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## Commission on the Status of Women

### Sixty-eighth session

New York, 11–22 March 2024

Agenda item 3 (c)

**Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”: gender mainstreaming, situations and programmatic matters**

## **Results of the eighty-fifth and eighty-sixth sessions of the Committee on the Elimination of Discrimination against Women**

### **Note by the Secretariat**

#### *Summary*

The present note reflects the results, including decisions taken, of the eighty fifth and eighty-sixth sessions of the Committee on the Elimination of Discrimination against Women, held in Geneva from 8 to 26 May 2023 and from 9 to 27 October 2023, respectively.



## I. Introduction

1. In its resolution 47/94, the General Assembly recommended that the sessions of the Committee on the Elimination of Discrimination against Women should be scheduled, whenever possible, to allow for the timely transmission of the results of those sessions for information to the Commission on the Status of Women.

2. The Committee held its eighty-fifth and eighty-sixth sessions from 8 to 26 May 2023 and from 9 to 27 October 2023, respectively. At its eighty-fifth session, the Committee conducted its first-ever joint review of a State party report, considering the combined initial to fifth periodic reports of Sao Tomé and Príncipe on 10 May 2023, immediately before the review by the Committee on the Rights of the Child of that State's combined fifth and sixth periodic reports, on 11 and 12 May 2023. For the first time, two human rights treaty bodies issued joint concerns and recommendations in their concluding observations, which were focused on specific issues affecting the rights of girls. The Committee also decided that any examination of the report of a State party in the absence of the delegation of that State would be conducted at a single public meeting, with live webcast, and that the permanent representative to the United Nations and other international organizations in Geneva of the State party concerned would be invited to attend.

3. At its eighty-sixth session, the Committee adopted a statement on safeguarding girls' lives, health and future through minimizing unintended pregnancies and guaranteeing access to safe abortion,<sup>1</sup> which it issued on the International Day of the Girl Child, on 11 October. It also adopted a statement entitled "The cause of peace is the cause of women"<sup>2</sup> in relation to the escalating violence in the Middle East. The Committee further adopted a statement in which it expressed its dismay at the withdrawal of the Permanent Representative of Nicaragua from the public review of Nicaragua in the absence of a delegation.<sup>3</sup> The Committee also decided to request the Government of the Democratic Republic of the Congo to submit an exceptional report, within six months, on conflict-related sexual violence against women and girls in its eastern provinces.

4. The Committee continued to engage with partners. Prior to the eighty-sixth session of the Committee, the Chair presented the report of the Committee on its eighty-second, eighty-third and eighty-fourth sessions (A/78/38) to the Third Committee in New York on 3 October.

5. At its eighty-fifth session, the Committee held a virtual informal closed meeting with the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Sima Sami Bahous, to discuss how to further strengthen collaboration, the role of the Committee at the annual sessions of the Commission on the Status of Women and global developments of common concern. It also held an informal meeting with representatives of the Department of Sexual and Reproductive Health and Research of the World Health Organization (WHO), who briefed the Committee on the WHO guidelines for abortion care. The Committee further held an informal meeting with the Committee on the Rights of the Child and the Special Rapporteur on violence against women and girls, Reem Alsalem, which was hosted by the Geneva Human Rights Platform, to discuss gender/sex self identification, access to sex-based and gender-based safe spaces and child custody

<sup>1</sup> Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/statements/CEDAW-Statement-International-Day-Girl-Child%202023.pdf>.

<sup>2</sup> Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/cedaw/statements/the-cause-peace-is-cause-women.docx>.

<sup>3</sup> Available at [www.ohchr.org/en/press-releases/2023/10/un-womens-rights-committee-deplores-withdrawal-nicaragua-ambassador-public](https://www.ohchr.org/en/press-releases/2023/10/un-womens-rights-committee-deplores-withdrawal-nicaragua-ambassador-public).

decisions in cases involving gender-based violence against women. At its eighty-sixth session, the Committee held an informal meeting with the Working Group on discrimination against women and girls to discuss priorities and future cooperation and harmonization of work. It also held an informal meeting with the then Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, who briefed the Committee on his work at the end of his mandate. The Committee informally met with Crime Prevention and Criminal Justice Officer Sven Pfeiffer, of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC), who briefed the Committee on a UNODC background paper on national femicide review committees. It also held a virtual informal private meeting with the Special Representative of the Secretary-General on Sexual Violence in Conflict, Pramila Patten, who briefed the Committee on the findings of a recent country visit.

6. The Committee continued to receive country-specific information from United Nations country teams and entities, specialized agencies of the United Nations system, other intergovernmental organizations, national human rights institutions and non-governmental organizations (NGOs).

7. As at 27 October, the closing date of the eighty-sixth session of the Committee, there were 189 States parties to the Convention and 115 States parties to the Optional Protocol. A total of 81 States had accepted the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee. To bring the amendment into force, two thirds of the States parties to the Convention (currently 126 States parties) must deposit their instruments of acceptance with the Secretary-General.

## **II. Results of the eighty-fifth and eighty-sixth sessions of the Committee**

### **A. Reports considered by the Committee**

8. At its eighty-fifth session, the Committee considered the reports of eight States parties, submitted under article 18 of the Convention, and issued its concluding observations thereon: China ([CEDAW/C/CHN/9](#)), including China (Hong Kong) ([CEDAW/C/CHN-HKG/9](#)) and China (Macao) ([CEDAW/C/CHN-MAC/9](#)), Germany ([CEDAW/C/DEU/9](#)), Iceland ([CEDAW/C/ISL/9](#)), Sao Tomé and Príncipe ([CEDAW/C/STP/1-5](#)), Slovakia ([CEDAW/C/SVK/7](#)), Spain ([CEDAW/C/ESP/9](#)), Timor-Leste ([CEDAW/C/TLS/4](#)) and Venezuela (Bolivarian Republic of) ([CEDAW/C/VEN/9](#)).

9. At its eighty-sixth session, the Committee considered the reports of the following nine States parties, submitted under article 18 of the Convention, and issued its concluding observations thereon: Albania ([CEDAW/C/ALB/5](#)), Bhutan ([CEDAW/C/BTN/10](#)), France ([CEDAW/C/FRA/9](#)), Guatemala ([CEDAW/C/GTM/10](#)), Jamaica ([CEDAW/C/JAM/8](#)), Malawi ([CEDAW/C/MWI/8](#)), Nicaragua ([CEDAW/C/NIC/7-10](#)), Philippines ([CEDAW/C/PHL/9](#)) and Uruguay ([CEDAW/C/URY/10](#)).

10. Representatives of United Nations country teams and entities, specialized agencies of the United Nations system, other intergovernmental organizations, national human rights institutions and NGOs attended the sessions in person or remotely. The reports of the States parties, the Committee's lists of issues and questions and the States parties' replies thereto are posted on the website of the Committee under the relevant session, as are the concluding observations of the Committee.

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

### **Working group on the equal and inclusive representation of women in decision-making systems**

11. The working group met during the eighty-fifth and eighty-sixth sessions. During the eighty-fifth session, it discussed thematic priorities for draft general recommendation No. 40, on the equal and inclusive representation of women in decision making systems, and focus areas for planned expert group meetings on the draft general recommendation.

12. At the eighty-sixth session, the working group discussed the outcomes of recent expert group meetings in relation to the draft general recommendation. It also discussed the next steps in the process leading to the adoption of the general recommendation, which is scheduled to take place at the eighty-ninth session of the Committee in October 2024, including the publication online of the initial draft of the general recommendation with a call for comments, and five regional meetings to be organized in cooperation with UN-Women.

### **Working group on working methods**

13. The working group met during the eighty-fifth and eighty-sixth sessions. At the eighty-fifth session, it discussed and submitted to the Committee four draft decisions, concerning the examination of reports of States parties in the absence of a delegation, the preliminary assessment of its pilot project aimed at revising the structure of constructive dialogues with States parties, the role of the country rapporteur and the Rapporteur on follow-up to concluding observations in the selection of the four subparagraphs in the concluding observations that are subject to the follow-up procedure, and requests for additional written information during constructive dialogues with States parties. At the eighty-sixth session, the working group discussed and submitted to the Committee three draft decisions, concerning enhanced constructive dialogues, the assessment of its pilot project aimed at revising the structure of constructive dialogues with States parties, and an amendment to its rules of procedure relating to provisional concluding observations.

### **Working group on gender-based violence against women**

14. The working group met during the eighty-fifth and eighty-sixth sessions. At the eighty-fifth session, the working group discussed violence against women human rights defenders, in particular women environmental rights defenders, and against women in political life and women journalists, including in relation to the draft general recommendation on the equal and inclusive representation of women in decision-making systems. It also considered new topics to be covered in the draft guidance note for States parties on the implementation of their obligations and their accountability, as set out in general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19. The working group further discussed the potential candidacy of the Committee to chair the Platform of Independent Expert Mechanisms on the Elimination of Discrimination and Violence against Women in 2024, the impact of the proposed Every Woman Treaty on the mandate of the Committee, and the most recent version of the draft United Nations convention on cybercrime. At the eighty-sixth session, the working group continued discussing the candidacy of the Committee to chair the Platform of Independent Expert Mechanisms on the Elimination of Discrimination and Violence against Women in 2024. It also discussed the mandate of the Committee in relation to gender-based violence against women.

### **Task force on gender stereotyping**

15. The task force met during the eighty-fifth and eighty-sixth sessions. At the eighty-fifth session, it discussed the preparation of a draft concept note for a general recommendation on gender stereotyping. At the eighty-sixth session, the task force met with representatives of the United Nations Population Fund to discuss possible support for the elaboration of a draft general recommendation on gender stereotyping.

### **Task force on Afghanistan**

16. The task force met during the eighty-fifth and eighty-sixth sessions. At the eighty-fifth session, the Chair of the task force informed the other members that, as decided by the Committee, the information received on 30 January 2023 from the de facto authorities in Kabul in response to the Committee's request for information on the situation of women and girls in the country since 15 August 2021 had been published on the website of the Committee. At the eighty-sixth session, the task force discussed the possibility of elaborating a position paper on gender persecution and gender apartheid. The Committee endorsed the recommendation of the task force that the Committee draft a statement on the situation of women and girls in Afghanistan to be adopted at its eighty-seventh session.

### **Task force on Ukraine**

17. The task force met during the eighty-sixth session and decided to request the Independent International Commission of Inquiry on Ukraine and the Office of the United Nations High Commissioner for Refugees to provide a briefing during the eighty-seventh session of the Committee. The Committee endorsed the recommendation of the task force that the Committee draft a statement on the situation of women and girls in Ukraine to be adopted at its eighty-seventh session.

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

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

18. At its eighty-fifth session, the Committee adopted a decision on the examination of State party reports in the absence of a delegation. It decided that the country rapporteur would have the overall responsibility for presenting the main concerns and preliminary findings of the Committee, the members of the country task force would briefly explain the relevant context before asking questions and other Committee members would be allowed to ask additional questions. It also decided that such reviews would be held during a single public meeting, with live webcast, and that the ambassador of the State party concerned would be invited to attend. Having conducted a preliminary assessment of its pilot project aimed at structuring constructive dialogues with States parties thematically rather than by clusters of articles, the Committee also decided to continue the pilot project and that country task forces would decide on the structure of constructive dialogues on a case-by-case basis, taking into consideration the specific situation of the State party concerned.

19. At its eighty-sixth session, the Committee decided to enhance its constructive dialogues with States parties by sending lists of themes to be raised with the State party concerned prior to such dialogues, and that country rapporteurs would focus on priority issues when sharing their reflections following the dialogue. It continued to assess its pilot project on restructuring dialogues with States parties and decided to maintain the traditional structure based on clusters of articles of the Convention, while retaining the new format of the briefing note of the country rapporteur, avoiding

overlap by better organizing the themes to be raised under each article, focusing on country-specific questions and requesting that statistical data be provided in writing. The Committee also amended its rules of procedure to provide for the possibility of adopting provisional concluding observations.

### **Follow-up procedure**

20. The Committee continued its work under the follow-up procedure at its eighty-fifth and eighty-sixth sessions, adopting the reports of the Rapporteur on the follow-up to concluding observations and considering the follow-up reports of Bosnia and Herzegovina, Denmark, Kyrgyzstan, the Republic of Moldova and Pakistan.

### **Overdue reports**

21. The Committee decided that its secretariat should systematically remind States parties with reports that were overdue by five years or more to submit their reports as soon as possible. As at 27 October, the closing date of the eighty-sixth session, there were 18 States parties with reports that were overdue by five years or more: Algeria, Cameroon, Comoros, Dominica, Equatorial Guinea, Eswatini, Grenada, Guinea Bissau, India, Libya, Malta, Papua New Guinea, Saint Lucia, San Marino, Sierra Leone, Syrian Arab Republic, Togo and Zambia. It should be noted, however, that with regard to Papua New Guinea and San Marino, the Committee has adopted lists of issues prior to reporting and is awaiting the countries' submission of their combined fourth to sixth periodic reports and initial to fifth periodic reports, respectively, under the simplified reporting procedure; and that the Committee has scheduled the adoption of lists of issues prior to reporting for Algeria, Dominica, Equatorial Guinea, Grenada, Libya, Malta, Saint Lucia, Togo and Zambia in 2024. With regard to overdue reports, the Committee decided that, as a last resort, and failing receipt of those reports by a specified date, it would proceed with the consideration of the implementation of the Convention in the State party in the absence of a report. States parties have been responsive to the reminders transmitted by the secretariat, as evidenced by the number of reports submitted and scheduled for consideration. The Committee currently has 44 reports pending consideration at future sessions.

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

22. The Committee confirmed the tentative dates of its eighty-seventh and eighty-eighth sessions, as follows:

#### *Eighty-seventh session*

- (a) Fifty-eighth session of the Working Group on Communications under the Optional Protocol: 24–26 January 2024;
- (b) Twenty-seventh session of the Working Group on Inquiries under the Optional Protocol: 25 and 26 January 2024;
- (c) Plenary: 29 January–16 February 2024;
- (d) Pre-sessional working group for the eighty-ninth session: 19–23 February 2024.

#### *Eighty-eighth session*

- (a) Fifty-ninth session of the Working Group on Communications under the Optional Protocol: 9 and 10 May 2024;

- (b) Twenty-eighth session of the Working Group on Inquiries under the Optional Protocol: 9 and 10 May 2024;
- (c) Plenary: 13–31 May 2024;
- (d) Pre-sessional working group for the ninetieth session: 3–7 June 2024.

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

23. The Committee confirmed that it would consider the reports of the Central African Republic, Djibouti, Oman, Tajikistan and Turkmenistan, as well as of Greece, Italy and the Niger under the simplified reporting procedure, at its eighty-seventh session; and the reports of Kuwait, Malaysia, Montenegro, the Republic of Korea, Rwanda and Singapore, as well as of Brazil, El Salvador, Estonia under the simplified reporting procedure, at its eighty-eighth session.

### **D. Action taken by the Committee in respect of issues arising from article 2 and article 8 of the Optional Protocol**

24. At its eighty-fifth session, the Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its fifty-sixth session. The Committee adopted views finding violations with regard to communications concerning Cambodia ([CEDAW/C/85/D/146/2019](#)) and Switzerland ([CEDAW/C/85/D/173/2021](#)). It also adopted views finding no violation with regard to one communication concerning Belarus ([CEDAW/C/85/D/150/2019](#)).

25. With regard to inquiries under article 8 of the Optional Protocol, the Committee endorsed the report of the Working Group on Inquiries under the Optional Protocol on its twenty-fifth session, including the following recommendations of the Working Group: in relation to inquiry No. 2016/1, the Working Group recommended that a response to the note verbale received from the State party on 12 April 2023 concerning the request for an inquiry visit by the designated members be sent to the State party concerned; in relation to inquiries Nos. 2014/3 and 2014/2, the Working Group recommended that the Committee undertake an inquiry visit to one of the two States parties concerned before the end of 2023, subject to the consent of the State party; in relation to inquiry No. 2013/1 concerning South Africa, the Working Group recommended that the Committee send a follow-up assessment letter to the State party on main concerns, together with an annex containing a detailed assessment table; in relation to inquiry No. 2012/1, the Working Group recommended that the designated members propose dates for an inquiry visit and that said dates be communicated to the State party concerned; and in relation to inquiry No. 2011/1 concerning Canada, the Working Group recommended that the secretariat arrange for a meeting of the Chair of the Working Group with the State party concerned during the eighty-fifth session of the Committee to discuss follow-up to the report of the inquiry.

26. At its eighty-sixth session, the Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its fifty-seventh session. It adopted a decision of inadmissibility with regard to a communication concerning Czechia ([CEDAW/C/86/D/152/2019](#)). It also adopted views finding violations with regard to one communication concerning the Republic of Korea ([CEDAW/C/86/D/139/2018](#)).

27. With regard to inquiries under article 8 of the Optional Protocol, the Committee endorsed the report of the Working Group on Inquiries under the Optional Protocol on its twenty-sixth session, including the following recommendations of the Working Group: in relation to submission No. 2023/3, the Working Group recommended that the secretariat contact the source of the information to acknowledge receipt and

request an electronic version of the submission to enable automated translation; in relation to submission No. 2023/2, the Working Group recommended that the secretariat consult with the secretariat of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on possible forms of cooperation; in relation to submission No. 2022/2, the Working Group recommended that the secretariat consult with relevant United Nations special procedures mandate holders on possible forms of cooperation; in relation to submission No. 2021/1, the Working Group recommended that the Secretariat request additional information from relevant United Nations entities and specialized agencies; in relation to inquiry No. 2017/3, the Working Group recommended that the secretariat send a reminder to the State party concerned to respond to its correspondence, and seek additional information with a view to recommending a final decision on the status of the inquiry at the twenty-seventh session of the Working Group; in relation to inquiry No. 2016/1, the Working Group recommended that the Secretariat explore the remote methodology for conducting an inquiry used by the Committee on the Rights of Persons with Disabilities, develop a strategy and institutional mechanisms for engagement with States parties in challenging political or other contexts and initiation of communication with relevant United Nations agencies on the ground with a view to possible cooperation, and explore modalities for enhancing engagement with the capacity-building programme of the Office of the High Commissioner for Human Rights; in relation to inquiry No. 2014/3, the Working Group recommended that the designated members propose possible dates for an inquiry visit in 2024 or 2025 and that the Committee inform the State party concerned accordingly; in relation to inquiry No. 2014/2, the Working Group recommended that, in the event that the State party concerned were to give its consent to an inquiry visit, new dates for such a visit during the first half of December 2023 be explored; in relation to inquiry No. 2012/1, the Working Group recommended that the State party concerned be placed next in line for an inquiry visit following the planned visits referred to in relation to inquiries 2014/2 and 2014/3; in relation to inquiry No. 2013/1 concerning South Africa, the Working Group recommended that the two designated members approve the template for a follow-up assessment table discussed by the Working Group, which would be attached to assessment letters, that the template be considered by the Committee for future use, and that the secretariat request to include the template, once finalized and accepted, in its entitlements for translation as an official document; in relation to inquiry No. 2011/4 concerning Mali, the Working Group recommended that the Chair of the Working Group request a Committee member to join a follow-up call with the Permanent Mission to the United Nations Office at Geneva; and in relation to inquiry No. 2011/2 concerning the United Kingdom, the Working Group recommended that upon receipt of follow-up information from the sources of the information and the National Human Rights Commission, the designated member present to the Committee at its eighty-seventh session a follow-up assessment, in the format of the template discussed, in response to each of the recommendations.

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