

[INFORMAL DOCUMENT]

**Committee on the Elimination of Discrimination
against Women**

Sixty-eighth session

(23 October – 17 November 2017)

Annex I

**Report of the Working Group on Communications under the Optional
Protocol to the Convention on the Elimination of All Forms of
Discrimination against Women on its thirty-ninth session**

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 thirty-ninth session from 18 to 20 October 2017 in Geneva. Four members¹ attended the session: Gladys Acosta Vargas (Vice-Chair), Yoko Hayashi, Lia Nadaraia, and Patricia Schulz (Chair).
2. At the beginning of the session, the Working Group adopted the agenda as set out in the appendix to the present report.
3. The Working Group expressed concern about its current situation with only four members being able to attend the sessions, and decided to re-assign cases among the four members present (an updated table of communications and case rapporteurs is appended to the present report).
4. The Working Group also discussed the possibility of appointing alternate members in case one of the Working Group members is unable to attend a session.
5. The Working Group noted with concern that certain States parties insist that submissions from authors submitted in an official language of the United Nations other than the language used by the State party concerned must be transmitted in the official language used by that State party, with the result that the onus is on authors to translate their submissions, resulting in delays in the procedure and inequality of arms. The Working Group decided to request the Secretariat to explore possible solutions to this situation.
6. The Working Group reviewed the 44 communications, which are currently registered and pending consideration. It decided to register one new communication concerning Spain (trafficking), for which Ms. Acosta Vargas was appointed as case rapporteur.
7. The Working Group decided to discuss at its fortieth session four draft recommendations in relation to communications Nos. 80/2015 and 85/2015 both concerning Denmark (non-refoulement), No. 88/2015 concerning Timor Leste (domestic violence), and No. 103/2016 concerning Finland (domestic violence).
8. The Working Group discussed three draft recommendations: Two draft inadmissibility decisions in relation to communications Nos. 79/2014 (Rapporteur Ms. Hayashi) and 95/2015 (Rapporteur Ms. Nadaraia) concerning Denmark and Ukraine, respectively, as well as draft views finding a violation in relation to communication No. 91/2015 concerning the Russian Federation (domestic violence; Rapporteur Ms. Schulz). The

¹ Ms. Oby Nwankwo did not participate in the session for health reasons.

Working Group adopted these recommendations by consensus and decided to refer them to the Committee for adoption.

9. The Working Group also discussed the status of pending communications, and decided to publish on the OHCHR webpage for the Committee a list of pending communications (without the names of authors), indicating the State party and the thematic issue concerned (following the model of CESCR).

10. The Working Group decided to suspend its consideration of communication No. 68/2014 concerning Canada until the State party has submitted additional observations on legislative amendments on the issue of First Nations.

11. The Working Group decided to discontinue its consideration of communication No. 93/2015 concerning Denmark as counsel for the author was no longer aware of the whereabouts of the author.

12. The Working Group decided to maintain its request for interim measures in relation to communication Nos. 81/2015 and 109/2016 both concerning Denmark and to lift its request for interim measures in relation to communication No. 108/2016 concerning Denmark.

13. The Working Group reiterated its concern about the growing backlog of cases of non-refoulement, primarily concerning Denmark, and resolved to engage in a broader reflection on effective ways to address each of these cases, taking into account relevant legal standards under the communications procedure as well as the phenomenon of global migration and insecurity. The Working Group expressed the wish to engage in a discussion with other treaty-bodies on this issue, and to harmonize relevant procedures and jurisprudence with that of other Committees.

14. The Working Group reviewed cases currently under the follow-up procedure and appointed rapporteurs for each of those cases. It also decided to consider the possibility of using the assessment criteria developed by the Human Rights Committee in relation to follow-up to views and to take a decision at its fortieth session in this regard.

15. The Working Group requested the Secretariat to seek updated information from both the State party and the author on the status of implementation of the views of the Committee in relation to communication No.17/2008, *Pimentel v. Brazil*, with a view to closing the follow-up dialogue in the near future.

16. The Working Group decided to request meetings with representatives of the permanent Mission of Spain during its fortieth session to discuss follow-up to the views of the Committee in relation to communication No. 47/2012, *Gonzales Carreño v. Spain*, and to raise the possibility of ex gratia payments to compensate the author.

17. The Working Group decided to send a letter to Moldova under the follow-up procedure concerning the views of the Committee in relation to communication No. 58/2013, *L.R.*, asking the State party to provide the author with an apartment of her own so as to protect her from violence from her ex-spouse.

Actions taken at the present session:

18. The Working Group decided:

(a) To refer, for adoption by the Committee, three recommendations: Two draft inadmissibility decisions in relation to communications Nos. 79/2014 (Rapporteur Ms. Hayashi) and 95/2015 (Rapporteur Ms. Nadaraia) concerning Denmark and Ukraine, respectively, as well as draft views finding a violation in relation to communication No. 91/2015 concerning the Russian Federation (domestic violence; Rapporteur Ms. Schulz).

(b) To request the Secretariat to prepare for the fortieth session of the Working Group four draft recommendations in relation to communications Nos. 80/2015 and 85/2015

both concerning Denmark (non-refoulement), No. 88/2015 concerning Timor Leste (domestic violence), and No. 103/2016 concerning Finland (domestic violence).

(c) To discontinue the Committee's consideration of communication No. 93/2015 concerning Denmark.

(d) To suspend the Committee's consideration of communication No. 68/2014 concerning Canada.

(e) To register one new communication concerning and to appoint Ms. Acosta Vargas as case rapporteur.

(f) To maintain its request for interim measures in relation to communication No. 81/2015, concerning Denmark.

(g) To maintain its request for interim measures in relation to communication No. 109/2016 concerning Denmark.

(h) To lift its request for interim measures in relation to communication No. 108/2016 concerning Denmark.

19. To request the Secretariat to arrange for a meeting with representatives of the Permanent Mission of Spain for during its fortieth session to discuss follow-up to the Committee's views in relation to communication No. 47/2012.

20. To publish on it's the OHCHR webpage for the Committee a list of pending cases (without the names of authors), indicating the State party and the thematic issue concerned.

21. The Working Group decided to hold its fortieth session from 13 to 16 February 2018 in Geneva.

Appendix I

Agenda

Working Group on Communications under the Optional Protocol

39th session (Geneva, 18-20 October 2017)

Room XVI, Palais des Nations

1. Adoption of the agenda and organization of work
2. Review of steps and activities undertaken since the last session
3. New communications registered and appointment of case rapporteurs
4. Requests to lift interim measures
5. Requests for suspension
6. Cases for discontinuance
7. Update on communications (registered cases)
8. Update on follow-up to Views
9. Adoption of draft recommendations
10. Discussion on working methods
11. Adoption of the report concerning the thirty-ninth session of the Working Group