



# 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)**
- **Convention on the Rights of the Child (CRC, 1989)**
- **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

---

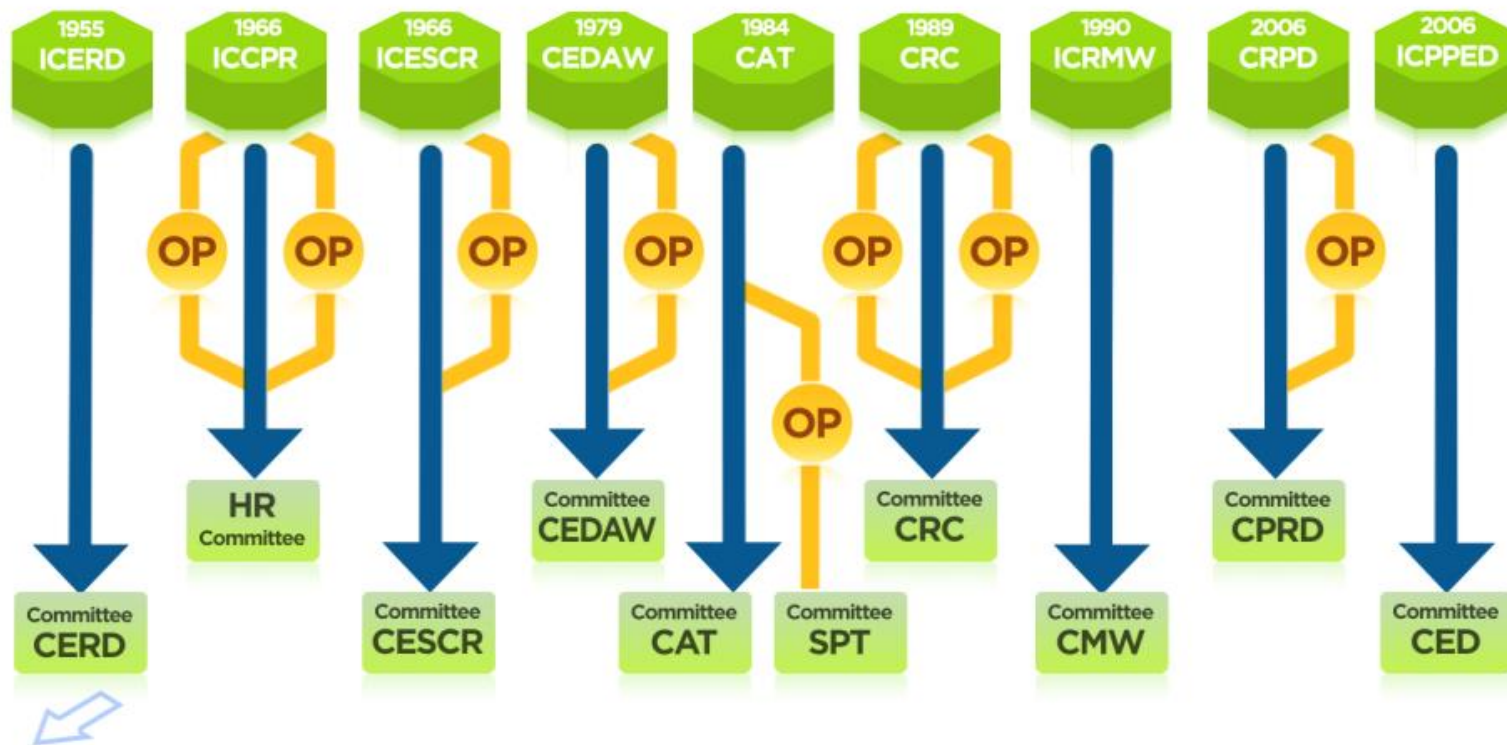
- “Procedural”
  - First Optional Protocol to ICCPR (communications procedure)
  - Optional Protocol to CEDAW (communications procedure)
  - Optional Protocol to CRPD (communications procedure)
  - Optional Protocol to ICESCR (communications procedure)
  - Third Optional Protocol to CRC (communications 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 Sale of Children, Child Prostitution and Child Pornography (CRC-OPSC)
  - 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



# 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)
- **NHRIs** 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
  - **NHRIs** 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 NHRIs?)
- CEDAW **statement** on relationship with NHRIs (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?

