committee;
 - (iii) The reminders will draw these States parties' attention also to the Committee decision 23/II on combination of overdue reports;

(iv) The reminders will draw attention to the Committee's reporting guidelines, noting applicability of the guidelines for initial reports, and that reports should be as concise as possible and not exceed 100 pages; the reporting guidelines will be attached to the reminders;

(v) Attention will be drawn to the availability of technical assistance on reporting from the United Nations Secretariat (Division for the Advancement of Women; Office of the High Commissioner for Human Rights), at the request of States parties. Support available from other entities of the United Nations system, non-governmental organizations and through bilateral development cooperation, at States parties' request, in the protection and promotion of human rights and implementation of the Convention will also be noted;

(b) In a second phase, the Committee:

(i) Will assess the results of these modalities at its thirtieth session, with particular attention to the implications for the Committee's working methods in the consideration of States parties' reports;

(ii) Convene a follow-up meeting at its thirty-first session with those States parties whose initial reports are more than five years overdue as of May 2004;

(iii) Revisit the modalities of the first phase with a view to expanding these measures to include some, or all of the States parties whose periodic reports are more than five years overdue;

(iv) Include, in its annual report to the General Assembly at its fifty-ninth session in 2004, covering the Committee's thirtieth and thirty-first sessions, a list of those States parties that will not have responded to the Committee's reminders as of 23 July 2004, the closing date of the Committee's thirty-first session.

Summary records

457. The Committee noted with concern the late or non-issuance of the summary records of its sessions. It requested the secretariat to clarify the reasons for those delays, and to inform the Committee accordingly at its thirtieth session. The Committee also requested that the Chairperson address a letter on the matter to the responsible officials in the secretariat.

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