

[INFORMAL DOCUMENT]

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

**Seventieth session
(2 – 20 July 2018)**

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 forty-first 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 forty-first session from 27 to 29 June 2018 in Geneva. Five members attended the session: Ms. Gladys Acosta Vargas (Vice-Chair), Ms. Yoko Hayashi, Ms. Lia Nadaraia, Ms. Aruna Devi Narain, and Ms. Patricia Schulz (Chair).
2. At the beginning of the session, the Working Group adopted its agenda, as set out in appendix I to the present report.
3. The Working Group decided to register a new communication concerning Slovakia and appointed a case Rapporteur. It also appointed case Rapporteurs in for three communications registered inter-sessionally.
4. The Working Group decided to convene a meeting with representatives of the Permanent Mission of Spain to the Office of the United Nations in Geneva to discuss follow-up to the views of the Committee in relation to communication No. 47/2012 (*Gonzales Carreño v. Spain*).
5. The Working Group noted that 130 communications had been registered concerning 36 States parties, of which 47 were pending consideration. The Committee found violations in relation to 28 communications and no violation in relation to five communications. 39 communications were declared inadmissible. In 11 cases, the Committee discontinued its consideration of the communications concerned on different grounds.
6. In this connection, the Working Group remained preoccupied by the fact that the backlog of communications ready for decision had not decreased. It noted with concern that the Petitions and Inquiries Section of the Office of the High Commissioner for Human Rights, in light of its workload and constraints, is unable to prepare more than three to four draft recommendations per session. The Working Group recommended that the Committee, together with other treaty bodies concerned, raise awareness with the senior management of the Office of the High Commissioner for Human Rights to find a viable solution for the adequate allocation of resources to the Petitions and Inquiries Section.
7. The Working Group discussed three draft recommendations: Two draft inadmissibility decisions in relation to communications No. 76/2014 concerning

Denmark (non-refoulement case) and No. 92/2015 concerning Turkey (concerning a child custody dispute) and one draft inadmissibility decision in relation to a communication concerning Denmark (non-refoulement case). The Working Group adopted these recommendations by consensus and decided to refer them to the Committee for adoption.

8. The Working Group also referred for adoption to the Committee two draft decisions to discontinue the consideration of communications No. 113/2017 (*H.S. v. Denmark*) and No. 115/2017 (*J.O. v. Switzerland*), both concerning non-refoulement. In the first case, the State party had issued a residence permit to the author of the communication. In the second case, contact with the author had been lost and it was impossible to retrieve her whereabouts.

9. Taking into account the priority to be given to cases with interim measures in place, the chronological order of registration, regional representation, and thematic issues of importance for the Committee's jurisprudence, the Working Group decided to discuss at its forty-second session four draft recommendations in relation to communications No. 65/2014 (*S. T. v. the Russian Federation*; domestic violence and failure to punish the perpetrator); Nos. 73/2014 (*R. G. v. Denmark*) and 81/2015 (*M.K.M. v. Denmark*), both concerning non-refoulement; and, if possible, No. 106/2016 (*A., B. and C. v. the United Kingdom of Great Britain and Northern Ireland*), concerning a child custody dispute.

10. The Working Group discussed issues related to working methods and decided to continue its discussion on the revision of working methods and rules of procedures at its subsequent sessions.¹¹ It requested the Secretariat to prepare a compilation of decisions on working methods adopted by the Working Group, keep it updated, and make it accessible to members through the extranet page of the Working Group.. The Working Group also requested the Secretariat to continue efforts to increase the visibility of positive cases of follow-up to views on individual communications on the Committee's webpage.

Actions taken at the present session

12. The Working Group decided:

(a) To refer, for adoption by the Committee, three recommendations: Two draft inadmissibility decisions in relation to communications No. 76/2014 concerning Denmark (non-refoulement case) and No. 92/2015 concerning Turkey (concerning a child custody dispute), and one draft inadmissibility decision in relation to a communication concerning Denmark (non-refoulement case);

(b) To refer for adoption by the Committee recommendations to discontinue the consideration of communications No. 113/2017 (*H.S. v. Denmark*) and No. 115/2017 (*J.O. against Switzerland*), both concerning non-refoulement;

(c) To request the Secretariat to prepare for the forty-second session of the Working Group four draft recommendations in relation to communications No. 65/2014 (*S. T. v. the Russian Federation*; domestic violence and failure to punish the perpetrator); Nos. 73/2014 (*R. G. v.ainst Denmark*) and 81/2015 (*M.K.M. v. Denmark*), both concerning non-refoulement; and, if possible, No. 106/2016 (*A., B. and C. v. the United Kingdom of Great Britain and Northern Ireland*), concerning a child custody dispute.;

(c) To register one new communication concerning Slovakia and to appoint a case Rapporteur;

(d) To put the follow-up dialogue to a close in relation to communications No. 17/2008 (*Pimentel v. Brazil*), with a finding of a satisfactory implementation of the recommendations contained in the views of the Committee; No. 19/2008 (*Kell v. Canada*), with a finding of a partially satisfactory implementation of the recommendations of the Committee; No. 34/2011 (*R.P.B. v. the Philippines*), with a finding of an unsatisfactory implementation of the Committee's recommendations; and No. 46/2012 (*M. and O. W. v. Denmark*), with a finding of an unsatisfactory implementation of the Committee's recommendations.

17. The Working Group decided to hold its forty-second session from 16 to 19 October 2018 in Geneva.

Appendix I

Agenda

Working Group on Communications under the Optional Protocol

Forty-first session (Geneva 27-29 June 2018)

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. Update on communications (registered cases)
 5. Update on follow-up to Views
 6. Discussion on working methods
 7. Adoption of draft recommendations
 8. Adoption of the report concerning the forty-first session of the Working Group
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