



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

A toolkit

Content

<i>About the Toolkit</i>	2
<hr/>	
<i>Why Ratify?</i>	3
<hr/>	
<i>Frequently Asked Questions</i>	5
<hr/>	
<i>Simplified Version</i>	7
<hr/>	
<i>Process for Ratification and Accession</i>	9
• <i>Model Instrument of Full Powers</i>	
• <i>Model Instrument of Ratification, Acceptance or Approval</i>	
• <i>Model Instrument of Accession</i>	



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, provides a simplified version of the provisions of the Optional Protocol and provides practical information on ratification and accession of treaties.



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 August 2024: 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.

Process for Ratification and Accession

What is ratification?

When a State ratifies an international human rights treaty, it legally commits to implement its provisions. By depositing instruments of ratification, a State expresses its consent to be bound by the treaty. Ratification is preceded by the signature of the treaty. Upon the signature, the State is obliged not to act contrary to the object and purpose of the treaty. The State may use the time between the signature and ratification to enact the necessary legislation to ensure the application of the treaty nationally.

What is accession?

Accession is the act by which a State accepts to become a party to a treaty that has already been negotiated and signed by other States. It has the same legal effect as ratification. Accession usually takes place after the treaty has entered into force.

What are the steps for formalizing a ratification or accession?

Model instruments of ratification or accession can be found on the [United Nations Treaty Collection](#) website. These templates are available in all six UN languages. The date indicated in the instrument of ratification or accession is the date on which the State becomes bound by the treaty. More information is available in the [Treaty Handbook](#). The annexes to the model instruments of full powers, ratification and accession are also available in this toolkit.

Once completed and signed by the competent authority in the State, e.g., the Head of State or Government or the Minister for Foreign Affairs, the signed copy of the original instrument can be emailed to treatysection@un.org for deposit. However, the originals must be delivered to the Treaty Section as soon as they arrive at the Permanent Mission in New York. The Depositary Unit office is at 2 UN Plaza, 323 E 44th Street, 5th Floor, Room DC2-0500, Tel: 1-212 963 504. New York, NY 10017 USA.

The Permanent Representative in New York may deliver instruments of ratification or accession. There may be a ceremony for the deposit of instruments ([pictures](#)). Alternatively, the Government may wish to deposit the instruments at the Treaty Event held during the opening of the General Assembly, which will provide a high-level setting for this treaty action and give visibility to the Government's commitment to human rights.

ANNEX I

MODEL INSTRUMENT OF FULL POWERS

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORIZE [name and title] to [sign ², ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

² * Subject to the provisions of the treaty, one of the following alternatives is to be chosen: [subject to ratification] or [without reservation as to ratification]. Reservations made upon signature must be authorized by the full powers granted to the signator

ANNEX II

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

