



Convention on the Elimination of All Forms of Discrimination against Women

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Working Group on Communications under the Optional Protocol

7-9 January 2004

Report of the third 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 third session from 7 to 9 January 2004. All members of the Working Group, except Ms. Aída González Martínez, 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 Section of the Division for the Advancement of Women introduced a note by the secretariat on steps taken and developments since the second session of the Working Group (CEDAW/C/2004/I/WGCOP/WP.1) and a background note on the practice of other human rights treaty bodies concerning interim measures (CEDAW/C/2004/I/WGCOP/WP.2).
4. The Working Group discussed correspondence that had been received by the secretariat since the second session. It indicated that, in future, the secretariat's note should provide more information about correspondence asserting claims against States parties to the Optional Protocol, including correspondence failing to meet prima facie admissibility requirements, and the secretariat's replies to authors. Files containing such correspondence should be easily accessible to members of the Working Group during its sessions.
5. The Working Group discussed further ways to disseminate information about the communications procedure under the Optional Protocol, including through national human rights institutions, national machineries for the advancement of women and non-governmental organizations.

6. The Working Group discussed the rules on the confidentiality of its proceedings and their applicability to the members of the Working Group and the Committee on the Elimination of Discrimination against Women on the one hand, and the author(s) and State party on the other. The Working Group agreed that, as stated in rule 74 of the rules of procedure, confidentiality requirements concerning information relating to the proceedings did not apply to the State party or the author(s), unless the Committee or Working Group requested otherwise, whereas members of the Committee or Working Group are required to maintain strict confidentiality.

7. The Working Group discussed rule 60 of the rules of procedure, particularly rule 60(1)(c) concerning the proscription upon a member taking part in the examination of a communication when she/he is a national of the State party concerned. The Working Group considered that, for learning purposes at this early stage of the communication procedure, a member of the Working Group who is a national of the State party concerned may remain in the room during consideration of the relevant communication.

8. The Working Group agreed on procedures for its intersessional work in regard to new communications. In particular, the Working Group agreed that it would receive regular updates from the secretariat on correspondence that could be considered for registration. As a consequence, the Working Group confirmed that it would not appoint a rapporteur on new communications at the current stage. Decisions on intersessional registration of new communications would be taken following consultation via e-mail with members of the Working Group.

9. In discussing interim measures, the Working Group emphasized the need to obtain responses from States parties concerned within a specified time period.

10. The Working Group discussed pending communications, one of which had been registered since its last session.

II. Decisions taken by the Working Group

11. The Working Group decided:

(a) That requests for interim measures shall include a request for a reply on steps taken from the State party concerned within a specified time period;

(b) To register its third communication.

12. The Working Group also decided to request the secretariat to do the following:

(a) To include in its regular report to the Working Group more information about correspondence received in the Division. That information should be provided in three categories: (i) correspondence in relation to States that are not party to the Optional Protocol (the number of letters and the States to which they refer); (ii) correspondence failing to meet other prima facie admissibility requirements in regard to which no further correspondence with the author(s) is recommended. Two staff members must concur on such a determination; and (iii) correspondence asserting claims against States parties to the Optional Protocol, in relation to which the secretariat sought further information from the author;

(b) To include in correspondence to authors and States parties a reference to the two annual sessions and the dates of the upcoming session of the Committee and Working Group;

(c) To disseminate the Convention, the Optional Protocol and the model communications form to national human rights institutions, national machineries for the advancement of women and national ombudspersons;

(d) To intensify and accelerate its efforts to ensure the effective functioning of the interactive database on communications between the Division and the Office of the United Nations High Commissioner for Human Rights;

(e) To continue to regularly provide summaries and other relevant documents to the members of the Working Group during the intersessional period.

13. The Working Group decided that the provisional agenda for its sessions would include the following items:

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 the next session, including dates and duration, and of the report of the Working Group.

14. The Working Group confirmed that its next session would be held from 30 June to 2 July 2004.

III. Further issues to be considered

15. The Working Group agreed to consider further the need for financial support to women who are unable to correspond in official United Nations languages when submitting complaints under the Optional Protocol.

Annex

Agenda of the third session of the Working Group on Communications under the Optional Protocol

1. Adoption of the agenda and organization of work.
 2. Discussion of note by the secretariat.
 3. Review and discussion of working methods.
 4. Update of communication 2/2003.
 5. Update of communication 1/2003.
 6. Any other matters.
 7. Adoption of the report of the Working Group at its third session.
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