

**Committee on the Elimination of Discrimination
against Women**
Sixty-seventh session
(3 – 21 July 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-eighth 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-eighth session from 28 to 30 June 2017 in Geneva. Four members¹ attended the session: Gladys Acosta Vargas, Yoko Hayashi, Lia Nadaraia, and Patricia Schulz.
2. At the beginning of the session, the Working Group adopted the agenda as set out in the appendix to the present report.
3. Following the resignation from the Committee of the Chair of the Working Group on 16 May 2017 and the withdrawal of Nahla El Addal-Haidar from the Working Group, the Working Group elected Ms. Schulz as its new Chair and Ms. Acosta Vargas as its Vice-Chair, by acclamation.
4. The Secretariat briefed the Working Group on the “paper smart” policy, and an agreement was reached on the provision of documentation to the members of the Working Group at future sessions.
5. The Working Group reviewed the 48 pending communications currently registered, including eight communications registered since its thirty-seventh session held from 7 to 10 February 2017. The Working Group appointed case rapporteurs for the newly registered communications, as well as new case rapporteurs to replace those whose term as a Committee member had expired on 31 December 2016 or who had resigned from the Committee or withdrawn from the Working Group since its last session.
7. The Working Group discussed three draft recommendations concerning Denmark (Nos. 70/2014, 77/2014 and 78/2014; each concerning non-refoulement), and resumed its consideration of one draft recommendation concerning Mexico (Communication No. 75/2014, gender-based violence, and impunity). The Working Group adopted these recommendations, by consensus and decided to refer them to the Committee for adoption, as follows: communication No. 70/2014 (case Rapporteur Ms. Hayashi; no violation); communication No. 75/2014 (case Rapporteur Ms. Acosta-Vargas; violation); communication No. 77/2014 (case Rapporteur Ms. Schulz; no violation); and communication No. 78/2014 (case Rapporteur Ms. Nadaraia; no violation).
8. The Working Group also discussed the status of pending communications, and decided to include in the next Note of the Secretariat the total number of communications

¹ Theodora Oby Nwankwo did not attend the thirty-seventh session of the Working Group.

ready for consideration, as well as a table comprising an exhaustive list of pending communications, indicating the case Rapporteurs.

9. The Working Group decided to suspend its consideration of communication No. 93/2015 concerning Denmark until its thirty-ninth session and to send a reminder to counsel to inform the Committee about the author's whereabouts, failing which the Working Group would discontinue its consideration of the communication at its thirty-ninth session.

10. The Working Group took note of the considerable number of pending cases of non-refoulement, primarily concerning Denmark, and requested the Secretariat to provide information on the practice of other treaty bodies concerning deportation cases.

11. The Working Group was not provided with updated information on the follow-up situation in relation to views due to the reduced capacity of the Secretariat. The Working Group nonetheless indicated its willingness to meet with representatives of Brazil and Peru, with a view to closing the follow-up dialogue with regard to communications Nos. 17/2008 and 22/2009, respectively, in the near future. The Working Group also explored the possibility of appointing a Rapporteur, who would assume responsibility for the follow-up to all views finding a violation, but did not take a formal decision in this respect.

Actions taken at the present session:

12. The Working Group decided:

(a) To refer, for adoption by the Committee, four recommendations in relation to communications Nos. 70/2014, 77/2014 and 78/2014 concerning Denmark (non-refoulement; no violation) and No. 75/2014 concerning Mexico (gender-based violence, and impunity; violation);

(b) To request the Secretariat to prepare four draft recommendations for the thirty-ninth session in relation to communications Nos. 79/2014 and 80/2015 concerning Denmark (non-refoulement), No. 91/2015 concerning the Russian Federation (domestic violence) and No. 95/2015 concerning Ukraine (unlawful dismissal);

(c) To suspend its consideration of communication No. 93/2015 concerning Denmark until its thirty ninth session and to send a reminder to the author's counsel; and

(d) To request the Secretariat to arrange meetings with representatives of the Permanent Missions of Brazil and Peru to the United Nations Office at Geneva to discuss follow-up to the Committee's views in relation to communications Nos. 17/2008 and 22/2009, respectively; and with the Permanent Mission of Timor-Leste to discuss the handling of individual communications.

13. The Working Group decided to hold its thirty-ninth session from 18 to 20 October 2017 in Geneva.

Appendix I

Agenda

Working Group on Communications under the Optional Protocol

38th session (Geneva, 28 – 30 June 2017)

Room XVI, Palais des Nations

1. Adoption of the agenda and organization of work.
2. Election of Chair and Vice-Chair
3. Review of steps and activities undertaken since the last session.
3. New communications registered and appointment of case Rapporteurs.

4. Discussion on cases ready for adoption.
 5. Update on communications (registered cases).
 6. Update on follow-up to Views.
 7. Working methods.
 8. Adoption of the report concerning the Working Group's thirty-eighth session.
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