



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



# ***Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women***

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**A toolkit**

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## **About the Toolkit**

*The 75th anniversary of the Universal Declaration of Human Rights celebrated in 2023 is an occasion to renew the ground-breaking commitments made by States when they adopted its text in 1948. The Declaration has inspired the norms and standards that are embodied in the core human rights treaties and their optional protocols. These instruments aim to realize the rights contained in the Declaration, by making human rights legal entitlements, with legally binding obligations for States.*

*Ratifying these instruments is an essential means to translating the human rights enshrined in the Declaration into reality on the ground, while conveying a message of commitment to the international community.*

*Human Rights 75 is an initiative led by UN Human Rights and its partners which, among others, seeks to promote universality and renewed commitment, including through a campaign to advocate for the ratification of the core human rights treaties and their optional protocols. Thus, this year, States are called upon to formally re-commit to the protection and respect of human rights by ratifying outstanding human rights instruments.*

*This toolkit presents the benefits of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP CEDAW), answers questions on its content and application, and provides a simplified version of the provisions of the Optional Protocol.*





## Why Ratify?

The *Optional Protocol* introduces a communications procedure allowing individuals to submit complaints to the Committee on the Elimination of Discrimination against Women if they believe that their rights protected by the *Convention on the Elimination of All Forms of Discrimination against Women* have been infringed.

Ratifying the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*:



1. **Reaffirms the State's commitment to counter all forms of discrimination against women and girls**, therefore, an important step for upholding human rights standards and promoting their universality.

# Why Ratify?



**2. Complements national legal mechanisms** and encourages the development of effective domestic remedies to eliminate discrimination against women and girls.



**3. Reaffirms the commitment to “leave no one behind”** and gives an additional voice to women and girls if their rights under the Convention have been violated.



**4. Sends a strong signal** that a State is committed to ensuring accountability for discrimination against women and girls.



**5. Provides guidance to the judicial and legislative systems** as decisions on individual complaints clarify the content of the Convention and the scope of States’ obligations through concrete cases. They thus offer guidance and identify trends for national authorities, including courts and the legislature, as women’s and girls’ rights are also protected by national legislation and constitutions.

**6. Improves international cooperation** as it showcases the State’s commitment to protect and advance women’s and girls’ rights while inspiring other states to follow suit, sending a powerful message to the international community.

# Frequently Asked Questions



## **What is the nature of the Committee?**

The Committee is a body of independent experts. It acts as a quasi-judicial body when it examines individual complaints.

## **Does the Committee re-adjudicate cases that have been decided by national authorities?**

No. The Committee on the Elimination of Discrimination against Women does not act like a fourth instance/appeal body. The Committee does not re-evaluate facts, evidence, or how national laws are applied by authorities unless there is a clear case of arbitrariness or denial of justice.

## **Does the Optional Protocol allow 'forum shopping' or applying to multiple international procedures?**

No. The Optional Protocol has strict registration and admissibility criteria to prevent duplication of applications between treaty bodies and other international investigation or settlement procedures.

## **Does the complaints procedure under the Optional Protocol represent an additional burden for the State?**

No. The Optional Protocol respects the national judiciary system through the requirement of exhaustion of all available domestic remedies, limited timeframe for applications to be submitted, and strict admissibility requirements. Since it entered into force in 2000, with 115 States Parties, the Committee has registered 202 communications.

## **Does the Optional Protocol include a reporting procedure?**

No. No reporting requirement is attached to the ratification of the Optional Protocol.

## **Is the complaints procedure confidential?**

Yes. The procedure is confidential. Once adopted, decisions of the Committee are public. The follow-up report is public.

# Frequently Asked Questions



## ***Is the complaints procedure necessarily contentious?***

No. The practice of the Committee allows parties to engage in a friendly settlement process, and if agreed, the complaint will be closed and no longer examined by the Committee.

## ***What other procedures are provided by the Optional Protocol?***

The Optional Protocol features a confidential inquiry procedure that allows the Committee to investigate grave or systematic violations, thereby further supporting accountability.

## ***Does the ratification of the Optional Protocol have financial implications?***

No. Ratification does not entail additional costs for the States. Procedures related to the Optional Protocol are in writing; hence, the involved parties do not need to travel to Geneva.

# Simplified Version

## The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW)



Entry into force: 22 December 2000, in accordance with article 16(1)

Registration: 22 December 2000, No. 20378

Status as of May: Signatories: 80. Parties: 115

*Procedural provisions of the Optional Protocol have been omitted.*

**Competence of the Committee to receive and consider communications (Article 1):** Only States that have ratified the Convention on the Elimination of All Forms of Discrimination against Women and this Protocol accept the competence of the Committee on the Elimination of Discrimination against Women to receive complaints from individuals or groups of individuals.

**Communications (Article 2):** Communications can be submitted by victims or persons acting on their behalf if they receive their consent. The exception will be if the person who submitted the complaint gives a good reason to do it without expressed consent from the victim(s).

**Admissibility (Articles 3 and 4):** Complaints should be submitted in writing and not anonymous.

Only complaints brought to the attention of national courts up to the last level will be considered admissible by the Committee. This is unless the remedies at the national level are unreasonably prolonged or unlikely to bring effective relief. In addition, the Committee may consider a complaint inadmissible in the following situations:

- If the Committee or another international instance has already examined the same issue/facts or has or is being examined by another international investigation procedure or another international settlement procedure;
- If the complaint is incompatible with the issues covered by the Convention;
- If it is manifestly ill-founded, not sufficiently substantiated;



# Simplified Version

- If the Committee considers it as an abuse of the right to submit a complaint;
- If the issue at stake in the complaint happened before the State ratified the Optional Protocol. The exception will be if the facts/the issue has started before but continues after ratification.

**Interim measures (Article 5):** If, while the Committee examines the communication, the victim or author of the communication considers that irreparable harm may be caused, the victim or the author can submit a request for urgent interim measures. The fact that the Committee decides to request interim measures to avoid a risk of irreparable harm does not mean that it has made a decision on the admissibility or the merits of the communication.

**Individual communications procedure before the Committee (Articles 6 and 7):** The State party concerned is confidentially informed when the Committee registers a communication. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party to the victim/author of the communication.

The Committee examines, in a closed meeting, the communication based on all the documentation provided to it if it has been shared with the parties.

**Inquiry procedure and its follow-up (Articles 8 and 9):** The Committee can carry out investigations into grave or systematic violations of the Convention if it receives reliable information indicating such violations. It may conduct confidentially an inquiry in cooperation with the State concerned at all stages of the proceedings.

The Committee may ask the State to provide information on the steps it has taken in the next periodic report to the Committee or ask for such information within six months following the inquiry.

**Protection measures (Article 11):** A State Party shall take all appropriate measures to ensure that individuals under its jurisdiction are not subjected to any form of ill-treatment or intimidation due to communicating with the Committee.

