**CEDAW Follow-up to views**

Unlike, for example, the International Covenant on Civil and Political Rights or the Convention again Torture, the Optional Protocol to the Convention on the Elimination of Discrimination Against Women provides specifically for the follow up to the Committee’s views with a finding of a violation of the authors’ rights.

Paragraph 3 of article 7 of the Optional Protocol to CEDAW provides that after examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned. Paragraph 4 of article 7 of the optional Protocol to CEDAW provides that the State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee. Pursuant to paragraph 5 of the Optional Protocol to CEDAW, the Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party’s subsequent reports under article 18 of the Convention.

The Committee’s follow-up mandate has thus been codified in the Optional Protocol to the Convention, what clarifies the matter.

States who have voluntarily accepted the competence of the CEDAW Committee to receive and examine complaints alleging violation of the authors’ rights are expected to fulfil their obligations bone fide, i.e. in a good will. Not accepting the Committee’s views and non-complying with its recommendations in individual cases undermines the international system of human rights protection.

CEDAW Working Group on communications under the Optional Protocol deals with follow-up of individual cases. Each member of the CEADW Working Group on communications under the Optional Protocol acts as a follow-up rapporteur n a number of decided cases where the follow-up dialogue with the respective State party is ongoing. Another member of the Committee may acts as an ad-hoc Co-follow up rapporteur.

The CEDAW Working Group on individual communications holds periodically meetings with representatives of States parties to the Convention against who cases of violation of the rights of the authors occurred. The State parties’ representatives are asked to provide an updated information regarding the measures taken to give effect to the Committee’s views and the Working Group tries to assist the States parties in their efforts to give effect to the Committee’s views. The State party’s replies are systematically sent to the authors of the communications for their comments.

The CEDAW Working Group adopts periodic reports concerning cases where the follow-up dialogue is ongoing. These reports include a list of all cases where the follow-up dialogue remains ongoing, summaries of the most recent parties’ submissions regarding follow-up, and also a grade reflecting the Committee’s assessment of the matter.

At present, CEDAW uses the following assessment grades:

1. Measures taken satisfactory (implementation satisfactory);
2. Reply received but actions party implement the Views/recommendations (implementation partly satisfactory);
3. Reply received but no action taken to implement the views (implementation unsatisfactory);
4. No reply received;
5. No measures taken or measures taken go against the Views/recommendations of the Committee.

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| The CEDAW Working Group on communications under the Optional Protocol can close the follow up dialogue with a finding of a satisfactory implementation of the Committee’s recommendations when it is satisfied that the measures taken so far by the State party’s authorities have given sufficient effect to the Committee’s recommendations in the case. The most recent such cases concerned case 24/2009, *Y. and Y. v. Georgia*, in light of the payment of a compensation to the authors of 20,000 Lari (7,692.30 US dollars) each. Similarly, the follow-up dialogue has been put to a close with a satisfactory implementation of the Committee’s recommendations in case No. 47/2015, *González Carreño v Spain*, where, following a judgement of the Supreme Court of Spain, based on the Committee’s views, the State party paid a compensation of some 600,000 Euro to the author. See the relevant press release on the matter: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23849&LangID=E. To the contrary, when it considers that a State party does not give effect to its views and it considers that further efforts regarding follow-up appear to be vain, the Working Group may decide to put the follow-up dialogue to an end with a finding of unsatisfactory implementation of the Committee’s recommendations. This was the situation for example at the CEDAW 74th session (October 2019) when the Committee closed the follow-up dialogue regarding case no. 91/2015, *O.G. v. the Russian Federation,* with a finding of unsatisfactory implementation of the Committee’s recommendations, as in spite of the receipt of a follow-up reply by the State party, the Committee considered that the authorities have taken no measures to give effect to the recommendations contained in its views. The follow-up reports and the Committee’s assessment therein are public and are placed on the Committee’s webpage. In case of important developments regarding measures taken by the States parties in the framework of the follow-up procedure, the Committee, assisted by the Press office of OHCHR, may issue press releases in order to raise awareness and increase the visibility of the Committee’s work on individual cases and the usefulness and effectiveness of the proceedings. |