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"Komitet ONZ Ds. Likwidacji
Dyskryminacji Kobiet - ustrój,
kompetencje, funkcjonowanie",
Katarzyna Sękowska-Kozłowska,
Toruń 2011 : [recenzja]

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Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Katarzyna Sękowska-Kozłowska: *Komitet ONZ ds. Likwidacji Dyskryminacji Kobiet – ustrój, kompetencje, funkcjonowanie [UN Committee on the Elimination of Discrimination against Women – constitution, competences, functioning]*, TNOiK, Toruń 2011, pp. 380

The reviewed book is one of the few studies in the world which is entirely dedicated to the Committee on the Elimination of Discrimination against Women – CEDAW. It also concerns the wider, extremely complicated and constantly disputable issue of the mechanisms that control a state's observance of the international treaties for the protection of human rights. This publication discusses the changes that are occurring in international law and the community's approach to human rights. The example of the functioning of UN treaty bodies makes it easy to observe that international public law is increasingly encroaching on areas previously reserved for states. Today, it may be assumed that the sphere of human rights is largely the domain of the organs of international organisations. As a result of such changes, there is certainly a much wider recognition of the right to file individual complaints (communications) with international organs and the consent of states to various inquiries and special procedures conducted by the organs on their territories.

However, one must not forget that the reviewed monograph is a book devoted not only to international procedures but also to the international protection of women's rights, which is rooted in the Convention on the Elimination of All Forms of Discrimination against Women that was adopted in New York on 18 December 1979. CEDAW guards the Convention and which established new standards of the non-discrimination of women. In the days when the legislation of most states all over the world only prohibited discrimination against women in the public sphere, the Convention also prohibited unfair treatment in the private sector, and even in familial relations. Such an stance created a completely different dimension in human rights protection. The Convention did not uproot the worst treatment of women due to *i.a.* the considerable number of reservations about it and the enormous cultural differences, but its establishment by virtue of the Optional Protocol of 1999 CEDAW has constantly contributed to the promotion, proper interpretation and implementation of the Convention. Among other things, this happens through the publication of general comments. At this point, it is worth noting that in her book the author included some considerations on the legal status of general comments published by CEDAW as well as by the other committees, which international lawyers will find interesting. She has shown the development of the role that this type of act is currently playing among the sources of international law in a convincing way.

First and foremost, however, the author has managed to present the evolution of the competences of CEDAW in an interesting way and compared its functioning with several other committees, mainly the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination. It can be generally observed that the author has characterised the entire UN system of treaty-based

bodies. However, she did not limit herself to a simple description of the institutions but also touched upon the complex problem of the fragmentation and unification of the international human rights law.

However, this study of the practical side of the functioning of the Committee must be considered the greatest advantage of the publication, which largely exposes international law in action. Firstly, the book contains considerations on the organisation and functioning of CEDAW. When reading the discussed monograph, it is plain to see that the author does not focus only on documents and opinions, but that she also personally observed meetings of the Committee as well as cooperating with its members and other experts. It is worth mentioning at this point that in the case of CEDAW even such simple issues as its composition and the venue of meetings are not so clear. These problems depend on practical solutions, which cannot be read either from the text of the Convention or even from the Committee's rules and regulations. The most valuable seems to be the assessment of the Committee's practice made by the author, who is not afraid to indicate the flaws in the functioning of the Committee and in the entire treaty system. In this context, it is worth emphasising that the author proves that CEDAW appears to be an outsider among human rights committees.

In turn, the chapter on the procedures for reporting to CEDAW may even be a kind of manual for the domestic organs that are responsible for cooperation with UN treaty organs and the implementation of the provisions of the Convention. Interestingly, the author does not offer mere instructions for how to prepare and submit a report but also explains why one should take specific actions. Reading the "practical" part of the book provokes the reader into asking further questions, for example, concerning the assessment of the reliability of reports submitted by states, as well as the consequences of the failure to meet the formal requirements in respect of the reports. Certainly, the author could also have expanded on some other "technical" threads.

The author also conducts an in-depth analysis of the entire procedure of individual complaints to the Committee under the Facultative Protocol to the Convention. She presents the origin of the Protocol and maps the procedures for hearing individual complaints as well as similar procedures in the treaty system. Like the considerations on reports, these chapters do have invaluable practical aspects. It must be stressed, however, that the author does not avoid being critical or making theoretical considerations, regarding, *i.a.*, the reform of the entire UN system of human rights protection and containing *de lege ferenda* postulates.

The reviewed monograph may be recommended to a wide range of readers, both theoreticians and practitioners, who are interested in human rights protection. The book may also prove to be useful for those who are considering filing a claim for an infringement of their rights before international human rights bodies (not only CEDAW), as well as for non-governmental organisations that are involved with human rights. Moreover, the monograph may also be used as a valuable teaching aid, primarily at academic level.

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