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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 sixty-seventh and sixty-eighth 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 sixty-seventh and sixty-eighth sessions of the Committee on the Elimination of Discrimination against Women, held in Geneva from 3 to 21 July and from 23 October to 17 November 2017, respectively. Information on the sixty-sixth session, held in Geneva from 13 February to 3 March 2017, can be found in the report of the Committee to the General Assembly (A/72/38, part III).

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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 sixty-seventh and sixty-eighth sessions from 3 to 21 July and from 23 October to 17 November 2017, respectively. At its sixty-seventh session, the Committee adopted general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (CEDAW/C/GC/35), by consensus. It also endorsed recommendations for addressing women's human rights in the global compact for safe, orderly and regular migration, which had been adopted at an expert meeting hosted by the Office of the United Nations High Commissioner for Human Rights and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) on 21 and 22 November 2016 in Geneva.

3. At its sixty-eighth session, the Committee adopted general recommendation No. 36 (2017) on girls' and women's right to education (CEDAW/C/GC/36), by consensus. In accordance with article 18 (1) (b) of the Convention and its decision 21/I, the Committee decided to request the Government of Myanmar to submit an exceptional report, within six months, on the situation of Rohingya women and girls in northern Rakhine State.

4. The Committee continued to engage with partners. Directly following the sixty-sixth session, the Chair of the Committee, Dalia Leinarte, delivered a statement to the Commission on the Status of Women at its sixty-first session, in New York. Prior to the sixty-eighth session, on 5 October 2017, the Chair presented the report of the Committee on its sixty-fourth, sixty-fifth and sixty-sixth sessions (A/72/38) to the Third Committee of the General Assembly.

5. At its sixty-seventh session, the Committee received briefings from the Food and Agriculture Organization of the United Nations on indicator 5.a.2 of the Sustainable Development Goals, relating to women's land rights, and from the United Nations Population Fund, via videoconference, on women's rights issues relating to surrogacy. The Committee held an informal consultation, hosted by the Geneva Academy of International Humanitarian Law and Human Rights, with the members of the Expert Mechanism on the Rights of Indigenous Peoples to discuss issues relating to indigenous women's rights. It also met representatives of the World Bank, the Organization for Economic Cooperation and Development (OECD) and UN-Women, who provided a briefing on data collection for Goal indicator 5.1.1, relating to legal frameworks to end discrimination against women. The Committee agreed to establish a steering committee with those entities to reinforce the exchange of information on progress made in refining the methodology used in relation to the indicator, its testing and the data collected.

6. At its sixty-eighth session, the Committee met the Chair of the Working Group on the issue of discrimination against women in law and in practice, Alda Facio, to discuss strengthened cooperation between both mechanisms. On 14 November 2017, the Committee convened an expert panel to launch general recommendation No. 35. The panellists included Hina Jilani, a human rights lawyer and member of the Elders; Shilan Shah-Davis, Senior Lecturer, University of the West of England; Anthony Keedi, Masculinities Technical Adviser, ABAAD Resource Centre for Gender

Equality; Carmen Barroso, Co-Chair, Independent Accountability Panel, Every Woman, Every Child; Dubravka Šimonović, Special Rapporteur on violence against women, its causes and consequences; and Jane Connors, Assistant Secretary-General and Victims' Rights Advocate. The Deputy United Nations High Commissioner for Human Rights moderated the discussion. Representatives of a number of States parties to the Convention attended the event, as did representatives of specialized agencies of the United Nations system and non-governmental organizations. Representatives welcomed general recommendation No. 35 and expressed their continued commitment to combating gender-based violence against women.

7. The Committee continued to benefit from country-specific information received from United Nations country teams, entities and specialized agencies, other intergovernmental organizations, national human rights institutions and non-governmental organizations (the last-mentioned coordinated by International Women's Rights Action Watch Asia Pacific).

8. As at 17 November 2017, the closing date of the sixty-eighth session of the Committee, there were 189 States parties to the Convention and 109 States parties to the Optional Protocol. A total of 72 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 sixty-seventh and sixty-eighth sessions of the Committee

A. Reports considered by the Committee

9. At its sixty-seventh session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention and issued its concluding observations thereon: Barbados (CEDAW/C/BRB/5-8), Costa Rica (CEDAW/C/CRI/7), Italy (CEDAW/C/ITA/7), Montenegro (CEDAW/C/MNE/2), Niger (CEDAW/C/NER/3-4), Nigeria (CEDAW/C/NGA/7-8), Romania (CEDAW/C/ROU/7-8) and Thailand (CEDAW/C/THA/6-7).

10. At its sixty-eighth session, the Committee considered the reports of 12 States parties and issued its concluding observations thereon: Burkina Faso (CEDAW/C/BFA/7), Democratic People's Republic of Korea (CEDAW/C/PRK/2-4), Guatemala (CEDAW/C/GTM/8-9), Israel (CEDAW/C/ISR/6), Kenya (CEDAW/C/KEN/8), Kuwait (CEDAW/C/KWT/5), Monaco (CEDAW/C/MCO/1-3), Nauru (CEDAW/C/NRU/1-2), Norway (CEDAW/C/NOR/9), Oman (CEDAW/C/OMN/2-3), Paraguay (CEDAW/C/PRY/7) and Singapore (CEDAW/C/SGP/5).

11. Representatives of United Nations country teams and entities, specialized agencies of the United Nations system, other intergovernmental organizations, national human rights institutions and non-governmental organizations attended the sessions. The reports of the States parties, the Committee's lists of issues and questions, the States parties' replies thereto and their introductory statements 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 right to education

12. The working group met during the sessions and finalized an advanced draft of the general recommendation, in consultation with a former Committee member, Barbara Bailey, who is an international expert on education. At its sixty-seventh session, the Committee completed its first reading of the draft. At its sixty-eighth session, it adopted general recommendation No. 36 by consensus.

Working group on gender-related dimensions of disaster risk reduction in the context of climate change

13. The working group met during the sessions and finalized an advanced draft of the general recommendation on gender-related dimensions of disaster risk reduction in the context of climate change. At its sixty-eighth session, the Committee completed its first reading of the draft.

Working group on working methods

14. The working group met during sessions. At the sixty-seventh session, it considered and submitted draft decisions to the Committee on the coverage of issues in concluding observations, the designation of country rapporteurs, the membership of country task forces and the period to be covered in overdue periodic reports. At the sixty-eighth session, the working group discussed the simplified reporting procedure and considered that there should no longer be a requirement that a State party's periodic report be overdue for it to avail itself of the procedure.

Working group in charge of updating general recommendation No. 19 on violence against women

15. The working group met during the sessions. At its sixty-seventh session, the Committee adopted general recommendation No. 35, in the presence of the Special Rapporteur on violence against women, its causes and consequences. At its sixty-eighth session, the Committee convened an expert panel discussion to launch the general recommendation.

Committee on the Elimination of Discrimination against Women/UN-Women/Sustainable Development Goals working group

16. The working group met during the sessions. At the sixty-seventh session, it discussed the outcome of a workshop on Sustainable Development Goal indicator 5.1.1, organized by UN-Women on 14 and 15 June 2016 in New York, and decided to continue its cooperation with UN-Women on the matter intersessionally. Also at the sixty-seventh session, it met representatives of UN-Women, OECD and the World Bank to discuss the Committee's participation in efforts to refine the methodology in relation to the collection of data on indicator 5.1.1. At the sixty-eighth session, the working group held a teleconference with representatives of UN-Women, OECD and the World Bank, who updated it on recent developments relating to the indicator.

Working group on the Inter-Parliamentary Union

17. The working group met during the sessions and discussed the possibility of a meeting of the Committee with parliamentarians during the 139th Assembly of the Inter-Parliamentary Union, to be held in Geneva from 13 to 17 October 2018.

Task force on women in conflict prevention, conflict and post-conflict situations

18. The task force met during the sessions. At the sixty-eighth session, it discussed the possibility of a framework of cooperation with the Special Representative of the Secretary-General on sexual violence in conflict and former Committee member, Pramila Patten.

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

19. At its sixty-seventh session, the Committee decided to amend its current practice of including only issues in its concluding observations that were raised during the constructive dialogue with the State party concerned (see decision 60/7), with a view to enabling experts to reduce the number of questions that they asked during the dialogue. It decided that issues included in the list of issues and questions or the list of issues and questions prior to reporting might also be included in the concluding observations. The Committee requested its secretariat to inform States parties about the new practice in the notes verbales transmitting the lists. In accordance with rule 24 of its rules of procedure, as amended in decision 59/5, the Committee decided that, based on its composition, Arabic would remain its fourth official language until 31 December 2018, to be used on an exceptional basis to facilitate communication among the members (see General Assembly resolution 68/268, para. 30).

20. At its sixty-eighth session, the Committee decided to amend the second introductory paragraph in its concluding observations by inserting a reference to the submission, if any, by the State party of written information on the steps taken to implement the recommendations identified for immediate action in the previous concluding observations of the Committee. If a State party failed to submit such a follow-up report, the Committee would express regret about that failure in the standard paragraph on follow-up in the concluding observations.

Follow-up procedure

21. The Committee continued its work under the follow-up procedure at its sixty-seventh and sixty-eighth sessions, adopting the reports of the Rapporteur on follow-up to concluding observations and considering the follow-up reports of Belgium, Benin, Brunei Darussalam, China, Denmark, Ecuador, Egypt, Kazakhstan, Oman, Slovenia, Solomon Islands, Spain and Swaziland. The reports are posted on the web page of the Committee. At its sixty-eighth session, the Committee decided to introduce two new assessment categories in the follow-up methodology and information note for States parties and other stakeholders on the submission of reports under the follow-up procedure ("Substantially implemented" and "Information or measures taken are contrary to or reflect rejection of the recommendation"), based on the assessment categories of the Human Rights Committee.

Overdue reports

22. The Committee decided that its secretariat should systematically remind States parties whose reports were five years or more overdue to submit their reports as soon as possible. As at 17 November 2017, the closing date of the sixty-eighth session, there were 10 States parties whose reports were overdue by five years or more: Belize, Dominica, Kiribati, Latvia, Mozambique, Nicaragua, Saint Kitts and Nevis, Saint Lucia, San Marino and Sao Tome and Principe. With regard to long-overdue reports, the Committee decided that, as a last resort, and failing receipt of the long-overdue 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 24 reports scheduled for consideration between the sixty-ninth session (February/March 2018) and the seventy-first session (October/November 2019).

Dates of future sessions of the Committee

23. The Committee confirmed the tentative dates of its sixty-ninth, seventieth and seventy-first sessions as follows:

Sixty-ninth session, Geneva

(a) Fortieth session of the Working Group on Communications under the Optional Protocol: 13 to 16 February 2018;

(b) Ninth session of the Working Group on Inquiries under the Optional Protocol: 15 and 16 February 2018;

(c) Plenary: 19 February to 9 March 2018;

(d) Pre-sessional working group for the seventy-first session: 12 to 16 March 2018;

Seventieth session, Geneva

(a) Forty-first session of the Working Group on Communications under the Optional Protocol: 27 to 29 June 2018;

(b) Tenth session of the Working Group on Inquiries under the Optional Protocol: 28 and 29 June 2018;

(c) Plenary: 2 to 20 July 2018;

(d) Pre-sessional working group for the seventy-second session: 23 to 27 July 2018;

Seventy-first session, Geneva

(a) Forty-second session of the Working Group on Communications under the Optional Protocol: 17 to 19 October 2018;

(b) Eleventh session of the Working Group on Inquiries under the Optional Protocol: 18 and 19 October 2018;

(c) Plenary: 22 October to 9 November 2018;

(d) Pre-sessional working group for the seventy-third session: 12 to 16 November 2018.

Reports to be considered at future sessions of the Committee

24. The Committee confirmed that it would consider the reports of Chile, Fiji, Luxembourg, Malaysia, the Marshall Islands, the Republic of Korea, Saudi Arabia and Suriname at its sixty-ninth session, the reports of Australia, the Cook Islands, Cyprus, Liechtenstein, Mexico, New Zealand, the State of Palestine and Turkmenistan at its seventieth session and the reports of the Bahamas, the Congo, the Lao People's Democratic Republic, Mauritius, Nepal, Samoa, Tajikistan and the former Yugoslav Republic of Macedonia at its seventy-first session.

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

25. At its sixty-seventh session, the Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its thirty-eighth session. The Committee adopted views finding a violation with regard to communication No. 75/2014 concerning Mexico (gender-based violence and impunity) and views finding no violation with regard to communications Nos. 70/2014, 77/2014 and 78/2014 concerning Denmark (non-refoulement), by consensus.

26. With regard to inquiries under article 8 of the Optional Protocol, the Committee, among other things, endorsed the report of the Working Group on Inquiries under the Optional Protocol on its seventh session. The Committee adopted its findings, comments and recommendations in relation to inquiry 2011/2, which will be made public following the lapse of the six-month period for the State party concerned to submit its observations.

27. At its sixty-eighth session, the Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its thirty-ninth session. The Committee adopted views finding a violation with regard to communication No. 91/2015 concerning the Russian Federation (domestic violence) and declared inadmissible communication No. 79/2014 concerning Denmark and communication No. 95/2015 concerning Ukraine, by consensus. The Committee also decided to discontinue its consideration of communication No. 93/2015 concerning Denmark.

28. 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 eighth session. In relation to inquiry 2014/1, the Committee finalized the first reading of its draft findings, comments and recommendations. In the light of the lack of cooperation by certain States parties, it mandated the Working Group on Inquiries to consider the development of guidelines for conducting inquiries without a visit to the territory of the State party concerned.