

**30**  
**YEARS**

**WORKING  
FOR  
WOMEN'S  
RIGHTS**

**COMMITTEE ON THE ELIMINATION OF  
DISCRIMINATION AGAINST WOMEN 1982 - 2012**

*"A life of dignity is not a lofty aim, it is the right of every woman, man and child."*

*NAVI PILLAY, High Commissioner for Human Rights*



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## FOREWORD

 For 30 years, the Committee on the Elimination of Discrimination against Women (“the Committee”) has worked with dedication and passion to assist countries in implementing their treaty obligations to protect and promote women’s human rights.

Since its first session in October 1982, the Committee has witnessed tremendous growth in the number of States parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and corresponding growth in its workload. The Convention has almost achieved universal ratification with 187 States parties. Through its periodic review of individual country situations through the State party reporting process, the general recommendations it has issued on specific rights and themes, and its growing body of jurisprudence under the Optional Protocol to the Convention, the Committee has provided constructive feedback on how to improve the situation of women in all States parties. The Committee has established itself as an authoritative source on all that concerns women’s rights. I have been pleased to see the increasing references to its work made by national parliaments, courts and human rights defenders in all corners of the world. Improvements in laws, policies and programmes have transformed the lives of many women and girls.

As much as there is to celebrate, the need for action has not receded. Now in the third year of a global financial crisis, we find once again that women are disproportionately represented among the worst affected. They include women without property rights, without employment or in unstable jobs, who belong to minority ethnic, linguistic or religious groups, and women migrants or women with disabilities.

An anniversary is an occasion to celebrate the progress made, take notice of the work still ahead, and renew our commitment to achieve those goals. This publication responds to all three aims. I therefore welcome it warmly and encourage its use in getting the word out to everyone, everywhere: a life of dignity is not a lofty aim, it is the right of every woman, man and child. The Convention and Committee are here to guide us all in making it a reality for all by breaking the vicious cycle of inequality between the sexes. I wish a Happy Anniversary to the dedicated women and men who serve (and have served in the past) on the Committee - thank you for all you have done. No doubt, with their continued efforts, we shall have even more to celebrate at the next anniversary.

**NAVI PILLAY | High Commissioner for Human Rights**

## PREFACE



As Chair of the Committee on the Elimination of Discrimination against Women, I have the privilege to celebrate the 30th anniversary of the Committee, which started to function in October 1982. Since that time, the Committee, through its dedication and commitment, has made a difference in the lives of women worldwide, although much remains to be done to achieve non-discrimination and gender equality. It has strived to emphasize the specificity of discrimination against women and the need to give high prominence to the promotion and protection of all women's rights. As a result, it has become recognized as the legitimate and internationally respected voice for the human rights of women and girls.

To date, the Committee has reviewed over 450 country reports. Through its constructive dialogues with Governments and its Concluding Observations, it has provided guidance on how to improve the situation of women in the countries concerned.

Further, the CEDAW Committee's general recommendations have helped to clarify and promote understanding of the rights protected by the Convention and the specific nature of discrimination against women. The 28 general recommendations adopted so far by the Committee are undoubtedly a rich resource for legal and policy guidance. The core issues addressed include the conceptualization of violence against women as a form of discrimination against women; the elaboration of the notion of non-discrimination and substantive equality that underpins the Convention; and the concept of intersecting forms of discrimination.

The Committee's jurisprudence under the Optional Protocol is an emerging area of importance. The views of the Committee have been influential in the creation of an international women's human rights jurisprudence.

Thanks to the work of the Committee and other stakeholders, not least the States parties themselves as well as non-governmental organisations, progress has been achieved in many countries. Improvements in laws, policies and programmes have transformed the lives of many women and girls throughout the world.

This publication "30 Years Working for Women's Rights" was produced to mark this occasion and to highlight the work and achievements of the Committee. It is also meant to be a resource tool for States and other stakeholders to assist them in understanding the role of the Committee, its working methods, the Convention and the Optional Protocol as well as general recommendations of the Committee and other activities.

I would like to sincerely thank the Office of the High Commissioner for Human Rights for creating this commemorative publication as well as supporting the 30th Anniversary Event along with the United Nations Entity for Gender Equality and the Empowerment of Women – UN Women.

**SILVIA PIMENTEL | Chairperson of the CEDAW Committee**



Gaza summer camp  
organized by the UN  
Relief and Works Agency  
for Palestine Refugees in  
the Near East (UNRWA).  
30 June 2011  
Gaza, Palestine

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A woman sets up a street storefront to sell household items. She has built her business with the help of microcredit funds.  
14 June 2006  
Valle, Honduras

## Chapter 1

# WHAT IS CEDAW?

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) essentially constitutes the international bill of rights for women. Despite the existence of other international human rights treaties, women still do not have equal rights with men. Additional means of protecting women's human rights were required because the fact of women's "humanity" did not guarantee protection of their rights.

CEDAW was adopted by the United Nations General Assembly on 18 December 1979. It entered into force on 3 September 1981. As of June 2012, 187 countries were parties to the Convention.

In its preamble, the Convention recalls that the elimination of discrimination against women and the promotion of equality between women and men are central principles of the United Nations and constitute binding obligations under the Charter of the United Nations and other instruments. It goes on to state that discrimination against women violates the principles of equality of rights and respect for human dignity, and amounts to an obstacle to women's participation, on equal terms with men, in the political, social, economic and cultural life of their countries.

The Convention identifies many specific areas where there has been notorious discrimination against women, for example in regard to political rights, marriage and the family, and employment. It also spells out specific goals and measures that are to be taken to facilitate the creation of a global society in which women enjoy full equality with men and thus full realization of their guaranteed human rights.

Like all treaties, CEDAW creates legal obligations for countries that have agreed, through ratification or accession, to be bound by the Convention. Such countries are referred to as "States parties".

## CEDAW STATES PARTIES

Afghanistan  
 Albania  
 Algeria  
 Andorra  
 Angola  
 Antigua and Barbuda  
 Argentina  
 Armenia  
 Australia  
 Austria  
 Azerbaijan  
 Bahamas  
 Bahrain  
 Bangladesh  
 Barbados  
 Belarus  
 Belgium  
 Belize  
 Benin  
 Bhutan  
 Bolivia (Plurinational State of)  
 Bosnia and Herzegovina  
 Botswana  
 Brazil  
 Brunei Darussalam  
 Bulgaria  
 Burkina Faso  
 Burundi  
 Cambodia  
 Cameroon  
 Canada  
 Cape Verde  
 Central African Republic  
 Chad  
 Chile  
 China  
 Colombia  
 Comoros  
 Congo  
 Cook Islands  
 Costa Rica  
 Côte d'Ivoire  
 Croatia  
 Cuba  
 Cyprus  
 Czech Republic  
 Democratic People's Republic of Korea  
 Democratic Republic of the Congo  
 Denmark  
 Djibouti  
 Dominica  
 Dominican Republic  
 Ecuador  
 Egypt  
 El Salvador  
 Equatorial Guinea  
 Eritrea  
 Estonia  
 Ethiopia  
 Fiji  
 Finland  
 France  
 Gabon  
 Gambia  
 Georgia  
 Germany  
 Ghana  
 Greece  
 Grenada  
 Guatemala  
 Guinea  
 Guinea-Bissau  
 Guyana  
 Haiti  
 Honduras  
 Hungary  
 Iceland  
 India  
 Indonesia  
 Iraq  
 Ireland  
 Israel  
 Italy  
 Jamaica  
 Japan  
 Jordan  
 Kazakhstan  
 Kenya  
 Kiribati  
 Kuwait  
 Kyrgyzstan  
 Lao People's Democratic Republic  
 Latvia  
 Lebanon  
 Lesotho  
 Liberia

Libya  
 Liechtenstein  
 Lithuania  
 Luxembourg  
 Madagascar  
 Malawi  
 Malaysia  
 Maldives  
 Mali  
 Malta  
 Marshall Islands  
 Mauritania  
 Mauritius  
 Mexico  
 Micronesia (Federated States of)  
 Monaco  
 Mongolia  
 Montenegro  
 Morocco  
 Mozambique  
 Myanmar  
 Namibia  
 Nauru  
 Nepal  
 Netherlands  
 New Zealand  
 Nicaragua  
 Niger  
 Nigeria  
 Norway  
 Oman  
 Pakistan  
 Panama  
 Papua New Guinea  
 Paraguay  
 Peru  
 Philippines  
 Poland  
 Portugal  
 Qatar  
 Republic of Korea  
 Republic of Moldova  
 Romania  
 Russian Federation  
 Rwanda  
 Samoa  
 San Marino  
 Sao Tome and Principe  
 Saudi Arabia  
 Senegal  
 Serbia  
 Seychelles  
 Sierra Leone  
 Singapore  
 Slovakia  
 Slovenia  
 Solomon Islands  
 South Africa  
 Spain  
 Sri Lanka  
 St. Kitts and Nevis  
 St. Lucia  
 St. Vincent and the Grenadines  
 Suriname  
 Swaziland  
 Sweden  
 Switzerland  
 Syrian Arab Republic  
 Tajikistan  
 Thailand  
 The former Yugoslav Republic of Macedonia  
 Timor-Leste  
 Togo  
 Trinidad and Tobago  
 Tunisia  
 Turkey  
 Turkmenistan  
 Tuvalu  
 Uganda  
 Ukraine  
 United Arab Emirates  
 United Kingdom of Great Britain and Northern Ireland  
 United Republic of Tanzania  
 Uruguay  
 Uzbekistan  
 Vanuatu  
 Venezuela (Bolivarian Republic of)  
 Viet Nam  
 Yemen  
 Zambia  
 Zimbabwe

\* As of May 2012. For an updated list, see  
[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-8&chapter=4&lang=en#](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4&lang=en#)

## KEY PROVISIONS

States parties are required by the Convention to eliminate discrimination against women in the exercise and enjoyment of all civil, political, economic, social and cultural rights. Significantly, the obligations of States parties to eliminate discrimination extend beyond public life to incorporate discrimination in private life, and, uniquely, within the family.

The sixteen substantive articles of the Convention identify the specific areas of discrimination that are of particular concern to women and establish the means to eliminate discrimination in these areas.

Article 1 of the Convention defines discrimination against women. It encompasses any distinction, exclusion or restriction on the grounds of sex, which prevents the equal exercise or enjoyment by women, irrespective of marital status, on the same basis as men, of their human rights and fundamental freedoms in all spheres of life.

In Part I of the Convention (articles 1-6), States parties agree to take all appropriate measures to bring about the advancement of women. These take the form of legal, administrative and other measures, which include temporary special measures of affirmative action, modification of social and cultural patterns of conduct and suppression of traffic in women and the exploitation of prostitution of women.

In Part II (articles 7-9), States parties undertake to protect women's rights in political and public life. They agree to grant women the right to vote and be elected on a basis of equality with men, to participate in government as officials and policy makers, to participate in non-governmental organisations and to represent their countries internationally. They also agree to grant women equal nationality rights and equal rights with respect to their children's nationality.

In Part III (articles 10-14), States parties make various commitments to eliminate discrimination in education, employment, health, economic, social and cultural life.

In an important and unique provision, States parties also bind themselves to take into account the particular problems faced by rural women, to eliminate discrimination against them and ensure that they participate in and benefit from rural development on the same basis as men.

In Part IV (articles 15-16), States parties agree to afford women equality with men before the law, in the exercise of legal rights, and in marriage and family law.

Article 24 requires States parties to adopt at the national level all measures necessary for full achievement of the rights recognised in the Convention.

The full text of the Convention is available at:  
<http://www2.ohchr.org/english/law/cedaw.htm>



### **MAKING A DIFFERENCE: EFFECTIVE NATIONAL MEASURES**

#### **Dutch High Court finds political party's actions in violation of CEDAW**

On 9 April 2010, the Dutch High Court issued an important decision for the advancement of the political rights of women in the Netherlands.

The High Court declared that the exclusion of women from the electoral list of a political party – the Orthodox-Reformed Party *Staatkundig Gereformeerde Partij*, SGP – is contrary to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

On this basis, it decided that the Netherlands was obliged to take effective measures to ensure that women can fully participate in political parties, including by ensuring the right of women to put forward their candidature on the electoral lists of political parties.



Youth Year celebration  
spotlights girls  
and young women.  
11 August 2011.  
United Nations, New York

## Chapter 2

# WHAT IS THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN?

**T**he Committee on the Elimination of Discrimination against Women is an international committee of independent experts who have the task, according to article 17 of the Convention, to monitor, by various means, the implementation of the provisions of the Convention by the States parties at the national level.

## WHO ARE THE MEMBERS OF THE COMMITTEE?

The Committee comprises 23 experts who are elected by secret ballot from a list of persons of “high moral standing and competence in the field covered by the Convention” nominated by States parties. The members serve four-year terms. When electing members, States are advised to consider equitable geographical distribution and representation of different forms of civilization and the principal legal systems. The Committee members serve in their personal capacity as independent experts, not as delegates or representatives of their countries.

The Office of the High Commissioner for Human Rights serves as the secretariat of the Committee.



## CURRENT MEMBERS OF THE COMMITTEE

Ms. Ayşe Feride Acar (Turkey), Ms. Nicole Ameline, Vice-Chairperson (France), Ms. Olinda Bareiro-Bobadilla (Paraguay), Ms. Magalys Arocha Domínguez (Cuba), Ms. Violet Tsisiga Awori, Rapporteur (Kenya), Ms. Barbara Evelyn Bailey (Jamaica), Ms. Meriem Belmihoub-Zerdani (Algeria), Mr. Niklas Bruun (Finland), Ms. Naela Mohamed Gabr (Egypt), Ms. Ruth Halperin-Kaddari (Israel), Ms. Yoko Hayashi (Japan), Ms. Ismat Jahan (Bangladesh), Ms. Indira Jaising (India), Ms. Soledad Murillo de la Vega (Spain), Ms. Violeta Neubauer (Slovenia), Ms. Pramila Patten (Mauritius), Ms. Silvia Pimentel, Chairperson (Brazil), Ms. Maria Elena Lopes de Jesus Pires (Timor Leste), Ms. Victoria Popescu, Vice-Chairperson (Romania), Ms. Zohra Rasekh, Vice-Chairperson (Afghanistan), Ms. Patricia Schulz (Switzerland), Ms. Dubravka Šimonović (Croatia) and Ms. Zou Xiaojiao (China). More detailed information is available at: <http://www2.ohchr.org/english/bodies/cedaw/membership.htm>



United Nations Secretary-General Ban Ki-moon with members of the Committee on the Elimination of Discrimination against Women in July 2011. On the left from the Secretary-General is the Chairperson of the Committee, Silvia Pimentel and on the extreme right, seated, is Assistant Secretary-General for Human Rights, Ivan Šimonović. UN Photo / Eskinder Debebe

## WHAT DOES THE COMMITTEE DO?

The primary mandate of the Committee is to monitor the implementation of the provisions of CEDAW. It does so by examining reports submitted periodically by States parties (Art. 18). Based on the consideration of these reports, it makes suggestions and recommendations referred to as Concluding Observations to each State party

reviewed. Information about the Committee's sessions can be found at: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>

Moreover, the Committee provides guidance to States parties on how to fulfil their obligations under the Convention through elaborating general commendations. It also addresses contemporary women's rights issues through such recommendations. The general recommendations are available at: <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

The Optional Protocol to CEDAW mandates the Committee to perform additional monitoring functions:

- The Committee may consider complaints or communications brought against State parties by individuals or groups who believe their rights under the Convention have been violated (Art. 2);
- The Committee may conduct an inquiry if it has received reliable information containing well-founded indications of serious, grave or systematic violations of the conventions in a State party (Art. 8).

As of May 2012, 104 States were parties to the Optional Protocol to the Convention. The text of the Optional Protocol is available at: <http://www2.ohchr.org/english/law/cedaw-one.htm>

## WHEN DOES THE COMMITTEE MEET?

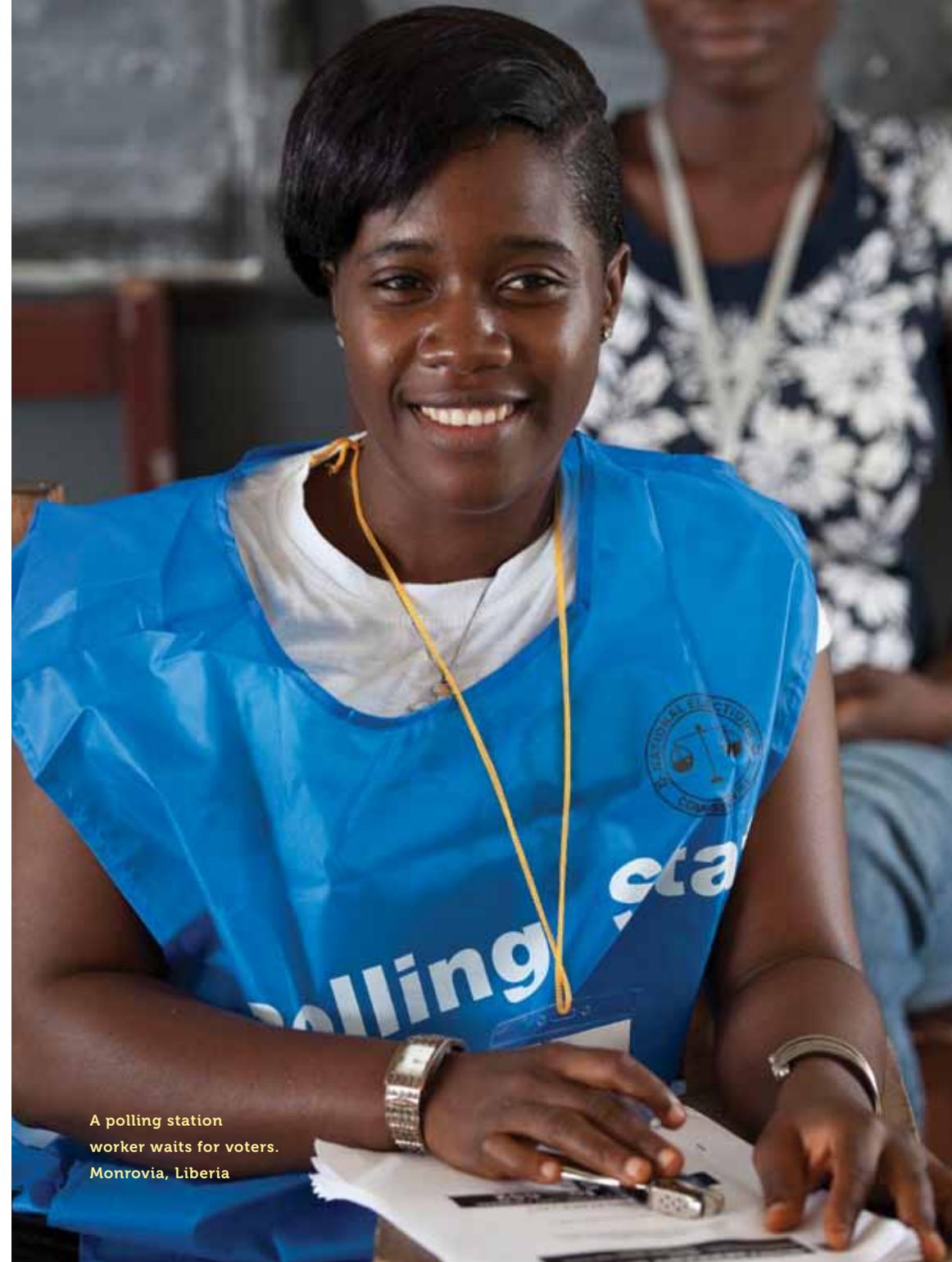
The Committee meets three times per year in plenary sessions of three weeks duration each. Its Pre-Sessional Working Group meets immediately following the plenary sessions for an additional week to prepare for future sessions, for a total of three weeks each year.

For information on the sessions of the Committee consult: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>

# 4

## LIST OF THE 28 GENERAL RECOMMENDATIONS

- 1 5th Session, 1986 | Reporting guidelines
- 2 6th Session, 1987 | Reporting guidelines
- 3 6th Session, 1987 | Education and public information programmes
- 4 6th Session, 1987 | Reservations
- 5 7th Session, 1988 | Temporary special measures
- 6 7th Session, 1988 | Effective national machinery and publicity
- 7 7th Session, 1988 | Resources
- 8 7th Session, 1988 | Article 8
- 9 8th Session, 1989 | Statistical data
- 10 8th Session, 1989 | Tenth anniversary of the adoption of CEDAW
- 11 8th Session, 1989 | Technical advisory services for reporting
- 12 8th Session, 1989 | Violence against women
- 13 8th Session, 1989 | Equal remuneration for work of equal value
- 14 9th Session, 1990 | Female circumcision
- 15 9th Session, 1990 | Women and AIDS
- 16 10th Session, 1991 | Unpaid women workers in rural and urban family enterprises
- 17 10th Session, 1991 | Measurement and quantification of the unremunerated domestic activities of women and their recognition in the GNP
- 18 10th Session, 1991 | Disabled women
- 19 11th Session, 1992 | Violence against women
- 20 11th Session, 1992 | Reservations
- 21 13th Session, 1994 | Equality in marriage and family relations
- 22 14th Session, 1995 | Article 20 of the Convention
- 23 16th Session, 1997 | Women in political and public life
- 24 20th Session, 1999 | Article 12 | Women and health
- 25 30th Session, 2004 | Article 4 paragraph 1 | Temporary special measures
- 26 42th Session, 2008 | Women migrant workers
- 27 47th Session, 2010 | Older women and protection of their human rights
- 28 47th Session, 2010 | The core obligations of States parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women



A polling station worker waits for voters.  
Monrovia, Liberia



A member of a Samoan all-women police contingent speaks to the media upon arrival in Timor-Leste. 16 July 2010

### Chapter 3

# MONITORING MECHANISMS OF THE COMMITTEE

## 1. Reporting Procedure

Under article 18 of the Convention, States parties undertake to submit reports on the implementation of the Convention. The process of implementation of the rights established in the Convention requires continuous efforts on the part of States. After the submission of an initial report, States are required to submit periodic reports to the Committee, usually every four years.

Reports should indicate the legislative, judicial, administrative or other measures that they have adopted to give effect to the provisions of the Convention; describe progress made; and identify factors and difficulties affecting the extent to which the Convention's obligations have been met.

### THE PURPOSE OF REPORTING

The reporting obligation under the Convention assists States parties in the full implementation of the Convention at the national level and allows the Committee to assess the extent to which Convention obligations have been met.

States are encouraged to see the process of preparing their reports as an opportunity to:

- Conduct a comprehensive review with respect to national legislation, administrative rules and procedures, and practices in an effort to ensure the fullest possible conformity with the Convention.

- Monitor the actual situation with respect to each of the rights on a regular basis, so as to be aware of the extent to which the various rights are, or are not, being enjoyed by all women within their territories or under their jurisdiction;
- Enable Governments to demonstrate that principled policy-making has in fact been undertaken and includes the establishment of the provisions and priorities of the Convention;
- Facilitate public scrutiny of government policies with respect to achieving equality between men and women and to encourage the involvement of civil society in the formulation, implementation and review of the relevant policies;
- Provide a basis on which the State party itself, as well as the Committee, can effectively evaluate the extent to which progress has been made towards the realization of the obligations contained in the Convention;
- Enable the State party itself to develop a better understanding of the problems and shortcomings encountered in efforts to realize progressively the full range of rights enshrined in the Convention;
- Enable the Committee, and the States parties as a whole, to facilitate the exchange of information among States and to develop a better understanding of the common problems faced by States and a fuller appreciation of the type of measures which may be taken to promote effective realization of each of the rights contained in the Convention.

Additionally, the reporting procedure should encourage and facilitate, at the national level, popular participation, public scrutiny of government policies and programmes, and constructive engagement with civil society conducted in a spirit of cooperation and mutual respect, with the aim of advancing towards the elimination of discrimination against women.

## PREPARATION OF REPORTS

Reports of States parties on the implementation of the Convention constitute two parts: a common core document and a document that specifically relates to the implementation of the Convention.

The **Common Core Document** should contain information of a general and factual nature which is relevant to several or all of the core international human rights treaties.<sup>1</sup>

The **initial report** is the State party's first opportunity to present to the Committee a comprehensive overview of the extent to which its laws and practices comply with the Convention.

The report should deal specifically with every article of the Convention and should not be confined to mere lists of legal norms, but should explain and exemplify the factual situation and practical availability, effect and implementation of remedies for violations of the provisions of the Convention.

Subsequent **periodic reports** should focus on the period since the consideration of the previous report. They should be structured following the clusters of the Convention, i.e., Part I, II, III and IV.

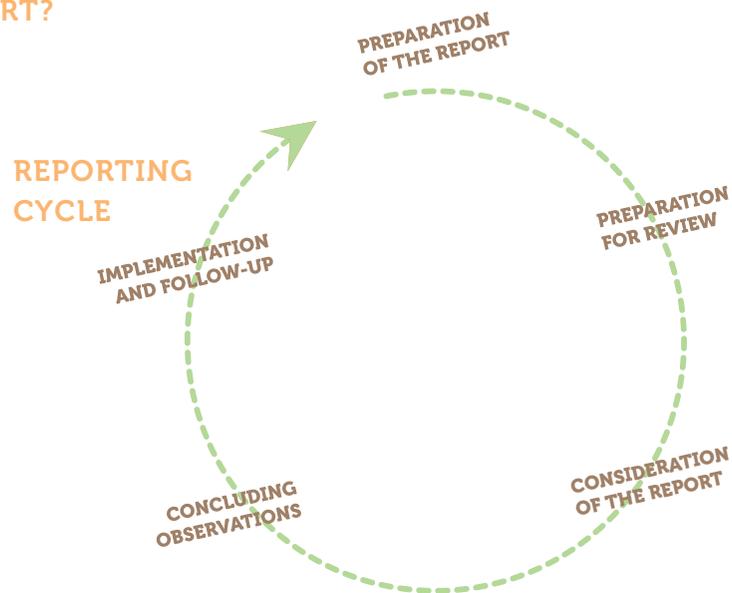
An important component expected in periodic reports is information on the steps taken by the State party to implement the recommendations issued by the Committee in its concluding observations relating to the previous report. Periodic reports should also reflect any new developments that may be relevant to the Convention, but they need not cover all articles comprehensively.

Reports should be as concise as possible, with initial reports not to exceed 60 pages, and periodic reports not to exceed 40 pages.

The Committee's reporting guidelines are available at:  
<http://www2.ohchr.org/english/bodies/cedaw/index.htm>

1. [The International Convention on the Elimination of All Forms of Racial Discrimination](#); [the International Covenant on Civil and Political Rights](#); [the International Covenant on Economic, Social and Cultural Rights](#); [the Convention on the Elimination of All Forms of Discrimination against Women](#); [the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#); [the Convention on the Rights of the Child](#); [the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#); [the Convention on the Rights of Persons with Disabilities](#); [the International Convention for the Protection of all Persons from Enforced Disappearance](#).

## HOW DOES THE COMMITTEE EXAMINE A STATE PARTY REPORT?



The reporting cycle of a State party to the Convention begins when it prepares and submits its report to the Secretary-General of the United Nations. This report is then processed by the Secretariat of the Committee, translated into all the working languages of the Committee and scheduled for consideration by the Committee.

The Committee's Pre-Sessional Working Group embarks on the preparation for the review of a report two sessions (6-8 months) in advance of its actual consideration. At that time, the working group adopts a list of issues and questions based on the report and other sources available to experts in which additional information and clarifications are requested. This list is then sent to the reporting State. Written replies to the list of issues and questions are requested by the Committee in advance of the actual consideration of the report of the State party.

Finally, the Committee considers the report in plenary at one of its sessions. A constructive dialogue is then held between representatives of the State party and the Committee members. The aim of the constructive dialogue is to have an exchange of



## MAKING A DIFFERENCE: CONCLUDING OBSERVATIONS

### Japan adopts measures to accelerate equality

In its concluding observations to the sixth periodic report of Japan (2009), the Committee requested Japan to provide, within two years, further information with respect to the implementation of its recommendations on the adoption of temporary special measures with the aim to accelerate *de facto* equality between men and women.

Japan submitted its follow-up report to the Committee in August 2011. After examining the information submitted, at its 50th session in 2011, the Committee considered that its recommendation had been implemented by Japan with the adoption of the Third Basic Plan (December 2010), which set detailed targets and a timeframe to accelerate *de facto* equality of men and women in the work place in public and political life. Japan will be expected to report on the extent to which its targets were met in its next periodic report to the Committee, which is due in July 2014.

For detailed information please refer to CEDAW/C/JPN/CO/6/Add.1 available at: <http://www2.ohchr.org/english/bodies/cedaw/followup.htm>

information, experiences, ideas and suggestions in a joint effort to better implement the Convention in the reporting State.

The examination of the report culminates with the adoption of **concluding observations** which represent the collective view of the Committee on the situation of women and compliance with the Convention in the reporting State. They provide detailed guidance on principal areas of concern and steps to be taken by the State party to accelerate implementation of the Convention and enhance compliance. They are forwarded to the State party and made public. They are an important resource for Governments in shaping future national policy and a useful tool for non-governmental organisations in their role as watchdog.

## FOLLOW-UP TO CONCLUDING OBSERVATIONS

Since 2009, the Committee has been implementing a follow-up procedure to its concluding observations. According to the procedure adopted, the Committee identifies up to two priority issues on which it requests the State party to report back. The timeframe to report back is usually within two years or, exceptionally, within one year after the adoption of the concluding observations. This procedure is based upon article 18 of the Convention which provides that States parties undertake to submit reports “whenever the Committee so requests” in addition to the initial and periodic reports mentioned therein.

## INFORMATION AVAILABLE TO THE COMMITTEE IN THE CONSIDERATION OF REPORTS

The Committee’s consideration of country reports is based on information provided by States parties in their reports and written responses, as well as the knowledge of individual Committee members. It also uses information from other human rights mechanisms, such as the special procedures of the Human Rights Council and other treaty bodies.

The Committee and its Pre-Sessional Working Group welcome representatives of non-governmental organisations (NGOs) and national human rights institutions (NHRIs) to provide country-specific information on issues relevant to the implementation of the Convention by the States parties under consideration. Such information may be submitted in writing prior to the relevant session or working group. In addition, the Committee sets aside time at each of its sessions, usually at the beginning of the first and second weeks of the session, to enable representatives of NGOs and NHRIs to provide information orally. Representatives of NGOs and NHRIs may also provide information orally to the Pre-Sessional Working Group. The Committee also participates in lunchtime briefings organized by national NGOs.

Further information, regularly updated, can be accessed at the website of the Committee: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>

## 2. Communications Procedure

The complaints mechanism for the Convention is provided for in the Optional Protocol to the Convention, which was adopted on 6 October 1999. This is a separate treaty open to States parties to the Convention.

States that are a party to the Optional Protocol recognize the competence of the Committee to receive complaints from persons within their jurisdiction alleging violations of their rights under the Convention and to provide views and recommendations thereon.

The Optional Protocol creates mechanisms to ensure the implementation of the Convention by providing an opportunity for specific redress in individual cases when a State violates women’s rights and allows the Committee to highlight the need for more effective remedies at the national level.

### WHO CAN SUBMIT A COMPLAINT?

Complaints may be submitted by or on behalf of individuals or groups of individuals. If a complaint is submitted on behalf of one or more persons, proof of their consent must be shown or it should be justified why the complaint is being submitted on their behalf without their consent. There is no time limit as such for the submission of communications but it is best to file complaints expeditiously, following exhaustion of domestic remedies.

### CRITERIA FOR SUBMITTING A COMPLAINT

The complaint must be in writing in any of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish).



## **MAKING A DIFFERENCE: INDIVIDUAL COMPLAINTS**

### **Victim of forced sterilisation compensated, law changed**

*A.S. v. Hungary, Communication no. 4/2004, Views adopted on 14 August 2006 at the 44th session of Committee on the Elimination of Discrimination against Women*

The author, a Roma Hungarian woman, submitted a complaint to the Committee on the Elimination of Discrimination against Women, claiming that she was a victim of forced sterilization.

On 14 August 2006, the Committee found violations of the author's rights under articles 10 (h), 12 and 16, paragraph 1 (e), of the Convention, namely the State's obligations to provide information and advice on family planning, and to ensure that full informed consent was received for sterilization and permanent deprivation of the reproductive cycle.

As a remedy, the Committee requested, inter alia, compensation, and amendments to legislation. The State party subsequently made the required legislative amendments and provided psychological support to the author. On 20 July 2009, the State party informed the Committee that it had paid compensation of 5,400,00 HUF (approx. 28,000 USD) to the complainant, based on the Committee's recommendation. The author herself had made a claim for compensation of 12,000 Euros (approx. 14,900 USD) in the domestic proceedings.

The communication must not be anonymous (individuals may however request that identifying information is concealed in the Committee's final decision).

The complaint must concern a State party to the Convention and the Optional Protocol.

The individual must claim to be a victim of a violation of a right enshrined in the Convention.

The individual complaint should provide the Committee with the relevant facts, including any supporting documentation, and indicate what provisions of the Convention they claim to have been violated by the State party.

The complaint must contain information about steps taken to exhaust domestic remedies at the national level. This means that the case must have been brought to the national court system's last instance or otherwise evidence why national remedies are ineffective, unavailable or unreasonably prolonged needs to be provided.

The individual complaint should indicate whether this matter is or has been before any other procedure of international investigation or settlement.

## **INTERIM MEASURES**

Under article 5 of the Optional Protocol and according to rule 63 of the Committee's rules of procedure, the Committee may request to a State party to implement interim measures as may be necessary to avoid possible irreparable harm to the victim or victims of the alleged violation. Interim measures do not prejudge the admissibility or merits of the claim.

## **WHAT HAPPENS NEXT?**

If the Committee decides to register a case, it will transmit the author's communication to the State party which has six months to respond on both its admissibility and merits (two months if the State party challenges admissibility only).

The State party's response will then be transmitted to the author, who will be given an opportunity to comment, within a time frame fixed by the Committee.

The Committee may request the State party or the author to submit additional written explanations or statements relevant to the issues of admissibility or merits and, if it does so, will give the other party an opportunity to comment within a fixed time frame.

If the Committee decides that the communication is admissible, it will move on to analyse the merits and issue its “views” and recommendations. The State is then required to submit a written response indicating any action taken on the recommendations by the Committee, within a given period of time.

For further information, including on the model communication form for submitting individual complaints, please see the Information note on the submission of individual complaints under the CEDAW Optional Protocol, and its annexes, available at <http://www2.ohchr.org/english/bodies/cedaw/index.htm>

## THE JURISPRUDENCE OF THE COMMITTEE

The Committee’s jurisprudence under the Optional Protocol is an emerging area of importance. Even though the number of cases decided has been modest, 23 cases as of March 2012, the views of the Committee have been influential in the creation of an international women’s human rights jurisprudence. The jurisprudence of the Committee is available at: <http://www2.ohchr.org/english/law/jurisprudence.htm>

## 3. Inquiry Procedure

Under the Optional Protocol to the Convention, if the Committee receives reliable information indicating grave or systematic violations of the rights in the Convention in the State party, it may conduct an inquiry pursuant to article 8 of the Optional Protocol. This procedure is confidential and the cooperation of the State party concerned is sought throughout the process.

## WHICH STATES MAY BE SUBJECT TO INQUIRIES?

Inquiries may only be undertaken with respect to States parties that have recognized the competence of the Committee in this regard. States parties to the Optional Protocol to the Convention may ‘opt-out’ of the inquiry procedure by making a declaration under article 10 when accepting the Optional Protocol.

## HOW DOES THE COMMITTEE CONDUCT AN INQUIRY?

The Optional Protocol sets out the following basic procedure (articles 8 to 10):

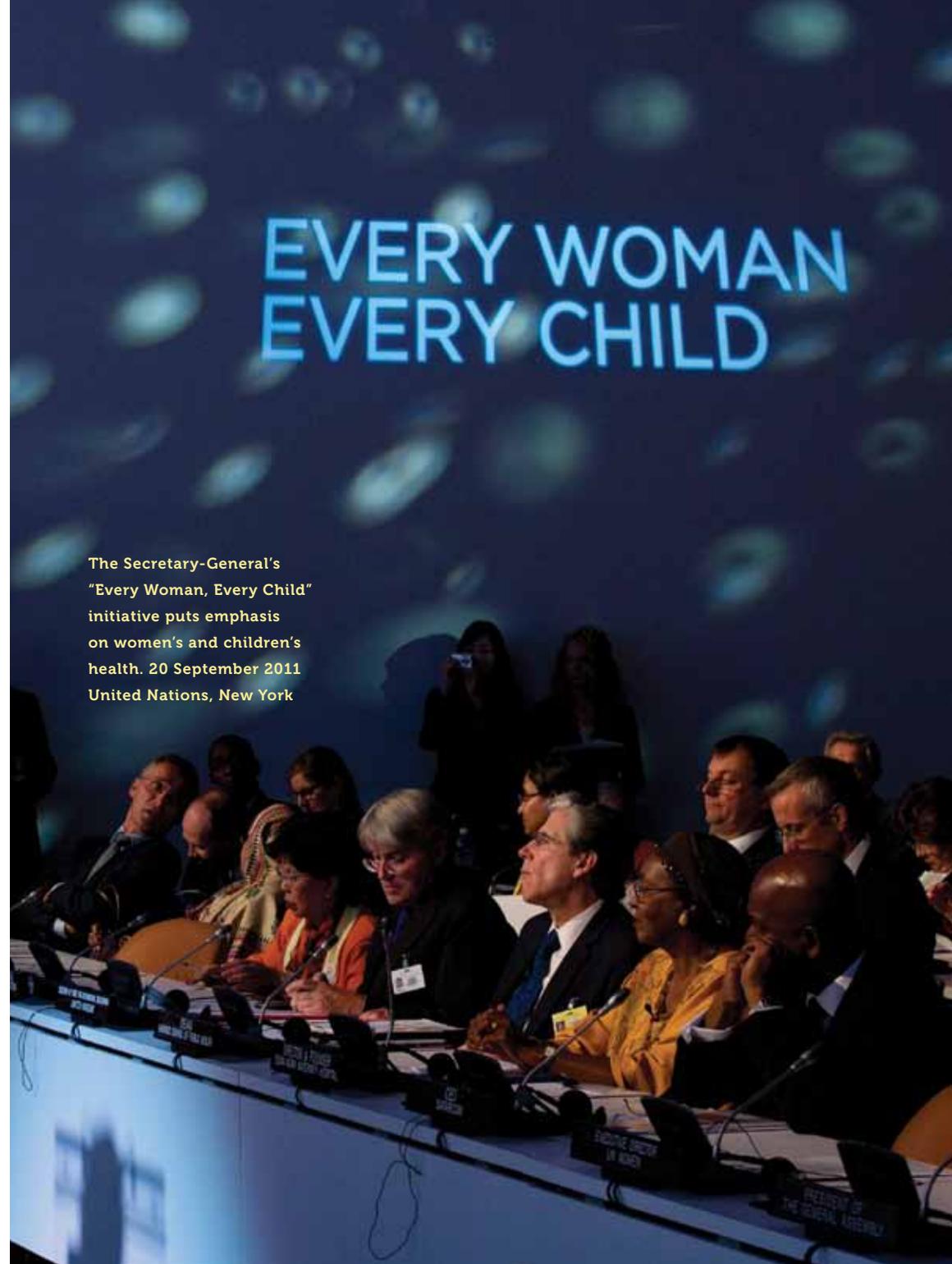
- a) The procedure may be initiated if the Committee receives reliable information indicating that the rights contained in the Convention are being systematically violated by the State party. The information should indicate grave or systematic violations of the rights set forth in the Convention by a State party.
- b) The first step requires the Committee to invite the State party to co-operate in the examination of the information by submitting observations.
- c) The Committee may, on the basis of the State party’s observations and other relevant information available to it, decide to designate one or more of its members to undertake a confidential inquiry and report to the Committee urgently. Furthermore, the procedure specifically authorizes a visit to the territory of the State concerned, where warranted and with the State’s consent.
- d) The findings of the member(s) are then examined by the Committee and transmitted to the State party together with any appropriate comments or recommendations.
- e) The State party has six months to respond with its own observations on the Committee’s findings, comments and recommendations and, where invited by the Committee, to inform it of the measures taken in response to the inquiry.
- f) The Committee may decide, in consultation with the State party, to include a summary account of the results of the proceedings in its annual report.

## INQUIRIES CONDUCTED BY THE COMMITTEE

The Committee has so far conducted one inquiry. It concerned gender-based violence in the Juarez region of Mexico. The report on the Mexico inquiry produced by the Committee under article 8 of the Optional Protocol to the Convention, and reply from the Government of Mexico (CEDAW/C/2005/OP.8/Mexico) are available at: [http://www2.ohchr.org/english/bodies/cedaw/inquiry\\_procedure.htm](http://www2.ohchr.org/english/bodies/cedaw/inquiry_procedure.htm)

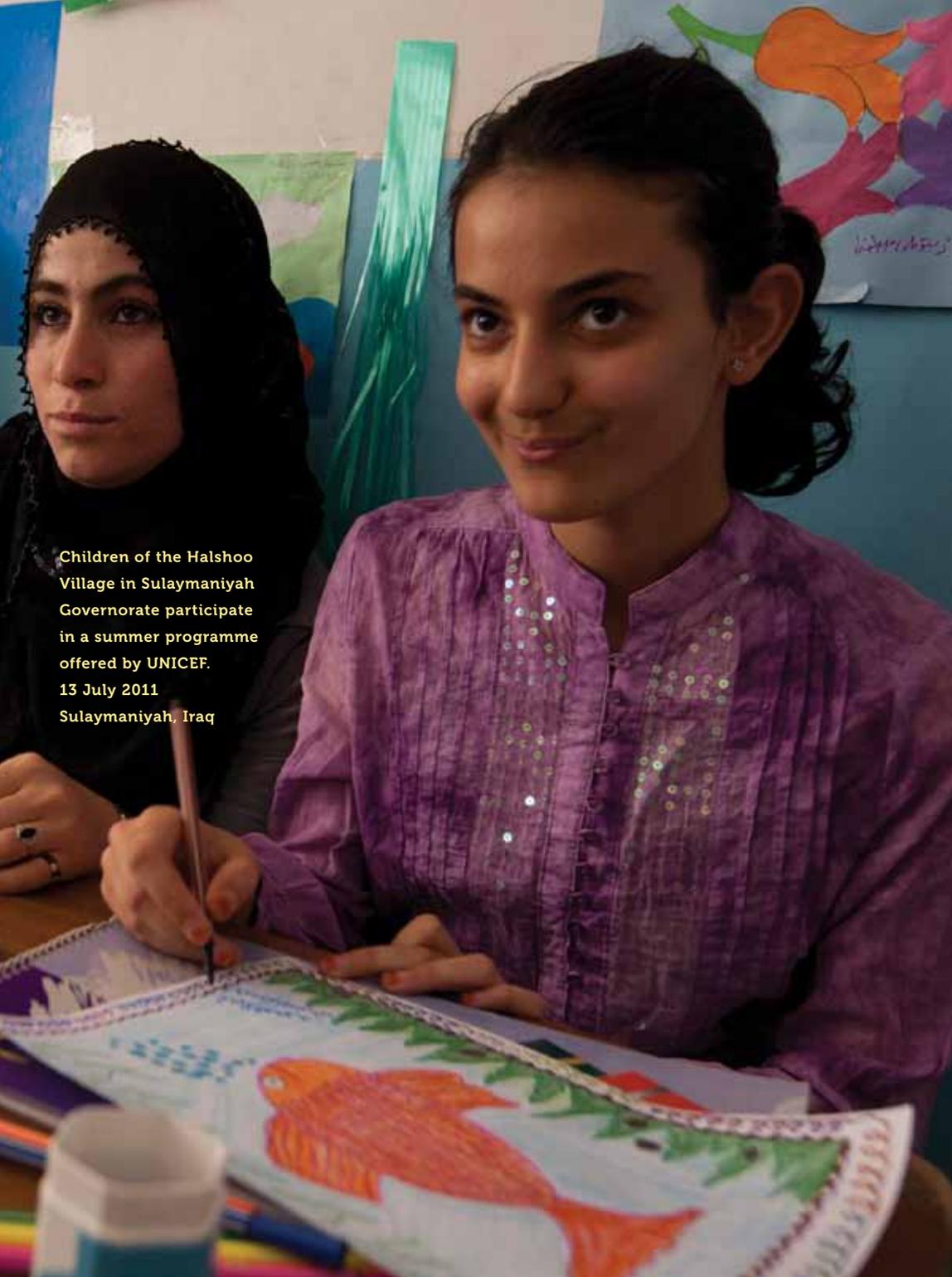
In 2007, Mexico embarked upon a major transformation of its response to violence against women, with the enactment of the Mexican General Law on Women's Access to a Life Free of Violence.

Since 2011, several requests for inquiries have been brought to the attention of the Committee.



# EVERY WOMAN EVERY CHILD

The Secretary-General's  
"Every Woman, Every Child"  
initiative puts emphasis  
on women's and children's  
health. 20 September 2011  
United Nations, New York



Children of the Halshoo Village in Sulaymaniyah Governorate participate in a summer programme offered by UNICEF. 13 July 2011 Sulaymaniyah, Iraq

## Chapter 4

# GENERAL RECOMMENDATIONS

The Committee is empowered by the Convention to make suggestions and general recommendations based on the examination of reports and information received from States parties (article 21). General recommendations are directed at all States parties, rather than an individual State party as is the case with Concluding Observations.

### WHAT ARE GENERAL RECOMMENDATIONS ABOUT?

The Committee elaborates general recommendations on specific articles, themes or issues under the Convention. Most of them outline matters which the Committee wishes to see addressed in the reports of States parties and seek to provide detailed guidance to States parties on the implementation of their obligations under the Convention.



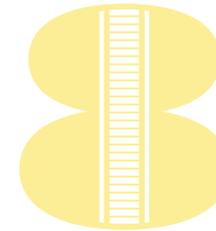
## MAKING A DIFFERENCE: GENERAL RECOMMENDATIONS

### Violence against women

The Convention does not contain an explicit provision addressing violence against women. However, the work of the Committee has significantly contributed to the recognition of violence against women as a human rights issue. It was the Committee's General Recommendation No. 19 which brought into international human rights law the issue of violence against women.

The landmark general recommendation clearly defines gender-based violence against women as discrimination within the meaning of article 1 of the Convention and therefore sets out the obligations of States parties to eliminate it. According to General Recommendation No. 19, violence against women can be perpetrated by a state official or a private citizen, in public or in private life and that such violence impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. It requires States parties to CEDAW to prevent, investigate, and punish acts of violence against women by State officials or private individuals and to provide reparation for the victims.

The definition of violence against women as a form of sex discrimination has influenced other international efforts to eradicate this form of violence, for example, the Declaration on the Elimination of Violence against Women adopted by the General Assembly in December 1993 which sets out the measures that States and international agencies should take to ensure the elimination of all forms of violence against women, whether in the public or private sphere; the Secretary-General's in-depth study on violence against women, published in 2006 (A/61/122/Add.1); and the resolution of the General Assembly that gives further guidance on steps to be taken by different stakeholders (A/RES/61/143 of December 2006).



## MAKING A DIFFERENCE: IMPLEMENTATION OF GENERAL RECOMMENDATION ON VIOLENCE AGAINST WOMEN

### Bangladesh's High Court refers to General Recommendation No. 19 to prohibit sexual harassment

The High Court of Bangladesh issued a milestone decision in 2009 in a case brought by the Bangladesh National Women Lawyers Association, in which it requested the High Court to step in and take action as there was no national law against sexual harassment. To address this legal vacuum, the Court found that CEDAW and the Constitution's guarantees should be read together and took guidance, in particular, from the Committee's General Recommendation No. 19 on violence against women. Based on these principles, the Court issued sexual harassment guidelines to serve as law until legislation was enacted.

## WHAT THEMES WILL BE COVERED IN FUTURE GENERAL RECOMMENDATIONS?

The Committee has so far adopted 28 general recommendations (see Figure 4). All of them are available on the Committee's website:

<http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

Currently, the Committee is working on two general recommendations, one on the dissolution of marriage and its economic consequences and the other on the human rights of women in conflict and post-conflict situations (additional information is available at: <http://www2.ohchr.org/english/bodies/cedaw/discussion2011.htm>)

The Committee is also currently working on a joint general recommendation/comment on harmful practices with the Committee on the Rights of the Child. It will be the first general recommendation developed jointly by the treaty bodies (additional information is available at: <http://www2.ohchr.org/english/bodies/cedaw/JointCEDAW-CRC-GeneralRecommendation.htm>)

The Committee has also decided to elaborate three other general recommendations: on access to justice, on gender equality in the context of asylum, statelessness and natural disasters and on rural women.



A pregnant woman in Timor-Leste looks out her window.  
10 February 2010  
Timor-Leste

## CONTACT INFORMATION

### CEDAW SECRETARIAT

Office of the High Commissioner for Human Rights (OHCHR)

Palais Wilson 52, rue des Paquis

CH-1201 Geneva, Switzerland

Email : [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

Website: <http://www2.ohchr.org/english/bodies/cedaw>

### OTHER RELEVANT WEBSITES

[www.ohchr.org](http://www.ohchr.org)

[www.unwomen.org](http://www.unwomen.org)



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Polling staff with the National Elections Commission tape a sign outside their station on the first day of the country's general elections. April 2010, Khartoum, Sudan

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