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**Commission on the Status of Women**

**Forty-ninth session**

28 February-11 March 2005

Item 3 (a) of the provisional agenda\*

**Follow-up to the Fourth World Conference on Women  
and to the special session of the General Assembly entitled  
“Women 2000: gender equality, development and peace for  
the twenty-first century”: review of gender mainstreaming  
in entities of the United Nations system**

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**Results of the thirty-second session of the Committee on the  
Elimination of Discrimination against Women**

**Note by the Secretary-General**

*Summary*

The present note reflects the results, including decisions taken, of the thirty-second session of the Committee on the Elimination of Discrimination against Women, which was held in New York from 10 to 28 January 2005.

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\* E/CN.6/2005/1.

## **Introduction**

1. In its resolution 47/94 of 16 December 1992, the General Assembly recommended that the sessions of the Committee on the Elimination of Discrimination against Women be scheduled, whenever possible, to allow for the timely transmission of the results of the Committee's work to the Commission on the Status of Women, for information.

2. The Committee held its thirtieth session from 12 to 30 January 2004 and its thirty-first session from 6 to 23 July 2004. The results of those sessions are contained in the report of the Committee submitted to the General Assembly at its fifty-ninth session.<sup>1</sup>

3. The Committee held its thirty-second session from 10 to 28 January 2005. At that session, the Committee adopted two decisions and took action on items 7 (Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women), 8 (Ways and means of expediting the work of the Committee) and 9 (Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women) of its agenda (see CEDAW/C/2005/I/1).

4. On 28 January 2005, the closing date of the thirty-second session, there were 179 States parties to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>2</sup> Seventy States parties had ratified or acceded to the Optional Protocol thereto<sup>3</sup> and 45 States had accepted the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

## **I. New members, and election of officers**

5. Following the thirteenth meeting of States parties to the Convention on 5 August 2004, the following seven newly elected and four re-elected members began their four-year term of office: Ms. Magalys Arocha Dominguez (Cuba), Ms. Mary Shanthi Dairiam (Malaysia), Ms. Tiziana Maiolo (Italy), Ms. Silvia Pimentel (Brazil), Ms. Glenda Simms (Jamaica), Ms. Anamah Tan (Singapore) and Ms. Xiaoqiao Zou (China); and Ms. Françoise Gaspard (France), Ms. Hanna Beate Schöpp-Schilling (Germany), Ms. Heisoo Shin (Republic of Korea) and Ms. Regina Tavares da Silva (Portugal).

6. The Committee elected the following officers for a term of office of two years: Ms. Rosario Manalo (Philippines), Chairperson; Ms. Meriem Belmihoub-Zerdani (Algeria), Ms. Silvia Pimentel (Brazil) and Ms. Hanna Beate Schöpp-Schilling (Germany), Vice-Chairpersons; and Ms. Dubravka Šimonović (Croatia), Rapporteur.

## **II. Results of the Committee's thirty-second session**

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

7. The Committee considered the reports of eight States parties submitted under article 18 of the Convention, namely, those of Algeria, Croatia, Gabon, Italy, the Lao People's Democratic Republic, Paraguay, Samoa and Turkey. The Lao People's Democratic Republic, which had ratified the Convention in 1981, reported for the

first time in a combined initial through fifth periodic report (CEDAW/C/LAO/1-5). Samoa, which had acceded to the Convention in 1992, also reported for the first time in a combined initial, second and third periodic report (CEDAW/C/WSM/1-3). The delegations of several reporting States were headed by Ministers and included representatives with specialized technical expertise.

8. In regard to each of the reporting States, the Committee adopted concluding comments.

## **B. Decisions**

9. The Committee took two decisions brought to the attention of States parties. These are reflected below.

### **Decision 32/I**

The Committee adopted a statement on the occasion of the ten-year review and appraisal of the Beijing Declaration<sup>4</sup> and Platform for Action,<sup>5</sup> to be brought to the attention of the Commission on the Status of Women at its forty-ninth session (see annex I).

### **Decision 32/II**

The Committee adopted a statement in regard to the gender aspects of the tsunami in South-East Asia that had occurred on 26 December 2004 (see annex II).

## **C. Action in relation to item 7, Implementation of article 21 of the Convention**

10. The Committee took action on agenda item 7, as follows.

### **1. General recommendation 26 on article 2 of the Convention**

11. The Committee's intersessional task force consisting of Ms. Dairiam, Mr. Flinterman, Ms. Gnacadja, Ms. Morvai, Ms. Pimentel and Ms. Šimonović as core members will continue to work on elements for a general recommendation on article 2. All experts were urged to send contributions to the core members well before 1 May 2005. The Committee agreed to discuss a first draft at its thirty-third session.

### **2. Work on general recommendations**

12. The Committee reviewed its work programme for the preparation of general recommendations. It was agreed that while work on a general recommendation on article 2 had priority, experts who had volunteered to work on particular topics should continue to work on background papers.

13. The Committee reviewed and updated the list of proposed general recommendations, including the experts who had volunteered to work on them.

**D. Action in relation to item 8, Ways and means of expediting the work of the Committee**

14. The Committee took note of the dates of its thirty-third and thirty-fourth sessions (5-22 July 2005 and 16 January-3 February 2006, respectively). The pre-session working group for the thirty-third and thirty-fourth sessions would meet from 31 January to 4 February 2005, and from 25 to 29 July 2005, respectively. The fifth and sixth sessions of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women would meet from 31 January to 2 February 2005, and from 29 June to 2 July 2005, respectively.

15. The Committee confirmed that, at its thirty-third session, it would consider the following reports:

- (a) Initial reports:
  - (i) Benin;
  - (ii) Democratic People's Republic of Korea;
  - (iii) Gambia;
  - (iv) Lebanon;
- (b) Periodic reports:
  - (i) Burkina Faso;
  - (ii) Guyana;
  - (iii) Ireland;
  - (iv) Israel.

16. The Committee also agreed to consider the following reports at its thirty-fourth session:

- (a) Initial reports:
  - (i) Cambodia;
  - (ii) Eritrea;
  - (iii) The former Yugoslav Republic of Macedonia;
  - (iv) Togo;
- (b) Periodic reports:
  - (i) Australia;
  - (ii) Mali;
  - (iii) Thailand;
  - (iv) Venezuela (Bolivarian Republic of).

17. The Committee identified meetings to be attended by its Chairperson or by an alternate during 2005, namely, the forty-ninth session of the Commission on the Status of Women; the sixty-first session of the Commission on Human Rights; the fourth inter-committee meeting of the human rights treaty bodies and the

seventeenth meeting of chairpersons of human rights treaty bodies; and the sixtieth session of the General Assembly (Third Committee).

18. The Committee discussed and took the following action to enhance its working methods under article 18 of the Convention.

**1. Extension of the Committee's meeting time**

19. The Committee expressed its disappointment at the lack of action taken by the General Assembly, at its fifty-ninth session, in regard to the Committee's request to put in place short-term measures and a long-term solution that would allow the Committee to implement its responsibilities under the Convention and the Optional Protocol thereto in an effective and timely manner. It reiterated the urgent need to find such a solution in line with its decision 31/L. The Committee requested the Secretariat to include in the Committee's pre-session documentation detailed information on all possible options for extension of the Committee's meeting time, including extension of the current sessions and the holding of additional annual sessions from 2006. The Committee decided to consider these options at its thirty-third session with a view to submitting a request to the Assembly for action at its sixtieth session.

**2. Focused concluding comments**

20. In its efforts to adopt focused concluding comments on periodic reports that would highlight a limited number of priority areas of concern and recommendations rather than all possible issues that had been discussed during the constructive dialogue, the Committee decided to include a new standard paragraph as the first paragraph in the section of chapter IV of its report entitled "Principal areas of concern and recommendations". This paragraph would be followed, as applicable, by a paragraph in which the Committee highlights areas of concern already identified in its previous concluding comments, but in regard to which the State party, in the Committee's view, had taken insufficient action. These would be briefly reiterated and the State party would be invited to implement previously made recommendations of the Committee. The new paragraphs will read:

**"The Committee notes the State party's obligation for the systematic and continuing implementation of all provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on these areas in its implementation activities and to report on actions taken and results achieved, in its next period report. It calls upon the State party to submit the present concluding comments to all relevant ministries and Parliament so as to ensure their full implementation.**

"The Committee is concerned that the State party has taken inadequate steps to implement the recommendations in regard to some concerns raised in the Committee's previous concluding comments adopted in (year) (symbol). In particular, the Committee finds that its concerns about ... (para. ...) and ... (para. ...) have been insufficiently addressed.

**“The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.”**

**3. Country task forces**

21. The Committee used a country task force for the constructive dialogue with one reporting State (periodic report). It agreed to continue this effort and to establish country task forces for the consideration of two periodic reports at its thirty-third session. It agreed that, for the time being, it will continue to use this approach on a case-by-case basis, and in a flexible manner.

**4. Consideration of the implementation of the Convention in the absence of a report**

22. The Committee reiterated its incremental strategy to encourage States parties to fulfil their reporting obligations. It also reiterated its decision to consider implementation of the Convention in the absence of a report only as a measure of last resort and in the presence of a delegation.

23. The Committee recalled its decision, taken at its thirty-first session, to notify two States parties, namely, Cape Verde and Saint Lucia, whose initial reports under article 18 of the Convention were more than 10 years overdue, of its intention to take up implementation of the Convention at the thirty-fifth session (July 2006). These two States parties have been invited to submit all their overdue reports as combined reports by June 2005. They have also been advised that, should their reports not be submitted by the designated time, the Committee intends to proceed with the consideration of the implementation of the Convention in the absence of a report.

24. The Committee decided to review the status of long-overdue initial reports again at its thirty-third session, and requested the Secretariat to include relevant information in the pre-session documentation. Based on the information provided, the Committee will invite up to two States parties to submit their reports within a specified time period, for consideration by the Committee.

**5. Follow-up to the recommendations of the third inter-committee meeting and the sixteenth meeting of chairpersons of the human rights treaty bodies**

25. The Committee continued its follow-up to the recommendations of the third inter-committee meeting (Geneva, 21 and 22 June 2004) and the sixteenth meeting of chairpersons of the human rights treaty bodies (Geneva, 23-25 June 2004) and, in particular, the proposals on harmonized guidelines on reporting under the international human rights treaties and guidelines on an expanded core document and treaty-specific targeted reports (see document HRI/MC/2004/3 of 9 June 2004). It considered a discussion paper prepared by three of its members, Ms. Victoria Popescu, Ms. Hanna Beate Schöpp-Schilling and Ms. Heisoo Shin. The Committee finalized its preliminary views which it will be submitting to the fourth inter-committee meeting.

**6. Date of issuance of pre-session documentation**

26. The Committee took note of the guidance provided by the General Assembly in regard to the issuance of pre-session documentation, namely, the so-called 10-week and 6-week rules. In this regard, the Committee stressed its preference for

receiving the most up-to-date information in reports prepared by the Secretary-General rather than having them available six weeks prior to the session. It therefore agreed to waive the 10-week rule for submission of certain documents, in particular documents bearing the symbols CEDAW/C/(year)/(session)/2, 3 and 4 and addenda thereto, as well as confidential documentation issued in regard to the Optional Protocol to the Convention. Such documentation should be available in all languages one week prior to the opening of the session.

**7. Twenty-fifth anniversary of the first session of the Committee**

27. The year 2007 will mark the twenty-fifth anniversary of the Committee's first session. The Committee held a preliminary discussion on the proposal to edit a collection of brief essays by former and current members on their experience related to their work on the Committee and the impact of the Convention. Members agreed to consider this proposal with a view to discussing it further and to making a decision thereon at the thirty-third session.

**8. Interaction with national human rights institutions**

28. The Committee expressed its interest in establishing interaction with national human rights institutions, and agreed to discuss the modalities for such interaction at the thirty-third session. Should representatives of national human rights institutions wish to attend the Committee's thirty-third session and present information to the Committee, this would be accommodated during the meeting between the Committee and representatives of non-governmental organizations.

**E. Action in relation to item 9, Activities of the Committee under the Optional Protocol to the Convention**

**1. Action in respect to article 2 (communications)**

29. The Committee took action on communication 2/2003, A.T. v. Hungary.

30. The Committee appointed the following five members to serve on the Working Group on Communications under the Optional Protocol, for a term of two years, until 31 December 2006:

Ms. Magalys Arocha Dominguez

Mr. Cornelis Flinterman

Ms. Krisztina Morvai

Ms. Pramila Patten

Ms. Anamah Tan

**2. Action in respect to article 8 (inquiry procedure)**

31. The Committee continued its work under article 8 of the Optional Protocol during the period under review. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure,<sup>6</sup> all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

**Summary of the activities of the Committee concerning the inquiry on Mexico, and follow-up**

32. The Committee reiterated its decision, taken at its thirty-first session, to issue at a future date the substantive findings and recommendations emanating from its inquiry, in accordance with article 8 of the Optional Protocol, in regard to Mexico, together with the State party's observations (see A/59/38, part two, chap.V.B). The Committee issued these findings and recommendations, together with the State party's observations, on 27 January 2005 (CEDAW/C/2005/OP8/Mexico).

33. The Committee recalled its decision requesting the Government of Mexico to submit information, by 1 December 2004, on measures taken in response to the Committee's recommendations submitted to the State party on 23 January 2004 (A/59/38, part two, para. 405). It had received preliminary information on 13 December 2004 and additional information on 17 January 2005. It decided to request the Government of Mexico to submit additional information on follow-up undertaken pursuant to the Committee's recommendations in a succinct report of up to 10 pages, by 1 May 2005. The Committee further decided to invite the three non-governmental organizations that had submitted the information that led to the Committee's decision to conduct an inquiry under article 8 of the Optional Protocol in regard to Mexico, namely, Equality Now, Casa Amiga, and the Mexican Committee for the Defence and Promotion of Human Rights, to provide their views on the current situation concerning the killings and abductions of women in the Ciudad Juárez area of Mexico, and in particular their evaluation of the State party's actions in response to the Committee's findings and recommendations, in a succinct report by 1 May 2005. The Committee decided to consider Mexico's follow-up responses, together with any information that might be received from the non-governmental organizations, at its thirty-third session, scheduled to take place from 5 to 22 July 2005.

**F. Other matters**

34. On 26 January, Ms. Jane Connors, Team Leader, Treaties and Commission Branch, Office of the United Nations High Commissioner for Human Rights, addressed the Committee. She provided an update on the recent developments in regard to the work and servicing of human rights treaty bodies by the Office of the High Commissioner; the work under way in follow-up to the recommendations of the third inter-committee meeting and the meeting of chairpersons of human rights treaty bodies concerning harmonized reporting guidelines; and the technical assistance activities undertaken by the Office of the High Commissioner.

*Notes*

<sup>1</sup> *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38 (A/59/38)*.

<sup>2</sup> General Assembly resolution 34/180, annex.

<sup>3</sup> General Assembly resolution 54/4, annex.

<sup>4</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 1.

<sup>5</sup> *Ibid.*, annex II.

<sup>6</sup> *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38 (A/56/38)*, annex I.



## Annex I

### **Statement of the Committee on the Elimination of Discrimination against Women on the occasion of the 10-year review and appraisal of the Beijing Declaration and Platform for Action**

1. The Committee on the Elimination of Discrimination against Women welcomes the comprehensive 10-year review and appraisal of the Beijing Declaration and Platform for Action that States Members of the United Nations are undertaking during the forty-ninth session of the Commission on the Status of Women, 28 February-11 March 2005. The Committee commends the efforts undertaken by Member States in the implementation of the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century". The Committee stresses the need to reaffirm these goals and commitments so as to sustain and enhance the gains made in the advancement of women and gender equality, and to address new and emerging challenges.

2. The Committee commemorated in 2004 the twenty-fifth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women. On the occasion of the Beijing review and appraisal, it wishes to draw the attention of the Member States to its statement issued in October 2004 to mark that anniversary (CEDAW/C/2005/I/4, annex III).

3. The Committee notes that 179 States are now parties to the Convention on the Elimination of All Forms of Discrimination against Women, representing an increase of 35 ratifications in the 10 years since the Fourth World Conference on Women. While this represents much-welcome progress, the Committee regrets that the goal of universal ratification by the year 2000 set forth in the Platform for Action has not been achieved: 12 Member States continue to consider joining this most comprehensive treaty on the human rights of women. The Committee is especially pleased that the commitment of Member States to providing for a right to petition under the Convention was realized in 1999 when the General Assembly adopted, and opened for ratification and accession, the Optional Protocol to the Convention providing for the right to petition as well as an inquiry procedure. The Committee congratulates those 70 States parties to the Convention that have so far adhered to the instrument, thus providing women within their jurisdictions with this international means of redress for alleged violations of their rights protected under the Convention. The Committee has already issued views and findings under both procedures. The Committee remains very concerned about the significant number of reservations to the Convention, many of which are broad-based and must be considered to be incompatible with the object and purpose of the Convention. The Committee congratulates all those States that have withdrawn or modified their reservations to the Convention since the Fourth World Conference on Women, as called for in the Platform for Action, and urges all those States that continue to maintain reservations to work towards their withdrawal.

4. The Committee recalls that the 12 critical areas of concern of the Platform for Action and the provisions of the Convention mutually reinforce each other. It notes

that the Platform for Action gave unprecedented attention to the human rights of women and to the Convention as the primary instrument for the promotion of equality between women and men and the elimination of all forms of discrimination against women. The entire Platform for Action will have achieved an overall human rights approach when each critical area of concern is implemented within the Convention's framework of substantive equality that ensures de jure and de facto equality. The Platform for Action highlights women's rights in many different contexts and it outlines, under its critical areas of concern, concrete and detailed actions including legislation, policy and programme measures, to be taken by Governments and other actors for the promotion of gender equality and the elimination of discrimination against women.

5. One of the Platform for Action's critical areas of concern is specifically devoted to the realization of the human rights of women, including through the full implementation of the Convention. The Committee notes that, in addition, the Platform for Action explicitly covers violence against women, an issue that the Committee addressed comprehensively in its general recommendation 19 (1992). The Convention prohibits discrimination against women in the political, economic, social, cultural, civil or any other field, and obligates States parties to take all appropriate measures to ensure the full development and advancement of women. During the constructive dialogue with States parties when presenting their national reports, the Committee encourages the States parties to include a gender and human rights perspective in their development cooperation to support the realization of the principle of equality between women and men in all parts of the world. The Committee also notes the importance of allocating resources according to the internationally agreed target of 0.7 per cent of the gross national product of developed countries for overall official development assistance, as urged in the Platform for Action.

6. In accordance with the recommendation of the Platform for Action, the Committee now regularly takes the Platform for Action into account when considering reports submitted by States parties to the Convention. Following the Fourth World Conference on Women, the Committee revised its guidelines for preparation of reports by States parties, inviting them to take into account the 12 critical areas of concern of the Platform for Action. In doing so, the Committee noted that those areas of concern are compatible with the articles of the Convention and are therefore within its mandate. The Committee further revised those guidelines in 2002, emphasizing that initial and subsequent periodic reports should contain information on the implementation of the actions recommended in the Platform for Action as well as in the outcome document of the twenty-third special session of the General Assembly held in 2000. States parties generally refer to their activities in relation to the Platform for Action either in their reports or in their presentations to, and constructive dialogue with, the Committee. The Committee, in all its concluding comments, consistently requests States parties to widely disseminate the Platform for Action and the outcome of the twenty-third special session of the Assembly, together with the Convention, the Optional Protocol thereto and the Committee's general recommendations.

7. The Committee draws attention to the significant synergies in substantive content between the Convention and the Platform for Action. For instance, the Convention deals with women's right to equality in the field of education in its article 9. The Platform for Action notes that education is a human right, and the

implementation of the actions to be taken by Governments and other stakeholders as set out in the Platform for Action directly contributes to a State party's fulfilment of its obligations under the Convention. Likewise, article 7 of the Convention, on women's right to equality in political and public life, is complemented by the Platform for Action's critical area of concern on inequality between women and men in the sharing of power and decision-making. Similar linkages exist between other provisions of the Convention and the Platform for Action's critical areas of concern. The Platform for Action gives detailed further guidance on the types of actions that Member States should implement, which actions, in the Committee's view, also enhance compliance with the Convention. When States parties put in place national action plans or strategies with time-bound targets and benchmarks for monitoring, as called for in the Platform for Action, they also contribute to the practical realization of the principle of equality of women and men in respect of the enjoyment of their human rights and fundamental freedoms, for which States parties are responsible in accordance with article 2 (a) of the Convention.

8. The Convention and the Platform for Action comprise, respectively, legally binding obligations and policy commitments towards the elimination of all forms of discrimination against women and the realization of equality of women and men. National machineries for the advancement of women as the central units within government for the promotion of gender equality should be entrusted with coordination and monitoring of the implementation of both the Convention and the Platform for Action, so as to ensure compliance with States' international legal obligations and policy commitments.

9. The Committee calls upon all States parties and States Members of the United Nations, upon civil society and upon women's and human rights organizations to further intensify their efforts to fully implement the Convention as a legally binding human rights instrument and the Platform for Action as a comprehensive agenda for gender equality, and to use both in their advocacy in a complementary and mutually reinforcing manner.

## Annex II

### **Statement by the Committee on the Elimination of Discrimination against Women in regard to the tsunami disaster that occurred in South-East Asia on 26 December 2004**

1. The Committee on the Elimination of Discrimination against Women shares the expressions of support and solidarity that have been offered by so many around the world to all people affected by the devastating tsunami in South-East Asia that occurred on 26 December 2004.
2. The unprecedented scale of the tsunami disaster impacts on all survivors, women and men, having caused loss of life, injuries, separation from and loss of loved ones, extreme trauma, and loss of security, basic necessities — including shelter, food and water and sanitation — and livelihoods. In the wake of the tsunami, the gender-specific needs and vulnerabilities of women and girls must be identified and addressed in all responses to the humanitarian and recovery needs. There are gender perspectives to be taken into account in relation to impacts on both a long- and a short-term basis, including in relation to health, security and livelihoods.
3. Proactive steps must be taken to ensure that women and girls living in the affected communities, as well as local women's groups, and women community leaders and government officials, are full, equal and effective participants in all relief, rehabilitation and reconstruction efforts, including in the distribution of assistance of all kinds.
4. Particular attention must be paid to identifying and responding to specific vulnerabilities of women and girls in situations of disaster, in particular with regard to gender-based violence, sexual abuse and trafficking. As the protection of the safety and dignity of survivors is among the priorities of relief work, specific attention must be paid to the prevention of gender-based violence and abuse of women and girls. All those who abuse women and girls in this situation of particular vulnerability must be brought to justice and severely punished.
5. The Committee calls upon all those who provide assistance and relief, and contribute to the reconstruction of the devastated communities, to respond fully to the gender-specific needs of women and girls. The Committee urges that the ongoing efforts be used as a window of opportunity to ensure that the promotion of gender equality is a central pillar in the reconstruction and development of the affected communities, and that a gender perspective is integrated in all humanitarian efforts. It also suggests that the appropriate intergovernmental body of the United Nations consider preparing a comprehensive action-oriented resolution on the gender perspectives of disaster relief and humanitarian assistance, following the example of Security Council resolution 1325 (2000) on women, peace and security.