

## OPTIONAL PROTOCOL ENTERED INTO FORCE 22 DECEMBER 2000

Read the Press-Release (WOM/1242, 21 December 2000)

In a landmark decision for women, the General Assembly, acting without a vote, adopted on 6 October 1999 a 21-article Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women and called on all States parties to the Convention to become party to the new instrument as soon as possible.

By ratifying the Optional Protocol, a State recognizes the competence of the Committee on the Elimination of Discrimination against Women -- the body that monitors States parties' compliance with the Convention -- to receive and consider complaints from individuals or groups within its jurisdiction.

The Protocol contains two procedures: (1) A communications procedure allows individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee. The Protocol establishes that in order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met, including those domestic remedies must have been exhausted. (2) The Protocol also creates an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Convention and the Protocol. The Protocol includes an "opt-out clause", allowing States upon ratification or accession to declare that they do not accept the inquiry procedure. Article 17 of the Protocol explicitly provides that no reservations may be entered to its terms.

The Optional Protocol entered into force on 22 December 2000, following the ratification of the tenth State party to the Convention. The entry into force of the Optional Protocol puts it on an equal footing with International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, which all have communications procedures. The inquiry procedure is the equivalent of that under the Convention against Torture.

## WHAT IS AN OPTIONAL PROTOCOL?

Very often, human rights treaties are followed by "Optional Protocols" which may either provide for procedures with regard to the treaty or address a substantive area related to the treaty. Optional Protocols to human rights treaties are treaties in their own right, and are open to signature, accession or ratification by countries who are party to the main treaty.

The optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women includes:

- **The Communications Procedure**  
Gives individuals and groups of women the right to complain to the Committee on the Elimination of Discrimination against Women about violations of the Convention. This procedure is known as "the communications procedure". United Nations communications procedures provide the right to petition or the right to complain about violations of rights. Under all procedures, the complaint must be in writing.
- **The Inquiry Procedure**  
It enables the Committee to conduct inquiries into grave or systematic abuse of women's human rights in countries that have become party to the Optional Protocol. Known as an inquiry procedure, this capacity is found in article 8 of the Optional Protocol.

The optional protocol includes an inquiry procedure, as well as a complaints procedure. An inquiry procedure enables the Committee to conduct inquiries into serious and systematic abuses of women's human rights in countries that become States parties to the Optional Protocol. It is modelled on an existing human rights inquiry procedure, article 20 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The inquiry procedure:

- Allows investigation of substantial abuses of women's human rights by an international body of experts;
- Is useful where individual communications fail to reflect the systemic nature of widespread violations of women's rights;
- Allows widespread violations to be investigated where individuals or groups may be unable to make communications (for practical reasons or because of fear of reprisals);
- Gives the Committee an opportunity to make recommendations regarding the structural causes of violations;
- Allows the Committee to address a broad range of issues in a particular country.