



Convention on the Elimination of All Forms of Discrimination against Women

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Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women

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Note by the Secretariat

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* CEDAW/C/2008/III/1.



I. Introduction

1. The present report contains information relevant to the work of the Committee on the Elimination of Discrimination against Women. Section II contains information on developments in the human rights regime, including the inter-committee meeting of human rights treaty bodies and meeting of persons chairing human rights treaty bodies. Section III provides information on reports to be considered by the Committee at future sessions and on reports that have been received but have not been scheduled for consideration. Section IV contains information on the approaches of human rights treaty bodies to the consideration of States parties in the absence of a report. A list of States that have not ratified or acceded to the Convention is contained in annex I to the present report. Annex II contains a list of States parties whose reports have been submitted but not yet considered or scheduled for consideration by the Committee, as of 15 September 2008.

II. Developments in the human rights regime

A. Human rights treaty bodies

2. On 31 October and 3 November 2008, the first session of the Conference of States parties to the Convention on the Rights of Persons with Disabilities will be convened. As at 15 September 2008, 37 States were party to the Convention, of which 22 were party to the Optional Protocol. The Conference of States parties will, inter alia, elect the first 12 members to the Committee on the Rights of Persons with Disabilities. Members are elected for a term of four years and are eligible for re-election once. The Convention mandates the Committee to consider the reports of States parties that are to be submitted within two years of the entry into force of the Convention for the State party concerned, and every four years thereafter and further whenever the Committee requests. The Optional Protocol provides the Committee with competence to consider communications from or on behalf of individuals or groups of individuals who claim to be victims of a violation by a State party to the Convention and the Protocol of the provisions of the Convention in cases where such communications meet the admissibility criteria set out in the Protocol. The Optional Protocol also provides for an inquiry procedure, which States parties to the Protocol may opt out of at the time of signature, ratification or accession. Among the principles set out in article 3 of the Convention are non-discrimination and equality between men and women, while article 6 specifically concerns women and disabilities.

3. The human rights treaty bodies have continued to harmonize and simplify their working methods. At its ninety-third session, held from 7 to 25 July 2008, the Human Rights Committee continued to discuss a paper prepared by one of its members on the revision of guidelines for States parties reports under the International Covenant on Civil and Political Rights, confirming its decision to redraft its current guidelines in order to ensure, inter alia, their compatibility with the guidelines of the common core document. The Committee also continued discussion of a draft general comment on States obligations under the Optional Protocol to the Covenant. At its seventy-third session, held from 28 July to 15 August 2008, the Committee on the Elimination of Racial Discrimination

convened a thematic discussion, with the participation of States parties, United Nations entities and non-governmental organizations, on the subject of special measures within articles 1 (4) and 2 (2) of the Convention which relate to special measures that States parties may take to promote disadvantaged racial or ethnic groups within their territories. The Committee was also briefed by Hanna Beate Schöpp-Schilling on the experience of the Committee on the Elimination of Discrimination against Women in promoting temporary special measures within article 4, paragraph 1, and general recommendation 25. The Committee agreed to elaborate a general recommendation on the subject. Both the Human Rights Committee and the Committee on the Elimination of Racial Discrimination discussed ways and means of addressing their increasing workload, with the former requesting a paper on various options, including their financial implications, including the possibility of meeting in two chambers, and the latter deciding to request the General Assembly to approve one additional week of meeting time per session as of 2010. Both also discussed cooperation with the Human Rights Council, in particular with respect to the universal periodic review process.

B. Seventh inter-committee meeting of human rights treaty bodies and twentieth meeting of chairpersons of human rights treaty bodies

4. The seventh inter-committee meeting of human rights treaty bodies and the twentieth meeting of chairpersons of human rights treaty bodies were held from 23 to 25 and 26 to 27 June 2008, respectively. Both meetings focused on improvement and harmonization of working methods of the human rights treaty bodies, with the former meeting with representatives of United Nations system entities and non-governmental organizations. The inter-committee meeting was also briefed on the universal periodic review mechanism of the Human Rights Council, discussed progress in the development of indicators for monitoring compliance with human rights instruments, and engaged in a dialogue on the Sub-Committee on the Prevention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The meeting was also briefed on the report of the Special Representative of the Secretary-General on human rights and transnational corporations and other business, and on the activities of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in follow-up to the United Nations study on violence against children (A/61/299).

5. The inter-committee meeting considered a non-paper on possible areas of harmonization of the work of the human rights treaty bodies, which had been prepared by the secretariat, and an updated chart of working methods, which had been requested by the inter-committee working group on harmonization in April 2007. The meeting adopted 24 points of agreement to be transmitted to the meeting of chairpersons, including recommending that the inter-committee meeting should meet twice annually, with one of the meetings being dedicated exclusively to the improvement and harmonization of working methods of the human rights treaty bodies. The inter-committee meeting decided that the agenda of its eighth meeting would focus on: the revised treaty-specific guidelines; follow-up to concluding observations; consideration of a State party in the absence of a report; and the universal periodic review mechanism of the Human Rights Council. The meeting made a number of recommendations relating to the revised harmonized guidelines

and follow-up to concluding observations, recommending that a working group on harmonization and/or identification of best practices in respect of follow-up be established either intersessionally or during its eighth inter-committee meeting. It also agreed that non-reporting States should be reminded of their overdue reporting obligations and should be encouraged to report, including through lists of issues, and, as a last resort, treaty bodies should consider reviewing the implementation of treaties in the absence of a report and adopt concluding observations in that respect. The inter-committee meeting noted the usefulness of exploring the possibility of issuing joint general comments, which should refer only to common thematic issues and not treaty provisions, and agreed that the treaty bodies should discuss best practices in relation to the form and structure of lists of issues and questions, especially to make them more focused. Recommendations relating to the need for broader NGO representation and continued engagement with national human rights institutions that conform to the Paris Principles and with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights were also made, while OHCHR was called upon to explore means of facilitating the broadest access to treaty body sessions, including through webcasting and other modern technologies. The meeting made a number of recommendations relating to the universal periodic review mechanism, including requesting that the compilation prepared by OHCHR, as well as the outcome documents of the review, be made available to treaty bodies. The practice of treaty bodies designating observers to follow the universal periodic review was commended, and it was recommended that this be extended to all treaty bodies. It was also recommended that treaty bodies should consider referring to the pledges and commitments made by States parties in the course of the universal periodic review in their dialogue with States parties.

6. The meeting encouraged the secretariat to take forward its work on indicators and to brief treaty bodies on progress in this context, highlighted the important role played by all human rights treaty bodies in promoting the implementation of the recommendations of the United Nations study on violence against children and in addressing violence-related issues through their work, and acknowledged the need for a thorough exchange among the treaty bodies on the different approaches to violence against children and for more focused attention on prevention of violence. It also recommended that treaty bodies encourage NGOs and national human rights institutions to provide them with information on human rights violations perpetrated by transnational corporations and other business enterprises.

7. The twentieth meeting of the chairpersons of human rights treaty bodies met with the newly appointed President of the Human Rights Council, as well as his predecessor, the first President, and convened their tenth meeting with special procedures mandate holders. They also held an informal consultation with States parties in which 72 States participated, and met with the Conference Services Division of the United Nations Office at Geneva. In addition to endorsing the points of agreement of the seventh inter-committee meeting, the chairpersons adopted recommendations on their relationship with special procedures mandate holders, encouraging the secretariat to foster interaction among the treaty bodies and those mechanisms, including by facilitating, as appropriate, interaction during sessions. This was considered crucial in cases where there was a special procedure with a country mandate and a committee was considering implementation of a human rights treaty in that country in the absence of a report. It was recommended that a

full-day meeting be allocated for the informal consultation with States parties, and that all possible efforts be made to prioritize documents to ensure their timely translation. The secretariat was called on to remind States parties of page limits and deadlines with respect to reports, and augmentation of human and financial resources to allow for timely processing of documentation was recommended. As to the Human Rights Council, the meeting underlined the complementary and mutually enforcing nature of the treaty body system and the universal periodic review mechanism and emphasized the importance of a continuing dialogue on this matter. It recognized the need for developing effective cooperation between the treaty bodies and the Human Rights Council and strengthening institutional links between the systems. It encouraged the Human Rights Council to extend invitations to the treaty bodies to participate in its sessions, especially during thematic discussions, and, as in the case of the inter-committee meeting, highlighted the useful practice of the designation by certain treaty bodies of observers to follow the universal periodic review and suggested that this be extended to all treaty bodies.

C. Human Rights Council

1. Resolution 6/30 on integrating the human rights of women throughout the United Nations system

8. Pursuant to its resolution 6/30 on integrating the human rights of women throughout the United Nations system, in which the Council decided to incorporate into its programme of work an annual discussion on the same topic to evaluate progress made and challenges experienced, as well as another annual full-day meeting to discuss the human rights of women and address human rights violations experienced by women, the eighth session of the Human Rights Council convened on 5 June 2008 two expert panels on violence against women and girls, and maternal mortality. The Council's annual discussion on the integration of a gender perspective in its work took place during its ninth session, on 12 September 2008.

2. Seventh special session of the Human Rights Council on the negative impact on the realization of the right to food of the worsening of the world crisis, caused inter alia by soaring food prices

9. The seventh special session of the Human Rights Council convened on 22 May, adopted resolution S-7/1 on the negative impact of the worsening of the world food crisis on the realization of the right to food for all (A/HRC/S-7/2) which, inter alia, requests the Special Rapporteur on the right to food to present a report to the Council at its ninth session on the negative impact of the global food crisis and the protection of the right to food and the required remedies from a human rights perspective. Among those who addressed the special session was a member of the Committee on Economic, Social and Cultural Rights.

3. Human Rights Council Advisory Committee

10. The first session of the Human Rights Council Advisory Committee, established pursuant to resolution 5/1 of the Council, met from 4 to 15 August 2008 in Geneva. Comprised of 18 experts, the function of the Committee is to provide expertise in the manner and form requested by the Council, focusing mainly on studies and research-based advice, rendered at the Council's request and in

compliance with its resolutions and under its guidance. Resolution 5/1 requires that the work of the Advisory Committee be implementation-oriented and that its advice be limited to thematic issues pertaining to the promotion and protection of all human rights. It shall not adopt resolutions or decisions. The Advisory Committee may propose suggestions for further enhancing the procedural efficiency of the Council, as well as further research proposals within the scope of the work set out by the Council for its consideration and approval. The Advisory Committee is urged to establish interaction with States, national human rights institutions, non-governmental organizations and other civil society entities in accordance with the modalities of the Council.

11. During its first session, the Advisory Committee adopted 13 recommendations to the Human Rights Council, including on non-refoulement of hunger refugees, the right to food, the right to self-determination and human rights education and training. The Advisory Committee also requested that three experts prepare, for its next session, draft guidelines on methods to operationalize gender mainstreaming at all levels, including action-oriented mechanisms in the implementation of its mandate. It also recommended that those experts be authorized to identify proposals for concrete action in specific areas, special procedures or further measures needed to enhance substantive gender equality within United Nations agencies and at the regional and national levels. The Committee on the Elimination of Discrimination against Women may wish to consider ways and means of contributing to the work of the Advisory Committee in this context.

III. Reports to be considered by the Committee at future sessions

12. All States parties invited by the Committee to present their reports at the forty-second session, to be held from 20 October to 7 November 2008, have agreed to do so. They are Bahrain, Belgium, Cameroon, Canada, Ecuador, El Salvador, Kyrgyzstan, Madagascar, Mongolia, Myanmar, Portugal, Slovenia and Uruguay. The following States parties invited by the Committee to present their reports at its forty-third session, to be held in January and February 2009 have agreed to do so: Armenia, Bhutan, Germany, Guatemala, Haiti and Rwanda. Implementation of the Convention by two States parties with long overdue initial reports (Dominica and Guinea-Bissau) will also be considered by the Committee, in the absence of a report, at that session.

IV. Consideration of States parties in the absence of reports

13. At its earlier sessions, the Committee decided to send letters to States parties whose initial reports were more than five years overdue and whose periodic reports were more than 10 years overdue, requesting that they submit all their overdue reports as a combined report by a given date, identifying the sessions at which it wished to consider those reports (reports of the Committee on the Elimination of Discrimination against Women on its thirty-seventh and forty-first sessions (see A/62/38 and A/63/38)). Failing receipt of the reports within the suggested time frame, and as a measure of last resort, the Committee decided to proceed with

consideration of the implementation of the Convention in those States parties in the absence of a report.

14. Invitations from OHCHR were sent to four States parties inviting them to participate in the consideration of implementation of the Convention in their respective States parties at the forty-third session. Of those States parties, Haiti submitted its report on 12 May 2008, and has agreed to present its report at the forty-third session. Liberia indicated that its report would be submitted in September 2008. Lists of issues and questions were formulated by the pre-session working group, which met in July 2008 on Dominica and Guinea-Bissau, and transmitted to them, informing them that they would be taken up at the forty-third session in the absence of a report.

15. The information below on the practice of other human rights treaty bodies is provided to the Committee to assist it in developing modalities for consideration of the implementation of the Convention in the absence of a report.

16. Most human rights treaty bodies have adopted the practice, reflected in their rules of procedure,¹ of examining the implementation of the relevant treaty in the State party in the absence of the State party's report. The practice, which was encouraged by the participants at the seventh inter-committee meeting (see the report of the chairpersons of the human rights treaty bodies on their twentieth meeting (A/63/280)), is provided for in article 36, paragraph 2, of the Convention on the Rights of Persons with Disabilities, which provides that if a State party is significantly overdue in the submission of a report, the Committee may notify the State party concerned of the need to examine the implementation of the Convention in that State party on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State party concerned to participate in such examination, and should the State party respond by submitting the relevant report, the usual process of consideration will occur.

17. In the current practice, the relevant treaty body notifies a non-reporting State party of its intention to examine the implementation of the relevant treaty by the State party in the absence of a report during a public meeting on a specified date. In many cases, the notification by the treaty body of its intention to review the country in the absence of a report encourages the State party to submit the report. If the State party submits its report, the procedure is suspended and the normal process of consideration will begin.

18. In some cases, notification of the intention to consider implementation in the absence of a report will be followed by an indication by the State party that the report will be submitted at a later stage. In such circumstances, the treaty body may postpone the review to another session, pending receipt of the report.

19. Where the State party fails to respond to the notification of the consideration of implementation in the absence of a report, as in the case of the Committee, most treaty bodies formulate a list of issues and questions, designed to elicit as much

¹ See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* (A/58/18), annex IV, section P; *Official Records of the Economic and Social Council, 2005, Supplement No. 2* (E/2005/22); *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), annex I, rule 49; Human Rights Committee (rule 70); Committee against Torture (rule 65); Committee on the Rights of the Child (rule 67, paras. 29-32).

information as possible in order to proceed with the consideration of the country situation, which is transmitted to the State party. The State party is invited to respond to the list and send a delegation to attend the meeting at which its implementation will be considered.

20. A number of scenarios may follow after the transmission of the list of issues and questions to the State party. First, the State party may transmit a written response to the list of issues and questions but decide not to send a delegation. In such circumstances, the treaty body may decide to consider the written response transmitted by the State party. For example, at its eighty-eighth session, in October 2006, the Human Rights Committee decided to consider the situation of civil and political rights in Grenada at its ninetieth session, in July 2007, since the State party had not submitted its initial report, which was due on 5 December 1992. The State party submitted a written response to the Committee and the Committee considered its implementation on the basis of that response in the absence of a delegation at its ninetieth session.

21. Second, the State party may not submit a response to the list of issues and questions. The Committee concerned may decide to consider the country situation in the absence of a report, but in the presence of a delegation. For example, at its eighty-first session, in July 2004, the Human Rights Committee examined the situation of civil and political rights in the Central African Republic in the absence of a report and answers to a list of issues and questions, but in the presence of a delegation. The Committee chose to adopt provisional concluding observations, which were transmitted to the State party but were not made public in the light of assurances made to the Committee during the examination of the country situation that a report would be forthcoming. The Central African Republic submitted its second periodic report; the Committee considered the report at its eighty-seventh session, in July 2006, and adopted and made public the concluding observations. The Committee decided that the provisional concluding observations would become public and final if the State party did not respond or indicate that it would submit a report in the near future. The practice of adoption of provisional concluding observations was implemented to provide the State party with an additional opportunity to respond to the treaty body and engage in dialogue with the Committee.

22. Third, notwithstanding receipt of an indication that implementation will be considered in the absence of a report, and of the Committee's list of issues and questions, as well as further reminders, there may be no reaction from the State party concerned. In such cases, committees usually decide to proceed with the analysis of the country situation in the absence of a report and in the absence of a delegation. For example, in the light of the failure of the State party to submit its initial and 13 periodic reports, the Committee on the Elimination of Racial Discrimination considered the situation in Liberia under its review procedure and adopted concluding observations. Additionally, in its decision 3 (49), the Committee decided to remain seized of the situation regarding Liberia, under its early warning and urgent action procedure. At its seventy-ninth session, in October 2003, the Human Rights Committee examined the situation of civil and political rights in Equatorial Guinea in the absence both of a report and a delegation, and provisional confidential concluding observations were transmitted to the State party. At its ninety-first session, the Committee decided to convert the provisional concluding

observations on the country situation of Equatorial Guinea into final and public conclusions since it had failed to submit its initial report.

23. In light of the fact that the Committee will consider at least two States parties in the absence of a report during its forty-third session, it may wish to consider whether it will adopt provisional concluding observations, as in the case of the Human Rights Committee, or public and final concluding observations, as is the practice followed by the Committee on the Elimination of Racial Discrimination.

Annex I

States that have not ratified or acceded to the Convention

Africa

Somalia
Sudan

Asia and the Pacific

Iran (Islamic Republic of)
Nauru
Palau
Qatar
Tonga

Western Europe and other

Holy See
United States of America

Annex II

States parties whose reports have been submitted but not yet considered or scheduled for consideration by the Committee as of 15 September 2008

Periodic reports

<i>State party (report)</i>	<i>Date due</i>	<i>Date received</i>	<i>Previously considered (session)</i>	<i>Previous report(s)</i>
Azerbaijan (4)	9 August 2008	29 July 2008	2007 (37)	1-3
Botswana (3)	12 September 1997	10 September 2008	—	—
Netherlands (5)	22 August 2008	30 June 2008	2007 (37)	1-4
Panama (4-7)	28 November 1994	25 June 2008	1998 (19)	1-3
Ukraine (6-7)	3 September 2002	16 July 2008	2002 (27)	1-5
United Arab Emirates (1)	5 November 2005	8 August 2008	—	—
Uzbekistan (4)	18 August 2008	19 July 2008	2006 (36)	1-3