



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-first session
6-23 July 2004

**Working Group on Communications under the
Optional Protocol**
30 June-2 July 2004

**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
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 fourth session from 30 June to 2 July 2004. All members of the Working Group attended. Ms. Hanna Beate Schöpp-Schilling continued to serve as Chairperson of the Working Group.
2. At its first meeting, the Working Group amended and adopted its agenda (see annex).

I. Summary of discussions

3. The Chief of the Women's Rights Unit of the Division for the Advancement of Women of the Department of Economic and Social Affairs introduced a note by the Secretariat (CEDAW/C/2004/II/WGCOP/WP.1) on steps taken and developments that have occurred since the third session of the Working Group.
4. The Working Group discussed correspondence that had been received by the Secretariat since the Working Group's third session. It was agreed that a note by the Secretariat providing information on the routing of correspondence to and from the petitions team of the Office of the United Nations High Commissioner for Human Rights would be useful.
5. The Working Group encouraged the Secretariat to continue to disseminate information about the communications procedure under the Optional Protocol and suggested further ways of doing so, including through national Bar Associations and

the International Federation of Women Lawyers. The Working Group also underlined the importance of organizing training workshops/courses aimed at relevant stakeholders at the national level on the preparation of communications in order to support the submission of well-crafted communications that would facilitate the processing of communications by the Working Group. It further suggested that the International Federation for Human Rights be contacted in this connection, including for fund-raising for such activities. Civil society organizations should also be encouraged to support the translation of communications into the official languages of the United Nations.

6. The Working Group discussed rule 64, paragraph 2, of the Committee's rules of procedure, which deals with the question of when the Working Group may declare that a communication is admissible under the Optional Protocol. The Working Group noted that, under this rule, it would not have the authority to declare admissible any communication that referred to a State party of which one member was a national. This was because the rule provides that decisions on admissibility can only be made by the Working Group when it is composed of five members and all of the members so decide. The Working Group observed that the rule does not account for a situation wherein only four members may participate in the decision-making process because one member is a national of the State party concerned. Rather than suggest an amendment to the rule, which the Working Group considers might be necessary in the long run, the Working Group suggests that the Committee keep the matter pending for the time being. In the meantime, the Working Group would refer admissibility decisions for such cases to the Committee as a whole.

7. The Working Group discussed the elements of article 4, paragraph 2 (e), of the Optional Protocol (the "ratione temporis" rule). The Working Group recognized the importance of this provision of the Optional Protocol and of the case law and practice of other human rights treaty bodies. The Working Group was also of the view that this admissibility criterion will have to be considered on a case-by-case basis.

8. The Working Group was pleased to note that the updated background paper prepared by Ms. Ineke Boerefijn on issues arising under the Optional Protocol to the Convention (CEDAW/C/2004/I/WP.2) had been issued in all official languages of the United Nations. The Working Group considered that the paper, together with the background note on the practice of other human rights treaty bodies concerning interim measures (CEDAW/C/2004/I/WGCOP/WP.2), would serve as valuable tools for the Committee's current and future work on communications. The Working Group emphasized the importance of regularly updating this research as well as undertaking research into other and emerging areas in relation to its work.

9. The Working Group reaffirmed its commitment to continuing its work between sessions. Decisions on registration of new communications would be taken, as appropriate, following consultations, including through e-mail and teleconferencing, as would decisions on draft recommendations prepared by case rapporteurs on pending communications. It reaffirmed its earlier decision on intersessional modalities for e-mail communications. The Working Group believed that this method of work would ensure that the optimal amount of work would be ready to handover to the next Working Group, which would be constituted at the thirty-second session of the Committee in January 2005. The new Working Group will meet for the first time from 31 January to 2 February 2005.

10. The Working Group discussed pending communications, the fourth of which had been registered since its last session. It submitted a recommendation for action on one of those communications to the Committee.

11. The Working Group adopted the provisional agenda for its fifth session, as follows:

1. Adoption of the agenda and organization of work.
2. Review of steps and activities undertaken since the last session.
3. Review and discussion of working methods.
4. Update on communications.
5. Any other matters.
6. Adoption of the provisional agenda for its sixth session, including dates and duration, and the report of the Working Group.

II. Issues for future consideration

12. The Working Group draws the attention of the Committee to the discussion outlined in paragraph 6 of the present report.

Annex

Agenda of the fourth session

1. Adoption of the agenda and organization of work.
 2. Review of steps and activities undertaken since the last session.
 3. Review and discussion of working methods.
 4. Update on communications.
 5. Work format between the thirty-first and thirty-second sessions.
 6. Other matters.
 7. Adoption of the provisional agenda for the fifth session, including dates and duration, and the report of the Working Group.
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