INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH ASIA PACIFIC ANNUAL REPORT

REPORT OF A CONVENTION IMPLEMENTATION AND MONITORING PROJECT

BUILDING CAPACITY FOR CHANGE

JANUARY - DECEMBER 1998

Implemented by
THE INTERNATIONAL WOMEN'S RIGHTS ACTION
WATCH – ASIA PACIFIC

2ndFloor, Block F Anjung FELDA Jalan Maktab 54000 Kuala Lumpur Malaysia Telephone: (603) 291 3292 Fax: (603) 298 4203 email: iwraw@po.jaring.my website: http://www.womenconnect-asia.com/iwraw

Contents Page

		Page
Acknov	vledgement	
I.	BACKGROUND, PURPOSE, OBJECTIVES AND OVERVIEW OF THE IWRAW ASIA PACIFIC PROGRAMME	
	1. Introduction: The need for activism to promote the	
	implementation of the Convention on the Elimination of All	
	Forms of Discrimination against Women	
	2. The aim and objectives of the programme	
	Overview / Highlights of implementation	
II.	IMPLEMENTATION ACCORDING TO PLAN	
	1. To help develop skills in rights awareness and build	
	capacity for the domestic application and use in local	
	activism of the Convention and other human rights	
	instruments as part of the process of monitoring the	
	implementation of the human rights chapter of the Beijing	
	Platform through:	
	1.1 Groundwork in additional countries: Social Investigation	
	Visit to Mongolia	
	1.2 Training	
	1.2.1 Formation of a regional pool of Trainers	
	1.2.2 National Training	
	(i) CEDAW orientation, Kerala, India	
	(ii) Orientation on the Convention: Ulaanbatar,	
	Mongolia	
	(iii) Training of Trainers on Women's Rights and	
	the CEDAW held at "Ikh Tenger" Ulaanbataar,	
	Mongolia	
	(iv) Orientation on the Convention for South	
	African Women	
	(v) Orientation on the Convention for Programme	
	Officers of UNDP and Administrators of other	
	UN agencies	
	(vi) Orientation on the Convention, Beijing, China	
	1.3 Technical assistance and support	
	1.3.1 Information Dissemination	
	1.3.2 Research / Papers written	
	1.3.3 Advisor to the Malaysian Government	
	1.3.4 Assistance to the Masymanyane Women's	
	Support Centre, East London, South Africa on	
	producing A Shadow Report	
	1.3.5 Requests for Miscellaneous Assistance	
	2. To contribute to the strengthening of the implementation	
	Convention and the Beijing Platform for Action through:	
	2.1 Participation of IWRAW Asia Pacific in the 42 nd session	
	of the commission on the status of women and in the	
	open ended working group on the elaboration of an	
	optional protocol to the women's convention	
	2.2 Participant in the regional dialogue with the special	
	rapporteur on violence against women	
	2.3 Facilitating the fulfilment of state obligation towards	
	2.01 domaing the running to state obligation towards	

- women's equality (1997 and ongoing)
- 2.4 Regional Meeting of Women's Lawyers to Develop Legal Discussion Papers
- 2.5 CEDAW Impact Study
- 3. To contribute to the enhancement of CEDAW's effectiveness and to engage in international advocacy for drawing accountability for governments to implement the Convention at the national level trough:
 - 3.1 From Global to Local: A project that facilitates the presence of women at the CEDAW Sessions when their governments are reporting and mentoring them to play a positive role in the context of the CEDAW state party dialogue
- 4. To promote the development of region-specific gendersensitive human rights scholarship, strategies and implementing tools through:
 - 4.1 Transition, post-independence changes and the future: Critical issues of law and justice in South Asia
- To strengthen Regional and International Linkages -Networking
 - 5.1 Minnesota Advisory Committee Meeting, IWRAW Minnesota
 - 5.2 Meeting / Conferences participated in:
 - human rights through the lens of gender organised by international human rights funder group, New York
 - (ii) Challenges for women in the next millennium Organisation by Asia Pacific Watch / monitoring implementation of the Beijing Platform, Chandigarh
 - (iii) The history of human rights: A critical look at the relationship between gender, development and women's rights organised by WIDE, Vienna
 - (iv) Promoting gender equality in the Asia Pacific, Dhaka
 - (v) CIRCAP research meeting "Impact of increase in household income on the status and activities of rural women within the household
 - (vi) Contraception, abortion and reproductive genetic engineering: An Islamic perspective
 - (vii) Social and economic rights network meeting
 - (viii) APEC meeting, NGO conference, Kuala Lumpur, Malaysia
 - (ix) NGO Visits
- 6. To strengthen IWRAW Asia Pacific's institutional capability for greater efficiency in and sustainability of its work
 - 6.1 Institutional strengthening
 - 6.2 Advisory Committee

III.

IV. MONITORING AND EVALUATION

Annex I: Some guidelines for the conduct of 'Social Investigation'

visit

Annex II: Monitoring Framework: Facilitating the Fulfilment of Governments' Obligations to Women's Equality

Annex III: Facilitating the Fulfilment of Governments' Obligations

to Women's Equality: South East Asia
Annex IV: Facilitating the Fulfilment of Government's Obligations

to Women's Equality: South Asia

Annex V: Monitoring and Advocacy process on the CEDAW

Acknowledgement

IWRAW Asia Pacific is grateful to the following donors for their generous support of the programme.

- > FORD Foundation, New Delhi
- FORD Foundation, New York
- ➤ UNIFEM South East Asia
- ➤ Ministry of Foreign Affairs, Netherlands
- > DANIDA
- > NOVIB
- > UNDP, New York and UNDP APGEN
- > ICHRDD

IWRAW Asia Pacific also wishes to express its appreciation for the participation, contribution and commitment of the women's groups in the Asia Pacific Region that has given form and substance to the programme.

The contribution of all resource persons and the technical input given by members of the Advisory Committee is also gratefully acknowledged.

PART 1

- I. BACKGROUND, PURPOSE, OBJECTIVES AND OVERVIEW OF THE IWRAW ASIA PACIFIC PROGRAMME
- 1.1 INTRODUCTION: THE NEED FOR ACTIVISM TO PROMOTE THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The International Women's Rights Action Watch Asia Pacific or IWRAW Asia Pacific works through collaborative projects, primarily with women's groups, aimed at strengthening the domestic application of human rights norms in relation to women's rights. The key focus of IWRAW Asia Pacific is to monitor and facilitate the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women.¹

The programme of IWRAW Asia Pacific started in 1993 and the period of time between 1993-1996 can be considered as the first phase of the programme with 1997 being the start of the second phase.

In the first phase, IWRAW Asia Pacific focused on strengthening national groups and alliances that could sustain Convention-related work in their countries. The most significant contribution that IWRAW Asia Pacific made in this regard was to create clarity of concepts pertaining to women's rights such as equality and non-discrimination and to inspire women's groups in the region to locate their advocacy within a rights framework and to use international human rights instruments to give effect to this framework.

In the next phase, 1997 onwards, IWRAW Asia Pacific continued to work towards its long-term goal of bringing about the domestic application of international human rights norms in relation to women's rights. However, IWRAW Asia Pacific has undertaken to sharpen its approaches for greater impact and effectiveness.

1.2 THE AIM AND OBJECTIVES OF THE PROGRAMME

The long-term goal of IWRAW Asia Pacific is to work towards the effective implementation of international human rights norms in relation to women's rights. Recognising the need to mobilise women at the national and regional levels to work with their governments to eliminate discrimination against women, IWRAW Asia Pacific objectives are:

To help develop skills in rights awareness and build capacity for the domestic application and use in local activism of the Convention and other human rights instruments as part of the process of monitoring the implementation of the human rights chapter of the Beijing Platform through:-

- Social investigation visits to selected countries
- Producing training packages for women's activists and governments functionaries

¹ Hereafter called the Convention. in this report, "CEDAW" will refer to the Committee that monitors the Convention.

- In-country training
- Development of regional pool of trainers
- Technical assistance to file test cases, law reform, campaign for the lifting of reservations of the effective implementation of the Convention.

To contribute to the strengthening of the implementation Convention and the Beijing Platform for Action through:-

- Creation of sub regional monitoring mechanisms to assess the fulfilment of State obligations
- Sub regional meetings to strategise for the full implementation of the Convention and the lifting of reservations
- Supporting advocacy for the adoption of an optional protocol
- Publicising the Convention
- Developing model legal briefs
- Facilitating the participation of women in post Beijing activities

To contribute to the enhancement of CEDAW's effectiveness and to engage in international advocacy for drawing accountability for governments to implement the Convention at the national level through:-

- Assistance to local groups in the formulation of alternative reports to CEDAW
- Facilitating the flow of alternative information to CEDAW
- Facilitating the presence of women at the CEDAW sessions when their governments are reporting and mentoring them to play a positive role in the context of the CEDAW State party dialogue
- Contributing to CEDAW's formulation of general recommendations
- Publicising the work of CEDAW

To promote the development of region-specific gender-sensitive human rights scholarship, strategies and implementing tools through:-

- Developing conceptual clarity on the gender dimensions of human rights norms
- Holding colloquia on the Convention and women's Rights for judges, lawyers and government functionaries
- Producing a book on the domestic application of international norms with reference to women's rights, a strategising framework for implementing activities to promote women's rights and a resource pack that clarifies the gender dimensions of the violations of fundamental freedoms

To strengthen IWRAW Asia Pacific's institutional capability for greater efficiency in and sustainability of its work

- Setting up of executive board
- Hiring staff
- Forming pool of consultants
- Establishing linkages with donors and other institutions

1.3 OVERVIEW / HIGHLIGHTS OF IMPLEMENTATION:

1.3.1 Clarity of Concepts

The implementation of the second phase has some specific features. At the substantive level, the programme has tried to be more strategic and sharpen its approaches by recognising the need to monitor systematically, state compliance with its obligation under the Convention.

One of the first steps in this direction has been to create clarity regarding the principle of "State Obligation".

1.3.2 Capacity Building

The next step has been to move towards capacity building of women's groups enabling them to monitor the fulfilments of governments' obligations to women's equality and to sharpen women's capacity to claim their rights.

Capacity building is being done through establishing monitoring networks and developing the frameworks for monitoring based on a clear understanding of state obligation. This is being done through a project called "Facilitating the Fulfilment of State Obligation to Women's Equality." The project has set up core groups in 13 countries of Asia to act as monitors. Their first activity is the production of a base line report concentrating on one issue that identifies the current status of women and contributory causes, the adequacy and effectiveness of state interventions. Using this information the analysis is taken to what the state should do as its obligations under the Convention, what it has done and what it should be doing as a basis for advocacy recommendations. the next phase of the project will link the efforts of the groups to advocacy and collaboration with relevant government departments followed by further monitoring of the response of the government. this will be on going project but one which will keep planning the scope of what can be accomplished phase by phase according to the capabilities of different the core groups at the national level.

1.3.3 International Advocacy

A further component that has created a more strategic focus is the enabling of women from reporting countries to directly observe the review of their governments' reports by CEDAW. These developments have served to add a new dimension to capacity building at the national level and at the same time linked local activism to regional and international advocacy creating a synergy between the two levels. This project called "From Global to Local" has been implemented as a global project that takes place twice a year, in January and in June. In 1998, IWRAW Asia Pacific facilitated the participation of 22 women from 11 countries at the 1998 January session of CEDAW. Only two of the countries, China and Thailand were from Asia

For the past three years, IWRAW Asia Pacific has been consistently involved at the international level in contributing to the drafting of the Optional Protocol to the Convention and to the advocacy to have it adopted by the Commission on the Status of Women.

1.3.4 Orientations and Training

In line with its plan for the second phase, IWRAW Asia Pacific has started to address a more defined segmentation of the pertinent target sectors and groups and clearly identified levels at which Convention-related activities should be directed, particularly its awareness-raising and capacity-building efforts. For example, the organisation

has carried out activities aimed specifically at judges and lawyers in the area of court advocacy. The programme therefore has added a more technical component

The organisation has also started some work on assisting governments in the reporting process. In the past, orientations and training had been limited to building capacity for broad-based advocacy among women's groups and lawyers.

As a first step to creating a pool of expertise among the contacts of IWRAW Asia Pacific an eight-day regional training of trainers was conducted. Of the 25 participants 4 of them were men, 2 from Pakistan and 1 each from India and Sri Lanka.

1.3.5 Geographical Scope

In terms of geographical coverage the program has been broadened to accommodate the interest and needs of women from a larger group of countries in the region .The countries involved fall into two categories, South and South East Asia according to the extent of work IWRAW Asia Pacific has done so far. Currently, IWRAW Asia Pacific conducts collaborative projects in 13 countries of Asia

In the area of international advocacy, IWRAW Asia Pacific has coordinated not just a regional programme but also an international programme.

IWRAW Asia Pacific also served as a member of the International Advisory Committee that guided a multi country research project investigating the impact of the Convention at the national level. This project is coordinated by the York University, Canada.

1.3.6 Institutional Arrangements

1. Staff

Two programme officers and a programme assistant were hired in March 1998.

The organisation now consists of a full time staff director, who oversees the whole program an administrator officer and a programme assistant are responsible for finance and the administration of the programme. The programme officers assist in the substantive aspects of the programme. All staff contributes to the conceptualisation, planning, co-ordination, management and development of the programme.

2. Advisory Committee

An advisory committee composed of experts in relevant fields was formed in 1994. The committee provided consultation and guidance on the activities of IWRAW Asia-Pacific. In July 1997, the above committee was formalised into an Advisory Committee, which had greater responsibility to ensure accountability, consistency and relevance of program direction and continuity.

The members of the Advisory Committee are:2

Savitri Goonesekere Sri Lanka

² A representative from the East Asia region, for the Committee has not been identified yet.

Ruth Manorma India

Shireen Huq Bangladesh Noor Farida Ariffin Malaysia Sapana Pradhan Malla Nepal Eleanor Conda Philippines

Andrew Byrnes Australia / Hong Kong Mere Pullea Papua New Guinea Shanthi Dairian WRAW Asia Pacific Staff Representative WRAW Asia Pacific

3. Expansion of Funding Sources

In 1997 the total grants received was US\$268317.00 from the following donors:

- ♦ Novib
- ◆ Danida
- ◆ CIDA
- UNDP New York
- ♦ UNIFEM New York
- ♦ ICHRDD
- ♦ UNICEF

1998 saw an 86% increase in the funding situation. Total grants received was US\$499059.00 from the following donors:

- ♦ FORD Foundation Delhi
- ♦ FORD Foundation New York
- ♦ UNIFEM South East Asia
- Ministry of Foreign Affairs Netherlands
- ♦ Danida
- Novib
- ♦ UNDP New York and UNDP APGEN
- ♦ ICHRDD

The above figure does not include funds paid directly to participating organisations for activities conducted by IWRAW Asia Pacific for them. these include \$14,000.00 paid to LEOS, Mongolia by Asia Foundation for the training of trainers conducted in September by IWRAW Asia Pacific, the funds raised by Masimanyane Women's Support Centre East London, South Africa for the three day orientation on the Convention conducted by IWRAW Asia Pacific, the contribution of \$16,880.00 made by the All China Women's Federation for the orientation conducted in China. These funds did not come through our accounts.

PART II

2. IMPLEMENTATION ACCORDING TO PLAN

Specific activities were planned for 1998 to achieve the stated objectives of IWRAW Asia Pacific. All activities for which funds were raised were implemented. The only exception to this was a meeting in Cambodia, which could not be held because of the political situation there. This activity has been postponed to 1999.

PROJECT IMPLEMENTATION BY OBJECTIVES

Objective 1: To help develop skills in rights awareness and build capacity for the domestic application and use in local activism of the Convention and other human rights instruments as part of the process of monitoring the implementation of the human rights chapter of the Beijing Platform through:-

Related activities were the following:

2.1.1 GROUNDWORK IN ADDITIONAL COUNTRIES: SOCIAL INVESTIGATION VISIT TO MONGOLIA

With the expansion of the geographical scope of IWRAW Asia-Pacific's programme, groundwork has to be made in additional countries before work is done there. There is a need to understand the particularities of the human rights contexts of women's lives as well as the current work of the NGOs in the countries concerned. The outputs of these visits are a written report and a collection of relevant literature. The report written about the country concerned surfaces the socio economic and political situation of the country, the priorities for change to advance women's rights, the nature and scope of activism that needs to be undertaken and the barriers to women's human rights activism.

The transformation Mongolia has been experiencing in the last seven decades from feudal agrarian society to a relatively modern and industrialised state under the socialist regime has brought about some form of social equity and improvement in the living conditions especially in the rural areas of Mongolia. The impact of these rapid changes on women is immense. Households are the worse hit by these economic reform viz. Cuts in safety nets and reduction in social service expenditure.

The Mongolian legal system, just as its social, economic and other systems, is still to come to grips with the change itself, as well as its own role in the changing order. Mongolia like most post-socialist countries is going through process of expansive legal reforms, a necessary step towards providing and building the legal framework to meet the evolving needs both of the political changes and the market economy. Although the previous Mongolian Parliament has been active in passing the necessary laws many of the laws that adopted are inconsistent with its political purpose and thus requires substantial development and amendments.

While the written law has undergone a lot change, the change has still to become visible in the system. The people too have to still internalize the concepts of rights presently articulated in the law, as well as the idea of State being accountable for the rights of the people, instead of a benevolent provider doing its best. Litigants and lawyers are still struggling with challenging the state for access to rights or charging it with violation of rights. On the other hand procedural demands are so stringent that it appears that to fulfill those id the primary objective rather than to ensure justice.

Internationally, Mongolia has committed that its domestic law will be refined, amended, reviewed and reformed so as to harmonise it with international laws and human rights. The challenge for women's groups in Mongolia is not only to be able to bring in new laws but also to ensure that the laws are effective and reflect women's experiences.

The report also contains recommendations for the work IWRAW Asia Pacific needs to undertake and provides a list of organizations that IWRAW Asia Pacific can network and collaborate with.

The report highlighted that IWRAW Asia Pacific would play an important role in providing a gender perspective(s) and methodology in a space, which is rapidly being taken up by mainstream and often male-oriented donor and/or international organizations which do not take gender perspectives seriously. In line with this the report surfaces that women's groups need a more historical, contextualized and deeper understanding of the concept of 'gender' and the gender-specific power relations that are constituted by it. Workshops need to be conducted to clarify these concepts which are vital in the work of these women's groups.

Advocacy needs to be continuous process in this period of socio-economic, political and legal change. Women's groups are actively involved in this process and are in need of new and alternative ideas. The experiences of other Asian countries would be invaluable. IWRAW Asia Pacific can provide, legal training for women lawyers and judges in the area of drafting laws, lobbying for change in the laws as well as monitoring the implementation of the laws; para legal training for women activists and facilitating flow of information on best practices from other countries.

Related to the above in a need for providing a deeper and clearer understanding of the principles of the Convention. Training on how to use the Convention and to monitor fulfillment of state obligation under treaty law will prove very useful for the women's groups. These is a lack of awareness of then usefulness and power of the Convention as a tool for accountability at the international level.

Further more seeing that economic rights is of utmost importance in the agenda for women, workshops could be held on the seemingly hegemonic market-oriented economic system and its effects on women.

IWRAW Asia Pacific can also act as the mediator for Mongolian women's groups in their openness and eagerness to collaborate and network with women's groups in the region. Networking of this nature is vital at this juncture in the development of the women's movement in Mongolia as it not only strengthens their work but also challenges their perspectives and methodology.

(Refer to Annex I for objectives and guidelines for the Social Investigation Visit). The full report is available from the IWRAW Asia Pacific office.

2.1.2 TRAINING

2.1.2.1 FORMATION OF A REGIONAL POOL OF TRAINERS

IWRAW Asia Pacific organised a regional workshop for eight days, from the 27th of October to the 3rd of November 1998 in Dhulikhel, Nepal in order to expand and expedite the creation of a pool of trainers for IWRAW-Asia Pacific. The partner organisation in Nepal that provided logistic support was Forum on Women, Law and Development (FWLD). 4 men and 21 women from eight countries, including the two programme officers from IWRAW Asia Pacific attended the workshop.

Participants represented the following NGO organisations:

- Bangladesh Naripokkho
- Bangladesh Mahila Parishad
- North East Network, India
- International Women Rights Action Watch Asia Pacific

- Women's Aid Organisation, Malaysia
- national CEDAW Watch Network, Mongolia
- Legal Aid and Consultancy Centre, Nepal
- AURAT Foundation, Pakistan
- Women's Legal Bureau, Philippines
- Global Alliance Against Trafficking in Women (GAATW), Thailand
- Women's Constitution Network, Thailand

The institution has previously implemented its orientation and training program primarily using a small group of trainers. In the first phase of work, this core group was adequate as IWRAW Asia Pacific initiated most of the training. With greater awareness by women of the need to claim their rights and to hold governments accountable in this regard, there was much demand for the training in Asia. Therefore, initiatives to complement IWRAW Asia Pacific's 'in-house' capability were necessary.

Objectives of the Workshop

The broad objectives of the training was to create a pool of trainers who would:

- ♦ Create an awareness in women
 - about their rights on the basis of equality between women and men and on the basis of the principle of non discrimination as guaranteed by the Convention
 - about the need to mobilise women to present themselves a political constituency whose demands for equal citizenship for rights cannot be ignored by any government, which claims to be liberal and democratic.
- Develop an understanding of the law in promoting or hindering women's rights.
- Develop skills in identifying the sites of discrimination and in addressing discriminatory aspects of laws and legal systems towards developing a holistic approach to women's development.
- Raise awareness on the significance of the Convention in promoting women's development within a rights framework and to develop skills in using the Convention to advance women's rights in the local context through law and policy reform.
- Provide a conceptual understanding of the barriers to establishing women's rights as human rights.
- ♦ Raise an awareness of the significance of engaging in international advocacy to advance women's rights and to create an understanding of UN mechanisms and processes and entry points for women's activism.
- Plan for effective use of the Convention as a tool for advocacy to promote women's rights.

Topics /Issues covered in the training

The training was conducted in two parts. The first part would expose all participants to common core contents dealing with concepts, the dynamics of the legal process and international human rights instruments.

The second part dealt with maximising the capability and potential of non-lawyers and lawyers alike for activism in law and policy reform.

Refer to Annex II, the Programme for details on topics.

Facilitators

Shanthi Dairiam, Malaysia, Director of IWRAW-Asia Pacific, Eleanor Conda, Philippines, Advisory Committee Member, IWRAW-Asia Pacific, Madhu Mehra, India, Consultant, IWRAW-Asia Pacific, Shireen Huq, Bangladesh, Advisory Committee Member, IWRAW-Asia Pacific, were the facilitators of the training during the workshop.

Accomplishments

- 1. Participants were exposed to a wide range of relevant concepts, subject matter, frame works for analysis and training methodology. The methodology used i.e. the participatory approach, case studies, brain storming sessions, process sessions and sharing of experiences was helpful in getting varied perspectives and in internalizing the information learnt. Refer to summary of the evaluation of the training given at the end of this section for details.
- 2. Skills building There was emphasis in creating clarity on the concepts and skills in transmission. Each session was followed by a clarification session and a reinforcement of communications.
- 3. Participants were given a substantive amount of training materials and background reading.
- 4. Participants have indicated their capability and interests in specializing in selected topics thus achieving IWRAW Asia Pacific's objective of expanding its resource pool of trainers.

List of capabilities in the specific areas

Participants & Country	Which part/ sessions/ aspects/ of this training are you confident about training in?	Optional : Which parts/ session/ aspects are you interested in
Ferdousi Sultana Bangladesh	Inequalities & discrimination in women's lives Social construction of gender Formal vs. substantive equality Historical background and key features of Convention	Use of Convention to promote women's rights
Masuda Begum Bangladesh	Role of law and women's activism	Law reform
Rina Roy Bangladesh	Inequalities and discrimination Social construction of gender Towards substantive equality What are rights and why rights Link between development and rights	Would like to study more about international human rights law / conventions but may not conduct sessions

Anita Gurumurthy

India

Sex & gender Rights & advocacy Gender & equality Sessions concerned with

the law

Geetha Devi India Inequality & discrimination
Social construction of gender
Towards substantive equality
Marshalling arguments in equality
Role of law and women's activism

Law and gender

The lessons and possibilities of the law

What are rights and why rights

Universal minimum standards for women

in Human Rights

Institutions and inequalities – requires more analysis International human rights law

Historical background of women's human rightsrequire more reading Using the convention – as a tool for training from broader perspective

J Backia Nathan India Law and legal reform Rights as a tool or change Women's realities – understanding some

concepts

S.K Priya India Women's realities Law and legal system

State obligations and role in protecting

women's rights

Constitutional provisions on municipal application of international human rights

law

Using the Convention to promote women's

rights

Application of the Convention in the law

Other sessions on

CEDAW

Rights as a tool for

change

Audrey Lee IWRAW Asia Pacific Inequalities and discrimination

Sex and gender

Institutions and inequality

Substantive equality

International human right law Key features of the Convention

Sex and gender International human

rights law

Simran Gill IWRAW Asia Pacific

Inequalities and discrimination

Sex and gender

Formal vs. substantive equality Mechanisms under CEDAW

Using the Convention

International Human

Rights law UN Bodies

Constitutional provisions

What are rights

Ivy Josiah Malaysia Women's realities

Law and the legal system CEDAW

(a) using the convention(b) application of Convention

Zanaa Jurmed Mongolia Inequalities and discriminations in

women's lives

Social construction of gender Towards substantive equality What are rights and why are rights Universal minimum standards for women's

human rights
The Convention

The role of the law and women's activism

Law and gender

The limits and possibilities of the law for

women's activism

Sanju Thapa Nepal Social construction and gender Towards substantive equality

The role of the law and women's activism

Mohamad Younas

Khalid Pakistan Historical background of women's human

rights

Understanding of CEDAW (key features)
The limits and possibilities of the law for

women's activism Substantive equality

Inequalities and discrimination in women's

life

Using the convention to promote women's

rights

State obligations and role in protecting

women's human rights

Historical background of women's human right Substantive equality State obligations and role in protecting women's human rights

Saira Abbasi Pakistan Women's realities understanding some

concepts

Inequality and discrimination

Sex and gender

Institutions and inequality
Substantive equality
Concept of equality
Rights as a toll of change

Law and legal system-can articulate it well

after a little preparation

Law and the Legal

System

Rights as a Tool for

Change

The Convention-

application of convention

in law and court advocacy

Shahid Fayyaz Pakistan Concepts of gender and equality

Discrimination Substantive equality

Rights as a tool for change

Sofia Noreen Pakistan Women's realities-understanding some

concepts

Social construction of genders Towards substantive equality Formal vs. Substantive equality What are rights and why rights International human rights law

Link between development and rights History and key features of the women's

Convention

State obligations and role in protection

women's rights

Using the Convention to promote women's

rights

Constitutional provisions

Application of international human rights

law

Zenaida Borlongan Philippines Inequalities and discriminations in

women's lives

Social construction of gender Towards substantive equality

Law and legal system

What are rights and why are rights

Universal minimum standards for women's

human rights

Sudarhshana Gunawardana Sri Lanka

Inequalities and discriminations in

women's lives

Social constructions and gender

The limits and possibilities of the law for

women's activism

What are rights and why rights

Universal minimum standards for women's

rights

The link between development and rights
The herstory and key feature of the

Women's Convention

Mechanisms and procedures under the

Convention

Constitutional provisions relating to the Convention and other international treaties Using the Convention to promote women's

rights

rigr

Patchara Katikul Inequality and dissemination Social construction of gender

Women's rights and related UN bodies

and organs

Using the Convention to promote women's

riahts

In law reform

Vacharatural (Jan) Boontinand

Boontinand Thailand Women's realities-concepts

What are rights and why are rights Sessions on International HR laws / History of women's rights (but will need

more study)

Yupa Phuspahas Thailand Women's realities-understanding more

concepts

The Convention

Law and the legal system

Rights as a tool for

change

The Convention - less

confidence

5. The set of training materials used at the workshop will be refined to incorporate the feedback and evaluations given by the participants present at the workshop.

17

All the rest

Inequalities and discriminations in women's lives

Social construction and

gender

Towards substantive

equality

The role of the law and women's activism
Law and gender
The limits and

possibilities of the law for women's activism International human

rights law

Decisions Made

- 1. It was decided that several countries would require further assistance in developing a pool of in-country trainers. They are:
 - a. Malaysia
 - b. Nepal
 - c. Pakistan
 - d. Sri Lanka
- 2. Countries who would carry out training on their own³
 - a. India
 - b. Bangladesh
 - c. Thailand
 - d. Mongolia

Evaluation

- 1. Mention 2 positive aspects in relation to the training methods used in the workshop.
- Mention 2 aspects in relation to methods used that you think should or can be done differently
- 3. Mention 4 new concepts/ideas you learned at this training
- 4. Mention 4 concepts /ideas which were clarified for you at this training

Responses from participants

Question 1: Positive aspects in relation to training methods

- The methodology used i.e. the participatory approach, case studies; brain storming sessions, process sessions and sharing of experiences was helpful in getting varied perspectives and in internalizing the information learnt.
- The use of the case studies during workshop exercises gave the context in which
 to apply a problem and was therefore easier to understand. Case studies were
 exhaustive and very challenging. The use of case studies and process sessions
 made it more accessible to the 'quiet' ones to get involved
- The materials available/supplied were comprehensive. The diagrams and guidelines/directions used for discussions were self-explanatory and were very useful.
- The evolving nature of the training provided an excellent introduction to new information and a commendable articulation of the concepts.
- Group work/exercises promoted equal participation and helped facilitate the learning process by changing the mode/mood of interaction within the group.
 For example, group work allowed the group to look at the Convention more intimately, study any article and explore the rights measures policies etc that can come out of it.

Question 2: Suggestions for improving training methods

³ The assessment as to whether certain countries could devlop their own pool of trainers or would require assistance was made by the participants from that country. This assessment is not necessarily accurate as subsequently some of those who felt that they could conduct their own training have requested for help.

- There is a need to figure out a better way to facilitate discussions. Sessions sometimes lasted too long, allowing free discussion, which was not too productive. For example, with better time management, the sessions on law could have been incorporated. At times there was an over emphasis on keeping time which led to a quick dismissal of participant observations/parking lot points. Perhaps there could be smaller group discussions with more time. Long sessions sometimes made it difficult to assimilate everything. Perhaps if the duration of the training had been increased the energy level would have been maintained.
- The training could use more varied aids and other popular forms e.g. audio visual aids such as slides, stories, analogies as part of the methodology. More guidance and facilitation is also needed regarding the objective of the group work, and in relation to reporting and presentation of the group work.
- The training should use a more participatory approach/ group work etc. for the session on UN bodies and the substantive parts of the Convention
- The process sessions should also include bringing out the points that were not covered in the session but related to it
- Some thought should go into on how to draw ideas from participants. Training
 program and related reading materials should be given in advance. For example,
 simple background materials relating to the Convention could have been given
 before the workshop or the day before training for more understanding.
 Participants would then read the material before the session and clarify, raise
 questions and debate the issues during the sessions.
- The training should include a more detailed study of the Convention and time for discussion within the group exercises on country to country analysis.
- The steps in the development of international law and history of the Convention could be broken up using diagrams
- To make the session more interesting the theory of human rights can be developed as a sort of historical progression of ideas from 1215 onwards.
- The resource materials should include more illustrations
- The training should have included presentation skills and techniques in the program as part of the training.

Question 3: New concepts learned

- The concepts of:
 - Institutions and inequalities
 - Formal vs. substantive equality
 - Equality vs. Equity vs. Equivalence
 - Equality not to be linked to a single standard which often happens to be a male standard but the equality should allow for difference in treatment according to the differential situations of peoples.
 - The whole analysis framework on discrimination and inequality-what is substantive equality
 - Protectionist laws-how it reinforces social norms
 - Sex and gender differences
 - Universal minimum standards
 - Gender & development
 - Development and rights
 - Hierarchy of rights
 - Incremental gains
 - Transformatory potential
 - Rights in development
 - Marshalling arguments for equality
 - Use of Article 1 of the Women's Convention in advocacy efforts

- Reservations
- State obligations and role in protecting women's rights
- Application of CEDAW in court advocacy and law /policy reform
- Municipal application of international HR norms
- Challenges/prospects for women's rights advocacy
- The linkage between international law and constitutional and local laws

Question 4:

- Concepts of institutions and inequalities
- Concept on formal vs. substantive equality the protectionist theory, the difference between equity, equivalence and equality and why we need to propagate equality as the standard
- Gender and Development
- Gender, Family, market and state relationships
- Law and gender
- · Marshalling arguments for gender equality
- Rights perspective approach
- The linkage between human rights and women's rights
- Historical background and evolution of women's rights
- The ambit of international laws
- Universal minimum standards
- International treaties, declarations and Conventions
- The concept of State obligation under the Convention
- Cultural relativism and the cultural context in applying the framework /laws
- Some ideas to mull over on politics, women, reservations for women and the nature of advocacy needed in this area.

2.1.2.2 NATIONAL TRAINING

IWRAW Asia Pacific conducted the following activities

2.1.2.2.(i) CEDAW Orientation, Kerala, India

Promoting Equality and Rights In The Context Of CEDAW: The Convention On The Elimination Of All Forms Of Discrimination Against Women Cochin. March 14-15 19987

IWRAW Asia Pacific collaborated with Sakhi Women's Resource Center and the Kerala Sthreevedi (a loose network of feminist organisations and individuals) to hold this state level workshop on promoting equality and women's rights using the CEDAW framework. The 89 participants were from many different organisations included academics, lawyers and students. It was explained at the beginning of the orientation that the local organisations in Kerala had been interested in holding such a workshop for some time due to allegations that they were merely reactive in their response. They found this orientation timely.

Topics /Issues covered in the training

The first session took the participants through understanding the differences between sex and gender. The second session dealt with institutions and inequality while the third session dealt with substantive equality. The fourth session covered Human Rights and the Fifth session outlined the need for a special human rights instrument for women as embodied by the CEDAW Convention and this session dealt with the

three main principles under the Convention, which are the Principles of Equality, Non-discrimination and State Obligation.

Each session was followed by case studies and group discussions to internalise the definitions of equality and discrimination.

Facilitators

The facilitators of the orientation were Madhu Mehra, DJ Ravindran, and SK Priya of India.

Major decisions made

In the last session which was a 'follow up and future planning' session information was obtained from the participants about how the training has been of use to them and how they could incorporate CEDAW into their future work. The major decisions made was that:

- 1. Information and knowledge about CEDAW needed to be disseminated to women so as to combat ignorance which was the root cause of the exploitation of women. Kerala Sthreeveedi could play a leading role in this. District level groups could be approached to join with Kerala Sthreeveedi in order to facilitate this.
- 2. The proceeding of the workshop was to be prepared in Malayalam and made available to participants.
- Translations of the Convention were also to be made to enable communication of the essence of the Convention. This is especially helpful for activists working in the field. Leaflets to circulate information and educate the public should also be developed.
- 4. Village level awareness programmes should be organised. Colleges and universities can be used as a venue for awareness raising. Kerala Sthreeveedi could play a role by contacting the Women's Cell in the colleges.
- 5. Intensive training programmes should be organised for trainers
- 6. Awareness creation for men should be implemented. Forums are already available for example, the 'Neighborhood groups' at the Panchayat level.
- 7. Sthreeveedi should strive to form a close association with the Women's Commission.

2.1.2.2(ii) Orientation on the Convention: Ulannbaatar, Mongolia, 27-29 April, 1998

IWRAW-AP held a three-day workshop in collaboration with the National Network on CEDAW Monitoring, for women's groups to gain a better understanding of the Women's Convention. The workshop was attended by 30 women from 8 women NGOs, which are members of the National Network on CEDAW Monitoring from the city and province level. 4 were independent participants.

Topics /Issues covered in the training

The first session took the participants through understanding the differences between sex and gender. The second and third session identified the three main principles

under the Convention, which are the Principles of Equality, Non-discrimination and State Obligation.

Sessions 4 & 5 were a presentation by representatives from local NGOs and the government on the current status for women in Mongolia. The training also covered the human rights system within the United Nations in promoting women's rights. The training ended with a practical analysis of the application of the Convention (Session 8) and its use in planning and strengthening NGO activism in Mongolia (Session 9).

Facilitator & Documentator

Shanthi Dairiam, the director of IWRAW-AP was facilitator of the training during the workshop. Simran Gill, the programme officer assisted her.

Simran Gill documented the proceedings of the workshop.

Major decisions made

It was decided that IWRAW-AP would assist the National Networking on CEDAW Monitoring in two areas:

- 1) The Mongolian alternative report to CEDAW
 - IWRAW-AP would try to find the funds for this project.
 - IWRAW-AP would send guidelines on how to write an alternative report and models of other alternative reports.
- 2) The Training of Mongolian Trainers
 - It was proposed that a training of trainers be carried out so that there could be sustained training on the Convention in Mongolia.

Accomplishments

The session on sex and gender was a particularly important session. By the end of the session, participants understood the difference and the need for reasons to justify change.

The presentation from the NGOs highlighted the NGO activism in Mongolia in promoting women's rights and the status of the implementation of the Women's Convention and the Beijing for Action. The government representative did not present an explanation of their work and progress in this area but it did indicate that they were open to discussion with women's groups.

Women's groups learnt how and where they could intervene in promoting women's rights not only under the Convention's monitoring mechanism but also under the other various rules in the United Nations.

At the training, IWRAW-AP came to understand the specific issues that affect NGO work in Mongolia. For example, women in Mongolia believe that the process of change can only come about through long-term measures. They are generally reluctant to seek immediate remedial action and to see the link between the short term remedies and long term measures.

By the end of the visit, IWRAW-AP came to a better understanding of the social, historical and cultural environment that affects the basis of Mongolian NGO work. Hence, IWRAW-AP is now in a better position to identify its strengths and weaknesses and is thus able to work out an appropriate training programme designed specifically for the Mongolian situation.

Difficulties experienced

It surfaced at this meeting that there is a gap in the market for skilled interpreters who are familiar with feminist work. If any real work is to be carried out in the Asia Pacific region, skilled interpreters who have clarity on the concepts and principles of women's rights are vital. At this meeting, the Mongolian translator had problems in translating many of the terms used at the workshop in her own words as there were no equivalent local terms and as she was not familiar with the concepts herself. Nevertheless, at this meeting, the training itself proceeded smoothly as there were local participants present who were conversant in English and the local language and familiar with the concepts themselves who could translate when the translation provided fell through.

2.1.2.2(iii) Training of Trainers on Women's Rights and the Convention on the Elimination of All Forms of Discrimination against Women held at "Ikh Tenger", Ulaanbataar, Mongolia 11th-15th September, 1998, Mongolia

As a follow up to the orientation held for women's groups in Mongolia on 27-29 April, 1999, a five day training of trainers was conducted. The total number of participants was twenty three from the following organisations:

Women's Social Progress
Mongolian Women's Association
UBCT Women's Organisation
LEOS
Women Lawyers' Association
Center for Women Against Violence
Democratic Social Women's Organisation
Women's Research and Information Center
Rural Development Fund for Women
Association of Women for Justice

The training was very intensive and sessions went on until 10.30PM to 11PM. Participatory methods of training were used with the intention of enabling the trainees to surface their experiences as women and activists and on this basis to contribute to their own learning experience rather than to be lectured to. The training also facilitated the participants to produce certain outputs by providing them with the relevant theory and concepts and the frameworks for producing the outputs. This necessitated the long hours and having the participants in residence.

Objectives of the training

• To build an understanding of what rights are, why we need rights, and issues pertaining to the claiming of rights.

- To create skills in recognising how discrimination against women occurs, thus denying women their rights, so as to be able to address the disadvantages experienced by women
- To create a critical understanding of the Law as having the potential to legitimize and perpetuate discrimination against women, and as an instrument through which women can claim their rights.
- To familiarize the participants with the Women's Convention and its principles of non discrimination, equality and state obligation; and skill them in its application to set standards for women's rights
- To develop skills in communicating the above to grassroots women/women's groups
- To make plans for conducting training of grassroots women.

Although the above objectives were planned for, due to the needs expressed by participants it was decided to develop outlines for training five target groups and not just for rural women. So one of the outputs of this training is the training is the development of outlines for training the following groups:

- Rural Women
- Women's Activists
- Local authorities
- The Police
- The Media

This change from the original intention has greatly expanded the expected outputs of the training at one level, but of necessity it was not possible to give time to developing the procedures for the conduct of the various sessions. this is being planned for as follow up activities.

Outputs from the training

Training outlines prepared by participants at the workshops

The following outlines for training various target groups were prepared

Target Group: Local Authorities

Objectives

- To build an understanding of women's human rights on the basis of substantive equality.
- To raise awareness of the gender bias reflected in state policy and administrative rights, which contribute to the denial of women's human rights.
- To raise awareness of their obligations towards full realisation of women's human rights under the Constitution of Mongolia and the Women's Convention
- To build skills in developing and implementing policy which enable women to exercise their human rights.

Number of workshop:1

Workshop: Women's Equality and State Obligations

Time: 2 days

Top	oic	Content	Method &	Material	Follow up training
1.	Women's Rights	 Understanding rights, civil-political and socio-economic as provided for in the Women's Convention and the Constitution of Mongolia Other legal provisions reinstating women's rights Examples of inaccessibility of rights/rights violation (as stated in the Convention) and its effect on Women 	procedure	required	required No further training required
2.	Sex and gender	 Biological differences Gender difference based on social norms Disadvantages faced by women on grounds of gender Manifestations of gender in the decisions and actions of local authorities 			No further training required
3.	Role of Local authorities with regards to the Women's Convention	 Identifying provisions of the constitution of Mongolia and the Women's Convention relating to Women's rights Identifying duties and obligations of the state and local authorities Identifying provisions in Law, contradicting the Women's Convention 			No further training required
4.	Skilling the Local Authorities	 Obstacles women face in rural areas in exercising their human rights Ways of overcoming these obstacles Analyzing gaps in decisions, and action, and formulating better plans Setting up joint mechanisms for assessing fulfilment of women's human rights 			No further training required

Target Group: Rural Women

Objectives

- To help rural women their particular situation as rural women, to identify discrimination and violation of their rights
- To raise awareness that they are entitled to core set of human rights on the basis
 of equality and to create an understanding of the obstacles they face in their
 particular situation to exercise their human rights
- To create awareness that the State/local authority is obligated to create the conditions for the exercise of their human rights as provided for by the Constitution of Mongolia and the Women's Convention

• To build skills in making recommendations for the fulfilment of their rights and to make claims/demand with the appropriate authorities.

Number of workshops: 2

Workshop No.1: Rural Women and the Women's Convention

No of days: 3 days

Topic	Content	Method &	Material	Follow up Requirement
1. Women's Rights	- Identification of provisions for women's rights in the Constitution of Mongolia	procedure	required	Refresher
	State policy on Women's Rights Obstacles to women's rights and overcoming the same			
2. Application of the Women's Convention	Sex and Gender Provisions for rural women Difficulties faced by women in exercising rights Obligations of the local authorities towards rural women			Refresher
3. Women and Health	Provisions in the Women's Convention relating to women's health Difficulties faced by rural women in addressing their health issues, and ways to overcome them Health is Social wealth			Refresher
4. (a) Women and Employment	 Provisions of the Women's Conventions on employment Obstacles faced by women in exercising their human rights regarding employment and ways of overcoming them 			Refresher
4. (b) Women and Market	Defining Market with in the context of the Women's Convention, (Article 14(2)g) Difficulties faced by women in developing market and ways to overcome them Infrastructure			Refresher

Workshop No. 2: Women and Survival Skills

Topics	Content	Method & procedure	Material required	Follow up training required
1. Women & Survival Skills	Developing survival skills in Market environment Formulating family budget Understanding quality of Agricultural products Developing manufacturing and marketing skills Raise awareness on women's			Refresher

rights to education		

Target Group: Members of Women's Organisation

Objectives

- To develop skills in analysing the situations/experiences of women to identify discrimination and violation of women's human rights.
- To raise awareness that women are entitled to a core set of human rights on the basis of equality and to create an understanding of obstacles for women to exercise their human rights
- To raise awareness that the state is obligated to create conditions for the exercise their human rights as guaranteed under the Constitution of Mongolia and the Women's Convention
- To build skills in monitoring state action and engage in advocacy to ensure that the state fulfils its obligations through the enactment and implementation o appropriate laws, policy, program and administrative action.
- To develop skills in building a relationship with the media in order to get their cooperation whenever they need positive publicity for women's human rights

Number of workshops: 3

Workshop No. 1: Women's Rights are human rights. Time: 3 days

Topics	Content	Methodology	Material required	Follow up training required
Ti. Women's Rights are Human Rights: (Concept and purpose of CEDAW)	Examples of violations of women's rights to demonstrate the effect of such denial Concepts of the Women's Convention and its Objective Discrimination and Forms of Discrimination			
I ii. Gender Differences	Sources of Discrimination Reasons of Discrimination (Sex and Gender) Gender equality of women's equal participation in Social life			
I iii. Application of the provisions of the Convention in Mongolian Law	 Convention and the Constitution Reflection of the provisions in other provisions Implementation of the Convention and the legal system 			

Workshop No. 2: Monitoring and Advocacy for Women's Equality. Time: 2 days

Topics	Content	Methodology	Material required	Follow up training required
II. i. CEDAW and	 Women NGOs and monitoring 			
Women NGOs	under the Convention			
	 Ways and forms of monitoring 			

	Methods to analyse and study the provisions of the Convention		
II. ii. Participant of women NGOs with in the context of the Women's Convention	The areas of monitoring women's rights and fulfilment of the state obligations Identification of ways in which women NGOs will work with state in advocating for women's rights.		

Workshop No. 3: Women's Organisations and the Media Time: 11/2 day

Topics	Content	Methodology	Material required	Follow up training required
III. Women NGOs with Media: Towards fulfilment of Women's Convention	Importance of collaboration Principles of collaboration Ways of collaboration			

Target Group: Police

Objectives

- To raise awareness of the police of women's experiences of violation of their human rights, on the basis of gender bias and inequality
- To raise awareness of the police attitude and behaviour towards the women victims which contributes to the further violation of their rights.
- To raise awareness of the women's human rights on the basis of equality as provided for by the Constitution of Mongolia and the Women's Convention
- To raise awareness of the particular obligations of the police to ensure fulfilment of women's human rights in the course of their duty

Number of workshop: 1

Workshop: Women's Human Rights and the Police

Time: 2 days

Topics	Content	Methodology	Material required	Follow up training required
1. Understanding Rights and Violations according to the Concept of the Convention	The way women's rights are provided for in the Convention Sex and gender: gender inequality in society and family Domestic and Sex violence in the society: realities			No further training required
2. Identification of social norms and ways to change it	- Difficulties faced by women whose rights are denied - Present approach of the police: problems faced by women and the police itself - Ways to change the approach: obligations of the police under the Convention - Recommendations to overcome the difficulties within the framework of the			No further training required

	Convention	
3. Application of the Convention and Police officers	Mongolian state responsibility under the provisions of the Convention Which rights stated in the Convention and the Constitution are violated by the police Provisions of the Convention, Constitution of Mongolia and other legal provisions dealing with equality	No further training required
Recognition of Women's rights and its adoption by the police	Direct responsibility of police officers to follow principles of women's rights Collaborating for a working relationship between NGOs and the police	No further training required

Training Group: Media

Objectives

- To create an understanding of state obligation under Women's Convention towards women's equality
- To build skills in reporting/publicizing state action/inaction under the Women's Convention in addressing women's human rights
- To sensitise the media to women's experiences of violations and discrimination

Number of Workshops: 1

Workshop: Media and Women's Equality

Time: 1 day

Topics	Content	Methodology	Material required	Follow up training required
1. Sex and gender	Biological differences between men and women Gender differences based on social norms Gender differences result in disadvantages for women Gender differences are based on social practices, which are historical Gender differences are not natural and can be changed			Meeting and frequent Discussions with people knowledgeable in the field
2. CEDAW, equality and forms of discrimination	- Gender is a social notion - Convention provides for gender equality - Reflection of the provisions of the Convention in the Constitution of Mongolia - Lack of action in implementing provisions of the Convention (guaranteeing Equality)			

Activities that have to be carried out to complete the preparations to conduct the training for the various target groups

- Procedures that conduct each topic of the training have to be developed, and related methods identified
- Appropriate materials for each topic and according to the requirements for each target group have also got to be developed, or gathered, these include lecture notes, case studies, wall charts, video presentations, relevant statistics, newspaper clippings, cartoons, copies of the Convention, the Constitution and relevant laws as well as pictorial and simplified versions of he last three and relevant background reading materials for the trainers

Decisions made at the training for structural arrangements to conduct the planned training and to make the necessary preparations

- 1. It was resolved that the participants will form a training network and will consciously bring in new members to sustain the network
- The participants also identified themselves as resource persons specialising
 in certain topics and also divided themselves into groups responsible for each
 of the five target groups for which training outlines have been developed.
 Each group has selected a lead person who will coordinate the training for
 that target group.
- 3. Ms J Zanaa of the CEDAW Monitoring Network will be over all coordinator of the training network.
- 4. The priority target group for the conduct of training on women's rights will be Rural Women.
- 5. A meeting of the group leaders will be called by Mrs J Zanaa in week's time to make plans for refining the training outlines, developing the procedures for conducting each topic/session and for the preparation of the materials. At this meeting, a time will also be set for conducting the training for Rural Women and plans will be made for regular meetings of the training network to exchange ideas and experience and to update their knowledge.

At this meeting Mrs Zanaa will provide the group leaders with a framework for developing the procedures for conducting each session.

WRAW Asia Pacific's Comments and Recommendations

Comments

- 1. We are also greatly impressed by the commitment, enthusiasm and capacity for concentration and hard work displayed by the participants.
- 2. The quality of the administrative support and efficiency and the perseverance of Mrs J Zanaa in ensuring that this training took place requires special mention
- 3. We would also like to express our appreciation of the excellent interpretation provided by Mrs Haliun Dalantai.

Recommendations:

1. Follow up: We would like to draw attention to the work that needs to be done on the preparation of the materials for the training. In particular, financial and technical support needs to be obtained for the preparation of

simplified/pictorial versions of the Convention, the Constitution and relevant laws as well as for the preparation of case studies. The latter requires some effort as we had difficulty getting the participants give contextualised examples of women's deprivation in the rural areas that could be used as case studies for the training. It was easier for participants to talk in generalities.

- In terms of further skilling, participants have expressed a fair amount of confidence to conduct the training for the various target groups. They have only requested for refresher courses for trainers of Rural Women and for training in Monitoring the Implementation of the Convention. This should be facilitated.
- 3. We would like to recommend that there should be at least two interpreters for such training as it is too much of a burden for one interpreter.

2.1.2.2 (iv) Orientation on the Convention for South African Women hosted by the Masimanyane Women's Support Centre, East London, South Africa 16-19 May 1998

IWRAW Asia Pacific conducted a three day orientation on the Convention for 15 members of a network on the Convention coordinated by the Masimanyane Women's Support Centre of East London

Background

The initial report of South Africa was going to be reviewed by CEDAW in June 1998. The Masimanyane Women's Support Centre was in the process of coordinating a shadow report on Violence Against Women with the participation of several women's groups from all over South Africa and had made plan to observe the review of their government's report in New York. They therefore requested IWRAW Asia Pacific to conduct an orientation on the Convention that would prepare them to participate usefully in the review and engage in long term plans to use the Convention to promote women's rights

Objectives

- To create clarify on then concept of equality and non-discrimination
- To create an awareness about the significance of the Convention as a tool to promote women's rights and develop skills in its application
- To develop an understanding of the UN reporting procedures and the role of NGOs
- To prepared for observation of the review of South Africa's report to CEDAW
- To make some plans for the long term use of the Convention

During the orientation feedback was given to the participants on the outcome of the March 1998 the CSW session and the status of the proceedings on the International Criminal Court.

2.1.2.2 (v) Orientation on the Convention for Programme Officers of UNDP and Administrators of other UN agencies, 4-5 November, 1998 Nepal

A two day orientation on the Convention was conducted for UN personnel in Nepal. The orientation was designed and facilitated by the director of IWRAW Asia Pacific and Sapana Malla one of the members of the Advisory Committee. The orientation focussed on creating an understanding of the meaning of equality and non discrimination as demanded by the Convention, issues pertaining to the application of the Convention in specific contexts, the role of UN agencies in promoting the

implementation of the Convention, and the link between discrimination and sexual harassment.

2.1.2.2 (vi) Orientation on the Convention, 16-18 December 1998 Catic Plaza Hotel Beijing China

Introduction and accomplishments

A three-day orientation on CEDAW was held on 16-18 December 1998 for seventy nine women in Beijing, China. The majority of the participants were from the various provinces and head quarters of the All China Women's Federation, while the rest were faculty and students from the Women's College, faculty from the Centre for Legal Studies and Services, Beijing University and the Media. This was a collaborative activity between IWRAW Asia Pacific and the All China Women's Federation (ACWF)

Although China ratified the Convention in 1981 and its 3rd and 4th periodic report and Hongkong's first report was due in January 1999, this is the first time that an orientation on the CEDAW Convention was held in China. Secondly, the timing of the orientation was very productive as it was held on the eve of the review of the reports of China and Hongkong by the CEDAW Committee. This presented an opportunity to familiarise the women with the report of China and to get them to reflect on the contents.

It also provided an opportunity for them to get acquainted with the processes that had taken place in Hongkong through the efforts of government and non-governmental organisations in the preparation of Hongkong's report

Participants benefited from learning about the concepts of substantive equality and direct and indirect discrimination, which are the fundamental principles on which rights for women are based in the Convention. The understanding of the concepts of equality and discrimination had been hitherto confined to the traditional notions of formal equality and discrimination that was overt in nature, while non-discrimination was equated with neutral treatment. They had not been exposed to the empowering interpretations of these principles as advocated by the Convention. The exposure they have received at the orientation provided them with the tools to interpret state obligation under the Convention differently, an interpretation that places an obligation on the state for the practical realization of women's rights. As one of the participants state, "at this orientation I have learnt to look at my rights from another perspective."

Participants also benefited from learning about CEDAW implementation in other countries and the role NGOs can play in monitoring and facilitating the implementation of the CEDAW.

The women brainstormed in groups on the *Role of Public Institutions in facilitating the Enjoyment of Rights by Women, and on Strategies for Legal Reform and Building Capacity of Women to Claim Rights.* Suggestions were made for strengthening existing state interventions in this regards, new ideas were also generated and barriers to women's advancement were discussed. There was much participation and while there was not always an agreement, it was also clearly brought out that while the state had legislated extensively to protect women's rights, flaws in the procedures for implementation of the law denied the benefits of the law to women. It was strongly felt that the implementation duty to enforce crime prevention. It was emphasised that culture and tradition that positioned women as inferior to men was strongly entrenched in the society and in various institutions and undermined attempts to bring women into the mainstream of national development. It was pointed out that the whole society must learn about Women's Law of 1992, and not the Women's Federation alone. The legal system itself should provide legal aid and counselling for women. It was also proposed that there should be advocacy for an acknowledgement

of women's contribution to social development and human civilization. Women have a role in pushing the society forward and women's contribution historically should be publicised to raise the awareness of society.

This orientation, held just prior to the review of China's report has created a climate in which the ACWF is motivated to sharpen their skills in order to strengthen the implementation of the Convention with a clearer understanding of equality and discrimination and to follow up on the recommendations that will be given by the CEDAW Committee upon reviewing China's report in January 1999.

Participants received several key documents. These included,

- (i) Official documents in Chinese such as the text of the Convention on the Elimination of All Forms of Discrimination against Women, the General Recommendations prepared by the CEDAW Committee, the 3rd and 4th periodic report of China, Initial report of HK under the CEDAW Convention (English and Chinese), Copies of the concluding comments of the CRC and CERD on China Extracts from the CEDAW Annual report dealing with the initial and second reports of China (1984 and 1992), CEDAW's revised guidelines for report (Chinese): CEDAW/C/7/Rev.3)
- (ii) NGO documents such as the IWRAW ComSec Manual Assessing the Status of Women (Chinese version), IWRAW Guide to Shadow reports, Reporting Under the Convention on the Elimination of All Forms of Discrimination against Women: How the Process works and how the NGOs can make use of it, prepared by the Centre for Comparative and Public Law, University of Hongkong, Papers from the Centres' Hongkong, CEDAW seminar, and papers from the training manual of IWRAW Asia Pacific such as The Social Construction of Gender, Towards Substantive Equality, Principles of State Obligation etc.

The difference in language capabilities of the IWRAW Asia Pacific and the participants poses serious difficulties but the excellent interpretation services provided by the ACWF was instrumental in overcoming the difficulties.

Background

It is a fact that despite all the drawbacks of the high level of state regulation that China represents, it has the distinction of having accepted the premise of equality and non-discrimination long before any other member state of the United Nations. However it cannot be stated that such an action has resulted in the adequate protection of fulfilment of women's rights. Illiteracy, discrimination in employment, domestic violence, trafficking in women and girls, the unfair impact of population control policies on women and girls and disparities between the status of rural and urban women are all issues that are still of concern. While the state has put in place extensive legislation to protect the rights of women, they lack the teeth for enforcement and prevailing ideology that stereotypes women and men is a serious barrier. At the macro level, the challenge of the economic transition and the massive population poses enormous difficulties for the state.

In order to better understand the complexities within China so that IWRAW Asia Pacific could collaborate appropriately with women in China, a Social Investigation Visit to China was conducted in July 1997. The trip confirmed that without an official or "semi-official" partner organisation in China, it would be next to impossible to set up a programme. Although the All China Women's Federation has many limitations as an "official" body run primarily by professional staff, it has many advantages and strengths. It does act as the wards in the National People's Congress as well as in

other national policy making for a. It the official mandate to work for equality and women's advancement. ACWD therefore can provide a strategic entry point to ensure that the discussion on rights and equality in the context of the Convention gets out of Beijing and in to the provinces.

The existence of progressive domestic legislation in China, which has incorporated the provisions of the Convention, means that any orientation or training on rights and equality must have continuous reference to domestic legislation. In particular, the Women's Law of 1992 needed to be included.

During the Social Investigation Visit, response to the question of the relevance of the Convention in discussions on equality, given the existence of the Women's Law, several persons expressed the opinion that there was not enough awareness about the social and cultural implications of the Women's Law. Second, that there had not been enough public discussion during the drafting of the Women's Law. If the Convention could provide an entry point to generate public discussion on the social and cultural aspects of gender inequality, it could mobilise activism on rights issues. Accordingly one of the recommendations of the Social Investigation Visit was to conduct a substantive orientation on the Convention involving the ACWF members and others as an entry point for further work in China.

Planning for the workshop

At the Social Investigation Visit carried out in July 1997, it had been agreed in principle with the ACWF that a substantive orientation on the Convention would be carried out by IWRAW Asia Pacific for about sixty women in China. For various reasons, the orientation was carried out only on 16-18 December 1998. Once the date were fixed, it took approximately three weeks of negotiation for IWRAW Asia Pacific and its key resource persons and the ACWD to come to an understanding and consensus on expectation from both sides, on the objectives, topics, time table, selection of resource persons and logistical requirements.

Ten background papers/training materials including the statement of objectives were sent to the ACWF for translation into Chinese.

Resource persons went in two days before the orientation and finalised selection of case studies, prepared transparencies for presentation and had these translated as well.

A small steering group comprising IWRAW Asia Pacific resource persons and the ACWF member from the International Cooperation Department, with whom communications had hitherto been held, was set up to monitor and ensure optimal results form the orientation.

Objectives of the orientation were as follows:

- Raise awareness about the significance of the CEDAW Convention as an instrument to plan development and access rights for women through law and policy reform.
- 2. Create clarity on key concepts and principles pertaining to women's rights supported by the CEDAW Convention: equality, discrimination and state obligation.
- 3. Raise awareness of the importance for women to engage in international advocacy in order to advance women's rights and provide information on the procedures by which the CEDAW Convention is monitored by the CEDAW

Committee at the United Nations level, as well as the entry points for women's participant.

- 4. Discuss the following:
- Critical issues pertaining to women in China
- China's 3rd and 4th periodic report from the point of view of efforts made by China to implement the CEDAW Convention
- The Women's Law, prospects, issues and limitations
- The implementation of the CEDAW Convention in Hongkong
- 5. Develop skills in the practical application of the principles of the CEDAW Convention in order to develop a comprehensive approach to women's development
- 6. Discuss actions that can be taken by the ACWD with regard to the implementation of the CEDAW Convention.

Topics and Resource Persons

History and key features of the CEDAW Convention: Shireen Hug - Consultant

Equality and discrimination: Shanthi Dairiam Principles of State Obligation: Shanthi Dairiam

UN mechanisms and procedures for monitoring Andrew Byrnes, Professor

of Law, Hongkong The CEDAW Convention

University

Critical Issues pertaining to women in China: Ding Lu- ACWF

China's 3rd and 4th periodic report to CEDAW; Cai Sheng-ACWF Group discussion on above: Andrew Byrnes

Women's law, Prospects, Issues and Limitations: Ding Lu-ACWF

Experiences in the implementation of the CEDAW Andrew Byrnes-Law

Professor, University of Hongkong and Moana Erickson-Luce scholar

Case studies in practical application Shanthi Dairiam/Shireen

Hug

Actions that can be taken by the ACWF to facilitate the

Implementation of the Convention Huq ACWF

Shanthi Dairiam/Shireen

Training process

Convention in Hongkong

Although the group was large and diverse the orientation was participatory in nature. Local case studies for skilling in CEDAW application were used and there were group discussions and time for questions and inputs of ideas and opinios from participants. The language used by IWRAW Asia Pacific resource persons was English while the participants and the ACWF resource persons spoke in Chinese. Excellent interpretation services were provided by the ACWF.

The participants were given several handouts and materials.

IWRAW Asia Pacific resource persons

The key resource persons provided by IWRAW Asia Pacific were Shanthi Dairiam, Director, Andrew Byrnes, Professor of Law, University of Hongkong, Shireen Huq, Consultant from Bangladesh and Moana Erickson, Luce Scholar attached to the Centre for Comparative and Public Law, University of Hongkong, Both A Byrnes and S Hug are members of the Advisory Committee of IWRAW Asia Pacific.

ACWF Resource persons

Ding Lu, Head of Legal Division and Cai Sheng

Participants

A total of 79 women participated. 26 women came form twenty-three provincial/municipality offices of the ACWF, 18 were from ACWF, Beijing, 15 faculty members and 12 students from the China Women's College, 4 were from the Women's Law Studies and Legal Services of Peking University and 4 were from the media.

Highlights of the discussions that took place on future activities

Discussion focussed on the Role of Public Institutions in Facilitating the Enjoyment of Rights by Women, Strategies for Legal Reform and the Need for Building Women's Capacity

Role of Public Institutions

Public institutions have a responsibility to create a climate in which people will have the confidence and capacity to assert their claims to rights.

For example the Education Department must expedite the eradication of illiteracy and women's enrolment in institutions of higher learning

There must be more effective labour protection for women. Access to social security and maternity benefits must be enforced. In general the implementation of laws protecting women's rights such as the marriage law needs to be monitored.

There has to be better public security and the government needs to take more efforts to crack down on social evils.

More effort has to taken by the government to encourage a positive image of women in the media

Above all poverty alleviation is critical to create conditions for the fulfilment of women's rights.

All the relevant public institutions are components of the National Committee on Women and they should do a good job.

Most problems lie in the area of article 5 of the Convention which are custom, tradition and the stereotyping of women as inferior to men. IT IS UN UNSEEN WAR. We have to evaluate what the problems are and be more vigilant.

The National People's Congress should strengthen their efforts at law enforcement at all levels and they should do more practical things.

Provincial authorities should pay more attention to the realities of women in their province, as there a different problems in each province.

More women should recruit into public positions.

Legal Reform

Women have to participate in legislative work. They have to play the role of experts and scholars. Many NGOs are already involved in drafting laws. One of the ways of making this effort more effective is to deal with particular cases and put forward legal suggestions for a particular category of cases. This could be a good basis for law reform.

We can take serious cases of violations of rights and play the role of legal agent and get the media and experts to monitor the judiciary and express our viewpoints.

The judiciary needs to be trained. We could conduct surveys and studies on the legal problems of women and hold seminars. The judiciary could be invited to these seminars. Special emphasis could be placed on training women judges. Judges and lawyers must receive vocational job training (orientation on women's rights) before they joint.

Training of the police is also critical.

In the National Peoples Congress of China there is a legal and mass organisation section and in each province there is review of the law. We could monitor the trial of the cases through the People's Congress.

A monitoring law is being drafted to provide guidelines on how to monitor the implementation of the law and to develop relevant indicators. These efforts should be made more effective.

The Women's Federation can act as jurors.

We can ask the judiciary officials to join NGOs so they can see first hand what the problems of women are and be a bridge

Women lawyers, judges and the police can meet regularly to exchange views.

There are women's tribunals composed of women judges and jurors at the grass roots level. The judges could be given working experience at the Women's Federation as the Federation considers cases relating to women and children.

The key strategy is to raise women's awareness about their rights. This has to be done in different contexts and the differences between the urban and rural sectors and the more developed and less developed regions have to be considered.

There is an existing give-year campaign on legal education for women teaching them about what the law is and how to use it. It should be ensured that rural women have access to this training.

The whole society and male leaders in particular must be mobilized and their awareness of gender issues raised.

The potential of existing legal centres must be mobilised.

NGOs need practical training but they have a fund shortage.

Building Women's Capacity to claim rights.

The most critical problem is the inability of women to claim their rights. Women's competence and confidence is important. They should be educated first.

The following should be carried to facilitate the claiming of rights by women.

- Illiteracy should be eradicated through compulsory and adult education and skills training for women.
- Sanctions on criminals should be strengthened
- The Women's Law and the Marriage Law should be widely publicised to raise the awareness of society
- NGOs should be supportive of one another's work.

Excerpts of responses from participants at the end of the orientation

"I realise that that my rights are being violated and I realise I must protect my right. At this orientation I have learnt to look at my rights from another perspective."

"We learnt about the CEDAW Convention and about its implementation in other countries and that IWRAW Asia Pacific has been objective in evaluating rights and CEDAW implementation in other countries."

"Information exchange is good. We realise that the gap between law and reality is big"

The most important thing we learnt is not to wait for the Government to act but we must push for laws or policies to be adopted. I hope that in China in the future, the implementation of the law will also happen"

"I would like more women in Yunan province to know about CEDAW and I would like you to come there and give an orientation."

Follow up

Discussion were held with Ms Chen Yongling, of the International Co-operation Division, ACWF on follow up activities and the following suggestions were made.

- 1. Carry out a workshop on one topic in the context of one locality, and build skills in the application of the principles of the Convention. A good choice is to do workshop for ACWF members in the provience of Yunan on the application of the Convention on the issue of women's health, identifying state obligation for women's health under the Convention and assessing existing health policies and programmes in the province using the framework of the Convention. Yunan and the issue of women's health had been raised in the orientation.
- 2. The Women's College needs to be strengthened as an institution. The students will become future women's cadres and inputs could be made into the curricula of the college incorporating women's rights concepts.

It was decided to start with the workshop in Yunan. IWRAW Asia Pacific and the ACWF will raise funds for workshop collaboratively and technical assistance will be provided by IWRAW Asia Pacific. The workshop could be conducted in the latter half of 1999.

2.1.3 TECHNICAL ASSISTANCE AND SUPPORT

The specialized and complex nature of the Convention-related advocacy has necessitated continuing assistance as initial efforts get channelled into specific advocacy at the national level. This assistance has been through various forms, as follows:

2.1.3.1 Information Dissemination

Positioned as women's rights regional institution, IWRAW Asia Pacific has responded to requests for pertinent information, materials or resource institutions or individuals. This assistance has been through various forms, as follows:

Response to requests for information

- The Sisterhood is Global Institute, Bethesda, United States, for information on women's organisations from the Asia Pacific Region dealing with violence against women, a copy of the Malaysian Domestic Violence Act and a paper written by IWRAW Asia Pacific discussing Malaysian legislation dealing with violence against women and its effectiveness (April)
- Gave pre-written information sheets on CEDAW and guidelines on making shadow reports, to a newly developed organisation called Burma Issues that was interested in the CEDAW processes. (April)
- Indonesia's Association for Justice (LBH-APIK) for materials dealing with constitutional changes as Indonesia was lobbying for changes in their Constitution, and the organisation concerned wanted to ensure that gender perspectives be included in the new Constitutions (June)
- The Law Faculty, University of Colombo for material for the 'Transition, Post-Independence Changes and the Future: Critical Issues of Law and Justice in South Asia' (June)
- Najia Hyder of the Women's Studies Center, Pakistan for materials on Sexual Harrasment (June)
- Mere Pulea, Fiji, a member of IWRAW Asia Pacific's Advisory Committee for studies that sets out governments strategic plan covering 3,5 or so years to reform the law specifically targeting women, models of strategic plans on specific areas of concern, for example 'Women and Criminal Law' etc (June)
- Ines Smyth of Kalyamitra, Indonesia for 'Rape Counselling Training Materials' in response to the rape of ethnic Chinese women during the May riots in Indonesia (July)
- Mr Ser of the Malaysian Chinese Assembly Hall for information regarding the rights on women, particularly in relation to Indonesia. Information included the Convention on the Elimination of All Forms of Discrimination Against Women, General Recommendations 19 dealing with violence against women, information of Indonesia's accession to the Women's Convention, Convention on the Rights of the Child, Convention against Torture, Other Cruel, Inhuman and Degrading Treatment (July)
- Nor Aziah Hj Mohd Awal, lecturer of law at University Kebangsaan Malaysia, for information relating to the Convention on the Rights of the Child (July)
- Hameeda Hossain of ASK Bangladesh and sara Hossain of INTERIGHTS for materials on protective custody for women which included Malaysia's laws on 'protective custody' for women i.e the Women and Girls Protection Act and the Child Protection Act (July)

 Equality Now, New York, United States requested for information or contacts who could furnish information for a shadow report on Cambodia to the Human Rights Commission (December)

2.1.3.2 Research / Papers written

- A theoretical and practical analysis on the Malaysian legislation dealing with violence against women in response to a questionnaire from World Organisation against Torture (OMCT), Geneva, Switzerland (March)
- A mostly theoretical survey of the laws governing violence against women in the Asia Pacific region in response to q request from the International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver, Canada for Model Strategies and Practical Measures on the Elimination of Violence against Women in the Filed of Crime Prevention and Criminal Justice (April)
- A chapter on 'Recognising and Realising Women's Human Rights' to be published in The Universal Declaration of Human Rights: Fifty Years and Beyond; Edited by Yael Danieli, Elsa Stamatopolou and Clarence J Dias (july 1998)
- Short introduction to the 'Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination against Women'; United Nations Development Fund for Women (UNIFEM); edited by Ilana Landsberg-Lewis (October 1998)

2.1.3.3 Advisory to the Malaysian Government

In 1997, the Director of IWRAW Asia Pacific was appointed advisor to the Government of Malaysia in the writing of their initial report to CEDAW by the Department for Women's Affairs. She advises the inter-ministerial group set up to prepare report. Her input included the provision of the CEDAW guidelines for reporting as well as guidelines provided by others, explanations on the scope of state obligation, briefings on expectations of CEDAW and method of review, provision of examples of concluding comments, general pointers that would enhance the equality of the report and feedback on drafts of the report.

2.1.3.4 Assistance to the Masimanyane Women's Support Centre, East London, South Africa on producing a Shadow Report

Assistance was given to the Masimanyane Women's Support Centre to produce a shadow report. The initial report of South Africa was reviewed in June 1998. IWRAW Asia Pacific assisted the group in producing a shadow report on Violence against Women. They were given guidelines on writing the report and feedback was given on the drafts of the report.

2.1.3.5 Requests for Miscellaneous Assistance:

- Identified possible donors for the organising of The 3rd East Asia Women's Forum; 23-26 August; Ulaanbaatar, Mongolia by the Liberal Women's Brain Pool (LEOS) (June)
- Assisted Zanaa Jurmed, the coordinator of the National Network on CEDAW Monitoring in drafting the proposal to Asia Foundation for the funding of the Mongolian Training of Trainers in September (July)

- Reviewed and gave feedback to the draft Mongolian Domestic Mongolian Violence Act to the Mongolian Women Lawyers Association and the Mongolian National Center against Violence. IWRAW Asia Pacific also forwarded a draft copy of the South African Domestic Violence Act as a model of progressive piece of legislation (October)
- IWRAW Asia Pacific contributed to the putting together of a publication on women's rights as part of the global campaign to commemorate the 50th anniversary of the UN Declaration on Human Rights, put together by a Polish women's group. The two pieces included were IWRAW Asia Pacific's the concept paper on training and materials dealing with the challenges of promoting universal minimum standards for women's rights taken form its forthcoming training package (December)
- IWRAW Asia Pacific was consulted by the UNDP Asia Pacific Gender Programme (APGEN) on the parameters of the APGEN programme in the parameters of the APGEN programme in the Asia Pacific region.

Objective 2: To contribute to the strengthening of the implementation Convention and the Beijing Platform for Action through:-

Related activities that were undertaken were the following:

2.2.1 PARTICIPATION OF IWRAW ASIA PACIFIC IN THE 42nd SESSION OF THE COMMISSION ON THE STATUS OF WOMEN & IN THE OPEN ENDED WORKING GROUP ON THE LABORATION OF AN OPTIONAL PROTOCOL TO THE WOMEN'S CONVENTION: 2-13 March 1998

Eleven women from Bangladesh, India, Nepal and Sri Lanka participated in the 42nd session of the CSW. held in New York on 2-13 March, 1998.

Bangladesh: Ayesha Khanam, Secretary General, Bangladesh Mahila Parishad

U.M.Habibunissa, Naripokho

India: Martha Pushparanee, Initiatives: Women in Development

Tulika Srivastava, Lawyer, Association for Advocacy and Legal

Initiatives

Vasudha Dhagamvar, MARG

Monisha Behal

Nepal: Sapana Pradhan Malla, Lawyer, Forum for Women Law and

Development Shantha Thapalia,

Sri Lanka Kamalini Wijayatilaka, Lawyer, Centre for Women's Research

Sepali Kottegoda, Sri Lanka Women's NGO Forum

Sitralega Maunaguru, Suriya Women's Development Centre

Main Activities of the CSW

There were two main areas of focus at this session of the United Nations. They were:

(i) Follow up to the Fourth World Conference on Women (FWCW)

1998 was the third year into the implementation of the Beijing Platform for Action (BFPA) the document that contains the recommendations of the FWCW. Each year the CSW has been reviewing the implementation of certain areas of critical concern from the BPFA. In 1998 the following areas were reviewed.

- Violence against Women
- Women and Armed Conflict
- Human Rights of Women
- The Girl Child

(ii) Elaboration of an Optional Protocol to the Women's Convention

One of the recommendations of the Conference on Human Rights held in Vienna in 1993 was that the CSW should work on the elaboration of an Optional Protocol to the Convention. An open-ended working group set up by the CSW to draft the Optional Protocol had been meeting parallel to the CSW sessions since 1996. Over the three years, the discussions on the Optional Protocol were constantly in dead locked positions and strong NGO presence was needed ensure bottom line positions were not lost in the attempts by States to arrive at a compromise.

(iii) Workshops and Briefings organised by NGOs and other Agencies

Several workshops were conducted by NGO and other agencies running parallel to the CSW that served to exchange information and raise awareness about the issues they were working with

Participation of the IWRAW Asia Pacific Women

The women took part in and contributed to a range of activities

 Participants were advised by IWRAW Asia Pacific to decide on either working consistently with the follow up to the FWCW or on the OP discussions so as not to dissipate their efforts.

Those with legal qualifications participated in the OP discussions. These were,

U.M Habibunissa

Tulika Srivastava

Sapana Pradhan Malla

Shantha Thapalia

Kamalini Wijayatilaka

The others focused on the follow up to the Fourth World Conference

Since the follow up to the Fourth World Conference on women was reviewing four areas of concern, they were also advised by IWRAW Asia Pacific to give consistent attention to one area that might be most relevant to their work. Accordingly, they focussed their attention as follows:

Ayehsa Khanam:

Martha Pushaparanee:

Monisha Behal:

Sepali Kottegoda:

Sitralega Maunaguru:

Violence against Women

Human Rights of Women

Women and Armed Conflict

Women and Armed Conflict

Ayesha Khanam alternated between the CSW session focussing on Violence against Women and the discussions on the OP

Participation in the CSW

The IWRAW Asia Pacific women attended a one day consultation in New York, prior to the CSW organised by the NGO Committee of the United Nations. This gave them an orientation on assessing State action in implementing the BPFA and on forming alliances for lobby.

They participated in the daily general NGO briefings and discussions, which were held in the mornings. In the evenings issue based NGO task forces met consolidate the day's discussion and formulate recommendations lobby the CSW on each area of concern.

The women also participated in the daily meetings of the Asian NGO Caucus

They participated in the NGO lobby to give inputs into the Agreed upon Conclusions, which were the recommendations made by the CSW for each area of concern. Some

examples of inputs provided and ideas raised by the IWRAW Asia Pacific women were:

- Gathering and providing information on human rights commissions in their countries
- Recommending greater resource allocation for human rights action
- Recognising the role of human rights defenders and creating a high level pressure group to support human rights action
- Creating recognition of the fact that economic rights is part of the human rights of women
- Introducing into the discussions, the exploitation of women's labour through structural adjustment programmes
- The adverse impact of liberalisation of the economy on women's labour
- The need to monitor discrimination and violations of human rights such as sexual exploitation that takes place in export processing zones. These zones employ a high number of women
- The need to research into issues of migrant labour, shifting economic opportunities for women, downgrading women into unskilled positions.
- The link between discrimination against women such as unequal personal laws, the low status of women in the family and violence against women
- The need to address various forms of violence against women such as trafficking in women and girls.
- The importance of engaging in reconstruction and peace initiatives when addressing armed conflict

Participation in the Discussion of the Optional Protocol

This was a problematic session as it was difficult to obtain a consensus on the text. Some of the government delegations wanted a strong well-drafted text, which would contribute progressively to international law. Many others were resistant to the idea of an optional protocol. So frequently there were deadlocked positions. So in spite of an intention of having an optional protocol in 1998 to celebrate the 50th Anniversary of the Universal Declaration of Human Rights, the discussions were postponed to 1999.

The discussions were deadlocked around the following issues:

- Standing: Should only the individual victim have the standing to make a complaint or should organisations or groups of individuals make complaints on behalf of the victim.
- What rights or violations should fall within the scope of the OP: actions that violate rights as well as no-fulfilment of positive steps that the state should have taken
- What should the juridical powers of the state be?
- Should reservations to the provisions of the OP be allowed?

Participation in Parallel Activities

Several workshops were organised by UNIFEM, UNICEF, UNDO, WEDO, Centre for Women's Global Leadership etc. Some of the workshops/ panels in which the women participated or were resource persons were:

- Mapping Progress: Implementation of the Platform for Action, sponsored by WEDO
- The International Consultation on Women Transforming the Silence: From Victims to Peace-Building, sponsored by International Alert, UNIFEM, UNDP-Addis Ababa
- Panel on Violence against Girl Children organised by NICEF. This was a public hearing where the girls demanded urgent action to stop child rape and prostitution
- Panel on Violence against Women organised by UNIFEM, DAW and the Bangladesh Mission
- The North South Dialogue

Action Taken by IWRAW Asia Pacific to Prepare the Women for Participation

- 1. Most of the women are participating in a regional project "Facilitating the Fulfilment of State Obligation to Women's Equality" coordinated by IWRAW Asia Pacific. They have also been participating in the trainings that IWRAW Asia Pacific has been conducting. Through these activities they had been periodically briefed on the areas coming up for review at the CSW sessions and in particular on the controversies in the OP discussions. Relevant documents had also been given to them at the trainings. They were therefore familiar with the latest developments in the debates.
- 2. Prior to their departure for the CSW sessions, IWRAW Asia Pacific sent them a set of documents for them to study. This included the agenda of the CSW session, all relevant background papers prepared by DAW for the session, as well as all relevant papers pertaining to the OP Discussion.
- 3. In New York at the outset of the sessions, IWRAW Asia Pacific conducted a brief orientation to familiarize them with UN procedures, the processes of the CSW session, tips on how to organise themselves for the lobby and the best use their time. Substantive issues in particular relating to the OP were also discussed. This facilitated a clear collective position on the OP for the IWRAW Asia Pacific team.
- 4. Midway into the session, a second meeting was held with the IWRAW Asia Pacific team for de briefing, checking on difficulties faced and re-aligning on positions to be taken on the OP debate

Major Accomplishments

1. CSW Sessions

The women made effective contributions to the review of the areas of concern from the BPFA. This is because by and large they had been carefully selected and hence able to contribute to and learn from the experiences of the events of the CSW sessions. For example, the women selected were from organisations that were working on the areas of the BPFA under review hence they were able to contribute to the analysis of the issue concerned and had clear ideas that should go into the Agreed Conclusions. They had also participated in the FWCW and hence familiar with the dynamics of UN meetings.

- ii) Many of them were also working on monitoring the implementation of the BPFA and had participated in ongoing review activities that had taken place nationally and some of them had taken part in review activities regionally that had just taken place prior to the CSW session. They therefore came with updated information on the progress of the implementation of the BPFA and attendant problems nationally and regionally.
- iii) The women attended the NGO briefings regularly and lobbied consistently at the CSW sessions both with their own government delegates and generally. They also tried to bring some cohesion into the Asian Caucus, which was poorly organised.

2. Optional Protocol Discussions4

- i) The IWRAW Asia Pacific team was an integral part of the NGO lobby at the discussions of the OP. They had clear bottom line positions and were considered to have contributed constructively to the lobby process.
- ii) One of them, Tulika Srivastava stands out as having displayed excellent lobbying skills and received open praise from the chair of the OP discussions and the Indian delegation as having made very good contributions to the progress of the discussions. In recognition of her ability, the Women's Caucus for Gender Justice retained her after the OP discussions to participate in the prep com of the International Criminal Court that took place immediately after.
- iii) Kamalini Wijayatilaka also achieved much at the OP discussions. She inspired her mission representative to take an interest in the OP (the mission had no intention of being involved in this) and so won his confidence that he even deputised her a few times to sit in for him at the discussions and brief him of developments as he was alone and had to split his time between the CSW sessions and the OP discussions.
- iv) Sapana Pradhan Malla and Shantha Thapalia also motivated their Mission personnel to take an interest in the OP. They briefed them on its significance and updated them on the latest debates. Seeing the lack of communication between the Nepali mission in New York and the capital on this matter, they tried to facilitate this communication as well.
- v) Ayesha Khanam also lobbied her ambassador, the first secretary of the mission and other government delegates with regard to the OP

3. Parallel Activities

3. Parallel Activitie

i) The women made good contributions to the parallel NGO and other agency activities as well. They were resource persons, provided key documents, and information that were relevant to the workshops and were active discussants.

4. Networking and Collection of Documentation

At the informal level, the women reported that they were able to establish/renew contracts with other groups, individuals and organisations which facilitated exchange of programme strategy, information and ideas for collaboration. Many documents pertaining to human rights FWCC follow up and Violence against women were collected. Some decisions to collaborate were also made.

⁴ The participation of the IWRAW Asia Pacific team in the OP discussion was very good. As a result, IWRAW Asia Pacific raised money and sent the same team to the 1999 discussions for the sake of continuity

Problems faced

- 1. Although the daily NGO briefings were interesting they were not focussed enough to link clearly to the CSW discussions for the day. The Asian Caucus lacked cohesion and clarity on regional issues and was poorly organised. On the last two days concrete suggestions were made to strengthen the caucus. A decision was made by the caucus to share and learn about procedures to intervene for effective participation in UN Conferences and to maintain continuity and to hold a regional meeting by the end of the year for this purpose.
- 2. Sudden venue changes of one issue specific NGO task force reduced the participation capacity of one of the women who was in this task force.
- 3. Three of the women were not very effective. One of them had not been too involved previously in the UN processes for the advancement of women and secondly the agenda of her organisation was not in tune with using international / UN processes as a strategy. The other two persons came from organisations that were in tune with using UN processes but the women concerned had not participated in a UN process before and hence found it difficult to get their bearing.

Participation in the CSW session requires familiarity with the UN processes and the history and dynamics of NGO government delegation relationship at these processes to be effective. At the same time the women should have enough involvement on the ground to link local and national realities with international strategies. There has to be continuity in involvement and experience to build up the rights kind of capability. A certain kind of personality is also needed.

4. A lot more preparation had to take place for making the UN process effective. NOGs need to lobby their government prior to the CSW meeting and then continue to lobby after the CSW meeting as well. The Nepalis realised this when they found in New York that their mission had no instructions from the capital on the OP. It was too late at this stage to get them to make a stand

The realisation is that a lot more organisation has to take place locally for effective international advocacy.

Follow Up Activities

An attempt was made to keep in touch with the women after their attendance at the CSW session to get a report on follow up. The women stated that they have de briefed others on their return and that much of the experiences gained is already reflected in their programmes. Examples of this are:

Bangladesh: Organised a dissemination meeting with the Central Committee sub-committee members, Dhaka metropolitan city committee members and the Dhaka metropolitan city branches of the Bangladesh Mahila Parishad.

Written an article in a daily newspaper and in a quarterly magazine.

India: Incorporated the insights gained on the human rights women into the training of police inspectors making the emphasis on human rights an over riding agenda of the programme.

Briefed women's groups on the latest debates and dead locked positions within these debates whenever training was conducted.

Attempts to raise women's groups awareness to transform their programmes bringing in a rights framework.

Nepal: Made contact with the Ministry of Law Secretary to brief him on the significance of the OP and the need for Nepal to be more involved. Invited him to other events organised by the group and raised the issue there again. Raised the issue of the OP at all relevant meetings and training attended.

Sri Lanka: Met with officials of the National Committee on Women, the Women's Bureau and the Ministry of Women's Affairs and were briefed on the proceedings of the CSW session. Since no one from the Ministry had attended the CSW, the importance of the presence of the Ministry at the CSW session and in particular their involvement in the OP discussions was emphasised.

The constituent members of the Sri Lanka Women's NGO Forum were also briefed. A briefing was also given to CIDA and other NGO representatives.

The NGO forum has been since active in post Beijing Follow Up activities nationally and in the region and they bring into these activities much of their experiences of the 1998 CSW session.

PARTICIPATION IN THE REGIONAL DIALOGUE RAPPORTEUR ON VIOLENCE AGAINST WOMEN WITH THE SPECIAL

Introduction

Audrey Lee, programme officer, represented IWRAW Asia Pacific at the consultative meeting, which was held in Kalutara, Sri Lanka. The meeting was jointly organised by Asia Pacific Women, Law and Development (APWLD) and Law Society Trust of Sri Lanka.

The general purpose of the meeting was to facilitate the interaction between women's groups and the Special Rapporteur, to familiarise them with the work of the Special Rapporteur on Violence Against Women (VAW). The meeting would also facilitate feedback to the Special Rapporteur on her past reports (comments, suggestions on advocacy and how her mandate can be best put to use) as well as getting information and suggestions upon which to base her future reports.

The major item that was decided at the meeting was to lobby for ratification of the International Criminal Court (ICC) by the year 2000.

Commitment undertaken by IWRAW(Asia Pacific)

It was decided that it is the responsibility of the IWRAW (AP) to disseminate information on Radhika's 4th Report at every meeting or training that is attended or organised.

Recommendations for the 4th Report

- To focus on the constitution of ICC and to view it as a peace document. To hold a campaign to ratify ICC by year 2000 especially in dealing with AC and violence by state which is ever increasing.
- 2. Dissemination of the Special Reporter's 4th Report to government and non-government organisations on a large scale. A publicity campaign should be

- launched and coordinated regionally, thus giving the report publicity and in some way validating it.
- 3. To raise awareness of the report at the Asia Pacific People's Assembly 10-15th November (anti APEC forum) and also if possible to try to find time for discussion of VAW and economic disruption/ crisis (different situations in countries like Malaysia versus the situation in Indonesia or Korea) at the parellel meetings.
- 4. Expand on the mandate of the Special Rapporteur. The SR's role should include expanding definitions. Weakness of report is that it lacks an emphasis on AC and more on refugees and there already is a law on refugees while there is none existing on displaced persons and should be SR's work to define laws relating to that. Also, the condition faced by migrants and women who become beggars in foreign lands or become imprisoned etc has not been studied. There is a genuine link to custodial violence in these cases. Foreign women are generally more vulnerable as they have no support network. Repatriation efforts are also lacking. Non repatriation of foreign individuals who have served out their penal sentence is common. Even their own countries foreign missions often do not act.

Recommendations for the 5th Report

- 1. Rights in the family must include rights to marriage, divorce and inheritance
- 2. A campaign for a uniform civil code must be advocated since this provides a standard for all women in any country thus circumventing problems that arise in personal law regimes.
- 3. To advocate for conviction friendly legislation for Domestic Violence and other sexual offences.
- 4. The difficulty of applying the due diligence standard to state obligations is not clear is due to the fact that it is difficult to quantify a standard in *omission*. There has to be more effort in pressuring the state to remove the reservations placed to limit the definition of their obligation under the treaty law.
- 5. National legislation which prevent the definition of family from being expanded must be challenged. The Cairo definition of family (broad definition which can incorporate same sex relationships because it focuses on a persons right to safe, caring relationship) must be embraced and validated.
- 6. Countries largely ignore home based economies or work by women. In general women's contributions are not seen as 'formal' contributions.
- 7. The flexibilisation of labor needs to be analysed since this has caused mass layoffs of workers in sectors of the economy that previously hired a major portion of manpower. More casual/contract workers are being hired .They are lowly paid and cannot apply for union membership. This lack of security increases their vulnerability to sexual abuse at work and in general.
- 8. Review of budgetary commitments for women show that women's issues are not given a high priority by government.
- 9. On the occasion of the anniversary of ILO, NGOs should work on the issue of freedom of association. Some countries use the national security laws to curb trade union activities or Printing Press and Publication Act used to stop NGO activity especially those, which speak on the issue of policies which negatively affect migrant workers.

FACILITATING THE FULFILLMENT OF THE STATE OBLIGATIONS TOWARDS WOMENS EQUALITY (1997 and ongoing)

Overview

This is a long term project that aims to gradually build capacity of national level groups to systematically monitor the improvements in women's access to justice and equality as a result of their governments fulfilling their international commitments

towards this end. The project will focus on commitments of the governments under the Women's Convention while at the same time taking on board the contexts provided by the Beijing Platform for Action. This process will also facilitate purposeful and structured networking among the groups at the national level as they will share a common goal with specific tasks and shared responsibilities. Similar networking on a regional basis is also envisaged. As a common framework will be used for the monitoring, there is a potential for cross-country sharing of results, comparative analysis and regional and sub regional activism.

Rational and Goals

- 1. This project envisions the creation of a monitoring mechanism to access and facilitate the fulfilment of State obligations toward women's equality in line with their commitments as States Parties to the Convention and as parties to the Beijing Platform for Action.
- 2. The outcome of this will also facilitate sustained activism and demands for reform that is specific to the situation and substantiated by a sound information base. The aspiration of this project is to provide the basis for moving from rhetorical demands to concrete action demands
- 3. This project will help women develop skills in rights awareness-raising and build capacity for the domestic application and use in local activism of the Convention and other human rights instruments as part of the process of monitoring the implementation of the human rights chapter of the Beijing Platform
- 4. The project envisages a collaborative NGO State partnership through which the results of the project can be shared and specific actions and strategies developed. The monitoring will not only surface continuing areas of disparity and discrimination but also positive measures put in by the State and their effectiveness.

Overall Project Objectives

Long Term

Contribute to the implementation of the Women's Convention and the Beijing Platform for Action

Achievement of equality

Strengthen NGO capacity for advocacy

Short / Medium-Term:

National

- Establish a foundation for sustained and effective NGO led system for monitoring State compliance with and fulfilment of obligations under the Convention
- Contribute to the determination of indicators by which to assess advances in the achievement of equality.
- Contribute in increasing greater awareness on the Convention and involvement by women and NGOs in CEDAW process
- Contribute to the implementation of the Convention and the Beijing Platform of Action, focusing on law and policy and identify where state action is lacking.

- Track and demonstrate best practices and positive national level activities that have led to the successful impact on government legislative and exchange this information for use by others.
- Strengthen capacity of women and NGOs to actively engage in national advocacy and to intervene in CEDAW processes.

Sub regional / Regional

- Generate systematised, processed and analysed data and information pertinent to the implementation of the Convention
- Formulate strategies, facilitating factors, barriers etc for advocacy
- Contribute to the intra sub regional and regional flow of critical information among NGOs and other institutions
- Contribute to a drawing up of a sub regional picture of State compliance

Geographical spread

The geographical spread of the project includes the whole of the Asia Pacific. The project has been implemented as two sub-regional projects i.e in South Asia and South East Asia.

The project is working within nine countries in South East Asia, namely:

- Cambodia
- Laos
- Indonesia
- Malaysia
- Mongolia
- Singapore
- Philippines
- Thailand
- Vietnam

Though Mongolia is not part of the South East Asia region, they were included in the project due to their overwhelming response and enthusiasm to participate. The project was not able to take on board Cambodia and eventually lost mid way in the process. Singapore. Reasons for this are discussed later in the report.

In South Asia, the project was implemented as planned in:

- Bangladesh
- India
- Nepal
- Pakistan
- Sri Lanka

Mention must be made that the project in South East Asia and South Asia have resulted in a synergistic effect between the two sub-regional projects. Outputs of both projects provide learning experiences.

Long-Term Implementation Plan

The Facilitating the Fulfilment of Government obligations Towards Women's Equality project is expected to be implemented in several phases.

Method of Implementation

- 1. Core groups would be set up in each country to act as monitors. They would take responsibility for the first activity of the project which is the research and writing of a preliminary baseline report that would identify the status of women and contributory cause as relevant to a particular issue of priority as well as the gaps in the fulfilment of state obligation with regard to this issue. The preliminary baseline report would be based first on secondary information that is already available. Primary research will be conducted for gaps surfaced in the research.
- 2. The baseline report would be used for large scale advocacy.
- 3. The first level advocacy would be followed by ongoing monitoring and further advocacy.
- 4. Annual regional meetings would be held to evaluate and plan to ongoing implementation of the project.

Activities / Outputs undertaken in 1997

1. The project started in 1997. The first sub-regional regional meeting was held for the South East Asia region to develop a framework for information gathering and to endorse short term and long term plans with indicators to assess State obligation to women's rights.

Refer to Annex II for the framework for research

- 2. Issues for the South East Asia countries were identified⁵ and there was an agreement of the methodology that would be used by each core group as well as the agreement of a work plan by which to follow. It was decided that each baseline report would address one priority issue in the country.
- 3. Core groups were set up in South East Asia to act as monitors to assess the fulfilment of State obligation under the Convention

Refer to Annex III for the summary of the core groups

• Indonesia: employment

• Laos: Livelihood for Rural Areas Rural Women

• Malaysia: Rights of Women in Marriage

• Mongolia: Employment

• Philippines: Violence against Women

Singapore Equality Under the LawThailand: Trafficking in Women

Political Participation

• Vietnam: Women and Livelihood

⁵ Priority issues identified by each South East Asia country were:

4. Starting of the research for the preparation of the South East Asia country specific preliminary baseline reports using the framework developed at the sub-regional meeting. Monitoring the implementation of State obligation to women will take place on the basis of the baseline report.

2.2.3.2 Activities / Outputs planned for and undertaken in 1998

1. Baseline Reports

a) South Asia

Starting of the research for the preparation of country specific preliminary baseline reports for the South Asian core groups. Issues for research were identified.

b) South East Asia

Production of eight preliminary baseline reports by the South East Asia core groups

c) Consultations by the core groups with other women's groups at the national level to validate the date in the baseline report and to collectively agree on advocacy recommendations.

2. Regional Meetings

- a. First South Asia regional meeting to get a commitment from the core groups for long term participation, to have the monitoring framework endorsed, to identify issues for monitoring to develop some skills in the use of the framework and to develop a tentative work plan for the production of the baseline reports.
- b. Second South East Asia regional meeting to collectively assess the quality of the preliminary baseline reports and plan the next steps.

3. Technical assistance given by IWRAW Asia Pacific for the baseline report

2.2.3.3 Implementation according to plan

1. BASELINE REPORTS

a. (i) South Asia

1. Core groups were set up in South Asia to act as monitors to assess the fulfilment of State obligation under the Convention.

Refer to Annex IV for the summary of the core groups

The South Asia core groups identified the following issues for research:

India: Political Participation / Governance

Women in Armed Conflict

Rights in the Family / Marriage

Bangladesh: Violence against Women

Nepal: Unequal Inheritance Rights

Pakistan: Political Participation

Sri Lanka: Violence against Women

a. (ii) South East Asia

Preliminary baseline report were prepared on the following issues

- Indonesia: Violence against Women
- Laos: Rural Women and Economic Opportunities
- Malaysia: Rights of Women in Marriage
- Mongolia: Women in Employment
- Philippines: Women and Violence against Women and Political Participation
- Thailand: Trafficking in Women
- Vietnam: Employment of Women in the Market Economy

All countries produced a draft of the baseline reports with the exception of Cambodia⁶ and Singapore⁷. These reports were assessed at the second regional meeting and feedback given for refinement.

All the countries have had their reports refined with the exception of Indonesia⁸, Philippines⁹ and Vietnam¹⁰

Full reports are available from IWRAW Asia Pacific.

b. <u>In-Country Processes and Consultations.</u>

In-country network and process

Part of the in-country process in developing the baseline report envisaged that other women's groups besides the core groups will be drawn in to provide support and information as well as advice to the country core groups. The wider group of NGOs was important so as to validate the research and be constantly updated on the progress of the work. It is hoped that this entire process would server to give women's groups ownership of the project and to draw in the support of mass based organisations for the advocacy phase of the project.

As it stands, all core groups are committed to and have further expanded the group through in-country meetings. The importance of a process that will validate and provide sources of information to the baseline report has been accepted as necessity to future advocacy strategies.

A process involving NGOs and Governmental Organisations (GOs)

A process involving NGOs and GOs was also agrees upon. This process has the potential to create synergy not only among women's groups and other NGOs but also

⁶ Attemps to involve Cambodia in the project were unsuccessful due to the continuing political turmoil there. Representatives had been invited to the first meeting but it was only at the second regional meeting that a representative from Cambodia was able to attend. IWRAW Asia Pacific is presently communicating with Cambodia in order proceed with the project there.

⁷ Despite several efforts by IWRAW Asia Pacific, the monitoring project did not progress in Singapore. The project will have to start afresh there.

⁸ The Indonesia core group did not follow the baseline report outline in part because those present at the meeting were no longer involved in the project but mainly due to the economic, political and social turmoil that Indonesia went through and is still going through

⁹ The Philippines report has been delayed due to a change of focus in the research. The core group has decided to monitor the issue of violence against women.

¹⁰ The Coordinator of the project has been away for a lengthy duration of time

between NGOs and the Government. The project is premised upon the need for State – NGO collaboration through which the result of the project can be showed and specific actions and strategies developed. This collaboration is the key to facilitating the fulfilment of state obligation under the Convention. In particular the process promotes the strengthening of the National Machinery for Women to play an "inside" advocacy role. So the process envisages the links with the national machinery at the first level, sharing information and recommendations with them so that the NGOs and the National Machinery can speak to the rest of the Government agencies with one voice.

Refer to Annex V for the process.

2. REGIONAL MEETINGS

a) First South Asia Regional Meeting

A conceptualisation meeting was held in Kathmandu, Nepal on 29th March-1 April 1998 bringing together identified core groups to enlist their commitment to and endorsement of the monitoring framework as well as their commitment to the project. Seventeen individuals from all five countries attended the meeting, which was held from 29 March – 1 April, in Kathmandu, Nepal. These represented a variety of organisation, from research based institutions to grassroots organisations.

Logistical support was provided by Form for Women, Law and Development based in Kathmandu.

A full report of the meeting is available from IWRAW Asia Pacific.

Objectives of this meeting

- Create a network of focal points
- Develop a framework for data collection with indicators to assess state obligation to women's rights
- Develop a methodology for the collection of such data
- Develop a standard format for processing the data and transmitting to IWRAW Asia Pacific

Topics or Issues covered

Participants were given an orientation on the meaning and scope of the Convention as a framework for women's rights. The South Asian groups were also given an orientation on the framework for monitoring the implementation of the Convention. The South Asian groups then adopted the framework for monitoring, which had been developed at the South East Asia Monitoring Meeting in Kuala Lumpur in 1997. The then proceeded to consider country level prioritising of area/issues to be monitored according to the most important gender disparities using the framework and standards set by the Convention.

Decisions made

- The term now used to denote focal points is core groups. This activity of identifying core groups to server as monitors was successfully implemented. The core groups identified in each country for the first regional meeting are listed below.
- A process for linking with other groups and to establish a relationship with government for advocacy purposes was also identified.
- Priority issues identified by each country were:

- Indian Political Participation / Governance

Women in ArmedConflict

Rights in the Family / Marriage

Bangladesh Violence against WomenNepal Unequal Inheritance Rights

Pakistan Political ParticipationSri Lanka Violence against Women

 Development of a monitoring framework and the outline for a baseline report based on the framework developed at the South East Asian Meeting in 1997 and was endorsed in the 1998 South Asian Meeting in Nepal.

It was decided at the sub-regional meeting that the first activity of the project will be the production of a baseline report on the identified issue, as a basis on which to measure the increment of change taking place in the advancement of women's rights. Once the baseline report is produced it would reveal areas of non-compliance by the state, both in terms of omission of certain interventions they should have carried out, as well as ineffectiveness of interventions it is carrying out to advance women's rights. It will also surface positive actions by the state-so that models of Convention implementation can be exchanged in the region.

The monitoring framework and baseline report outline is formulated to fall within the parameters of state obligation, as demanded by the Women's Convention. The framework of the baseline report has been structured to surface an inventory of the most important gender disparities (in relation to identified priority issues) using the framework standards set by the Convention.

Due to the complexity of the project, it was decided that the baseline report will be produced using only secondary sources of information. The second sub-regional meeting to assess the need for primary research (if any) and to plan the next phase of the project will follow this.

- The meeting identified methods for coordination and interchange of the information collected, relevant time frames, budgets, skill requirements, long term financial plans.
- A tentative timeframe was decided for the preparation of the baseline report, which was to be completed by January 1999.
- A decision was also made to mobilise a network of women's groups currently working on the identified issue to be part of this project so that an issue network in created to sustain the project.
- The core group attending the sub-regional meeting will also function as the coordinators of the project in each country

b) Second South East Asia Regional Meeting

A second South East Asian regional meeting was held from the 2-6 December 1998, at Bayu Beach Resort, Port Dickson, Malaysia bringing together 22 participants, to touch base, take stock and to plan for the best way to move forward. Despite the fact that the groups concerned were at different levels of accomplishment with regards to the preliminary baseline reports, IWRAW Asia Pacific decided to still go ahead and

hold the second meeting as it would be ideal to make collective decisions about the potential of the project and how the group could support each other.

UNIFEM South East Asia funded this meeting

A full report of the meeting is available from IWRAW Asia Pacific

Objectives

- 1. Familiarise or re-acquaint participants with the Convention-based monitoring project and framework.
- 2. Review and enhance country baseline outlines and reports, considering the following among others:

Comprehensiveness and appropriateness of outline

Relevance of indicators

Comprehensiveness of the data available

- 3. Identify tentative priority areas for primary research and the strategy, methodology and resource requirements for the conduct of the research
- 4. Formulate strategy and methodology for on going monitoring of state action
- 5. Formulate strategy for resource mobilisation for the project
- 6. Raise awareness about issues pertaining to the January CEDAW session, the Optional Protocol to the Women's Convention and the International Criminal Court.

Topics / Issues covered

As most of the participants did not attend the initial meeting, some time was spent on revisiting the principles of the convention so as bring everyone up to par.

With a clearer understanding of the Convention, the group progressed to the rationale of a monitoring framework from which to use as a guide in monitoring State action. The framework was discussed in light of the refinements made at the South Asia meeting where it was felt that research should also be conducted on the 'effect' of discrimination would be in women.

Groups also discussed the difficulties faced in using the framework. Much of the difficulties lay in the particular words used, in terms of its meaning and use particularly since many of the words used did not exist in the local language. Without a suitable alternative translation, the framework could not be fully explained in the local context.

Countries presented Preliminary Baseline Reports on the following themes:

Indonesia: Violence against Women

Laos: Rural Women and Economic Opportunities

Malaysia: Rights of Women in the Family

Mongolia: Women in Employment Philippines: Women and Health Thailand: Trafficking in Women

Vietnam: Employment of Women in the Market Economy

Review Process

The review process was conducted in two parts. The first part involved an in depth reading of each report by all the participants, which were then reviewed in-groups. The groups came together to collectively come up with a comprehensive set of suggestion for each report.

Based on the suggestions given at this session, participants the met in their country groups to come up with final recommendations that the report should take

Issues that emerged at the meeting

The Philippines report produced for the meeting covered a broad spectrum of areas despite the fact that at the first meeting, it was decided that the issue of concern for Philippines women was one of 'Violence against Women'. The groups present at the meeting decided that a priority area for research in the Philippines would be the area of 'Women's Health'

At the first regional meeting, the Thailand participants had expressed two issues that were of concern and should be researched. However, only the 'Trafficking in Women' report was finalised by the time the meeting commenced. Dr Teeranat¹¹ returned with new vigour and enthusiasm to carry on research on the other issue selected, i.e women in political participation

The issue of concern for the other country reports remained as identified in the first regional meeting

Decisions made

The core group would send IWRAW Asia Pacific the research outline based on the recommendations made at the meeting but the end of January 1999. Feedback from IWRAW Asia Pacific will come in by the end of February 1999. The final report should be completed and sent to IWRAW Asia Pacific by the end of June 1999.

The South East Asia group should then have a meeting with other NGO institutions so as to validate the research outline and to identify sources of information. The expansion of the core group was not fully discussed at the first meeting but this idea was fully developed at the South Asia meeting. The only country that expanded on this concept was Malaysia as IWRAW Asia Pacific was able to facilitate such a meeting. It was important to have the others groups contribution and validation of the report as it would the fully represent the concerns of not only one group and would thus carry more weight once the process of advocacy with the government begins.

Data collection (using primary and secondary sources), analysis, developing priority advocacy recommendations and report writing should be completed by June 1999 and the final report sent to IWRAW Asia Pacific. The additional funds that were raised by IWRAW Asia Pacific in early August would be adequate enough to carry out the above processes.

Once advocacy has commenced and the results collected, IWRAW Asia Pacific would raise funds for another regional meeting in the year 2000 for a collective analysis

Participants

There were 22 participants at the meeting but only six of the participants were from the original participants of the first meeting. Most of the new participants however, had been working on the project and had contributed in the writing of the preliminary baseline report.

¹¹ Dr Teeranat's untimely demise in the plane crash has left a gap not only in the Thai community but also in the monitoring project. Her replacement, Dr Putsadee is anxious to carry on Dr Teeranat's efforts.

Despite efforts by IWRAW Asia Pacific to facilitate the Singaporean preliminary baseline reports, the project has not progressed there. IWRAW Asia Pacific will have to start the project afresh with a new Singapore core group.

Though Cambodia is not a participant of the project, a representative from Cambodia was able to joint us at this meeting. They had been invited to the first meeting as well but due to the unstable political situation in Cambodia then, their presence at the first meeting fell through. Attempts to involve Cambodia in the project were unsuccessful due to the continuing political turmoil there. IWRAW Asia Pacific was indeed very fortunate that a representative from Cambodia was able to attend. Attendance at this meeting would serve as an opportunity to afford some understanding on the project when the project is eventually introduced in Cambodia.

Facilitators

Shanthi Dairiam (IWRAW Asia Pacific), Eleanor Conda (Philippines) and Ide Luvsandanzan (Mongolia) acted as facilitators at the meeting.

IWRAW Asia Pacific's two programme officers acted as documentors.

3. TECHNICAL ASSISTANCE

Technical assistance provided by IWRAW Asia Pacific:

- 1. Contracts given to all country core groups for the production of the baseline report with terms of reference and disbursements of funds
- 2. Feedback was given to all reports
 - Electronic communications has been essential in the progress of the reports. Most reports have gone thorough at least two reviews in order to facilitate the progress of the project in line with research framework. The research framework developed is complex in that it shows the interrelatedness of rights. Though only one issue may have been chosen by each country core group, the research surfaces how discrimination in one rights have violates other rights. IWRAW Asia Pacific has continued to play an important role in ensuring that the report is rigorous in and makes the logical connections between the status of women, causes and barriers and effects. Attempts are also made to identify the non-availability of data, which requires primary investigation
- 3. In addition to communication, review and feedback through electronic communications, IWRAW Asia Pacific has also played and continues to play a role in in-country consultations

Technical assistance was given to the South East Asia and South Asia project through attendance at their meetings.

South East Asia

• Malaysia

The initial activist invited to the first regional meeting were replaced with a new group, namely the Women's Aid Organisation. The lecturer of law from the University of Malaya, who was present at the first regional meeting, was also replaced by another lecturer. As a result of the new recruitment and replacement, the process had to be restarted in Malaysia again. IWRAW Asia Pacific provided the core group with an orientation on the project.

As the IWRAW Asia Pacific secretariat is based in Malaysia, IWRAW Asia Pacific was privy to the writing of the Malaysian preliminary baseline report. Wherever possible, we facilitated in the research and contributed in some of the many meetings that were held

Meetings attended were:

- 1. Non-Muslin Research Framework, 7 July
- 2. Non-Muslim Research Framework, 22 July
- 3. Muslim Framework, 28 July
- 4. Malaysian NGO Meeting on the Monitoring Project, 3-4 October

At the invitation of the Malaysian core group, IWRAW Asia Pacific attended this meeting which was held to disseminate the monitoring framework and the baseline report outline to a selected group of Malaysian NGOs. This was necessary in order that the NGO community at large validates the baseline report and to see that the issue of concern is debated fully by all concerned. IWRAW Asia Pacific gave a brief orientation on the Women's Convention and explained the monitoring framework to the participants. The Non-Muslim framework was discussed on the first day and the Muslim framework the following day. The groups invited to attend were Association of Women Lawyers, All Women's Action Society, Sisters in Islam, the Women's Affairs Department and the Women's Crisis Centre

• Mongolia

IWRAW Asia Pacific attended a follow-up meeting to the project, which was held in Ulaanbaatar on 1/5/98 to assist the Mongolia team plan the steps to be taken in producing their preliminary baseline report.

Theme: The Employment Issue in Mongolia in Relation to Women

South Asia

• India

The core group for India met at the National Institute of Advanced Studies from May 30th & 31st 1998 for a discussion of the research outline and to refine the research methodology for the critical issues selected i.e rights in the family, women in armed conflict (with special reference to the North East) and political participation of women. IWRAW Asia Pacific was invited to participate in the discussion and was able to advise the core group in the application of the framework for research and monitoring

A second meeting was held in 30th December 1998 at NIAS to present the search framework which had been 'fleshed out' by the issue team working on political participation of women. A larger group of network NGOs was invited to discuss the research. IWRAW Asia Pacific was also present and gave comments.

Bangladesh

The function of this meeting on the 6 June was the same as the preliminary meeting for the Indian core group. The baseline report framework with reference to the issue selected was presented for discussion to a larger group composed of members from the 2 NGOs that make up the core group (country focal points). It had been debated at the Nepal Meeting that political participation and violence against women are 2 critical issues in Bangladesh. This was resolved at this meeting as IWRAW Asia Pacific pointed out that the group may not have the time

or resources to dedicate to 2 issues at the research would require more that a merely cursory examination of the issue. Thus, the core group confirmed that their interest was in violence against women in the Bangladeshi context.

2.2.3.4 Major Accomplishments (South Asia and South East Asia)

The accomplishments included below are discussed in light of the project's progress to date.

1. Understanding the principles of the Women's Convention and the Concepts of Substantive Equality.

Many relevant topics were covered in both workshops i.e discussion and analysis of the Women's Convention, the role of non-governmental organisations (NGOs) in monitoring, State's obligations under the Convention and the importance of monitoring State implementation of its obligations. As a result, there is now greater awareness amongst the core group NGOs of the Women's Convention.

2. Establishment of Core Groups to Monitor State Obligation

A network of focal points that have committed themselves to the project has been established. These groups are diverse, ranging from groups engaging in legal activism to those engaging in development work and activism to bring about law and policy reform. As a result of the second regional meeting, the network of groups working on the project has not only broadened but have actively committed the groups to complete the project

3. A Convention-Based Monitoring Framework: The Work in Process

The framework of monitoring was formulated at the first South East Asia regional meeting and refined at the South Asia regional meeting¹². It is a consensus document. There was agreement that the monitoring framework was very useful in drawing out the elements that form discrimination toward women. The framework and guidelines provided helps to identify intended and unintended discrimination and to label all causes that prevent women exercising their rights given in law or policy as discrimination

The framework was found to be of general application as it could be used on any issue to draw out the causes of such inequality or barriers, which prevent women from achieving equality of opportunity and results. Thus, it was made clear that the monitoring and research framework developed by IWRAW Asia Pacific was a useful 'tool' which could be used to hone women's analytical skills and give them a good grounding on critical issues. With this information, women can better assert their claims of equality rights and push for government implementation of the standard of rights established in the Women's Convention.

4. Preliminary Baseline Reports

The full preliminary baseline reports for the South East Asia region are available from IWRAW Asia Pacific. The preparation of the baseline South Asian reports. These reports have the potential of providing the elements for a holistic plan for the State to fulfil its obligations under the Convention

5. Communication

_

¹² The monitoring framework was further refined at the South Asia Regional Meeting

Groups have kept in touch on a more regular basis with their progress in the project. IWRAW Asia Pacific has increasingly been participating in the process in the term of the substantive content. Electronic mail has played an extensive role in facilitating the communication. As a result of the closer rapport, both parties, i.e the core group and IWRAW Asia Pacific have had less trouble meeting the agreed deadlines.

6. Information Flow

The core groups have started with communicating IWRAW Asia Pacific on issues other than those specifically linked to the Monitoring Project. Both parties have facilitated in collecting, researching and disseminating information.

7. Institutional Capacity

As the project involves a large geographical focus and a diverse range of issues to which IWRAW Asia Pacific had not done much ground work particularly in South East Asia, the participants represented in the project have been invaluable in providing first hand knowledge and experiences of the particular situations facing each country. It also helped that IWRAW Asia Pacific staff was able to attend some of the preliminary level meetings (Malaysia, India and Bangladesh) as it gave a much clearer idea of the discrimination affecting women.

This understanding and awareness of the developing debate has and will enhance the capacity of IWRAW Asia Pacific in reviewing the draft baseline report and planning future advocacy strategies. The network established has also facilitated the identification of persons who could contribute to the overall strategic advancement of women

8. In-country network and process

Part of the in-country process in developing the baseline report envisages that other women's groups besides the core group, will be drawn in to provide support and information as well as advice to the country core groups. The wider group of NGOs so as they may validate the research and be constantly updated on the progress of the work. It is hoped that this entire process will serve to give women's groups ownership of the project and to draw in the support of mass based organisations for the advocacy phase of the project.

As it stands, all core groups are committed to further expand the group through in-country meetings. The importance of a process that will validate and provide sources of information to the baseline report has been accepted as a necessity to future advocacy strategies.

9. A process involving NGOs and Governmental Organisation (GOs)

A process involving NGOs and GOs was also agreed upon. This process has the potential to create synergy not only among women's groups and other NGOs but also between NGOs and the Government. The project is premised upon the need for state- NGO collaboration through which the result of the project can be showed and specific actions and strategies developed. This collaboration is they key to facilitating the fulfilment of state obligation under the Convention. In particular the process promotes the strengthening of the National Machinery for Women to play an "inside" advocacy role. So the process envisages the links with the national machinery at the first level, sharing information and recommendations with them so that the NGOs and the National Machinery can speak to the rest of the Government agencies with one voice.

2.2.3.5 Problems encountered by country groups and solutions (South Asia and South East Asia)

The difficulties encountered throughout the project's process are discussed in light of the project's progress to date.

1. Understanding the Women's Convention principles and the Concepts of Substantive Equality

As IWRAW Asia Pacific had done less ground work in South East Asia as opposed to the South Asia region, the organisation constantly has to raise awareness about the Convention's principles. This led to a difficulty in application of the principles of the Convention to the monitoring framework.

2. Capability

This is a resource and skill intensive project – especially as it set out to be process oriented and requires rigor on the part of the core groups to engage in advocacy that spells out the details of State actions as opposed to making rhetorical demands. There was a problem of the groups capability in doing the research, developing indicators, presenting data so that it is meaningful and above all in identifying the scope of investigation in line with the principles of the Women's Convention. For example, groups had difficulty in using Article 1,2,3,4 &5 of the Women's Convention in monitoring categories of causes and barriers towards women's equality. The ensuing discussion surfaced the various angles that should be researched.

IWRAW Asia Pacific is aware of the need to engage capacity building activities as the project progresses. Core groups need more human resources, upgrading of infrastructure such as computer technology and skills building. IWRAW Asia Pacific has tried to envisage these needs and source funds to meet these needs which are felt both by the national level core groups and by IWRAW Asia Pacific.

3. Status of Information

There is at present a dearth of information for certain issues and particularly for where the SEA region is concerned

4. Terminology

There were difficulties in the use of particular terminologies, in terms of its meaning and usage. IWRAW Asia Pacific has continued to explain the different terms used in the monitoring framework; the end result was a comprehensive understanding of each term meaning and relevance.

5. Communication

The process of research fell through early into the project as groups failed to formulate a research outline first to which feedback could be given by IWRAW Asia Pacific. The absence of a research process hindered the progress of the project, as review could not be given at the outset so as to set guidelines by which the research could forge ahead.

From IWRAW Asia Pacific's experience, it takes an effort in coordination to be constantly updated on the activities of the country core groups. This takes time and expense as IWRAW Asia Pacific's monitoring of the project would necessitates back and forth discussion and review, firstly, of research outline and then the draft baseline report. To a certain extent, the core groups have not sufficiently communicated their intent (updating and so on) to IWRAW

Asia Pacific. IWRAW Asia Pacific recognizes that part of the objective was to empower the country core groups with a certain level of independence in decision making and giving them ownership of the project, although not at the expense of IWRAW Asia Pacific's monitoring and evaluation of the project.

6. Management of resources

The capacity within some organisations to take carry on the project is limited to a select number. These select few however, already have too much on their plates and therefore are not able to devote much time to just one project. IWRAW Asia Pacific has attempted to build on the organisations institutional capacity by organising in-country trainings on the Convention and on the concepts of substantive equality.

7. Training Methodologies

It is noted by participants that training on research methodologies would have been helpful as it was rather specialised knowledge / information that is necessary to the research. These groups feel the need to hone skills, such as how to be more rigorous, how to identify indicators, develop methodology for research etc. At the moment, IWRAW Asia Pacific is not able to give training on this issue.

8. Professional Input

IWRAW Asia Pacific has also identified a need for professional inputs into the project. The component of the research which surface information on a country's Constitution and what that says about then implementation of the Women's Conventions etc. This may have to be commissioned to a person who comes from a background of international and treaty law, as it is a technical piece of research. This piece of research will then supplement the work done by the country groups. These are also the need for greater professionalism and effectiveness in exchanging information. IWRAW Asia Pacific envisions the use of Internet Technology and websites to act as a conduit through which information can be exchanged, accessed and stored.

2.2.3.5 (i) Problems encountered specific to the South East Regional Project

1. Continuity

- i) There were twenty-two participants at the meeting but only six of the participants were from the original participants of the first meeting. This affected the continuity and consistency of the project. Most of the new participants however, had been working on the project and had contributed in the writing of the preliminary baseline report.
- ii) Despite efforts by IWRAW Asia Pacific to facilitate the Singaporean preliminary baseline reports, the project has not progressed there. As IWRAW Asia Pacific had previously not done much groundwork in the South East Asia region, at the first meeting, only one interested focal point was identified. A single focal point proved to be insufficient in maintaining and sustaining the long-term objectives of the project. As a result, IWRAW Asia Pacific will have to start the project afresh with a new Singapore core group.
- iii) Though Cambodia is not a participant of the project, a representative from Cambodia was able to join us at this meeting.

They had been invited to the first meeting as well but due to the unstable political situation in Cambodia then, their presence at the first meeting fell though. Attempts to involve Cambodia in the project were unsuccessful due to the continuing political turmoil there. IWRAW Asia Pacific was indeed very fortunate that a representative from Cambodia was able to attend. Attendance at this meeting would serve as an opportunity to afford some understanding on the project when the project is eventually introduced in Cambodia. A visit to Cambodia is one again being planned for the month of June 1999, to give groups an orientation and to facilitate their participation in the project.

2. Language

Many of the participants present at the meeting do not understand or are not fluent in the English language. Though their colleagues have at times attempted to translate what is going on, this has proved to be ineffective as they to are learning and contributing to the process. Some of the participants (foreign organisations working in the country) themselves are not fluent enough in the local language to translate the discussions effectively. Therefore, considering the level of work that occurs at the regional level and the fact that all documents developed are in English, ability to understand what is being said is essential.

The fact that participants have not clearly understood what happened at the meeting is reflected in the post communications flow, the breakdown in communication and finally the report produced. At times, the problem of a language barrier may appear as a lack of capability to undertake the level of research required for the project.

Though at the outset, IWRAW Asia Pacific indicated the need for adequate understanding of the English language, the fact remains that some of the best activists in South East Asia would be barred from participating in the project if this condition were strictly enforced. In fact, the project might not have been able to forge ahead at all.

As such, "professional" translators may be required in future. Additionally, there may be a need to train these translators on the monitoring framework and the Convention to ensure that the information they impart to the participants correctly captures the meaning of substantive equality and discrimination.

3. Dual role

Some organisations (Vietnam and Lao PDR) involved in the project function in a dual capacity. Though it is an organisation dedicated to women's rights, it is also a government institution, and therefore would have to play a balancing game. In order to satisfy its role in its government capacity, the report would at times have to praise the government. It was conceded though that the language used in the report could be toned down as for example, there was occasional use of language in the report that stereotyped women.

The report could however be more rigorous in surfacing data of where the problem lies. To that end however, country groups will also have to be tolerant of the different situations facing individual countries when reviewing their reports.

4. Lack of Funds

As many organisations are seriously under-funded, any funds received should remain within the organisation for it to function effectively, the organisation endeavours to carry on the project within the organisation. These organisations are therefore reluctant to seek external assistance, for example, hiring a research assistant to collect relevant data, statistics, figures, legislation etc. as this would result in an outflow of funds.

IWRAW Asia Pacific raised further funds to facilitate the progress of the project. In disbursing such funds however, IWRAW Asia Pacific has suggested ways in which to use the funds, namely to hold consultative meeting with other NGOs to validate the research, recommendations and to formulate priority recommendations; and to hire a research assistant to collect more information is necessary.

2.2.3.5 (ii) Problems encountered specific to the South Asia Regional Project.

1. Work Plan

The work plan as developed cannot always be adhered to. One example of this is India. At the Second Baseline Report Meeting in India, the other issue teams (that of Women in Armed Conflict and Rights in the Family) had not attended the meeting, despite the fact that the process agreed upon by the group stated that a meeting would need to be held between the core group. It was thought necessary to discuss the outcome of this primary level research, as well as to coordinate a kind of streamlining of their issues. The issues were seen to be interconnected at the most primeval level, in the sense that women are disempowered at the basic level of community (i.e. family) and this extends all the way to their participation (or lack of) in politics, and as they have no voice in politics, they are unable to affect any kind of peace process in areas of conflict or obtain recognition for the gender-intensified hardships and violence suffered during times of armed conflict. The 'coming together' envisioned by some members of the core group has not occurred. In further discussions with the core group the 'problem' was resolved in the sense that the introductory chapter of the report would reflect this synthesis of the issues selected.

2. The concept 'patriarchy'

There was also concern that 'patriarchy', which kept cropping up in the discussions, was sometimes vague as a concept and thus had to be discussed. It was pointed out that since the project aimed to engage in advocacy with the state and to monitor state action, it was necessary to unpack this concept in terms of indicators of patriarchy.

This would facilitate the formulation of concrete recommendations for the elimination of patriarchy as well as to monitor change. The core groups in India who felt that it impinged on so many aspects of culture, religion and the mental state of the individual requested training or a workshop on patriarchy¹³

2.2.4. REGIONAL MEETING OF WOMEN'S LAWYERS TO DEVELOP LEGAL DISCUSSION PAPERS (1998 and 1999)

Background and overview

Background

Over the past years the programme has identified a weakness in litigation as a means of helping women claim their rights. While there have been some instances of women claiming their rights through the courts citing human rights norms, this practice has to become more widespread and more use has to be made in the courts of the human rights instruments such as the Convention, as well as the use of human

¹³ As was discussed above on the preceding page, the connection between patriarchal systems reflected in customary laws and why women are discriminated against was found to be a problem in the zone of armed conflict in India. The core group members there had held workshops with tribal women in Nagaland-who live their daily lives under these biased laws-to help them in analyzing customary laws.

rights principles or the principle of state obligation in interpreting statutes or in framing arguments to claim rights. There has also got to be more systematic exchange of examples of effective litigation using human rights norms. Awareness of this weakness has been raised through the training that IWRAW Asia Pacific has been conducting. But there is a need to help lawyers sharpen their skills in preparing legal briefs.

Hence, realising a need to develop tools for strengthening the domestic application of human rights norms on women's issues and the adoption of feminist principles in court advocacy in the Asia Pacific region, IWRAW Asia Pacific has embarked on a project to develop discussion papers on specific women's issues that can be used as a guide in the preparation of legal briefs/pleadings.

These discussion papers would identify international Human Rights norms that can be used in court advocacy on specific women's issue. It would also identify feminist guiding principles on the procedural and substantive dimensions of litigation as a strategy for advancing women's rights and create familiarity with obligations that the State has undertaken through ratification of international Human Rights treaties and by being a party to recommendations of the UN World Conference. It would also bring in the most progressive jurisprudence based on the constitution and national laws.

Targeted users of the package would be lawyers in the region who would use it in their court advocacy to advance women's rights. Secondary users would be women's rights activists, academics and researchers who will also be able to access these materials as a tool for advocacy etc/

Overview of Activities

The project comprises the following activities to be implemented over a two year period: 1998 and 1999

- i) Planning meeting (1998)
- ii) A five day regional meeting of around 10 lawyers to develop legal discussion papers will be held around the month of May 1999
- iii) Production of Legal Discussion Paper (May October 1999)
- iv) Collection of relevant materials to facilitate the writing of the papers. These include relevant case laws, articles on feminist jurisprudence, relevant statutes, constitutions and international treaties (January May 1999)

Activity implemented in 1998

Planning meeting: 5-6 November 1998

A planning meeting for the Regional Expert Group meeting on the preparation of Model Briefs for the Advancement of Women's Rights was held on the 5-6 November 1998 in Nepal to clarify the concepts rationale, objectives and content of the legal discussion papers. Seven persons, namely, Madhu Mehra, India, Eleanor Conda & Evalyn Ursua, Philippines, Sapana Malla, Nepal, the organisation's director, Shanthi Dairiam and its two programme officers, Audrey Lee and Simran Gill attended the meeting.

- 1. Five issues were chosen for research: Rape, Sexual Harassment, Matrimonial Property, Domestic Violence and Citizenship. A discussion of the main elements and scope for the research ensued.
- 2. Guidelines incorporating elements and scope and the format to be used for the discussion papers were developed. The main elements are the identification and elaboration of problem points in relation to aspects identified on an issue (in

selected countries). There will be a need to cite domestic statutes and case law. The paper should also identify and elaborate standards on human rights norms and state commitments under international HR/Conference documents pertinent to the problem points and entire issue. This includes reference to decisions of HR bodies and positive developments in other countries i.e progressive state practices may also be cited. Identification and elaboration on feminist perspectives and problem points on the issue should be included.

- 3. Members of the planning group indicated their interests in researching specific issues and have identified other possible paper writers from the Asia Pacific region.
- 4. Format for a five-day regional meeting of involving around 10 expert lawyers was developed.

Full report of the meeting is available from IWRAW Asia Pacific

The selection for issues was based on the following criteria: Feasibility / practicability / Current potential of court advocacy using human Rights norms and the Women's Convention; the issue should be a major issue on which current advocacy exists in the countries of the region; and the issue must be covered by the Women's Convention, other Human Rights treaties and Conventions and the Beijing Platform for Action.

Collection of materials

IWRAW Asia Pacific's two programme officer have undertaken substantial research in collecting case laws, landmark judgments, constitutions and background materials including material in relation to feminist legal principles and the significance of international human rights norms for establishing women's rights. Collaborators from the region and INTERGIHTS have assisted the organisation in the collection of materials.

2.2.5. CEDAW IMPACT STUDY

The York University Center for Refugee Studies, in consultation with the UN Division of the Advancement of Women, designed a pilot study to examine the issues pertaining to the implementation of the Women's Convention. The project seeks to gather qualitative and quantitative data on what states have done to implement the Convention.

Activities

An international advisory Committee was established in order to develop the framework of the study. The International Advisory Committee was established in March 1998 and the director, Shanthi Dairiam was invited to be on the committee. The Committee, comprising international experts, helped to guide the development of indicators which enable a meaningful comparison among the countries identified for study. As well as identifying trends in implementation of the Convention or lack thereof, the committee will lock at the nature of research, which supports implementation of State obligations.

Much of the development of the framework for research was done via the First Class Intranet Conferencing system. Discussions on the framework and the identification of national correspondents who would prepare the country based working papers as well as the criteria for assessment of the impact of the Convention to be used was also was effected through the online conferencing system. The ten countries selected are South Africa, Ukraine, South Korea, Canada, Panama, Nepal, Netherlands,

Turkey, Japan and Germany. National correspondents were identified for this purpose.

It was planned that the 'real' conference at which the reports of each country was presented would be held in January 1999, in New York. The reports were reviewed and recommendations made on the redrafting of the reports.

The follow-up to this conference would be done through another online conferencing system. A mailing-list was set up, called the "CEDAW Strategies Online Forum" mailing list. Through this list, participants of the study. the committee and other NGOs could exchange and share new information on the implementation of CEDAW and to discuss NGO strategies on CEDAW, the issue of how women are re-framing human rights research and to develop recommendations on the Optional Protocol to CEDAW.

Objective 3: To contribute to the enhancement of CEDAW's effectiveness and to engage in international advocacy for drawing accountability for governments to implement the Convention at the national level through:-

2.3.1 FROM GLOBAL TO LOCAL: A PROJECT THAT FACILITATES THE PRESENCE OFWOMEN AT THE CEDAW SESSIONS WHEN THEIR GOVERNMENTS ARE REPORTING AND MENTORING THEM TO PLAY A POSITIVE ROLE IN THE CONTEXT OF THE CEDAW STATE PARTY DIALOGUE (Annual since 1997)

13 January - 3 February 1998 & June 1998

Introduction and Accomplishments

On the occasion of the 18th session of the CEDAW Committee Meeting on 19 January to 7 February 1998, IWRAW Asia Pacific and UNIFEM collaborated to bring to the CEDAW session, 24 women from 11 countries that were either reporting in January or at the 19th session in June 1998. This is the second year of implementation.

The presence of women from reporting countries at the review of the reports enabled transparency and facilitated a process by which governments were forced to accept the legitimacy of the NGO women to contribute to the review process. This was particularly evident in the case of Indonesia and Azerbaijan, two countries in which there has not been much space for NGO advocacy. Governments had greater respect for the women when they realised that the women were not there as individuals but as part of an international lobby presence. In this respect, they were made to feel that their accountability to live up to their international commitments was not to the women of their county alone but to all women.

The government delegates made special efforts to dialogue with the women and to hear their views. In a sense this program made it possible for women from countries like Azerbaijan to dialogue with their governments in the corridors of the UN in a manner they could not do in their own countries. Creating this relationship was a critical achievement and essential for the sustainability of the advocacy on the CEDAW Convention.

Much was also accomplished by providing alternative information to the CEDAW Committee. As one participant state in the evaluation, the link between local advocacy and international strategy was evident to her and she said that is was clear the voices of the women counted. For most of them this was their first experience with the CEDAW sessions and the biggest achievement was the de mystification of the who process.

The knowledge that the women gained in seeing and hearing the governments views on equality has given the women an understanding of what they need to do to bring about change in government. Secondly, the direct exposure to what the government has stated it has done and will do to bring about equality has the potential of enabling the women to hold the government to its promise. One concrete example of this is what happened in Zimbabwe after the women returned from the Global to Local project. At this CEDAW session, the Government of Zimbabwe had claimed that one of the positive steps it had taken for women was the repeal of L.A.M.A, a legislation that denied women the legal adult status. They had been praised for this. On their return, the government announced that they were going to reinstate LA.M.A. The women who had participated in the Global to Local project and had witnessed the government receive praise for the repeal of the act, gave wide publicity to the contradiction in state action and the government withdrew its intention to reinstate this discriminatory act.

For the participating women the training they received, gave them a clearer understanding of the concepts and philosophy of the Convention and the possibilities of its application to advance the human rights of women.. It also raised their awareness of the need to have priority goals, to have a sharper focus in their efforts and of the need to apply the framework of the Convention into all work relating to women.

Areas for improvement

The follow up with women on their return to provide further technical assistance and to monitor how they are using their new knowledge is lacking. This will be discussed in the 1999 implementation.

Purpose and Objectives of the Project

The project aimed to enhance the dynamism of the UN Convention on the Elimination of All Forms of Discrimination against Women (hereafter called the Convention). The strategy used for this was to help women shape their advocacy at the local level to fall within the mandate of the Convention of eliminating discrimination against women by linking it with the international official processes for monitoring the implementation of the Convention at the UN level.

Specific objectives of the project

The specific objectives of the Convention were to:

- (i) To facilitate the presence of women from reposting countries at the eighteenth session of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) in order to monitor the performance of their governments during the review of their reports by the CEDAW committee;
- (ii) To create an understanding among the women, of the significance of the Convention as a tool for advocacy
- (iii) To familiarise them with the mechanisms set up by the UN for the monitoring of the implementation of the Convention, in particular;
 - the dynamics of the reporting process and the mechanics of the CEDAW meetings, and
 - the role NGOs can play within those proceedings:
- (i) To raise pertinent issues with CEDAW, relevant to the position of women in the countries whose reports will be heard at the eighteenth session of the CEDAW.
- (ii) To make plans for monitoring state party compliance with CEDAW recommendations and fulfilment of state obligation to implement the CEDAW in their countries on their return

Participants:

Twenty-four women's rights advocates from eleven countries participated. The countries were Azerbaijan, Bulgaria, Croatia, Dominican Republic, Indonesia, Mexico and Zimbabwe which were reporting in January 1998 and Korea, Panama, Peru and Tanzania reporting in June 1998.

Project Implementation

The project brought together the above mentioned 24 participants to New York between 14 January 1998 and 3 February when CEDAW held its meeting to review state party reports. They were given an intensive orientation for three days (15-17 January) prior to the CEDAW sessions. This orientation gave them an understanding

of the Convention and the CEDAW's working methods as well as its application for their advocacy. The women had brought alternative information and during the orientation they had an opportunity to study their government report and were guided on critiquing this report and to prepare a precise commentary that could be used by CEDAW members for constructive dialogue with the government representatives. Awareness was also raised on the ways in which the women could support the work of the CEDAW. They then observed the reporting process at the UN for a week 19-23 January. During this time they interacted with CEDAW members to give them alternate information or explanations to the information given by their state part members.

During this week daily meetings were held every evening with participants to monitor their level of participation and to share their experiences of the observation of the reporting process and lessons learnt. A one-day debriefing exercise was held on 26 January 1998 to plan the follow up. Participants made plans to hold meetings with women's organisations to share their experiences and observation of State CEDAW interaction and to give wide publicity to the concluding comments.

A core resource team of five persons planned and managed the project. They were assisted by other resource persons as necessary.

Schedule of activities

13 January 1998: Resource team planning meeting

14 January 1998: Finalising the preparation of materials

15-17 January 1998: Orientation and training of participants as preparation for

observing the reporting process. (Refer to Annex 3 for outline of orientation and to Annex 4 for summary of

highlights of the orientation)

19-23 January 1998: Guided group observation of the reporting process, informal

interaction with CEDAW members and states party officials as needed and daily de briefing meetings to share lessons learnt. (Refer to Annex 4 for an example of the discussion of

the debriefing meeting)

The review of the following initial reports were

observed:

20 and 23 January: Azerbaijan

21 and 23 January: Croatia

22 January: Zimbabwe

24 January 1998: Attendance at IWRAW Minnesota's consultation on the link

between the CRC and CEDAW

26 January 1998: Debriefing and planning for follow up¹⁴

27 January 1998: Participants observed the replies provided b the Zimbabwe

Government

28 January 1998 Participants from Bulgaria observed the review of their

government's report

Attendance at Informal Consultation with CEDAW

 $^{^{14}}$ The formal part of the programme ended on the $26^{\rm th}$ of January and participants stayed on according to the schedule of the review of their country's report

Committee

30 January 1998 Participants from Mexico observed the review of their

government's report

2 February 1998 Participants from Indonesia observed the review of their

government's report

3 February 1998 Participants from the Dominican Republic observed the

review of their government's report

Planning the Follow Up

On the 26th of January, the evaluation and planning for follow took place. Given below is a summary of the decisions.

NGOs whose countries reported at July 1998 Session of CEDAW

Tanzania:

We will facilitate a workshop with 10 -15 NGOs and take information of what has transpired here. We will set up a task force to prepare a shadow report. In the first or second week of February there will be dissemination of information to NGOs. In the second week of February there will be a meeting with NGOs. Also the shadow report will be sued for work with the press, challenging the government on what hasn't been done about CEDAW, tool for awareness amongst NGOs, and a lobbying tool with parliament. NGOs need to undertake fundraising to prepare report and to guarantee participation of Tanzania NGO delegates.

Peru:

There will be a follow-up meeting with groups working on Beijing follow-up: Women for Real Equality. Also a meeting with Centre for Reproductive Law and Policy. Will co-ordinate participation of women in CSW and Optional Protocol. Will co-ordinate publicity and press work about Peru's report in the context of March 8th. Update of 1994, Co-ordination with women's commission in Congress. Send shadow report by end of April or May: they will send to secretariat, to CEDAW Committee, and to women in some countries that have good connection to CEDAW members. Will co-ordinate and designate NGO participation.

Korea:

Will call meeting of NGOs to present results of this training workshop. Important to keep attention to domestic process as well as international process. Need information about upcoming CEDAW session, schedule, who will be rapporteur for Korea, etc. Possibility of national training on CEDAW with IWRAW AP.

Panama:

There will be a meeting with three umbrellas

- 1. women and development
- 2. women in political parties
- 3. co-ordination for women's issues

Also there will be a meeting with human rights organisations. There is a possibility of getting UNDP funding for this work. Will develop shadow report for July. We need information on what is going on here in NY/UN as well as information on activities around the world.

Future plans for NGOs:

Croatia:

We will report on the experience through email conference on women in the region. We will organise public dialogue with the government as well as a press conference to disseminate concluding comments. Strategies to strengthen accountability by including NGOs in report as well as representation in the government delegation. Ali Miller will come in April to do training about CEDAW. Need the concluding comments of this session.

Bulgaria:

Workshop is to be held in Bulgaria with national level NGOs. Joint human rights and women's rights activities in contect of 50th anniversary of UDHR. They will discuss usefulness of press conference and or use of TV programs to inform the public about what happened here. They will also use women's media and magazines. In February and March they will organise a series of workshops with grassroots women's groups. Information will also go out to other EEC countries. They will also monitor government implementation of recommendations by the committee. They will work on producing a manual for local and national groups. They are concerned with violence against women and trafficking issues. They will try to influence reform process of social protection system which is taking place in Bulgaria to have a gender perspective and women's participation. They need information from the project team. We need to explore possibilities for exchange programs between women fro North and South and among Southern advocates. We want to put this question forward to all of you. Also plan on monitoring of Bulgaria's report under ICESC. We need special seminars on implementation of Beijing PFA. We need to lobby our governments to support the optional protocol process. We need more women fro CEE/CIS countries to participate in international force. We need trainers to come to Bulgaria.

Zimbabwe

Report back to "bringing CEDAW back" (on 18th March) to local and national NGOs. We will disseminate information on CEDAW develop implementation and monitoring mechanisms for next report; highlight issues of human rights Constituency includes: women's groups, human rights organisations, Children / Women's units in government, multilateral and bilateral organisations. Specific group-focus session: i.e with women lawyers, parliamentarian and academics. Media and publicity through newspapers, legal journals and other media. Sharpen our own skills. We want a sharing of information and building on networks, both internationally and within our own region in Africa. We need to continue updating our own interpretation of CEDAW. We want to organise an annual event on CEDAW.

Dominican Republic:

There will be information sharing with national NGOs where participants here will present a proposal for follow-up. We will also work with the media to inform them on

CEDAW Committee recommendations in concluding comments. Will also work with women's commission in Parliament. Will also work with Beijing follow-up commission. NGOs will try to address the process of the optional protocol and pressure for the adoption and ratification of it. They will invite other human rights organisations to get involved. We will also work out who from co-ordinators of NGOs will undertake to follow up activities around CEDAW and issues of political participation.

Azerbaijan

We will try to discuss with government and maybe on TV. We will inform the media about the shadow report and about priorities. We will hold a workshop in 1998 in Azerbaijan with UNDP support. They will invite the CEDAW member from Turkey to come. They will also try to discuss these issues with parliament although they are not sure if this is possible. NGOs do not have access to the media, however, their organisation publishes a weekly newsletter and they will include information on this training and about Azerbaijan's participation in this CEDAW session. The bulletin will include information on women refugees. Will also consider establishment of women's rights schools.

Evaluation

A written evaluation was carried out and all participants found the content, materials distributed and method of the total programme very useful and relevant in women's work at the national and regional level. This was because; the programme create familiarity with the Convention, the work of CEDAW, skills on the application of the principles of the Convention to specific contexts and provided an opportunity to contribute to the work of CEDW in holding state parties accountable. All of this is helpful in making the work of women's groups more strategic and effective. In particular all participants expressed appreciation of the materials distributed at the orientation.

Some statements made by participants in evaluating the programme is given below:

The programme is extremely important because it really brings the local to the global. It is the practical link that was missing. We have got a sense now that our voice counts.

The whole programme encouraged me to pay more attention to the international strategy and to connect it with activism at the local level in order to promote de facto gender equality.

The sessions of the orientation were inter related and came together in a cohesive manner.

The much fuller understanding of the understanding of the philosophy of CEDAW, international monitoring procedures and lobby tactics will enable me to organise a follow up when I go back.

I realise that the elaboration of the concepts of equality and nondiscrimination is vital because implementers mix these concepts.

I have been made to think about the concepts of equality in a way that I did not think of before.

I went from a very basic understanding of CEDAW to quite a complete and coherent understanding; not only of the Convention and its functions but also of its application and potential use in my country.

We realised that we have to prioritise our agenda. The session on identification of issues for lobby has helped us choose priority goals among otherwise a very broad variety of tasks and aims.

The programme has been useful to advance the agenda of our organisation as it helps us to re examine our agenda and see if it is in line with the CEDAW Convention.

Suggestions for improvement included the following:

More examples of real life practical examples of the application of the CEDAW Convention such as how the Convention has been used to implement gender policies, should have been given.

More practical exercises on lobbying would have been useful

Extend the days for the orientation as it was too intensive.

It was also suggested that IWRAW Asia Pacific should facilitate contact among the participants on their return home.

Follow up

In June the project facilitated the return of six women from Panama, Korea and Tanzania to observe the review of their government reports and lobby the CEDAW Committee.

The women from all three countries had produced alternative reports as they had planned in January.

Objective 4: To promote the development of region-specific gender-sensitive human rights scholarship, strategies and implementing tools through:-

Under this are the following activities:

2.4.1 TRANSITION, POST-INDEPENDENCE CHANGES AND THE FUTURE: CRITICAL ISSUES OF LAW AND JUSTICE IN SOUTH ASIA.

IWRAW Asia Pacific and the Faculty of Law at the University of Colombo collaborated to organise a symposium for judges and lawyers in Colombo, Sri Lanka as part of the university's 50th anniversary celebrations. The symposium was held from the 23rd to the 26th July 1998 and the theme of the symposium was "Transition, Post-Independence Changes and the Future: Critical Issues of Law and Justice in South Asia."

IWRAW Asia Pacific's director, the two programme officers and an intern, Shruti Rana of the University of Colombia, United States, who was with the organisation for the summer attended the symposium. The director, Andrew Byrnes and Shireen Huq, both members of the organisation's Advisory Committee, contributed to the structure and the identification of keynote speakers and were on the panel discussion themselves.

IWRAW Asia Pacific undertook to identify and fund judges, lawyers and activists from the region. The organisation facilitated and funded 18 participants from 7 countries.

Participants

No.	Participant	Country
1.	Justice Mukal Mudgal, Delhi High Court	India
2.	Justice P Sathasivam, Delhi High Court	India
3.	Prof Babu Matthews, National Law School of India University, Bangalore	India
4.	Advocate Geetha Ramaseshan	India
5.	Advocate Praveen Anand	India
6.	Advocate Hina Jilani	Pakistan
7.	Justice Tassadaq Hussain Jilani, Lahore High Court	Pakistan
8.	Justice Sabihuddin Ahmed, Sindh High Court	Pakistan
9.	Justice AK Badrul Huq	Bangladesh
10.	Justice KM Hassan, Supreme Court	Bangladesh
11.	Justice Abdul Ghafur, District and Sessions Court	Bangladesh
12.	Justice Kedar Nath Upadhayaya, Supreme Court	Nepal
13.	Justice Kalyan Shrestha, Appeal Court	Nepal
14.	Justice Ishwar Khatidawa, District Court	Nepal
15.	Advocate Sapana Malla	Nepal
16.	lvy Josiah, Women's Aid Organisation	Malaysia
17.	Aurora Javate De Dios, ex CEDAW member & Coalition against Traffic in Women (CATW)	Philippines
18.	Professor Mere Pulea, University of South Pacific	Fiji

Key sessions were held on the following themes:

- 1) Public Law and Human Rights
 - Enforcement of Human Rights: Lessons from the Region; Dr Nirmala Chandrahasan, India

Justice Sabihuddin, Judge of the Supreme Court of Pakistan was on the panel discussion

- 2) The Transformation of the Family and Challenges for Law Reform
 - Re-defining Women's Status in the Family: Challenges in Plural Systems;
 Advocate Hina Jilani Pakistan

Justice Mukal Mudgal, India and Professor Savitri Goonesekera, Sri Lanka were on the panel discussion

- 3) Legal Challenges posed by the Economic Transition: Impact on the Legal System of the Region
 - Problem created by a changing economic situation: Labour conditions and workers' rights; Professor Babu Mathew, National School of India, Bangalore, India

- Migration and trafficking: Seeking bilateral and multilateral agreement; Ms Aurora Javate de Dios, Philippines.
- 4) The UN Women's Convention: A Strategy to make National Jurisprudence more gender sensitive

This session focused on regional experiences in regard to CEDAW and reception of these standards in the South and South East Asia region.

- An Introduction to the UN Convention on Women; Shanthi Dairiam, IWRAW Asia Pacific
- Constitutional interpretation and international standards on women's rights;
 Andrew Byrnes, University of Hong Kong, Dr N Chandrahasan was on the panel discussion.

Both of these sessions were IWRAW Asia Pacific's contribution to the symposium.

- Human Rights Standards and the Response to Violence against Women; Ms Geetha Ramaseshan, India
- The Malaysian Experience with the Domestic Violence Act; Ivy Josiah, Malaysia

Ms Sapana Pradhan Malla, Nepal was on the panel discussion on Violence against Women: Law Enforcement and the Critical Importance of Forensic Medicine.

Recommendations were formulated for action by a range of actors. A publication of the proceedings is forthcoming.

Objective 5: Strengthening Regional and International Linkages - Networking

IWRAW Asia Pacific served as resource person at several meetings and conferences. This provided an opportunity to share the experiences of IWRAW Asia Pacific as well as to disseminate the understanding and definitions and concepts regarding women's rights elaborated through the work of IWRAW Asia Pacific. They also provided an opportunity to make contact with and impress donors and other relevant institutions.

2.5.1 MINNESOTA ADVISORY COMMITTEE MEETING

Advisory Committee Meeting, IWRAW Minnesota

Shanthi Dairiam attended the IWRAW Minnesota Advisory Committee Meeting, which was held from the 23-27 August in Minnesota, United States. Shanthi Dairiam is a member of the Advisory Committee listed the objectives of the organisation and used it as a basis for recommendations. The group planned the January 1999 programme. There will be a consultation on Article 5 (Custom and Tradition) of the Women's Convention and sessions on the Optional Protocol to the Convention. The group also formalised their terms of reference.

2.5.2 OTHER MEETINGS / CONFERENCES PARTICIPATED IN

2.5.2 (i) Human Rights through the Lens of Gender Organised by International Human Rights Funders Group, New York (January)

This was a meeting of funding organisations that met to discuss the scope of funding for human rights issues. The director of IWRAW Asia Pacific was asked to be one of the speakers as she was in New York at that time imp lamenting the Global to Local project. This meeting was organised by the Ford Foundation.

2.5.2 (ii) Challenges for Women in the Next Millennium Organised by Asia Pacific Watch / Monitoring Implementation of the Beijing Platform, Chandigarh (8-11 January)

This meeting which was held on 8-11 January in Chandigarh, India was convened by the Asia Pacific Watch Committee which is a post Beijing formulation set up to monitor the implementation of the Beijing Platform for Action (BPFA). The meeting brought together women representatives from Bangladesh, China, India, Japan, Nepal, New Zealand, Sri Lanka and Thailand. Regional and sub-regional organisations represented were the IWRAW Asia Pacific and SEA Watch based in the Philippines. The meeting prepared a paper stating a common position on the four critical areas of concern from the BPFA-Violence against Women, Women and Armed Conflict, Human Rights of Women and the Girl Child. This paper was to be used to influence the review of the implementation of these four areas of concern by the Commission on the Status of Women (CSW) at its 42nd Session in New York on 2-13 March 1998. The meeting also prepared a position paper on the draft optional protocol to the Convention being elaborated on at the above CSW session.

2.5.2 (iii) The History of Human Rights: A Critical Look at the Relationship between Gender, Development and Women's Rights Organised by Wide, Vienna (12-13 June)

In conjunction with their general assembly. WIDE organised a two day conference on women's socio economic rights. IWRAW Asia Pacific's director was invited to speak on a panel that discussed women's socio economic rights from the perspective of the south. In the conference she was also one of the commentators highlighting the accountability of International Institutions at a hearing on Economic Injustice and Violation of Economic Rights.

2.5.2 (iv) PROMOTING GENDER EQUALITY IN THE ASIA PACIFIC, DHAKA (12-16 JULY)

This was a training organised by UNDP for its gender focal points in South Asia. The training focused on Learning, Consultation & Briefing on Gender Mainstreaming. The director of IWRAW Asia Pacific was invited to be a resource person. She gave input on how UNDP can get involved in supporting the implementation of Convention related activities and also discussed issues pertaining to the application of the Convention.

2.5.2 (vi) Contraception, Abortion and Reproductive Genetic Engineering: An Islamic Perspective, 24 August (Kuala Lumpur)

Lecture on Contraception, Abortion and Reproductive Genetic Engineering: An Islamic Perspective, 24th August 1998, LPPKN Kuala Lumpur.

Azlini Abdul Ghani represented IWRAW Asia Pacific at this public lecture organised by Sisters in Islam, National Population and Family Development Board (Malaysia) and the Asia Pacific Resource Centre for Women (ARROW)

Professor Abdel Rahim Omran who was the Professor of International Health at the George Washington University and Research Director of the Middle east Development and Science Institute acted as keynote speaker. He traced the history of family planning and population demographics from the 18th century (based on the theories of Robert Malthus) to the modern day.

It was emphasised that there was no express prohibition of safe methods of contraception under Islam if it is practised in marriage and as a form of family planning. Islam also approved of practices which promoted the health of the mother and child e.g adequate 'spacing' between children (generally thought to be 30 months)

Other issues covered in this seminar were abortion, reproductive health, infertility treatment and genetic engineering.

2.5.2 (vii) Social and Economic Rights Network Meeting, 27 – 30 September (Canada)

IWRAW Asia Pacific was represented at the above meeting held on 27 – 30 September 1998 in Algonquin Park, Canada. The meeting was organised by The Centre for Housing Rights and Evictions, Australia and CERA, Toronto, Canada. The main aim of the meeting was to discuss the possibility of forming a network of organisations and advocates working in the area of social and economic rights in order to promote socio-economic rights in a more cohesive and strategic manner. IWRAW Asia Pacific has agreed to function as one of the facilitating points for Asia for the promotion of socio-economic rights with an emphasis on women and the use of the CEDAW.

2.5.2 (viii) APEC Meeting, NGO Conference, Kuala Lumpur Malaysia (8 – 15 November)

Third Women's Conference, 8-9 November 1998, Kuala Lumpur

Women against APEC Conference (Kuala Lumpur)

IWRAW Asia Pacific was invited to attend this regional meeting which addresses women's issues in relation to the impact of globalisation, privatisation and deregulation under the Asia Pacific Economic Co-operation or APEC. It is part of the NGO parallel meetings, which shadow the official dialogue between governments of the APEC.

IWRAW Asia Pacific was invited to present a workshop on UN Instruments (in relation to the impact of globalisation on women and how women can ground their claims in international norms pertaining to human rights in general and women's rights in particular)

The workshop on UN instruments explored the issue of the domestic application of international human rights treaties. Issues considered were the provisions in different treaties, mechanisms or conference documents that provided for the rights concerned; the legal and policy measures at the domestic level recommended for guaranteeing these rights; the barriers to achieving this goal and the strategies, legal political etc. that can be engaged in to address the barriers.

Discussion considered the way human resources are being redefined as human capital for the benefit of multinational and TNCs, i.e as commodities and how historically, social and religious norms disadvantage women's socialisation. Globalisation further intensifies the problem as it encourages women to become better skilled not in other areas of work but in subordinate areas. This present phenomena conflicts with international treaties that have been ratified and acceded to by individual governments e.g the International Covenant on Civil and Political Rights.

Recommendations and barriers on how to guarantee these rights were discussed resulting in the development of strategies to address these concerns. The recommendations surfaced included the need for an independent monitoring body (statutory bodies) / mechanisms to monitor and evaluate fulfilment of State

obligations under international treaties and that all trade agreements should be premised on the human rights framework. Increased effort needs to go into raising public awareness about international treaties and building capacity in using these treaties at the local level advocacy efforts.

The accountability of transnational corporations (TNCs) was also explored. The workshop discussed means by which to hold transnational accountable and whether there was any way of bringing these private actors under the jurisdictions of the UN human rights system.

Issues in relation to TNCs are difficult to address as TNC's are often not incorporated in location where violations occur. NGOs do not have standing to bring cases to court, only individuals who are directly affected have standing. TNCs have the resources to fight legal battles thus severely limiting NGOs and individuals who are not resource rich. The State's complicity with TNCs via international agreements encourages the erosion of human rights.

The group discussed the possible strategies in overcoming the difficulties in holding TNCs accountable for their actions. Suggestions included the setting up of a monitoring mechanism at all levels i.e monitoring international codes and instituting warning alert mechanisms at the community level. Alternatives to TNCs should be built for example, small organic farms, bio-diversity based productivity, community seed banking etc

IWRAW Asia Pacific also disseminated a range of documents on the subject area:

List of Materials distributed

- 1. UN Commission on Human Rights and its Sub-Commission
- 2. Human Rights International Instruments: Chart of Ratifications as at 31 December 1996
- 3. The International Covenant on Economic, Social and Cultural Rights
- 4. The International Covenant on Civil and Political Rights: Optional Protocol
- 5. Convention on the Elimination of All Forms of Discrimination against Women
- 6. Committee on the Elimination of Discrimination against Women: Eighteenth Session
- 7. Rome Statute on the International Criminal Court
- 8. International Labour Standards of Particular Relevance to Women Workers
- 9. Towards a Citizen MAI: An Alternative Approach to Developing a Global Investment Treaty Based on Citizens' Rights and Democratic Control, Working Instruments; Polaris Institute, Canada; April 1998
- Neo-Colonialism, Labour Rights and the "Growth Triangle" of Indonesia, Malaysia and Singapore: Who will Protect the "Hinterland" and Indonesia's Workers?; Katharine H. Woodward; Duckson Journal of International Law; Fall 1996
- 11. (Dis)assembling Right of Women Workers Along the Global Assembly Line: Human Rights and the Garment Industry; Laura Ho, Catherine Powell and Leti Volpp; Harvard Civil Rights Civil Liberties Law Review; Summer 1996
- 12. Removal of Import Restrictions and India's Agriculture: The Challenge and Strategy; Ramesh Chand
- 13. Globalisation and its impact on Women's Rights; T. Rajamoorthy

14. Globalisation and it Implications on Human Rights; T. Rajamoorthy; Third World Network; Paper presented at the regional dialogue on between Women's Rights, Activists and Human Rights organisation organised by IWRAW Asia Pacific: Manila 15-18 Nov 1996

Other issues also discussed in workshops were:

- Trafficking
- Labour and Migration
- Land Food Security and sustainable agriculture
- Indigenous women
- Health Privatisation and reproductive rights
- Gains strategies and challenges

Asia Pacific People's Assembly, 11-15 November 1998, Kuala Lumpur

People's Assembly: APEC (Kuala Lumpur)

The Asia Pacific People's Assembly 1998 is a conference organised parallel to the official APEC Leaders Summit in Kuala Lumpur by non-governmental and people's organisations. The aim of the assembly is to highlight concerns about the "free-trade, free market" mode of trade and investment liberalisation that APEC promotes, which has caused untold hardship to workers, women and people the world over.

Different issues were discussed in different forums. They were:

- Human Rights, Democracy and Militarisation
- Student and Youth
- Urban Poor
- Indigenous People
- Strategies of Peasant Movements
- Globalisation & Children
- Consumers
- Food Security and Agriculture
- Community Livelihood
- Media
- Environment and Forestry

IWRAW Asia Pacific staff were encouraged to attend the various meetings and took the opportunity together a variety of material on the issues discussed at some of the forums

2.5.2 (ix) NGO VISITS
Visit to NGOs made by IWRAW Asia Pacific
NGO Visits in Mongolia

IWRAW Asia Pacific took the opportunity to visit several organisations to understand the particular context in which their work takes place. Visits are as follows:

- Central Province Liberal Women's Brain Pool (LEOS) branch on the 26/4/98
- Women Lawyers Association on the 30/04/98
- LEOS on the 30/04/98
- National Centre against Violence on the 30/04/98
- Asia Foundation on the 30/04/98

NGO Visits in Sri Lanka

Staff of IWRAW Asia Pacific arrived two days before the Advisory Committee Meeting to visit the local NGOs in Sri Lanka. The pre-planned trip to an NGO in Kandy fell through due to unforeseeable circumstances. Our guide (Dilrukhsi from INFORM) did however enlighten us as to the current situation in Sri Lanka. We had the opportunity to visit sites of previous bombings and meet the local people. We had all always looked at the crisis in Sri Lanka from an external perspective but the real impact of the internal strife in this country was brought home to us during this trip. Kandy is the seat of Buddhism and therefore one of the natural targets of the Tamil Tigers (LTTE)

The Women and Media Collective gave us a brief description of their work-monitoring all forms of media. One aspect of their work is cinematic analysis. They are also monitoring the incidence of domestic violence as reported in the local papers. However, it seemed to us at least, that the NGO did not have a main focus in its work, which they admitted themselves. Their work was mainly ad-hoc

The other NGO IWRAW Asia Pacific visited was Sri Lanka Information Monitor (INFORM). It is human rights resource centre. Some of the more interesting aspects were that it had a practical bent of its collection. For example, facilitating in the collection of death certificates and probate procedures that would aid family and relatives of missing / dead persons

In conclusion, the staff found the visits to the NGOs invaluable as it served as a strong base on which to build our understanding of the particular situation facing the people in Sri Lanka. This understanding played an important role in coming to the grips with the background to the Sri Lanka law which was the subject of much discussion at the Judicial Colloquium.

Visitors to IWRAW Asia Pacific

Visit by Mongolia Women

Asia Foundation organised a group of Mongolian women to visit the office of IWRAW Asia Pacific as part of an Asian Observation Tour on Domestic Violence on September 8-23. The group comprised.

Ms. Brook Frewing (Luce Scholar and intern with WAO)

Dr Anita Weiss (Consultant with Asia Foundation)

Ms Sosormaan Chuluumbaatar, Director, Centre against Violence

Ms Purevsuren Jamganbasar, Psychologist, Centre against Violence

Ms Solongo Sharkhuu, Foreing Relations Officer, Centre against Violence

Ms Naidandori Chichuluum, Executive Director, Women's Lawyers Association

Ms Tsend Ayush Dagva, Legal Counsellor, Women's Lawyers Association Ms Amaraa Dorjsambuu, Program coordinator, Women's Lawyers Association

The group was briefed on the aims and objectives of IWRAW Asia Pacific and copies of 'Assessing the Status of Women' were distributed. The delegates were also briefed on the past, current and future programmes, particularly the Monitoring project, the Global to Local project and the online CEDAW Impact Study. Most of the participants were already familiar with the Monitoring Project as they were part of the consultation on writing the Baseline report for Mongolia. The Resource Centre was of particular interest to the delegates.

Objective 6: The strengthen IWRAW Asia Pacific's institutional capability for greater efficiency in and sustainability of its work

3.6.1 INSTITUTIONAL STRENGTHENING

1. Overview

Institutional development takes on more significance and becomes more urgent as IWRAW Asia Pacific intensifies and broadens its program in the region. Institutional capabilities have been strengthened in the following ways.

2. Staff

Two programme officers and one programme assistant was employed and an intern from Columbia Law Scholl, New York worked with us for 2 months

3. Equipment / Documents

The programme acquired more equipment i.e 1 new PC, 1 computer notebook and furniture. The resource materials / documents pertaining to human rights with a focus on women's rights acquired over the past years are being classified and computer entries made for easy retrieval.

4. Advisory Committee

The organisation now has an Advisory Committee that meets annually to assess and plan for the future growth of the programme.

Refer for item 2.6.2 for details

5. Funds

IWRAW Asia Pacific has been exploring possible long-term partnerships with donor agencies and other institutions, which identify with its vision and goals, to ensure the sustainability of its work in the region. 1998 saw an 86% increase in the funding situation. Total grants received was US\$499,059.00 from the following donors:

- FORD Foundation Delhi
- FORD Foundation New York
- UNIFEM South East Asia
- Ministry of Foreign Affairs Netherlands

- DANIDA
- NOVIB
- UNDP New York and UNDP APGEN
- ICHRDD

The above figure does not include funds paid directly to participating organisations for activities conducted by IWRAW Asia Pacific for them. These include \$14,000.00 paid to LEOS, Mongolia by Asia Foundation for the training of trainers conducted in September by IWRAW Asia Pacific, the fund raised by Masimanyane Women's Support Centre East London, South Africa for the three day orientation on the Convention conducted by IWRAW Asia Pacific, the contribution of \$16,880.00 made by the All China Women's Federation for the orientation conducted in China. These funds did not come through our accounts.

3.6.2 ADVISORY COMMITTEE

Formation

The First Advisory Committee was held on 21-22 July in Sri Lanka and the following professionals and IWRAW Asia Pacific staff were present.

Andrew Brynes (Australia / Hong Kong)

Shireen Huq (Bangladesh)

Mere Pulea (Fiji)

Ruth Manorama (India)

Sapana Pradhan Malla (Nepal)

Savitri Goonesekere (Sri Lanka)

Shanthi Dairiam (Director, IWRAW Asia Pacific)

Audrey Lee (IWRAW Asia Pacific)

Azlini Abdul Ghani (IWRAW Asia Pacific)

Li Yoon (IWRAW Asia Pacific)

Simran Gill (IWRAW Asia Pacific)

Two invited members were absent with apologies

Eleanor Conda (Philippines)

Noor Farida Ariffin (Director, IWRAW Asia Pacific)

Background to the members of the Advisory Committee

- Savitri Goonesekere is a professor of law at the University of Colombo. Currently she is the Vice Chancellor of the University of Colombo. In 1998, she was elected as a member of CEDAW.
- Sapana Pradhan-Malla is a corporate lawyer and director of the Forum for Women, Law and Development. She is an activist lawyer and through the Forum she has been using the Women's Convention in the Nepal courts.

- Ruth Manorama has worked extensively in slums and rural areas in India. She is currently the president of National Alliance of Women's Organisation which monitors the implementation of the Beijing Platform for Action.
- Mere Pulea is Director and Associate Professor of the Institute and Legal Studies, University of the South Pacific. She also works with the Government of Fiji and other countries on the development of their legislation. She provides supportive consultancy for countries in the Pacific interested in ratifying and acceding to treaties.
- Shireen Huq is an activist with Naripokkho and was involved in the writing to of the Bangladesh alternative report. She was invited by the Bangladesh Government to participate in its preparation of the 3rd and 4th combined government report to CEDAW in 1997.
- Andrew Brynes is a professor of law with the University of Hongkong doing research and writing on human rights. He has been involved in the drafting process of the Optional Protocol to the Convention, and is also a member of the Equal Opportunities Commission in Hong Kong
- Eleanor Conda is a lawyer. She is a founding member and was the first executive director of the Women's Legal Bureau in the Philippines. She has worked with the Convention for the last five years and been actively involved in the drafting of the Optional Protocol to the Convention. She is a core member of the Women's Caucus for Gender Justice responsible for the inclusion of gender perspectives in the statute of the International Criminal Court
- Noor Farida Ariffin is a lawyer and director of IWRAW Asia Pacific. She is a women's rights activist in Malaysia. she holds the post of Under Secretary, Policy Planning Division, Ministry of Foreign Affairs, Malaysia

Summary of Matters Discussed

Introduction of Programme to Committee

Projects and Funding

The Committee members were given an introduction to the history, objectives, background and programme of IWRAW Asia Pacific. They were also informed about the results of past internal and external evaluations of the programme. The staff members gave a briefing on key projects and the past and current funding. The following funding problems were highlighted:

- As the organisation does not have endowment funds or capital, it constantly faces cash flow problems, due to the lag time between approval and disbursement of funds from donors
- Most donors are also reluctant to fund core institutional costs
- Some donors are split into different geographical regions. Thus different proposals have to be submitted for different regions for the same project.
- Some donors are reluctant to fund an entire project due to the extensive costs involved.
- There is perception among donors that an Asian organisation should not be doing international work as it does not have the mandate to carry out such projects.

Staffing

A brief description of the job responsibilities of existing staff was given to provide Committee members information on current staffing structure, job responsibilities, conditions of work and benefits and to obtain their feedback.

Programme Partners

The Committee was also informed of IWRAW Asia Pacific's collaborating partners

Goals and Objectives

The goals and objectives of IWRAW Asia Pacific were reviews. In the light of this review the current IWRAW Asia Pacific brochure was amended and the Committee recommended guidelines for the future areas of work which the programme should carry out. The mechanisms by which the Advisory Committee will monitor and establish programmatic and financial accountability were discussed. The Terms of Reference for its appointment and the composition of the Committee were finalised.

Tasks performed by the Committee

Future direction

Suggestions were made for possible future work:

- IWRAW Asia Pacific has never worked before with governments except in Malaysia. The Committee endorsed the suggestion that one of the strategies in order to work with governments is to have Regional meetings with key government Officials to educate them on their obligations under the Convention. To do this, links are needed with inter-governmental agencies e.g ESCAP, UNIFEM. It was suggested that development agencies with a gender focal point should be prioritised.
- A meeting on National Human Rights institutions to share experiences, methodologies, linkages with the Court system, and the international system would fill a critical area of need. The meeting should focus on the capacity of the institutions to be effective in promoting and protecting human rights and to integrate a gender perspective into their work.
- IWRAW Asia Pacific should continue to build capacity of in-country groups for advocacy. The organisation can be proactive in holding a regional meeting with Human Rights groups without losing its focus on women
- One activity in 1999 is to identify other groups doing grassroots work in certain countries and look at the methodologies used, and to compile and disseminate it to grassroots organisations.
- There is a need to focus on the area of law reform and to have copies of model legislation
- There is a need for effective transfer of information e.g. via publications for research and transformation of information / materials to others. Local groups are already working on simplified materials on the Convention in their local languages. The materials can be reviewed, translated in to English and then disseminated as a set of prototype materials that can then be translated into local languages.

Future focus is to build capacity for women's access to this information

Key into Agency resources, for example the UN agencies for information collection

 Prioritise information on constitutions, test case, and selected legislation in certain areas like violence. Other topics include in inheritance, sexual harassment, international instruments transformed into local laws.

- Within the region, there is a common law base to be built on. The areas of common law foundation and cross-fertilization, exchange of information are fairly substantive. There are institutional structures, like Commonwealth Magistrates and Judges Association, legal journals e.g developments in defined areas need to be fertilized. To draw this together, there should be a research project with an action component which facilitates information flow.
- Research into enabling conditions / equal opportunity at two level: affirmative action which forces compliance and enabling conditions
- Literacy in a whole range of Human Rights instruments / procedures, constitutional norms and legislation.
- Education of the Legal Profession

Continuity of the Programme

In order to have sustainability and continuity of the programme the Committee made the following recommendations:

 IWRAW (Asia Pacific) should build expertise within the Organisation so that a range of people can carry out a project

Responsibilities of the Advisory Committee

Individual members indicated specific areas of the programme to which they can give their expertise.

Decisions made

Appointment of Advisory Committee

The name of this committee will be "Advisory Committee"

The Board of Director of IWRAW Asia Pacific shall appoint them embers of the Advisory Committee.

Composition and terms of reference for the Committee were finalised

Method for regular communication between the staff and the Advisory Committee was established.

PART IV: MONITORING AND EVALUATION

The implementation of the programme is closely tracked by the staff and the directors for its compliance with its objectives and for financial accountability. Individual projects have their own evaluation component and feedback is obtained on each occasion from the participants of the project.

The programme as a whole is reviewed annually by the Advisory Committee. In 1996, (after three years of implementation) an internal and external evaluation was done of the achievements of the programmer and future directions were set.

ANNEX 1

SOME GUIDELINES FOR THE CONDUCT OF 'SOCIAL INVESTIGATION' VISIT

Introduction

A 'social investigation' trip, for the purpose of IWRAW Asia Pacific (hereafter the IAP), refers simply to the preliminary trip or entry by IAP into a country in which it had not had any previous presence, regardless of whether or not it has existing contacts in that country. During the last three years of IAP, preliminary trips have been made in certain countries in its priority list, often with an initial orientation on the Women's Convention tucked on. But those trips were primarily for networking.

During the June 1996 Bangladesh Evaluation and Planning Meeting of IAP's Coordinating Team, the cursory and ad hoc manner by which IAP's entry into a country had been made was pinpointed as a weakness and a reason for many of the difficulties encountered in the course of IAP's implementing of its in-country activities. It was seen that the utility of those preliminary steps to IAP's planning could have been optimised. The Coordinating Team saw the import of these preliminary trips to a successful implementation of IAP's in country activities, and decided on a more systematic, thorough conduct thereof following clear guidelines.

The Stance upon Entry

As articulated and nuanced in various institutional documents, IAP is a support regional program that catalyzes national action and capitalizes on the interest — no matter how tentative — in Convention-related work among national groups and individuals. Although it is ready to be aggressive and proactive where and when required, IAP aims for building capacity nationally and for leadership, autonomy and integrity of national-level groups and individuals. It recognised the peculiarities and uniqueness of a 'women's movement' and is cognizant of the particular dynamisms (or lack of it) at the national level. Finally, in practice, although IAP talks of model training and orientation designs or packages applicable in countries throughout the region, it refrains from using fixed formulas or approaches, as it considers adaptation and contextualisation of its work as crucial to the sustainability and impact of its work in a country.

The Bangladesh meeting in not so many words affirmed such a working philosophy, although sans the nuanced extractions. It is a philosophy that places premium on respect for and recognition of the integrity, autonomy and capabilities or potentials in its relationship with national groups.

Stating the foregoing might be seen as belabouring the point; but there is a reason for its articulation, or appropriately, its re-articulation. It is maintained that the mindset and stance of the IAP person undertaking the SI trip will be affected by her clarity on such philosophy and her internalisation thereof. A contrary belief and position or one that is unclear and vague may manifest in the person's words and actions that would not be lost to the women and groups being related to and could reflect against the tobe introduced IAP.

Objectives of a Social Investigation Trip

These can be as follows:

- 1. To provide data that will enable IAP to have better understanding of the women's situation in the country, and the urgent and priority issues facing the women therein;
- 2. To be able to provide the socio-cultural, economic, religious, legal and political context in which women's rights and related issues may be viewed:
- To be able to provide a general picture of the advocacy on women's rights, the issues addressed by the women's groups in the said country, and the politics or dynamics among women's groups and/or individuals concerned, including mainstream human rights groups in said country and identify key players;
- 4. To generate sound observations and impressions on which IAP can base its identification of prospective partners for in country cooperation
- 5. Which organisations / organisation is involved / interested in the systematic monitoring of changes in law and policy that would promote women's rights, in keeping track of discriminatory practices or actions that violate women's rights and related women's activism. Would any of these organisations be interested in being part of IWRAW Asia Pacific's information network and send feedback systematically on all the above developments as well as on landmark cases and judicial interpretations (good or bad)

These data will be especially valuable for the institution in drawing up a country plan or program, in strategizing future moves, in building key partnerships and in deciding on content of IAP's training package. Moreover, familiarity with those data is a positive projection of the institution as to its preparedness and thoroughness (perhaps, even its sincerity) in undertaking its national program to support local activism. Also, the confidence that such knowledge can add to IAP may go far in ensuring successful implementation of its in-country plans.

The How To's

Data gathering can be primary and secondary since it is expected that there will be existing materials and studies tat can be used. There are some aspects or areas however that by their nature requires personal interviews and meeting. it is strongly suggested that the social investigator's prepare prior to her trip a checklist of data to secure, plus a questionnaire to guide her in the interviews. The following are some suggestions that may be considered in drawing up their checklist and questionnaire.

- Socio economic aspect official data or country situationers may be obtained from pertinent government agencies while "the-other-point-of-view" materials and studies might be available from concerned population, employment, macro policies, economic strategies and programs, social services, etc, should be very useful. The intent here is only to enable IAP to have some 'feel' and not for it to have at the tips of its fingers all such socio-economic indicators.
- 2. Religious and cultural aspects information should include <u>inter alia</u> dominant religions and religious and cultural practices that violate rights of women etc.
- 3. Legal and political aspects Information to be obtained can include:
 - 3.1 form of government and structure: the legal system
 - 3.2 lawmaking and other governmental processes

- 3.3 constitutional provisions on equality and non-discrimination, or on human rights and international law in general
- 3.4 laws relating to or affecting women and whether or not these laws discriminate against women and are being enforced, among others, in the areas of family relations, property and inheritance or succession rights, labor, criminal law, etc
- 3.5 state ratifications of and reservations to human rights and other international instruments (note: these also may be obtained outside the SI trips)
- 3.6 public mechanisms or structures concerned with women and human rights

By way of short cut, existing studies in these areas especially those done by NGOs or academics can be secured. Copies of the constitution, pertinent laws and codes and other related documents should be secured.

4. Women's situation and advocacy? Questions to ask may be as follows:

What are major concerns of the women in the country? in this regard, issue or sector-based studies and researches might be available.

What are the key issues advocated by women and women's groups? (Note that these may not correspond to 4.1) what are their strategies and approaches in addressing these issues? Are those strategies or approaches women's rights / human rights-oriented or are they more adoptive of needs or service framework? Are court advocacy and legislative advocacy being waged? if yes, is there any test case pending in court or about to be filed? Are new bills on women being proposed? What are these?

Is there awareness among women and women's groups on the Women's Convention and other human rights instruments? Is there ad advocacy around the Convention? if yes, which groups are involved?

Which are key groups / networks working on women's issues? how are they positioned, identified or perceived (i.e are they seen as conservative, radical or militant, left wing, right-wing, etc) Who are seen are the credible or respected ones? What are the personal observations or impressions by the social investigator of these groups?

Are these mainstream human rights groups in the country? What do they think of women's rights? Do they address also women's rights issues? How do they relate if at all to women's groups?

Have the NGOs prepared or in the process of preparing an alternate report which could be used as baseline information from which to assess the incremental progress in relation to women's rights.

The foregoing questions and points are definitely not exhaustive. The 'social investigator' has all the leeway to secure other data that she deems will be useful. A possible guide to other information that can be gathered is the <u>Guide to Reporting under the Women's Convention</u> distributed by IWRAW Minnesota. The specific questions under the different articles presented in the Guide can help the 'social investigator' frame more specific and comprehensive checklist and questionnaire.

Output from an SI trip

After an 'SI' trip, the following are expected:

- 1. an Accomplishment Report that includes observations and recommendations, especially on strategies and prospective partners;
- 2. a country profile and brief women's situation
- 3. copies of the constitution and other legal documents and codes and pertinent studies and researches, if any;
- 4. directory of women's groups and advocates

ANNEX II

Monitoring Framework: Facilitating the Fulfilment of Governments' Obligations to Women's Equality

The framework presented below is divided up into the following sections:

Section I contains the conceptual analysis of discrimination in a given sector including:

- Evidence of Disparities: this refers to the presentation of the existing situation
 of women vis-à-vis men in a particular sector or theme, which we may also call
 the manifestations of the problems identified.
- Evidence of Discrimination: this refers to the analysis of causes and barriers that have led to the inequality identified above. This is a critical section because of possible conflicts over the concepts used in the analysis. The use of "gender" as an organising concept is critical here, although there may be a lot of resistance to identifying unequal power relations between women and men as emerging from social processes that are reversible and can be changed. Resistance comes from those people who believe that differences between women and men are natural (biological) and irreversible, and that discrimination emerges from natural laws of difference between women and men. How evidence of discrimination is presented is critical to changing the mindset of policy-makers and planners who do not understand. Related to this is the ability to identify the impact of discrimination as laid out in Part III: is it exclusion; is it distinction; or is it a restriction of women's fundamental freedoms and rights? Identification of causes and barriers helps us to also identify what kinds of programs and policies we need, what their content and process should be.

Section I helps us to identify quantitative (evidence of inequality) as well as qualitative (evidence of discrimination) indicators of change

Section II deals with state obligation and helps us to develop on the analysis of Section I, and provides a schema for assessing the types of initiatives, changes required

- State Obligations (What should be done?): Identifying the range of obligations that the state has to undertake in order to create conditions for change is an important first step setting our parameters for action. This is our advocacy framework vis-à-vis the state; it provides us with a starting-point for critical engagement with the state; The range of obligations can be obtained from Constitutional guarantees, legal provisions, existing policy commitments, international commitments, whether through human rights conventions (such as the Women's Convention), or whether through commitments made at conferences such as the Beijing Platform for Action.
- Current State actions / initiatives: These can be derived again from policy and other commitments already made by the state, and the kinds of programmes put in place.
- Assessment of State actions / initiatives: Here the emphasis is not just on what states do, but also analysing the content of state programmes and the strategies they develop.

State actions can be assessed based on the qualitative indicators developed in Section I. Because the nature of social change is so complex and dynamic, they need to be assessed on the basis of short-term change, medium-term or intermediate change, and long-term progress towards equality. Indicators here need to provide **evaluative information** on the kinds of results that can be found

- Identification of gaps: Assessment of state actions make visible the gaps that
 exist in state initiatives, in terms of strategy, content and process, and provide a
 constructive way to take debates on change forward.
- NGO actions: Finally, there is a need to simultaneously collect data on what NGOs are doing, also monitoring the strategies, content and processes of NGO initiatives.

The monitoring framework is presented in a format below:

THE MONITORING FRAMEWORK

Monitoring the Implementation of the Convention¹⁵

(Monitoring Progress in the Elimination of Discrimination against and achievement of Equality for Women)

SECTION 1

Evidence of disparity

Inequalities / Disparity in:

Treatment: (Art. 4(1))

Access or Opportunity (Art.4(1))

Results or the actual enjoyment of rights (Art.2(a); Art.4(1))

- The practical realisation of the principle of equality
- De facto equality

NB: refer also to relevant articles in Women's Convention according to theme.

Evidence of Discrimination

Causes or Barriers:

Public and Private spheres (Art.2(d), Art.2(e), pp.13)

 Customs and practices (Article 2(f))

Prejudices, customs and all other practices (Art. 5(a))

- Laws, regulations (Art.2(f)) and other government measures (implied Art.2(d))
- Other (Art.3, by implication, pp.14)

e.g. absence of or inadequate enabling conditions

Effect of discrimination

Applying the Art.1 test (pinpointing and understanding the discrimination)

- 1. Is there a:
- distinction?
- exclusion
- restriction
- 2. Is it made on the basis of sex?
- 3. Does such distinction, exclusion, restriction...
- impair or
- nullify

the

- recognition
- enjoyment or
- exercise

by women of human rights and freedoms whether:

- in effect, or
- by purpose

95

 $^{^{\}rm 15}$ All references to Articles are to the Women's Convention

SECTION II State Obligations State Actions/ Initiatives Art 2: Embodiment of the principles of equality in the Constitution or law **Ensuring** through law other or appropriate means, practical realisation of the principle enabling conditions (Article 3) **Temporary** Special Measures (Article 4) **Prohibition** of discrimination through law and other measures including sanctions Legal protection of the rights of women Effective protection of women against any act of discrimination through national tribunals and other public institutions Refraining engaging in any act practice discrimination women: against ensuring that public authorities institutions shall act in conformity this obligation

Taking

appropriate measures

eliminate

all

to

to be assessed on the basis of the previous column

Assessment of State actions / Initiatives

- 1. Achievement of immediate objectives or purposes of state actions and initiatives.
 - 1.1 Indicators
 - 1.2 Facilitating or Constraining Factors. Barriers, or Obstacles
- 2. Contribution towards Eliminating Discrimination and Inequalities
 - 2.1 Indicators
 - 2.2 Facilitating or Constraining Factors. Barriers or Obstacles
- 3. Contribution towards achieving Equality
 - 3.1 Indicators
 - 3.2 Facilitating or Constraining Factors, Barriers or Obstacles

Identification of gaps

- 1. State obligations vs. Actions / Initiatives
- 2. Purposes / Objectives of an Action Initiatives vs. Results
- 3. Action / Initiative vs. Elimination of Discrimina tion Achievem ent of Equality

 Inequalities. their causes

NGO initiatives

- 2. Strategies to eliminate them, if any
- 3. Strategies to promote achievement of nondiscrimination and equality

discrimination
against women by
any person or
organisation or
enterprise.

Taking all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women

Repeal of all discriminatory penal provisions

Art.5;

- a) taking all appropriate measures to modify social and cultural patterns conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on idea of the inferiority or the superiority of either of the sexes or on stereotyped the roles for men and women
- b) ensuring that family education includes ... proper understanding of maternity as a social function and recognition of common responsibility of men and women in the upbringing and

development of their children

ANNEX III

Facilitating The Fulfillment of Governments' Obligations to Women's Equality: South East Asia

South East Asia Core Groups

Country Focal Points	Organisation
Cambodia	Cambodian Women's Crisis Centre
Indonesia	Indonesian Women's Association for Justice (LBH-APIK)
	Women's Group for Convention Monitoring
	Women's Association against Violence (SPEAK)
Laos	Lao Women's Union
	Quaker Service Laos
Malaysia	Women's Aid Organisation
	University of Malaya
	University Kebangsaan Malaysia
Mongolia	National Networking on CEDAW Monitoring
	Mongolian Women Lawyers Association
	Women's Information and Research Center
Philippines	Women's Legal Bureau
	Linangan ng Kababaihan Inc (Likjhaan)
Thailand	Chulalongkorn University
	Thai Development Support Committee (TSDC)
	Foundation for Women
Vietnam	Youth Research Institute

ANNEX IV
Facilitating the Fulfilment of Governments' Obligations to Women's Equality:
South Asia

South Asia Core Groups

Country	Organisation Represented	Individual Participants
Nepal	International Human Rights Education (Women's Programme)	Anjana Shakya
	Forum for Women, Law and Development	Sapana Pradhan Malla; Sabin Shrestha
	New Era	
		Vidhya Laximi Shrestha
	Shtrii Shakti	
		Annatha Shtestha
Bangladesh	Bangladesh Mahila Parishad	Maleka Banu
	Bangladesh Naripokkho	Maheen Sultan
India	National Alliance of Women /Women's Voice	Ruth Manorama
	North East Network	Roshmi Goswami
	Association for Advocacy and Legal Initiatives	Tulika Srivastava
	IWID	Martha Pushparani
	Women's Policy Research and Advocacy Unit	Dr. Shantha Mohan
	Women's Voice	Ruth Manorama, Geeta
	Adithi	Devi
		Racharna Sharma
Pakistan	PATTAN	Dr. Farzana Bari
	AURAT Foundation	Shahla Zia, Shehnaz Ahmad
Sri Lanka	CENWOR / Center for Women's Research	Kamalini Wijayatilake
	Women's Development Centre	Pearl Stephen

ANNEX V

MONITORING AND ADVOCACY PROCESS ON THE CEDAW

