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**Committee on the Elimination of Discrimination
against Women**
Twenty-ninth session
30 June-18 July 2003

**Working Group on Communications
under the Optional Protocol**
25-27 June 2003

**Report of the second session of the Working Group on
Communications under the Optional Protocol to the Convention
on the Elimination of All Forms of Discrimination against Women**

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 second session from 25 to 27 June 2003. All members of the Working Group attended. Mr. Cornelis Flinterman attended from 26 to 27 June 2003. Ms. Schöpp-Schilling continued to serve as Chairperson of the Working Group.
2. At its second meeting, the Working Group amended and adopted its agenda (see annex).

I. Summary of discussions

**A. Background paper for the Working Group on Communications on
issues arising under the Optional Protocol**

3. On the basis of a request by the Working Group on Communications, the Committee at its twenty-seventh session recommended research on the following issues in connection with the Optional Protocol: “same matter” and “under another procedure of international investigation or settlement” (Optional Protocol, article 4 (2) (a)); and “the facts that are the subject of the communication occurred prior to the entry into force of the [Optional] Protocol” (Optional Protocol, article 4 (2) (e)). The Committee also recommended research on the accountability of States parties for the conduct of non-State actors; remedies recommended by human rights treaties and implementation of views by States parties (Optional Protocol, articles 7 (3), (4) and (5)). A background paper on those issues was prepared by Ms. Ineke Boerefijn

of the Netherlands Institute of Human Rights, who had been hired by the Division for the Advancement of Women as a consultant.

4. Ms. Boerefijn presented the paper to the Working Group, which expressed great appreciation for the comprehensive and useful information. Members of the Working Group discussed each section of the paper, raising questions, seeking clarifications and exploring hypothetical communications which could be brought under the Optional Protocol dealing with the issues under discussion.

5. On the basis of the comments and views expressed by members of the Working Group during the discussions, Ms. Boerefijn declared her willingness to make certain additions and revisions to the paper. Ms. Boerefijn also expressed a willingness to update the paper regularly, particularly with regard to new developments on matters covered in the paper.

B. Correspondence relating to article 2 of the Optional Protocol

6. The Working Group discussed the first batch of correspondence relating to article 2 of the Optional Protocol, which had been received by the Division for the Advancement of Women but was not yet ready to be considered for purposes of registration. The Working Group provided the Secretariat with criteria and guidance on handling that and future correspondence. In future, the Working Group would not review correspondence at such a preliminary stage.

C. Other matters

7. The Director of the Division for the Advancement of Women informed the Working Group that the Chief of the Women's Rights Section had overall responsibility for dealing with communications in the Division and that the General Assembly had approved two staff positions within that Section to focus on the Optional Protocol, one of which had been filled and the other was expected to be filled shortly. She assured the Working Group of the continuous attention by staff to issues under the Optional Protocol. The Division also assured the Working Group that efforts were continuing to ensure the effective functioning of the interactive database between the Division and the Office of the United Nations High Commissioner for Human Rights. The Chief of the Women's Rights Section briefed the Working Group on the status of preparations of the multimedia training package and the manual on the Convention and its Optional Protocol. An update was also provided on past and planned technical cooperation activities in support of ratification of and reporting under the Convention.

II. Decisions taken by the Working Group

8. The Working Group decided:

(a) That the term "communication" would only be used once correspondence had been submitted to the Working Group and a decision on registration had been made;

(b) To register its first communication;

(c) To authorize the Chair to take decisions on behalf of the Working Group concerning urgent situations requiring interim measures (article 5 of the Optional Protocol and rule 63 of the rules of procedure) after notification by the Division and to inform the Working Group without delay;

(d) To keep under consideration other matters concerning its functioning, in particular those referred to in paragraph 13 of its report of 6 May 2002 (CEDAW/C/2002/II/CRP.4).

III. Recommendations for action by the Committee

9. The Working Group recommends that the Committee request the Secretariat:

(a) To make the final paper on issues arising under the Optional Protocol available to the Committee in all languages and seek to update it regularly;

(b) To enhance cooperation with the Office of the United Nations High Commissioner for Human Rights in streamlining procedures for routing of correspondence relating to article 2 of the Optional Protocol, as outlined in paragraph 5 of the report of the Working Group of 6 May 2002 (CEDAW/C/2002/II/CRP.4);

(c) To ensure that all incoming correspondence relating to article 2 of the Optional Protocol indicates when it was received by the Division;

(d) To return to the authors all correspondence addressed to the Committee asserting claims against non-States parties, with an explanatory letter referring to article 3 of the Optional Protocol;

(e) To send acknowledgement letters to the authors of correspondence asserting claims against States parties without delay;

(f) To send standard letters to authors on admissibility criteria and requirements for registration, providing the Convention, the Optional Protocol and the Committee's model communication form, as soon as possible;

(g) To prepare a background note on the practice of applying interim measures by other human rights treaty bodies;

(h) To make efforts to further disseminate the Convention, the Optional Protocol and the model communication form with the assistance of United Nations entities, including regional commissions and United Nations Information Centres.

10. The Working Group also recommends that the Committee:

(a) Raise questions, during the constructive dialogue with reporting States parties to the Optional Protocol, about enabling legislation or other measures to implement possible views and recommendations of the Committee on communications, and that the Committee recommend in its concluding comments to these States parties the adoption of such measures;

(b) Consider, in future, preparing a general recommendation on the right to an effective remedy under the Convention, in particular under article 2 (c), under which States parties "undertake ... to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national

tribunals and other public institutions the effective protection of women against any act of discrimination”;

(c) Explore the possibility of convening a seminar in relation to potential communications under articles of the Convention in view of, inter alia, the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights.¹

IV. Further issues to be considered

11. The Working Group agreed to give further consideration to the following matters once views on communications had been adopted:

(a) The importance of ensuring continuity in the follow-up to views of the Committee on communications, for example by appointing rapporteurs and their alternates for follow-up (rule 73 of the rules of procedure);

(b) Mechanisms for interaction with non-governmental organizations and civil society on implementation and follow-up to the views of the Committee on communications;

(c) Whether any human rights treaty bodies have revised previous decisions on communications.

¹ See *Human Rights Quarterly*, vol. 20, No. 3, August 1998 (the Johns Hopkins University Press).

Annex

Provisional agenda

1. Adoption of the agenda.
 2. Introduction to the background paper by a consultant on issues arising under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
 3. Discussion of the background paper by a consultant (section by section).
 4. Distribution of letters/communications and reading period.
 5. Report by the Division for the Advancement of Women on work done between February and June 2003 as regards communications (functioning of interactive database with the Office of the United Nations High Commissioner for Human Rights; short introduction of incoming letters directly or indirectly to the Division for the Advancement of Women; cases of alleged women victims under consideration by other human rights treaty bodies, etc.).
 6. Discussion of letters/communications as to parameters of what constitutes substantive information and on criteria for the Division for the Advancement of Women for reporting what and when to the Working Group.
 7. Adoption of the report of the Working Group.
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