



# **Report of the Committee on the Elimination of Discrimination against Women**

**Fifty-second session  
(9-27 July 2012)**

**Fifty-third session  
(1-19 October 2012)**

**Fifty-fourth session  
(11 February-1 March 2013)**

**General Assembly  
Official Records  
Sixty-eighth Session  
Supplement No. 38**



**General Assembly**  
Official Records  
Sixty-eighth Session  
Supplement No. 38

## **Report of the Committee on the Elimination of Discrimination against Women**

**Fifty-second session  
(9-27 July 2012)**

**Fifty-third session  
(1-19 October 2012)**

**Fifty-fourth session  
(11 February-1 March 2013)**



United Nations • New York, 2013



*Note*

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

## Contents

<i>Chapter</i>	<i>Page</i>
Letter of transmittal . . . . .	vii
<b>Part One</b>	
<b>Report of the Committee on the Elimination of Discrimination against Women on its fifty-second session . . . . .</b>	<b>1</b>
I. Matters brought to the attention of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women . . . . .	2
II. Organizational and other matters . . . . .	4
A. States parties to the Convention and to the Optional Protocol . . . . .	4
B. Opening of the session . . . . .	4
C. Adoption of the agenda . . . . .	4
D. Report of the pre-session working group . . . . .	5
E. Organization of work . . . . .	5
F. Membership of the Committee . . . . .	6
III. Report of the Chair on the activities undertaken between the fifty-first and fifty-second sessions of the Committee . . . . .	7
IV. Consideration of reports submitted by States parties under article 18 of the Convention . . . . .	8
V. Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women . . . . .	10
A. Action taken by the Committee in respect of issues arising under article 2 of the Optional Protocol . . . . .	10
B. Follow-up to views of the Committee on individual communications . . . . .	10
C. Action taken by the Committee in respect of issues arising under article 8 of the Optional Protocol . . . . .	10
VI. Ways and means of expediting the work of the Committee . . . . .	12
VII. Implementation of article 21 of the Convention . . . . .	14
VIII. Provisional agenda for the fifty-third session . . . . .	16
IX. Adoption of the report . . . . .	17

---

## Annexes

I.	Decision 52/I. Statement by the Committee on the Elimination of Discrimination against Women on the need for a gender perspective in the text of the arms trade treaty .....	18
II.	Decision 52/II. Strengthening of the role of the country rapporteur and adoption of a country briefing note template .....	20
III.	Decision 52/IV. Modalities and procedures in respect of issues arising under article 8 of the Optional Protocol .....	28
IV.	Decision 52/V. Resolution on the guidelines on independence and impartiality of members of the human rights treaty bodies .....	29
V.	Decision 52/VI. Splitting the working group responsible for elaborating the general recommendation on asylum, statelessness and natural disasters in two distinct working groups .....	30
VI.	Decision 52/VII. Establishment of a working group on the right to education .....	31
VII.	Decision 52/IX. Statement of the Committee on the Elimination of Discrimination against Women on the situation in the Syrian Arab Republic .....	32
VIII.	Documents before the Committee at its fifty-second session .....	33
IX.	Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its twenty-third session .....	34
	<b>Part Two</b>	
	<b>Report of the Committee on the Elimination of Discrimination against Women on its fifty-third session</b> .....	38
I.	Matters brought to the attention of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women .....	39
II.	Organizational and other matters .....	40
	A. States parties to the Convention and to the Optional Protocol .....	40
	B. Opening of the session .....	40
	C. Adoption of the agenda .....	40
	D. Report of the pre-session working group .....	41
	E. Organization of work .....	41
	F. Membership of the Committee .....	42
III.	Report of the Chair on the activities undertaken between the fifty-second and fifty-third sessions of the Committee .....	43
IV.	Consideration of reports submitted by States parties under article 18 of the Convention .....	44
V.	Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women .....	45
	A. Action taken by the Committee in respect of issues arising under article 2 of the Optional Protocol .....	45

B.	Follow-up to views of the Committee on individual communications .....	45
C.	Action taken by the Committee in respect of issues arising under article 8 of the Optional Protocol .....	45
VI.	Ways and means of expediting the work of the Committee .....	46
VII.	Implementation of article 21 of the Convention .....	48
VIII.	Provisional agenda for the fifty-fourth session .....	50
IX.	Adoption of the report .....	51
Annexes		
I.	Decision 53/VI. Statement by the Committee on the Elimination of Discrimination against Women on protection of the right of girls to education .....	52
II.	Decision 53/VII. Statement by the Committee on the Elimination of Discrimination against Women on the situation of women and girls in northern Mali .....	53
III.	Documents before the Committee at its fifty-third session .....	54
IV.	Membership of the Committee on the Elimination of Discrimination against Women as at 31 December 2012 .....	55
V.	Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its twenty-fourth session .....	56
<b>Part Three</b>		
<b>Report of the Committee on the Elimination of Discrimination against Women on its fifty-fourth session.</b> .....		60
I.	Matters brought to the attention of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women .....	61
II.	Organizational and other matters .....	65
A.	States parties to the Convention and to the Optional Protocol .....	65
B.	Opening of the session .....	65
C.	Adoption of the agenda .....	65
D.	Report of the pre-session working group .....	65
E.	Organization of work .....	66
F.	Membership of the Committee .....	66
III.	Report of the Chair on activities undertaken between the fifty-third and fifty-fourth sessions of the Committee .....	67
IV.	Consideration of reports submitted by States parties under article 18 of the Convention .....	68
V.	Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women .....	70
A.	Action taken by the Committee in respect of issues arising under article 2 of the Optional Protocol .....	70

---

B.	Follow-up to views of the Committee on individual communications .....	70
C.	Action taken by the Committee in respect of issues arising under article 8 of the Optional Protocol .....	70
VI.	Ways and means of expediting the work of the Committee .....	71
VII.	Implementation of article 21 of the Convention .....	73
VIII.	Provisional agenda for the fifty-fifth session .....	75
IX.	Adoption of the report .....	76
Annexes		
I.	Decision 54/V. General recommendation on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution) .....	77
II.	Decision 54/VIII. New rule 15 bis of the rules of procedure of the Committee incorporating the Addis Ababa guidelines on independence and impartiality of members of the human rights treaty bodies .....	88
III.	Decision 54/IX. Methodology of the procedure of follow-up to concluding observations ....	89
IV.	Decision 54/XI. Resolution on a request for additional resources for the Working Group on Communications under the Optional Protocol .....	94
V.	Decision 54/XII. Resolution on a request for additional resources concerning the meeting venue of the annual sessions of the Committee .....	95
VI.	Decision 54/XIV. Statement of the Committee on the Elimination of Discrimination against Women on the report of the United Nations High Commissioner for Human Rights on the strengthening of the United Nations human rights treaty bodies .....	97
VII.	Documents before the Committee at its fifty-fourth session .....	99
VIII.	Membership of the Committee on the Elimination of Discrimination against Women as at 1 January 2013 .....	100
IX.	Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its twenty-fifth session .....	101



---

## Letter of transmittal

[25 March 2013]

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, “shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities”.

The Committee on the Elimination of Discrimination against Women held its fifty-second session, from 9 to 27 July 2012, at United Nations Headquarters in New York. It held its fifty-third session, from 1 to 19 October 2012, and its fifty-fourth session, from 11 February to 1 March 2013, at the United Nations Office at Geneva. It adopted its reports on the sessions at the 1068th meeting, on 27 July 2012, the 1098th meeting, on 19 October 2012, and the 1127th meeting, on 1 March 2013, respectively. These three reports of the Committee are herewith submitted to you for transmission to the General Assembly at its sixty-eighth session.

(Signed) Nicole **Ameline**  
Chair

His Excellency Mr. Ban Ki-moon  
Secretary-General of the United Nations  
New York



**Part One**  
**Report of the Committee on the Elimination of**  
**Discrimination against Women on its fifty-second session**

**9-27 July 2012**

## **Chapter I**

### **Matters brought to the attention of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women**

#### **Decision 52/I**

On 23 July 2012, the Committee adopted a statement on the need for a gender perspective in the text of the arms trade treaty. (See annex I to part one of the present report.)

#### **Decision 52/II**

On 24 July 2012, the Committee adopted a decision on strengthening the role of country rapporteurs and endorsed a country briefing note template. (See annex II to part one of the present report.)

#### **Decision 52/III**

On 25 July 2012, the Committee decided to conduct an inquiry under article 8 of the Optional Protocol to the Convention, including a country visit.

#### **Decision 52/IV**

On 26 July 2012, the Committee adopted a decision on modalities and procedures in respect of issues arising under article 8 of the Optional Protocol. (See annex III to part one of the present report.)

#### **Decision 52/V**

On 26 July 2012, the Committee adopted a resolution on the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines). (See annex IV to part one of the present report.)

#### **Decision 52/VI**

On 26 July 2012, the Committee decided to split the working group responsible for elaborating the general recommendation on asylum, statelessness and natural disasters into two distinct working groups: a working group responsible for elaborating the general recommendation on asylum and statelessness, chaired by Dubravka Šimonović; and a working group responsible for elaborating the general recommendation on climate change and natural disasters, chaired by Yoko Hayashi. The Committee also decided that any work on such a general recommendation would be undertaken intersessionally, until decided otherwise by the Committee. (See annex V to part one of the present report.)

#### **Decision 52/VII**

On 26 July 2012, the Committee decided to establish a working group on the right to education, chaired by Barbara Bailey, for the purpose of elaborating a general recommendation in this regard. The Committee also decided that any work on such a general recommendation would take place intersessionally until decided otherwise by the Committee. (See annex VI to part one of the present report.)

**Decision 52/VIII**

On 26 July 2012, the Committee decided to amend its decision 50/I. Paragraph 3 of the decision is amended to read as follows: "Membership of a task force should be composed of not less than 10 experts and shall not exceed 14 experts."

**Decision 52/IX**

On 27 July 2012, the Committee adopted a statement on the situation in the Syrian Arab Republic. (See annex VII to part one of the present report.)

**Decision 52/X**

The Committee confirmed the members of the pre-session working group for the fifty-fifth session, namely, Nicole Ameline, Magalys Arocha Dominguez, Violet Tsisiga Awori, Ismat Jahan and Victoria Popescu.

## **Chapter II**

### **Organizational and other matters**

#### **A. States parties to the Convention and to the Optional Protocol**

1. On 27 July 2012, the closing date of the fifty-second session of the Committee on the Elimination of Discrimination against Women, there were 187 States parties to the Convention on the Elimination of All Forms of Discrimination against Women,<sup>1</sup> which was adopted by the General Assembly in its resolution 34/180 and opened for signature, ratification and accession in New York on 1 March 1980. In accordance with its article 27, the Convention entered into force on 3 September 1981. In addition, 66 States parties had accepted the amendment to article 20, paragraph 1, of the Convention, concerning the Committee's meeting time. A total of 125 States parties to the Convention are currently required to accept the amendment in order to bring it into force, in accordance with its provisions.

2. As at the same date, there were 104 States parties to the Optional Protocol to the Convention,<sup>2</sup> which was adopted by the General Assembly in its resolution 54/4 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with its article 16, the Optional Protocol entered into force on 22 December 2000.

3. Updated information on the status of the Convention, the amendment to the Convention and its Optional Protocol, as well as lists of States signatories and parties and the texts of declarations, reservations, objections and other relevant information, is available from the website of the United Nations Treaty Collection (<http://treaties.un.org>), which is maintained by the Treaty Section of the Office of Legal Affairs, which discharges the depositary functions of the Secretary-General.

#### **B. Opening of the session**

4. The Committee held its fifty-second session at United Nations Headquarters in New York from 9 to 27 July 2012. The Committee held 19 plenary meetings and also held 11 meetings to discuss agenda items 5, 6, 7 and 8. A list of the documents before the Committee is contained in annex VIII to part one of the present report.

5. The session was opened by the Chair of the Committee, Silvia Pimentel, on 9 July 2012, at its 1039th meeting. Charles Radcliffe, Senior Human Rights Officer at the New York Office of the United Nations High Commissioner for Human Rights, addressed the Committee at the opening of the session.

#### **C. Adoption of the agenda**

6. The Committee adopted the provisional agenda (CEDAW/C/52/1) at its 1039th meeting.

---

<sup>1</sup> United Nations, *Treaty Series*, vol. 1249, No. 20378.

<sup>2</sup> *Ibid.*, vol. 2131, No. 20378.

## **D. Report of the pre-session working group**

7. The report of the pre-session working group (CEDAW/PSWG/52/1), which met from 24 to 28 October 2011, was introduced by the Chair of the Committee, Silvia Pimentel, at the 1039th meeting.

## **E. Organization of work**

8. On 9 July 2012, the Committee held an event commemorating its 30th anniversary, which was attended by senior United Nations officials, State representatives and civil society. The event was opened by the Chair of the Committee, Ms. Pimentel, and included statements by Jan Eliasson, Deputy Secretary-General of the United Nations; Michelle Bachelet, Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); Eleonora Menicucci de Oliveira, Minister of Policies for Women of Brazil; and Shanthi Dairiam, Founder and Member of the Board of Directors of International Women's Rights Action Watch Asia Pacific. A panel discussion on women's political participation and leadership followed and was moderated by Ivan Šimonović, Assistant Secretary-General, New York Office of the United Nations High Commissioner for Human Rights, who also made the concluding remarks. The panellists included Rebecca Alitwala Kadaga, Speaker of the Ugandan Parliament; Sapana Pradhan Malla, member of the Nepalese Constituent Assembly; and Souad Triki, a Tunisian civil society activist. Ms. Alitwala Kadaga also delivered a statement on behalf of Anders B. Johnsson, Secretary-General of the Inter-Parliamentary Union. Owing to the commemorative event, the Committee did not hold its usual closed meeting with representatives of the specialized agencies and funds and programmes of the United Nations system.

9. On 9 and 16 July 2012, the Committee held informal public meetings with representatives of non-governmental organizations and two national human rights institutions, who provided information about the implementation of the Convention in the States parties reporting to the Committee at its fifty-second session.

10. On 26 July 2012, the Non-Governmental Organization Committee on the Status of Women, New York, with support from Baha'i International Community, gave a briefing to the Committee on the proposed Fifth World Conference on Women and commemoration of the twentieth anniversary of the Fourth World Conference on Women (Beijing+20), as well as on activities to strengthen processes related to the Commission on the Status of Women in the regions.

11. On 20 July 2012, the Committee, in cooperation with the Protection Project of John Hopkins University, organized an interactive panel discussion on trafficking in women and exploitation of women for the purpose of prostitution and on article 6 of the Convention. The following participated in the discussion: Mohamed Mattar, Executive Director of the Protection Project of John Hopkins University; other participants of the Protection Project; Denise Scotto, Attorney and Policy Adviser, Global Legal Strategies; Julie Tanner, Assistant Director of Socially Responsible Investing at Christian Brothers Investment Services; Silvia Pimentel, Chair of the Committee; and Naela Gabr, member of the Committee.

12. On 23 July 2012, the Committee met with Kamala Chandrakirana, Chair, of the Working Group on Discrimination against Women in Law and Practice, and

Eleonora Zielinska, a member of the Working Group. Both briefed the Committee on the activities of the Working Group over the past year. The issues discussed included the need to avoid duplication between the activities of the Committee and the Working Group and to ensure close coordination and mutually reinforcing activities, including participation in days of general discussion and providing input into the general recommendations of the Committee.

13. The Committee also discussed the tentative programme of work for its meeting in Istanbul on 1 and 2 November 2012, hosted by the Government of Turkey on the occasion of the 30th anniversary of the Committee.

## **F. Membership of the Committee**

14. All members attended the fifty-second session, with the exception of Meriem Belmihoub-Zerdani and Indira Jaising. Magalys Arocha Dominguez did not attend the first two days of the session.



### **Chapter III**

#### **Report of the Chair on the activities undertaken between the fifty-first and fifty-second sessions of the Committee**

15. At the 1039th meeting, the Chair presented her report on the activities she had undertaken since the fifty-first session of the Committee.

## Chapter IV

### Consideration of reports submitted by States parties under article 18 of the Convention

16. At its fifty-second session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial to fourth periodic report and fifth periodic report of the Bahamas; the combined fourth to seventh periodic report of Bulgaria; the combined seventh and eighth periodic report of Guyana; the combined sixth and seventh periodic report of Indonesia; the combined sixth and seventh periodic report of Jamaica; the combined seventh and eighth periodic report of Mexico; the seventh periodic report of New Zealand; and the combined fourth and fifth periodic report of Samoa.

17. The Committee prepared concluding observations on each of the reports considered. The concluding observations are available through the Official Document System of the United Nations (<http://documents.un.org/>) under the symbols indicated below:

Bahamas	(CEDAW/C/BHS/CO/1-5)
Bulgaria	(CEDAW/C/BGR/CO/4-7)
Guyana	(CEDAW/C/GUY/CO/7-8)
Indonesia	(CEDAW/C/IDN/CO/6-7)
Jamaica	(CEDAW/C/JAM/CO/6-7)
Mexico	(CEDAW/C/MEX/CO/7-8)
New Zealand	(CEDAW/C/NZL/CO/7)
Samoa	(CEDAW/C/WSM/CO/4-5)

#### Follow-up procedures relating to concluding observations

18. The Committee adopted the report of the Rapporteur on follow-up to concluding observations at its fifty-second session, and considered the follow-up reports received from the following States parties:

Madagascar	(CEDAW/C/MDG/CO/5/Add.1)
Mongolia	(CEDAW/C/MNG/CO/7/Add.1)
Rwanda	(CEDAW/C/RWA/CO/6/Add.1)
Uruguay	(CEDAW/C/URY/CO/7/Add.1)

The follow-up reports of the States parties and the Committee's replies are available through the Official Document System of the United Nations (<http://documents.un.org/>) under the symbols indicated above.

19. The Committee also sent first reminders to the following States parties whose follow-up reports were overdue: Botswana, Egypt, Haiti, Libya, Malawi, Panama, Ukraine, United Arab Emirates, Uzbekistan and Yemen.

20. The Rapporteur on follow-up met with representatives of Nigeria and Tuvalu, which had not submitted their follow-up reports despite reminders sent by the Committee.

## Chapter V

### **Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

21. Article 12 of the Optional Protocol to the Convention provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

#### **A. Action taken by the Committee in respect of issues arising under article 2 of the Optional Protocol**

22. On 23 July 2012, the Committee discussed activities under the Optional Protocol.

23. The Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its twenty-third session (see annex IX to part one of the present report).

24. The Committee took action on communication No. 32/2011 (*Isatou Jallow v. Bulgaria*) and adopted views on the communication by consensus. The views on communication No. 32/2011 are available through the Official Document System of the United Nations (<http://documents.un.org/>) under the symbol CEDAW/C/52/D/32/2011.

#### **B. Follow-up to views of the Committee on individual communications**

25. No specific follow-up action was undertaken at the fifty-second session.

#### **C. Action taken by the Committee in respect of issues arising under article 8 of the Optional Protocol**

26. On 25 July 2012, the Committee decided to establish an inquiry under article 8 of the Optional Protocol (Inquiry No. 2011/1). The Committee received two additional requests for inquiries which were registered (Inquiry Nos. 2011/4 and 2012/1). The Committee also identified members to serve on task forces relating to new requests for inquiries.

27. The Committee discussed the urgent need to decide on a methodology for conducting inquiries and to review existing rules of procedures on inquiries under article 8 of the Optional Protocol. Papers were presented by Pramila Patten and Dubravka Šimonović for discussion by the Committee. The Committee requested the secretariat to prepare for the fifty-third session detailed summaries of requests for inquiries Nos. 2011/2, 2011/3, 2011/4 and 2012/1, with legal analysis and conclusions, as well as a paper on modalities to be considered by the Committee regarding inquiries, including standard operating procedures, establishment of a new working group or extension of the existing Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, additional meeting days, assistance from the Petitions and Inquiries Section of the Office of the United Nations High Commissioner for

Human Rights (OHCHR), staffing resources and budget issues (for example, the number of visits to be conducted per year).

28. The Committee also decided to send a letter requesting additional information from the source of information with respect to inquiry No. 2011/2.

## **Chapter VI**

### **Ways and means of expediting the work of the Committee**

29. During its fifty-second session, the Committee considered agenda item 7, on ways and means of expediting the work of the Committee.

#### **Action taken by the Committee under agenda item 7**

##### **Enhancing the Committee's working methods**

30. The Working Group on Working Methods met during the session to revise the draft template to standardize the country briefing notes by the country rapporteurs. The template and the corresponding decision were adopted by the Committee on 24 July 2012. The Committee decided that the template would serve as a tool to facilitate and harmonize the work of the country rapporteurs and to assist in ensuring consistency in the country briefing notes. It was understood that the template would be used as a model in a flexible manner and that the content of each note would fall within the discretion of the respective country rapporteurs. The Working Group also discussed other issues to be addressed at the fifty-third session.

31. On 19 July 2012, the Committee met with the following from the Human Rights Treaties Division: Ibrahim Salama, Director; Wan-Hea Lee, Chief of the Groups in Focus Section; and Paulo David, Chief of the Capacity Building and Harmonization Section. Discussions focused on recent developments regarding the strengthening of treaty bodies, including a review of the main proposals set out in the United Nations High Commissioner's report on the strengthening of the human rights treaty bodies and an update for the Committee on the process and implications of the guidelines on independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines).

32. On 26 July 2012, the Chair briefed the Committee on the twenty-fourth meeting of chairs of the human rights treaty bodies, held from 25 to 29 June in Addis Ababa, in particular on the Addis Ababa guidelines. Following a discussion on the guidelines, the Committee adopted a resolution in this regard (see annex IV to part one of the present report).

33. The Committee also discussed the adoption of concluding observations, raising concerns about the insufficient time within which to provide comments on draft concluding observations in order to meet the deadlines for submitting such documents for translation. It was decided to discuss the issue further at the fifty-third session.

34. The secretariat submitted its report on the ways and means of expediting the work of the Committee, which was distributed to all Committee members.

##### **Dates of future sessions of the Committee**

35. In accordance with the calendar of conferences, dates were confirmed as follows for the Committee's fifty-third session and related meetings:

(a) Twenty-fourth session of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: 25-28 September 2012;

- (b) Fifty-third session: 1-19 October 2012, Geneva;
- (c) Pre-session working group for the fifty-fifth session: 22-25 October 2012 (26 October 2012 being an official United Nations holiday).

**Reports to be considered at future sessions of the Committee**

36. The Committee confirmed that it would consider the reports of the following States parties at its fifty-third and fifty-fourth sessions:

Fifty-third session:

Comoros  
Chile  
Equatorial Guinea  
Serbia  
Togo  
Turkmenistan

Fifty-fourth session:

Angola  
Austria  
Cyprus  
Greece  
Hungary  
Pakistan  
Solomon Islands (in absence of a report)  
The former Yugoslav Republic of Macedonia

## Chapter VII

### **Implementation of article 21 of the Convention**

37. During the fifty-second session, the Committee considered agenda item 6, on the implementation of article 21 of the Convention.

#### **Action taken by the Committee under agenda item 6**

##### **General recommendation on the economic consequences of marriage, family relations and their dissolution**

38. The working group met during the session and the Committee continued with the review and finalization of the draft general recommendation in plenary. It was agreed that the text would be submitted for translation during the fifty-second session of the Committee, with a view to adopting it at the fifty-third session of the Committee.

##### **Joint general recommendation on harmful practices**

39. The joint working group of the Committee on the Elimination of Discrimination against Women/Committee on the Rights of the Child met with the United Nations Children's Fund during the session, and drafting has commenced on several substantive topics under the general recommendation on harmful practices. There was no discussion in plenary on the issue.

##### **General recommendation on women in conflict and post-conflict situations**

40. The working group met during the session but no discussions were held in plenary. The Chair of the working group, Pramila Patten, briefed the Committee on recent developments. The working group, in cooperation with UN-Women and OHCHR, organized various regional consultations to solicit input on issues relevant to the human rights of women in situations of conflict and post-conflict. The regional consultations were held intersessionally in Bangkok, Addis Ababa, Guatemala City and Istanbul. The members of the working group also participated in a panel discussion on 20 July 2012 on women's human rights, the arms trade treaty and the Convention, sponsored by UN-Women and various civil society organizations, and in a round-table discussion on 24 July 2012 on the draft general recommendation, organized by the Permanent Mission of Switzerland to the United Nations.

##### **General recommendation on access to justice**

41. The working group met during the session and a revised concept note was circulated to the working group for comments. The working group also met with OHCHR, UN-Women and the United Nations Development Programme on coordination and procedures relating to the concept note, the day of general discussion, the time frame for drafting the general recommendation, and regional consultations on the implementation of the general recommendation. It is expected that the concept note will be tabled by the working group for endorsement by the Committee at its fifty-third session. A day of general discussion is tentatively scheduled for the fifty-fourth session.



#### **Working group on gender equality in the context of asylum and statelessness**

42. The working group worked intersessionally on a draft general recommendation and also met during the session to further elaborate it. It is expected that the general recommendation will be adopted by the Committee at its fifty-fourth session.

#### **Working group on rural women**

43. The working group worked intersessionally on a concept note and met during the session to finalize it. It is expected that the working group will table the concept note for endorsement by the Committee at its fifty-third session. A day of general discussion is tentatively scheduled for the fifty-fifth session. The Chair of the working group also met with Sharon Brennen-Haylock, Senior Liaison Officer, Food and Agriculture Organization of the United Nations, to discuss support for the general recommendation on rural women, the day of general discussion and possible regional consultations.

#### **Working group on climate change and natural disasters**

44. On 26 July 2011, the Committee decided to split the working group on asylum, statelessness and natural disasters into two working groups — one to cover asylum and statelessness and the other to cover climate change and natural disasters. The working group on climate change and natural disasters is responsible for elaborating a general recommendation on climate change and natural disasters, with the understanding that any work on such a general recommendation would take place intersessionally until decided otherwise by the Committee.

#### **Working group on the right to education**

45. On 26 July 2012, the Committee decided to establish a working group on the right to education in order to elaborate a general recommendation in this regard, with the understanding that any work on such a general recommendation would take place intersessionally until decided otherwise by the Committee.

## **Chapter VIII**

### **Provisional agenda for the fifty-third session**

46. The Committee considered the draft provisional agenda for its fifty-third session at its 1068th meeting, on 27 July 2012, and approved the following provisional agenda for that session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chair on activities undertaken between the fifty-second and fifty-third sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Follow-up to concluding observations of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of articles 21 and 22 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Ways and means of expediting the work of the Committee.
8. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
9. Provisional agenda for the fifty-fourth session of the Committee.
10. Adoption of the report of the Committee on its fifty-third session.

## **Chapter IX**

### **Adoption of the report**

47. The Committee considered the draft report on its fifty-second session and addenda on 27 July 2012 and adopted it as orally revised during the discussion.

## **Annex I**

### **Decision 52/I Statement by the Committee on the Elimination of Discrimination against Women on the need for a gender perspective in the text of the arms trade treaty**

**Adopted on 24 July 2012**

The Committee on the Elimination of Discrimination against Women recalls that the Preamble to the Convention on the Elimination of All Forms of Discrimination against Women (“the Convention”) emphasizes the specific factors relating to armed conflict that hinder the enjoyment of substantive equality for women, and reiterates the necessity for general and complete disarmament.

The Committee recalls that gender-based violence against women is a form of discrimination that seriously inhibits the ability of women to enjoy rights and freedoms on a basis of equality with men. The Convention guarantees women the equal recognition, enjoyment and exercise of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and on a basis of equality with men.

The Committee welcomes international efforts to negotiate a legally binding arms trade treaty at the United Nations, and recalls that the arms trade has specific gender dimensions and direct links to discrimination and gender-based violence against women with far-reaching implications for efforts to consolidate peace, security and gender equality and to secure development. The Committee urges Member States to recognize the potential gendered impacts of international transfers of arms, especially illicit arms, as women are disproportionately affected by armed gender-based violence.

Whether in conflict or post-conflict situations, conventional arms, especially small arms, including diverted arms from the legal trade, can have a direct or indirect effect on women as victims of conflict-related sexual violence, as victims of domestic violence, and also as protesters or actors in resistance movements. In times of conflict, women are increasingly deliberately targeted for and subjected to various forms of violence and abuse ranging from arbitrary killings, torture and mutilation to sexual and gender-based violence, and these forms of violence persist even after the cessation of hostilities. The proliferation of arms and ammunition perpetuates and facilitates these atrocities.

In order to tackle the violations of women’s human rights during conflict and promote participation in post-conflict reconstruction and policymaking, actions must focus on prevention of conflict and all forms of violence. Such conflict prevention includes robust and effective regulation of the arms trade as well as appropriate control over the circulation of existing, and often illicit, small arms.

The Committee urges that the arms trade treaty not merely focus on the procedural authorization of arms transfers. A strong arms trade treaty should have as its primary purpose the prevention of human suffering, especially among women and children, caused by the proliferation and illicit trade of arms and ammunition, so as to contribute to the development of more sustainable and stable security sectors.

The Committee urges that language to prevent gender-based violence against women, including rape and other forms of sexual violence, through the control of arms and restrictions on international transfers, be included in all three parts of the arms trade treaty, namely, the preamble, and the goals and objectives, and criteria sections.

## **Annex II**

### **Decision 52/II**

#### **Strengthening of the role of the country rapporteur and adoption of a country briefing note template**

Pursuant to its decision 50/II on strengthening the role of the country rapporteur and developing a template for country rapporteur briefing notes, the Committee, upon review of the draft template attached in the appendix hereto, endorses it with the understanding that the template shall serve as a tool to facilitate and harmonize the work of the country rapporteurs and to assist in ensuring consistency in the country briefing notes. It is further understood that the template is to be used as a model in a flexible manner and that the content of each note falls within the discretion of the country rapporteurs.

## Appendix

### Briefing note template for country rapporteurs

[XX] session of the Committee on the Elimination of  
Discrimination against Women, *[date and place]*  
Briefing note<sup>a</sup> on *[country]*  
Country Rapporteur, *[name]*<sup>b</sup>

#### I. Introduction<sup>c</sup>

1. Indicate if it is an initial or periodic report and whether it has been submitted on time or not.
2. Indicate if there are any reservations to the Convention and whether or not the State party has accepted the amendment to article 20.
3. Indicate whether the State party ratified/acceded to the Optional Protocol.
4. Does the report mention anything about the preparation of the national report and whether it was endorsed by the Government? For example: Did civil society participate in the process? Was the national Parliament consulted thereof?
5. Does the report inform about the implementation of previous Committee concluding observations?
6. What is the visibility of the Convention/Optional Protocol in the State party?
7. Indicate whether alternative information was received and, if possible, suggest to the experts any particular submission.

#### II. General information

1. Basic data: population, ethnic groups, religions and official languages. Also indicate relevant demographic trends, for example, a significant decline in the population.
2. Brief description and analysis of the political system and the current political situation (highlight issues such as: Is it a country in conflict or post-conflict situation? Have elections recently been conducted or are going to be conducted in the near future?)
3. Brief description of the economic and social development of the State party. What is the current economic situation of the country?

<sup>a</sup> This briefing note should not exceed 8 pages.

<sup>b</sup> See A/67/38, decision 50/II.

<sup>c</sup> Information on the recommendations of other treaty bodies, special procedures and the universal periodic review addressed to the State party, are provided in the background note prepared by the secretariat.

### III. Positive aspects (since the last concluding observations, for periodic reports)

*Indicate the remarkable developments in the advancement of equality for women in the State party (since the last consideration of reports) for which the Committee might want to congratulate the State party, such as, legislation recently adopted and/or policies and programmes. Use bullet points.*

### IV. Key areas of concern

***For periodic reports:*** address **only articles** under which priority concerns have been identified.

*Please also indicate, where relevant, the lack of implementation of the previous recommendations of the Committee.*

***For initial reports:*** address issues on an **article-by-article** basis. You may want to change the thematic subtitles for the relevant article.

*If possible, suggest questions to be posed during the dialogue.*

*Please use **bullet points** and indicate, whenever it is possible, the source of information and page number.*

#### **Part I (articles 1 to 6)**

##### (a) **Definition of discrimination, principle of equality, legal complaint mechanisms**

*Concerns may be (but not exclusively) related to:*

- The harmonization of national laws with respect to the Convention. Does the Convention prevail over national law? What is the status of customary law vis-à-vis national/civil law and its impact on the effective implementation of the Convention?
- The definition of discrimination against women in conformity with article 1 of the Convention; the prohibition of discrimination against women and the incorporation of the principle of equality between women and men in the legislation of the State party.
- The persistence of discriminatory legislation, legal provisions and practices.
- The existence of effective legal complaint mechanisms accessible to women, including sufficient number of courts and qualified judicial personnel. Indicate the number of cases and whether the Convention has been invoked in courts. Is the judiciary independent or impunity prevails over law? What about the use of traditional/informal justice mechanisms? Are they discriminatory against women? In this respect, indicate if the State party is acting with sufficient due diligence in order to promote, protect and fulfil women's rights.



(b) **Advancement of women/national machinery**

*Concerns may be (but not exclusively) related to:*

- Please indicate whether the national machinery for the advancement of women is sufficiently funded and staffed and whether it has decision-making capacity and authority. Is there a national strategy for the advancement of women? How effective is it in influencing the inclusion of a gender perspective in all policies and programmes of the State party? Does it have a ministerial rank? How about coordination at the local level?
- Which types of measures have been taken in the political, social, economic and cultural fields for the advancement of women?

(c) **Temporary special measures**

*Concerns may be (but not exclusively) related to:*

- Have temporary special measures aimed at accelerating de facto equality been implemented? In which fields? Was the use of temporary special measures evaluated vis-à-vis their initial objectives and what were the outcomes?

(d) **Stereotypes/harmful practices**

*Concerns may be (but not exclusively) related to:*

- What roles are men and women expected to play in society and in the family? Which types of measures have been taken to modify social and cultural patterns of conduct and stereotypes between men and women? Are men and women stereotyped in school books or in the media?
- Please indicate, where relevant, the persistence of harmful practices, the inexistence of legislation prohibiting harmful practices, cooperation with civil society actors to raise awareness of harmful practices.

(e) **Violence against women**

*Concerns may be (but not exclusively) related to:*

- Has legislation been enacted to prevent and combat violence against women, including domestic violence?
- Number of victims of violence and of convictions against perpetrators.
- What practical measures have been taken to prevent violence, protect victims and work with perpetrators?

(f) **Trafficking and exploitation of prostitution**

*Concerns may be (but not exclusively) related to:*

- Indicate whether there is a comprehensive legislation on trafficking, a mechanism body thereof and a national strategy/national action plan.

- Is prostitution legal? If prostitution is illegal/criminalized are both prostitute and client subject to prosecution? If prostitution is legal, do sanctions exist to protect prostitutes from exploitation?
- Which measures have been taken to suppress all forms of trafficking in women and exploitation of prostitution? Are there any obstacles to eliminating the exploitation of prostitution and trafficking in women? Is the State party taking up any measures aimed at rehabilitating and integrating women victims of trafficking in the society? Please indicate the number of shelters for women victims of trafficking. Are there protection programmes for victims of trafficking who accept to go to court against their traffickers? Are they allowed to stay in the country in which they have been trafficked?

## **Part II (articles 7 to 9)**

### **(a) Participation in public and political life and decision-making**

*Concerns may be (but not exclusively) related to:*

- The percentage of women in the parliament. What percentage of the members of political parties are women? Which positions do they occupy? What percentage of women stand as candidates for publicly elected bodies, locally and nationally? Are women eligible to be candidates for elected positions on the same terms as men? Were any temporary special measures, including quotas, taken to ensure women's representation in parliament? Are there any governmental incentives to help women to take active part in the political arena, such as free day-care services?
- What is the percentage/number of women in the Government and in decision-making positions in the administration and public companies?
- In the case of an undergoing peace process, are women involved in the negotiations? At which level?
- What percentage of women are high-level representatives of the State party at the international level? Are there any programmes to encourage women to enter the Foreign Service or to apply for positions in international bureaucracy?
- What is the percentage of women in the court system?
- What is the percentage of women in decision-making positions in the private sectors?

### **(b) Nationality**

*Concerns may be (but not exclusively) related to:*

- Do women, whether married or not, have equal rights with men to acquire, change or retain their nationality? Are women able to pass their nationality to their children in the State party if the father is not a national of the State party? What are the social, cultural or economic factors affecting women's exercise of these rights?

### **Part III (articles 10 to 14)**

#### **(a) Education**

*Concerns may be (but not exclusively) related to:*

- Are measures taken to ensure equal access of girls and women to all levels of education and to eliminate prejudices that might impede girls from going to school? What are the literacy rates for males and females?
- What is the dropout rate for girls and what are its major causes? Have any measures been taken to keep girls in school or to allow them to continue their studies through non-formal education programmes? Is sexual abuse and harassment in school monitored?
- Do girls and women have the opportunities to enrol in fields of study that have traditionally been male-dominated? And what measures have been taken to encourage women to pursue non-traditional studies?

#### **(b) Employment**

*Concerns may be (but not exclusively) related to:*

- Measures in place to eliminate discrimination against women in the workplace aimed at, for example, narrowing and closing the wage gap between men and women; ensure the application of the principle of equal remuneration for equal work and work of equal value and equal opportunities of work; eliminate both horizontal and vertical occupational segregation.
- What is the percentage of women in the formal labour force? What percentage of part-time and full-time workers overall are women? What is the percentage of women working in the informal sector? Do women in the formal and informal working sector(s) have access to social security and other benefits, including paid maternity leave?
- Is sexual harassment in the workplace prohibited by law? Are complaint mechanisms available to women?

#### **(c) Health**

*Concerns may be (but not exclusively) related to:*

- What measures have been taken to eliminate barriers women face in gaining access to health-care services and which type of measures have been taken to ensure women timely and affordable access to such services?
- What measures have been taken to ensure appropriate services for women in connection with pregnancy, confinement and the post-natal period? Is there information on the rates at which these measures have reduced maternal mortality and morbidity, in general, and in vulnerable groups, regions and communities, in particular?
- Availability and accessibility to contraception methods. Is abortion not legal/criminalized? Is it performed anyway? What statistics are available on death and/or illness due to or related to abortion? Rate of teenage pregnancy.

- Is there a strategy to combat HIV/AIDS? Are women more disproportionately affected than men? Do women have access to antiretroviral treatment and prevention of mother-to-child transmission services?

(d) **Economic empowerment/social and economic benefits**

*Concerns may be (but not exclusively) related to:*

- Indicate whether the development and anti-poverty strategies integrate a gender perspective and address specific needs of women.
- What types of measures have been taken to ensure women's access to loans, various forms of credit, including microcredit?
- Do women face discrimination in terms of access to social benefits and pensions?

(e) **Rural women**

*Concerns may be (but not exclusively) related to:*

- Whether there is a rural development strategy incorporating a gender perspective and targeted support for rural women in sectors such as health, education, employment, economic development and participation in decision-making.
- Which types of measures are in place to ensure the participation of rural women in the designing and implementation of local and economic development plans?
- Can rural women own and inherit property and land? Do they have equal possibilities of access to credit and other forms of support?
- Are there special provisions relating to housing, sanitation, electricity and the water supply which take into account the needs of rural women?

(f) **Disadvantaged groups of women**

*Concerns under this section pertain to women suffering from multiple (intersectional) discrimination, such as:*

- Women in poverty
- Ethnic and other minority women
- Migrant women
- Older women
- Women with disabilities
- Refugee and asylum-seeking women, etc.

**Part IV (articles 15 and 16)****(a) Equality in marriage and family relations**

*Concerns may be (but not exclusively) related to:*

- Are family relations governed by civil law, religious laws, customary laws or a combination of these? Are women treated equally to men under these laws?
- What types or forms of family (marriages, de facto unions, partnerships, etc.) exist under civil, religious and customary laws? Are they recognized by the State?
- Do women have the same freedom to choose a spouse as men? Is the age of marriage the same for women and men? Is polygamy permitted by law?
- Matters related to family dissolution; children custody, property division, maintenance benefit: what does the law provide for and what happens in practice? Are women formally treated equally with men under the law with respect to their legal capacity to conclude contracts and administer property? Is divorce available to men and women on the same grounds?

## **Annex III**

### **Decision 52/IV**

### **Modalities and procedures in respect of issues arising under article 8 of the Optional Protocol**

#### **Action taken by the Committee in respect of issues arising under article 8 of the Optional Protocol**

The Committee discussed its work under article 8 of the Optional Protocol and the application of the Committee's rules of procedure dealing with the proceedings under the inquiry procedure.

Based on its discussion on issues related to the application of its rules of procedure on six inquiries, which have been registered and are under either preliminary consideration or have been established (rules 77, 78, 79 and 80), and on the lack of time for their in-depth consideration during the plenary, in line with rule 82 (3), the Committee decides to request the establishment of a working group that would deal with the preliminary evaluation of the inquiries.

The Committee requests that the secretariat prepare a background paper on the modalities of the future work of the working group based on the two internal papers that were prepared and discussed at the plenary session of the Committee on the following two proposed options for the working group: (a) to establish a separate working group on inquiries; or (b) to extend the mandate of the current Working Group on Communications under the Optional Protocol to the Convention, with the support and servicing needed to ensure consistent application of the rules of procedure of the Committee (rules 77, 78, 79, 82 and 83). Both options should consider the work of the Committee with respect to rule 84, on the establishment and conduct of an inquiry by designated members, in line with rules 84, 85, 86, 87 and 88, and the need for assistance of additional staff and facilities, including additional meeting time, that shall be provided by the Secretary-General in connection with an inquiry.

The Committee requests that the Secretary-General ensure the establishment of a permanent registry of information brought to the attention of the Committee in accordance with rule 78 that includes the drafting of a summary of the information submitted in accordance with rule 79 and the provision of this information to any member of the Committee under rule 78, respecting rule 80 on confidentiality.

## Annex IV

### Decision 52/V

### Resolution on the guidelines on independence and impartiality of members of the human rights treaty bodies

**Adopted on 27 July 2012 by consensus**

*The Committee on the Elimination of Discrimination against Women,*

*Considering* the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines),<sup>a</sup>

*Expressing appreciation* to the meeting of chairs of the human rights treaty bodies for their work in this regard,

*Noting* that the Committee strongly supports the independence and impartiality of treaty body members and the autonomy of the treaty bodies as masters of their own procedures,

*Recalling* the long-standing rules of procedure, decisions and practice of the Committee regarding this issue, and noting that the Addis Ababa guidelines largely reflect the existing rules of procedure, decisions and practice of the Committee,

*Supports* in principle the Addis Ababa guidelines while it continues to discuss the proposals set out therein.

---

<sup>a</sup> See A/67/222 and Corr.1, annex I.

## **Annex V**

### **Decision 52/VI**

#### **Splitting the working group responsible for elaborating the general recommendation on asylum, statelessness and natural disasters into two distinct working groups**

Pursuant to the two meetings of the working group on the general recommendation on asylum and statelessness, held on 16 and 25 July 2012, it is proposed that the Committee decide to separate the issue of asylum and statelessness from the issue of natural disasters and climate change and to draft two individual general recommendations.

#### **Decision**

The draft general recommendation on asylum and statelessness of 19 July 2012, approved by the working group for its finalization and circulated to all Committee members, covers the issues of asylum and statelessness. The working group proposes to make two separate general recommendations, one covering gender equality in the context of asylum and statelessness, and the other covering climate change and natural disasters, given their importance and emergence in the Committee's work. This would hasten the procedure for a general recommendation on gender equality in the context of asylum and statelessness to be adopted as soon as possible or, at the latest, at the February 2013 session of the Committee. Work on the general recommendation on climate change and natural disasters should continue during the work programme of the Committee since it would be possible to draft and adopt the general recommendation within a short period of time. A draft concept note in this regard will be circulated soon.



## **Annex VI**

### **Decision 52/VII**

#### **Establishment of a working group on the right to education**

The Committee decided to establish a working group on the right to education, chaired by Barbara Bailey, for the purposes of establishing a general recommendation in this regard. It was also decided that Committee members interested in serving on the working group should indicate their interest to the secretariat. The Committee further decided that any work on a general recommendation would take place intersessionally until decided otherwise by the Committee.

## **Annex VII**

### **Decision 52/IX**

### **Statement of the Committee on the Elimination of Discrimination against Women on the situation in the Syrian Arab Republic**

**Adopted on 27 July 2012**

The Committee on the Elimination of Discrimination against Women expresses its deep concern about the situation of women in the Syrian Arab Republic due to the armed conflict.

The Committee asks for an immediate end to the violence in the Syrian Arab Republic, which gravely affects the civilian population, particularly women, and expresses its full solidarity with and support for the women in the Syrian Arab Republic.

The Committee supports the humanitarian assistance provided by the international community and calls for its reinforcement and strengthening. The Committee urges United Nations entities to urgently appoint gender specialists in all missions, with a view to identifying violence against women in all its forms.

The Committee calls upon all parties involved in the current conflict to respect the internationally recognized principles, norms and standards of human rights and humanitarian law, particularly the human rights of women, which are an inalienable, integral and indivisible part of universal human rights.

In particular, the Committee also calls upon all parties involved in the current conflict to respect all women's rights, including the rights to life, safety, security and access to health and emergency medical care, and to prevent gender-based violence during the armed conflict.

## Annex VIII

### Documents before the Committee at its fifty-second session

<i>Document number</i>	<i>Title or description</i>
CEDAW/C/52/1	Provisional agenda and annotations
CEDAW/C/52/2	Note by the secretariat on ways and means of expediting the work of the Committee
CEDAW/C/52/3	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/52/4	Report of the International Labour Organization
<b>Reports of States parties</b>	
CEDAW/C/BHS/4	Combined initial, second, third and fourth periodic reports of Bahamas
CEDAW/C/BHS/5	Fifth periodic report of Bahamas
CEDAW/C/BGR/4-7	Combined fourth, fifth, sixth and seventh periodic reports of Bulgaria
CEDAW/C/GUY/7-8	Combined seventh and eighth periodic reports of Guyana
CEDAW/C/IDN/6-7	Combined sixth and seventh periodic reports of Indonesia
CEDAW/C/JAM/6-7	Combined sixth and seventh periodic reports of Jamaica
CEDAW/C/MEX/7-8	Combined seventh and eighth periodic reports of Mexico
CEDAW/C/NZL/7	Seventh periodic report of New Zealand
CEDAW/C/WSM/4-5	Combined fourth and fifth periodic reports of Samoa

## Annex IX

### **Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its twenty-third session**

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its twenty-third session in New York on 5 and 6 July 2012. All members attended the session.
2. At the beginning of the session, the Working Group adopted its agenda as set out in the appendix to the present report.
3. At its twenty-third session, the Working Group reviewed the update on new correspondence received by the secretariat of the Committee since its previous session. The Working Group had before it a table of correspondence received or processed between 5 December 2011 and 11 June 2012, as well as a table dividing the correspondence into five categories, as requested by the Working Group at its twentieth session. It also noted that intersessionally, two new communications had been registered, one of which contained a request for interim measures of protection, which was granted.
4. The Working Group reviewed the pieces of unregistered correspondence. In respect of the communication against Australia, the Working Group decided, after Pramila Patten had studied the submission, that the secretariat should send an additional letter. With regard to the correspondence against Germany, the secretariat was requested to contact the Human Rights Council team dealing with communications and to inform the Working Group on the actions that had been taken by that procedure. Upon receipt of the information, the secretariat was requested to examine whether the correspondence would be better addressed by the inquiry procedure. With regard to the correspondence against the Russian Federation, the Working Group requested that an additional letter be sent to the authors to explain the requirement under article 4, paragraph 2 (a), of the Optional Protocol.
5. The Working Group requested the secretariat to change the column of the table reflecting the unregistered correspondence and to clarify whether further action was needed and whether the secretariat had requested additional information from the author.
6. During its session, the Working Group reviewed the status of the pending registered communications and had a discussion on each.
7. The Working Group discussed two draft recommendations, on admissibility in relation to communication No. 29/2011 and on the admissibility and merits of communication No. 32/2011.
8. The Working Group discussed issues related to the anonymity of authors in the follow-up procedure, in particular with regard to communication No. 22/2009. It also requested the secretariat to provide information on the contents of certain submissions in the follow-up procedure.

9. The Working Group discussed a request for interim measures in relation to communication No. 37/2012, and the case rapporteur was requested to provide a concrete proposal on the type of interim measures that could be requested and the reasons for requesting them.

10. The Working Group discussed a request by the State party, in relation to communication No. 40/2012, that the Committee consider the admissibility of the case separately from the merits and decided to grant the request.

11. The Working Group noted that the P-4 post moved together with the Committee secretariat from New York to Geneva (Petitions Unit) had been advertised.

### **Actions taken**

12. At its twenty-third session, the Working Group decided:

(a) To adopt a recommendation in relation to the admissibility and the merits of communication No. 32/2011;

(b) To postpone the adoption of a recommendation in relation to the admissibility of communication No. 29/2011 to its twenty-fourth session, to seek clarification as to why footnotes containing legislation had not been translated and to seek clarifications from the parties, if necessary;

(c) To prepare a draft recommendation in relation to communication No. 31/2011 for its twenty-fourth session;

(d) To prepare a draft recommendation in relation to communication No. 35/2011 for its twenty-fourth session;

(e) To prepare, for its twenty-fourth session, a draft recommendation in relation to communication No. 38/2012, for which the Working Group had granted the State party's request to consider the admissibility of the case separately from the merits;

(f) To prepare a draft narrative for the preliminary discussion of communication No. 33/2011;

(g) To appoint case rapporteurs for new communications Nos. 40/2012 (Yoko Hayashi) and 41/2012 (Olinda Bareiro-Bobadilla);

(h) To request the secretariat to prepare a background paper on the extraterritorial effects of the Convention;

(i) To request the secretariat to prepare a background paper on friendly settlements;

(j) To request that additional letters be sent in relation to two pieces of unregistered correspondence and that the secretariat contact the Human Rights Council team dealing with communications and inform the Working Group on the actions that had been taken by that procedure;

(k) To request the secretariat to upload on the Optional Protocol extranet, academic resources cited in a note by the secretariat and make copies available of excerpts, as requested;

(l) To request the case rapporteur in communication No. 37/2012 to provide a suggestion with regard to the type of interim measures that could be requested and the reasons for requesting them;

(m) To request the secretariat to send a note verbale to the State party in communication No. 22/2009 regarding the observance of the anonymity of the author and victim;

(n) To request the secretariat to provide information on the content of certain party submissions in the follow-up procedure;

(o) To request the secretariat to prepare information on the follow-up procedure, including summaries of the submissions by the parties;

(p) To postpone the substantive discussion on follow-up modalities to its twenty-fourth session.

13. Regarding its intersessional work and internal working methods, the Working Group decided:

(a) To discuss in depth at its twenty-fourth session modalities for follow-up to views, including modalities for closure of cases;

(b) To amend and clarify the categories of unregistered correspondence as provided for in the note by the secretariat.

14. The Working Group submitted for the Committee's consideration and decision a recommendation relating to the admissibility and the merits of communication No. 32/2011.

15. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women will hold its twenty-fourth session in Geneva from 25 to 28 September 2012.

## **Appendix**

### **Agenda of the twenty-third session of the Working Group**

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the previous session.
3. New communications registered and appointment of new rapporteurs.
4. Discussion on cases ready for adoption.
5. Cases for discontinuance.
6. Update on communications.
7. Update on follow-up to views.
8. Discussion on working methods, including follow-up to views.
9. Adoption of the report of the Working Group on its twenty-third session.

**Part Two**  
**Report of the Committee on the Elimination of**  
**Discrimination against Women on its fifty-third session**

**1-19 October 2012**



## Chapter I

### **Matters brought to the attention of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women**

#### **Decision 53/I**

The Committee decided to designate Olinda Bareiro-Bobadilla and Patricia Schulz as the Committee members in charge of the task force relating to the request for inquiry No. 2012/1.

#### **Decision 53/II**

The Committee confirmed that Dubravka Šimonović and Pramila Patten were the Committee members in charge of the task force relating to the request for inquiry No. 2011/4.

#### **Decision 53/III**

The Committee decided to entrust the Working Group on Working Methods with the task of looking thoroughly into the Addis Ababa guidelines and assessing which elements of the guidelines might be incorporated into the rules of procedure and working methods of the Committee.

#### **Decision 53/IV**

The Committee endorsed the concept note on rural women on 17 October 2012.

#### **Decision 53/V**

The Committee endorsed the concept note on access to justice and decided to hold a half day of general discussion in this regard at its fifty-fourth session.

#### **Decision 53/VI**

On 19 October 2012, the Committee adopted a statement on protecting the right of girls to education. (See annex I to part two of the present report.)

#### **Decision 53/VII**

On 19 October 2012, the Committee adopted a statement on the situation of women and girls in northern Mali. (See annex II to part two of the present report.)

## **Chapter II**

### **Organizational and other matters**

#### **A. States parties to the Convention and to the Optional Protocol**

1. On 19 October 2012, the closing date of the fifty-third session of the Committee on the Elimination of Discrimination against Women, there were 187 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 and opened for signature, ratification and accession in New York on 1 March 1980. In accordance with its article 27, the Convention entered into force on 3 September 1981. In addition, 66 States parties had accepted the amendment to article 20, paragraph 1, of the Convention, concerning the Committee's meeting time. A total of 125 States parties to the Convention are currently required to accept the amendment in order to bring it into force, in accordance with its provisions.

2. As at the same date, there were 104 States parties to the Optional Protocol to the Convention, which was adopted by the General Assembly in its resolution 54/4 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with its article 16, the Optional Protocol entered into force on 22 December 2000.

3. Updated information on the status of the Convention, the amendment to the Convention and its Optional Protocol, as well as lists of States signatories and parties and the texts of declarations, reservations, objections and other relevant information, is available from the website of the United Nations Treaty Collection (<http://treaties.un.org>), which is maintained by the Treaty Section of the Office of Legal Affairs, which discharges the depositary functions of the Secretary-General.

#### **B. Opening of the session**

4. The Committee held its fifty-third session at the United Nations Office at Geneva from 1 to 19 October 2012. The Committee held 18 plenary meetings and also held 20 meetings to discuss agenda items 5, 6, 7 and 8. A list of the documents before the Committee is contained in annex III to part two of the present report.

5. The session was opened by the Chair of the Committee, Silvia Pimentel, on 1 October 2012, at its 1069th meeting. The United Nations High Commissioner for Human Rights, Navenethem Pillay, addressed the Committee at the opening of the session.

#### **C. Adoption of the agenda**

6. The Committee adopted the provisional agenda (CEDAW/C/53/1) at its 1069th meeting.

## **D. Report of the pre-session working group**

7. The report of the pre-session working group (CEDAW/PSWG/53/1), which had met from 5 to 9 March 2012, was introduced by Ms. Pimentel at the 1069th meeting.

## **E. Organization of work**

8. On 1 October 2012, the Committee held a closed meeting with representatives of the specialized agencies, funds and programmes of the United Nations system, as well as other intergovernmental organizations, during which those bodies provided country-specific information as well as information on the efforts they had made to support the implementation of the Convention.

9. On 1 and 8 October 2012, the Committee held informal public meetings with representatives of non-governmental organizations that provided information on the implementation of the Convention in the States parties reporting to the Committee at its fifty-third session.

10. On 3 October 2012, the Committee held a meeting with Madeleine Rees, Women's International League for Peace and Freedom, and Nyaradzai Gumbonzvanda, World Alliance of Young Men's Christian Associations, to discuss the elaboration of the Committee's general recommendation on women in conflict and post-conflict situations; the approach to sexual exploitation and trafficking in the context of peacekeeping; and follow-up to the Committee's statement on the arms trade treaty negotiations.

11. On 8 October 2012, the Committee met with Claire Charters, Indigenous Peoples and Minorities Section, Office of the United Nations High Commissioner for Human Rights, who provided a briefing on the Expert Mechanism on the Rights of Indigenous Peoples.

12. On 16 October 2012, the Committee held a meeting with the Human Rights Committee, which focused on individual communications procedures and on strengthening the treaty body system.

13. On 17 October 2012, the Committee had an informal meeting with States parties to discuss the strengthening of its engagement with stakeholders and enhancing the visibility of the Convention, as well as to provide an overview of the implementation of the Convention and the Optional Protocol, the working methods of the Committee and challenges in the context of treaty body strengthening. Seventy-four States parties were present at the meeting.

14. On 18 October 2012, the Committee held a thirtieth anniversary event, with support from the Office of the United Nations High Commissioner for Human Rights and the International Organization of la Francophonie, which was attended by more than 130 representatives from States, agencies and bodies of the United Nations system and civil society organizations. The event featured high-level speakers and panellists, including Kyung-wha Kang, Deputy High Commissioner for Human Rights/Office of the United Nations High Commissioner for Human Rights; Ridha Bouabid, Permanent Representative of the International Organization of la Francophonie to the United Nations; Zainab Hawa Bangura, Special Representative of the Secretary-General on Sexual Violence in Conflict; Michel

Forst, independent expert on the situation of human rights in Haiti; and Chaloka Beyani, Special Rapporteur on the human rights of internally displaced persons. Nicole Ameline and Pramila Patten also participated as panellists, and Ms. Pimentel, as Chair, made opening remarks. The panels focused on the human rights of women in conflict and post-conflict situations in French-speaking Africa.

15. The Committee discussed the tentative programme of work for its meeting in Istanbul from 1 to 3 November 2012, hosted by the Government of Turkey on the occasion of the thirtieth anniversary of the Committee.

## **F. Membership of the Committee**

16. All members, with the exception of Indira Jaising, attended the fifty-third session. Victoria Popescu was absent during the first week of the session. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex IV to part two of the present report.

### **Chapter III**

#### **Report of the Chair on the activities undertaken between the fifty-second and fifty-third sessions of the Committee**

17. At the 1069th meeting, the Chair, Ms. Pimentel, presented a report on the activities she had undertaken since the fifty-second session of the Committee.

## Chapter IV

### Consideration of reports submitted by States parties under article 18 of the Convention

18. At its fifty-third session, the Committee considered the reports of five States parties submitted under article 18 of the Convention: the combined fifth and sixth periodic report of Chile; the combined initial to fourth periodic report of Comoros; the sixth periodic report of Equatorial Guinea; the combined sixth and seventh periodic report of Togo; and the combined third and fourth periodic report of Turkmenistan.

19. The Committee adopted concluding observations on each of the reports considered. The concluding observations are available from the Official Document System of the United Nations (<http://documents.un.org/>) under the symbols indicated below:

Chile	(CEDAW/C/CHL/CO/5-6)
Comoros	(CEDAW/C/COM/CO/1-4)
Equatorial Guinea	(CEDAW/C/GNQ/CO/6)
Togo	(CEDAW/C/TGO/CO/6-7)
Turkmenistan	(CEDAW/C/TKM/CO/3-4)

20. It is noted that consideration of the combined second and third periodic report of Serbia was also scheduled for the fifty-third session. On 11 September 2012, the Government of Serbia requested a postponement of the consideration of that report. Accordingly, the Committee decided to postpone consideration of the combined second and third periodic report of Serbia to the fifty-fifth session.

#### Follow-up procedures relating to concluding observations

21. The Committee considered the follow-up reports received from the following States parties:

Fiji	(CEDAW/C/FJI/CO/4/Add.1)
Netherlands	(CEDAW/C/NLD/CO/5/Add.1)

The follow-up reports of both States parties and the Committee's replies are available from the Official Document System of the United Nations (<http://documents.un.org/>) under the symbols indicated above.

22. The Committee sent a first reminder to Papua New Guinea and a second reminder to the Lao People's Democratic Republic for follow-up reports that were overdue.

23. The Rapporteur on follow-up, Barbara Bailey, sent an invitation for a meeting to the representatives of Bhutan, Liberia and Yemen, which had not submitted their follow-up reports despite reminders sent by the Committee. The Rapporteur on follow-up met with a representative of Yemen.

## Chapter V

### **Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

24. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report a summary of its activities carried out under the Optional Protocol.

#### **A. Action taken by the Committee in respect of issues arising under article 2 of the Optional Protocol**

25. The Committee discussed activities under the Optional Protocol on 12, 15 and 18 October 2012.

26. The Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its twenty-fourth session (see annex V to part two of the present report).

27. The Committee took action on communications Nos. 31/2011 (*V.P. v. Bulgaria*) and 38/2012 (*Jignesh Shir v. United Kingdom*), and adopted views on communication No. 31/2011 and an inadmissibility decision on communication No. 38/2012, each by consensus. The Committee also started its examination of communication No. 29/2011 (*M.S. v. Spain*) and decided to refer it back to the Working Group on Communications under the Optional Protocol to seek clarification from the author of the communication as well as from the State party.

#### **B. Follow-up to views of the Committee on individual communications**

28. The respective rapporteurs provided the Committee with information in connection with the follow-up to communications Nos. 17/2008 (*Alyne Pimentel v. Brazil*), 20/2008 (*V.K. v. Bulgaria*), 22/2009 (*C.P. v. Peru*), and 23/2009 (*Irina Volchay v. Belarus*). The Committee decided to keep the follow-up dialogue ongoing in these cases.

#### **C. Action taken by the Committee in respect of issues arising under article 8 of the Optional Protocol**

29. The Committee discussed the documents provided by the secretariat regarding the methodology of inquiries, namely, a background note, standard operating procedures and a reference paper on the threshold for “grave or systematic” violations. The Committee decided to entrust the task force on inquiries to discuss these documents further at the fifty-fourth session.

## Chapter VI

### Ways and means of expediting the work of the Committee

30. During its fifty-third session, the Committee considered agenda item 7, on ways and means of expediting the work of the Committee.

#### Action taken by the Committee under agenda item 7

##### Enhancing the working methods of the Committee

31. The Committee continued to discuss the proposals contained in the report of the United Nations High Commissioner for Human Rights on treaty body strengthening, including the implementation chart prepared by the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights. It also continued to consider the Addis Ababa guidelines and entrusted the Working Group on Working Methods to thoroughly review the guidelines, with a view to incorporating relevant elements into the rules of procedure of the Committee.

32. The Committee discussed webcasting of its public meetings and requested the secretariat to provide additional information in that regard.

33. The Committee reviewed the report prepared by the secretariat on ways and means of expediting its work and noted its usefulness for the work of the Committee.

34. On 16 October 2012, the Committee held a meeting with the Human Rights Committee, which focused on individual communications procedures and strengthening of the human rights treaty bodies.

35. On 17 October 2012, the Committee held an informal meeting with States parties to the Convention, which was attended by 74 representatives of States parties. The meeting focused on strengthening engagement with stakeholders and raising the visibility of the Convention, as well as on the implementation of the Convention and the Optional Protocol.

##### Dates of future sessions of the Committee

36. In accordance with the calendar of conferences, the following dates were confirmed for the Committee's fifty-fourth and fifty-fifth sessions and related meetings:

- (a) Fifty-fourth session: 11 February-1 March 2013, Geneva;
- (b) Twenty-fifth session of the Working Group on Communications under the Optional Protocol: 4-7 March 2013;
- (c) Pre-session working group for the fifty-sixth session: 4-8 March 2013;
- (d) Twenty-sixth session of the Working Group on Communications under the Optional Protocol: (to be confirmed);
- (e) Fifty-fifth session: 8-26 July 2013 (New York or Geneva);
- (f) Pre-session working group for the fifty-seventh session: 29 July-2 August 2013.



**Reports to be considered at future sessions of the Committee**

37. The Committee confirmed that it would consider the reports of the States parties listed below at its fifty-fourth and fifty-fifth sessions.

Fifty-fourth session:

Angola  
Austria  
Cyprus  
Greece  
Hungary  
Pakistan  
Solomon Islands (in absence of a report)  
The former Yugoslav Republic of Macedonia

Fifty-fifth session:

Afghanistan  
Bosnia and Herzegovina  
Cape Verde  
Cuba  
Democratic Republic of the Congo  
Dominican Republic  
Serbia  
United Kingdom of Great Britain and Northern Ireland

## **Chapter VII**

### **Implementation of article 21 of the Convention**

38. During the fifty-third session, the Committee considered agenda item 6, on the implementation of article 21 of the Convention.

#### **Action taken by the Committee under agenda item 6**

##### **General recommendation on the economic consequences of marriage, family relations and their dissolution**

39. The Committee continued its consideration of the draft general recommendation on the economic consequences of marriage, family relations and their dissolution. The working group also met during the session to further revise the draft general recommendation. The Committee agreed to prioritize and expedite the adoption of the general recommendation. It was agreed to continue reviewing the draft general recommendation at the special commemorative meeting held in Istanbul, Turkey, in November 2012, with a view to presenting it to the Committee for adoption at the fifty-fourth session.

##### **Joint general recommendation/comment on harmful practices**

40. The joint working group of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child met during the session and reviewed substantive issues regarding the draft general recommendation/comment. The joint working group members agreed on the way forward in elaborating the general recommendation, including its envisaged adoption at the fifty-sixth session, to be held in October 2013. No discussion was held in plenary on the issue.

##### **General recommendation on women in conflict and post-conflict situations**

41. The working group met during the session to discuss the draft general recommendation. No discussion was held in plenary.

##### **General recommendation on access to justice**

42. The working group presented a concept note to the Committee. The Committee endorsed the concept note and decided to hold a half day of general discussion on access to justice during the fifty-fourth session.

##### **Working group on gender equality in the context of asylum and statelessness**

43. The working group met during the session to continue working on the draft general recommendation, which was revised and circulated to the plenary with a request for comments to be provided intersessionally.

##### **Working group on rural women**

44. A concept note prepared intersessionally by the working group was endorsed by the Committee on 17 October 2012. The Committee decided to tentatively schedule a half day of general discussion on rural women for the fifty-fifth session.

The working group will continue to work intersessionally with Sharon Brennen-Haylock, Senior Liaison Officer, Food and Agriculture Organization of the United Nations, to discuss support for the general recommendation on rural women, the day of general discussion and possible regional consultations.

**Working group on climate change and natural disasters**

45. The working group on climate change and natural disasters is responsible for elaborating a general recommendation on climate change and natural disasters with the understanding that any work on such a general recommendation would take place intersessionally until decided otherwise by the Committee.

**Working group on the right to education**

46. On 9 October 2012, the Committee endorsed an introductory note on the right to education. It is noted that the Committee decided to establish a working group on the right to education at its fifty-second session to elaborate a general recommendation in this regard with the understanding that any work on such a general recommendation would take place intersessionally until decided otherwise by the Committee.

## **Chapter VIII**

### **Provisional agenda for the fifty-fourth session**

47. The Committee considered the draft provisional agenda for its fifty-fourth session on 19 October 2012 and approved the following provisional agenda for that session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chair on activities undertaken between the fifty-third and fifty-fourth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Follow-up to concluding observations of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of articles 21 and 22 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the fifty-fifth session of the Committee.
9. Adoption of the report of the Committee on its fifty-fourth session.

## **Chapter IX**

### **Adoption of the report**

48. The Committee considered the draft report on its fifty-third session and addenda on 19 October 2012 and adopted it as orally revised during the discussion.

## Annex I

### **Decision 53/VI Statement by the Committee on the Elimination of Discrimination against Women on protection of the right of girls to education**

**Adopted on 19 October 2012**

The right of girls and women to education is a central obligation of States parties under the Convention on the Elimination of All Forms of Discrimination against Women. The obligation is set out in articles 2 and 10 of the Convention and in other international human rights documents, such as the Millennium Development Goals and the Dakar Framework for Action.<sup>a</sup>

Despite the seeming global consensus on the right of girls and women to education, and although the illiterate population is shrinking globally, illiteracy continues to be a feminized phenomenon, particularly in certain regions of the world. In 2009, 35 million girls of primary school age and 37 million girls in the lower secondary level were out of school. As a result of these trends over time, of the reported 793 million adults lacking basic literacy skills, 508 million (66 per cent) are female.

The Committee is therefore appalled by the recent incident in Pakistan where Malala Yousafzai, a 14-year-old schoolgirl, was brutally attacked and shot in the north-western frontier of Pakistan while calling for the right of girls to education, bringing into sharp focus the extreme danger that some girls face in claiming and enjoying this basic human right in keeping with articles 2 (a) and 10 (b) of the Convention. Malala is now fighting for her life in a British hospital, for no other reason than that she was bold enough to take an unwavering stance and boldly speak out on this critical issue. The Committee recognizes Malala's unprecedented role as a youth advocate for the education of girls and notes that the Government of Pakistan awarded her a national peace prize in 2011.

The activism of Malala and her schoolmates on the right of girls to education and that of numerous other girls who have experienced similar discrimination and risks, reflects deep understanding of the crux of the problem that hinders girls from having free access to and choices in the field of education: the persistence of a patriarchal system that serves traditional interests and motives, which combine to maintain the status quo and perpetuate male privileges, particularly in the field of education and in the workforce.

The Committee calls on the States parties to denounce and punish such acts of violence and to continue to take all necessary action, including the dismantling of patriarchal barriers and entrenched gender stereotypes, to guarantee and ensure that girls are able to enjoy their basic human right to education in every region of the world.

<sup>a</sup> See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

## **Annex II**

### **Decision 53/VII Statement by the Committee on the Elimination of Discrimination against Women on the situation of women and girls in northern Mali**

**Adopted on 19 October 2012**

The Committee on the Elimination of Discrimination against Women expresses its deep concern about the situation of women and girls in northern Mali as a result of the armed conflict.

The Committee asks for an immediate end to all violations of human rights, which seriously affect the civilian population, particularly women and girls, who are victims of grave and severe gender-based violence in the current crisis.

In addition to systematic cruel and inhuman punishment being inflicted in the north of the country by extremist armed rebel groups, including summary executions, mutilations and stonings, women and girls are also victims of sexual violence and exploitation, forced marriages and forced displacement. Access to employment, education and basic social services have also been seriously curtailed by the extremist armed rebel groups that now control the area.

The Committee calls upon the international community to urgently address the humanitarian and human rights crisis in Mali in accordance with the internationally recognized principles, norms and standards of human rights and humanitarian law, particularly the human rights of women and girls, which are an inalienable, integral and indivisible part of universal human rights.

## Annex III

### Documents before the Committee at its fifty-third session

<i>Document number</i>	<i>Title or description</i>
CEDAW/C/53/1	Provisional agenda and annotations
CEDAW/C/53/2	Report of the United Nations Educational, Scientific and Cultural Organization
CEDAW/C/53/3	Report of the International Labour Organization
<b>Reports of States parties</b>	
CEDAW/C/CHL/5-6	Combined fifth and sixth periodic reports of Chile
CEDAW/C/COM/1-4	Combined initial to fourth periodic reports of Comoros
CEDAW/C/GNQ/6	Sixth periodic report of Equatorial Guinea
CEDAW/C/TGO/6-7	Combined sixth and seventh periodic reports of Togo
CEDAW/C/TKM/3-4	Combined third and fourth periodic reports of Turkmenistan
CEDAW/C/CAF/Q/1-6	List of issues and questions in the absence of initial and periodic reports of the Central African Republic



## Annex IV

### Membership of the Committee on the Elimination of Discrimination against Women as at 31 December 2012

<i>Name of member</i>	<i>Country of nationality</i>	<i>Term of office expires on 31 December</i>
Ayse Feride Acar	Turkey	2014
Nicole Ameline	France	2012
Olinda Bareiro-Bobadilla	Paraguay	2014
Magalys Arocha Dominguez	Cuba	2012
Violet Tsisiga Awori	Kenya	2012
Barbara Evelyn Bailey	Jamaica	2012
Meriem Belmihoub-Zerdani	Algeria	2014
Niklas Bruun	Finland	2012
Naéla Mohamed Gabr	Egypt	2014
Ruth Halperin-Kaddari	Israel	2014
Yoko Hayashi	Japan	2014
Ismat Jahan	Bangladesh	2014
Indira Jaising	India	2012
Soledad Murillo de la Vega	Spain	2012
Violeta Neubauer	Slovenia	2014
Pramila Patten	Mauritius	2014
Silvia Pimentel	Brazil	2012
Maria Helena Lopes de Jesus Pires	Timor-Leste	2014
Victoria Popescu	Romania	2012
Zohra Rasekh	Afghanistan	2012
Patricia Schulz	Switzerland	2014
Dubravka Šimonović	Croatia	2014
Xiaoqiao Zou	China	2012

## Annex V

### **Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its twenty-fourth session**

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its twenty-fourth session in Geneva from 25 to 28 September 2012. All members attended the session.
2. At the beginning of the session, the Working Group adopted its agenda as set out in the appendix to the present report.
3. The Working Group then reviewed the update on new correspondence received since the previous session, as prepared by the secretariat (a table reflecting the correspondence received and/or processed between 11 July and 21 September 2012, as well as a table disaggregating that correspondence into six different categories).<sup>a</sup>
4. The Working Group reviewed the pieces of unregistered correspondence. It decided to register four cases and to transmit the correspondence to the States parties; in two of the cases, the Committee decided to issue requests for interim measures of protection. The secretariat should seek further clarification and documentation from the authors in those cases, in support of their claims, and should ask them to better substantiate their claims under the Convention's provisions. With regard to one correspondence against Germany, the secretariat should proceed with further clarifications and inform the Working Group at its next session. As to two pieces of correspondence concerning the Russian Federation, the Working Group requested the secretariat (a) to send a letter explaining the requirement under article 4, paragraph 2 (c), of the Optional Protocol to the authors; and (b) to send a reminder sent to the author in the remaining case. In a communication regarding both Australia and New Zealand, the secretariat should send the factsheet and seek clarifications from the author in support of her claims.
5. The Working Group requested the secretariat to systematically include information, in the table summarising the content of unregistered correspondence, on whether authors/alleged victims are represented by counsel. It also asked the secretariat to set clear deadlines when requesting additional information from the parties concerning non-registered cases (on an ad hoc basis).
6. During its twenty-fourth session, the Working Group also reviewed the status of all individual communications registered under the Optional Protocol and had a discussion on each of them. Concerning case No. 24/2009, the secretariat was asked to clarify for the counsel that the Working Group needed a copy of the decision of the European Court of Human Rights and to contact the registry of that Court in order to obtain a copy of the decision. Concerning the State party's split request in Case No. 37/2012, the Working Group decided to accede to the request and to ask the secretariat to prepare a draft decision on admissibility for its twenty-sixth session. The Working Group also had preliminary discussions in two cases (Nos. 33/2012 and 35/2012).

<sup>a</sup> The Working Group decided to include a sixth category "(f) Other", in the table at its twenty-fourth session.

7. In addition, the Working Group discussed three draft recommendations. After examination of the first (admissibility and merits) concerning communication No. 29/2011, the Working Group decided, in the light of the complexity of the case, to refer it to the plenary. It should be noted that the members were divided as to the proposed outcome, with a majority of three members opting for the draft as it stood (proposing no violation) and the two other members being in favour of finding a violation. Another draft recommendation on the admissibility of communication No. 38/2012 was examined, and the Working Group decided unanimously to recommend that the plenary declare it inadmissible on the grounds of non-exhaustion of domestic remedies. The Working Group also discussed the draft recommendation on admissibility and merits concerning communication No. 31/2011. It unanimously decided to recommend to the plenary that a violation be found in the case.

8. The Working Group also discussed internal working methods and follow-up modalities concerning individual communications. The Working Group discussed the follow-up situation in each case and decided on the possible actions to be taken and to be brought to the attention of the Committee's Plenary. The secretariat would prepare a table for the fifty-third session of the Committee, containing an assessment in each case, as proposed by the respective follow-up rapporteurs, for discussion by the plenary. The issue of the appointment of co-Rapporteurs on follow-up to views was also raised.

#### **Actions taken at the present session**

9. The Working Group decided:

(a) To refer to the plenary a recommendation in relation to the admissibility and the merits of communication No. 29/2011, where three members supported the draft proposing no violation and two opted for finding a violation;

(b) To adopt a recommendation (violation) in communication No. 31/2011;

(c) To adopt a recommendation (inadmissibility) in communication No. 38/2012;

(d) To prepare draft recommendations for the twenty-fifth session of the Working Group regarding communications Nos. 33/2012, 35/2011 and 40/2012;

(e) To accede to the State party's split request in relation to communication No. 37/2012;

(f) To register four new communications and seek clarifications from the authors: communications Nos. 42/2012; (Mr. Bruun was appointed as a case Rapporteur); 43/2012 (Ms. Šimonović was appointed as case Rapporteur); 44/2012 (Mr. Bruun was appointed as a case Rapporteur); and 45/2012 (Ms. Patten was appointed as a case Rapporteur);

(g) To request the secretariat to continue to upload on the Optional Protocol extranet, academic resources that were cited in the note by the secretariat and make copies available of excerpts, as requested;

(h) To request the secretariat to prepare information on the follow-up procedure, including summaries of the submissions by the parties;

(j) To request the secretariat to arrange a meeting with the representatives of the Permanent Mission of Peru to the United Nations on follow-up to individual cases.<sup>b</sup>

10. Regarding its intersessional work and internal working methods, the Working Group decided to have the discussion on modalities for follow-up to views pursued during the twenty-fifth session, including on modalities for the closure of cases.

11. The Working Group submitted the following issues for the Committee's consideration and decision:

(a) Three recommendations relating to communications Nos. 29/2011 (non-violation draft views, where no consensus was found as a majority of the Working Group opted for a conclusion of no violation and two members were of the contrary opinion; it was decided to refer it to the plenary for guidance/examination); 31/2011 (violation); and 38/2012 (inadmissibility);

(b) A working paper on the extraterritorial effects of the Convention in non-refoulement cases, to be drawn to the Committee's attention for possible discussion, possibly at its fifty-third session.

12. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women decided to have its twenty-fifth session in Geneva, from 4 to 7 March 2013.

<sup>b</sup> The meeting was held during the session, on 9 October 2012. Dubravka Šimonović, Olinda Bareiro-Bobadilla, and Magalys Arocha Dominguez met with Hubert Wieland Conroy, Minister Counsellor, Deputy Permanent Representative of Peru to the United Nations Office at Geneva, and a Second Secretary from the Permanent Mission. The Committee members explained the follow-up procedure to the State party's representatives and noted that the State party had failed to give effect to the Committee's recommendations in case No. 22/2009, *L.C. v. Peru*. It was also noted that the State party's authorities were using the full name of the complainant and her mother in submissions that are in the public domain. The particular situation of the victim in the case was emphasized, as well as the need to have her adequately compensated and to offer her psychological assistance and possibilities to study. The Brazilian reply in case No. 17/2008, *Pimentel v. Brazil* was also brought to the attention of the State party's representatives as a matter exemplifying good practices. The need to create a specific body empowered to deal with the individual communications of treaty bodies, including follow-up, and to adopt an enabling legislation concerning treaty body recommendations thereon was also discussed. The State party's representatives acknowledged that the follow-up reply provided was insufficient and assured the Committee that their capital would be seized of the matter and that they would report to the Committee soon. The dialogue could be qualified as frank and constructive.

## **Appendix**

### **Agenda of the twenty-fourth session of the Working Group**

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the previous session.
3. New communications registered and appointment of new rapporteurs: no new cases registered since the twenty-third session of the Working Group.
4. Discussion on cases ready for adoption and preliminary discussion.
5. Update on communications.
6. Update on follow-up to views.
7. Discussion on working methods, including follow-up to views.
8. Adoption of the report of the Working Group on its twenty-fourth session.

**Part Three**  
**Report of the Committee on the Elimination of**  
**Discrimination against Women on its fifty-fourth session**

**11 February-1 March 2013**

## Chapter I

### **Matters brought to the attention of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women**

#### **Decision 54/I**

On 11 February 2013, the Committee elected Nicole Ameline as Chair of the Committee.

#### **Decision 54/II**

On 11 February 2013, the Committee elected the remaining officers of the Committee, namely, Ismat Jahan, Vice-Chair; Violeta Neubauer, Vice-Chair; Pramila Patten, Vice-Chair; and Barbara Bailey, Rapporteur.

#### **Decision 54/III**

The Committee confirmed the members of the Working Group on Communications under the Optional Protocol, namely, Olinda Bareiro-Bobadilla, Niklas Bruun, Yoko Hayashi, Pramila Patten, and Dubravka Šimonović.

#### **Decision 54/IV**

The Committee confirmed the members of the pre-session working group for the fifty-sixth session as follows: Barbara Bailey, Meriem Belmihoub-Zerdani, Violeta Neubauer, Maria Helena Lopes de Jesus Pires and Patricia Schulz.

#### **Decision 54/V**

On 26 February 2013, the Committee adopted the general recommendation on article 16 of the Convention (Economic consequences of marriage, family relations and their dissolution). (See annex I to part three of the present report.)

#### **Decision 54/VI**

The Committee decided to shorten and merge several standard paragraphs contained in its concluding observations.

#### **Decision 54/VII**

The Committee decided to allow public webcasting of its dialogues with States parties during a trial period covering its fifty-fifth and fifty-sixth sessions in July and October 2013, respectively, and to make an internal assessment at the end of the fifty-sixth session in order to determine whether or not to continue the webcasting beyond the trial period. It decided to amend its rules of procedure accordingly by deleting rule 28, paragraph 3, second sentence, which reads: "The Committee shall, if necessary, and before giving such permission, seek the consent of any State party reporting to the Committee under article 18 of the Convention to the filming or other recording of the proceedings in which it is engaged."

**Decision 54/VIII**

The Committee decided to incorporate the guidelines on independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines), adopted by the twenty-fourth Meeting of the Chairs of the human rights treaty bodies, in its rules of procedure. (See annex II to part three of the present report.)

**Decision 54/IX**

On 26 February 2013, the Committee amended its methodology of the follow-up procedure to concluding observations (see annex III to part three of the present report) and adopted a document containing information for States parties and other stakeholders on the submission of reports under the procedure, as contained in the appendix to annex III.

**Decision 54/X**

The Committee approved an internal document containing standard operating procedures for the conduct of inquiries under article 8 of the Optional Protocol.

**Decision 54/XI**

On 1 March 2013, the Committee adopted a decision containing a resolution in which the Committee requests the General Assembly to provide the necessary resources for the Working Group on Communications under the Optional Protocol (to be renamed Working Group on the Optional Protocol) to meet for five additional days per year, starting from 2014, and to extend its membership from five to seven members during the requested five additional days of annual meeting time in order to enable the Working Group to examine information received under article 8 of the Optional Protocol. (See annex IV to part three of the present report.)

**Decision 54/XII**

On 1 March 2013, the Committee adopted a decision containing a resolution in which the Committee requests the General Assembly to provide the necessary resources to enable the Committee to hold one of its annual sessions at United Nations Headquarters in New York, starting from 2014, and to ensure that the Committee is provided with adequate substantive support from its secretariat during those sessions. (See annex V to part three of the present report.)

**Decision 54/XIII**

In accordance with article 20, paragraph 2, of the Convention, the Committee decided that one of its annual sessions, from 2014 onwards, will be held at United Nations Headquarters in New York.

**Decision 54/XIV**

On 1 March 2013, the Committee adopted a statement on the report of the United Nations High Commissioner for Human Rights on the strengthening of the United Nations human rights treaty bodies. (See annex VI to part three of the present report.)



**Decision 54/XV**

The Committee decided to hold a half day of general discussion on rural women at its fifty-sixth session.

**Decision 54/XVI**

The Committee decided to make public the reports on its sessions by posting them on its website after each session, starting from the fifty-fourth session.

**Decision 54/XVII**

The joint working group of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child on harmful practices was expanded to include Noor Al-Jehani, Dalia Leinarte and Theodora Nwankwo, in addition to existing members Ayse Feride Acar, Barbara Bailey, Naéla Gabr, Violeta Neubauer (Chair), Dubravka Šimonović and Xiaoqiao Zou.

**Decision 54/XVIII**

The working group on women in conflict prevention, conflict and post-conflict situations was expanded to include Nahla Haidar, Theodora Nwankwo and Biancamaria Pomeranzi, in addition to existing members Nicole Ameline, Meriem Belmihoub-Zerdani, Niklas Bruun, Ismat Jahan, Pramila Patten (Chair) and Maria Helena Lopes de Jesus Pires.

**Decision 54/XIX**

The working group on access to justice was expanded to include Hilary Gbedemah, in addition to existing members Ayse Feride Acar, Barbara Bailey, Meriem Belmihoub-Zerdani, Olinda Bareiro-Bobadilla, Ruth Halperin-Kaddari, Pramila Patten, Silvia Pimentel (Chair), Patricia Schulz, Dubravka Šimonović and Xiaoqiao Zou.

**Decision 54/XX**

The Working Group on Working Methods was expanded to include Nahla Haidar, Dalia Leinarte and Biancamaria Pomeranzi, in addition to the existing members Barbara Bailey, Ruth Halperin-Kaddari, Violeta Neubauer, Maria Helena Lopes de Jesus Pires, Patricia Schulz (Chair) and Xiaoqiao Zou.

**Decision 54/XXI**

The working group on the gender related dimensions of refugee status, asylum and statelessness was expanded to include Noor Al-Jehani and Nahla Haidar, in addition to the existing members Yoko Hayashi (Chair), Ismat Jahan and Xiaoqiao Zou.

**Decision 54/XXII**

The working group on the right to education was expanded to include Noor Al-Jehani and Hilary Gbedemah, in addition to the existing members Barbara Bailey (Chair), Naéla Gabr, Maria Helena Lopes de Jesus Pires and Xiaoqiao Zou.

**Decision 54/XXIII**

The task force on inquiries was expanded to include Nahla Haidar, in addition to existing members Olinda Bareiro-Bobadilla, Niklas Bruun, Barbara Bailey, Ruth Halperin-Kaddari, Violeta Neubauer, Pramila Patten, Patricia Schulz and Dubravka Šimonović.

**Decision 54/XXIV**

Theodora Nwankwo was appointed as gender and HIV/AIDS focal point of the Committee.

## **Chapter II**

### **Organizational and other matters**

#### **A. States parties to the Convention and to the Optional Protocol**

1. On 1 March 2013, the closing date of the fifty-fourth session of the Committee on the Elimination of Discrimination against Women, there were 187 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 and opened for signature, ratification and accession in New York on 1 March 1980. In accordance with its article 27, the Convention entered into force on 3 September 1981. In addition, 68 States parties had accepted the amendment to article 20, paragraph 1, of the Convention, concerning the Committee's meeting time. A total of 125 States parties to the Convention are currently required to accept the amendment in order to bring it into force, in accordance with its provisions.

2. As at the same date, there were 104 States parties to the Optional Protocol to the Convention, which was adopted by the General Assembly in its resolution 54/4 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with its article 16, the Optional Protocol entered into force on 22 December 2000.

3. Updated information on the status of the Convention, the amendment to the Convention and its Optional Protocol, as well as lists of States signatories and parties and the texts of declarations, reservations, objections and other relevant information, is available from the website of the United Nations Treaty Collection (<http://treaties.un.org>), which is maintained by the Treaty Section of the Office of Legal Affairs, which discharges the depositary functions of the Secretary-General.

#### **B. Opening of the session**

4. The Committee held its fifty-fourth session at the United Nations Office at Geneva from 11 February to 1 March 2013. The Committee held 21 plenary meetings and also held 21 meetings to discuss agenda items 5, 6, 7 and 8. A list of the documents before the Committee is contained in annex VII to part three of the present report.

5. The session was opened by the outgoing Chair of the Committee, Silvia Pimentel, on 11 February 2013.

#### **C. Adoption of the agenda**

6. The Committee adopted the provisional agenda (CEDAW/C/54/1) at its 1099th meeting.

#### **D. Report of the pre-session working group**

7. The report of the pre-session working group (CEDAW/PSWG/54/1), which met from 31 July to 3 August 2012, was introduced by Yoko Hayashi at the 1099th meeting.

## **E. Organization of work**

8. On 11 February 2013, the Committee elected Nicole Ameline as Chair of the Committee, in accordance with the rules of procedure of the Committee. The following members were also elected as officers of the Committee: Ismat Jahan, Vice-Chair; Violeta Neubauer, Vice-Chair; Pramila Patten, Vice-Chair; and Barbara Bailey, Rapporteur.

9. On 11 February 2013, the following newly elected members of the Committee assumed their duties and took the solemn declaration as provided for in rule 15 of the rules of procedure of the Committee: Noor Al-Jehani, Hilary Gbedemah, Nahla Haidar, Dalia Leinarte, Theodora Nwankwo and Biancamaria Pomeranzi.

10. On 11 February 2013, the Committee held a closed meeting with representatives of the specialized agencies, funds and programmes of the United Nations system, as well as other intergovernmental organizations, during which those bodies provided country-specific information as well as information on the efforts they had made to support the implementation of the Convention.

11. On 11 and 18 February 2013, the Committee held informal public meetings with representatives of non-governmental organizations who provided information about the implementation of the Convention in the States parties reporting to the Committee at its fifty-fourth session.

## **F. Membership of the Committee**

12. All members attended the fifty-fourth session. Ayse Feride Acar and Barbara Bailey were not able to attend the first day of the session. Ruth Halperin-Kaddari did not attend the session on 22 February and 1 March 2013. A list of members of the Committee, indicating the duration of their terms of office, is contained in annex VIII to part three of the present report.

## **Chapter III**

### **Report of the Chair on activities undertaken between the fifty-third and fifty-fourth sessions of the Committee**

13. At the 1099th meeting, the outgoing Chair, Silvia Pimentel, presented a report on the activities she had undertaken since the fifty-third session of the Committee.

## Chapter IV

### Consideration of reports submitted by States parties under article 18 of the Convention

14. At its fifty-fourth session, the Committee considered the reports of seven States parties submitted under article 18 of the Convention: the sixth periodic report of Angola; the combined seventh and eighth periodic report of Austria; the combined sixth and seventh periodic report of Cyprus; the seventh periodic report of Greece; the combined seventh and eighth periodic report of Hungary; the fourth periodic report of Pakistan; and the combined fourth and fifth periodic report of the former Yugoslav Republic of Macedonia.

15. The Committee adopted concluding observations on each of the reports considered. The concluding observations are available from the Official Document System of the United Nations (<http://documents.un.org/>) under the symbols indicated below:

Angola	(CEDAW/C/AGO/CO/6)
Austria	(CEDAW/C/AUT/CO/7-8)
Cyprus	(CEDAW/C/CYP/CO/6-7)
Greece	(CEDAW/C/GRC/CO/7)
Hungary	(CEDAW/C/HUN/CO/7-8)
Pakistan	(CEDAW/C/PAK/CO/4)
The former Yugoslav Republic of Macedonia	(CEDAW/C/MKD/CO/4-5)

16. It is noted that the consideration of Solomon Islands in the absence of a report was also scheduled for the fifty-fourth session. Solomon Islands submitted its combined initial to third periodic report prior to the fifty-fourth session, and the consideration was subsequently postponed to the fifty-ninth session in order to allow for the translation of the report and the establishment of the list of issues at the pre-session working group.

#### Follow-up procedures relating to concluding observations

17. The Committee considered the follow-up reports from the following States parties:

Botswana	(CEDAW/C/BOT/CO/3/Add.1)
Nigeria	(CEDAW/C/NGA/CO/6/Add.1)
Russian Federation	(CEDAW/C/RUS/CO/7/Add.1)
Switzerland	(CEDAW/C/CHE/CO/3/Add.1)
Timor-Leste	(CEDAW/C/TSL/CO/1/Add.1 and Corr.1)
Turkey	(CEDAW/C/TUR/CO/6/Add.1)
Ukraine	(CEDAW/C/UKR/CO/7/Add.1)
United Republic of Tanzania	(CEDAW/C/TZA/CO/6/Add.1)

18. The Committee sent second reminders to the following States parties whose follow-up reports were overdue: Egypt, Haiti, Panama and United Arab Emirates.

19. The Committee sent further invitations to meet with the representatives of Bhutan and Nigeria. Neither of them had submitted their follow-up report despite two reminders sent by the Committee, nor had they replied to a letter sent by the Committee at its fifty-third session to schedule a meeting with the representatives of both States parties. During the fifty-fourth session, the Rapporteur on follow-up met with a representative of Bhutan.

## **Chapter V**

### **Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

20. Article 12 of the Optional Protocol to the Convention provides that the Committee shall include in its annual report, under article 21 of the Convention, a summary of its activities under the Optional Protocol.

#### **A. Action taken by the Committee in respect of issues arising under article 2 of the Optional Protocol**

21. No action was undertaken at the fifty-fourth session.

#### **B. Follow-up to views of the Committee on individual communications**

22. No action was undertaken at the fifty-fourth session.

#### **C. Action taken by the Committee in respect of issues arising under article 8 of the Optional Protocol**

23. The Committee discussed and approved an internal document prepared by the secretariat containing standard operating procedures for the conduct of inquiries.

24. The Committee was briefed on the country visit undertaken in connection with inquiry No. 2010/1.

25. On 27 February 2013, the members designated by the Committee for inquiry No. 2011/1 held a meeting with representatives of the State party concerned in order to reiterate their request to conduct a visit to the territory of that State party.

26. An additional submission was received, but was not discussed by the Committee.



## Chapter VI

### Ways and means of expediting the work of the Committee

27. During its fifty-fourth session, the Committee considered agenda item 7, on ways and means of expediting the work of the Committee.

#### Action taken by the Committee under agenda item 7

##### Enhancing the working methods of the Committee

28. The Committee continued to discuss the proposals contained in the report of the United Nations High Commissioner for Human Rights on treaty body strengthening. It adopted a statement welcoming the efforts of the United Nations High Commissioner to overcome the difficulties that the treaty body system is facing (see annex VI to part three of the present report).

29. The Committee also decided to incorporate in its rules of procedure the Addis Ababa guidelines on independence and impartiality of human rights treaty body members (see annex II to part three of the present report).

30. The Committee discussed webcasting its dialogues with States parties and decided to allow for such webcasting during a trial period covering its fifty-fifth and fifty-sixth sessions, following which the Committee will undertake an evaluation to determine whether or not to continue webcasting beyond that period.

31. The Committee discussed the need to adopt a media strategy to increase the visibility of its work.

##### Dates of future sessions of the Committee

32. In accordance with the calendar of conferences, the following dates were confirmed for the Committee's fifty-fifth and fifty-sixth sessions and related meetings:

(a) Twenty-sixth session of the Working Group on Communications under the Optional Protocol: 4-5 July 2013, Geneva;

(b) Fifty-fifth session: 8-26 July 2013, Geneva;

(c) Pre-session working group for the fifty-seventh session: 29 July-2 August 2013, Geneva;

(d) Twenty-seventh session of the Working Group on Communications under the Optional Protocol: 23-27 September 2013, Geneva;

(e) Fifty-sixth session: 30 September-18 October 2013, Geneva;

(f) Pre-session working group for the fifty-eighth session: 21-24 October 2013, Geneva.

##### Reports to be considered at future sessions of the Committee

33. The Committee confirmed that it will consider the reports of the following States parties at its fifty-fifth and fifty-sixth sessions:

Fifty-fifth session:

Afghanistan

Bosnia and Herzegovina

Cape Verde

Cuba

Democratic Republic of the Congo

Dominican Republic

Serbia

United Kingdom of Great Britain and Northern Ireland

Fifty-sixth session:

Andorra

Benin

Cambodia

Colombia

Republic of Moldova

St. Vincent and the Grenadines (in absence of a report)

Seychelles

Tajikistan

## Chapter VII

### Implementation of article 21 of the Convention

34. During the fifty-fourth session, the Committee considered agenda item 6, on the implementation of article 21 of the Convention.

#### Action taken by the Committee under agenda item 6

##### General recommendation on the economic consequences of marriage, family relations and their dissolution

35. On 26 February 2013, the Committee adopted general recommendation No. 29, on article 16 of the Convention (Economic consequences of marriage, family relations and their dissolution). (See annex I to part three of the present report.)

##### Joint working group on harmful practices

36. The joint working group of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child held a telephone conference during the fifty-fourth session to discuss pending issues and comments received from United Nations entities and non-governmental organizations on the draft general recommendation/comment.

37. The working group met during the session.

##### Working Group on women in conflict prevention, conflict and post-conflict situations

38. The Chair of the working group, Pramila Patten, presented the draft general recommendation in plenary and invited comments from the members of the Committee.

##### General recommendation on access to justice

39. The working group met during the session.

40. On 18 February 2013, the Committee held a half day of general discussion on women and access to justice, as part of the first phase in the elaboration of a general recommendation on the topic. The discussion was opened by the Chair of the Committee, Nicole Ameline, followed by opening addresses by representatives of the joint OHCHR (Mona Rishmawi), UN-Women (Lee Waldorf) and UNDP (Zanofer Ismalebbe) programme on access to justice, which had sponsored the event. The envisaged general recommendation on women and access to justice was introduced by the Chair of the working group on women and access to justice, Silvia Pimentel. The following seven keynote speakers explored the legal, procedural and institutional barriers faced by women in accessing justice, women's social, economic and practical challenges in accessing justice and the challenges faced by disadvantaged groups of women in accessing justice: Frances Raday, Vice-Chair of the working group on discrimination against women in law and practice; Sara Hossain, Honorary Director of Bangladesh Legal Aid and Services Trust; Wilder Tayler, Secretary-General of the International Commission of Jurists; Simone Cusack, Lawyer, Senior Policy/Research Officer at the Australian Human Rights

Commission; Magdalena Sepulveda Carmona, Special Rapporteur on extreme poverty and human rights; Shaheen Sardar Ali, Vice-Chair of the working group on arbitrary detention, Professor of Law at the University of Warwick, United Kingdom; and Karen Vertido, the author of a communication submitted under article 2 of the Optional Protocol, in relation to which the Committee had found violations of articles 2 (c), 2 (f) and 5, in conjunction with article 1, of the Convention. After the interventions of the keynote speakers, oral statements were made by the following State parties: Denmark, Finland, Iceland, Norway and Sweden (joint statement), Argentina, Switzerland, Australia, Sri Lanka, Bahrain, Slovenia and Brazil. Further statements were made by the Office of the United Nations High Commissioner for Refugees and the International Labour Organization, and by 13 civil society organizations (International Women's Rights Action Watch Asia Pacific, Widows for Peace, International Disability Alliance, REDRESS and the Strategic Initiative for Women in the Horn of Africa, Amnesty International, Avocats sans frontières, Center for Reproductive Rights, International Gay and Lesbian Human Rights Commission, Global Action to Prevent War and Armed Conflict, Ban Ying, FIAN International, Harm Reduction International, and Latin American and Caribbean Committee for the Defence of Women's Rights), as well as by Judge Lilian Hofmeister of the Austrian Constitutional Court.

**Working group on gender-related dimensions of refugee status, asylum and statelessness**

41. The Chair of the working group, Dubravka Šimonović, presented the draft general recommendation in plenary and invited comments from the members of the Committee.

**Working group on rural women**

42. A half day of general discussion on rural women is scheduled for the fifty-sixth session. The working group will continue to work intersessionally with Sharon Brennen-Haylock, Senior Liaison Officer, Food and Agriculture Organization of the United Nations, to prepare the half day of general discussion.

**Working group on gender equality in the context of climate change and natural disasters**

43. The working group did not meet during the session.

**Working group on the right to education**

44. The working group met during the session.

**Working Group on Working Methods**

45. The working group met during the session.

## Chapter VIII

### Provisional agenda for the fifty-fifth session

46. The Committee considered the draft provisional agenda for its fifty-fifth session on 1 March 2013 and approved the following provisional agenda for that session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chair on activities undertaken between the fifty-fourth and fifty-fifth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Follow-up to concluding observations of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of articles 21 and 22 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
8. Provisional agenda for the fifty-sixth session of the Committee.
9. Adoption of the report of the Committee on its fifty-fifth session.

## **Chapter IX**

### **Adoption of the report**

47. The Committee considered the draft report on its fifty-fourth session on 1 March 2013 and adopted it as orally revised during the discussion.

## Annex I

### Decision 54/V

### **General recommendation on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution)**

#### **I. Background**

1. As stated in the Universal Declaration of Human Rights, the family is the basic unit of society.<sup>a</sup> It is a social and legal construct and, in various countries, a religious construct. It also is an economic construct. Family market research has established that family structures, gendered labour division within the family and family laws affect women's economic well-being no less than labour market structures and labour laws. Indeed, women often do not equally enjoy their family's economic wealth and gains, they usually bear the greater cost of the breakdown of the family than men and may be left destitute upon widowhood, especially if they have children and particularly where the State provides little or no economic safety net.

2. Inequality in the family underlies all other aspects of discrimination against women and is often justified in the name of ideology, tradition and culture. An examination of the reports of States parties reveals that in many States, the rights and responsibilities of married partners are governed by the principles of civil or common law, religious or customary laws and practices, or some combination of such laws and practices that discriminate against women and do not comply with the principles set out in the Convention.

3. Many of the States parties that maintain such legal arrangements have entered reservations to all or parts of articles 2 and 16. The Committee on the Elimination of Discrimination against Women has repeatedly noted with concern the extent of these reservations, which it considers invalid because they are incompatible with the object and purpose of the Convention. It has consistently called upon these States parties to withdraw their reservations and ensure that their legal systems, whether civil, religious, customary, or ethnic or some combination thereof, conform to the Convention in general and to article 16 in particular.

4. The economic consequences for women of marriage, divorce, separation and death have been of growing concern to the Committee. Research conducted in some countries has found that while men usually experience smaller, if not minimal, income losses after divorce and/or separation, many women experience a substantial decline in household income and increased dependence on social welfare, where it is available. Throughout the world, female-headed households are the most likely to be poor. Their status is inevitably affected by global developments such as the market economy and its crises; women's increasing entry into the paid workforce and their concentration in low-paying jobs; persistent income inequality within and between States; growth in divorce rates and in de facto unions; the reform of social security systems or the launching of new ones; and, above all, the persistence of women's

<sup>a</sup> Resolution 217 A (III), article 16 (3).

poverty. Despite women's contributions to the economic well-being of the family, their economic inferiority permeates all stages of family relationships, often owing to their responsibility for dependants.

5. Regardless of the vast range of economic arrangements within the family, women in both developing and developed countries generally share the experience of being worse off economically than men in family relationships and following the dissolution of those relationships. Social security systems, nominally designed to improve economic status, may also discriminate against women.

## II. Purpose and scope of the general recommendation

6. Article 16 of the Convention provides for the elimination of discrimination against women at the inception of marriage, during marriage and at its dissolution by divorce or death. In 1994, the Committee adopted general recommendation No. 21, which elaborated upon many aspects of article 16 as well as its relationship to articles 9 and 15. General recommendation No. 21 notes that article 16 (1) (h) specifically refers to the economic dimensions of marriage and its dissolution. The present general recommendation builds upon the principles articulated in general recommendation No. 21, other relevant general recommendations, such as general recommendation No. 27, and the Committee's jurisprudence. It invokes the definition of discrimination contained in article 1 of the Convention and calls upon States parties to take legal and policy measures as required under article 2 of the Convention and general recommendation No. 28. It also integrates the social and legal developments that have taken place since the adoption of general recommendation No. 21, such as the adoption by some State parties of laws on registered partnerships and/or de facto unions, as well as the increase in the number of couples living in such relationships.

7. The entitlement of women to equality within the family is universally acknowledged, as evidenced by the related general comments of other human rights treaty bodies: Human Rights Committee general comment No. 28, on equality of rights between men and women (in particular paras. 23-27), and general comment No. 19, on protection of the family, the right to marriage and equality of the spouses; and Committee on Economic, Social and Cultural Rights general comment No. 16, on the equal right of men and women to the enjoyment of all economic, social and cultural rights (in particular para. 27), and general comment No. 20, on non-discrimination in economic, social and cultural rights. Important global political documents such as the Beijing Platform for Action<sup>b</sup> and the Millennium Development Goals also refer to equality in the family as a fundamental principle.<sup>c</sup>

8. The Committee has consistently concluded that the elimination of discrimination against women requires States parties to provide for substantive as well as formal equality. Formal equality may be achieved by adopting gender-neutral laws and policies, which on their face treat women and men equally. Substantive equality can be achieved only when the States parties examine the application and effects of laws and policies and ensure that they provide for equality

<sup>b</sup> *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, para. 61.

<sup>c</sup> See resolution 55/2; see also the Millennium Project, Goal 3, available from <http://www.unmillenniumproject.org/goals/index.htm>.



in fact, accounting for women's disadvantage or exclusion. In respect of the economic dimensions of family relations, a substantive equality approach must address matters such as discrimination in education and employment, the compatibility of work requirements and family needs, and the impact of gender stereotypes and gender roles on women's economic capacity.

9. The present general recommendation will serve as a guide for States parties in achieving a *de jure* and *de facto* egalitarian regime under which the economic benefits and costs of family relations and the economic consequences of their dissolution are borne equally by men and women. It will establish the norm for evaluating implementation by States parties of the Convention with respect to economic equality in the family.

### **III. Constitutional and legal framework**

10. The constitutions or legal frameworks of a number of States parties still provide that personal status laws (relating to marriage, divorce, distribution of marital property, inheritance, guardianship, adoption and other such matters) are exempt from constitutional provisions prohibiting discrimination or reserve matters of personal status to the ethnic and religious communities within the State party to determine. In such cases, constitutional equal protection provisions and anti-discrimination provisions do not protect women from the discriminatory effects of marriage under customary practices and religious laws. Some States parties have adopted constitutions that include equal protection and non-discrimination provisions but have not revised or adopted legislation to eliminate the discriminatory aspects of their family law regimes, whether they are regulated by civil code, religious law, ethnic custom or any combination of laws and practices. All these constitutional and legal frameworks are discriminatory, in violation of article 2 in conjunction with articles 5, 15 and 16 of the Convention.

11. States parties should guarantee equality between women and men in their constitutions and should eliminate any constitutional exemptions that would serve to protect or preserve discriminatory laws and practices with regard to family relations.

#### **Multiple family law systems**

12. Some States parties have multiple legal systems in which different personal status laws apply to individuals on the basis of identity factors such as ethnicity or religion. Some, but not all, of these States parties also have a civil legal code that may apply in prescribed circumstances or by choice of the parties. In some States, however, individuals may have no choice as to the application of identity-based personal status laws.

13. The extent to which individuals are free to choose their religious or customary adherence and practice varies, as does their freedom to challenge the discrimination against women enshrined in the laws and customs of their State or community.

14. The Committee has consistently expressed concern that identity-based personal status laws and customs perpetuate discrimination against women and that the preservation of multiple legal systems is in itself discriminatory against women.

The lack of individual choice relating to the application or observance of particular laws and customs exacerbates this discrimination.

15. States parties should adopt written family codes or personal status laws that provide for equality between spouses or partners irrespective of their religious or ethnic identity or community, in accordance with the Convention and the Committee's general recommendations. In the absence of a unified family law, the system of personal status laws should provide for individual choice as to the application of religious law, ethnic custom or civil law at any stage of the relationship. Personal laws should embody the fundamental principle of equality between women and men and should be fully harmonized with the provisions of the Convention so as to eliminate all discrimination against women in all matters relating to marriage and family relations.

#### **IV. Various forms of family**

16. In general recommendation No. 21, paragraph 13, the Committee acknowledges that families take many forms and underscores the obligation of equality within the family under all systems, "both at law and in private".

17. Statements by other entities in the United Nations system confirm the understanding that "the concept of 'family' must be understood in a wide sense".<sup>d</sup> The Human Rights Committee, in para. 27 of its general comment No. 28, acknowledges the "various forms of family". In his report on observance of the International Year of the Family, the Secretary-General confirms that "families assume diverse forms and functions among and within countries".<sup>e</sup>

18. States parties are obligated to address the sex- and gender-based discriminatory aspects of all the various forms of family and family relationships. In respect of discrimination against women, they must address patriarchal traditions and attitudes and open family law and policy with the same scrutiny that is given to the "public" aspects of individual and community life.

19. Marriages may be formed through a variety of customs, ceremonies and rituals that may be sanctioned by the State. Civil marriage is sanctioned solely by the State and is registered. Religious marriage is solemnized through the performance of ritual(s) prescribed by religious law. Customary marriage is undertaken by the performance of ritual(s) prescribed by the customs of the parties' community.

20. Some States parties do not require registration of religious and customary marriages in order for them to be valid. Unregistered marriages may be substantiated by production of a marriage contract, witness accounts of the rituals or other means, as appropriate in the circumstances.

21. Some States parties that recognize polygamous marriages, under either religious or customary law, also provide for civil marriage, monogamous by definition. Where civil marriage is not provided for, women in communities that practice polygamy may have no choice but to enter into a marriage that is at least

<sup>d</sup> See general comment No. 4 of the Committee on Economic, Social and Cultural Rights, on the right to adequate housing (article 11 (1) of the International Covenant on Economic, Social and Cultural Rights), para. 6.

<sup>e</sup> A/50/370, para. 14.

potentially, if not already, polygamous, regardless of their wishes. The Committee concluded in general recommendation No. 21 that polygamy is contrary to the Convention and must be “discouraged and prohibited”.

22. In some States parties, the law also provides for registered partnerships and establishes rights and responsibilities between the parties. States may extend social and tax benefits to registered partnerships to varying degrees.

23. De facto unions are not registered and often do not give rise to any rights. Some States, however, recognize de facto unions and establish equal rights and responsibilities for them that can vary in scope and depth.

24. Certain forms of relationships (namely, same-sex relationships) are not legally, socially or culturally accepted in a considerable number of States parties. However, where they are recognized, whether as a de facto union, registered partnership or marriage, the State party should ensure protection of the economic rights of the women in those relationships.

### **Customary/religious unregistered marriages**

25. Registration of marriage protects the rights of spouses with regard to property issues upon dissolution of the marriage by death or divorce. The Convention obligates States parties to establish and fully implement a system of marriage registration. However, many States parties lack either a legal requirement of marriage registration or implementation of existing registration requirements, and in such instances individuals should not be penalized for failure to register, including where lack of education and infrastructure makes registration difficult.

26. States parties should establish a legal requirement of marriage registration and conduct effective awareness-raising activities to that effect. They must provide for implementation through education about the requirements and provide infrastructure to make registration accessible to all persons within their jurisdiction. States parties should provide for establishing proof of marriage by means other than registration where circumstances warrant. The State must protect the rights of women in such marriages, regardless of their registration status.

### **Polygamous marriages**

27. The Committee reaffirms paragraph 14 of its general recommendation No. 21, which states that “polygamous marriage contravenes a woman’s right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such marriages ought to be discouraged and prohibited”. Since the adoption of this general recommendation, the Committee has consistently noted with concern the persistence of polygamous marriages in many States parties. In its concluding observations, the Committee has pointed to the grave ramifications of polygamy for the human rights and economic well-being of women and their children, and has consistently called for its abolition.

28. States parties should take all legislative and policy measures needed to abolish polygamous marriages. Nevertheless, as stated by the Committee in its general recommendation No. 27, “polygamy is still practised in many States Parties, and many women are in polygamous unions”. Accordingly, with regard to women in

existing polygamous marriages, States parties should take the necessary measures to ensure the protection of the economic rights of women.

### **Registered partnerships**

29. States parties that provide for registered partnerships must ensure equal rights, responsibilities and treatment between the partners in economic matters addressed by the legislation on those partnerships. The recommendations contained below apply *mutatis mutandis* in States parties that recognize registered partnerships in their legal order.

### **De facto unions**

30. Women enter *de facto* unions for a variety of reasons. Some States provide a legal framework for recognizing *de facto* unions at some point, such as upon the death of a partner or the dissolution of the relationship. Where such legal frameworks do not exist, women may be exposed to economic risks when a cohabiting relationship ends, including when they have contributed to maintaining a household and to building other assets.

31. The Committee determined in its general recommendation No. 21 that the elimination of discrimination against women in *de facto* unions is included in State party obligations under article 16 (1). In States parties where such unions exist, and with regard to relationships in which neither partner is married to another person or is in a registered partnership with another person, the Committee recommends that the State party consider the situation of women in these unions, and of the children resulting from them, and take the necessary measures to ensure the protection of their economic rights. In countries where *de facto* unions are recognized by law, the recommendations contained below apply *mutatis mutandis*.

## **V. Economic aspects of family formation**

32. States parties should provide to individuals entering into marriage information on the economic consequences of the marital relationship and of its potential dissolution by divorce or death. Where the States parties provide for registered partnerships, the same information should be provided to them.

### **Payment or preferment as a requirement of marriage**

33. In general recommendation No. 21, paragraph 16, the Committee notes that some State parties “allow marriage to be arranged for payment or preferment”, which is a violation of a woman’s right to freely choose her spouse. “Payment or preferment” refers to transactions in which cash, goods or livestock are given to the bride or her family by the groom or his family, or when a similar payment is made by the bride or her family to the groom or his family. This practice should not be in any way required in order for a marriage to be valid, and such agreements should not be recognized by the State party as enforceable.

### **Contracts: prenuptial and postnuptial agreements**

34. In some systems, marriages or other recognized forms of union may be undertaken only by written contract. Some systems allow the option of contractual agreements concerning property to be undertaken prior to or during the marriage. States must ascertain that women are not left with less protection than they would have under the standard or default marriage provisions, owing to grave inequality in bargaining power.

35. When States parties provide for the possibility of making private contractual arrangements with respect to the distribution of marital and other property following the dissolution of marriage, they should take measures to guarantee non-discrimination, respect public order, prevent the abuse of unequal bargaining power and protect each spouse from abuse of power in making such contracts. These protective measures may include requiring that such agreements be written or subject to other formal requirements and providing for retroactive invalidation or for financial or other remedies if the contract is found to be abusive.

## **VI. Economic aspects during the relationship**

36. A number of States parties retain discriminatory systems of property management during the marriage. Some retain laws stating that the man is the head of the household, thus giving him the role of sole economic agent as well.

37. Where a community property regime is the norm, nominally providing that half of the marital property is theirs, women still may not have the right to manage the property. In many legal systems, women may retain the right to manage property that they own individually and may accumulate and manage additional separate property during the marriage. However, property accumulated by virtue of women's economic activity may be considered as belonging to the marital household, and women may not have a recognized right to manage it. This may be the case even with regard to women's own wages.

38. States parties should provide for equal access by both spouses to the marital property and equal legal capacity to manage it. They should ensure that the right of women to own, acquire, manage, administer and enjoy separate or non-marital property is equal to that of men.

## **VII. Economic and financial consequences upon dissolution of relationships**

### **Grounds for divorce and financial consequences**

39. Some legal systems make a direct link between grounds for divorce and the financial consequences of divorce. Fault-based divorce regimes may condition financial rights on the lack of fault. They may be abused by husbands to eliminate any financial obligation towards their wives. In many legal systems, no financial support is awarded to wives against whom a fault-based divorce has been pronounced. Fault-based divorce regimes may include different standards of fault for wives and husbands, such as requiring proof of greater infidelity by a husband

than by a wife as a basis for divorce. Fault-based economic frameworks frequently work to the detriment of the wife, who is usually the financially dependent spouse.

40. States parties should:

- Revise provisions linking grounds for divorce and financial consequences in order to eliminate opportunities for husbands to abuse these provisions and thereby to avoid any financial obligations towards their wives.
- Revise provisions relating to fault-based divorce in order to provide compensation for the contributions made by the wife to the family's economic well-being during the marriage.
- Eliminate differences in the standards of fault for wives and for husbands, such as requiring proof of greater infidelity by a husband than by a wife as a basis for divorce.

41. Some legal regimes require the wife or her family to return to the husband or his family any economic benefits in the form of payment or preferment, or other such payments that were an element of marriage formation, and do not impose equal economic requirements on a divorcing husband. States parties should eliminate any procedural requirement for payments to obtain a divorce that does not apply equally to husbands and wives.

42. States parties should provide for separating the principles and procedure dissolving the marriage relationship from those relating to the economic aspects of the dissolution. Free legal aid should be provided to women who do not have the means to pay for court costs and attorney fees, so as to ensure that no woman is forced to forgo her economic rights to obtain a divorce.

### **Dissolution of marriage by separation and divorce**

43. Most laws, customs and practices relating to the financial consequences of marriage dissolution can be broadly classified into two categories: distribution of property and maintenance after divorce or separation. Property distribution and post-dissolution maintenance regimes often favour husbands regardless of whether laws appear neutral, owing to gendered assumptions relating to the classification of marital property subject to division, insufficient recognition of non-financial contributions, women's lack of legal capacity to manage property and gendered family roles. In addition, laws, customs and practices relating to the post-dissolution use of the family home and chattels clearly have an impact on women's post-dissolution economic status.

44. Women may be barred from claiming property rights for lack of recognized capacity to own or manage property, or the property regime may not recognize property accumulated during the marriage as subject to division between the parties. Interrupted education and employment histories and childcare responsibilities frequently prevent women from establishing a path to paid employment (opportunity cost) sufficient to support their post-dissolution family. These social and economic factors also prevent women living under a regime of separate property from increasing their individual property during marriage.

45. The guiding principle should be that the economic advantages and disadvantages related to the relationship and its dissolution should be borne equally

by both parties. The division of roles and functions during the spouses' life together should not result in detrimental economic consequences for either party.

46. States parties are obligated to provide, upon divorce and/or separation, for equality between the parties in the division of all property accumulated during the marriage. States parties should recognize the value of indirect, including non-financial, contributions with regard to the acquisition of property acquired during the marriage.

47. States parties should provide for equal formal and de facto legal capacity to own and manage property. To achieve both formal and substantive equality with respect to property rights upon the dissolution of marriage, States parties are strongly encouraged to provide for:

- Recognition of use rights in property related to livelihood or compensation in order to provide for replacement of property-related livelihood.
- Adequate housing to replace the use of the family home.
- Equality within the property regimes available to couples (community property, separate property, hybrid), the right to choose property regime, and an understanding of the consequences of each regime.
- Inclusion of the present-value computation of deferred compensation, pension or other post-dissolution payments resulting from contributions made during the marriage, such as life insurance policies, as part of the marital property subject to division.
- Valuation of non-financial contributions to marital property subject to division, including household and family care, lost economic opportunity and tangible or intangible contributions to either spouse's career development and other economic activity and to the development of his or her human capital.
- Consideration of post-dissolution spousal payments as a method of providing for equality of financial outcome.

48. States parties should undertake research and policy studies on women's economic status within the family and upon the dissolution of family relationships and publish the results in accessible forms.

### **Property rights after death**

49. Many States parties, by law or custom, deny widows equality with widowers in respect of inheritance, leaving them vulnerable economically upon the death of a spouse. Some legal systems formally provide widows with other means of economic security, such as through support payments from male relatives or from the estate of the deceased. However, in practice, these obligations may not be enforced.

50. Under customary forms of landholding, which may limit individual purchase or transfer and may only be subject to right of use, upon the death of the husband, the wife or wives may be told to leave the land or may be required to marry a brother of the deceased in order to remain on the land. The existence of offspring, or lack of offspring, may be a major factor in such marriage requirements. In some States parties, widows are subject to "property dispossession" or "property grabbing", in which relatives of a deceased husband, claiming customary rights, dispossess the widow and her children from property accumulated during the

marriage, including property that is not held according to custom. They remove the widow from the family home and claim all the chattels, then ignore their concomitant customary responsibility to support the widow and children. In some States parties, widows are marginalized or banished to a different community.

51. Survivorship rights to social security payments (pensions and disability payments) and in contributory pension systems play a large role in States parties in which couples pay significant sums into those systems during the relationship. States parties are obligated to provide for equality between men and women in terms of spousal and survivorship benefits from social security and pension systems.

52. The laws or practices of some States parties restrict the use of a will to override discriminatory laws and customs and increase women's share of inheritance. States parties are obligated to adopt laws relating to the making of wills that provide equal rights to women and men as testators, heirs and beneficiaries.

53. States parties are obligated to adopt laws of intestate succession that comply with the principles of the Convention. Such laws should ensure:

- Equal treatment of surviving females and males.
- That customary succession to use rights or title to land cannot be conditioned on forced marriage to a deceased spouse's brother (levirate marriage) or any other person, or on the existence or absence of minor children of the marriage.
- That disinheritance of the surviving spouse is prohibited.
- That "property dispossession/grabbing" is criminalized, and that offenders are duly prosecuted.

## **VIII. Reservations**

54. In its 1998 statement on reservations to the Convention,<sup>f</sup> the Committee expressed concern about the number and the nature of reservations. In paragraph 6, it specifically noted that:

Articles 2 and 16 are considered by the Committee to be core provisions of the Convention. Although some States parties have withdrawn reservations to those articles, the Committee is particularly concerned at the number and extent of reservations entered to those articles.

In respect of article 16, the Committee specifically stated in paragraph 17 that:

Neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention. The Committee also remains convinced that reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn.

---

<sup>f</sup> A/53/38/Rev.1, part two.



55. With respect to reservations relating to religious laws and practices, the Committee recognizes that since 1998 a number of States parties have modified their laws to provide for equality in at least some aspects of family relations. It continues to recommend that States parties take “into consideration the experiences of countries with similar religious backgrounds and legal systems that have successfully accommodated domestic legislation to commitments emanating from international legally binding instruments, with a view to” withdrawing reservations.<sup>8</sup>

---

<sup>8</sup> CEDAW/C/ARE/CO/1 (2010), on concluding observations, United Arab Emirates, para. 46.

## **Annex II**

### **Decision 54/VIII**

#### **New rule 15 bis of the rules of procedure of the Committee incorporating the Addis Ababa guidelines on independence and impartiality of members of the human rights treaty bodies**

#### **Independence and impartiality of members**

##### **Rule 15 bis**

The Addis Ababa guidelines on independence and impartiality of members of the human rights treaty bodies adopted by the twenty-fourth Meeting of the Chairs of the human rights treaty bodies<sup>a</sup> shall form an integral part of the present rules of procedure.

---

<sup>a</sup> A/67/222, annex I.

## Annex III

### Decision 54/IX

### Methodology of the follow-up procedure to concluding observations

#### Reporting on the Committee's follow-up procedure

1. The Rapporteur on follow-up to concluding observations will brief the Committee on the actions taken or proposed at each session of the Committee. The briefing and the content of letters for transmission to States parties will be discussed in a closed meeting of the Committee.
2. The Committee will provide a report on its follow-up activities in its report to the General Assembly on an annual basis.

#### Action taken in response to States parties replies

3. The Rapporteur will assess, in cooperation with the respective country rapporteur or other members of the Committee, the responses received in order to determine whether the issues designated by the Committee for follow-up have been adequately addressed by the State party concerned and whether further information is required based on the following categories:<sup>a</sup>

(a) "Implemented" indicates that the State party has fully implemented or has made significant progress in implementing the recommendation made by the Committee; in this case, no additional information is requested from the State party;

(b) "Partially implemented" indicates that the State party took some steps towards the implementation of the recommendation but needs to take further actions; in this case, the Rapporteur requests that additional information be provided, within a specific time frame or in the next periodic report, on further steps taken by the State party to implement the recommendation;

(c) "Not implemented" indicates that the State party has taken no action to implement the recommendation or the action taken has not directly addressed the situation; in this case, the Rapporteur requests that information be provided, within a specific time frame or in the next periodic report, on steps taken to implement the recommendation;

(d) "Lack of sufficient information to make an assessment" indicates a case where the Rapporteur requests that information be provided, within a specific time frame or in the next periodic report, on the measures taken to implement the recommendation.

4. Based on the recommendations made by the Rapporteur, the Committee will discuss the progress made by States parties on the implementation of the follow-up recommendations and decide what action may be appropriate.

<sup>a</sup> Information for States parties and other stakeholders on the submission of reports under the procedure is contained in the appendix to the present annex.

5. The Rapporteur will transmit the Committee's findings by letter to the permanent mission to the United Nations of the State party concerned, which will be made public on the Committee's website, after having been transmitted to the permanent mission. The Committee will note in the communications to the State party whether the responses have been received in a timely or untimely manner. In its communications with the State party, the Committee will identify which action(s) it has selected from the following non-exhaustive list of options:

- (a) "No further information or action will be necessary";
- (b) "Requests further information on implementation within a specific time frame or in the next periodic report";
- (c) "Requests further clarification" concerning the issues raised in the follow-up response;
- (d) "Recommends technical assistance" to be provided by specific United Nations entities.

## **Reminders**

6. The Rapporteur will transmit reminders to States parties after two months of the information being overdue, and again after four months if the information remains overdue. If information is not received within six months of being overdue, the Committee will hold meetings with the respective permanent missions to the United Nations in order to sustain dialogue on the issues raised in the follow-up paragraphs. Reminders will be made public. The sending of reminders may be suspended for States parties that are faced with natural disaster, war or such situations that would possibly preclude follow-up activities.

## **Subsequent periodic report**

7. Once the next periodic report of a State party is considered by the Committee, a new cycle for follow-up will commence. It is important that the follow-up from the previous reporting round be systematically integrated as an essential part of the reporting process and that all the information under the procedure be made available in the respective country files. Any outstanding recommendations relating to the follow-up procedure will be addressed during the subsequent constructive dialogue and reflected in the subsequent concluding observations.

## **Role of the secretariat**

8. The Committee's secretariat will assist the Committee and the Rapporteur by undertaking the following tasks:

- (a) Receive a soft copy of State party responses; process the responses, immediately after receipt, for editing and translation, with relevant symbols; and post them as well as letters by the Rapporteur on the Committee's web page hosted on the OHCHR website under "follow-up procedure";
- (b) Draft letters for the Rapporteur;

(c) Consider ways, together with the Committee and the Rapporteur, to engage with the stakeholders.

### **Engagement with stakeholders**

9. The Committee may engage with stakeholders with regard to the follow-up procedure by inviting national human rights institutions, United Nations country teams, United Nations entities, in particular the United Nations Entity for Gender Equality and the Empowerment of Women and non-governmental organizations, to provide information to the Committee in relation to its follow-up procedure. The Committee, with the assistance of the Office of the United Nations High Commissioner for Human Rights, may also engage with United Nations entities on the ground to maximize the implementation of the concluding observations through the follow-up mechanism.

10. Information provided by national human rights institutions, United Nations country teams and/or entities and non-governmental organizations will be made public in accordance with the same rules on submissions that are provided for the consideration of State party reports and list of issues and questions, namely, that the submissions of United Nations country teams and other United Nations entities will always be considered confidential, while information from other sources will be considered either public or confidential, depending on the request of the submitting organization.

## **Appendix**

### **Information on the follow-up procedure to concluding observations**

#### **I. Introduction**

The follow-up procedure aims at providing assistance to the States parties in the implementation of the Convention. Under the procedure, the State party is requested to follow up on recommendations, as indicated in two of the concluding observations adopted by the Committee. However, it should be noted that the concluding observations ultimately prevail over recommendations made by the Rapporteur on follow-up because of the absence, in the follow-up procedure, of any interaction between the Committee and the State party, such as the issuance of a list of issues and the holding of a constructive dialogue.

#### **II. Criteria for the selection of follow-up recommendations**

The Committee selects two recommendations from the concluding observations requiring follow-up information within one or two years. The selection of the two recommendations is based on the following criteria: whether the issues selected for short-term action constitute a major obstacle to women's enjoyment of their human rights and would therefore constitute a major obstacle to the implementation of the Convention as a whole.

#### **III. Terminology for determining the status of implementation of the recommendations**

- “Implemented” indicates that the State party has fully implemented or has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee; in this case, the Rapporteur on follow-up requests no additional information from the State party.
- “Partially implemented” indicates that the State party took some steps towards the implementation of the recommendation but needs to take further actions; in this case, the Rapporteur on follow-up requests that additional information be provided, within a specific time frame or in the next periodic report, on further steps taken by the State party to implement the recommendation.
- “Not implemented” indicates that the State party has taken no action to implement the recommendation or the action taken has not directly addressed the situation; in this case, the Rapporteur on follow-up requests that information be provided, within a specific time frame or in the next periodic report, on steps taken to implement the recommendation.
- “Lack of sufficient information to make an assessment” indicates a case where the Rapporteur on follow-up requests that information be provided, within a specific time frame or in the next periodic report, on the measures taken to implement the recommendation.

#### **IV. Guidelines on the drafting of follow-up reports by States parties**

- The follow-up report shall be concise and focused on the recommendations identified by the Committee in the framework of the follow-up procedure.
- The follow-up report on the selected recommendations shall not exceed a maximum length of 3,500 words.
- The State party is requested to provide information on all the measures taken subsequent to the issuance of the concluding observations on the respective recommendations, specifying their dates of adoption and status of implementation.
- The follow-up report shall be submitted within the deadline stipulated in the concluding observations.
- The State party is requested to submit the follow-up report in one of the official languages of the United Nations.
- The State party shall send an electronic version of its report in Word format to the following e-mail address: [cedaw@ohchr.org](mailto:cedaw@ohchr.org).
- When considering the follow-up report, if the Committee considers that further information is necessary, it will request the State party to provide additional information within a new deadline to be established by the Committee or to include the additional information in the next periodic report.

#### **V. Guidelines on the submission of follow-up reports by non-governmental organizations, national human rights institutions and other organizations**

- Non-governmental organizations, national human rights institutions or other organizations can submit alternative follow-up reports; these reports shall be as concise as possible and not exceed a maximum length of 3,500 words.
- The suggested deadline for the non-governmental organizations, national human rights institutions or organizations to submit their alternative reports is one month after the State party's follow-up report has been made public.
- Reports of non-governmental organizations, national human rights institutions and other organizations shall be transmitted in Word format to the secretariat's e-mail address ([cedaw@ohchr.org](mailto:cedaw@ohchr.org)), and four hard copies of the reports shall be sent to the following address: Office of the United Nations High Commissioner for Human Rights, secretariat of the Committee on the Elimination of Discrimination against Women, Palais Wilson, 52 rue des Pâquis, CH-1201 Genève, Switzerland.

## Annex IV

### **Decision 54/XI**

### **Resolution on a request for additional resources for the Working Group on Communications under the Optional Protocol**

**Adopted on 1 March 2013**

*The Committee on the Elimination of Discrimination against Women,*

*Taking note* of the increasing number of submissions received under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which contain information that may indicate grave or systematic violations by a State party of rights set forth in the Convention,

*Recalling* that the Working Group on Communications under the Optional Protocol (to be renamed Working Group on the Optional Protocol) currently meets for ten days per year, distributed over three annual sessions, to consider and adopt recommendations on individual communications under article 2 of the Optional Protocol, while no official meeting time is allocated to the examination of information received under article 8 of the Optional Protocol (inquiry procedure),

*Bearing in mind* the importance of the inquiry procedure under article 8 of the Optional Protocol, which enables the Committee to establish an inquiry in cases of grave or systematic violations of rights set forth in the Convention,

*Taking note* that several submissions have been received under article 8 and are currently pending before the Committee,

*Taking note* of the additional resources required to enable the envisaged Working Group on the Optional Protocol to examine information received under article 8 of the Optional Protocol during its official meeting time,

*Decides*, without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, to request the Assembly to provide the necessary resources for the Working Group on the Optional Protocol to meet for five additional days per year, starting from 2014, and to extend its membership from five to seven members during the requested five additional days of annual meeting time in order to enable the Working Group to examine information received under article 8 of the Optional Protocol.



## Annex V

### Decision 54/XII

### Resolution on a request for additional resources concerning the meeting venue of the annual sessions of the Committee

**Adopted on 1 March 2013**

*The Committee on the Elimination of Discrimination against Women,*

*Noting* that, in accordance with article 20, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, the meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee,

*Recalling* that in 2007 the Committee requested, in its decision 39/I, to hold three annual sessions of three weeks each, one of which would be held at United Nations Headquarters in New York, so as to facilitate and encourage ongoing cooperation between the Committee and United Nations entities working on women's human rights,

*Recalling* that in resolution 62/218 (of 22 December 2007), the General Assembly decided to authorize the Committee to meet on an exceptional and temporary basis in the biennium 2008-2009 in a total of five sessions, of which two would be held at United Nations Headquarters in New York,

*Noting* that, following the biennium 2008-2009, the Committee continued, as a practice, to hold one session per year in New York,

*Noting* that one of the key factors for the quality of the work of the Committee is its cooperation with other United Nations mechanisms and entities working on women's rights, in particular the Commission on the Status of Women and the United Nations Entity for Gender Equality and the Empowerment of Women, both of which meet or are located, respectively, at United Nations Headquarters in New York,

*Reaffirming* the need to further strengthen and institutionalize the cooperation of the Committee with such United Nations mechanisms and entities and to ensure the visibility and accessibility of the Committee and its work for all partners within the United Nations system, in particular those at United Nations Headquarters in New York,

*Recalling* that the location of one of its annual sessions at United Nations Headquarters would enable the Committee to entertain regular contacts with its partners and ensure its visibility in New York, especially if that session, if possible, is held directly before the annual session of the Commission on the Status of Women,

*Recalling* that the Committee, in accordance with article 20, paragraph 2, of the Convention decided, in its decision 54/XIII, that one of its annual sessions, starting from 2014, should be held at United Nations Headquarters in New York,

*Regretting* that owing to financial restraints, and outside the context of the treaty body strengthening process, it was decided to relocate the annual session of the Committee in 2013 from New York to Geneva,

*Taking note* of the additional resources required to ensure adequate support to the Committee from its secretariat during the holding of one of its annual sessions at United Nations Headquarters in New York,

*Decides*, without prejudice to the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system, to request the Assembly to provide the necessary resources to enable the Committee to hold one of its annual sessions at United Nations Headquarters, in New York, starting from 2014, including to ensure that the Committee is provided with adequate support from its secretariat during those sessions.

## Annex VI

### **Decision 54/XIV Statement of the Committee on the Elimination of Discrimination against Women on the report of the United Nations High Commissioner for Human Rights on the strengthening of the United Nations human rights treaty bodies**

**Adopted on 1 March 2013**

1. The Committee has high expectations that the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system will bring a significant improvement in strengthening the human rights treaty body system as an essential and efficient mechanism for the promotion and protection of human rights, including women's rights, based on the proposals made by the United Nations High Commissioner for Human Rights.

2. The Committee welcomes and takes note with interest of the proposals made by the United Nations High Commissioner for Human Rights in her report on the strengthening of the United Nations human rights treaty bodies.<sup>a</sup> It welcomes the efforts of the United Nations High Commissioner to address the difficulties that the treaty body system is facing and the many proposals made to overcome them.

3. The Committee recalls its statement "Towards a harmonized and integrated human rights treaty bodies system"<sup>b</sup> and emphasizes the importance of developing effective cooperation between the Human Rights Council and the treaty bodies.

4. The Committee is concerned that the treaty body system has reached its limits with the existing available resources and that it may not be able to function on a sustainable basis. The backlog of State reports received, combined with the high number of overdue reports, is an alarming sign of this dysfunctional situation. The treaty body strengthening process can be successful only if it ensures that sufficient and sustained resources will enable the treaty bodies to fully discharge their various mandates, including for the Committee, that is, not only the consideration of States parties' reports and follow-up procedures but also the examination of individual communications and the conduct of inquiries. The Committee regrets that the proposals of the United Nations High Commissioner did not address the issue of inquiries and the related financial implications.

5. The Committee has already implemented a number of the measures suggested in the report, including:

- Issuance of summary records only in English.
- Measures concerning the consideration of States parties' reports (for example, limiting the number of questions in lists of issues and the number of recommendations in and the length of concluding observations; focusing questions during the dialogue on the most important human rights issues and

<sup>a</sup> A/66/860.

<sup>b</sup> A/61/38, part two, annex I.

on States parties' follow-up on the previous concluding observations; clustering questions; allocating speaking time to the State party delegation and to Committee members and using a speech timer; and working in task forces).

- Simplification of follow-up procedures by reducing the number of selected recommendations and adopting clear guidelines.
- Adoption of standard operating procedures for conducting inquiries.
- Full incorporation of the Addis Ababa guidelines on independence and impartiality of human rights treaty body members<sup>c</sup> into the rules of procedure of the Committee.

6. The Committee has embarked on a reassessment of its rules of procedure and working methods and is in the process of implementing some of the other proposals, such as:

- Further improving the “country specificity” of concluding observations.
- Systematically requesting information on national mechanisms and regulatory frameworks for the implementation of concluding observations.
- Institutionalizing the Committee's engagement with a larger number of agencies and bodies of the United Nations system and national stakeholders, in particular national human rights institutions.
- Public webcasting of the Committee's dialogues with States parties (which will initially be done on a trial basis).

7. The Committee has decided to await the outcome of the intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system before taking a final decision on some of the other proposals contained in the report, in particular the comprehensive reporting calendar, in the light of its financial implications.

---

<sup>c</sup> See A/67/222, annex I, and Corr.1.

## Annex VII

### Documents before the Committee at its fifty-fourth session

<i>Document number</i>	<i>Title or description</i>
CEDAW/C/54/1	Provisional agenda and annotations
CEDAW/C/54/2	Report of the International Labour Organization
CEDAW/C/54/3	Methodology on the follow-up procedure
<b>Reports of States parties</b>	
CEDAW/C/AGO/6	Sixth periodic report of Angola
CEDAW/C/AUT/7-8	Combined seventh and eighth periodic reports of Austria
CEDAW/C/CYP/6-7	Combined sixth and seventh periodic reports of Cyprus
CEDAW/C/GRC/7	Seventh periodic report of Greece
CEDAW/C/HUN/7-8	Combined seventh and eighth periodic reports of Hungary
CEDAW/C/PAK/4	Fourth periodic report of Pakistan
CEDAW/C/SLB/Q/1-3	List of issues and questions in the absence of initial and periodic reports of the Solomon Islands
CEDAW/C/MKD/4-5	Combined fourth and fifth periodic reports of the former Yugoslav Republic of Macedonia

## Annex VIII

### Membership of the Committee on the Elimination of Discrimination against Women as at 1 January 2013

<i>Name of member</i>	<i>Country of nationality</i>	<i>Term of office expires on 31 December</i>
Ayse Feride Acar	Turkey	2014
Noor Al-Jehani	Qatar	2016
Nicole Ameline	France	2016
Barbara Evelyn Bailey	Jamaica	2016
Olinda Bareiro-Bobadilla	Paraguay	2014
Meriem Belmihoub-Zerdani	Algeria	2014
Niklas Bruun	Finland	2016
Naéla Gabr	Egypt	2014
Hilary Gbedemah	Ghana	2016
Nahla Haidar	Lebanon	2016
Ruth Halperin-Kaddari	Israel	2014
Yoko Hayashi	Japan	2014
Ismat Jahan	Bangladesh	2014
Dalia Leinarte	Lithuania	2016
Violeta Neubauer	Slovenia	2014
Theodora Oby Nwankwo	Nigeria	2016
Pramila Patten	Mauritius	2014
Silvia Pimentel	Brazil	2016
Maria Helena Lopes de Jesus Pires	Timor-Leste	2014
Biancamaria Pomeranzi	Italy	2016
Patricia Schulz	Switzerland	2014
Dubravka Šimonović	Croatia	2014
Xiaoqiao Zou	China	2016

## Annex IX

### **Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its twenty-fifth session**

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its twenty-fifth session in Geneva from 4 to 7 March 2013. All members attended the session (Olinda Bareiro-Bobadilla, Niklas Bruun, Yoko Hayashi, Pramila Patten and Dubravka Šimonović were all re-elected as members of the Working Group by the Committee at its fifty-fourth session).
2. At the beginning of the session, the Working Group elected its new Chair, Ms. Hayashi and its Vice-Chair, Ms. Olinda Barero-Bobadilla. Following this, the Working Group adopted its agenda, as set out in the appendix to the present report.
3. The Working Group then reviewed the update on new correspondence received since the previous session, as prepared by the secretariat (a table reflecting the correspondence received and/or processed between 21 September 2012 and 25 February 2013, as well as a table disaggregating that correspondence into six different categories).
4. The Working Group decided to register three cases (Nos. 50/2013, 51/2013 and 52/2013) and to transmit the correspondence to the States parties, with no requests for interim measures of protection. The Working Group took note of the fact that the secretariat is awaiting receipt to requests for clarifications addressed to complainants regarding Australia, Azerbaijan, Denmark, the Republic of Moldova, Switzerland and the United Kingdom of Great Britain and Northern Ireland. With regard to six pieces of correspondence against Australia, Denmark, the Russian Federation and Sweden, the secretariat should seek further clarifications (mainly regarding the substantiation of claims and non-exhaustion of domestic remedies).
5. During its twenty-fifth session, the Working Group also reviewed the status of all individual communications registered under the Optional Protocol and had a discussion on each of them. Concerning case No. 24/2009, the secretariat was asked to prepare a draft inadmissibility decision for its twenty-sixth session. The secretariat was also asked to prepare a draft recommendation for the twenty-sixth session on the merits in case No. 29/2011. Concerning the State party's split request in case No. 37/2012, the Working Group decided to accede to the request and to ask the secretariat to prepare a draft decision on admissibility.
6. The Working Group also discussed three draft recommendations, all of which were referred to the plenary. It adopted draft recommendations in relation to inadmissibility regarding cases No. 33/2011, adopted by consensus; No. 35/2011, adopted by a vote of 4 to 1 (Ms. Šimonović); and No. 40/2012, adopted by consensus.
7. The Working Group also discussed the follow-up situation in each case where the follow-up dialogue is ongoing and decided on the possible actions to be taken and to be brought to the attention of the Committee's Plenary.

8. The Working Group also decided to put on record a standard formula to be used, when relevant, in individual cases under the Optional Protocol regarding the issue of exhaustion of domestic remedies: “The Committee is satisfied that domestic remedies have been exhausted in the present case, for purposes of article 4, paragraph 1, of the Optional Protocol”. For the record, the Working Group recalls that it has decided to use the heading “The facts as presented by the author” as a standard formula for heading the narrative part of decisions, with the possibility of using “Factual background” as a heading in cases where the secretariat has had to reorganize the author’s presentation of the facts, such as in terms of chronology, or to include information regarding documents/annexes submitted by the parties but not directly invoked in the author’s initial submissions.

#### **Actions taken at the present session**

9. The Working Group decided:

(a) To refer for adoption to the plenary a recommendation in relation to the inadmissibility of communication No. 33/2011, with all members supporting the recommendation;

(b) To refer for adoption to the plenary a recommendation in relation to the inadmissibility of communication No. 35/2011, adopted by a vote of 4 to 1 (Ms. Šimonović);

(c) To refer for adoption to the plenary a recommendation in relation to the inadmissibility of communication No. 40/2012, with all members supporting the recommendation;

(d) To discontinue, at the author’s request, communication No. 43/2012 (*I. Z. et al. v. Denmark*);

(e) To request the secretariat to prepare draft recommendations for the twenty-sixth session of the Working Group regarding communications Nos. 24/2009 and 29/2011;

(f) To request the secretariat to prepare draft recommendations for the twenty-seventh session of the Working Group (October 2013) in relation to communications Nos. 39/2012 and 44/2012 and to decide during the twenty-sixth session of the Working Group whether to prepare a draft for the twenty-seventh session regarding case No. 41/2012;

(g) To accede to the State party’s split requests in communications Nos. 24/2009 and 44/2012;

(h) To seek further information from the parties regarding cases Nos. 37/2012, *Tammy Noergaard v. Denmark*, and No. 46/2012, *Marion Olivia Weilharter and Oliver Benjamin Weilharter v. Denmark*;

(i) To register three new communications, for which Ms. Hayashi was appointed as a case Rapporteur: Nos. 50/2013, 51/2013 and 52/2013;

(j) To request the secretariat to continue upload on the Optional Protocol extranet academic resources that were cited in the note by the secretariat and to make copies available of excerpts as requested;



(k) To request the secretariat to prepare information on the follow-up procedure, including summaries of the submissions by the parties;

(l) To request the secretariat to arrange a meeting with the representatives of the Permanent Mission of the Philippines to the United Nations on follow-up to individual cases in order to discuss the measures taken to give effect to the Committee's recommendations in case No. 18/2008.

(m) To request the secretariat to include information on the Committee's jurisprudence web page regarding all discontinued cases, with a brief explanation on the reasons for the discontinuation.

10. Regarding its intersessional work and internal working methods, the Working Group decided to have the discussion on modalities for follow-up to views pursued during the twenty-seventh session, including on modalities for closure of cases.

11. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women decided to have its twenty-sixth session in Geneva on 4 and 5 July 2013.

## Appendix

### **Agenda of the twenty-fifth session of the Working Group**

1. Adoption of the agenda and organization of work.
  2. Review of steps and activities undertaken since the previous session.
  3. New communications registered and appointment of new rapporteurs.
  4. Discussion on cases ready for adoption and preliminary discussion.
  5. Discontinuances.
  6. Update on communications (registered cases).
  7. Update on follow-up to views.
  8. Discussion on working methods, including follow-up to views.
  9. Adoption of the report concerning the Working Group's twenty-fifth session.
- 

