

# **The Reporting Process: Its Purpose and Expectations of the CEDAW Committee**

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**South Asia Regional Peer Learning Meeting  
CEDAW: Reporting & Implementation**

**4-7 April, 2007  
Islamabad**

Based on references, presentations of CEDAW Committee Members

# What is CEDAW?

- The United Nations adopted the Convention on the elimination of all forms of discrimination against women in 1979. This is the only human rights treaty for women at the UN.
- CEDAW is the only legally binding international instrument to prohibit all forms of discrimination against women committed by public authorities or by any person or organization in the full range of civil, political, economic, social & cultural areas ,covering both public & private life.
- The convention also targets culture & tradition as the influential forces shaping gender roles.

# Special Features of the Convention

- The convention prevents and prohibits discrimination against women.
- The convention advocates for appropriate legislation and policy measures including sanctions where appropriate.
- It advocates for de facto equality for women through temporary special measures and affirmative actions.
- It addresses socio-cultural stereo types & patterns through pro active measures.

# Present Scenario

- There are now 185 states parties acceded to the convention.
- From 2006, committee meets three times a year, twice in parallel chambers.
- To improve the quality of the constructive dialogue and reporting process the committee modifies its working method.
- In 2007, the committee will consider the reports of 38 states parties including initial and periodic reports of Pakistan.

# Reporting Obligation

- The ratification of CEDAW confers three basic obligations on states parties:
  - To implement the convention, article by article.
  - To report to the committee under article no 18 in accordance with the harmonized guide lines.
  - The report must highlight the impact of initiatives, follow up actions and statistical data.

# Reporting Process

- Reporting process includes initial reports, periodic reports, constructive dialogue and concluding comments.
- Through this reporting process, the committee expects an honest appraisal of the obstacles that remain in the country, understanding of why the current situation prevails and how the obstacles will be removed within the time frame.

# Initial Report

- The initial report is due one year after ratification.
- The report should be no more than 100 pages long, elaborate both the de jure and de facto situation, and deal specially with every article of the convention.

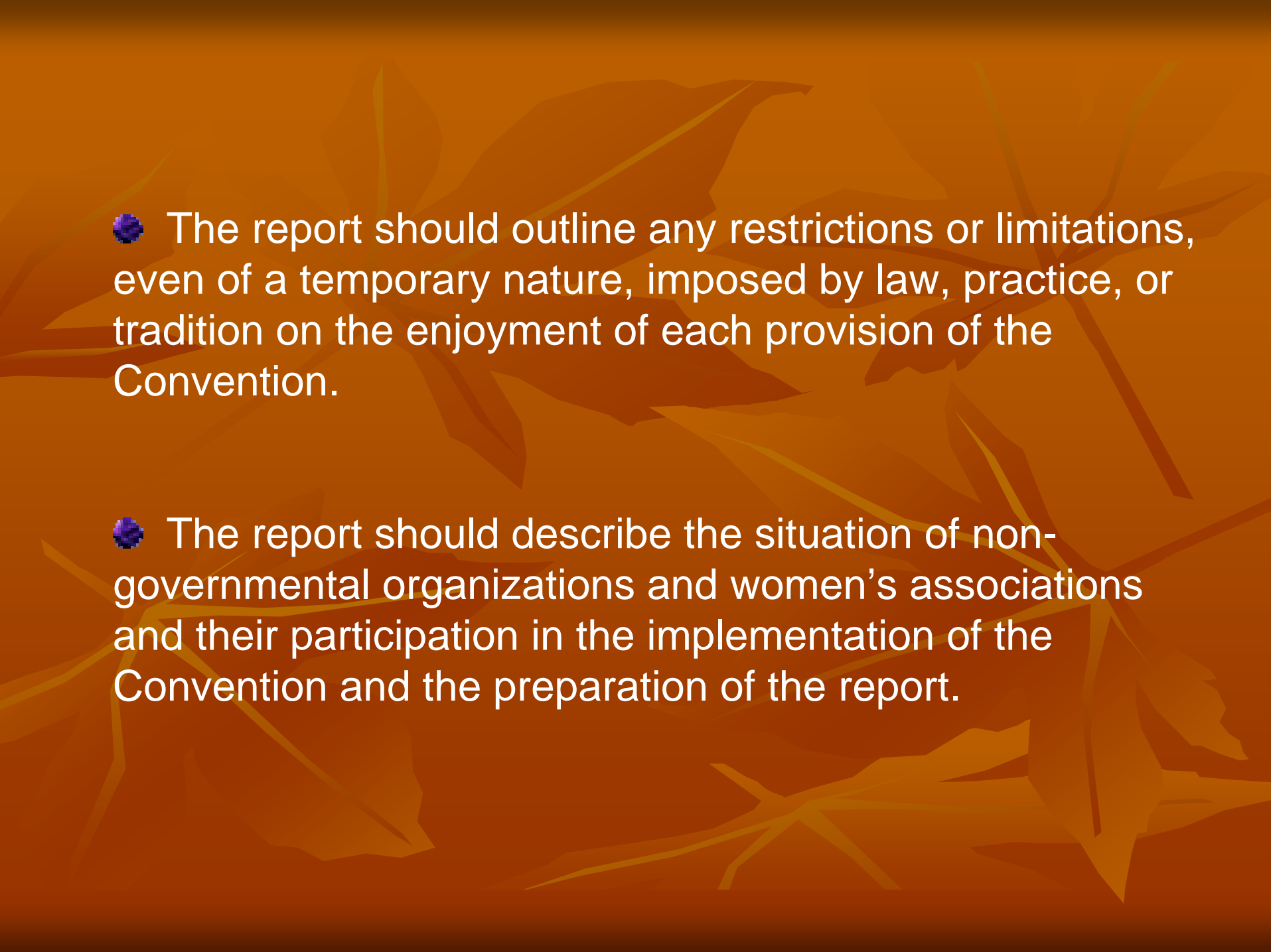
## The report should:

- (a) Highlight the country's constitutional, legislative and administrative framework for implementation of the Convention.
- (b) Explain the legal and practical measures adopted to give effect to the provisions of the Convention.
- (c) Elaborate the progress made by the state party in implementing the provisions of the Convention.



# The report should explain:

- Whether the Convention is directly applicable in domestic law on ratification.
- Whether the provisions of the Convention are guaranteed in the Constitution.
- How the article no 2 of the Convention is applied, setting out the principal legal measures which the State party has taken to give effect to Convention rights.
- The report should include the information about the national or official institution or machinery, which exercises responsibility in implementing the provisions of the Convention.




- The report should outline any restrictions or limitations, even of a temporary nature, imposed by law, practice, or tradition on the enjoyment of each provision of the Convention.

- The report should describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

# Subsequent periodic reports

- In general, the subsequent periodic reports due every four years after the initial report is due.
- Periodic reports should not be more than 70 pages long.
- In case of long over due reports, states parties can submit all the reports together as combined periodic reports.
- The periodic report should focus on the period between the consideration of the previous report and presentation of the current report .

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- Periodic report should reflect implementation of concluding Comments particularly concerns and recommendations on the previous report.
  - Local NGOs & civil society members should be consulted in the preparation of the periodic reports.

# Reports of Pakistan

Pakistan ratified CEDAW on 12 April, 1996 with a declaration that convention is subject to the provisions of the constitution of the country. It also has reservation on article no 29(1).

Initial and periodic Reports of Pakistan were long over due. Pakistan submitted its combined initial, 2nd and 3rd periodic reports on 3rd August 2005. The committee will review reports in May, 2007 . These reports cover the period up to 2004.

# The Committee's consideration of reports through Constructive Dialogue

🇺🇸 The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation of the state party, the aim of which is to improve the situation pertaining to Convention rights in the State.

🇺🇸 The nature of the constructive dialogue is open, friendly but critical. It is geared towards the assessment of de facto situation and aims to assist in improving it.

🇺🇸 The state party's delegation should include political leaders and high level govt. officials who are able to respond to the committee's written & oral questions on the convention. And also others responsible for implementation .

🇺🇸 Leadership at this level is very critical not only as an expression of political will & commitments to the rights of women, but is necessary for effective follow up to the committee's concluding comments.

🇺🇸 The Committee devotes two open meetings (of three hours each) to its consideration of initial reports. The list of issues and questions as provided by the committee will form the basic agenda for the consideration of the report.

🇺🇸 Representatives of the State party are invited to make introductory comments for a maximum of 30 minutes.

🇺🇸 Consideration of initial reports proceeds on an article-by-article basis, with the exception of articles 1 and 2, 7 and 8, and 15 and 16, which are considered as clusters. A group of questions posed by experts is followed by the State party's responses, followed by another group of questions and responses until all articles are covered.

🇺🇸 Experts' comments may include any general observations with their questions on different articles. The method for consideration of initial reports is also used in cases where an initial report is combined with one or more subsequent periodic reports.

🇺🇸 Reports of Pakistan will also be considered in the same manner.



🚩 The same procedure is followed for the consideration of subsequent periodic reports.. The only exception is that in these cases articles are clustered in accordance with the four substantive parts of the convention. These are part (i) articles 1- 6, part (ii) articles 7 to 9, part (iii) articles 10 to 14 part (iv) articles 15 to 16.

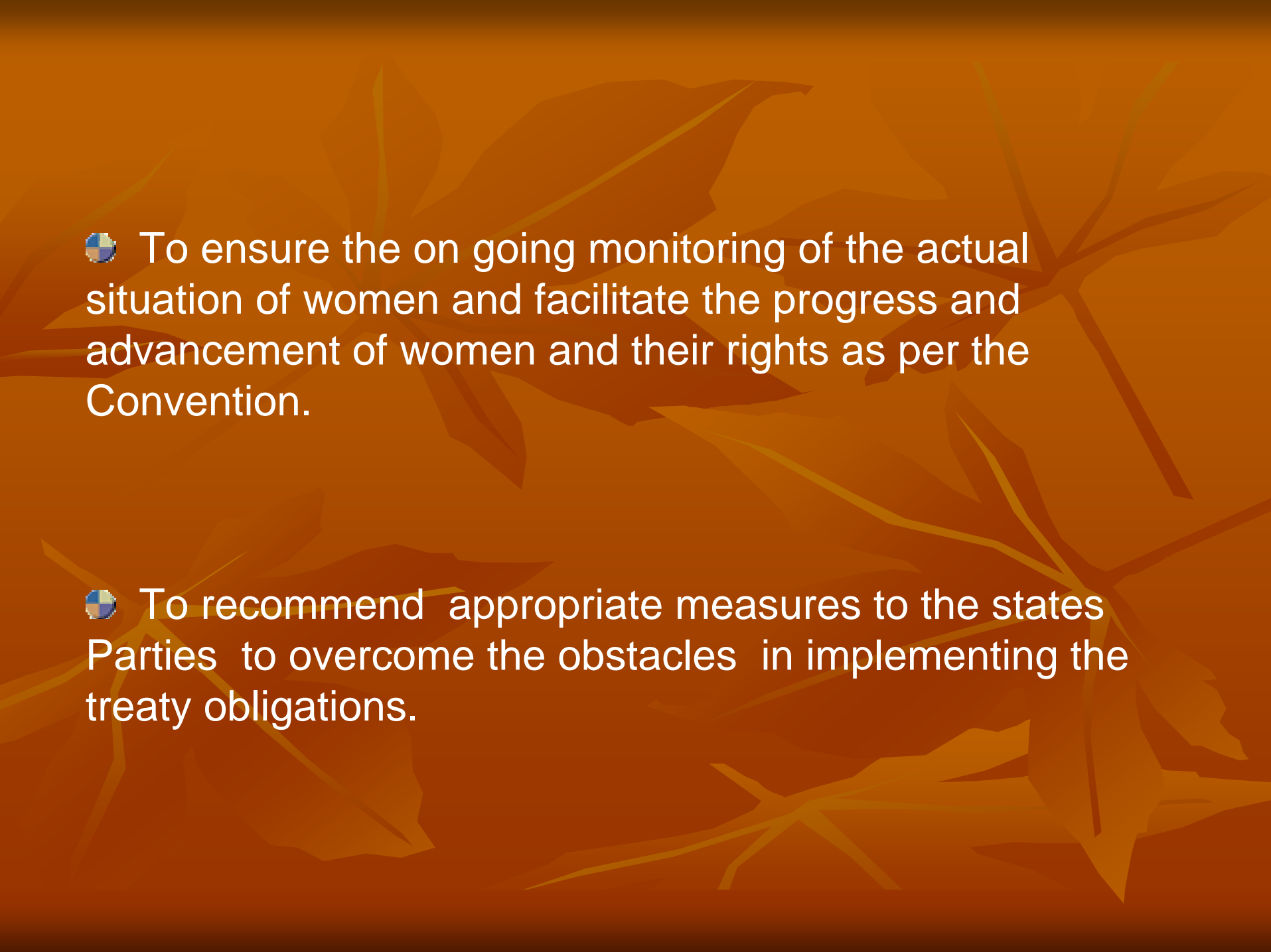
🚩 During the constructive dialogue, the Committee appreciates careful time management on the part of the State party and precise, short, and direct responses to questions asked.

# Concluding Comments

The concluding comments are the list of concerns and recommendations of the committee regarding the situation of women in the reporting country. The committee expects that the states parties will attach high priority to the issues of concerns and recommendations to ensure equality of women and man in the country in accordance with the provisions of the convention.

# The purpose of the reporting process

- To facilitate a comprehensive review of the status of women in each state party in respect of national legislation, administrative rules, other practices and traditions.
- To identify factors and difficulties inhibiting the implementation of the treaty.
- To facilitate international scrutiny of relevant targeted govt. Policies.



● To ensure the on going monitoring of the actual situation of women and facilitate the progress and advancement of women and their rights as per the Convention.

● To recommend appropriate measures to the states Parties to overcome the obstacles in implementing the treaty obligations.

# Expectations of the CEDAW Committee

Expectations of the CEDAW Committee from the reporting process are to assess the progress of the legislative measures and its impact ,the level of awareness among the women, law enforcement agencies, law makers & govt. machinery and to ensure the practical realization of the principle of equality of women and men as stated in the article no 2 of the convention .

Timely reporting is an essential element in states parties ongoing and systematic efforts to implement all the provisions of the convention for the benefit of all women.

The committee's constructive dialogue with states parties contributes to this ongoing implementation process as the committee identifies areas of concern and provides guidance for further action.

This reporting obligation has contributed significantly in advancing women's rights in many countries.

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# Articles 1 to 16

**Article No. 1:** Defines the term discrimination. For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of rights on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

**Article No. 2:** Prevents discrimination through appropriate legislative measures including sanctions where appropriate.

**Article No. 3:** Identifies and redresses violations in the private and public spheres.

**Article No. 4:** Promotes women's rights and equality through temporary special measures aimed at accelerating *de facto* equality.

**Article No. 5:** Addresses stereotyped roles through proactive measures.



**Article No. 6:** Eliminates all forms of trafficking in person and violence against women.

**Article No. 7:** Promotes participation of women in the decision making levels in both political and public life.

**Article No. 8:** Promotes participation of women in International fields.

**Article No. 9:** Eliminates discrimination in nationality Issues

**Article No. 10:** Education

**Article No. 11:** Employment

**Article No. 12:** Health

**Article No. 13:** Women's participations in sports and culture.

**Article No. 14:** Rural women.

**Article No. 15:** Equality before the law.

**Article No. 16:** Marriage

# Pakistan Experience

Pakistan has submitted its report. The committee reviewed it and raised questions on the implementation of articles no 1 and 2 ,such as:

Withdrawal of the declaration on the convention and its time frame.

Whether there are plans to adopt appropriate legislative measures to prohibit discriminations against women in both private and public sectors as the constitution of Pakistan does not contain any definition of discrimination and there are no laws prohibiting discrimination against women.

The committee also wanted to know the details of reforms contemplated under the Gender reform Action Plan of the Govt.

Other questions raised were regarding the measures taken by the country to eliminate gender stereotypes from the school curriculum and press media, and measures taken to change the social perceptions about role of women and men in the society and family.

It appears from the documents that Pakistan has taken several policy measures including formation of a High level Media Awareness Campaign Committee comprising of Federal Ministers and Parliament Members to eliminate discrimination against women.

But the reports lack information regarding the capacity to assess the impact of initiatives and policy measures, follow up actions & basic statistics . The committee expects a strong political will and sincere initiatives from the State Party to eliminate discrimination against women.



THANK YOU.....