

## The Convention on the Elimination of All Forms of Discrimination Against Women

### CEDAW Pacific - Frequently Asked Questions

#### What is CEDAW?

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the international women's rights treaty. It sets the standards in international law for achieving gender equality – both normatively, and also more practically, in terms of setting out the concrete steps governments need to take to eliminate discrimination against women in their countries. CEDAW was adopted by the United Nations General Assembly in 1979 and has achieved near universal endorsement. To date 187 UN Member States have ratified CEDAW. The States that haven't ratified the Convention are Iran, Palau, Sudan, South Sudan, Somalia, Tonga and the United States of America.

#### What is the role of the UN CEDAW Committee?

The CEDAW Committee is the body of independent experts (23) that monitors the implementation of the Convention and responds to communication and inquiries under the CEDAW Optional Protocol. The Committee also formulates the CEDAW General Recommendations and the country specific Concluding Observations. A total of 104 experts have served as members of the Committee since 1982. Apart from Ms Evatt, an Australian national, who served as an expert on the CEDAW Committee from 1989-1990, there have been no other representatives from Pacific countries on the Committee. CEDAW Committee members serve for a two year term and are eligible for re-election for an additional term.



#### What are CEDAW General Recommendations?

The UN CEDAW Committee issues General Recommendations addressing any issue affecting women to which it believes the States Parties should devote more attention. At the 1989 session, for example, the Committee discussed the high incidence of violence against women, requesting information on this problem be provided from all Member States. In 1992, the Committee then adopted General Recommendation 19, which required national reports made to the Committee to include: statistical data on the incidence of violence against women, information on the provision of services for victims, and information regarding legislative and other measures taken to protect women against violence in their everyday lives. As of August 2013, the Committee has made 29 General Recommendations. These can be found here: (<http://www2.ohchr.org/english/bodies/cedaw/comments.htm>)

#### How is the implementation of CEDAW monitored?

State Parties to CEDAW are obligated to submit a report on the legislative, judicial, administrative or other measures they have adopted to implement the Convention within a year of its ratification and then at least every four years after this. The reports are reviewed by the UN CEDAW Committee. The report is followed by a one day constructive dialogue in Geneva between the Committee and a country delegation to discuss the status of women in the respective country. Based on the CEDAW reports and discussions, the UN CEDAW Committee issues country-specific Concluding Observations to guide the respective State Party to further advance implementation of the Convention.

### What are Concluding Observations?

Concluding Observations are country-specific recommendations for CEDAW Member States issued by the UN CEDAW Committee to advance the elimination of discrimination against women. The Cook Islands, Fiji, Samoa, Tuvalu, PNG and Vanuatu are the only Pacific Islands Countries to date that have participated in the constructive dialogue with the UN CEDAW Committee. Each Member State received between 44 and 65 Concluding Observations to improve the status of women in their countries.

While the Concluding Observations are specific for each country, the CEDAW Committee encouraged all Pacific Member States to:

- ✓ Fully incorporate the Convention into the domestic legal system;
- ✓ Strengthen their national women’s machinery;
- ✓ Prioritise combating violence against women, including the amendment of legislative frameworks;
- ✓ Strengthen and implement measures to increase the number of women in elected and appointed offices;
- ✓ Enhance collection of data disaggregated by sex in all areas covered by the Convention.

### What is the CEDAW ‘Follow Up’ Procedure?

The follow-up procedure is aimed at providing additional assistance to the State Parties in the implementation of the Convention. Under this procedure the State is requested to follow-up on recommendations as indicated in two of the Concluding Observations adopted by the Committee. The Committee identifies the two most pressing women’s rights issues based on the State and Shadow reports together with the constructive dialogue, and urges Member States to address these issues within two years of the reporting process. States are required to provide a follow up report on measures undertaken to eliminate discrimination against women in these particular areas.



Vanuatu CEDAW Mock Session, Port Vila, March 2008  
Credit: Rurol Trening Sentas Toktok

### What is the CEDAW Optional Protocol?

The ratification of the CEDAW Optional Protocol requires States to recognise the competence of the UN CEDAW Committee to receive and consider complaints from individuals or groups within its jurisdiction.

The CEDAW Optional Protocol contains two procedures:

- ✓ A communication procedure that allows individual women or groups of women, to submit claims of violations of rights protected under CEDAW, to the UN CEDAW Committee.
- ✓ An inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women’s rights.

The CEDAW Optional Protocol was developed to:

- ✓ Improve on and add to existing enforcement mechanisms for women’s rights;
- ✓ Improve States’ and individuals’ understanding of CEDAW;
- ✓ Stimulate States to take steps to implement CEDAW.

The Optional Protocol came into force on 22 December 2000. In the Pacific, the Cook Islands, the Solomon Islands and Vanuatu have ratified the CEDAW Optional Protocol.

**What is the status of CEDAW ratification and reporting in the Pacific?**

Pacific Islands Country	CEDAW ratification or accession status (year)	CEDAW Optional Protocol ratification status (year)	State CEDAW report status	Shadow/ alternative report submitted?
Cook Islands	2006	2007	2006 Periodic report due since 2011	Yes
Fiji	1995	-	2002 2009 Periodic report due in 2014	Yes
Kiribati	2004	-	Initial report due since 2005	No
Republic of Marshall Islands	2006	-	Initial report due since 2007	No
Federated States of Micronesia	2004	-	Initial report due since 2005	No
Nauru	2011	-	Initial report due since 2012	No
Palau	-	-	-	-
Samoa	1992	-	2005 2010 Periodic report due in 2016	Yes
Solomon Islands	2002	2002	2013 Periodic report due in 2018	Yes
Tonga	-	-	-	-
Tuvalu	1999	-	2008 2012 Periodic report due in 2018	Yes
Vanuatu	1995	2007	2005 Periodic report due since 2012	Yes
<b>Solomon Islands and Tuvalu are scheduled for a constructive dialogue with the UN CEDAW Committee in October 2014, in Geneva.</b>				

**What is the involvement of national NGOs in the CEDAW reporting process?**

CEDAW is a powerful instrument for NGOs to use to advocate for and monitor women’s human rights. NGOs are encouraged to develop and submit a CEDAW shadow report to the UN CEDAW Committee providing a civil society perspective about the Member State’s implementation efforts. NGO delegations have also the opportunity to make a verbal statement during the UN CEDAW session and to conduct a side event with the UN CEDAW Committee members.

**Are CEDAW State and Shadow reports publicly accessible?**

CEDAW state and shadow reports, once submitted to the UN CEDAW Committee, are publicly available and can be accessed through the OHCHR website (<http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>).

Additional documents such as the opening statements presented by the Government, minutes taken during the constructive dialogue and the Concluding Observations issued by the CEDAW Committee to the Member State can also be accessed through this website.

### Which Human Rights treaties are ratified in the Pacific?

Pacific Country	Islands	Ratification	Reporting status
Cook Islands		ICESCR (1978, via NZ) CERD (1972, via NZ) CRC (1997) CRPD (2009)	2010 2011
Fiji		CERD (1973) CRC (1993)	2012 1996
Kiribati		CRC (1995)	2005
Republic of Marshall Islands		CRC(1993)	2004
Federated States of Micronesia		CRC (1993)	1996
Nauru		ICESCR (1978 via NZ) CAT (2012) CRC (1994) CRPD (2012)	
Palau		CRC (1995) CRPD (2013)	1998
Samoa		ICCPR (2008) CRC (1994) CED (2012)	2005
Solomon Islands		ICESCR (1982, via UK) CERD (1982) CRC (1995)	2001 1983 2001
Tonga		CERD (1972) CRC (1995)	1999
Tuvalu		CRC (1995)	2012
Vanuatu		ICCPR (2008) CAT (2011) CRC (1993) CRPD (2008)	1997

#### List of Core United Nations Treaty Acronyms

ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CAT	Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CED	Convention for the Protection of All Persons from Enforced Disappearance
CMW	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

### What is the harmonised human rights reporting and implementation approach?

Many Pacific Islands Countries face challenges with timely human rights treaty reporting and effective implementation. In the past, human rights conventions have often been addressed separately by different government bodies, preventing a holistic approach to human rights implementation.

In 2004, the UN Secretary-General proposed, inter alia, that the international human rights treaty bodies should craft a more coordinated approach to their activities and standardise their varied reporting requirements. After extensive consultation it was agreed that a human rights State report should consist of a common core document submitted to each treaty body in tandem with a document specific to that treaty body. In 2009, the UN Secretary General issued the 'Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties'. The guidelines recommend that reporting for all treaty bodies should be undertaken in a coordinated manner.

Under the guidance of UN OHCHR Pacific, UN Agencies and other development partners such as RRR/SPC and PIFS are working with Pacific Member States to establish national human rights committees. The aim of these committees is to harmonise all human rights treaty reporting, oversee their implementation as well as to address UPR recommendations.

The harmonised approach provides an excellent platform for engagement of key government bodies, in addition to the national women machineries, with the CEDAW reporting process. It promotes the multi-sectoral approach to CEDAW reporting and implementation.

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