

CEDAW, A/64/38 (2009)

...

Part One

...

Chapter VI

Ways and means of expediting the work of the Committee

20. The Committee considered agenda item 6, Ways and means of expediting the work of the Committee, at its 851st and 868th meetings, on 20 October and 7 November, and in several closed meetings.

Members of the pre-session working group for the forty-fifth session of the Committee

21. The Committee designated the following experts as members of the pre-session working group for the forty-fifth session, which would meet from 9 to 13 February 2009:

Ferdous Ara Begum

Meriem Belmihoub-Zerdani

Dates of future sessions of the Committee

22. In accordance with the provisional calendar of conferences, the following dates were confirmed for the Committee's forty-third and forty-fourth sessions and related meetings:

- (a) Forty-third session: 19 January-6 February 2009, Geneva;
- (b) Fourteenth session of the Working Group on Communications under the Optional Protocol: 9-13 February 2009, Geneva;
- (c) Pre-session working group for the forty-fifth session: 9-13 February, 2009, Geneva;
- (d) Forty-fourth session: 20 July-7 August 2009, New York, with parallel chambers;
- (e) Fifteenth session of the Working Group on Communications under the Optional Protocol: 8-15 July 2009;
- (f) Pre-session working group for the forty-sixth session: 10-14 August 2009.

Reports to be considered at future sessions of the Committee

23. The Committee confirmed that it would consider the reports of the following States parties at its forty-third and forty-fourth sessions:

Forty-third session:

Armenia
Cameroon
Dominica
Germany
Guatemala
Haiti
Libyan Arab Jamahiriya
Rwanda

Forty-fourth session:

Azerbaijan
Bhutan
Denmark
Guinea-Bissau
Japan
Lao People's Democratic Republic
Liberia
Spain
Switzerland
Timor-Leste
Tuvalu

The Committee also made a preliminary selection of the following States parties that would be invited to present their reports at the forty-fifth session:

Botswana
Egypt
Malawi
Netherlands
Panama
Ukraine
United Arab Emirates
Uzbekistan

24. The Committee decided to consider in plenary meeting the reports of States parties during its forty-third session, and to establish task forces to lead the consideration of the reports.

Request for long-overdue reports

25. The Committee reviewed the status of submission of reports by States parties under article 18 of the Convention (CEDAW/C/2008/III/2), as well as steps aimed at encouraging States parties to submit long-overdue reports. It recalled that it had requested 20 States parties with long-overdue initial reports to submit all those reports as combined reports by a particular date for consideration by the Committee at identified future sessions. The Committee also recalled that it 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.^{1,2} Taking account of those decisions, the Committee decided to invite three States parties whose periodic reports were overdue for

¹ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 38 (A/62/38)*, para. 675.

² *Ibid.*, *Sixty-third Session, Supplement No. 38 (A/63/38)*, para. 419.

more than 10 years to submit their overdue reports as a combined report within two years (Iraq, Sri Lanka and Uganda). Failing receipt of the reports within the suggested time frame, 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.

Parliaments and the Convention and its Optional Protocol

26. The Committee decided to establish at its forty-third session a working group to finalize the draft paper prepared by Françoise Gaspard on the role of parliaments with respect to the Convention and its Optional Protocol.

Non-governmental organizations

27. The Committee decided to establish at its forty-second session a working group to finalize the paper prepared by Mary Shanthi Dairiam on the role of non-governmental organizations with respect to the Convention and its Optional Protocol.

...

Chapter VII

Implementation of article 21 of the Convention

28. The Committee considered agenda item 5, Implementation of article 21 of the Convention, at its 851st and 868th meetings, on 20 October and 7 November, and in several closed meetings.

...

Long-term programme of work on general recommendations

30. The Committee reviewed its long-term programme of work on general recommendations, taking account of proposals made by Committee members.

31. The Committee established a working group on a general comment on the rights of older women. The Committee requested the working group - made up of Ferdous Ara Begum (Chairperson), Naéla Gabr, Yoko Hayashi and Violeta Neubauer - to prepare a working paper on the proposed general recommendation for discussion by the Committee at its forty-third session.

32. The Committee agreed to establish at its forty-third session a working group on a general comment on the economic consequences of divorce. The working group would be requested to prepare a background paper on the proposed general recommendation for discussion by the Committee at its forty-fourth session.

Mechanism for follow-up instruments regarding the elimination of laws that directly or indirectly discriminate against women

33. Based on its experience with the newly established follow-up procedures, the Committee revisited its views expressed in 2005 with regard to a special mechanism or special rapporteur on discriminatory legislation.

34. The Committee discussed two possible options:

(a) The creation of a standing working group within the Committee with appropriate time and financial resources allocated to it in order to follow up with States parties on concluding observations regarding legislation that directly or indirectly discriminated against women;

(b) The creation of an independent special mechanism that would build on the concluding observations of the Committee and follow up on them with States parties but would also address States not parties to the Convention.

35. The first option would allow the Committee to better fulfil its mandate under the Convention by assisting States parties in performing their obligation to eliminate all legislation that directly or indirectly discriminates against women. The innovative feature would be that current as well as former members of the Committee, drawn from all regions, would be involved in the activities of the standing working group. The Committee would thus benefit from the expertise of members from different cultures and legal systems. The establishment of such a working group would also enhance the visibility of best practices identified by the Committee.

36. The standing working group would follow the working methods of the other standing working groups of the Committee.

37. Under the second option, the special mechanism would be closely connected to the Committee but, as an innovative feature of its mandate, it would also report to the Human Rights Council and to the Commission on the Status of Women. It would similarly build on the Committee's concluding observations as well as on independent information received. Such a mechanism would neither request States to submit reports nor would it receive communications regarding alleged individual or systematic human rights violations under legislation that discriminates directly or indirectly against women.

38. With either option, working with States parties would entail:

(a) Raising awareness about the issue of discriminatory legislation and exploring in a transparent manner with Government officials and with parliamentarians, the judiciary, academia and civil society the nature of the obstacles impeding the elimination of directly or indirectly discriminatory legislation and the use of gender impact analyses to prevent such legislation;

(b) Identifying partners for financial and technical cooperation whenever necessary and coordinating such assistance and cooperation.

39. The Committee discussed both options but did not reach a decision on a preference for one or the other.

...

Annex X

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 twelfth 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 twelfth session from 21 to 23 July 2008. All members attended the session.

2. The Working Group adopted its agenda as set out in the appendix to the present report.

3. The Working Group discussed correspondence that had been received by the secretariat since its eleventh session and reviewed the status of seven pending communications.

4. The Working Group continued a discussion initiated at its eleventh session on its working methods in relation to the handling of correspondence addressed to the Committee on the Elimination of Discrimination against Women, 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 (OHCHR) in Geneva. The Working Group emphasized the importance of staff from the OHCHR petitions unit, in particular the officer performing the login service dealing with correspondence, being fully aware of the scope of the Convention.

5. The Working Group reiterated the importance of the provision of translation and interpretation services in the working languages of all its members in order to allow it to function properly.

6. The Working Group discussed the practice of other treaty bodies with regard to voting during the adoption of decisions and views relating to communications, as well as the practice of the signing of attendance sheets, based on a note prepared by the secretariat, which drew upon the experience of other treaty bodies.

7. The Working Group discussed a report prepared by the secretariat on follow-up to views reflecting the practice and format used by other treaty bodies in their follow-up progress reports.

8. The Working Group discussed cases No. 14/2007 and No. 16/2007, which had been proposed for discontinuation. Cees Flinterman did not participate in the discussion of discontinuation in respect of case No. 14/2007 pursuant to rule 60 (1) c of the Committee's rules of procedure.

9. The Working Group discussed proposals to revise the Committee's model communication form.

10. The Working Group was briefed by the secretariat on activities carried out by OHCHR to promote awareness of various human rights instruments, including the Convention and its communications and inquiry procedures under the Optional Protocol.

Action taken

11. The Working Group:

(a) Decided that its thirteenth session would be held in Geneva from 15 to 17 October 2008 and adopted the provisional agenda for that session;

(b) Requested that its secretariat facilitate a meeting at the beginning of the thirteenth session between a representative of the Permanent Mission of Hungary to the United Nations (Geneva) and the Follow-up Rapporteurs relating to the follow-up to the views of the Committee on communication No. 4/2004 (*A.S. v. Hungary*), with a view to reporting to the Committee at its forty-second session on the outcome of the meeting;

(c) Recommended that the staff of the OHCHR petitions unit attend the thirteenth session of the Working Group. The agenda would include short presentations by experts on relevant topics intended to facilitate the unit's handling of correspondence;

(d) Requested that more information be provided in relation to correspondence received, in particular correspondence classified as failing to meet admissibility requirements;

(e) Decided to keep its current rules of procedure relating to voting rights and to maintain its current practice with regard to the signing of attendance sheets at the time of adoption of decisions and views relating to communications;

(f) Registered a new case against Canada (communication No. 19/2008) and appointed Dorcas Coker-Appiah as Case Rapporteur;

(g) Requested its secretariat to prepare, for the thirteenth session, a draft model complaint form on the basis of the one used by the Human Rights Committee, the Committee against Torture and the Committee on the

Elimination of Racial Discrimination with a view to further harmonizing practice with that of other treaty bodies;

(h) Decided to circulate summaries of registered cases to the members of the Committee pursuant to rule 59 (1) of the Committee's rules of procedure.

12. The Working Group submitted the following matters for the Committee's consideration and decision:

(a) A recommendation that the Committee consider discontinuing the examination of communication No. 14/2007 (*L.P.H. v. the Netherlands*), in the light of the information provided by the author's counsel;

(b) A recommendation that the Committee consider discontinuing the examination of communication No. 16/2007 (*B.I. v. Canada*), in the light of the submissions made by the State party concerned;

(c) A recommendation that the Committee consider making follow-up reports on views a part of its annual report in accordance with rule 73 (7) of its rules of procedure.

Appendix

Agenda of the twelfth session of the Working Group

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the eleventh session.
3. Discussion of working methods, in particular the practice with regard to voting and the signing of attendance sheets for the adoption of decisions or views.
4. Discussion on follow-up procedures.
5. Discussion on communications No. 14/2007 and No. 16/2007 recommended for discontinuation.
6. Discussion on communication No. 15/2007.
7. Discussion on possible registration of a new communication.
8. Discussion on communications No. 17/2008 and No. 18/2008.
9. Discussion on proposals to revise the model communication form of the Committee.
10. Other business.
11. Adoption of the report of the Working Group on its twelfth session.

...

Annex XI

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 thirteenth 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 thirteenth session from 15 to 17 October 2008. All members attended the session.

2. The Working Group adopted its agenda as set out in the appendix to the present report.

3. The Working Group discussed correspondence that had been received by the secretariat since its twelfth session. Eight letters from individuals and organizations had been received. Three pieces of correspondence were in relation to States not parties to the Optional Protocol and three pieces of correspondence failed to meet other prima facie admissibility requirements. The secretariat was seeking further information from the authors in relation to two pieces of correspondence.

4. The Working Group, following the recommendation made at its twelfth session, held a fruitful debate with staff from the petitions unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR) about the routing and handling of correspondence received by the Office.

5. The Working Group was briefed by the secretariat on the practice of other treaty bodies relating to the examination of communications, in particular the criteria used to decide whether the admissibility of a communication should be examined prior to the submission of observations on the merits by the State party concerned.

6. The Working Group considered draft recommendations relating to three communications prepared by the respective Case Rapporteurs and reviewed the status of three other communications.

7. The Working Group considered the registration of a case against Cyprus but decided to postpone deciding on registration to allow the author time to provide further clarification. The secretariat informed the Working Group that

a new communication had been received during the thirteenth session; a decision on registration would therefore be taken intersessionally after a summary had been prepared by the secretariat.

8. The Working Group was briefed by the Follow-up Rapporteurs to the views of the Committee on communication No. 4/2004 on their meeting with a representative of the Permanent Mission of Hungary to the United Nations (Geneva).

Action taken

9. The Working Group:

(a) Decided that its fourteenth session would be held in Geneva from 9 to 13 February 2009;

(b) Decided to maintain in its current format rule of procedure No. 69, relating to the handling of admissibility and merits, and to discuss it again once the Committee had built up more jurisprudence;

(c) Requested that an interactive dialogue with the OHCHR petitions unit be held once a year.

10. The Working Group submitted the following matters for the Committee's consideration and decision:

(a) A recommendation that the Committee allocate more time during its sessions for its activities under the Optional Protocol in order to facilitate an in-depth exchange of views between Committee members on individual cases;

(b) Draft recommendations relating to communications No. 12/2007, No. 13/2007 and No. 15/2007.

Appendix

Agenda of the thirteen session of the Working Group

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the twelfth session.
3. Discussion of working methods, in particular the practice of "split requests" at other treaty bodies.
4. Discussion on cases No. 12/2007 and No. 13/2007.
5. Discussion on communication No. 15/2007.
6. Discussion on possible registration of a new communication.
7. Discussion on communications No. 17/2008 and No. 18/2008.
8. Other business.

9. Adoption of the report of the Working Group on its thirteenth session.

...

Annex XII

Report of the Committee under the Optional Protocol on follow-up to views of the Committee on individual communications

1. Under paragraphs 4 and 5 of article 7 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 54/4, annex), States parties are obliged to give due consideration to the views and recommendations of the Committee, if any, and to submit follow-up information within six months. Further information may also be sought from the State party, including in its subsequent reports. Rule 73 of the Committee's rules of procedure³ relates to the procedure for follow-up on its views, in particular the designation and functions of the rapporteur or working group on follow-up. Rule 74^a states that information on follow-up, including the decisions of the Committee on follow-up, shall not be confidential unless otherwise decided by the Committee.

2. During its eighth session, held from 2 to 4 August 2006, prior to the thirty-sixth session of the Committee, the Working Group on Communications under the Optional Protocol discussed the first ad hoc mechanism established by the Committee in the area of follow-up to views, namely the designation of two rapporteurs on follow-up to the Committee's views on *A.T. v. Hungary* (communication No. 2/2003). The Working Group recommended that the Committee (a) refrain from setting up a permanent follow-up mechanism for the time being and instead, in conformity with rule 73 of its rules of procedure, continue to undertake follow-up on an ad hoc basis; (b) entrust the Working Group with follow-up activities for the time being; (c) continue to appoint two rapporteurs on follow-up to views, preferably the case rapporteur, when feasible, and a member of the Working Group; and (d) once it had deemed that satisfactory follow-up information had been received from the State party concerned, and in accordance with article 7, paragraph 5, of the Optional Protocol, invite that State party to submit further information about any measures taken in its subsequent reports under article 18 of the Convention, and relieve the follow-up rapporteurs of their duties and reflect such action in its annual report.

3. During its ninth session, held from 5 to 7 February 2007, prior to the thirty-seventh session of the Committee, the Working Group recommended that the Committee appoint Anamah Tan and Pramila Patten as rapporteurs on follow-up to the views of the Committee on *A.S. v. Hungary* (communication No. 4/2004). During its tenth session, held from 18 to 20 July 2007, the Follow-up

³ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38 (A/56/38)*, annex I.

Rapporteurs briefed the Working Group on the latest submission of the State party submitted in response to the Committee's request for further information. During the eleventh session, held from 9 to 11 January 2008, the Follow-up Rapporteurs briefed the Committee on the follow-up to the Committee's views on communication No. 4/2004, and requested the Secretariat to facilitate a meeting between them and a representative of the Permanent Mission of Hungary to the United Nations (Geneva).

4. During its twelfth session, held from 21 to 23 July 2008, as part of the harmonization process and for the purposes of ensuring consistency with other treaty bodies, which all now implement follow-up procedures and issue follow-up reports, the Working Group recommended to the Committee that it adopt follow-up reports on views at each session. Such an approach was considered even more relevant for the Committee in the light of the fact that it is the first committee to have, as mentioned above, codified States parties' obligations in the treaty itself (rather than simply in the rules of procedure) to give due consideration to the Committee's views and provide information thereon. The publication of these reports in the annual report, which would include summaries of follow-up responses, would highlight the importance of this part of the Committee's work and allow other stakeholders access to information on follow-up. The Working Group recalled that, as mentioned above, under its rules of procedure information on follow-up shall not be confidential unless otherwise decided by the Committee. This is also the approach taken by other treaty bodies.

5. The Working Group recommended that a follow-up report containing information received from the States parties and/or authors since the previous session should be prepared under the direction of the rapporteur(s) on follow-up or the Working Group for each session of the Committee. The three interim follow-up reports would then be compiled and published in the Committee's annual report. The reports should adopt a format similar to that adopted by the other treaty bodies, providing, inter alia, a summary of the information provided by the State party, any information provided by the author and a "decision" of the Committee. In situations where the Committee does not make a final decision on the nature of a State party's response, it should state that "the dialogue is ongoing". Where a satisfactory response has been received, the case should be closed, as the Committee has already done in the case of *A.T. v. Hungary* (communication No. 2/2003). The Committee agreed to the Working Group's recommendations and adopted, at its forty-second session, a follow-up report submitted to it by the Working Group and, at its forty-third session, an oral follow-up report.

6. The contents of those two reports are set out below and consist of a summary of all information received by the Committee on follow-up to its views from the authors and States parties up to the end of the forty-third session. Each subsequent annual report will contain a section compiling information from the follow-up reports.

...

Part Two

...

Chapter I

Matters brought to the attention of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women

Decision 43/I

At its forty-third session, the Committee elected its Chairperson for the period 2009-2010 from the African Group, on the understanding that the next regional group in the rotation would be the Latin American and Caribbean Group, for the period 2011-2012. Thereafter, when electing the Chairperson, due consideration should be given, wherever possible, to the principle of rotation among the regional groups in the following order: Western European and Others Group, Asian Group, Eastern European Group, African Group and Latin American and Caribbean Group.

...

Chapter VI

Ways and means of expediting the work of the Committee

20. The Committee considered agenda item 8, Ways and means of expediting the work of the Committee, at its 868th and 886th meetings, on 20 January and 6 February, and in several closed meetings.

Members of the pre-session working group for the forty-sixth session of the Committee

21. The Committee designated the following experts as members of the pre-session working group for the forty-sixth session, which would meet from 10 to 14 August 2009:

Nicole Ameline
Barbara Bailey
Meriem Belmihoub-Zerdani
Indira Jaising
Violeta Neubauer

Dates of future sessions of the Committee

22. In accordance with the calendar of conferences, the following dates were confirmed for the Committee's forty-fourth session and related meetings:

(a) Forty-fourth session: 20 July-7 August 2009, New York, with parallel chambers;

- (b) Fifteenth session of the Working Group on Communications under the Optional Protocol: 8-15 July 2009;
- (c) Pre-session working group for the forty-sixth session: 10-14 August 2009.

Reports to be considered at future sessions of the Committee

23. The Committee confirmed that it would consider the reports of the following States parties at its forty-fourth and forty-fifth sessions:

Forty-fourth session:

Azerbaijan
 Bhutan
 Denmark
 Guinea-Bissau
 Japan
 Lao People's Democratic Republic
 Liberia
 Spain
 Switzerland
 Timor-Leste
 Tuvalu

Forty-fifth session:

Botswana
 Egypt
 Malawi
 Netherlands
 Panama
 Ukraine
 United Arab Emirates
 Uzbekistan

The Committee also made a preliminary selection of the States parties that would be invited to present their reports at the forty-sixth session.

Composition of parallel chambers at the forty-fourth session

24. The Committee decided on the following composition of its parallel chambers for the forty-fourth session:

<i>Chamber A</i>	<i>Chamber B</i>
Magalys Arocha Dominguez	Nicole Ameline
Ferdous Ara Begum	Violet Tsisiga Awori
Saisuree Chutikul	Barbara Evelyn Bailey
Dorcas Ama Frema Coker-Appiah	Meriem Belmihoub-Zerdani
Cornelis Flinterman	Niklas Bruun

<i>Chamber A</i>	<i>Chamber B</i>
Naéla Gabr	Soledad Murillo de la Vega
Ruth Halperin-Kaddari	Violeta Neubauer
Yoko Hayashi	Pramila Patten
Indira Jaising	Zohra Rasekh
Silvia Pimentel	Dubravka Šimonović
Victoria Popescu	Xiaoqiao Zou

25. With regard to the allocation of the reports of States parties, the Committee decided that the periodic reports of Bhutan, the Lao People's Democratic Republic, Spain and Switzerland would be considered in chamber A; the periodic reports of Azerbaijan, Denmark and Japan would be considered in chamber B; and the initial reports of Guinea-Bissau, Liberia, Timor-Leste and Tuvalu would be considered in plenary meeting.

Procedure for follow-up on concluding observations

26. The Committee requested the secretariat to provide, for consideration at the forty-fourth session, detailed information on the practices of other committees in relation to their procedures for follow-up to concluding observations.

Parliaments and the Convention and its Optional Protocol

27. The Committee established a working group comprising Ms. Ameline, Ms. Murillo de la Vega and Ms. Popescu to finalize the draft paper on the role of parliaments with respect to the Convention and its Optional Protocol.

Non-governmental organizations

28. The Committee established a working group comprising Ms. Awori, Ms. Coker-Appiah, Ms. Patten and Ms. Šimonović to finalize the draft paper on the role of non-governmental organizations with respect to the Convention and its Optional Protocol.

Inter-committee meeting of the human rights treaty bodies

29. The Committee appointed Ms. Halperin-Kaddari and Ms. Pimentel to attend, with the Chairperson, the ninth inter-committee meeting of the human rights treaty bodies, which would be held in Geneva from 29 June to 1 July 2009. That meeting would be followed by the twenty-first meeting of

chairpersons of the human rights treaty bodies, to be held in Geneva on 2 and 3 July.

...

Chapter VII

Implementation of article 21 of the Convention

30. The Committee considered agenda item 7, Implementation of article 21 of the Convention, at its 868th and 886th meetings, on 20 January and 6 February, and in several closed meetings.

General recommendation on article 2 of the Convention

31. The Committee agreed that comments on the draft general recommendation on article 2 of the Convention circulated by the Chairperson, Cornelis Flinterman, on 4 February 2009, should be submitted to him by 20 March 2009, following which a revised draft reflecting the comments of members would be circulated for final comments. A final revised draft would be submitted by Mr. Flinterman on 15 April 2009 for processing by the secretariat, and that draft would be finalized by the Committee at its forty-fourth session.

General recommendation on the rights of older women

32. The Committee established a working group on a general comment on the rights of older women. The Committee requested the working group - made up of Ms. Begum (Chairperson), Ms. Bailey, Ms. Chutikul, Ms. Gabr, Ms. Hayashi and Ms. Neubauer - to prepare a working paper on the proposed general recommendation for discussion by the Committee at its forty-fourth session. The Committee agreed to convene, during its forty-fourth session, an open meeting with United Nations entities, non-governmental organizations and other stakeholders to discuss the proposed general recommendation.

General recommendation on the economic consequences of divorce

33. The Committee established a working group on a general comment on the economic consequences of divorce. The Committee requested the working group - made up of Ms. Halperin-Kaddari (Chairperson), Ms. Ameline, Ms. Awori, Ms. Jaising, Ms. Patten, Ms. Pimentel and Ms. Popescu - to prepare a background paper on the proposed general recommendation for discussion by the Committee at its forty-fourth session. The Committee agreed to convene, during its forty-fourth session, an open meeting with United Nations entities, non-governmental organizations and other stakeholders to discuss the proposed general recommendation.

Media strategy

34. The Committee established a working group - made up of Ms. Ameline, Mr. Flinterman and Ms. Rasekh - to prepare a draft media strategy for consideration by the Committee at its forty-fourth session.

...