

12 February 2010

Original: English

ADVANCE UNEDITED VERSION

Commission on the Status of Women

Fifty-fourth session

1st March – 12 March 2010

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 forty-fourth and forty-fifth sessions 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 forty-fourth and forty-fifth sessions of the Committee on the Elimination of Discrimination against Women, held in New York from 20 July to 7 August 2009, and in Geneva from 18 January to 5 February 2010.

* E/CN.6/2010/1.

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. The Committee held its forty-fourth and forty-fifth sessions from 20 July to 7 August 2009 and 18 January to 5 February 2010, respectively. During its forty-fourth session, the Committee adopted a statement on gender and climate change (see annex I) and a statement on the thirtieth anniversary of the adoption of the Convention and tenth anniversary of the adoption of its Optional Protocol by the General Assembly (see annex II) as well as a decision 44/I on the scope of Committee members acting in their personal capacities (see annex III). During its forty-fifth session, the Committee adopted five statements on the situation in Haiti (see annex IV), on the inclusion of the Afghan Women in the process of Peace building, Security and Reconstruction in Afghanistan (see annex V), on its relationship with parliamentarians (see annex VI), as well as with non-governmental organizations (see annex VII). The Committee also adopted a statement on the fifteen-year review of implementation of the Beijing Platform for Action (see annex VIII). Furthermore, it adopted a decision 45/I inviting States parties to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, and abide by the page limit (see annex IX). In its decision 45/II, the

Committee adopted a methodology to assess States parties reports received under its follow-up procedure (see annex X).

3. On 5 February 2010, the closing date of the forty-fifth session, there were 186 States parties to the Convention on the Elimination of All Forms of Discrimination against Women.^a Ninety-ninth States parties had ratified or acceded to the Optional Protocol to the Convention^b and 56 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 the acceptance of the amendment by two-thirds of the States parties to the Convention is achieved, thereby bringing it into force.

II. Results of the Committee forty-fourth and forty-fifth sessions

A. Reports considered by the Committee

4. At its forty-fourth session, the Committee considered the reports of eleven States parties submitted under article 18 of the Convention, namely Azerbaijan (CEDAW/C/AZE/4), Bhutan (CEDAW/C/BTN/7), Denmark (CEDAW/C/DEN/7), Guinea-Bissau (CEDAW/C/GNB/6), Japan (CEDAW/C/JPN/6), Lao People's Democratic Republic (CEDAW/C/LAO/7), Liberia (CEDAW/C/LBR/6), Spain

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

^b Ibid., vol. 2131, No. 20378.

(CEDAW/C/ESP/6), Switzerland (CEDAW/C/CHE/3), Timor Leste (CEDAW/C/TLS/1) and Tuvalu (CEDAW/C/TUV/2).

5. At its forty-fifth session, the Committee considered the reports of eight States parties, namely: Botswana (CEDAW/C/BOT/3), Egypt (CEDAW/C/EGY/7), Malawi (CEDAW/C/MWI/6), Netherlands (CEDAW/C/NLD/5), Panama (CEDAW/C/PAN/7), Ukraine (CEDAW/C/UKR/7), United Arab Emirates (CEDAW/C/ARE/1) and Uzbekistan (CEDAW/C/UZB/4). Representatives of United Nations entities, specialized agencies and non-governmental organizations attended the session. The reports of the 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 States parties considered, the Committee adopted concluding observations, which are also available on the website.

B. Action taken in relation to implementation of article 21 of the Convention

Forty-fifth session

General recommendation on article 2

7. The Committee requested Cees Flinterman, Chair of the working group on the draft general recommendation on article 2 of the Convention, also composed of Dorcas Coker Appiah, Silvia Pimentel, Meriem Belmihoub Zerdani, Victoria

Popescu, and Dubravka Simonovic, to circulate a revised draft of the general recommendation to the Committee before the forty-sixth session for comments. A further revised draft, integrating comments of Committee members, would be discussed by the Committee at its forty-sixth session with a view to adoption at its forty-seventh session.

General Recommendation on older women

8. The Committee requested the Working Group on the elaboration of a draft General Recommendation on older women (Ferdous Ara Begum (Chair), Barbara Bailey, Niklas Brunn, Saisuree Chutikul, Naela Gabr, Yoko Hayashi, Violeta Neubauer,) to present a revised draft at its forty-sixth session for discussion with a view to adoption at its forty-sixth session.

General recommendation on the economic consequences of marriage and its dissolution

9. The Committee decided that the Working Group entrusted with the elaboration of a draft General Recommendation on the economic consequences of marriage and its dissolution (Ruth Halperin Kaddari (Chair), Nicole Ameline, Violet Awori, Indira Jaising, Pramila Patten, Silvia Pimentel, Dubravka Simonovic) should

present a revised draft to the Committee at its forty-sixth session for adoption at its forty-seventh session.

Working group on women of concern to UNHCR

10. The Committee decided to maintain its working group on women of concern to UNHCR (Dorcas Coker Appiah (Chair); Ferdous Ara Begum; Cees Flinterman; Pramila Patten; and Dubravka Simonovic). The Committee took note the report on the joint CEDAW-UNHCR seminar which was held on 16 and 17 July 2009, in New York.

Joint CEDAW/CRC Working Group

11. At its forty-fifth session, the Committee took note the report of the Working Group (Violeta Neubauer (Chair), Barbara Bailey, Dorcas, Coker-Appiah, Ferdous Ara Begum, Naéla Gabr, Dubravka Simonovic).

Indicators

12. At its fifty-fifth session, the Committee engaged in an-depth discussion on indicators and heard a briefing by the Office of the High Commissioner for Human Rights on its work in this context.

C. Action taken in relation to ways and means of expediting the work of the Committee

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

Follow-up procedure

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

14. At its forty-fourth session, the Committee appointed a rapporteur on follow-up to concluding observations and an alternate: Dubravka Simonovic and Barbara Bailey respectively. The follow-up rapporteur should report to the Committee at each session.

15. At its forty-fifth session, the Committee adopted a methodology to assess States parties reports received under its follow-up procedure. At its forty-fifth session, the Committee also adopted the report presented by the Rapporteur on follow-up.

Request for overdue reports

16. The Committee decided that the Secretariat should systematically remind States parties whose reports are five year overdue or more to submit their reports as soon as possible. It requested the Secretariat to send reminders to Antigua and Barbuda, Barbados, Saint Kitts and Nevis, Trinidad and Tobago, and Zambia. Failing receipt of a response from the States parties concerned, the Secretariat should inform the Committee at its forty-fifth session.

Dates of future sessions of the Committee

17. The Committee confirmed the dates of its sessions in 2010, as follows:

Forty-sixth session:

- (a) Seventeen session of the Working Group on Communications under the Optional Protocol: 7 – 9 July 2010, New York;
- (b) Plenary: 12 to 30 July 2010, New York;
- (c) Pre-session working group for the forty-eighth session: 2 – 6 August 2010, New York;

Forty-seventh session:

- (a) Eighteen session of the Working Group on Communications under the Optional Protocol: 29 September – 1st October 2010, Geneva;
- (b) Plenary: 4 – 22 October 2010, Geneva;
- (c) Pre-session working group for the forty-ninth session: 25 – 29 October 2010, Geneva;

Reports to be considered at future sessions of the Committee

18. The Committee confirmed that it will consider the reports of the following States parties at its forty-sixth and forty-seventh sessions:

(a) Forty-sixth session

Albania
Argentina
Australia
Central African Republic*
Fiji
Grenada*

Papua New Guinea

Russian Federation

Seychelles*

Turkey

(b) Forty-seventh session

Bahamas

Burkina Faso

Chad*

Comoros*

Czech Republic

Lesotho*

Malta

Tunisia

Uganda

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

19. At its forty-fourth and forty-fifth sessions respectively, the Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its fourteenth, fifteenth and sixteenth sessions. Upon the recommendation of the

Working Group, the Committee decided to revise its model communication form. It also adopted a fact sheet on the submission of individual communications under the Optional Protocol .The Committee took action on communication No. 12/2007 and No. 13/2007.

* The State Party will be considered without a report

20. The Committee considered follow-up information to the Views of the Committee. Upon recommendation of the Working Group, the Committee decided to close its follow-up procedure in relation to communication No. 5/2005 *Şahide Goekce (deceased) v. Austria*, and No. 6/2005 *Fatma Yildirim (deceased) v. Austria*.

Annex I

Statement of the CEDAW Committee on Gender and Climate Change

The Committee on the Elimination of Discrimination against Women (CEDAW) expresses its concern about the absence of a gender perspective in the United Nations Framework Convention on Climate Change (UNFCCC) and other global and national policies and initiatives on climate change. From CEDAW's examination of State Parties reports, it is apparent that climate change does not affect women and men in the same way and has a gender-differentiated impact. However, women are not just helpless victims of climate change – they are powerful agents of change and their leadership is critical. All stakeholders should ensure that climate change and disaster risk reduction measures are gender responsive, sensitive to indigenous knowledge systems and respect human rights. Women's right to participate at all levels of decision-making must be guaranteed in climate change policies and programmes.

As the report of the Intergovernmental Panel on Climate Change noted, climate change has differential impacts on societies varying among regions, generations, ages, classes, income groups, occupations and gender lines. Women are the main producers of the world's staple crops, but they face multiple discriminations such as unequal access to land, credit and information. Particularly at risk are poor urban and rural women who live in densely populated coastal and low-lying areas, drylands and high mountainous areas

and small islands. Vulnerable groups such as older women and disabled women and minority groups such as indigenous women, pastoralists, nomads and hunters and gatherers are also of concern.

Safety nets and insurance for social protection are essential to national adaptation plans as part of poverty reduction strategies. ⁱ However, many women do not have access to health care facilities and social security. ⁱⁱ And while CEDAW recognizes that all women have the right to adequate standards of living, housing and communications as well as immediate shelters during crisis situations due to natural disasters, women often face discrimination to access these. The crisis in climate change potentially open new financing, business and employment opportunities for women living in cities as well as countryside, but gender inequality persists in these sectors.

Sex-disaggregated data, gender-sensitive policies and program guidelines to aid Governments are necessary to protect women's rights to personal security and sustainable livelihoods. Policies that support gender equality in access, use and control over science and technology, formal and informal education and training will enhance a nation's capability in disaster reduction, mitigation and adaptation to climate change.

The Bali Action Plan that emerged from the 13th Conference of Parties to UNFCCC reaffirms that economic and social development and poverty eradication are global priorities, and affirms that a shared vision needs to take into account "social and economic conditions and other relevant factors"

[Decision 1/CP.13, preamble and 1(a)]. Gender equality— including equal participation of women and men as well as accounting for the differentiated impacts on women and men from climate change and its response measures— should be included in UNFCCC agreements in alignment with various international agreements including but not limited to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action, and ECOSOC Resolution 2005/31.

Gender equality is essential to the successful initiation, implementation, monitoring and evaluation of climate change policies. The CEDAW committee calls on States Parties to include gender equality as an overarching guiding principle in the UNFCCC agreement expected at the 15th Conference of Parties in Copenhagen.

Annex II

Thirtieth anniversary of the adoption of the Convention and tenth anniversary of the adoption of its Optional Protocol by the General Assembly

In view of the celebration thirtieth anniversary of the adoption of the Convention and the tenth anniversary of the adoption of its Optional Protocol by the General Assembly in 2009, the Committee decided to urge all States which had not yet acceded to or ratified the Convention and/or its Optional Protocol to do so as soon as possible. It also decided to encourage all States parties to these instruments to celebrate those anniversaries at the national level.

Annex III

Decision 44/I

Scope of Committee members acting in their personal capacities.

The Committee decided that experts from individual States parties may advise their Governments during the reporting process, including the preparation of the report under article 18 of the Convention, but should not lead or write the report.

Experts who receive invitations to participate in events in their personal capacities may respond to these without seeking the authorization of the Chairperson. They should, however, indicate in any statements that their views do not necessarily reflect the views of the Committee.

In cases where invitations are sent to chairperson, she or he will consult the Bureau. If such an invitation is received during the session, the Committee will be consulted.

Annex IV

STATEMENT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON THE SITUATION IN HAITI

The Committee on the Elimination of Discrimination Against Women expresses its deepest sympathy and solidarity to the Government and people of Haiti affected by the devastating earthquake of 12 January 2010. The Committee also extends its condolences to the families of United Nations staff as well as the three prominent Haitian women's rights activists, Myriam Merlet, Magalie Marcelin and Anne Marie Coriolan, who perished in the earthquake.

The earthquake which hit the poorest country in the Western Hemisphere, has caused tremendous hardship, injury and loss of life among the general population.

Whilst relief workers are struggling to provide aid to the people of Haiti and whilst the situation remains dire for everyone, women and children are particularly affected by the crisis. The Committee calls for the inclusion of a gender perspective in all humanitarian relief efforts so that the specific needs of women may be adequately addressed.

Whilst women and men are important resources in delivering assistance and rebuilding societies following natural disasters, the responsibilities of women are greater on account of their roles as caretakers of children, the elderly, the disabled, the injured and other survivors. Whilst the strength and resilience of women are in high demand following such emergencies, they cannot adequately fulfil these roles if their basic needs are unmet and if decision-makers ignore them. If women are to look after the needs of others, their own safety, dignity, health and nutritional concerns must be met as well. Understanding the gender dynamics in communities is a crucial element for effective humanitarian relief, rehabilitation and reconstruction. The Committee calls upon all humanitarian relief agencies to bolster the strength of women by identifying and meeting their specific needs.

Given the specific environment in which the humanitarian crisis is unfolding, the Committee urges that women's access to food distribution be addressed through innovative and diverse strategies and attention paid to women heads of household, injured women, the elderly and disabled and other vulnerable groups in the community. The urgent need to establish special contingencies for women in post-

earthquake intervention is underlined by images of men fist-fighting over UN-delivered food.

The Committee is deeply concerned by the real prospect of epidemics caused by overcrowding and poor sanitation. The trauma caused by this devastating catastrophe cannot also be underestimated. The Committee stresses that it is important to address the specific needs of women and provide gender-sensitive health care services.

The Committee is alarmed by the threat to law and order. With the collapse of the prison in Port au Prince, many of the incarcerated have come back into the neighbourhoods they once terrorized. Sexual violence is common in humanitarian crises and may become acute in the wake of a national disaster. In a time of heightened stress, lawlessness and homelessness, women face an increased threat of violence and will find it harder to support themselves, the children, the elderly, the injured, the disabled and other survivors who are in their care.

The protection of human rights of women is as important as providing immediate medical attention, food and shelter. The Committee urges emergency assistance teams to put in place a coordinated security system and to take all necessary measures to protect women and children and the most vulnerable.

The Committee urges that a gender perspective be included in the assessment, design and implementation phases of humanitarian relief in order for it to be effective and to restore the dignity of the affected population in general and women in particular. The Committee also stresses the need to ensure that the needs and capabilities of women are taken into consideration in all sectors and clusters of the emergency response as the role of women in early recovery is critical to effective implementation and long term sustainability. The Committee therefore urges the international community, United Nations agencies and all humanitarian relief agencies to involve women at all stages of emergency management programmes, in both the planning and implementation processes so that they can bring valuable perspectives and contributions to the emergency response.

The Committee extends its appreciation to the international community which stands united in its resolve to help Haiti overcome this catastrophe. As the social and economic reconstruction is about to begin and humanitarian assistance moves to the recovery and reconstruction phases, the Committee urges that women fully participate in the decision-making process and that sustained efforts be centred on the long-term development needs of women and men of Haiti.

Annex V

Statement on the inclusion of the Afghan Women in the process of Peace building, Security and Reconstruction in Afghanistan

1. The Committee on the Elimination of Discrimination against Women, (hereinafter referred to as the Committee), mandated to monitor the implementation of the Convention of the Elimination of all Forms of Discrimination Against Women by 186 States Parties, including Afghanistan, welcomes the efforts of the Government of Afghanistan and its international allies on the new commitment to help secure a peaceful, prosperous and democratic future for Afghanistan initiated in January 28, 2010, London Conference, hosted by the Government of the United Kingdom and Northern Ireland.

2. The Committee wishes to remind the Afghan Government and its international allies of the unique role and contribution of women in the timely resolution of crises and conflicts. The Committee also draws the attention of the Afghan Government and the international community to United Nations Security Council Resolutions 1325(2000) and 1820(2008) which underscore women`s active participation in all peace-building efforts and recovery.

3. The Committee accordingly expresses its regret and deep concern about the exclusion of Afghan women from the high decision making level of the Conference and the absence of clear strategies to protect women`s rights in the process of the discussions leading to negotiations with representatives of the Taliban. Any agreement reached with the Taliban should include a clear commitment for the respect and protection of women`s human rights as set out in the Convention on the

Elimination of All Forms of Discrimination Against Women and other international human rights treaties to which Afghanistan is party.

4- The Committee emphasizes that Afghan women, who constitute the majority of the Afghan population, must be full and equal participants in decision making, at all levels, in the process of peace building, reconciliation, reconstruction, rebuilding and development of their country. Their voices and views as well as capacities are fundamental and necessary for the sustainable establishment of a prosperous and peaceful Afghanistan, based on the rule of law, democracy, justice, human rights and gender equality. In that regard, the Committee urges the Afghan government and its international allies to ensure that women representatives are included in the upcoming peace and development dialogues and negotiations with the Taliban.

5- The Committee is concerned with the late submission of Afghanistan's Initial and Second Report under article 18 of the Convention and encourages the State Party to seek technical assistance in the preparation of the Report so as to be able to submit it as soon as possible. The Committee encourages the State Party to consult civil society, particularly women's organizations, in the preparation of the report.

6. The Committee further urges the State Party to give special attention to a critical review of all discriminatory laws and provisions, based on the Convention on Elimination of All Forms of Discrimination against the Women. In particular, the Committee is concerned about the new personal status law of the Shiite minorities

and the discriminatory nature of that law against women. The Committee reminds the government of Afghanistan of its obligations under the Convention, particularly articles 2, 9 and 16 of the Convention, and urges the government to repeal and modify the discriminatory provisions in the personal status and other laws.

Annex VI

Statement on the relationship of the Committee on the Elimination of Discrimination against Women with parliamentarians

1. At its forty-first session, the Committee adopted a standard paragraph on “Parliament” in its concluding observations in order to draw to the attention of State parties, the importance of involving its parliament in the reporting process under article 18 of the Convention and the implementation of all the provisions of the Convention.

2. The aim of the present note is to clarify and strengthen the role of national parliaments vis-à-vis the Convention. The note is also aimed at clarifying the relationship between the Committee and the Inter-Parliamentary Union (IPU).

I. Role of Parliaments in the process of ratification of the Convention and its Optional Protocol and withdrawal of reservations

3. The procedure for ratification/accession to international instruments as well as the withdrawal of reservations varies from State to State. In most States, approval by Parliament is necessary before the deposit of the instrument of ratification to the Secretary-General of the United Nations. Similarly, decisions concerning reservations as well as their withdrawals are also taken in Parliament. This Parliamentary procedure also applies to the Convention and its Optional Protocol. Consequently, Parliaments have a strategic role to play with respect to the ratification/accession of the Convention and its Optional Protocol. As the Convention and its Protocol have not attained universal ratification, Parliament can play a significant role in encouraging their State in becoming a party to the Convention and its Protocol. Similarly, as the Convention is the treaty body with the largest number of reservations, Parliament can also play a significant role in their withdrawal .

II. Parliaments and the implementation of the Convention

4. Parliaments and their members have a vital role to play in ensuring respect for the principles enunciated in the Convention and they have a wide range of tools at their disposal to do so. In discharging their traditional duty of overseeing the work of Government, Parliament can ensure that States parties comply fully with the provisions of the Convention. Parliaments and their members have a fundamental responsibility in their role of “constituency”, which is the basis of the legal system. The functions of Parliaments — notably legislative and budgetary functions and

oversight of the executive branch of the Government — are at the heart of the implementation of the principles and rights enshrined in the Convention. The implementation of the Convention includes the incorporation of the principle of non-discrimination against women in national legislation, including in the Constitution of the State party. It also imposes an obligation on the State Party to condemn discrimination against women, to abolish all discriminatory laws and to adopt, whenever appropriate, temporary special measures to accelerate de facto equality between women and men. It also obligates States Parties to adopt appropriate policies and establish mechanisms aimed at promoting equality between sexes. As such, Parliamentarians can take active measures to ensure that national laws, policies, actions, programmes and budget reflect the principles and obligations in the Convention.

The budgetary functions and the monitoring of governmental action are vital for a better implementation of laws relating to equality between sexes, through the approval of adequate budgets and a regular oversight of the impact of governmental measures with respect to the condition of women.

Parliament, as an organ representing the population as a whole, reflects the diversity of opinion and interests in the country by reason of its privileged access to the whole population. As such, Parliamentarians can be key players in raising awareness of the Convention and its Protocol to the population at large and to women in particular.

III. Role of Parliaments in the drafting of reports and follow-up to the concluding observations of the Committee

5. States are not legally obliged to involve Parliaments in the drafting of reports under article 18, as it is the State which has the primary responsibility of doing so. However, as the Convention is binding on all branches of Government, it is desirable that States parties involve Parliament in the reporting process under Article 18 of the Convention, the implementation of the Convention and the follow up to the concluding observations of the Committee. States parties are strongly encouraged to establish an appropriate mechanism to facilitate collaboration between Parliament and Government with regard to the input of its Parliament in the elaboration of reports, and its role in following up on the concluding observations of the Committee. The monitoring role of Parliament with respect to the compliance by the State of its international obligations, could considerably enhance the implementation of the recommendations of the Committee.

6. Consequently, it is necessary for States parties to urge Parliament, many of which now have some structures in place, such as Parliamentary Committees focusing on human rights including gender equality, to take an active part in the work of the Committee in general, as well as in the implementation of its provisions in their own country.

IV. Action of the Inter-Parliamentary Union and its relationship with the Committee

7. IPU has always strived to bring a parliamentary dimension to international cooperation and the work of the Committee. It is playing a key role in disseminating the Convention and its Optional Protocol among parliamentarians. During its conferences and the sessions of its Assembly, the organization regularly invites States that have not ratified the Convention and its Optional Protocol to do so. It also encourages States parties that have made reservations to the Convention to withdraw them and to fulfil their obligations. The Secretary-General of IPU writes to the presidents of the legislative assemblies to inform them about the upcoming consideration of the report of their country by the Committee. Once the Committee's concluding observations are available, a letter is sent to the parliament concerned to bring to its attention the recommendations adopted. In 2003 IPU, with the assistance of the Division for the Advancement of Women, published a practical guide for the use of parliamentarians on the Convention and its Optional Protocol. Every year, IPU organizes briefings on the Convention, addressed to women parliamentarians in particular. IPU also provides, in collaboration with the Office of the United Nations High Commissioner for Human Rights, technical assistance programmes in order to build the capacities of parliaments and help them fulfil their role regarding the implementation of Convention and its Optional Protocol. Since 2006, IPU also provides Committee with country specific information including data on the political participation of women in Parliament and in

Government as well as at the local level with regard to States whose reports are under consideration by the Committee.

V. RECOMMENDATIONS

8. The Committee recommends that States parties ensure the full participation of Parliament and its members in the reporting process and the full implementation of the Convention and its Protocol.

9. Given the key role of Parliament, the Committee recommends that States parties ensure that Parliamentarians, as representatives of the people, be made aware and informed of the Committee's work so that they may take it into account in their legislative functions and relay it to their constituencies and to the public at large.

10. The Committee recommends that State parties ensure that all relevant information is made available to Parliamentarians on a regular basis through appropriate Parliamentary support services.

11. The Committee further recommends that information received by Government on its obligations as a State party and other matters of concern are brought to the attention of Parliamentarians.

12. The Committee recommends that whenever members of the Committee are invited to visit a State party, it is desirable that the State party organize meetings with Parliamentarians.

13. The Committee encourages States parties to include in their reports, information on all parliamentary initiatives in the elaboration of laws in order to ensure full incorporation of CEDAW provisions into domestic legislation.

14. The Committee reiterates the importance of strengthening the national machinery dedicated to equality at the level of Parliament, such as Commissions on gender equality, missions and information on inquiries relating to violence against women, and improvement of legislation on equality between women and men.

15. The Committee draws the attention of States parties to the fact that institutional linkages and informal relations with civil society and women's organizations are fundamental to the promotion of women's rights by the Parliament.

16. The Committee encourages States parties to include in their delegation before the Committee for the examination of their report, members of Parliament as well as a special advisor in charge of relations between the Government and the Parliament in order to improve the visibility of parliamentary responsibilities.

17. The Committee calls on State parties to evaluate its collaboration with its national Parliament and other Parliaments and to take appropriate measures to enhance cooperation between Parliaments in order to exchange best practices on the implementation of the Convention.

Annex VII

Statement by the Committee on the Elimination of Discrimination against Women on its relationship with non-governmental organizations

1. The Committee on the Elimination of Discrimination against Women (hereinafter “the Committee”) considers that its close cooperation with non-governmental organisations (NGOs)^c working on women’s human rights is essential for the promotion and implementation of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “the Convention”) and its Optional Protocol.

2. The purpose of this statement is to clarify and strengthen the Committee’s relationship with NGOs and to enhance the role of NGOs in the implementation of the Convention by States parties at the national level.

3. NGOs play a strategically important role and contribute to the Committee’s activities before and during the monitoring procedures of the Convention and its Optional Protocol and often have a catalytic role in enhancing implementation of the Convention at the national level. Since 1988, NGOs have submitted alternative/shadow reports for the Committee’s consideration of State party reports.

^c For the purpose of this statement, the broad term NGOs also includes representatives of civil society, trade unions, women’s grassroots organizations and others. The term is non-exclusive and does not limit itself to NGOs that have been accredited by ECOSOC.

The sixth Meeting of Chairpersons of Human Rights Treaty Bodies in 1995 stressed the central function of NGOs to provide reliable information necessary for the conduct of activities of the treaty bodies. As a result of these developments, the Committee included in its Rules of Procedures as revised in 2001 Rule 47 on NGOs which stipulates: that “*Representatives of non-governmental organizations may be invited by the Committee to make oral or written statements and to provide information or documentation relevant to the Committee’s activities under the Convention to meetings of the Committee or to its pre—sessional working group.*”

Implementation of the Convention

4. Whenever appropriate and feasible, it is desirable that governments involve NGOs in various aspects of the promotion and implementation of the Convention, General Recommendations, the Committee’s views under the Optional protocol and the Committee’s concluding observations. This should in no way compromise the legal obligation of the State party to be solely accountable for the implementation of the Convention. The Committee recommends that the State party encourage and, to the extent possible, provide sustained funding to NGOs in their activities relating to the promotion and monitoring of the implementation of the Convention, its Optional Protocol and the Committee’s concluding observations. This would enable their participation in the constructive dialogue with the Committee.

Role of NGOs in the CEDAW reporting process

5. The Committee, through its rules of procedure and its practice of informal meetings with NGOs, has created a space for NGOs to play a constructive role in the reporting process and review by the Committee of the State party's compliance with its obligations under the Convention.
6. Taking note of the fact that consideration of the States parties' reports by the Committee is based on a constructive dialogue with States parties, the Committee considers it necessary that this dialogue is based on information received not only by State parties, UN entities and National Human Rights Institutions, but also from NGOs to ensure a constructive dialogue.
7. NGOs are encouraged to provide alternative or shadow reports on States parties' reports relating to the implementation of some or all the provisions of the Convention or specific themes focusing on gaps in implementation of the Convention or the Committee's concluding observations. NGOs may provide comments and suggestions to the State party's reports in any way they see fit.

Consultation and inputs into the State party report

8. The Committee recommends that States parties consult NGOs when they prepare the State report and make this report available to all sectors of civil society. The State party is encouraged to invite NGOs to provide their input. This does not imply that

NGOs take over the writing of the report or undertake a joint reporting with the State party. At all times the report has to be the report of the State party. Furthermore, the role played by NGOs in providing information for the report of the State party should not exclude the possibility of submitting an alternative/shadow report. The Committee often raises questions with States parties, asking whether NGOs have been consulted in the writing of the report and whether there has been collaboration and transparency in the reporting process.

Submission of alternative/shadow reports and presentation of oral information to the Committee's Pre-sessional working group

9. The Committee stresses that it is highly desirable that alternative/shadow reports of NGOs be received in a timely manner for consideration by the Committee's pre sessional working group (PSWG). It also welcomes participation of NGOs at the PSWG meeting for oral presentations and clarifications with regard to the information provided with the aim of preparing the List of Issues and Questions, composed of some 30 questions. It is particularly valuable to have NGO input at this early stage of the reporting process.

Alternative/shadow reports and presentation of oral information at the meetings of the Committee

10. The Committee welcomes written alternative/shadow NGOs reports submitted to the Committee, NGOs oral presentations to the Committee during the session and NGOs presence during the examination of the State party by the Committee as observers. In the past few years, the practice of the Committee has been to provide a time slot for its public informal meeting with NGOs in its agenda on the first day of the first and second week of each session. During these informal meetings, NGOs make oral presentations of their written reports and respond to additional questions by Committee members. There are additional opportunities for NGOs to provide detailed alternative information to the Committee during informal lunch hour briefings (side-events); these briefings are usually held the day ahead of a review of a State party report.^d

Alternative/shadow reports under the Committee's Follow-up procedure

11. The Committee adopted a follow-up procedure to its concluding observations at its forty-first session and decided on its methodology at its forty-fifth session, whereby a State party is requested to submit information within one or two years on action taken to implement the recommendations selected under the follow up procedure. Usually two recommendations are selected for the procedure. NGOs are encouraged to submit alternative information for the attention of the Committee by the same

^d For details of the procedures to follow, kindly refer to the NGO note for each session, available on the website.

deadline as the State party. All information received under this procedure is made available on the Committee's website.^e

Alternative/shadow reports to exceptional reports

12. Whenever the Committee requests an exceptional report in line with Article 18 (1) (b) of the Convention and its Rules of Procedure, NGOs are encouraged to submit alternative/shadow reports on situations warranting such exceptional reports.

Inputs to the elaboration and use of the Committee's General recommendations

13. The Committee encourages NGOs to provide inputs on general recommendations under elaboration and to make use of the Committee's general recommendations in its advocacy efforts.

Utilization of the Convention and the procedures under its Optional Protocol

14. An NGO may provide assistance to alleged individual victims or groups of victims of human rights violations under the Convention by submitting communications to the Committee under its communications procedure on behalf of such individuals or groups of individuals. NGOs may also, in appropriate situations, provide reliable

^e For detailed information about the follow-up procedure, please see the website <http://www2.ohchr.org/english/bodies/cedaw/followup.htm>

information on grave or systematic violations of women's human rights in relation to the mandate of the Committee to conduct an inquiry under the Optional Protocol^f.

Enhancing global reach

15. The Committee welcomes input from national and international NGOs and notes that due to logistical and financial constraints it is not always feasible for NGOs to attend the Committee's sessions in Geneva or New York. The Committee, therefore, welcomes the use of new technology for enhanced representations from all regions during its sessions, such as videoconference links and webcasting.

16. The Committee welcomes enhanced outreach and awareness of the Convention and its Optional Protocol, its concluding observations, general recommendations, views and decisions and recognizes the important role of the NGOs in this process. It further encourages NGOs and other stakeholders to contribute to the process of translation of the Committee documents into local languages, with the aim of enhancing the outreach and awareness of the Convention and its Optional Protocol.

^f Please find specific information about how to submit individual complaints under the Optional Protocol to CEDAW in its [Fact Sheet] adopted at its 44th session, [available at...]

Annex VIII

Statement of the Committee on the Elimination of Discrimination against Women on the fifteen-year review of the Beijing Declaration and Platform for Action

The Committee on the Elimination of Discrimination against Women welcomes the fifteen-year review and appraisal of the implementation of the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women and the outcomes of the twenty-third special session of the General Assembly on Beijing+5 which will be conducted by the fifty-fourth session of the Commission on the Status of Women in March 2010. The Committee notes that the review takes place just after the thirtieth anniversary of the General Assembly's adoption of the Convention on the Elimination of All Forms of Discrimination against Women on 18 December 1979.

The Committee commends the significant steps which have been taken by States to implement the commitments made at Beijing and during its five-year review. It welcomes the fact that since Beijing, 42 States have ratified the Convention, and that the ratification of only eight more States is required before the goal of universal ratification established in the Platform is achieved. It encourages those States to become party to the Convention as soon as possible. The Committee is gratified

that the Convention's Optional Protocol, adopted a little over 10 years ago in 1999, has been adhered to by 99 States parties thereby providing millions of women from all regions of the world with the right to petition the Committee in regard to alleged violations of the rights set out in the Convention and enabling the Committee itself to inquire into grave or systematic violations of its terms. It is pleased that women are increasingly turning to this tool to ensure enjoyment of their rights, and that States parties have responded positively to the Committee's views and recommendations on individual complaints by removing discriminatory laws, policies and programmes, introducing proactive measures to comply with the Convention and providing individual petitioners with compensation. The Committee is also pleased that there has been steady progress in respect of reservations, with many States withdrawing or modifying those that they lodged on ratification. It encourages those States which maintain reservations to work towards their withdrawal, including by drawing on the experience of other States which have done so.

Through its review of States parties' reports, the Committee has seen the progress States have made in realizing the human rights of women since the adoption of the Convention, and particularly since the Fourth World Conference on Women. States have paid increasing attention to creating a legal framework that promotes and protects women's rights, including through the introduction of temporary special measures to accelerate the achievement of equality between women and men. They have also put in place policies and programmes aimed at the

practical realization of women's rights, as well as measures to challenge gender stereotypes that underpin discrimination against women in our societies, communities and families. This is a cause for celebration. At the same time, the Committee regrets that equality for women in law and practice has not been achieved in any country in the world. It is disturbed that women continue to suffer profound and pervasive human rights violations, including gender-based violence in the public and private spheres, including that most private of private spheres, the family. It is also concerned that discrimination against women often has multiple aspects, such as age or disability, and that particular groups of women, such as migrants or indigenous, are especially vulnerable.

The fifteen-year review provides the international community with an opportunity to send a strong message of renewed commitment to the promotion and protection of women's human rights. Throughout its work the Committee has emphasized the strong linkages among the Convention, the Platform for Action and the Beijing+5 outcomes. In line with its paragraph 322, it has taken the Platform into account Committee when considering the reports of States parties, and in its concluding observations it has called on States parties to implement both the Platform and the Beijing+5 outcome document. In essence, the Committee considers that these consensus policy documents provide guidance for States on the steps they must take to realize their legal obligations set out in the Convention so that women enjoy their rights both in law and fact.

The fifteen-year review is based on the sharing of experiences and good practices with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals. We are now more than halfway to the 2015 deadline for achievement of these goals, and there have been significant advances, and important setbacks, in particular as a result of the financial crisis. While each of the eight goals is key to the achievement of the obligations in the Convention and the implementation of the Platform for Action, goal 5 on improving maternal health is especially important. It is of great concern to the Committee that maternal mortality remains unacceptably high across much of the developing world.

The full implementation of the Platform, the Beijing+5 outcomes, the Millennium Development Goals and the Convention is required to make human rights a reality for individual women. This requires political will, especially at the national level. States must do more to guarantee women's access to justice, including by ensuring that judicial systems and law enforcement facilitate women's capacity to claim their rights. They must make sure that all discriminatory laws are repealed and that they exercise due diligence in pursuing violations perpetrated by private actors. At the international level, more efforts must be made to support women's use of the international human rights machinery, so it effectively promotes national level implementation of these instruments.

At this fifteen-year mark, the Committee calls for increased political will directed to the achievement of women's full equality with men. It also calls for the recognition

of the contribution of the women's human rights movement to the quest for full enjoyment of all human rights through which has created a broadened and inclusive interpretation of human rights emphasizing indivisibility and universality and their linkage with development.

Annex IX

Decision 45/I

Invitation to States parties to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, and abide by the page limit.

The Committee decided that States parties whose reports are to be submitted within two years should be invited to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

States parties should be reminded that, at its fortieth session, in January 2008, the Committee on the Elimination of Discrimination against Women adopted its treaty-

specific reporting guidelines which must be applied in conjunction with the harmonized reporting guidelines on a common core document. 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.

States parties should also be encouraged to follow these new guidelines in the elaboration of their next report under the Convention which should be limited to 40 pages (60 pages for initial reports), while the updated common core document should not exceed 60-80 pages. This invitation does not concern reports which preparation is at their final stages.

Annex X

Decision 45/II

Methodology to assess States parties reports received under the Committee's follow-up procedure

The Committee adopted its methodology to assess States parties reports received under its follow-up procedure, as well as the report of the follow-up rapporteur.

ⁱ Technical Summary, report by Working Group II of the Intergovernmental Panel on Climate Change, 2007, Cambridge U. Press, Cambridge, UK 2007 p. 69.

ⁱⁱ See Human Development Report 2007/2008: Fighting climate change: Human solidarity in a divided world, UNDP, New York 2007.