CEDAW and Violence against Women

An Overview
The human rights legal framework

- Universal Declaration of Human Rights (1948)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965)
- International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)
- International Covenant on Civil and Political Rights (ICCPR, 1966)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW, 1990)
- Convention on the Rights of Persons with Disabilities (CRPD, 2006)
- International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED, 2006)
Optional Protocols to the UN treaties

• “Procedural”
  – First Optional Protocol to ICCPR (communications procedure)
  – Optional Protocol to CEDAW (communications procedure)
  – Optional Protocol to CRPD (communications procedure)
  – Optional Protocol to ICESCR (communications procedure)
  – Third Optional Protocol to CRC (communications procedure)
  – Optional Protocol to CAT (establishing a system of regular visits to places of detention and a Subcommittee on Prevention of Torture)

• “Substantive”
  – Second Optional Protocol to ICCPR (abolition of death penalty)
  – Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (CRC-OPAC)
The CEDAW Committee

- Established by the Convention
- Mandated to monitor implementation of the Convention
- Composed of 23 independent experts, nominated and elected by States parties
- Non-remunerated, serve solely in their personal capacity
- Meets three times per year for sessions of three weeks each (as of 2015: one additional week per year)
- Related meetings: Pre-sessional WG, WG on Communications, WG on Inquiries (from 2015)
- Secretariat support from OHCHR
The UN Human Rights Treaty System
CEDAW: Main Functions

Monitoring the implementation of the Convention:
- Consideration of States parties’ reports
- Consideration of individual complaints (and inter-State complaints)
- Conduct of confidential inquiries and country visits

Progressive development and interpretation of treaty norms:
- Adoption of General Recommendations
- Organization of days of general discussion
Treaty reporting

- Legal obligation to submit periodic reports on the implementation of the Convention (article 18 CEDAW)
- Report preparation process at the national level
- Consideration of report by the Committee:
  - Adoption of list of issues and questions by PSWG
  - Written replies of the State party (update report)
  - Constructive dialogue with State party delegation (VAW systematically raised in all dialogues)
  - Concluding observations (examples VAW)
- Follow-up on concluding observations (VAW almost always one of the two priority recommendations)
NHRI participation in reporting process

• Lobbying for submission of overdue reports
• Organizing civil society consultations
• Commenting on State party’s report
• Providing country-specific information in writing and/or at oral briefing to:
  - Pre-Sessional WG (for list of issues)
  - Committee (for constructive dialogue)
• Advocating for implementation of COBs
• Providing follow-up information to Committee
• Research and capacity building at national level
Reporting cycle

1. Preparation of the Report
2. Preparation for Review
3. Consideration of the Report
4. Concluding Observations
5. Implementation and Follow-up
Individual complaints

- **OP-CEDAW** (ratified by 105 States parties) provides for individual communications procedure
- **Certain admissibility criteria**
  - Must not be considered by other international body
  - Exhaustion of domestic remedies
  - Victim or authorized representative submits complaint
- **Quasi-judicial decisions**
  - Decision on admissibility/Views on the merits (24/39 decided cases involving VAW)
  - Not legally binding; recommend effective remedies for victims of VAW (examples)
- **NHRI**s can provide assistance to alleged victims
Inquiries

- Article 8 OP-CEDAW
- Upon receipt of reliable information on grave or systematic violations of Convention rights (examples VAW), the Committee can initiate an inquiry
  - Inquiry can include a visit to the State party
  - Confidential procedure
  - 2/3 conducted inquiries and 6/9 pending proceedings involving VAW
  - NHRIs can provide reliable information
General Recommendations

• **Authoritative interpretation** of CEDAW articles and standards
• **GR No. 19 (1992) on violence against women:**
  - VAW constitutes discrimination within the meaning of article 1 and may breach specific provisions of the Convention
  - States parties have a due diligence obligation to prevent, investigate and punish VAW, and to provide compensation
  - **Specific recommendations** to States parties
  - **NHRI**s can help reviewing laws on domestic violence, rape, harmful practices, sexual harassment; provide training on VAW to judicial and law enforcement officers; conduct awareness raising and research on VAW, etc.
• GRs on women in conflict (2013) and harmful practices (2014)
• Review of GR No. 19 (consultations with NHRI**s**)?
• CEDAW **statement** on relationship with NHRI**s** (2008)
Role of NHRIs

- Awareness-raising through dissemination of concluding observations
- Encouraging reporting and follow-up
- Promoting conformity of national laws and practices on VAW with international standards
- Interacting with governments in identifying the extent, causes and effects of violence against women, proposing remedies, commenting on governmental responses
- Public scrutiny
Thank You

Questions?