

Questions and answers on the CEDAW review process



Accreditation and organising side events

How can you get accreditation for CEDAW sessions?

NGOs can request accreditation by email by submitting the full NGO, name(s) of their representatives, and the proposed dates of attendance to cedaw@ohchr.org. For the 45th session or the pre-session working group, NGOs who wish to address the Committee must request accreditation no later than 11 January 2010 (for the session) and 1 February 2010 (for the pre-session working group). Check by email if you have been accredited.

Please note that OHCHR will not send letters of invitation to NGOs and is unable to assist with travel or accommodation costs relating to the participation.

To receive a ground pass, those accredited are required to bring a valid national passport or government issued photo ID and appear in person at Pass and Identification Unit, Security and Safety Section, Pregny Gate, United Nations Office at Geneva, 8-14 Avenue de la Paix (Mo-Fri, 8-5).

If you are **representing an NGO**, you do not need to present a report, as you are providing oral information. The Committee has set aside time at its **45th session** for NGOs to provide **oral** information as part of its session, as follows: **Monday 18 Jan. 2010, 3 p.m. to 4.30 p.m.:** Uzbekistan, Ukraine and Malawi; **Monday 25 Jan. 2010, 3 p.m. to 4.30 p.m.:** UAE, Netherlands, Egypt, Botswana and Panama. The pre-session working group also provides an opportunity for NGOs to address it on **Monday 8 February 2010** for all the countries to be taken up at the 47th session.

Oral interventions by NGOs must be concise. On average, not more than 10 minutes overall are allocated for all NGOs from one particular country, who are encouraged to coordinate their interventions. NGOs making oral interventions should bring 35 copies of their statement and send their presentation to: cedaw@ohchr.org

Representatives of UN bodies are invited to attend both the pre-session working group and the session itself. They can also address the Committee in the closed meeting before each session.

How do you to organise a side-event? Do you need a report as a basis?

NGOs can organise side events during the session for the members of the Committee, even if they have not prepared a report. You need to contact the CEDAW Secretariat at

least 4 weeks before the session, indicating the focus of the side event (country-specific or thematic). The Secretariat will then confirm if your request can be accommodated, as there are a large number of such requests.

Participants in pre-sessions and sessions

What is the composition of the pre-session Working Group?

The Pre-session Working Group is composed of between 5 and 10 members of the Committee, trying to keep a regional balance and including the country rapporteurs in pertinent pre-session groups (for a list of the current members see: www2.ohchr.org/english/bodies/cedaw/membership.htm)

Who are the other participants at CEDAW sessions? Can state parties whose report is not on the agenda at that moment intervene?

During the day of consideration of the State party, in addition to CEDAW Committee members representatives of Reporting States, which are given an opportunity to respond and interact with the Committee members, participate.

Ahead of the day of consideration of the State party – usually the first Monday of the week, other representatives may brief the Committee on country specific issues, including:

- Representatives of United Nations bodies, invited to the pre-session working group and the session, can address the Committee in a closed meeting before the session.
- National or international NGOs can provide country-specific information on State parties whose reports is before the Committee or the pre-session working group (alternative/shadow reports). The Committee sets aside time at each of its session - and at each working group pre-session - to enable representatives on NGOs to provide oral information.
- Representative of National Human Rights Institutions.

State parties without a report on the agenda cannot intervene in the review process of other states.

Exceptional reports

Under what circumstances can the CEDAW committee request reports outside of schedule?

The Committee may request exceptional reports in order to obtain and examine information on actual or potential

violation of women's human rights, where there is a special cause of concern about such violation. Such reports should follow certain standards and guidelines, such as:

- (a) There should be reliable and adequate information indicating a grave or systematic violation of women's human rights;
- (b) Such violation are those that are gender-based or directed at women because of their sex;
- (c) Reports should focus on a particular issue or issues identified by the Committee;
- (d) States parties shall submit their reports for consideration at such sessions as the Committee determines.

Exceptional Reports are governed by rule 48.5 of the Committee's rules of procedure and its decision 21/I and 31/III (h), as well as Article 20, para. 20 of the Committee Working Methods¹ and Decision 21/I (August 2000) on Exceptional reports.²

If a State party has ratified or acceded to the Optional Protocol (OP) and the Committee has conducted an **inquiry** under Article 8 of said Protocol, the document should include details of any further measures taken in response to an inquiry and to ensure that the violations do not recur (Article 8, OP).

Critical Issues

When during the review process and CEDAW sessions are critical issues presented and discussed?

Critical issues identified by the pre-session working group are sent to the State party with an invitation to respond within six weeks. During the session, both the report and the list of issues and questions, together with the response from the State party are circulated to members of the Committee and discussed, along with any other relevant document.

CEDAW session are divided into open and closed meeting, with two open meetings of three hours each held by the Committee for the consideration of periodic reports by States parties, who can make introductory comments for a maximum of 30 minutes. Questions by experts on the reports are clustered in accordance with the substantive parts of the Convention (Articles 1-6; articles 7-9; articles 10-14; articles 15-16). After questions on the first part, State parties are asked to respond before the next round of questions and so forth. Experts seek to avoid duplicating questions and to limit the number of interventions to no more than two per State party, and seek to focus on issues identified by the pre-session working group.³

The Committee makes concluding comments on State parties' reports considered at each session that are developed in a closed meeting. Committee discussions

are based on a first draft by the country rapporteur, and with support by the Secretariat and inputs from Committee experts. The final version reflects a Committee consensus rather than the view of the country rapporteur.⁴

General recommendations

What is the role of the Committee's General Recommendations?

General Recommendations are usually divided in two parts, with the first exploring the relationship between the Convention's articles and specific themes/issues, and the second making recommendations to State parties. In that section, the Committee calls for the implementation and the enforcement of existing provisions by States who ratified the Convention and thus accept it as binding.

NGOs can propose topics for and participate in the formulation of General Recommendations.

General Recommendations also offer an interpretation of the Convention and an application of the Convention's provisions and can be used by local or international courts during trials.

According to the Committee's Working Methods:⁵ *Article 21 of the Convention provides that the Committee may make suggestions and general recommendations based on the examination of reports and information received from State parties. General recommendations are normally directed at States parties and usually elaborate the Committee's view of the content of the obligations assumed by States as parties to the Convention. The Committee elaborates general recommendations on articles of themes/ issues of the Convention/ Most of them outline matters which the Committee wishes to see addressed in the reports of State parties and seek to provide detailed guidance to States parties on their obligations under the Convention and the steps that are required for compliance.*

Do general recommendations relate to a specific session or are these drafted on a continuous basis – and in that case, who sets the themes?

There are no specific sessions for general recommendations. The subject matter of the General Recommendation is decided by the Committee well in advance of sessions, and General Recommendations take between two to three years to be finalised.

1 Overview of the working methods of the Committee on the Elimination of Discrimination against Women daccessdds.un.org/doc/UNDOC/GEN/N06/594/40/PDF/N0659440.pdf?OpenElement

2 [www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/cc426124baa89c5ac1257312004184fa/\\$FILE/N0061614.pdf](https://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/cc426124baa89c5ac1257312004184fa/$FILE/N0061614.pdf)

3 Paragraph 15, *ibid*

4 Paragraph 22, *ibid*

5 Paragraph 37, *ibid*

A proposal for a general recommendation is submitted (as background paper) by a Committee member who then acts as its “sponsor”. A three-stage process of discussion, as follows:

Stage I:

Open dialogue between the Committee, non-governmental organisations and others on the topic. Specialised agencies and other bodies of the United Nations system as well as NGOs are encouraged to participate in this discussion and to submit informal background paper.

Stage II:

A Committee member is asked to draft the general recommendation, which is discussed at the next or subsequent session of the Committee. Resource persons may be invited to participate in the discussion.

Stage III:

At the following session, the revised draft is adopted by the Committee.

An example of developing General Recommendations on “Older Women”

1995-2008: Among the organisations advocating for women’s rights, the NGO Committee on the Status of Women in New York, Sub-Committee on Older Women, prepared briefing papers on the subject and distributed them to CEDAW Committee members. These efforts resulted in questions during the Committee’s review process and to a specific statement being issued.⁶

July 2008: The proposal of the General Recommendation on Older Women - currently in process - was submitted by a Committee member: www.ifuw.org/docs/Report_OlderWomenRecommendation_6Nov08.pdf (Annex I)

November 2008: A CEDAW working group on the subject was established. The Committee Member (sponsor) also organised a side-event. The Proposal was at that moment already endorsed by a number of NGOs. www.ifuw.org/docs/Report_OlderWomenRecommendation_6Nov08.pdf

May 2009: a concept note on the draft GR was produced by the Committee: www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW_%20C_2009_II_WP1.pdf

July 2009: a public meeting was organised by the Committee to identify, jointly with other stakeholders, key issues for the actual drafting of the GR (an unofficial report is available here: www.globalaging.org/agingwatch/Articles/cedaw.htm)

July 2008-current: a number of side-initiatives have been organised in order to strengthen the proposal, e.g. a joint-written call to the Human Rights Council of the UN General Assembly: www.globalaging.org/agingwatch/HHuman%20Rights%20Council%20Report%202009.pdf

Communications procedure

According to the Optional Protocol (OP), who can access the Committee under the Communications Procedure? Have groups to exhaust all the domestic remedies?

According to the *Complaints mechanism* of the OP, communications may be submitted by or on behalf of individuals or groups of individuals claiming to be victims of a violation of any of the rights enshrined in CEDAW.

The Committee will only consider communications if all domestic remedies, such as pursuing a claim through the local court system, have been exhausted or if such remedies are unnecessarily delayed or unlikely to address the violation of rights effectively.⁷ The *UN fact sheet on Complaints Procedure* (which specifically mentions CEDAW) describes in detail how to make your case to the Committee and what information to provide.⁸

Is the Communication procedure used by NGOs? Is it different from the shadow reporting? Which states have ratified the OP?

Shadow reporting is part of the Committee’s Review Process of initial and periodic reports by States parties. The relationship created by the Convention is between the Committee and the States that ratified the Convention, with the Committee acting as a body working for the respect of an international treaty binding sovereign states. In this process, individuals – and NGOs – cannot start a judicial process related to a violation of the Convention, but are merely considered as additional sources of information by the Committee.

The Optional Protocol (OP) establishes a different kind of relationship between the Committee and State parties, which accept become accountable before the Committee and to recognise the Committee as a judicial body that their citizens can access, as individuals, against their own state (trial, sentence, compensation). Therefore, they accept a direct relationship between citizens and the Committee. The OP can be considered a step towards the creation of an effective system of women’s rights law in which State parties can be held responsible.

6 A Statement is a brief document that clarifies and confirms the position of the Committee with respect to major international development and issues, e.g. Solidarity with Afghan Women, Gender and racial discrimination...

7 Article 4, Optional Protocol <http://daccessdds.un.org/doc/UNDOC/GEN/N99/774/73/PDF/N9977473.pdf?OpenElement>

8 UN Fact sheet, available at: www2.ohchr.org/english/law/docs/Part_of_FS.No.7.pdf. NB: the e-mail Please note in this factsheet is outdated, communications under the Optional Protocol should be addressed to: tb-petitions@ohchr.org

The following state parties have ratified the OP (as usual you can be party with reservations):

Albania	Greece	Sri Lanka
Andorra	Germany	Solomon Islands
Angola	Guatemala	South Africa
Antigua and Barbuda	Guinea-Bissau	Spain
Argentina	Hungary	St. Kitts and Nevis
Armenia	Iceland	Sweden
Australia	Ireland	Switzerland
Austria	Italy	Thailand
Azerbaijan	Kazakhstan	The former Yugoslav Republic of Macedonia
Bangladesh	Kyrgyzstan	Timor-Leste
Belarus	Lesotho	Tunisia
Bolivia	Libyan Arab Jamahiriya	Turkey
Bosnia and Herzegovina	Liechtenstein	Turkmenistan
Botswana	Lithuania	Ukraine
Brazil	Luxembourg	United Kingdom
Bulgaria	Maldives	United Republic of Tanzania
Burkina Faso	Mali	Uruguay
Cameroon	Mauritius	Vanuatu
Canada	Mexico	Venezuela (Bolivarian Republic of)
Colombia	Mongolia	Paraguay
Cook Islands	Montenegro ²	Peru
Costa Rica	Mozambique	Philippines
Croatia	Namibia	Poland
Cyprus	Nepal	Portugal
Czech Republic	Netherlands ³	Republic of Korea
Denmark	New Zealand ⁴	Republic of Moldova
Dominican Republic	Niger	Romania
Ecuador	Nigeria	Russian Federation
Finland	Norway	Rwanda
France	Panama	San Marino
Gabon	Slovakia	Senegal
Georgia	Slovenia	Serbia

Source: UN treaty Collection

Inquiry procedure

Who can initiate the inquiry procedure of the Committee (OP)?

As stated by the Art. 8 of the OP, the Committee can start an inquiry process anytime it receives reliable information indicating grave or systematic violations by State parties. The Committee invites that State Party to cooperate in the examination of the information and to submit observations with regard to the information concerned, after which the committee may designate one or more of its members to conduct an inquiry, including, where necessary and with the consent of the State party, a visit to its territory. The State party should respond to findings of the inquiry within six months.

The Inquiry Procedure permits the CEDAW Committee to respond in a more timely way to serious violations in progress under the jurisdiction of a States party (e.g. the mass rape during conflict or the disappearance of women's rights defenders). It offers a means of addressing situations in which individual communications do not adequately reflect the systematic nature of widespread violations of women's rights or individuals or groups that are unable to submit communications due to practical constraints or fear of reprisals.

In accordance with Article 10 of the OP, States may "opt-out" of the Inquiry Procedure at the time of signature, accession or ratification.

A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, and capacity-building.



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November 2009