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Commission on the Status of Women

Fifty-second session

25 February-7 March 2008

Item 3 (c) of the provisional agenda*

Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: gender mainstreaming, situations and programmatic matters

Results of the fortieth session of the Committee on the Elimination of Discrimination against Women

Note by the Secretary-General

Summary

The present note reflects the results, including decisions taken, of the fortieth session of the Committee on the Elimination of Discrimination against Women, held in Geneva from 14 January to 1 February 2008.

* E/CN.6/2008/1.



I. Introduction

1. In its resolution 47/94, the General Assembly recommended that the sessions of the Committee on the Elimination of Discrimination against Women be scheduled, whenever possible, to allow for the timely transmission of the results of those sessions to the Commission on the Status of Women, for information.
2. In 2007, the Committee held three sessions (the thirty-seventh, thirty-eight and thirty-ninth sessions) meeting in parallel chambers during its thirty-seventh and thirty-ninth sessions. The results of those sessions are contained in the report of the Committee submitted to the General Assembly at its sixty-second session.^a
3. The Committee held its fortieth session from 14 January to 1 February 2008. The Committee adopted two decisions and took action on agenda items 5, 6 and 7 (CEDAW/C/I/2008/1).
4. On 1 February 2008, the closing date of the fortieth session, there were 185 States parties to the Convention on the Elimination of All Forms of Discrimination against Women.^b Ninety States parties had ratified or acceded to the Optional Protocol to the Convention^c and 49 States parties had accepted the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee. The acceptance of the amendment by 123 States parties is required before it enters into force.

II. Results of the Committee's fortieth session

A. Reports considered by the Committee

5. The Committee considered the reports of eight States parties submitted under article 18 of the Convention, namely: Bolivia (CEDAW/C/BOL/4), Burundi (CEDAW/C/BDI/4), France (CEDAW/C/FRA/6), Lebanon (CEDAW/C/LBN/3), Luxembourg (CEDAW/C/LUX/5), Morocco (CEDAW/C/MAR/4), Saudi Arabia (CEDAW/C/SAU/2) and Sweden (CEDAW/C/SWE/7), with Saudi Arabia reporting for the first time. Representatives of United Nations entities, specialized agencies and non-governmental organizations attended the session. The reports of the eight States parties, the Committee's lists of issues and questions, the States parties replies and their introductory statements are posted on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org).
6. In regard to each of the reporting States, the Committee adopted concluding observations, which are also available on the website.

B. Decisions

7. The Committee adopted four decisions:

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

^b See United Nations Treaty Series, vol. 1249, No. 20378.

^c *Ibid.*, vol. 2131, No. 20378.

(a) 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);

(b) Decision 40/II. The Committee adopted a statement on its relationship with national human rights institutions (see annex II);

(c) 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”;

(d) 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.

C. Action taken in relation to agenda item 5, Implementation of article 21 of the Convention

General recommendation on migrant women

8. The Committee agreed to collaborate with the Committee on Migrant Workers on the finalization of its general recommendation on migrant women. It requested the Secretariat to organize a joint meeting of members of the working group on the draft general recommendation with the Committee on Migrant Workers, prior to its forty-first session in June/July 2008. The working group consists of Magalys Arocha Dominguez, Ferdous Ara Begum, Mary Shanthi Dairiam (Chairperson), Náela Gabr Mohamed Gabre Ali, Françoise Gaspard, Silvia Pimentel, Heisoo Shin and Maria Regina Tavares da Silva.

General recommendation on article 2 of the Convention

9. Cornelis Flinterman, the Chairperson of the working group on a general recommendation on article 2 of the Convention, agreed to prepare a draft on the general recommendation on article 2, with the assistance of other members of the group. The Secretariat was asked to explore the possibility of organizing an intersessional meeting of the working group to finalize the draft in the second quarter of 2008 prior to the forty-first session of the Committee, during which a meeting with all stakeholders on the draft would be convened with a view to finalizing the general recommendation during the forty-second session. In addition to Mr. Flinterman, Meriem Belmihoub-Zerdani, Dorcas Ama Frema Coker-Apia, Mary Shanthi Dairiam, Ruth Halperin-Kaddari, Silvia Pimentel, Hanna Beate Schöpp-Schilling, Dubravka Šimonović are members of the working group.

D. Action taken in relation to agenda item 6, Ways and means of expediting the work of the Committee

Future sessions

10. 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

11. 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

12. 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

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

13. 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 for the forty-second session of the Committee to be held from 20 October to 7 November 2008

14. 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	Naela 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)
Uruguay (CEDAW/C/URY/7)	Portugal (CEDAW/C/PRT/7)

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

E. 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

15. 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 the eleventh session.

Annex I

Reporting guidelines of the Committee on the Elimination of Discrimination against Women^a

A. Introduction

A.1. The present treaty-specific reporting guidelines must be applied in conjunction with the harmonized reporting guidelines on a common core document.^b 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.^c

A.2. States parties' reports 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.

A.3. Common core document

A.3.1. The common core document constitutes the first part of any report prepared for the Committee in accordance with the harmonized reporting guidelines.^d The common core document contains information of a general and factual nature.

A.3.2. 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.

A.4. Convention-specific document

A.4.1. 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.

A.4.2. 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

^a 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.

^b 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.4, chap. I).

^c HRI/GEN/2/Rev.4, chap. V.

^d See, in particular, sect. III, and the general and first parts of reports.

included in the common core document,^e additional information specific to the implementation of the Convention and 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, 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 lifecycle within the territory or jurisdiction of the State party.

B. Reporting obligation

B.1. 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

C.1. General

C.1. The report should follow paragraphs 24 to 26 and 29 of the harmonized reporting guidelines.^f

C.2. The Committee's general recommendations

C.2. General recommendations, adopted by the Committee, should be taken into account in preparing the Convention-specific document.

C.3. Reservations and declarations

C.3. 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^g and, where applicable, the Committee's concluding observations. Any reservation to or declaration relating to any article of

^e See paras. 40-59 of the harmonized reporting guidelines (HRI/GEN/2/Rev.4, chap. I). 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 opportunities legislation, 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; specifically women-targeted human rights education.

^f HRI/GEN/2/Rev.4, chap. I.

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

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.

C.4. Factors and difficulties

C.4. 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 reporting guidelines, should be provided in the Convention-specific document, including details of the steps being taken to overcome them.

C.5. Data and statistics

C.5. While general factual and statistical information should be included in the common core document,^h the Convention-specific document should include specific data and statistics disaggregated by sexⁱ 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. The initial report

D.1. 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.

D.2. 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.

D.3. 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.

D.4. 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

^h See para. 32 of the harmonized reporting guidelines (HRI/GEN/2/Rev.4, chap. I).

ⁱ Using appropriate indicators as stated in appendix 3 of the harmonized reporting guidelines (HRI/GEN/2/Rev.4, chap. I).

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

E.1. The subsequent Convention-specific document, which, together with the common core document, forms a subsequent periodic report, should focus on the period between the consideration of the State party's previous report and the presentation of the current report.

E.2. 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.

E.3. 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;^j

(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 these obstacles.

E.4. 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.

E.5. 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.

E.6. Where a fundamental change has occurred in the State party's political and legal approach affecting the implementation of the Convention or new legal or administrative measures have been introduced by the State party which require the annexure of texts, and judicial or other decisions, such information should be provided in the Convention-specific document.

^j 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.

F. Exceptional reports

F.1. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports that may be requested and 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.

G. Annexes to reports

G.1. 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. These texts may be submitted in accordance with paragraph 20 of the harmonized guidelines on reporting.

H. Optional Protocol

H.1. 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.

H.2. 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

I.1. There is a significant synergy between the substantive content of the Convention and the Beijing Platform for Action and they are therefore mutually reinforcing. The Convention comprises legally binding obligations and sets out women's right to equality in civil, political, economic, social, cultural or any other field. The Platform, 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, as they relate to specific articles of the Convention, is integrated into the State party's implementation of the Convention's substantive equality framework.

I.2. 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.

I.3. 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

J.1. 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. The Committee's consideration of reports

K.1. General

K.1. 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.

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

K.2. 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.

K.3. The State party's delegation

K.3. 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.

K.4. Concluding observations

K.4. 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

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.
