1999

INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH ASIA PACIFIC ANNUAL REPORT

THE INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH-ASIA PACIFIC

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PART I

I BACKGROUND, PURPOSE, OBJECTIVES AND OVERVIEW OF THE IWRAW ASIA PACIFIC PROGRAMME

1.1 Mission Statement

Focus on the Women's Convention

The International Women's Rights Action Watch Asia-Pacific (IWRAW Asia Pacific) works through collaborative projects aimed at strengthening domestic application of human rights norms in relation to women's rights. Its major strategy is to monitor and facilitate the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (the Women's Convention / the Convention). However, this primary focus in what is effectively a women's international bill of rights, does not preclude the use of other human rights instruments to advance women's rights.

IWRAW Asia Pacific recognises that rights guaranteed by international treaties and constitutions must be actively claimed by women. IWRAW Asia Pacific is committed to encouraging women's claims for human rights particularly the inclusion of women's experiences holistically. To facilitate this, the mobilisation, advocacy, and participation of women at all levels, national to international, for effective monitoring of the Women's Convention, is an essential precondition

1.2 Conceptual Framework

IWRAW Asia Pacific's programme has consistently emphasised the Convention's definition of equality, which IWRAW Asia Pacific calls 'substantive equality' or a *de facto* equality that is not limited to the creation of equal opportunities only. What the Convention advocates is an equality of opportunities and results, leading to true equality for women. To bring this about all obstacles that prevent access to the opportunities need to be identified and resolved. The domestic application of human rights norms requires both the enforcement mechanisms and the creation of a culture that encourages compliance with human rights principles and norms. The former refers to the courts and the legal system, which sets

standards, appraises compliance and makes authoritative decisions forcing compliance. The latter deals with the business of defining rights, invoking rights and promoting rights so that a culture that recognises people's rights and demands for justice is formed. These two dimensions are mutually reinforcing. When rights are not enforced, it provokes a call for justice with more intensified articulation of the definition as well as the invoking of rights. As the demands for rights mounts up, it influences the enforcement of rights.

A working premise that creates a synergy between the enforcement of rights and the culture of compliance with human rights norms is that a rights framework does not automatically confer rights; it only legitimises the claims for rights. Women have to be able to claim their rights and the programme targets this need. There are many barriers to women claiming their rights-these may be hostile culture or tradition, a gender bias in the administration of justice and many other reasons. Hence training and education of women and providing them with the support to enable them to claim their rights is essential.

Essentially, IWRAW Asia Pacific's programme is premised on the belief that, before women can access 'real' equality, several other conditions are needed:

- Standard setting at the international level that matches the realities of women at the local level
- A culture of compliance with gender sensitive human rights norms
- Women's ability to claim their rights
- Women forming a constituency with a strong voice to invoke their rights and push for political action and create the necessary political will. this implies the need for capacity building and gender-sensitisation for women themselves, and for those bodies who would put the institutional changes in place e.g. judges, lawyers, bureaucrats, and parliamentarians.
- Mechanisms for enforcement that are gender sensitised and have the will to implement the Women's Convention.
- A mechanism for monitoring the fulfilment of State obligations under the Convention to track the progress in making equality a reality for women at the domestic level.

The above factors are interactive and reinforce each other. All of this requires a focus on various actors and types of action. Domestic applicability is all about enforcing universal minimum standards of rights thus reducing the effect of negative culture or selective and inconsistent application of norms and standards as a matter of political and economic expediency. Besides women, we need to impact on all branches of government, legislators, the bureaucracy and the judiciary. We need to look at various institutions within these branches of government or which have an effect on them. These segments of actors include, politicians, the bureaucracy at different levels, law enforcers, and prosecutors, specific institutions or mechanisms that monitor and or enforce human rights standards, judges and lawyers.

I.3 THE AIM AND OBJECTIVES AND ACTIVITIES 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 domestic application and use in local activism of the Convention and the human rights instruments as part of the process of monitoring the implementation of the human rights chapter of the Beijing Platform for Action through technical support, Social Investigation Visits, orientations and training

- Social investigation visits to selected countries
- Producing training packages for women activists and government functionaries
- In-country training
- Development of regional pool of trainers
- Technical assistance to file test cases, law reform, campaign for the lifting of reservations, plan for the effective implementation of the Convention etc.

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

- Creation of sub regional monitoring mechanisms to assess the fulfilment of State obligations
- 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 strategizing 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 international and regional linkages

• Participation in and contribution to relevant programmes of other organisations, attendance at regional and international meetings and conferences

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

- Setting up of an advisory committee
- Hiring staff
- Forming pool of consultants
- Establishing linkages with donors and other institutions

WHO THE ORGANISATION SERVES

- 1) IWRAW Asia Pacific is not a membership organisation. It has identified women's groups at the national level, as primary partners. From 1993 to 1999 it has worked in 14 Asian countries. In each country at least 20 to 35 groups working on a wide range of issues have participated in the orientations and training in the first phase of the programme. The aim of IWRAW Asia Pacific has been to raise the awareness of these organisations about the significance of dealing with discrimination against women regardless of the issue they are working on. In the second phase, the involvement of these groups will be focused towards specific actions for eradicating discrimination and holding their governments accountable at the national and international levels. These actions could revolve around filing test cases in court challenging discriminatory laws, campaigns for the withdrawal of reservations, advocacy at the national level for domestic receptivity of the principles of the Convention etc.
- IWRAW Asia Pacific has also identified lawyers and judges as groups to work with in order to sensitise them to the need to use a human rights framework in courtroom advocacy.

3) A third category that IWRAW Asia Pacific plans to work with is government bureaucracies at the national level, parliamentarians and human rights commissions.

PART II IMPLEMENTATION ACCORDING TO PLAN

Specific activities were planned for 1999 to achieve the stated objectives of IWRAW Asia Pacific. A narrative account of activities implemented is given below. This narrative also includes activities that were not initially planned for but were implanted in response to requests made to IWRAW Asia Pacific

PROJECT IMPLEMENTATION BY OBJECTIVES

Objective 1: To help develop skills in rights awareness and build capacity for domestic application and use in local activism of the Convention and the human rights instruments as part of the process of monitoring the implementation of the human rights chapter of the Beijing Platform for Action through technical support, Social Investigation Visits, orientations and training

Related activities were the following:

1.1. TRAINING

1.1.1 NATIONAL TRAINING FOR NGOs

1.1.1 (i) Training on the CEDAW Convention and Women's Human Rights, New Delhi, India: 23-25 February 1999

A three-day training was conducted in New Delhi, India for 25 members of the National Alliance of Women. Participants were drawn from member organisations from all parts of India.

The objectives of the training were to:

- create conceptual clarity on key issues pertaining to women's rights: the social construction of gender, equality and discrimination;
- raise awareness about the significance of the convention as an instrument to plan development and access rights for women
- discuss issues pertaining to the implementation of the Convention in India.
- raise awareness regarding the possibilities and limits of the law as a tool for change
- provide a briefing on the UN human rights system relating to women's rights and the latest developments relating to the 43rd session of the commission on the status of women
- develop some skills in the application of the convention to access women's rights
- develop some plans to strengthen NGO activism relating to the implementation of the Convention.

Local and topical case studies were used to illustrate potentials for the application of the Convention. The training was participatory and generated a great deal of discussion. This training laid the groundwork for collaboration among the groups by the end of the year for the preparation of the shadow report to CEDAW when India was reviewed by CEDAW in 2000.

1.1.1(ii) Training on the CEDAW Convention, Bangkok, Thailand: 16-19 August 1999

Planning Meeting

On the 25/3/1999, IWRAW Asia Pacific met with Vachararutai Boontinand of the Global Alliance for Trafficking in Women (GAATW), Wanee Thitiprasert, The Thai Development Support Committee (TDSC) and Dr Pusadee Tamthai, The Women and Constitution Network), members of the core group working on the Facilitating Project ¹to plan the training for NGOs in Thailand as the need for the training was expressed as a result of the implementation of the Facilitating Project.

<u>Training</u>

IWRAW Asia Pacific held a four-day workshop, in collaboration with all three organisations mentioned above. The workshop was attended by 34 women from 28 women's NGOs. Human rights organisations and academic / research institutions.

All training materials were translated into Thai and there was full interpretation for the training.

Topics /Issues covered in the training

The training took the participants through the three main principles under the Convention, which are the Principles of Equality, Non-discrimination and State Obligation. Related materials such as the 'social construction of gender' and a session on 'Institutions and Inequality' were provided as they gave the context within which the Convention would function. Training also took the participants through the UN Human Rights mechanisms and procedures. This session outlined how local NGOs could implement international instruments as another tool in their advocacy and activism efforts.

A presentation by representatives from local NGOs on the current status for women in Thailand was necessary to set the tone for the next session, a practical analysis

¹ This project is called Facilitating the Implementation of State Obligation towards Women's Equality. It sets out to monitor the implementation of State obligation under the Convention and is implemented in several countries through a long term relationship with core groups in these countries. It is reported on page 28.

of the application of the Convention and its use in planning and strengthening NGO activism in Thailand. Time was spent discussing and analysing the newly developed Thai Constitution and the development of Thailand's Human Rights Commission.

Accomplishments

The session on the definition of discrimination was a particularly important session. By the end of the session, participants understood meaning and how to incorporate into its analysis of when and where discrimination occurs in their daily lives.

The presentation from the NGOs highlighted the NGO activism in Thailand in promoting women's rights and the status of the implementation of the Women's Convention and the Beijing Platform for Action. Women's groups learnt how and where they could intervene in promotion of women's rights not only under the Convention's monitoring mechanism but also under the other various rules in the United Nations.

As Thailand had reported to the CEDAW in January 2000, the concluding comments on CEDAW were distributed and steps for its implementation were discussed. The groups decided to form a committee to follow up with the National Commission for Women's Affairs (NCWA) to monitor the implementation of the concluding comments.

At the training, IWRAW Asia Pacific came to understand the specific issues that affect NGO work in Thailand. For example, the concept of Western versus Asian values is a serious problem, which has to be addressed.

1.1.1 (iii) Training on the CEDAW Convention, Phnom Phen, Cambodia: 26-30 October 1999

A five-day Training was conducted in Cambodia for 25 persons comprising women's groups and human rights NGOs. Three members of the Lao Women's Union and one person representing the Centre for Women and Family Studies, Vietnam also participated. The Cambodian organisations represented were as follows: Centre for Family Violence, Vigilant, Help Children and Women, Women for Prosperity, Khmer Women's Voice, Young Women's Crisis Centre, Women's Development Association, Cambodian Women's Crisis Centre, Nuns and Lay Women's Organisation, Legal Aid of Cambodia, Ad Licardo. UN Office of the High Commissioner for Human Rights, Ministry of Women and Veteran's Affairs

The training was carried out in partnership with the Cambodian Women's Crisis Centre.

The objectives of the training were as follows:

General Objectives

To develop skills in the Cambodian participants to apply the principles of the Convention on the Elimination of All Forms of Discrimination against Women in planning for the advancement of women

Specific Objectives

- 1. 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. 2. Create clarity on key concepts and principles pertaining to women's rights advocated by the Convention: equality, discrimination and State obligation
- Develop skills in the practical application of the principles of the Convention in priority sectors in order to develop a comprehensive approach to women's development.
- 4. Provide information on the procedures by which the Convention is monitored by the CEDAW Committee at the United Nations level;
- 5. Discuss the following:
 - Critical issues pertaining to women in Cambodia
 - Issues pertaining to the implementation of the Convention in Cambodia
- 6. Discuss issues to consider and make plans for using the Convention in related advocacy

Topics of the Sessions

Social Construction of Gender, Institutions and Inequality, Towards Substantive Equality, Discrimination and Non-discrimination, Role of the Law and Women's Activism, Struggle for Women's Rights as Human Rights and the History of the Women's Convention, Special Features of the Convention, Issues Pertaining to Cambodian Women, Application of the Women's Convention, The Human Rights System at the UN and Mechanisms Provided under the UN to Promote Women's Rights: Reporting under the Convention, Optional Protocol, Special Rapporteur on Violence against Women, and Planning the Next Step.

Follow up

The following were suggested and discussed:

- Campaign for the adoption of the sub decree on trafficking in women and children (There is a statute on Trafficking on Women but it requires the adoption of a sub decree for its implementation)
- Campaign for a law on Domestic Violence in the year 2001
- Creation of a training team to transmit knowledge on the Convention to other NGOs and the Government
- Special training for Women and the law and issues pertaining to impunity for law enforcement officers.
- The members of the Lao Women's Union who attended this training have requested that a similar training be conducted in Laos PDR for the members of the Lao Women's Union.

Evaluation

The participants found the training useful. The following excerpts from the evaluation demonstrates this:

- I got good knowledge. You have good clarification for all our questions.
- In Cambodia we are familiar with gender. But the substantive approach to equality and how to apply the Convention to our problem was new to us. I can see the problem for women in the family, but could not see the connection with all institutions like the market, the community, the state etc. But now I can see the connections.

All training materials were translated into Khmer and there was full interpretation for the training.

Accomplishments

Although the concept of gender was familiar to the participants this was their first exposure to the concept of substantive equality. They also acknowledged that the links between discrimination in the family and that which takes place in the public sphere is clearer as they have learnt how institutions like the family, the market, community and the state interact and build on discrimination which occurs in one institution. They stated they have learnt how to apply the framework of the Convention to specific problems.

1.1.1(iv) Participation in the Training for an All Indian Group of Lecturers on Gender Studies University of Chandigarh, India: 27 February 1999

IWRAW Asia Pacific's director gave a lecture on the Convention and Women's Rights at the above training.

1.1.2 TRAINING FOR GOVERNMENT OFFICIALS

1.1.2(i) Human rights training for government officials and NGOs in Jakarta, Indonesia, organised by the Office of the High Commissioner for Human Rights (OHCHR): 12-24 July 1999

This training was conducted in three parts - one week for mid level government official, 2 days for senior planners and one week for NGOs. IWRAW Asia Pacific collaborated in all three training on the issue of women's rights and the CEDAW Convention. The training was initiated by the OHCHR because the Indonesian government had acceded to the Convention against Torture in June, 1999 and had expressed an intention to accede to other treaties such as the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights.²

The training took the participants through all the main human rights treaties. IWRAW Asia Pacific was given only one day in each of the three training and hence the sessions on women's rights could not be substantive enough. Nevertheless the session on women's rights managed to clarify the meaning and scope of substantive equality and discrimination as promoted by the Convention. The need for State NGO cooperation in implementing human rights treaties was also communicated.

1.1.2(ii) Training on the Convention for the National Commission on Women's Affairs (NCWA), Thailand: 22-25 August 1999

<u>Planning</u>

Thailand reported to the CEDAW in January 1999. IWRAW Asia Pacific 's director met with Dr. Saisuree of the NCWA in January in New York as she was head of the delegation that reported to the CEDAW. At this meeting, since the CEDAW had emphasised to the Thai government that the definition of discrimination needs to be broadened to include direct and indirect discrimination, and as the Thai delegation realised that the bureaucracy needed to enhance its understanding of key concepts under the Convention and state obligation thereof, Dr Saisuree expressed a need for IWRAW Asia Pacific to provide training for the NCWA as a start

Subsequently, IWRAW Asia Pacific held a meeting in Bangkok on 24 March 1999 to plan the training.

² Previous to this, Indonesia had only ratified the CEDAW Convention and the Convention on the Rights of the Child.

Training

A four-day training was held in Bangkok for 33 members of the staff of the NCWA in collaboration with the NCWA.

All training materials were translated into Thai and there was full interpretation for the training.

Accomplishments

The staff of the NCWA displayed great awareness of the situation of women in Thailand and the obstacles that stood in the way of the achievement of rights. In fact they were quite sophisticated in their analysis. Time was spent on sharpening their understanding of state obligation and the requirements of the data for reporting to CEDAW. They were frank in their analysis of the challenges they faced in complying with the obligations under the CEDAW and in particular in complying with the reporting process. In particular they identified the lack of political will in other sectors of government as a serious hurdle.

As in other training, the sessions on the concepts of substantive equality and discrimination provided the greatest learning. The session on the methodology for a writing the government report elicited great participation.

The participants were very interested in discussing the concluding comments of CEDAW issued in January 1999 and the highlight of the training was the group exercise to work out a methodology for the implementation of the concluding comments.

It was recognised that the implementation of the Convention was the responsibility of all sectors of government, hence follow up action to train key sectors was also discussed

1.2 TECHNICAL ASSISTANCE AND SUPPORT

The specialised 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:

1.2.1 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

IWRAW Asia Pacific Annual Report 99

- Information on the standard reporting form to be used to document alleged instances of violence against for the UN Special Rapporteur on Violence Against Women's report was sent to Debbie Stothard, ALTSEAN Burma. IWRAW Asia Pacific also forwarded the organisation our summary of the recommendations that was made at the meeting with the Special Rapporteur for her next report; 22 January.
- General Recommendation 23, information on CEDAW's reporting mechanisms, the structure and function of the CEDAW Committee and NGOs participation in the entire process was sent to Mario Gomez of the University of Colombo, Sri Lanka pursuant to a request; 14 February.
- Pursuant to a request from the Hon. Nimi Walson-Jack, Centre for Responsive Politics, Nigeria, IWRAW Asia Pacific sent information on the Women's Convention and guidelines and procedures in preparing shadow reports to the CEDAW Committee; 23 February.
- Gave feedback to Gay J. McDougall, Executive Director of the International Human Rights Law Group, on her piece on gender related dimensions of racial discrimination; 12 March.
- IWRAW Asia Pacific sent the South African and Malaysian Domestic Violence Act to Kamal Singh, India in response to request for legislation on domestic violence; 21 April.
- Responded to a request from CHILD for information on Malaysia's reservation to the Women's Convention; May
- Provided contact names and addresses of people and organisations working on human rights and women's issues in Burma for Ken Franzblau of Equality Now; 16 July.
- Post-Beijing law reform and legal literacy information was sent to Savitri Goonesekera of the University of Columbia, Sri Lanka; 19 July. Savitri is also a member of IWRAW Asia Pacific's Advisory Committee.
- A case involving gang rape was sent to Shantha Thapalia of Law Aid Crisis Centre (LACC), Nepal; July. This case was subsequently referred to in the Nepal Court of Law.
- Researched case law and child sexual assault cases for Tulika Srivastava of Association for Advocacy and Legal Initiatives (AALI), India in order to provide background information in her efforts in prosecuting an incestuous father; July
- IWRAW Asia pacific drafted a brief historical analysis of the women's achievement globally for a journalist from The Sun - Puvanis. Analysis included information on the Women's Convention, International Criminal Court, the International Criminal Tribunal; for Rwanda in the The Prosecutor Vs Jean-Paul Akayesu, the UN Special Rapporteur on Violence Against Women and the Beijing Platform for Action; November.
- IWRAW Asia Pacific sent the cases that were collected from our Legal Discussion Papers project to Isfahan Merali of the Human Rights Fellow, Faculty of Law, University of Toronto. The cases concerned related to rape, domestic violence, sexual harassment, citizenship and division of matrimonial property. Isfahan Merali was working with Professor Rebecca Cook on a

project researching how these issues have impacts upon women's reproductive and sexual rights; November.

- The Legal Discussion Papers regional meeting report was also shared with Mario and Shyamala Gomez, from the University of Colombo, Sri Lanka, who were looking for information on rape, sexual harassment and domestic violence; 9 November.
- General Recommendation 24 was sent to Sapana Pradhan Malla of Forum on Women, Law and Development, Nepal; 11 November.

1.2.2 RESEARCH / PAPERS WRITTEN:

External Use

- Wrote a paper titled "Some Preliminary Thoughts on Human Rights Commissions" for the Malaysian human rights NGOs. This paper provided some input for the memorandum presented by the NGOs to the government expressing their concern at the gaps in the proposed bill to set up a human rights commission in Malaysia.
- Researched and wrote a brief analysis of the discriminatory provisions on Malaysia's citizenship and marital rape laws for a Beijing+5 report.
- CEDAW Case Law Digest: Recent cases from Malaysia and Nepal and analysed their effectiveness from a gender perspective using the Women's Convention for Asia Pacific Women, Law and Development (APWLD); November. The production of this digest is a collaborative project with APWLD.

Internal Use

- Understanding the Optional Protocol to the Women's Convention "A Guide to Adoption" This paper was produced in preparation for the campaign on the ratification and use of the Optional Protocol to the CEDAW Convention.
- National Human Rights Commissions an Overview: prepared for IWRAW Asia Pacific's advisory committee.

1.2.3 ADVISOR TO THE MALAYSIAN GOVERNMENT

IWRAW Asia Pacific is advisor to the Malaysian government on the writing of the report to CEDAW.

In the course of the year, the director attended five meetings of the inter ministerial committee set up by the Women's Affairs Department to draft the report. Written comments have been given on several drafts of the report.

A paper was written to clarify state obligation and methodological issues around the writing of the report.

Objective 2: Contribute to the strengthening of the implementation of the Convention and the Beijing Platform of Action

Related activities that were undertaken were the following:

2.1 PARTICIPATION OF IWRAW ASIA PACIFIC IN THE 43rd SESSION OF THE COMMISSION ON THE STATUS OF WOMEN (CSW) & IN THE OPEN ENDED WORKING GROUP ON THE ELABORATION OF AN OPTIONAL PROTOCOL TO THE WOMEN'S CONVENTION

2.1.1 BRIEFING ON THE OPTIONAL PROTOCOL FOR SHARIFAH ZAHARAH, DIRECTOR, FROM THE MALAYSIAN WOMEN'S AFFAIRS DEPARTMENT IN PREPARATION FOR CSW: 19 FEBRUARY 1999

IWRAW Asia Pacific briefed and provided Ms Sharifah Zaharah, Director of the Malaysian Women's Affairs Department with relevant materials pertaining to the Optional Protocol to the Women's Convention.

Elements discussed were as follows:

- What the Optional Protocol to the Women's Convention meant
- Why there was a need for this additional complaints mechanism i.e. the advantages
- The history of the adoption of the Optional Protocol
- Discussing and addressing general and specific concerns about the Optional Protocol
- The latest status of the Optional Protocol
- The importance of the Women's Affairs Department in participating in the process of the adoption of the Optional Protocol

This briefing was given prior to her departure to the meeting of the CSW in New York.

2.1.2 OPEN-ENDED OPTIONAL PROTOCOL WORKING GROUP MEETING -UN, NEW YORK: 1-13 March 1999

Background

The CEDAW committee which reviews states parties' compliance with their obligations under the Convention makes country specific recommendations but has no authority to adjudicate over instances of non compliance.

Taking note of this weakness, one of the recommendations of the 1993 Vienna Conference on Human Rights was that an optional protocol to the Convention be developed. This mechanism could provide for an enquiry procedure initiated by the CEDAW Committee over instances of non compliance and a complaints

procedure that could be utilised by women to draw accountability over the failure of governments to respect, protect or promote the rights of women by making a complaint to the CEDAW Committee. The Commission on the Status of Women (CSW) initiated the discussions on the formulation of the text of the optional protocol in 1996 at its meetings in March. Concurrent with the meetings of the CSW an-open ended working group comprising governments has been drafting the text of the optional protocol since 1996.

The 1999 meeting of the open-ended meeting on the optional protocol was critical as it was envisaged that the draft text of the protocol would be finalised in 1999. Consensus had yet to be reached on several critical elements. These included admissibility of a complaint and jurisdiction of the committee, standing to make a complaint, exhaustion of domestic remedies before a complaint is made, juridical powers of the CEDAW, permissibility of reservations to articles of the protocol. The 1998 meeting at which it was hoped that the draft would be finalised ended without a conclusion. This was because reactionary attitudes and contributions by some governments threatened to weaken the provisions of the text. Rather than accept a weak text, the meeting decided to postpone the discussions to 1999.

Given the possibility of the text of the optional protocol being finalised in March 1999 at the meeting of the Open Ended Working Group, and the fact of considerable resistance to the formulation of a strong optional protocol, the strong presence of NGOs at this meeting was critical to put pressure on recalcitrant governments to live up to their obligations to women.

IWRAW Asia Pacific's role in promoting the formulation of a strong optional protocol to the convention

Since 1996, IWRAW AP had coordinated the participation of women at the discussions of the Open-ended Working Group meetings at the CSW sessions.

Secondly IWRAW AP has consistently disseminated information about the debates around the optional protocol as well as the arguments for a strong optional protocol, to women at all the training, orientations and meetings that have been held through the programme in Asia and raised awareness about the need to advocate with their governments.

Implementation

Participants

Five women lawyers from IWRAW Asia Pacific's networks represented IWRAW Asia Pacific consistently since 1996 at the Open-ended Working Group meeting. They are as follows.

1. *Tulika Srivastava, India:* Lawyer. Founder member of Association for Advocacy and Legal and Initiatives (AALI), Lucknow India. Works on promoting awareness of rights among grass roots women engages in defence of human rights defenders and is one of IWRAW Asia Pacific's trainers in the region. AALI is a collaborating partner of IWRAW AP in the Facilitating Project. Tulika participated in the Open-ended Working Group meeting on the Optional Protocol in March 1998.

2. Sapana Malla, Nepal: Lawyer. Founder member of Forum for Women, Law and Development, which provides legal services for women. The organisation has filed several petitions in the Supreme Court of Nepal against the government for non-compliance with their obligations under the Convention. Her organisation is a collaborating partner of IWRAW AP in the Facilitating project. She participated in the Open-ended Working Group meeting on the Optional Protocol in March 1998.

3. Shantha Tapalia, Nepal: Lawyer. Member of Legal Aid Services, Nepal. She is a leading women's rights activist. Her advocacy includes the promotion of legislation to combat domestic violence and the repeal of the discriminatory law on inheritance. She participated in the Open-ended Working Group meeting on the Optional Protocol in March 1998.

4. Eleanor Conda, Philippines: Lawyer. Member of IWRAW AP's Advisory Committee and a trainer for IWRAW AP in the region. Eleanor is an activist for women's rights in the Philippines. She was co coordinator of the Caucus for Gender Justice at the processes related to the setting up of the International Criminal Court. She has participated in the Open-ended Working Group meetings on the Optional Protocol from 1996 to 1998.

5. *Kamalini Wijayatilaka, Sri Lanka:* Lawyer. Member of Centre for Women's Research, (CENWOR) She is a trainer and researcher on women's rights issues. Her organisation is a collaborating partner of IWRAW AP in the Facilitating project. She participated in the Open-ended Working Group meeting on the Optional Protocol in March 1998.

Activity narrative

The Open-ended Working Group met for its fourth session from 1st March'99 to 13th March,'99. The IWRAW Asia-Pacific team, in partnership with the Women's Caucus for Gender Justice (WC) working on issues pertaining to the International Criminal Court and Amnesty International, was one of the prime NGO coalitions to steer the NGO participation in the deliberations for the finalisation and adoption of the Draft Optional Protocol to Women.

Activities undertaken prior to the meeting of the Open-ended Working Group

Appointment of full time person

In January 1999, it was decided that one person would be identified as a full time coordinator for the various processes of participation, lobbying and setting up outreach. The office would be based in New York, in the office of Women's Caucus for Gender Justice. Tulika Srivastava of IWRAW Asia Pacific was identified by the core-group of the Women's Caucus and IWRAW Asia-Pacific, as the person who would be responsible for coordinating the processes related to NGO participation in the negotiations of the Open-ended Working Group for the Elaboration of a Draft Optional Protocol to the Women's Convention.

Tulika Srivastava joined the office of the Women's Caucus in New York on 13 February,'99, and the initial planning meeting was held with Dr Sullivan, advisor to the program.

Formation of NGO Working Group (WC)

In view of the manner in which the deliberations had taken place in 1998, it was clear that the NGO participation had to be strong and focused. As a first step toward this, the WC, Amnesty International and IWRAW Asia-Pacific, formed the NGO Working Group for the Optional Protocol to the Women's Convention. IWRAW Asia Pacific was represented by Tuilka Srivastava and Eleanor Conda on the core group who were

	Dr. Donna Sullivan Ms. Florence Martin	International HR Law Clinic, NYU UN Rep, Amnesty International
3.	Ms. Tulika Srivastava Pacific	OP Project Director, WC and IWRAW Asia-
4.	Ms. Eleanor Conda	International Director, WC and IWRAW Asia- Pacific
5.	Mr. Tomasso	Amnesty International
6.	Dr. Alda Facio	International Director, WC
7.	Ms. Widney Brown	Human Rights Watch
8.	Mr. John Creone	Intern, CUNY
9.	Ms. Meg Sathertwaite	Intern, CUNY

This was an open-ended group, and consisted of individuals who had worked earlier on the OP, and were in New York at the time. The group would automatically expand on the arrival of other NGOs for the CSW.

Information dissemination and action alerts

1998 had seen some intense negotiations in the discussion for the elaboration of a draft OP to the CEDAW, and it was clear that if the NGOs wanted to retain the spirit of the treaty initiated by them, this year would be extremely challenging and crucial. The previous year's lesson had been well learnt and as such the intervening time had been used to organise for the coming negotiations. The Women's Caucus for

Gender Justice (the Women's Caucus) and IWRAW Asia-Pacific team came together to formulate a program that would ensure:

- Sustained and informed participation of NGOs
- Better participation of friendly delegations as well as enhanced and organised communication.
- Formulation of effective lobbying strategies
- Flow of information to the various organisations not present at the discussions, and ensuring a strong and effective protocol.

Due to this decision, work began in February itself, and one of the first things done was to send out action alerts to various groups, and post it on popular human rights related sites on the internet. These alerts were also put out by Email and Fax networks of the Women's Caucus, Amnesty International and IWRAW Asia-Pacific. The draft of the alerts was written by Dr Sullivan, Ms. Sathertwaite and Tulika Srivastava, and were sent out in early February

Documents produced

One of the first activities that were undertaken was producing documents on the OP, which would explain its relevance and the positions of the negotiations in the third year of the discussions. The interns of the program had been identified to draft the documents, and they had been finalised with inputs from the core-group, primarily Dr. Sullivan and Ms. Srivastava. Two primary documents were produced, one referred to the need for OP and its relevance for women, and the other was a commentary on the entire negotiated text of the OP, with the NGO positions and the reasons for them. This document was also designed to serve as a reference tool for delegates and a lobbying document for the NGOs. Another document crafted out of this also stated positions the NGOs could live with, and positions that were unacceptable. This last document was a strictly internal document, designed for the expanded core-group, to be used in high-pressure lobbying, at critical junctures only. This is an indication of the pragmatic approach that was adopted.

The actors and the dynamics involved

This year, there was an excellent group of the Friends of the Protocol ³ who had organised themselves to assist the chair ⁴ of the Open-ended Working Group. The delegation from Lessoto had taken the lead and called a meeting of like-minded governments, and also asked for an interface with the NGOs, before 25th February. The NGO Working Group was chaired by Tulika Srivastava. The major issues discussed were:

³ Friends of the Protocol is an informal group of 'friendly' governments set up by the Chair of the Open – ended Working Group to assist her through the deliberations.. They comprise governments who are in favour of a strong Optional Protocol

⁴ The chair of the Open-ended working Group was Ms. Aloisia Worgetter of Austria.

- the process of the negotiations: the main concern being the presence of the NGOs during the deliberations, and their access to information on issues being discussed
- the possible areas that were in danger of being compromised
- the features that could not be sacrificed.

Most of these concerns were shared wholeheartedly by the 'Friends' and as such, support was assured to ensure the presence of the NGOs in the conference hall. A later meeting with the Chair of the Open-ended Working Group, Ms. Aloisia Worgetter, also ensured that the "hard-liners" attempts at closing the doors on the NGOs would not be acceptable.

The chair also provided a sense of urgency, as she felt that the opportunity to create an OP would be lost if the discussions did not culminate in the finalisation of the draft OP. The sense of "no OP ever" was something the NGOs had to recognise and come to terms with, as bottom lines of the various NGOs who had come together needed to be taken on board. Therefore, the NGOs did not have much room to negotiate, given the opening text this year. The questions raised by the NGOs on the possibility of calling a vote, instead of going for an all out consensus, were answered very honestly by the chair. She was clear that she could call a vote on a couple of issues, especially on the "no reservations" clause, but a voted document was obviously a weaker document in terms of acceptability within the UN, and as such, she was going to work towards a consensus very consciously. This was a critical point as from past experience it had been seen that the "hard-liners" obviously then work for a document that is as weak as possible.

Training for NGOs

The NGO working group also decided that training for the NGOs would be organised at the church centre on the first day of the CSW, so as to ensure that that the NGOs are well informed and are able to lobby from that position. To ensure this the training focused on:

- History and relevance of the OP to the Women's Convention
- Status of the Negotiations
- Information on the positions of the delegations in the1998 discussions
- Lobbying strategies

It was a well attended training, and it was facilitated by:

- Eleanor Conda
- John Creone
- Meg Satherthwaite
- Florence Martin
- Tulika Srivastava

An orientation on the OP was organised for the Latin American delegations, and was facilitated by:

- Alda Facio
- Donna Sullivan

The training, and the constant briefing of information on the OP and its critical nature, resulted in a heightened interest in the OP on part of NGOs, and therefor, there was a strong presence of over 35 representatives from all over the world watching the proceedings. Further, the pre-discussion meetings with delegates, as well as organised domestic lobbying had resulted in a strong presence of the SADAC and the Latin American nations, in addition to countries like Sri Lanka, who had been conspicuously absent from earlier negotiations. 'The Friends' therefore presented a fairly organised team, which was strong in numbers and aware of its goals. This was also due to the "Status Commentary" prepared by the NGO Working Group, and provided to the delegations for their ready reference. The document was very helpful for those who had missed the earlier discussions. The 'friends' pointed this out to us quite often.

The Meeting of the Open-ended Working Group

The fifteen days of discussions were initiated by welcome remarks, and Tulika Srivastava made a statement on behalf of the NGO working group and as a representative of IWRAW Asia-Pacific. (Annex 1) In the statement, the delegates were reminded that the NGOs present spoke on behalf of and for the women of the world and no language or text would stop that. The negotiations followed a set pattern, in which days never ended before 10 or 11 in the night. The issues that continued to dominate were:

- the representative abilities of international NGOs
- the no reservations clause
- the "opt-in/out" clause of the inquiry procedure

The other issues all hinged on the discussions around these, and as such were peripheral. The hard-liners were led by Algeria, Egypt, Iran, Jordan and Japan, with help from Cuba, India, China, Pakistan and a few other countries. As every year, the 'Friends' were not all like-minded, and a few groups were functioning on their own understanding, some due to their closeness to the NGOs, while others due to a desire to emerge with an OP, regardless of the price.

Latin American countries had expert advice from INHURED, a human rights institute. The consultants were focusing on technical inputs, and had no political position or opinion about the OP per se. Many countries in the Latin American fold were first timers, and as such needed to be able to see the OP as objectively as possible. However, given the crucial "third year", it was at times difficult to deal with oft raised, and tacitly settled issues being raised once again, and eating into the little time available for negotiations on the draft.

The Chair of the Open-ended Working Group was asked by the CSW to present a report on the proceedings on the 8th March, and there again a statement was made by the NGO working group to remind the delegations and NGOs on the critical nature of the protocol that they were fashioning, as well as the need for such an instrument to protect the interests of the women. (Annex 2) The rest of the week was filled with one on one meetings, as well as NGO and delegation meetings. Due to the number of NGOs present constantly in the room, as well as the fact that they had met and briefed many delegations prior to the conference, many delegations met with the NGO Working Group to give a brief on their country/region's positions and concerns regarding the OP. India, despite it own conservative position, gave valuable insights as to their opposition to representative status to international organisations, and agreed to certain concerns raised by the NGOs.

Canada, though part of the 'Friends', was committed to having an OP at the end of the session, and as such was pushing for the broadest consensus and keeping in the non-negotiable positions of the Friend but only just. The non-negotiable positions of the Friends were the three issues:

- the representative abilities of international NGOs
- the no reservations clause
- the "opt-in/out" clause of the inquiry procedure

But of course, the most critical was the representative ability of the NGOs as it would bring into question the standing of NGOs to represent individual women and affect the potential of women to use the OP. One of the issues being raised again and again by hard liner governments was the fear of organisations bringing in frivolous complaints claiming to be on behalf of women citizens of a particular country which would lead to international embarrassment etc. This issue was most often raised by India, who while not averse to Indian NGOs, had a strong position against International NGOs. Of course, this position was well supported by all the hard-liners, as it was a seen as "unwarranted interference" in the "internal matters" of the states.

The NGO position was that complainants should be able to choose their channel. The OP is about accountability. It should have the potential to address situations in countries without strong civil societies. In such a context, it is the international agencies who can be the voice of women. Secondly, if we are to ensure safety of individuals, then representative capacity should not be restricted. These positions were most closely valued by the SADAC delegations, which led to a crisis of sorts. The friends were arguing among themselves about the most acceptable positions, with people willing to give up their position on opt-in / opt-out as against representation.

The NGOs at this point were critical to the process, as it was an extremely fluid situation, with many rumours about the positions of various states. The beginning of the week also saw the outreach programme, set-up by email coming to fruit, where in many NGOs sent representations to their delegations, and our arguments became sharper and more focused due to information on what the local groups saw as critical. The NGOs had access to all the representations sent to their home authorities and the delegations participating, and were able to hand the actual papers to the concerned delegations. This helped us silence some of the delegations who did not want to support us, but had other country positions. One of the countries that can be named is Bangladesh.

Through all of this the IWRAW Asia Pacific team kept updating and holding consultations by phone with Shanthi Dairiam Director of IWRAW Asia Pacific who was in Kuala Lumpur, Malaysia.

It was also noticed that the positions and support differed from delegate to delegate. The Sri Lankan delegate from the capitol was committed to the process, and participated very positively. However, as she left, the interest of the Sri Lankan delegation also vanished. This really indicates, that more intensive domestic level advocacy is called for to ensure that people who participate in the negotiations are not merely diplomats, but have information on the realities of women's lives, and are able to relate to the instrument positively, and see the linkage to women's ability and need to access it.

The climax of the conference was the final capitulation of the hard liners on the representative issue, though in lieu of some limitation, and the denial of the SADAC group to accept the deal. It was extremely difficult to lobby the SADAC delegations to move back from a position espoused so staunchly by the NGOs, so far. However, it was a process-oriented decision of the NGO Working Group, which felt that we could live with the OP as it stood, and delaying it would mean denying ourselves the instrument. Also, it was a region specific concern, and everyone could not be asked to give up the OP on that ground. Also, the clause was very "livable", as it merely asked for nexus or connection to be established between the complainant and the NGO. This really put the ball in the CEDAW Committee's court, and it would be Committee's view that would interpret and broaden positions of this nature.

Our hard work, in lobbying and pushing for the OP, in "having faith" paid off, and the Draft Optional Protocol was adopted amidst much concern. The concluding statements were made by many members of the NGO working Group in their individual capacity of NGOs. Tulika Srivastava spoke for IWRAW Asia-Pacific and as a member of the NGO working group, and welcomed the OP, though in a very restrained manner, due to the disappointment of our NGO colleagues in the SADAC countries, as well as the delegations who had tried their best for a stronger OP than we got. (Annex 3)

Lessons learnt

One of the most important lessons that we learnt from the process, is the need to be organised, and work in a systematic way on treaties of this nature. There is a level of domestic and regional advocacy, which goes into efforts like this, and it is not possible to engage in it at the last minute. The network has to be in place before the conference starts, and the actors need to have been identified both locally, for sudden emergencies, and in NY. Certain delegations are too small to attend all the meetings, but we were able to pull them in for crisis situations.

The presence of one full-time person in the NGO Working Group ensured that conclusive thinking had gone into every step, that there were useful lobbying tools, and constant presence of informed NGOs was available. This made the delegations more responsible about what they said.

The commitment of IWRAW Asia-Pacific to the OP, and the presence of a five member team drawn from regions, which had been consistently following the negotiations, and understood the issues at stake, contributed significantly into the achievement of the Open-ended Working Group.

Follow up

After consultations with the Women's Caucus for Gender Justice it has been decided that IWRAW Asia Pacific will launch a Global Campaign to Promote the Ratification and Use of the Optional Protocol to the Convention.

2.1.3 MEETING OF THE INTERNATIONAL CRIMINAL COURT (ICC) WOMEN'S CAUCUS FOR GENDER JUSTICE, NEW YORK: 3-4 AGUST1999.

This meeting was held in conjunction with the ICC PrepCom. Eleanor Conda who is also a member of the Women's Caucus for Gender Justice represented IWRAW Asia Pacific. The meeting discussed the role of the Caucus in engaging in a campaign on the Optional Protocol to the Convention. It was decided that the campaign on the Optional Protocol would be organised and implemented by IWRAW Asia Pacific. In this campaign, where possible, space will be provided to the Caucus to promote the ICC and vice versa.

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

The Asia Pacific Forum on Women, Law and Development/Law & Society Trust Regional Consultation with the UN Special Rapporteur on Violence against Women which was held form the 21-22 August 1999, in Colombo, Sri Lanka was attended by Vachararutal (Jan) Boontinand, Thailand, on IWRAW Asia Pacific's behalf. Jan was selected to attend this meeting as she and the organisation she works with, i.e. Global Alliance on Trafficking of Women (GATTW), have extensive experience in the issue of trafficking, the issue which was on the agenda for the next report. Jan was also a collaborator in one of our projects, namely the 'Facilitating the Fulfilment of State Obligations Towards Women's Equality' to which the issue researched by the Thailand core group was that of trafficking. Hence, GAATW was the ideal choice in terms of giving feedback and recommendations to the Rapporteur's report on the issue of trafficking.

At the start of the meeting, the UN Special Rapporteur on VAW, Radhika Coomaraswamy outlined her role and functions and the opportunities for NGO intervention. She explained that much of her data resulted from field visits as well as questions to governments. Based on this research, recommendations are formulated and incorporated into her report to the UN.

Effectiveness of the UN Special Rapporteur on Violence against Women & Recommendations Made

Several NGOs however, questioned the effectiveness of recommendations made in such reports. Concerns were also raised as to the absence of any special mechanism by which these recommendations could be implemented. Other concerns included the low dissemination of this report, which is only in the English language and accessible on the UN website. Hence, recommendations were made that the report be simplified in terms of the language used and that it be translated into other languages.

A recommendation was also made to expand the Rapporteur's range of issues under her current mandate to include:

- Social economic rights of women
- Refugees and internally displaced women
- Sexual and reproductive rights

Efforts must also be made to lobby other Special Rapporteurs to include gender issues when researching other areas that affect women's lives.

Issue of Trafficking

On the local level, the prosecution and legal processes need to be reformed in light of the need for protection of victims. There has to be a provision of social services and a coordination of efforts between the authorities and NGOs. At an international level, issues such as the definition of trafficking, conventions to combat trafficking as well as an implementation mechanism need to be developed.

Issues that need to be clarified include:

- 1. The issue of whether children and women need to be treated separately
- 2. The issue of decriminalisation. There are three approaches in dealing with this. They are:

- Moralist Approach prostitutes as well as the agents should be punished
- Abolitionist Approach only the agents should be punished as all prostitutes and trafficked persons are victims
- Regulatory Approach no one should be punished if trafficking operates within a legal framework. Only punish the agents in cases where there is abuse and rights violated.
- 3. The definition of trafficking
 - Whether the definition of trafficking should only be limited to prostitution or also other forms of trafficking
 - The issue of 'consent'

Decisions made

Recommendations include:

- 1. National Level
 - Data/Documentation Centre
 - Networking between NGOs
 - Policy change
 - Implementation of laws
 - Awareness raising campaign
- 2. Sub-Regional/ Regional Level
 - Bilateral treaties
 - Networking
- 3. International Level
 - International Convention on the issue of trafficking
 - Working Groups
 - Using the UN Special Rapporteur on VAW mechanism
 - Integrating the issue of trafficking into other UN Special Rapporteurs' reports
 - Using the Commission on Human Rights

2.3 FACILITATING THE FULFILMENT OF STATE OBLIGATIONS TOWARDS WOMEN'S EQUALITY (1997 AND ONGOING)

2.3.1 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.

The project is implemented as two sub regional components, South East Asia (1997 onwards) and South Asia (1998 onwards).

Rationale and Goals

- 1. This project envisions the creation of a monitoring mechanism to assess 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.
- 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 for Action.
- 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

<u>National</u>

- 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
- Increase awareness on the Convention and involvement by women and NGOs in CEDAW processes
- 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 seven countries in South East Asia, namely:

- Laos
- Indonesia
- Malaysia
- Mongolia

- 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.

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

- Bangladesh
- India
- Nepal
- Pakistan
- Sri Lanka

Mention must be made that the projects 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

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 preliminary baseline reports and engage in advocacy based on the findings of the report.
- 2. Production of baseline reports that would identify the status of women and contributory causes 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 on secondary information that is already available, with primary research to be conducted for gaps surfaced in the research. The findings of the reports would be used for large scale advocacy
- 3. The first level advocacy would be followed by ongoing monitoring and further advocacy
- 4. Periodic regional meetings would be held to evaluate and plan the ongoing implementation of the project.

5. Collaborative meetings between NGO and State through which the results of the project can be shared and specific actions and strategies developed.

Activities/Outputs undertaken in 1997

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

Below is a brief description of the different elements that make up the monitoring framework:

Evidence of Disparity: this refers to the presentation of the existing situation of women when compared to men by use of statistics, data and anecdotal examples.

Contributory Factors: this refers to the identification of the causes and barriers to women's equality. The section should be dealt with from a macro and micro perspective.

Effects on women: analyses the effect of discrimination on women.

State Interventions: assesses State obligation in addressing the discrimination women face. This section refers to the full range of State obligations that should address the causes and barriers in Column 2, the list of what the State is doing and whether it is doing it effectively. In other words, what should the State do, what is it actually doing and how should it do it.

Recommendations: deals with prioritising the recommendations on critical areas that the State should address within the next four years. This will be taken from what the State is not doing and what steps it should take to make it more effective.

2. Issues for the South East Asian 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.

- Malaysia: Rights of Women in Marriage
- Mongolia: Employment

•

- Philippines: Violence Against Women
 - Thailand: Trafficking in Women Women and Labour
- Vietnam: Women and Livelihood

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

[•] Indonesia: Violence against Women in Conflict Situations

[•] Laos: Livelihood for Rural Areas Rural Women

- 3. Core groups were set up in South East Asian to act as monitors to assess the fulfilment of State obligation under the Convention
- 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.

Activities/Outputs undertaken in 1998

- 1. Production of preliminary baseline reports by the South East Asia and South Asian groups.
- Consultations by the core groups with other women's groups at the national level to validate the data in the baseline report and to collectively agree on advocacy recommendations.
- 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 reports⁶.
- 4. Second South East Asia regional meeting to collectively assess the quality of the preliminary baseline reports and plan the next steps.

- 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

⁶ The South Asia core groups identified the following issues for research:

ACTIVITIES/OUTPUTS PLANNED AND UNDERTAKEN IN 1999 (current year of reporting)

Implementation according to plan

1. Baseline Reports

• South East Asia and South Asia

All countries produced a draft of the baseline report. These reports were assessed at the second regional meeting and feedback given for refinement. The reports have gone through several refinements to which feedback has been given.

The section on State Obligation and Recommendations is the weakest part in most reports. Meetings were held with Malaysia and Mongolia (details below) in order to develop these sections. A further meeting is being planned for Vietnam in January 2000.

Full draft base line reports are available from IWRAW Asia Pacific

2. Regional Meetings

• South Asia Regional Meeting

18-22/5/1999, The Second South Asia Second Regional Meeting on Facilitating the Implementation of State Obligation to Women's Equality held in Sri Lanka. Core groups from Bangladesh, India, Nepal, Pakistan and Sri Lanka participated. One of the Sri Lankan core groups CENWOR provided the logistical support.

The meeting assessed the quality of the base line reports and planned for follow up. Facilitators were Shanthi Dairiam (director) and Eleanor Conda (advisory committee member). Audrey Lee and Simran Gill (programme officers) documented the proceedings

A full report is available from IWRAW Asia Pacific.

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

Electronic communication 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 the research framework. The research framework developed is complex and shows the inter-relatedness of rights. Though only one issue as chosen by the core groups in each country, the research surfaces how discrimination in one right violates another right. IWRAW Asia Pacific has continued to play an important role in ensuring that the report is rigorous 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.

A summary of the assessment of the base line reports made by IWRAW Asia Pacific is attached as Annex 4.

4. In-Country Processes and Consultations

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 would 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 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 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 a necessity to future advocacy strategies.

In addition to communications, 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 Malaysia in this regard.

Malaysia NGO Consultative Meeting

At the invitation of the Malaysian core group, Simran Gill, programme officer with IWRAW Asia Pacific, attended the meeting on the 'Facilitating the Fulfilment of State Obligations Towards Women's Equality Project', which was held on the 12-13/6/1999. The meeting was held to validate the findings of the research and to develop recommendations. Recommendations were grouped together under specific departments/agencies, which would be primarily responsible for implementing them.

<u>Mongolia</u>

Simran Gill, programme officer, and Helen Cantwell, Luce Scholar, with IWRAW Asia Pacific visited the Mongolian core group on the 14 & 15 December 1999 to meet with them to discuss research and analysis on the section on State obligation. This meeting was necessary as the process of refinement and feedback and showed that the section on State obligation was the weakest part of the report.

Discussions also went into refining the recommendations made, so that they were in more detail and were targeted towards the rights department.

The group then discussed how to move forward into the next phase i.e. negotiations with government agencies. The experiences of the Sri Lankan and Malaysian groups were shared with the group.

5. A process involving NGOs and Governmental Organisations (GOs)

A process involving NGOs and GOs was also agreed upon. This project takes the position that under the human rights treaty regime, governments are the key responsible parties in realising equality and human rights for women. However, the project maintains that women and the society at large are major stake holders and should assume responsibility in the achievement of that goal, not only through the direct work that they undertake but also through their government-directed advocacy. The project principally banks on the dynamism, commitment and wealth of experience, especially of NGOs and women advocates, to make possible, the achievement of its objectives. But an additional character of the project is the emphasis on the need for State-NGO collaboration. This kind of 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 "insider" 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. Thus, this activity seeks to link with the National Machinery for Women in order to create a better understanding of the potentials of the Women's Convention and to share the findings of the research.

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 specific actions and strategies can be 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.

In two of the counties, Sri Lanka and Malaysia meetings were held between the core groups and the National Machinery for Women to provide the National Machinery with an understanding of the concepts of substantive equality that underpins the project, familiarise them with the research framework, give them feed

back on some of the key findings of the base line report and to establish a foundation for advocacy based on the findings.

This sharing meeting was combined with training on the Convention and the application of its framework so as to facilitate better implementation of the state's obligations under the Women's Convention.

Objectives of the training cum meeting

In order to carry out the above-defined goals for the facilitating project, the training will hope to achieve the following:

- Create clarity in the minds of the participants on the concepts of rights and the principles of equality, non-discrimination and state obligation as prescribed by the Women's Convention
- Familiarise the government officials and new NGOs with the entire Facilitating Project and its implementation in Sri Lanka so as to better their understanding of the full scope of state obligation.
- Familiarise the participants with the framework for monitoring developed by IWRAW Asia Pacific under the Facilitating Project and develop some skills in its application.
- Share the preliminary findings of the baseline report and strategize for the implementation of the accompanying recommendations

This training sought to create a better understanding of the potentials of the Women's Convention as a tool for promoting equal rights and to develop the skills necessary for this purpose. A better understanding of the CEDAW framework will aid in the NGO's analysis of discrimination and equality and this will help them apply the monitoring framework in their ongoing research and work to promote women's equality.

The training included components on the main principles of the Convention, the concept of gender and the impact of 'institutions' in fashioning and buttressing inequalities, the meaning of non-discrimination and equality under the Convention. the full extent of state obligation. The participants were also given a briefing on how IWRAW Asia Pacific's monitoring framework could be used to fully surface the inequalities faced by women in different arenas of their life.

Some details of the Training cum Meeting between Government Agencies and NGOs

Malaysia: 3-5 November, 1999

A meeting was held in Malaysia to report the findings of the baseline report to various NGO's and representatives from the government.

Core groups collaborating with IWRAW Asia Pacific

The core groups collaborating with IWRAW Asia Pacific are Women's Aid Organisation, Women's Crisis Centre, The Law Faculty of the National University.

Participants to the training

A total of twenty-one persons participated in the training as follows:

Department of Women's Affairs (HAWA):	5
Welfare Department	2
The National Training Centre (INTAN)	1
The Attorney General's Office	1
National Advisory Council for Women	1
In Development (NACIWID)	
Women's groups:	11 persons representing the
	following groups:

(All Women' Action Society, Women's Crisis Centre, Sisters in Islam, Women's Development Collective, Pusat Khidmat Wanita, WAO, Sarawak Women for Women Society, NCWO)

Resource persons and Secretariat

Shanthi Dairiam, IWRAW Asia Pacific Simran Gill, IWRAW Asia Pacific Ivy Josiah, WAO Rozana Isa, WAO Helen Cantwell, IWRAW Asia Pacific

<u>Observers</u>

4 persons from Vietnam

Results of the discussion on the base line report on Rights of Women in Marriage.

The groups discussed disparities between women and men in the areas of duties and rights in marriage, divorce, custody, guardianship, maintenance, domestic violence, issues concerning foreign wives and husbands, Income tax, division of property, The issues pertaining to both Muslim and Non Muslim law were discussed.

They identified 2 areas - *Maintenance and Guardianship* and brainstormed on developing strategies for the implementation of related recommendations.

The starting points for each discussion were recommendations taken from the baseline report.

Maintenance

• Legal reform

Declaration of assets should be mandated for both parties for the most recent three years at the point of application for divorce. Compulsory maintenance orders should apply pending registration of the divorce and any applications for ancillary relief should be made at the point of filing for divorce. In addition, compulsory attachment orders should be used in every case, regardless of whether the husband works for a public or private company, possibly using the EPF.

Education

Women need to be educated about their rights to maintenance because a lack of knowledge is preventing them from applying for maintenance. The LRA/FLA should be amended to include compulsory procedures that do not rely on the judge's discretion and a family court to hear only divorce and custody cases.

• Training

Gender sensitisation of judges, lawyers, prosecutors and Shariah officials was critical.

Guardianship

• Law reform

For non-Muslims, the Guardianship Act has been recently amended to allow women to be recognised as guardians of their children. The group felt, however, that in order to achieve a practical realisation of equality, other departments' procedures would need to be altered. These areas for further reform are: Education, Immigration, Birth Certificates/IC's, Health, Marriage (permission for underage marriage), and the Constitution

For the Muslim community, the group stated that the first priority would be to have the state legislatures adopt the amendments to the Guardianship Act. In addition, the Islamic Family Law enactment in each state need to be harmonised with this amended law.

Strategies and allocation of responsibilities

Law reform

The responsibility for action here would fall on the Ministry of National Unity and Pusat Islam. Potential obstacles are ideology, male domination of institutions, lack of resources, lack of prestige, and lack of clarity and focus. It was agreed that HAWA needs more resources to tackle this issue since the ministry is already stretched to the limit.

On the issue of non-compliance with maintenance orders, the group suggested that money be taken out of EPF contributions. More information was needed as to who monitors the EPF and how the regulations would need to change for this idea to work. Better and more statistics are needed on non-compliance to make a strong proposal. In addition, the idea of a child support agency to go after defaulting fathers was suggested along the models of the UK and the US. NGO's, lawyers, and academics could study the idea and create a model proposal. HAWA should act as the lead agency and such a proposal could be part of the existing National Plan of Action for Malaysia. NACIWID suggested that there might be funding money in the budget set aside for such research projects.

Education and gender sensitivity

NACIWID can initiate a dialogue and NGO's can lobby to JAKIM and other training institutes (ILIM/INTAN/ILKAP).. In addition, the Bar Council should be involved as lawyers are seen as insensitive to the problem of inadequate maintenance. Ultimately, a dialogue between NGO and ministry officials was envisioned to meet regularly as a task force. NACIWID stated that is operated only in an advisory capacity which means that HAWA must participate in any task force.

Participants, however, felt that there was not enough emphasis on the perspective of the victim's rights, and that NGO's wanted to be included in any training related to women's issues. All agreed that government and NGO's needed to interact more positively on these types of issues.

Participants suggested that a network of open-minded people within the government be identified to be trained by NGO's and encourage them to bring up women's issues, especially on divorce, internally.

The group suggested the following plan of action:

- 1) Study forms and procedures. Research should include anecdotal evidence. This will take resources.
- 2) Have NACIWID write to each ministry and the Chief Secretary to the Government highlighting the issues and asking them to direct their front-line employees accordingly.
- 3) Take on a campaign to educate the public about the change in the law and their rights. This can be done through sign postings, television, web pages, road shows, and pre-marital counselling sessions. Also need special attention paid to the officers within each ministry.
- 4) Go back to step 1 and evaluate any changes in procedure.

In order to get these amendments, the group recommended starting with further research on theological arguments to support these changes in the law. NACIWID, NCWO, NGO's and political parties should all be involved in writing to the chief ministers and state legislatures with a draft law that could be written by Sisters in Islam. In conjunction with that, a public education campaign could raise awareness for community leaders and citizens on the needs for equality in guardianship. Resources could be pulled from the budget item for NGO's, as NGO's would probably be the ones to develop a training module (with input from other sources).

The group also discussed the issue of illegitimate children. There was a concern regarding the label of illegitimacy and the fact that fathers were in no way responsible for children fathered out of wedlock. Some members of the group felt that all children should be seen as legitimate with both parents having the opportunity to be a guardian. Such a policy would require a change in the Evidence Act and the Distribution Act (because all children would stand to inherit the assets of their fathers).

Finally, it was recommended that persistence and creative approaches be undertaken in order to achieve equality for women and diminish any mistrust between government and the NGO community.

Accomplishments

This is the first coming together between relevant government agencies and NGOs with the intention of establishing a long-term constructive relationship.

Skills have been developed in using the framework of the Convention to identify discrimination

An analytical tool to surface discrimination and state obligation has been presented and accepted.

Sri Lanka, 4-6 October 1999

The core group coordinating the project is the Centre for Women's Research (CENWOR). Other groups forming part of the network and engaged in the creation of the base line report are the Women and Media collective, Women in Need. The theme selected for the base line report is Domestic Violence. A preliminary draft of the report had been completed and at the meeting, the groups shared their findings with other NGOs and government agencies and planned to strategize on how to remedy the situation.

Content of training

- Understanding the Convention-principles and content of the Convention
 - Principle of equality, non discrimination, state obligation
- How institutions reproduce inequality

- Introduction of the Facilitating project
 - History, background and rationale
 - Goals and objectives
 - Strategies, processes and activities
 - Countries involved
 - Implementation in Sri Lanka:/ Malaysia: Core groups, theme selected for the base line report, , processes
- Introduction to the Monitoring Framework under the Facilitating Project
- Application of the Monitoring Framework
- Findings of the Research done by core groups in Sri Lanka
 - Findings
 - Implications and recommendations
- Recommendations & planning for further research/advocacy/training

Other details:

Participants to the training

Sri Lanka: A total of twenty one participants took part in the training as follows:

Ministry of women's Affairs:	4				
Ministry of Justice:	2				
Police:	1				
Women's groups:	14	persons	representing	the	following
	orga	anisations			-

(CENWOR, Sooriya Women's Collective, SLFUW, Women in Need, Agromart Foundation, Women's Development Centre, Women and Media Collective, NGO Forum, Muslim Women's Research and Action Forum, Voice of Women, Muslim Women's Conference, Kantha Shakti)

Two sets of participants had been invited. One set was invited to the full training cum meeting and another set, only for the session on sharing research findings so as to plan for concerted strategies to combat the problem of Domestic Violence. Invitees to the full training cum meeting were government officials especially those from the National Women's Machinery of Sri Lanka , relevant Ministries such as the Ministry of Justice, the Attorney General's Office, the Health Ministry etc, and relevant NGOs. Invitees to the sharing of findings in Sri Lanka were relevant individuals from the police, law, religious and health sectors were invited to share in the findings of the baseline report and to help with advocacy and implementation strategies.

Resource persons and Secretariat

Shanthi Dairiam, IWRAW Asia Pacific Audrey Lee, IWRAW Asia Pacific Kamalini Wijayatilake, CENWOR, Sri Lanka Camena Guneratne. Open University, Sri Lanka Sudarshana Gunawardena, Attorney at law, Sri Lanka Ramani Jayasundera, Attorney at Law, Sri Lanka Janaki Abeywardena, CENWOR, Sri Lanka

Results of the discussion on the base line report on Domestic Violence

Areas for further research:

More specific research to be done on specific groups e.g. plantation sector, working class women, older women, and domestic aides

Research should be done on both victims and perpetrators in relation to the socio cultural and religious perspectives that perpetuate violence against women based on a perception that men have a right to control women.

The impact of external factors such as education, economic independence on ethnicity and class on incidence of violence.

Areas for intervention: Education and awareness creation

Public level awareness creation regarding the prevalence of Domestic Violence that violence is a crime and is socially unacceptable. Brisk media campaign in the short term.

Introduction of awareness to the education system (schools, universities and professional training institutions including military training institutions.)

The development of campaigns for specific groups of people.

Areas for intervention: The law and its enforcement

Enactment of the Domestic Violence Act to deal with:

- Speedy response procedure
- Remand (the Bail act would apply)
- Protection/ Restriction/ Restraining orders. Should be obtained fast, should spell out who applies and against whom and for how long.
- Penalties: imprisonment, mediation only where appropriate, counselling for perpetrator, non-custodial penalty such as community service, fines.
- Reporting obligations: specific provisions to impose reporting obligation

The enhancement of the penal code: Domestic violence situations not covered in the provisions should be identified and provisions enacted to cover such situations.

The setting up of a domestic violence hot line

The strengthening of the Police women and Children's desk

The strengthening and systematising of hospital procedures for addressing domestic violence and the sensitisation of doctors and social workers. The provision of legal aid to women.

Areas for intervention: support services

The setting up of support services: counselling, confidence building, shelters, neighbourhood host support, and documentation of the violence at community level

Areas for intervention: training

Income generating and skills development for women and legal awareness The sensitisation of law enforcement officers, social workers and parliamentarians. Inclusion of a training module on Domestic Violence in all training curricula of the police, department of social welfare, health and the administrative services at all levels.

Allocation of responsibilities

The different roles of the Ministry of Women's Affairs and the NGO community were identified.

The Ministry of Women's Affairs should be the lead agency for State level activities including, policy formulation, sensitising, capacity building, researching, coordination, and monitoring as well as assisting NGO activity.

The NGOs should carry out awareness raising, contributing to the training, provide counselling, shelters and act as pressure groups for advocacy.

Existing interventions

Existing interventions identified were:

National Plan of Action on Violence against Women:	Ministry of Women's Affairs
Centre for gender complaints:	National Committee for Women
Information gathering from print media:	Women's Media Collective

Awareness raising through electronic and print media

The NGO Forum

Training of the Police and the Judiciary: UNDP

Follow up

It was decided that a follow up meeting would be held to plan the next stages of the research and advocacy.

Outcome of the training cum meetings

The respective National Women's Machineries were made aware of the findings of the baseline report and a common strategy in dealing with the issue of Domestic Violence and the Rights of Women within Marriage was discussed. Recommendations were developed collectively and will be followed up with more collaborative discussions between NGOs and government officials charged with implementing the Women's Convention. More planning meetings in order to fully develop the implementation strategies are ensuing in both Sri Lanka and Malaysia.

6. Participation in relevant donor meetings

Strategic Planning Meeting on Promoting Gender Equality in Asia Pacific (APGEN), UNDP (Philippines); 12-15April 1999,

APGEN is funding 3 countries participating in the project "Facilitating the Fulfilment of State Obligation towards Women's Equality" for 3 years. The countries are Laos, Malaysia and Sri Lanka. APGEN is funding 3 other programmes in the region. They are Political Participation of Women, Developing Statistical Methodology for Accounting for the Unpaid Work of Women and Women and Science and Technology. This meeting brought together all programme components to share their framework and methodology. The aim was to establish links between the components. The director participated in the meeting by presenting a paper on "Using the Convention to Integrate All Efforts for the Advancement of Women". An accomplishment at this meeting was that all programme components agreed to use the Convention as a common framework for their work.

Steering Committee Meeting of UNDP APGEN Bangkok; 30 October 1999

The director participated in this meeting. A steering committee for the Asia Pacific APGEN components has been set up. All components are represented in the committee along with UNDP representation. The aim of the meeting was to check progress.

7. Lessons learned and problems encountered

The lessons are that activism has to be based on rational backed by credible information. Activism has also got to be sustained and it should be so planned that the outputs of one activity should feed into another on an ongoing continuum. The preparation of the Base Line reports has fed into the Shadow Report which in turn has spear head the advocacy of the CEDAW Review of India and has fed into the Concluding Comments of CEDAW on India. There has to be further activism in India on the implementation of the concluding comments. The core groups have to continue to expand the circle of groups and individuals who can advocate for women's rights promoting equality and non discrimination and who have the capacity to use the human rights treaty system for the same.

The women's groups also have to learn to use all the available treaties to promote women's rights.

But in order to achieve this there has to be a capacity for research. The project has revealed the lack of capacity of the core groups to be research oriented. IWRAW AP had to give a great deal of assistance on the categories of information to gather, the need fore the consistent application of the research framework, the need to substantiate claims made, how to make information meaningful, the organisation of information etc. There has been a need expressed for training on research methodology. This is mainly because NGO activism has been event oriented and the need for rigor in making case for change has not been sufficiently appreciated.

Secondly the groups are remiss in documenting their experiences and processes.

All of this requires greater institutional capacity for the women's groups. This capacity has to be continuously developed.

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

This project attempts to sharpen the skills of practising lawyers to litigate on women's rights on the basis of feminist principles and using international human rights standards. The intention of the project is to build capacity for the domestic application of international human rights norms and standards.

2.4.1 Background and overview

Background and rationale

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. 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 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. This is in keeping with its overall goal of strengthening domestic application of human rights norms in supporting effective litigation in relation to women's rights. This activity also falls in with IWRAW Asia Pacific's intentions for the production of target group-specific publications and training materials.

2.4.2 Objectives of the Project

General Objective

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.

Specific Objectives

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 women's issues
- Identify feminist guiding principles on the procedural and substantive dimensions of litigation as a strategy for advancing women's rights
- 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 Conferences.
- Identify domestic jurisprudence that has furthered the boundaries of rights for women.

2.4.3 Activity implemented in 1998

Planning meeting

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 offices, Audrey Lee and Simran Gill attended the meeting.

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. 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.

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 would 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.

2.4.4 ACTIVITIES PLANNED AND IMPLEMENTED IN 1999 (Year of reporting)

Regional Meeting

A Regional Expert Group Meeting of Lawyers on the Preparation of Legal Discussion Papers for the Advancement or Women's Rights (Malaysia) was held from the 8-12/5/1999 at Kuala Lumpur, Malaysia. The meeting was attended by twelve feminist lawyers: ten from Asia, one from Canada and one from Hong Kong and IWRAW Asia Pacific staff.

Objectives of the Meeting

The objectives of the meeting were to:

- Discuss issues pertaining to feminist principles and human rights in advocating women's rights
- Discuss the draft outlines of the legal discussion papers and give feedback to refine them
- Plan the completion of the project, set deadlines etc.

Feminist Legal Protocol & Human Rights Standards

At the start of the meeting, a brief explanation and discussion of feminist legal advocacy and international human rights standards was identified as it would act as the principles that would underpin the papers written on the issues pertaining to women's human rights. Evalyn Ursua, from the Women's Legal Bureau (WLB), Philippines, gave an explanation on Feminist Legal Protocol, and Madhu Mehra, India facilitated the session on human rights.

Presentation of Discussion Papers

Outlines for each discussion paper was presented by the paper writers to which comments were made by the group using the feminist legal practice framework and protocol as guiding principles. Comments and suggestions were also shared regarding advocacy strategies and alternative strategies.

Decisions Made

- A format/structure by which each paper should follow was developed
- A time schedule for finalisation of discussion papers was agreed upon
- Editors for the final publication were identified.

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

Production of Legal Discussion Papers

The papers on Nationality and Citizenship have been completed and the rest are in the process of being finalised. Two editors have been identified. They are Sara Hossain, Interights and Shanthi Dairiam, IWRAW Asia Pacific.

Collection of materials

IWRAW Asia Pacific's two programme officers, Audrey Lee and Simran Gill, undertook substantial research during January- May 1999 in collecting case laws, landmark judgements, 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 INTERIGHTS have assisted the organisation in the collection of material.

A part-time assistant, Aida Aizura Othman, was hired for the three months leading up to the to assist in the research and cataloguing of the materials collected. At the meeting, further background materials were produced and disseminated. Research for further material is ongoing and being disseminated to the paper writers as and when the material is collected.

2.5 CEDAW IMPACT STUDY

IWRAW Asia Pacific through it director was a member of the International Advisory Committee for the above study which is coordinated by the International Women's' Rights Project of the York University Centre for Feminist Research in Ontario Canada is the coordinator/originator of the project. The project receives direction from Marilou McPhedran of the Centre for Refugee Studies of York University.

This project seeks to address the 'problems' in implementation of the major human rights treaties. It has been acknowledged that the tools for assessment of such implementation are inadequate, that the data available is insufficient. Therefore, the CEDAW Impact study has been designed with the guidance of UN-based and other international experts to be a timely first step in measuring implementation, and lack thereof, of the UN human rights treaties - the cornerstone of the global rights legal system by beginning with CEDAW.

The following countries were elected for the study: Canada, Korea, Germany, Japan, Netherlands, Nepal, Panama, South Africa, Turkey, Ukraine.

The CEDAW impact study and network provide the means to pilot development and organisation of information needed before effective implementation strategies can be actualised. This impact study guides national correspondents to pay long overdue attention to follow-up of concluding observations of CEDAW by organising concluding observations for certain countries to highlight specific reform recommendations and follow-through. Ideally, it will be possible to identify practical means to improve the reporting and monitoring processes, relevant to member countries, treaty bodies and constituents.

Impact: This CEDAW Impact Study will be the first comparative study to test relative usefulness and implementation of standards through systemic case studies. There is an international team of keenly interested correspondents and activists who will be brought online to assess the impact of CEDAW from ratification to implementation, enhancing analysis through presentation of working papers in January 1999, in dialogue with CEDAW Committee members and other invited discussants.

Prior to the seminar IWRAW Asia Pacific as part of the International Advisory Council of the CEDAW Impact Study project, attended a strategizing session with the other International Advisory Council members such as Jessica Neuwirth, Andrew Byrnes, and Jane Connors who provided their technical assistance and support.. Shanthi Dairiam and Audrey Lee participated in the seminar. The seminar was also attended by several CEDAW members namely, Aide Gonzalez, the current chair, Savitri Goonesekere, Beate Schopp Schilling and Ms. Manzini-Myakeyeye.

The one-day seminar was divided into two parts. During the morning, national reports were presented by Lesley Ann Foster of South Africa, Alexandra Rudneva of the Ukraine, Youngsook Cho of South Korea, Lee Waldorf of Canada, Silma Pinilla Diaz of Panama, Sapana Pradhan-Malla of Nepal, Alide Roerink of the Netherlands, Feride Acar of Turkey, Masumi Yoneda of Japan, Beate Schopp Schilling of Germany. The afternoon session consisted of an open discussion facilitated by a panel which comprised Jane Connors, Chief of the Women's Rights Unit of the Division of the Advancement of Women, Andrew Byrnes, Director of the Centre of Comparative and Public Law of the University of Hong Kong and Shanthi Dairiam. The discussion explored the impact of CEDAW and the Beijing Platform for Action in different countries and was steered toward coming up with recommendations targeting NGOs and civil society organisations and states parties to promote effective implementation of CEDAW.

In keeping with the project's goal of utilising the internet and online databases for research and online conferencing as a discussion platform for the national correspondents and the advisory committee, a briefing was held at the end of the day for interested parties on "Taking full advantage of the Internet" by Kellie Mannix, a computer technology specialist.

2.6 CEDAW IN ACTION

IWRAW Asia Pacific along with UNIFEM implemented an on line moderated discussion group on various aspects pertaining to the implementation of the Convention. Around eight hundred subscribers form all over the world participated.

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

Related activities that were undertaken were the following

2.6 ASSISTANCE TO COUNTRY GROUPS IN THE FORMULATION OF ALTERNATIVE REPORTS TO CEDAW

ASSISTANCE TO THE INDIAN GROUPS ON PRODUCING A SHADOW/ALTERNATIVE REPORT.

Background

India was reporting to the Committee on the Elimination of Discrimination against Women (CEDAW) the expert committee on women's human rights, in January 2000 on the status of women in India. Under the Women's Convention, states party to the Convention have an obligation to report on the status of women every four years. India is giving its initial report. NGOs in India intended to present an alternative report to the committee.

Linkage with Facilitating Project

This project links closely with the project "Facilitating the Fulfilment of State Obligation to Women's Equality", reported on page 28. IWRAW Asia Pacific already implements the "Facilitating the Fulfilment of State Obligation towards Women's Equality" Project in India. It is a regional project started by IWRAW Asia Pacific in 1997. It seeks to promote the domestic application of international women's human rights norms and standards and ensure the implementation of the Women's Convention at the national level.

Within the ambit project is a research and monitoring component which envisions the creation of baseline reports on specific critical issues selected by focal points or women's groups in that country. India had selected 3 issues namely, rights of women within marriage, women in situations of armed conflict and the political participation of women. The findings of these 3 studies fed into the effort to develop a holistic shadow report on the status of women in India.

The National Alliance of Women (NAWO) who are part of the core group coordinated the production of the report and implemented several activities to facilitate it.

Planning

A meeting was held on the 6-8th August 1999 in Bangalore to finalise the Baseline Reports for India. The core groups of the Baseline Report project met with other network partners. These groups were chosen because they could give feedback on the Baseline Reports and had an interest in giving inputs into the alternative report. At this meeting, two working groups were formed to critique the

3 Baseline Reports. The comments and suggestions of the groups were presented and this was followed by discussions. It was decided that the preliminary chapter would be an overview on the 'Status of Women in India'.

At the planning meeting on the 6th-8th August 1999, the core groups decided on a process and format for developing the Alternative report. Of primary importance is the agreement between groups that the Alternative Report would have to be a consensus document, gathering the inputs from interested national organisations and institutions. The creation of the report needed to be a transparent, inclusive process so that all organisations were assured that their agendas were represented and their comments and recommendations considered.

Paper writers for the alternate report were selected to prepare papers on the issues which fell under the purview of the Women's Convention. Paper writers (including the 3 core groups in charge of developing the baseline reports under the Facilitating project) were commissioned to write on several issues such as women and employment, women and the law, *dalit* women, rural women, etc.

The Indian National Conference For The Preparation Of An Alternative Report To India's Initial Report To The Committee On The Elimination Of Discrimination Against Women (CEDAW Committee): Jamia Hamdard Scholars House, Convention Centre, Hamdard Nagar; New Delhi13- 15 November 1999

A 3-day national conference was implemented on 13-15 November in Delhi, India to facilitate a consultation for the creation of the alternative report. Around 78 women's organisations participated. The identified paper writers prepared an outline of the issues in advance of the conference. These papers were presented at the conference and suggestions and recommendations were sought from the participants, who were NGO representatives from all over India, in order to use these papers to create a comprehensive Shadow Report for CEDAW

In recognition of the need for NGO-state collaboration, both NGOs and government officials were to be invited. The participation of government officials was encouraged, as this will make these representatives of the different arms of government more aware of the Convention reporting requirement and processes, and clarify to them the full scope of the meaning of state obligations under the treaty.

As a strategic move three CEDAW committee members were also invited. They were Ms Savitri Goonesekere, Sri Lanka who was also the rapporteur for India⁷, Ms Salma Khan, Bangladesh and Ms Schopp Schilling, Germany. Their presence enabled a consciousness raising of government on the expectations of the Committee and provided an opportunity

⁷ The country rapporteur in the CEDAW Committee is responsible

The core groups had decided to invite Sapana Malla who was the main coordinator of the recent initiative to create the Alternative Report for Nepal. Nepal presented its initial report in the last CEDAW session and the Nepali groups came up with a very good Alternative Report and were very effective in their lobbying of the CEDAW Committee at this session. Therefore, Sapana Malla's experiences and insight, if shared with the Indian groups, would be helpful for the groups in preparing the Alternative Report and in their strategizing.

Representatives of the governments of Nepal and Sri Lanka were also invited. The former government had been reviewed by the CEDAW Committee in June 1999 and it was felt that they had valuable experience to share. Sri Lanka was due to report soon and could benefit from this conference.

The content of the Conference

A one-day orientation was held to which NGOs as well as government representatives were invited. The three CEDAW Committee members, the Director of IWRAW AP and the President of NAWO were resource persons. The orientation raised awareness on the principles of the Convention and on the scope of State Obligation. This was followed by the consultation on the base line reports and the preparation of the Shadow Report. In preparation, drafts of the various chapters of the Shadow Report were prepared ahead of the meeting. Women representing at least 70 organisations participated. The agenda of the national meeting was as follows:

The following sessions were conducted:

Day 1 Orientation

Theme: Understanding the meaning, principles and scope of the Women's Convention

The Evolution of international standard setting as a tool in fulfilling human rights By Savitri Goonesekere, CEDAW Committee member

The Principles of Substantive Equality and Direct and Indirect Discrimination in the Context of the Women's Convention By Shanthi Dairiam, Director IWRAW Asia-Pacific

India's Commitment to the Implementation of the Women's Convention By Kiran Aggarwal, Secretary Department Women and Child Development, Government of India

Theme: The Mechanism of Reporting

Purpose and Significance of Reporting and the Expectations of the CEDAW Committee

By Hanna Beate Schopp-Schilling, CEDAW Committee Member

Trends in Fulfillment of State Obligations as Reflected in the Review Process and Relevant Committee Recommendations By Salma Khan, CEDAW Committee Member

Role of NGOs and Civil Society in the Reporting Process By Savitri Goonesekere CEDAW Committee member

Importance of NGO Alternative Reports in Strengthening Accountability Mechanisms By Savitri Goonesekere

Work of Indian NGOs in relation to CEDAW Ruth Manorama, NAWO President

Theme: Regional Experience Sharing in Reporting⁸

Nepal-presentation Government By Padma Mathema, Secretary, Law Reform Commission

Nepal-presentation by Sapna Malla, NGO representative and member of the Core group of Nepal

Days 2 & 3

Days 2 and 3 comprised consultations on the base line report and the rest of the draft of the Shadow Report.

The Baseline Reports from the 'Facilitating project' on Rights of Women in Marriage, Women in Situations of Armed Conflict and Women and Political Participation will be shared and a motion will be sought to validate these findings. The goals at this stage of the Facilitating project will be to plan on common strategies to implement the Women's Convention, especially upon the 3 issues on which the core groups have produced the 3 baseline reports. It is crucial that the baseline report and the recommendations contained within receive endorsement from other national NGOs. The information surfaced in these baseline reports will then become part of the alternative report.

Strategy sessions were also held to gather recommendations and endorsements of the draft reports.

⁸ The CEDAW committee reviewed Nepal in June 1999. The government representative who reported to CEDAW was brought in to share his experiences and lessons learned for the benefit of the Indian government and the NGO representative who had prepared the shadow report and lobbied the CEDAW Committee was also invited to give her experiences and lessons learned.

Follow up

After the conference, the paper writers will be given a month to add substance to their papers and combine the feedback. The papers will be put together and edited by the editors into a single report. A list of the editors and paper writers follow.

Accomplishments and outputs

- The National Conference was a great opportunity to bring women together on issues of discrimination. In particular, the presence of the CEDAW committee members at this meeting presented an opportunity to the women present to discuss with them on first hand the situation of women in India. This in turn enhanced the quality of the CEDAW review of India in January 2000.
- 2. A cross-fertilisation of the experiences of the core groups and government within the region has occurred as Government and NGO representatives shared their experiences through the National Meeting.
- 2 The members of the core groups are poised to play an excellent advocacy role during the CEDAW review on India in January 2000 in New York. Their participation in this project greatly enhanced their capability for advocacy. They had the substance and the confidence that came with that knowledge.
- 3 A set of recommendations which has been developed collectively and endorsed by the national groups which strategists on how the Baseline Report can be used as a document to support and enrich women's advocacy and lobbying efforts to advance women's rights.
- 4 Development of a network of larger group of national organisations and institutions who will be able to create political endorsement of the recommendations of the baseline report, thus making the baseline report a more effective lobbying document.
- 5 The outline to a comprehensive and well-substantiated Alternative Report to the Committee on the Elimination of Discrimination Against Women which would contain the following:
 - Introduction
 - Purpose of the India Alternative Report
 - Critical concerns of women in India
 - State obligations and State initiatives
 - Steps to be taken on implementing the CEDAW Convention
- 6 Increased awareness of NGO and GO on the meaning and scope of the Convention and the significance of the reporting process
- 7 Plans for creating an NGO presence at the review of India's initial report at the UN in New York in January and for advocacy to the CEDAW Committee through participation at the "Global to Local" Project of IWRAW Asia Pacific.

The role and responsibility of IWRAW Asia Pacific in this conference were:

- To create the concept and design of this conference.
- To produce and or identify background materials to be disseminated at the meeting

- Providing technical assistance at this conference, guide the process, develop discussion guidelines etc
- Facilitate the participation of the CEDAW Committee members to the conference.
- The director of IWRAW AP will also act as resource person on the first day on the session on the Women's Convention and on the last day when follow up strategies are decided.
- Raise funds
- 3.2 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 (Annual since 1997)

Implementation 1999

Introduction

On the occasion of the 20th and 21st session of the CEDAW⁹ Committee Meeting on 19 January to 5 February 1999 and 7 – 25 June 1999, IWRAW Asia Pacific and UNIFEM collaborated to bring women from selected reporting countries to these CEDAW meetings. A total of 30 women benefited from this project. The January/ February session, was attended by nineteen women from 10 countries and the June session was attended by eleven women from 4 countries. The women who attended in January were from countries either reporting at that session or from countries that had been scheduled to report in June. The June participants were from countries reporting at that session only.

The *GLOBAL TO LOCAL PROJECT* facilitates the presence of women at the CEDAW committee meetings when their governments are reporting and mentors them to play a positive role in the context of the CEDAW State party dialogue. This is the third year of implementation.

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. The key focus of IWRAW Asia Pacific is to monitor and facilitate the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

The strength of the Women's Convention rests on the international consensus (165 ratification /accession) of support for the mandate of equality between women and men. This internationally supported mandate is a strong counter to claims that

⁹ CEDAW refers to the UN committee that monitors the implementation of the Convention on the Elimination of All Forma of Discrimination against Women. States parties to the Convention submit initial and periodic reports to this committee for review. The committee conducts this review twice a year, one in January and the other in June.

equality is contrary to culture and tradition. At the ground level, the advocacy for the application of the norms of the Convention has to be linked to this international mandate. This linkage also requires the establishment of a relationship between women's groups and CEDAW. This will have the synergistic effect of strengthening women's capacity to claim their rights while enhancing CEDAW's ability to monitor state compliance and interpretation of the Convention. This will be of tremendous benefit to both sides. The women in particular will be able to be more strategic in their own activism when they return as they would have first hand knowledge of CEDAW's recommendations to their government. This is the only project that attempts facilitate the participation of women in the reporting process in a structured and purposeful manner.

The reporting process is the only monitoring mechanism set up by the UN. The participation of women in directly observing state party performance in reporting to the CEDAW and in interacting with CEDAW members to raise their awareness about issues critical to the women in their country is a strategic method to enhance the effectiveness of this monitoring mechanism.

Women's interaction with CEDAW can help integrate their perspectives into the interpretation of the Convention's articles. This in turn will increase the Convention's scope for domestic application while contributing to the development of women's rights jurisprudence within the United Nations system. Women can thus transform the Convention into a truly living instrument.

The project focuses on the participation of women in two inter related aspects. One is in the setting of norms and standards for human rights practice and the other is to challenge non -compliance of their governments with the standards to which they have committed themselves internationally. Through this process international human rights norms can be made applicable at the domestic level as result of women's activism.

STATEMENT OF PROJECT GOALS AND OBJECTIVES

Aim of the project

The project aims to enhance the dynamism of the UN Convention on the Elimination of All Forms of Discrimination against Women by enabling women to link their local level advocacy with the international official processes for monitoring the implementation of the Convention at the UN level

Specific Objectives of the Project

- 1. to raise women's awareness of the significance of the Women's Convention
- 2. to familiarise women 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

- 3. to enable women to monitor the state party performance during the review of State party reports by CEDAW and to interact with CEDAW members in order to raise pertinent issues with CEDAW relevant to the position of women in the countries whose reports will be heard and to have a positive influence on the review
- 4. to make plans for monitoring state party compliance with CEDAW recommendations and fulfilment of state obligation to implement the Convention in their countries on their return.

PARTICIPANTS

A total of 30 women participated in this project. As follows:

1. Nineteen women's rights activists from ten countries participated in January 1999.

The countries were:

- Algeria and Kyrgyztan (presenting initial reports in January 1999)
- Thailand, China and Colombia (presenting periodic reports in January 1999)
- Congo Brazaville, Egypt, Georgia, Chile and the United Kingdom (scheduled to present their reports in June 1999)¹⁰
- 2. Eleven women's rights activists from four countries participated in June 1999. The countries were:
 - Nepal,
 - Georgia,
 - Chile and
 - the United Kingdom ¹¹

Project Management Team

A core resource team of five persons planned and managed the project. They were assisted by other resource persons as necessary. (Refer to Annexe 5)

Project Implementation

Description of project activities

The project was implemented in two phases. Nineteen participated in the first phase which took place in January / February 1999 and twelve women

¹⁰ The project brings to the January session, not only those scheduled to report in January but also women from countries scheduled to report in June.

¹¹ Nepal was not initially scheduled to present its report in June, hence they did not participate in January. Congo Brazaville and Egypt who were scheduled to present their reports in June initially and who therefore participated in January, withdrew form reporting in June 1999.

participated in the second phase in June 1999. As mentioned earlier, the project brings to the January session, not only those from countries reporting in January but also those from countries scheduled to report in June. These participants benefit from the intensive training and mentoring activities conducted during the January session. They observe how the review is conducted by CEDAW and learn many valuable lessons. They are facilitated to come again in June when their countries are reporting to play an advocacy role with CEDAW.

- 1. The project brought together the above mentioned 19 participants to New York between 14 January and 3 February 1999 when CEDAW held its meeting to review state party reports. They were given an intensive training cum orientation for three days (15-17 January) prior to the CEDAW sessions. This training cum orientation gave them an understanding of the Convention and the CEDAW's working methods. Some skills were developed for the application of the Convention in local contexts. 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 as a starting point for constructive dialogue with the government representatives. (Refer to Annex 6 for examples of the NGO presentation of critical issues) Awareness was also raised on the ways in which the women could support the work of the CEDAW.
- 2. The next step was for women to observe the reporting process at the UN for a week 19-25 January. In particular, the review of the reports of Algeria and Kyrgyztan were used to mentor the participants on how the review takes place. During this time they interacted with CEDAW members to give them alternate information or explanations to the information given by their government representatives.
- 3. During this week daily debriefing 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. They were asked to comment on whether they had been effective in raising the awareness of the CEDAW on the issues pertaining to discrimination from the perspective of the women and whether this was reflected in the questions posed by CEDAW to the government concerned. The notes of the debriefing conducted after the reporting sessions of Algeria and Kyrgyztan are attached as Annex 7.
- 4. A one-day debriefing exercise was held on 25 January 1999 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. Such activities were planned by participants from Algeria, Kyrgyztan, Colombia and Thailand as they were reporting in January. Congo Brazaville, the UK, Egypt and Georgia planned to produce Shadow Reports as they were reporting only in June.

Schedule of activities: January 1999

13 January 1999: Resource team planning meeting

- 14 January 1999: Finalising the preparation of training materials
- 15-17 January 1999: Orientation and training of participants as preparation for observing the reporting process.
- 19-22 January 1999: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. Meeting. The review of Algeria's report was observed on 21 January and that of Kyrgyztan on 22 January.
- 20 January 1999: Participants attended the formal meeting with CEDAW and those whose countries were being reviewed in January 1999, presented their most critical issues to the CEDAW.
- 23-24 January 1999: Attendance at IWRAW Minnesota's consultation on article 5 of the Convention.
- 25 January 1999: Debriefing and planning for follow up

(The formal part of the programme ended on 25 January 1999. Participants whose countries were reporting in June 1999 departed on the 26^{th of} Jan. The others left in a staggered fashion according to the schedule when their own countries were reporting.)

26 January 1999:	Participants observed the replies provided by the
00 l (000	Governments of Algeria and Kyrgyztan.
29 January 1999:	Participants from Thailand observed the review of their
	government's report
1 & 2 Feb 1999:	Participants from China observed the review of their
	government's report
3 February1999:	Participants from Colombia observed the review of their
	government's report

Schedule of activities June 1999

7 June 1999:	The UN Division for the Advancement of Women celebrated the 20 th Anniversary of the Convention. The director of IWRAW Asia Pacific, Shanthi Dairiam was one of the invited
	speakers. Refer to Annex 6 for her presentation.
8 June 1999:	The CEDAW Committee meets with NGOs. Critical issues
	pertaining to women in Nepal, Georgia, Chile and the UK are
	presented to the CEDAW.

- 9 June 1999: The report of Georgia was reviewed
- 10 June 1999: The report of the United Kingdom was reviewed.
- 11 June 1999: The government of Georgia gave its replies.

15 June 1999:	The report of Nepal was reviewed
18 June 1999:	The government of Nepal gave its replies.
22 June 1999:	The report of Chile was reviewed

Evaluation

Plan for evaluation

- 1. The project has identified certain desired outputs that facilitate evaluation. These are that participants should have:
 - identified the priority issues for women in their countries and obstacles to the implementation of the Convention in their countries.
 - gained a sharper awareness of the relevance of the Convention and would have developed some skills in utilising it as a tool or advocacy.
 - gained knowledge of the dynamics of the reporting process and how to exploit it for advocacy.
 - gained knowledge of their government's seriousness towards implementing the Convention which can be used for advocacy at home.
 - contributed to the efficacy of CEDAW's role in monitoring state party performance.
 - made plans for monitoring state party compliance with their obligations under the Convention.
 - followed-up and or facilitated the implementation of the concluding comments of CEDAW.
- 2. There were written and oral evaluations at the end. Daily debriefings during the first week were conducted to assess accomplishments of expected outputs. Verbal feedback is obtained from CEDAW on the usefulness of the information given to them by the women. A comparison is made between the issues the women have raised with the concluding comments on each of the countries written by CEDAW to assess effectiveness of the women's advocacy with CEDAW.
- 3. Lastly, attempts are made to keep track of women's activism at the national level on their return to ensure State compliance with the concluding comments.

Accomplishments

- **General:** An assessment of the programme shows that all the expected outputs were achieved with one exception. This refers to the facilitation of the implementation of the Concluding Comments by the participants on their return. The problem here is that no systematic tracking of actions taken by the participants has been carried, the Asian context being the exception. (Refer to item 4 below)
- **Specific:** 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 he NGO women to contribute to the review process. 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.

Much was also accomplished by providing alternative information to the CEDAW Committee. As one participant stated in the evaluation, it was critical for her to realise that the CEDAW needed NGO input to underline their questioning of state parties. For most of the women this was their first experience with the CEDAW sessions and the biggest achievement was the de-mystification of the whole 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. 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.

• Some general comments made by participants documented during the oral evaluation.

"Each component of the training was made very distinct: the first part was information intensive and included identifying problems and key issues and used the language of rights, while the second part consisted of the dynamics and procedures of CEDAW and the 3rd part dealt with how we should work with women activists. The democratic process of learning which was inclusive rather than didactic was very effective."

"In general, the entire programme reflects the importance of the CEDAW procedure."

"The Training was commendable. Before this we lacked awareness of the need for a Shadow Report. We learnt that focus in the report was important to guide CEDAW. The daily debriefing was a good way to bring all the issues back for us- there was a good flow in terms of the activities."

"Good practical information was imparted. There were 2 levels of experiences normally encountered in such events- the formal learning experience and the casual one. One is as important as the other because it is through the informal experience that we get to know people from other countries and understand the context of their critical issues. This informs us on another level and creates a feeling of sisterhood, especially since the aim of the project is to project the international arena into the national arena- from global to local and vice versa.

There is need to build quick strategies so that the reporting function can have international and national effectiveness that go beyond merely creating CEDAW reports- that the work behind the reports is not wasted. Also need to use the publicity created by the CEDAW sessions. (media currency)"

"It was helpful to learn practical things such as prioritising the issues of the Shadow Report- as such the related components of training to do with identifying issues and understanding elements like 'substantive equality' were done well."

"The Training has given us focus and enabled us to look deeper into our data and findings. The CEDAW session was a clear example where loss of 'face' was a motivation for states parties to adhere to their obligations under international law- this was of special interest."

"The training and the experience was empowering as in China the bureaucracy faced by NGOs is huge and seamless. Now that they know the CEDAW and UN processes, they can see channels which are open to them to voice opinions. Further NGOs are new phenomena in China. NGOs are not too sure what is allowed and what is not allowed. Thus, more concrete suggestions and strategies would be welcome."

"It was not clear before that the CEDAW committee was so receptive to NGOs. Before this programme, I was not aware that the NGOs had a platform to speak to the CEDAW members. However, there was a lack of European participants considering that Spain, Ireland and Greece would also be reporting this year. There is a problem of using the UN treaties because EU legislation has more coverage and 'legitimacy'. Furthermore, there is a misconception that EU NGOs do not need money to come to the UN."

Written evaluation and Others

• During the training some time is spent helping the women prioritise their issues for presentation to CEDAW. These are assessed by the resource team to be well written. The CEDAW has also commented on their usefulness. The following statement from the written evaluation will also illustrate the point that the women learned the importance of being precise.

"The session on how to present a shadow report, how to focus on critical issues. I thought it was important because I realise that people only listen to you if you are focussed. Generally we tend to put everything in because this is the only opportunity we have to address the committee." • The knowledge gained about the Convention and the dynamics of the reporting process is ascertained from the written evaluation and from observations of the resource team on the way in which the women use the reporting process to advocate and lobby.

The following is taken from the written evaluation and is indicative of what the women have gained through this programme.

- i) The sessions of the training had a thread that linked together and pulled towards a goal.
- ii) The training adequately prepared us for the review process.
- iii) We learned how to present a Shadow Report and how to focus on critical issues. The programme is useful to make women realise that they have an instrument to exercise and claim their rights.
- iv) We discovered what the obligation of the state was in relation to women under the Convention.
- v) The participants identified the following as the most useful learning:
 - Shadow Report guidelines sent to us earlier were good. They helped us identify what has been done by the state.
 - Methods for lobbying and the preparation of points to lobby was a critical learning.
 - Observing the proceedings of the CEDAW was a great experience.
 - Understanding how CEDAW works and how to establish cooperation with CEDAW.
 - Information on the CEDAW and how to build on their interests.
 - The impact of Shadow Reports and the idea that the CEDAW needs inputs form NGOs to inform and underline their questioning of state parties.
 - Relating women's concerns to specific articles of the Convention and learning how to apply the Convention in a context.
 - The understanding that the training gave us on the meaning of the principles of the Convention, Substantive equality and how it differs from protectionism and non-discrimination was very useful.
 - We learned that we can use not only the CEDAW mechanism but also other human rights treaty mechanisms to promote women's rights.
 - We learned how to use the Convention in connection with Beijing.

Follow up activities in Asia:

1. Thailand and Nepal

Follow up activities in Thailand include the following:

- Two sets of training were conducted with assistance from IWRAW Asia Pacific.
 - (i) for NGOs on understanding the Convention, providing information on the what had transpired during the reporting process, dissemination

of the Concluding Comments on Thailand and developing a methodology for the implementation of the Concluding Comments.

- (ii) A similar training was conducted for the staff of the national Commission on Women
- Follow up activities in Nepal include the following:
 - (i) Dissemination of the Concluding Comments to the press and to other NGOs
 - (ii) Workshop with government officers to help them better understand state obligation under the Convention. This was a UNDP funded effort. The Global to Local participants served as resource persons and IWRAW Asia Pacific provided a technical paper.

2. Wider sharing of the experiences of "Global to Local" within Asia

Since India was reporting in January 2000, the experience of Nepal in the reporting process, both from the government and NGO side was shared with India. A national conference was held in India by IWRAW Asia Pacific and UNIFEM South Asia in November 1999 to help the NGOs prepare the Shadow Part of the programme had government invitees. Report. The Nepal government delegate who presented the report to the CEDAW committee in 1999 and one women NGO who had participated in the Global to Local were invited to this conference to share their experiences and lessons learned. A government representative from Sri Lanka was also invited as Sri Lanka would be reporting soon and they could benefit form the exposure. The highlight of this conference was that three CEDAW committee members were also invited so that they could gain first hand knowledge of the critical issues pertaining to women from a wide cross section of women and share their expertise on what the committee looks for.

Shortcomings

The weakest part of the process is the monitoring of the women's activism at the national level in regions (other than Asia) on their return to ensure State compliance with the Concluding Comments. In spite of specific commitments given to send reports of the follow up action women have not responded although we hear second hand reports that they have taken action.

Steps to rectify this situation included the following

- An electronic list serve was started in February 1999 through which participants can share their experiences in implementing Convention related activities. This list serve has however been suspended since October 1999 for technical reasons.
- Asian participants will be provided technical assistance for follow up activities through IWRAW Asia Pacific. The UNIFEM regional and country offices will be enlisted to obtain information from other regions. Where possible IWRAW Asia Pacific will give technical assistance to other regions.

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

Related activities that were undertaken were the following

4.1 8-9/5/1999, The International Regime for Gender Justice, New Delhi, India organised by the Lawyers Collective. SD was one of the resource persons. She presented a paper on International Law and Women's Rights.

4.2 Forum on National Human Rights Commissions (Towards and ASEAN Mechanism)

In conjunction with the Malaysian government's proposal to move a Bill in Parliament in July 1999 for a National Human Rights Commission, the Malaysian Working Group for an ASEAN Human Rights Mechanism, together with the National Human Rights Society (HAKAM), SUARAM, ERA Consumer and a number of local NGOs, organised a two-day international forum on 3-4/7/99 in Kuala Lumpur, Malaysia. The director, Shanthi Dairiam and programme officer, Simran Gill, attended this meeting. Participants to the conference included two hundred representatives of local NGOs and diplomatic missions. Speakers included the Brian Burdekin, Special Advisor on National Institutions, Regional; Chairpersons from the Indonesian and Philippines National Human Rights Commissions, Marzuki Darusman and Aurora Navarette-Recina; representative of the Thai Human Rights Commissions and NGOs actively involved in the monitoring and setting up of national human rights commissions in their own countries.

The workshop discussed the strengths and weaknesses of the existing national human rights institutions in the ASEAN region i.e. Indonesia and Philippines, and the proposed institution in Thailand. The proposal for a national human rights commission in Malaysia was discussed. The workshop was also used as a venue to update Malaysian NGOs on the progress of the initiative for the establishment of an ASEAN human rights mechanism and to mobilise support for the initiative.

Objective 5: To strengthen international and regional 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 donors and other relevant institutions.

Related activities that were undertaken were the following

5.1 Reception held for the CEDAW Committee and Global to Local participants by the UNIFEM NGO Committee to the United Nations. Attended by the Global to Local participants, Shanthi Dairiam and Audrey Lee; 19 January 1999

5.2 Women's Human Rights Meeting: Sharing, Consultation and Advocacy; UNIFEM; 18 & 20 January 1999

The objectives of this meeting were:

- To take the opportunity to renew ties and update networks.
- Sharing of experiences and key issues of organisations represented.
- Sharing of strategies for common problems and lobbying for common approaches.
- Highlighting international mechanisms that require advocacy of the group present.
- To brainstorm on what will need to be done to achieve common goals and to fully utilise the international mechanisms and conference planned for the years to come.
- To prepare for lobbying and to get involved in the Prep-Coms of the major conference to be held such as ICPD + 5 and Beijing +5.
- Sharing experiences and strategies so as to avoid 'burnout' on a large scale.

The meeting was well attended by Activists of organisations from all over the world namely: Gladys and Olivia Acosta, Lynn Friedman, Sophiya Woodman (HRC), Sameera Nazir (IHRLG) Elmira (Centre for Women's Global Leadership), Vahida Nainar (Women's Caucus) Dorothy Adams (Shaler Adams Foundation), Donna Sullivan, Marge Schuler.

The Special Rapporteur on VAW, Conference on Racism 2000, CEDAW, Human Rights Commission, Conference on Criminal Justice with focus on violence against women were the events and mechanisms that were given special focus.

The issues that surfaced in discussions were:

- Connecting/ linking to mainstream Human Rights and to link international and national advocacy
- Engage in broader political context of problems faced by women and a strategic analysis of the causes and barriers
- Sharing of experiences in relation to the experience of working with/against governments
- The model of human rights to adopt: realisation and alliance model versus confrontation [mainstream HR] model. (Is it a case of selling out? The problem of co-opting is clear and women human right's groups are accused of it by mainstream groups).
- Problem faced when funders do not realise the importance of funding the same persons and giving allocations for institutional building. Increasing lack of desire to fund initiatives that come from international groups. More interest to fund local advocacy.
- Clear from the Millennium Assembly that there is more emphasis on poverty and the push is for rights under the ICESCR. There can be some space to input gender into the agenda.
- Women's Human Rights Net
- -Start-up group identified and the organisers and moderators are still seeking new members.

5.3 Meeting at the Colombia Law School, New York- briefing on the Convention and the work of CEDAW for the law students. SD was one of the panellists. Other panellists were Global to Local participants from Chile and Georgia. Attended by AU; 20 January1999

5.4 Meeting with Law Students at the Colombia Law School, New York.

Shanthi Dairiam, Alda Facio and Marina Meshki were the panellists at this informal meeting with the law students of Colombia Law School. The objective of the meeting was to raise the awareness of the law students of that institution about the UN mechanisms in place and to encourage their participation in developing international human rights norms and jurisprudence. Shanthi Dairiam gave a brief summary of international law, what equality under the Convention meant, the meaning of each substantive article and how women could access the Convention to claim their rights. Veteran activist Alda Facio, spoke of the initiatives of the Women's Caucus in developing the International Criminal Court and the Optional Protocol to CEDAW. She urged the students to get involved in both these efforts. Marina Meshki from Georgia gave a brief description of the position of women in Georgia.

5.5 Consultation on Article 5 of the Women's Convention. 23 January 1999

Article 5 imposes an obligation on governments to eliminate customs and traditions that are premised on a notion of the inferiority or superiority of women or men. The implementation of this article, though critical, poses much difficulty and generates a great deal of resistance. The International Women's Rights Action Watch of the Hubert Humphrey Institute of Minnesota organised a one-day consultation on the implementation of this article in New York, to coincide with the CEDAW sessions. It was attended by activists and some members of the Committee on the Elimination of All forms of Discrimination against Women. IWRAW Asia Pacific was represented at the consultation.

5.6 Launching of UNIFEM's booklet application of CEDAW at the UN. SD was one of the panellists; 29 January 1999

- 5.7 ICPD + 5 (Hague). Attended by Ruth Manorama; 6-7 February 1999
- 5.8 Strategy Workshop: Democratisation of ASEAN in the next millennium – the challenge for NGOs (Bangkok). Attended by SD. 21-23 March1999
- 5.10 SD met with the Coordinating Committee of Human Rights Organisation in Thailand to discuss the latest development in the setting up and functioning of Human Rights Commissions, 24 March 1999

5.11 Dialogue with Nik Aziz, Chief Minister of Kelantan, Malaysia to clarify his comment reported in the newspapers on the paper that he did not want women to work Attended by SG, AU and AZ; 13 April1999

This dialogue is a follow-up on the press statement by Nik Aziz saying that women should not work to earn a living. In the dialogue, he justified this by saying that social problems among adolescents (lepak) were due to the neglect they faced at home. He stressed that man "naturally" is the breadwinner for the family and women should stay home and perform the childcare function. The women's NGOs felt that to a larger extent, if the women were asked to stay home, their education would be wasted. Furthermore, they also have a right to work. Often, work is a necessity: women who have been abandoned by their partners will have to work for themselves and for the children. In the Shariah court cases, women are appealing for the judges to make the ex-husbands pay the maintenance for the children of which most of them refused to pay. Thus, Nik Aziz's argument/justification only works in an ideal situation where a man is responsible and performs his duties as a father, husband and a good Muslim.

Basically, it is felt that the consultation was more of a political meeting to take advantage of the political situation in order to oppose the existing government rather than to debate the issue of women and work and the related (or more appropriately unrelated) social phenomenon of 'lepak'.

5.12 A World Free of Violence Against Women video conference, organised by UNIFEM (Australian High Commission, Malaysia) Attended by SG, AU and AZ; 15 April 1999,

An edited version of the UNIFEM global video conference on violence against women was shown to NGOs and press. The discussion afterwards attempted to draw out the gist of the conference. The need for more effective strategies to combat violence against women was highlighted.

Main points that had arisen during the freeform discussion were:

- That violence against women did not only have implications on the physical well-being of a woman. Violence can be emotional, sexual and economic. Essentially it was a violation of a woman's personhood.
- In our efforts to address violence against women, we should not forget to involve men in the process of developing solutions.
- It was suggested that for future efforts to publicise the 'crimes' against women such as this event, male reporters should be encouraged to attend. The profile of these crimes also need to be raised- they should be front page news instead of being relegated to a column targeted at women readers.
- The video had mentioned that US businesses stood to lose several billion each year from medical leave taken by women employees who had been abused or were victims of violence- it was emphasised that one strategy to use with governments and with men in general was to highlight how much we had to lose in terms of expenses where violence against women was allowed to continue by omission.
- A local panellist suggested several recommendations for further action in dealing with violence against women-
 - Outreach of awareness programs had to be larger and to include younger persons like college students, both female and male.
 - Support and counselling for abusers and not merely a punitive approach.
 - More support services- secure shelters
 - More dialogue with agencies and government to develop a communal approach to dealing with violence
 - To convince governments that more national resources need to be dedicated to this 'national' / social problem.

5.13 Meeting with SEAGEP CIDA donors: Adair Heucham; Brenda Melles and Sharifah Pouzin, IWRAW Asia Pacific office; 28 April 1999

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

INSTITUTIONAL STRENGTHENING

Staff

- July 1999, SD had discussions with Ms Helen Neuborne of Ford on the possibility of obtaining grants for institutional costs
- 14/5/1999, Meeting with Dr Elizabeth White, Luce Scholar Coordinator at the IWRAW Asia Pacific office IWRAW Asia Pacific will be the recipient of a scholar who will work with the organisation from September 1999 for ten months
- 9/6/1999, Arrival of Laboni Hoq, an intern from the Colombia Law School, New York

Advisory Committee

IWRAW Asia Pacific's second annual advisory committee meeting was held on 1-2 October 1999 in Sri Lanka. It was attended by Shanthi Dairiam, Savitri Goonesekere, Sapana Malla, Andrew Byrnes, Mere Pulea and Shireen Huq and 2 IWRAW Asia Pacific staff as well as a fellowship intern from the Luce Foundation.

Normally at these meetings, the overall programme of IWRAW Asia Pacific is assessed for its efficiency. The projects are evaluated and suggestions are sought on how to improve performance and counter obstacles met. A detailed evaluation of the existing programme was held, especially of the "Facilitating the Fulfilment of State Obligation towards Women's Equality". Suggestions were made with regard to follow-on activities under the ambit of this project and the other projects.

The Advisory Committee also gives long term direction to the programme of the organisations and serves as a venue for charting new ideas. The Committee was asked to contribute suggestions for 2 new ideas. They include a project which will utilise the commonalties of the Commonwealth common law and another project involving national human rights institutions.

At this Committee meeting policy decisions regarding the management of the organisation was also developed. The terms of reference of the Advisory Committee were finalised and the minutes of the last meeting adopted.

PART III: 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.

<u>Annex 1</u>

STATEMENT OF THE NGO WORKING GROUP ON THE DRAFT OPTIONAL PROTOCOL TO THE WOMEN'S CONVENTION: MARCH 1999.

Statement made by Tulika Srivastava, IWRAW Asia Pacific on behalf of the NGO Working Group

Today, women around the world are suffering egregious abuses, systematic discrimination, and a denial of rights that has become so commonplace that the denial is considered part and parcel of the social fabric of everyday life

Further, this pervasive and shameful pattern continues unfettered because women's rights are not afforded the remedies that the international community has expressly provided under other human rights regimes.

At this critical moment, the international community has two options:

- 1. To realise the Beijing Promise by according women's rights the same treatment as other human rights; or
- 2. To undermine existing human rights law and to perpetuate the discrimination faced by women by adopting a weak and ineffective Protocol.

Realisation of the Beijing promise requires that two principles guide the formulation of this Protocol. These principles are access and integrity.

Giving women justice is the fundamental object of the Protocol. Access requires adequate standing and rational admissibility criteria. Adequate standing demands provisions that recognise and respond to the obstacles women face in asserting their rights.

It is also essential that the Protocol respond to the varied types of abuse that women face by incorporating the communications and inquiry procedures into one cohesive instrument. Both procedures are integral to effective realisation on women's rights and represent the well-established practice of human rights bodies. Integrity also requires that the Protocol not be undermined by allowing states to enter reservations.

Now, during the 20th anniversary of the adoption of CEDAW, it is high time that the principle enshrined in the Convention and the repeated commitments made by governments be translated into action by adopting an effective protocol - one that embodies the principles of access and integrity.

8TH MARCH, '99 STATEMENT MADE AT THE JOINT SESSION OF THE COMMISSION ON STATUS OF WOMEN

Statement made by Tulika Srivastava, IWRAW Asia Pacific

Thank you Madam Chair. I represent IWRAW, Asia-Pacific, and speak on behalf of the NGO Working Group for the Optional Protocol to the Women's Convention. I take this opportunity to acknowledge the NGOs present in this room, and the millions of women they represent. The presence of NGOs in this room is merely the tip of the iceberg, so to speak. We represent and are here on behalf of individuals and groups and are here to watch for the interests' in particular context, for the women of the world.

We have been your comrades Madam Chair, in the negotiations for the past 3 years and have been witness to the acts and the failure to act of the various delegations when it has come to taking the stand for the rights of women. We have kept our peace, despite our growing concern, for we have had faith and belief that states will not disappoint us.

We have kept our faith despite a constant chipping away at the original draft, which was, I remind you, an NGO initiative, which reflected the realities and experiences of women and was the mechanism they needed. We thank many delegations, especially the Friends, for supporting our recommendations and trying, in face of great hardship, to preserve the spirit of the protocol.

However, today, on 8th March, our day, and that of women everywhere, we remind the delegations we watch. We have said that we will wait, but not be denied, and we keep that pact. We ask you to rise above mere political consideration of unwillingness to be accountable to women, and demand that you create a mechanism which shows respect for the committee and values the realities of women's lives. We remind states that there can be no justification for offering women less protection under the protocol, than is available to others. It is not only putting in place a procedure that demands accountability, but also about the willingness of states to be accountable. In fact, it is primarily about the state's commitment to learn, for the sake of their own women citizens. The Optional Protocol will help the states to make their promises of equality to women a reality.

We assure the states of our continued support to the Optional Protocol and ask the delegations for similar support. We have been asked by a delegation to have faith in the "good faith" of the state parties when drafting this protocol. We ask the states to have faith in our experience of working with women and knowing the realities of that are to be addressed through this mechanism.

STATEMENT BY IWRAW ASIA PACIFIC AT THE CLOSE OF THE OPEN-ENDED WORKING GROUP MEETING ON THE OPTIONAL PROTOCOL TO THE WOMEN'S CONVENTION – MARCH 1999.

Statement made by Tulika Srivastava, IWRAW Asia Pacific

IWRAW Asia Pacific echoes other speakers in thanking you, Madam Chair, for your great dedication to this effort. I also pay tribute to my NGO colleagues for their untiring activism, which remained undiminished even as we watched the effectiveness of the protocol being undermined in these negotiations.

We particularly wish to thank our colleagues from international human rights organisations, who have not only worked consistently to secure an effective protocol.

In addition, we thank the delegations that participated in good faith, and took strong principled positions in support of the cause of women all over the world.

We now take up that challenge of making the optional protocol a meaningful tool for women seeking access to justice.

NGOs put the optional protocol on the international agenda and it is NGOs who will take the lead in seeing that it is ratified and put into practice. NGO will act on behalf of women, and we will do so, as we have been doing, with commitment to human rights and to redressing violation of women's human rights.

We have been dismayed by repeated suggestion during these negotiations that national or international NGOs will misuse this protocol. As governments, you have repeatedly have asked women's groups and other NGOs to act as partners in implementing the Beijing Platform for Action, as partners in development, and as partners in addressing the material needs of women. Governments have repeatedly asked NGOs to share responsibilities for realising women's human rights and even to assume the greatest part of those responsibilities in many contexts. Yet in these negotiations we have witnessed repeated attacks on our integrity and on our commitment as organisations to that aim of representing women's interests.

We note with concern that the discrimination against women so endemic to all societies has also pervaded the international process. This discrimination was implicit in the way this Protocol has been negotiated.

While in this rooms, some may have lost sight of the realities of women's lives, but our vision has not been clouded by political considerations. We retain the

conviction necessary to ensure this protocol will be used to expose and bring an end to gender discrimination in all its from. We take up the challenge of making the protocol a meaningful tool for providing women access to justice.

Annex 5

GLOBAL TO LOCAL: A CONVENTION IMPLEMENTATION AND MONITORING PROJECT

PROJECT MANAGEMENT TEAM

- 1. Shanthi Dairiam IWRAW Asia Pacific, Malaysia
- 2. Ilana Landsberg Lewis UNIFEM, New York, USA
- Alda Facio Concertacion Interamericana de Mujeres ActivistasIMA Costa Rica
- 4 Ali Miller Gender, Health and Human Rights, School of Public Health Columbia University, USA
- Marsha Freeman IWRAW, Humphrey Institute, Minnesota USA

Additional resource persons

- 1. Jane Connors Chief, Human Rights Unit, DAW, United Nations
- 2. Kasia Polanska IWRAW Minnesota, USA
- Amal Abdel Hadi Cairo Institute for Human Rights Studies Cairo, Egypt

Secretariat Assistance

- 1. Lee Ai Schuen IWRAW Asia Pacific, Malaysia
- 2. Kirsten Gelsdorf UNIFEM, New York, USA

IWRAW Asia Pacific Annual Report 99

<u>Annex 6</u>

GLOBAL TO LOCAL: A CONVENTION IMPLEMENTATION AND MONITORING PROJECT

SAMPLES OF NGO PRESENTATIONS OF MOST CRITICAL ISSUES

ALGERIA SUMMARY OF NGO SHADOW REPORT ON CEDAW

This report raises three critical issues which show the failure of the government to implement some articles of the CEDAW:

- Personal Status Law (Family Code)
- Economic Rights
- Gender-based violence in the context of the armed conflict.

I. PERSONAL STATUS LAW

1. Equality is guaranteed by all the legislative texts as stipulated by the National Constitution (Art. 29) except for rights within the family. This explains why the State has ratified the CEDAW with reservations.

The Family Code and more particularly the chapter concerning marriage and divorce constitute a clear violation of the CEDAW (Art. 2). Here are some examples: Where as forced traditional marriage hardly exists any longer, the Personal Status Law (Art. 11) stipulates that to get married a woman needs her father's consent or the judge's consent if her father is dead.

Whereas men can divorce for nearly any reason, women can ask for divorce in very limited cases (Art. 48 and 53).

While Algerian women work as doctors, judges, professors, ministers, according to the Personal Status Law (Art. 39), they have to obey their husband and respect him as the head of the family, breastfeed their children if they can, respect their husband's family. In fact this cancels de facto all other legal protections against discrimination as for example the freedom to go wherever they want, to work, to study... Women NGOs have focussed their struggle against the Family Code since I984.

2. The Government's response.

In 1996, the Ministry of National Solidarity and Family organised workshops with NGOs. The workshop on the family came out with 22 amendments to the Personal Status Law on the basis of the principle of equality. However the government dismissed most of them and proposed another list of

amendments that do not respect the principle of equality that is contained in the National Constitution and the CEDAW.

3. Our recommendations :

On a short-term basis the State should consider the 22 amendments based on the principle of equality proposed by the women's groups that worked in the workshops organised by the Ministry of Solidarity and propose them for discussion to the National Assembly.

On a long-term basis the State should remove the Personal Status Law as it is discriminatory and as it represses social practices that are moving away from patriarchal traditions.

The State should lift up the reservations on the ratification of the CEDAW (Art. 2, 9, 15, 16, 29). In fact these reservations are recognition of discrimination against women and therefore contradict Art. 29 of the National Constitution as well.

The 'Sharia' (religious law) is put forward by the government's report as an obstacle to the implementation of the CEDAW articles mentioned above. Yet other Muslim countries like Pakistan and Indonesia have ratified the CEDAW without reservations.

Why should one use the sacred texts only when one is concerned with women's rights? Neither the Penal Code nor any other laws concerning finances for example are drawing on religious texts.

II. ECONOMIC RIGHTS

1. The Algerian legislation on work (1990, Art. 6) guarantees equality in terms of access to employment. Yet only 12 per cent of women are working in Algeria.

Today the economic situation of women is deteriorating. This backlash is the result of the economic recession essentially due to the reforms imposed by financial structural adjustment which affects women primarily as admitted by the CNES (Economic and Social Council) and the government's report. Moreover, in this context of growing poverty, prostitution of young women is more and more practised.

- 2. We would like the Committee to recognise the fact that the pressures imposed by the IMF and the World Bank on Algeria are detrimental to the advancement of women's rights (CEDAW Art. 11.1.a.b)
- 3. Our recommendation:

The State should take specific and adequate measures (CEDAW Art. 4) to make sure that women, even in times of economic crisis, should get equal opportunities to have access to the jobs that are available.

III. GENDER-BASED VIOLENCE IN THE SITUATION OF ARMED CONFLICT

- 1. In the war-like situation that has been going on for the past seven years, horrific crimes against women and young girls have been committed by armed groups of Muslim fundamentalists. Women are attacked in their homes, brutally beaten, abducted, raped, taken as temporary wives, shot dead or slaughtered. In fact this hatred and violence can be explained by the fact that that women represent subversion to the social order of the Muslim fundamentalists by raising the issue of equality and of civil laws. Such a horrific violence against women wouldn't have occurred if the State hadn't made so many concessions to the Conservative and the Muslim fundamentalists in the early 80's and if the State had expressed a political will to take measures against discrimination.
- 2. The State's response:

In 1998, the government has passed a decree that allows women to resort to abortion if they have been raped by armed groups of Muslim fundamentalists.

- 3. Our recommendations:
 - Rape in this particular context should be considered as a war crime and women should get amenities and reparation just like any victims of war.
 - The State should put more means to protect women from the violence of the armed groups of Muslim fundamentalists, particularly in remote rural areas.
 - The State should put more money on training staff (medical, judicial, police) to help women victims of rape, set up more centres to help women recover from the trauma, with the collaboration of local women NGOs.
 - The State should take more measures to implement Article 5 of CEDAW to fight against gender apartheid.

ASPECTOS CRITICOS DEL INFORME DE ONGS DE COLOMBIA ANTE LA CEDAW Enero de 1999

Consideraciones Generales

Los avances mencionados por el Estado colombiano en el actual informe corresponden a periodos anteriores y se centran en desarrollos legislativos ya reportados. Por ejemplo, la accion de tutela consagrada en la Constitucion Politica de 1991 y la ley de divorcio de 1990. Asimismo, las estadisticas presentadas estan desactualizadas, puesto que proveen datos solo hasta 1995.

A continuacion senalamos algunos aspectos centrales a tener en cuenta:

- ACCIONES POSITIVAS. No obstante que la Constitucion Politica de 1991 contempla la posibilidad de emprender acciones que promuevan la igualdad para las mujeres y ordena al Estado establecer las condiciones y adoptar las medidas para que esta sea real y efectiva, no existe hasta el momento ninguna ley ni politica que contemple el desarrollo de acciones positivas para las mujeres. Por ejemplo, los proyectos de ley de cuotas para la participacion politica de las mujeres hasta ahora presentados ante el Congreso, han sido archivados.
- 2. OBSTACULOS DE ORDEN LEGAL. El proyecto de ley No. 40 de 1998 de reforma al Codigo Penal pretende, segun su exposicion de motivos, establecer un sistema penal coherente con el estado social de derecho y por lo tanto desarrollar los principios de la nueva Constitucion Politica. Sin embargo, en lo que respecta a los derechos humanos de las mujeres, tiene graves deficiencias:
 - Omite la tipificacion del acoso sexual.
 - Omite la tipificacion de la violacion como instrumento de guerra, esto ultimo a pesar de que el titulo segundo del proyecto de reforma busca dar aplicacion directa al derecho internacional humanitario.
 - Mantiene la penalizacion del aborto, aun en los casos de violacion o cuando corre peligro la vida y/o la salud de las mujeres, a pesar de que el aborto inducido es la segunda causa de mortalidad materna en Colombia. Segun los resultados de un estudio realizado por la Universidad Externado de Colombia, al menos un tercio de las mujeres entre 15 y 55 anos han tenido un aborto inducido. Cabe anotar que tomar acciones contra la mortalidad materna fue una recomendacion anterior del Cedaw especificamente para el gobierno de Colombia.
 - Actualmente las mujeres pueden acudir directamente a la justicia penal para denunciar el delito de inasistencia alimentaria. El proyecto de reforma establece como requisito previo haber acudido ante el juez civil para la fijacion de la cuota alimentaria, lo cual encarece y dilata

innecesariamente el procedimiento, en detrimento de los derechos de las mujeres.

- 3. VIOLENCIA CONTRA LAS MUJERES. Como resultado de la lucha de los grupos feministas en Colombia, el Congreso expidio en 1996 la Ley 294 para prevenir, remediar y sancionar la violencia intrafamiliar. A pesar de que el Gobierno en su informe ante CEDAW reconoce que esta medida ha tenido gran impacto en favor de las mujeres, actualmente cursa en el Congreso un proyecto de ley que busca despojar a los jueces de su comptencia para conocer de la accion de proteccion y trasladarla a las Comisarias de Familia que tienen caracter meramente administrativo. En la encuesta de prevalencia de Demografia y Salud de 1995 se senala que del total de mujeres encuestadas y que para la fecha estaban casadas o en union marital de hecho, el 52% habia sido objeto de violencia conyugal.
- 4. MUJERES EN SITUACION DE DESPLAZAMIENTO. Un estudio realizado por el Episcopado colombiano revela que el 58.2% del total de desplazados por el conflicto armado en Colombia son mujeres. Sin embargo, se carece de politicas y programas directamente orientados a las mujeres y la violacion sexual como arma de guerra queda en total impunidad.
- 5. ACCESO DE LAS MUJERES A LA JUSTICIA. A pesar de los desarrollos legislativos las mujeres pobres no pueden acceder a la justicia debido a que el Estado no provee mecanismos gratuitos de representacion legal frente a la jurisdiccion civil o de familia, que requieren de la intervencion de un abogado(a). A ello se suma el hecho de que los jueces y funcionarios judiciales no conocen ni utilizan los instrumentos internacionales de derechos humanos de las mujeres. El Estado colombiano, no obstante haber ratificado la CEDAW, no ha hecho esfuerzos tendientes a difundirla.
- 6. TRAFICO DE MUJERES. Algunas ONGs que se ocupan del tema revelan datos alarmantes sobre el incremento del trafico de ninas y mujeres colombianas hacia países europeos. A pesar de la gravedad de la situacion, el Estado colombiano no ha adoptado medidas tendientes a conocer sus dimensiones y a desarrollar mecanismos para erradicarlo.

GEORGIA SUMMARY OF NGO SHADOW REPORT TO CEDAW¹²

Introduction

Georgia is a multinational country with a population of 5 million. It exists on the border of Europe and Asia, between the Black Sea and Caucasian ranges. It has ancient culture and excellent natural beauty. Owing to its excellent geographical situation, Georgia is in the centre of the collision of political interests at the regional and sub-regional level.

Conflict in Abkhazia and South Octet

Two armed conflicts – 1991 in Tzkinvali region and in 1992-1993 in Abkhazia, sometimes estimated as ethnic conflicts, had at their basis a whole complex of economic, political, social and other problems.

Due to many reasons, aspiration for independence has isolated Georgia. On the wave of national-liberation movement "provincial chauvinists" took over the power in 1991 and after a year from the declaration of independence of Georgia, it became an arena for civil war. There were internal factors, which gave rise to the aggressive separatism in autonomous republics.

In Georgia, as well as in South Ocetia and in Abkhazia, aggressive forces had been striving for power. All this resulted in the exile of thousands of Georgians, Abkhazians, Ocetians, Armenians, Jews, Russians and others.

MEASURES TO ELIMINATE DISCRIMINATION Article 2

According article 14 of the Georgian Constitution "Everyone is born free and is equal before the law, regardless of race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social origin, property, title of nobility or place of residence". But there are no specific laws that prohibit discrimination against women on the basis of sex and marital status.

Georgian Young Lawyers' Association – Marina Meskhi, Head of Women' rights studying group Feminist women's Club – Lia Nadaraia, president

Women Employment Association - Nino Shioshvili, president

¹² Georgian women's NGO, who participated in writing this report include:

International Fund of medical Women (IFMW) - Iatamze Verulashvili, president

CSRDG – Irina Chantaze

Georgian legislation, generally, is quite complete concerning equality rights. But these laws are partly implemented. The main obstacle is the traditional approach towards women. Even the State authorities tend to view problems of women as being related to maternity alone. For example, International women's day was changed to mother's day.

There are no laws and policy statements that define discrimination against women, that regulate the conduct of official and private institutions, public or domestic sphere.

There is also no definition of discrimination that includes gender-based violence against women. No cases of women's discrimination has ever been brought before the court. In Georgia special remedies or avenues that enable women to pursue their rights have not been developed. There is an inadequacy of data and monitoring of implementation of the Convention and a lack of promotion and protection of rights of women in Georgia for last years.

BASIC RIGHTS AND FUNDAMENTAL FREEDOMS Article 3

From the historic point of view, the collapse of a huge geopolitical structure is always followed by great shocks. The collapse of the Soviet Union in 1991 has had its strong impact on all of the former soviet republics. On the one hand they got independence and on the other – the process destroyed the economy and brought in a series of conflicts. Hot spots began to burst out one after another, in some of the republics they grew into armed conflicts. Caucasus became the epicentre of armed conflicts.

Process of creation of conflict zones:

- 1. All communications are destroyed and closed area is created.
- 2. Psychological diversion takes place, manipulation by conceptions such as "national conscience" and "ethnic belonging".
- 3. False mode enemy is outlined (mass media plays enormous role in this).

All of these methods were in use in Georgian-Abkhazian conflict.

Internally Displaced Peoples (IDPs)

Out of more than half a million of the Abkhazian population only 20% has remained. It is hard to realize that women are used as tools in conflict and at the same time they became victims of conflicts. The most horrible acts were those which threatened the existence of masking and were directed against women.

Nowadays, Georgia has more than 250.000 IDPs. Women are murdered subjected to violence, torture. Today ill treatment of women is a way of conducting war, a way of frightening the population. Among Abkhazian IDPs refugees 60% are women and 50 000 are children who are deprived of shelter.

More than 50.000 people became refugees and live in the other countries of the world.

Jails

In the last two years the Georgian government has taken formal-principally legislative – measures to improve its bad human rights record. However, conspicuous lack of accountability raised doubts about the integrity of the government's new approach to human rights violations. It failed to properly and independently investigate human rights abuses, both past and present, and to bring those responsible to justice.

The most pressing abuses continued to be ill treatment and torture of detainees and prisoners: extremely poor prison conditions and serious violations of due process standards.

Generally conditions in Georgian prisons, including women's prison and detention facilities have deteriorated along with the economic situation, and could be described as severely abusive, amounting to ill treatment. The large number of prisoners in facilities designed for smaller prison populations have resulted in serious overcrowding, with many prisoners having to sleep in turns due the lack of beds. This has facilitated the spread of contagious diseases, particularly tuberculosis. As there is no adequate medical care, several prisoners die of tuberculosis.

VIOLENCE AGAINST WOMEN

Articles 3,5,6,12,15,16

Domestic violence

Georgian legislation does not protect women from violence. The crimes against the person defined in the Criminal Code are insult, assault and battery. Even these cases the legislation recommends a civil suit as an appropriate remedy. There is no legal protection from abuse by partners; rape by a husband or partner is not a crime. There is, however, no specific law banning violence against women. Georgian society is patriarchal and consequently the majority of cases of domestic violence go unreported.

Domestic violence is essentially a power and exercises of control by one person, usually the man, over another, usually the woman. The two usually are or have been in some intimate relationship with each other. It happens that female partners abuse some men. However, research shows that in the overwhelming majority of cases, violence is perpetrated by men against women. No such knowledge exists about domestic violence in Georgia and most women do not recognise that they are victims of violence.

Even if recognised, domestic violence is often hidden. The true extent of domestic violence in Georgia is unknown, partly because women often do not report it and partly because many agencies do not keep statistics.

Rape

Rape as a tool of aggression was often used during the war. There are many cases in Abkazia , South Ocetia and during the civil war in Tbilisi.

SEX ROLES AND STEREOTYPING Article 5

The investigation made clear that majority of Georgian women prefers to work. They consider this sphere of activity as more prestigious and as the way to satisfy their social needs. But, in fact, the family always was the matter of fundamental importance for Georgian women and they usually pin their hopes on husbands. This viewpoint does not come into contradiction with modern developments.

In Georgia a family has been and is one of the valuable components of life. Extended ex families are very common. Usually several generations live together and women usually perform the main functions in the family. They take care of the children and elder members of the family. Traditionally imposed practices and beliefs on women are mainly connected with her family life.

Media and schoolbooks are full of stereotyped information, but nothing is done to change the situation toward equality. Negative attitude toward change is mainly held by the state and the older members of society.

No provision is made for family life education within the country. There are no special programs that are directed against discriminatory stereotypes existing among society. No gender studies are available for students of any level; through the mass media there is no general education programs for public concerning women's rights and that are directed toward implementation of equality among women and men in Georgia.

TRAFFICKING IN WOMEN Article 6

Wars and the economic crisis have led to an increase in organised prostitution and sexual exploitation of women. No action has been taken by the government to prevent trafficking of women, who are recruited from other countries.

Prostitution is not prohibited by Georgian legislation. No legislation and no sanctions exist to protect prostitutes from exploitation. The country has not addressed through legislation and other programs to prevent trafficking and sexual exploitation of women. Few possibilities exist to protect women and young girls from labour agencies that are essentially engaged in trafficking.

There is very little investigation and statistics that monitor whether immigrants or emigrants are predominantly engaged in sex work.

POLITICAL AND PUBLIC LIFE

Articles 7,8

By Georgian legislation, women have equal right to vote in all elections as men. Women actively participate in elections and 63% of the members of political parties is women.

But the percentage of women in governmental bodies is as follows:

Women constitute just 6.4 % of the Georgian Parliament. Women are heads of 3 political parties within 83 political parties. At the international level there is only one woman ambassador. In few cases heads of governmental delegations are women. Women's participation in elections and public referenda is high.

Women's NGOs

Georgian Women's NGOs recommendation will be the establishment of a system of gender quotas for election lists to the parliament and the local and municipal levels to guarantee women's participation in politics and the governing bodies.

There are more than 60 women's NGOs. Interests of women's NGOs are centred around economic and social issues. According to the government report there are no feminist women's NGOs in Georgia. There are already some NGOs working on the feminist issue and their number is increasing.

EDUCATION Article 10

According to Georgian legislation there is no discrimination in access to education for women. Georgia used to be the leader by the level of education among the republics of former Soviet Union. Out of every 1000 women 842 possessed high or secondary level education. But usually, women are not in encouraged to pursue traditionally "male" studies.

There is a high percentage of women teachers- 98 % at primary level, 65 % at the secondary level and at University level 45% of teachers are women. But women as heads of departments is only 35 %.

EMPLOYMENT

Article 11

The problems of employment and social defence of Georgian women are very caustic, because the percentage of women's labour has increased during the last ten years, but at the same time the places of employment diminished sharply. The level of employment of efficient women was more than 80 %. After the abbreviation of employment's sphere of women, the number of worker women is nearly 40 %. At this time the number of worker women increased in the non-formal sector of economic of "secret" employed and incomplete employed. In many cases women workers are hired illegally. So many women workers are unprotected.

Work done by women at home is not counted as part of the work done in the labour force and it is not included neither by national statistics nor generally in society. Women are involved in the housework three times more than men are.

According to Georgian legislation parental leave can be shared by parents. But in practice man never take it.

Sexual harassment and violence against women are not investigated in Georgia and we have very small realistic data about the situation. Very few cases of sexual harassment have been brought before the courts.

Job advertisements

According Georgian constitution, every citizen can hold any official state positions as long as he/she satisfies established requirements. In reality there are cultural obstacles for women to reach high positions. There are many cases of discriminating advertisements.

Pregnancy testing

The law with paid pregnancy leave period protects Georgian workers. According to the Georgian legislation it is prohibited to refuse on basic of pregnancy matter. But in reality there are many cases of dismissal on this basis. But it might not be manifested.

HEALTH CARE AND FAMILY PLANNING

Article 12

Health cares

Access to health care services is generally the same for women as men in Georgia. It is fixed by statistics that women live 5-6 years longer than man is. Due to economic crosses in last years health care facilities are less available for general population and child mortality rates are drastically increased.

Reproductive health

The abortion remains main reproduction control form in Georgia and it is legal. But other forms for contraception are less available. It is necessary to develop certain methods for the community, especially for women.

Sexual and family planning education should became more assemble for women, particularly in rural areas.

Aids

RURAL WOMEN Article 14

Women in rural arias suffer from luck of information about women's rights and are in more traditional frame than women in town. Divorced and childless women have less social acceptance. Homework is generally done by women. Women's involvement in decision macking processes either economic or general policies is very small.

Still are no programs to benefit rural women. There is no national policy with regard to the provision of family planning services for women in rural areas. Generally, economical situation reduced availability of health services in urban areas.

Very few social security programs exist for rural women. Small amount of agricultural credit and loans in rural areas are actually given to women.

EQUALITY BEFORE THE LAW Article 15

According the article 14 of Georgian constitution "everyone is born free and is equal before the law, regardless of race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social origin, property, title of nobility or place of residence".

Men and Women are equally under the Georgian legislation, they are equally under the law with respect to their legal capacity to conclude contracts and administer property. Women have equal right to make contracts, including those relating to credit, real estate and other property. Women can obtain Health care without their husband's permission.

Women have the same rights as man to administer property without interference a male, excepted of whether they acquire it during marriage. Women are equally in the courts, formally and only by legislation.

Women and men have the same legal rights and freedoms of movement and choice of residence. But traditions and customs restrict women exercising this right. Practically, women can not change their residence without permission of their husband.

In social hierarchy, a woman always has been considered as the ones having lower social status, then men. Inequality between men and women in the community life promotes inequality in the family.

Statistics of election Justice reform - *(this dates will be included in essential report)*

MARRIAGE AND FAMILY LAW, EQUALITY WITHIN THE FAMILY Article 16

According new civil code women and man are equal within the family. But religious and customary laws dictate opposite, Particularly, within the families practising Islamic religion. Women do not have the same rights and responsibilities neither during marriage nor within parent's family.

By new civil code men and women have equal rights of Inheritance, but by tradition women is considered as secondary heir. In practice whole division of inherited property women have less rights than men.

According governmental report minimum age for marriage for women is 16 years. New civil code adopted in 1997 by Georgian Parliament changed minimum age for marriage and it is 18 year. But again in Islamic families there is a custom of child marriage. Often women are not left any chance of choice in marriage. But it should be emphasised that this custom exercised in very few regions.

The marriages in early ages have been on an increase recently. These recent meetings are characterised by still undeveloped dignity lack the protection of spouses' human and reproductive rights, and by low level of knowledge about sexual life.

The law requires registration marriage and divorce. Sexual relationship without registration effects social status of women negatively.

Women have there own income, although they can not afford they to spent it for private needs, but only for the family. Women often manage poor households. They manage little money while the men control and make decision on it. Women just have live with their decisions and are responsible for the family's survival. When the women view their income as a contribution to the family as collective money, while men see as their own. Women provide the household with a larger sum of their money, while men spend their money or personal and leisure activities.

GLOBAL TO LOCAL: A CONVENTION IMPLEMENTATION AND MONITORING PROJECT

POST CEDAW SESSION DEBRIEFING -

ALGERIA

Reactions by Algerians:

Louisa (Algerian participant): Impressed by the work of CEDAW. There was a mix of general and precise questions. The organisation of the committee was also very good. It was good that the committee raised issues we lobbied about. Diplomatic language was also an eye opener; it can be both polite yet forceful.

Soumeya: (Algerian participant) The IWRAW AP training helped to target the issues. Fears and suspicions about the other 'NGO's were allayed by the fact that the key issues identified by all groups were the same. This convergence probably facilitated the work of the committee since there were no big contradictions. Government reports show laws are abstract and different from women's realities. CEDAW is very open and responsive to NGO information and clearly admit to receiving it.

Comments of others:

Veronica: Interesting to see CEDAW and their role in addressing discrimination in women's lives. Was interested to note how the government used the language of sharing that they expected to 'share' their burden with other groups/institution like NGOs. Yet it must not be forgotten that the government has the full responsibility to carry out their obligations. And it is important to the language of rights that the government actually says so as an indicator of political will.

Ilana: Diplomatic language is part formality and part strategy so we need not put too much significance on the way CEDAW 'speaks' to the governments.

Veronica: It is usually with great solemnity that men regard their political actions. It is important that CEDAW raises the profile of women's issues and experiences in a similar way. This is largely due to some of the individual CEDAW members like Ivanka Corti who remarked on the symbolic woman in government (token participation) and women in opposition groups.

Jan: What was the significance of the government representative being an ambassador?

Ali: This could be a political strategy to show that Algeria takes a their obligation seriously. However the other side of it is that the person they chose ultimately does not have any power to implement any changes.

Veronica: Is this a usual practice of governments?

Ali: It's not usual to see an ambassador representing.

Louisa: The fact that they had 12 people in the delegation to bolster the ambassador's role in presenting the report clearly indicated that it was a tactic.

Amal: The Ambassador could also be using this as publicity at the international level. The defensive tone of the government was dealt with and noticed by CEDAW in a way that did not alienate the representative. Often the language of CEDAW was demanding and sometimes it was very sympathetic. This shows that the Committee is good at balancing out their comments.

Marina: The morning session was largely a legislation review and this was not so important as the afternoon session when the committee actually questioned the report.

Ali: Other governments, which are also state parties, can also hear reports.

Shanthi: Often, states won't report back on what was said by CEDAW at these sessions, nor will they transmit the concluding comments. Thus, by having the Global to Local programme IWRAW AP hopes to create awareness regarding the CEDAW process in the reporting countries.

Ali: In fact CEDAW used to keep verbatim accounts of their session. This was discontinued. Now there are only press releases after each day's session which are good sources of information. They are a summary of what was said by government and CEDAW. For example, she has tried to search for the testimony of the committee regarding the pregnancy testing practised in Mexico which was described as discriminatory but could not find accurate records of this.

Martha: Will the ambassador also answer the questions put to him by the committee?

Ali: It is up to the government who actually replies. However, the Committee has been known to comment when there is no one from the capital present to hear the comments of the committee.

Martha: The importance of the Shadow Report was clear. It was also evident that CEDAW places a lot of faith in these reports. They use it often.

Lia: The attention given by the government may not be a true indicator of how seriously the government views its own obligations since often the government misinterprets what is required of it. For example, the protectionism of the revised labour code was seen to be a good thing. Therefore there is no real understanding of substantive equality.

Ali: Even the CEDAW has clearly said that the government has misinterpreted Article 4.

Issues:

Louisa: It was apparent that all the NGO groups represented at the CEDAW-NGO consultation (Louisa, Soumeya, FIDH and Women in Law) gave most of the focus to the new Family Code and the effect of structural adjustment on women. The committee clearly also considered issues not included in the lobby points presented to them. However, the question by Ivanka Corti about the situation of the minority Berbers. Another such oddity was the remark of the member from Japan about problems of population explosion.

Ali: This poses a follow up issue. As she thinks there may be problems for minorities such as the Berbers (with a different culture and language) because it is common for marginalisation to follow in such cases. As to the confusion regarding population explosion problems, it may help if someone was approached to speak with the member from Japan to see why she has such concerns for Algeria. She may be privy to some other source of alternative information which we are unaware of.

Louisa: As to the confusion arising from the amended family code, the copies presented to the members should clarify the problem.

Doris: The effectiveness and expertise of the committee impressed her. The interaction with the government was especially interesting. She used to question the impact that could be made by such a small group of women using this procedure of review but after speaking with a number of the committee members personally and getting to know of their commitment to women's equality and to the process of accountability under the Convention, she was further emboldened to approach more CEDAW members and to give them alternative information. The government 's report spoke of an ideal, which did not reflect the reality of most women. Fortunately there were other groups of NGOs there to speak about the reality faced by women.

Nadia: The interaction between NGO and CEDAW clearly had its usefulness. In supplying CEDAW with concrete alternative information, the committee would take a tougher stand with the states parties. On a personal note, the CEDAW members are much more approachable than it seems and it was very comforting to know they (as NGOs far removed from the UN) can so easily access these UN procedures and bodies.

Mary: There is certain "vagueness" in the CEDAW questioning process. Often it does not amount to a question as such which needs clarification, nor is it a form of critique.

Shanthi: Occasionally the committee sounds as if it is giving a point of view. Yet, so long as it appears that they have touched on something, an issue which we feel is important, despite not commenting on it authoritatively, then perhaps there is space for us as NGOs to supply the committee with information to fill the gap.

Veronica: It is important to see how the government's link the issue of civil and political rights to the reporting process of CEDAW and their obligations under the Convention. Are women benefiting from the progress made in the democratic process? Is the government making the connection between economic and social rights to civil and political ones?

Ali: It is clear from all that was experienced that data gathering and provision of that data to the committee is crucial to the better performance of their work. They need to be supported and made to improve this lateral way of thinking about women's rights and the 'connected-ness' of women's human rights and the democratic process. Another clear point was the debate on various interpretations of Islam. Since 1989 CEDAW has requested for a common stance from Islamic nations regarding women's rights. This ongoing debate is reflected in the recently published UNIFEM booklet on CEDAW and CEDAW's position has always been against the argument used by Islamic states of 'plurality' in interpretation.

Griselda: It is noted that the committee sometimes refers to the international conferences on human rights.

Ali: Certainly part of the jurisprudence on CEDAW must refer to comparable articles in other human rights treaties and other international documents (even if not legally binding like the Beijing Platform for Action). If for example there is a comparable article in the ICCPR on a certain

issue which the state has not reserved but has placed such a restriction under the CEDAW Convention, then this disparity should be highlighted.

Shanthi: The committee's tough stance on religion was supported by NGO information, which pointed out that several Islamic nations had ratified the Convention without reservations. The dynamics of the reporting process changes when women not only supply information, but by just attending the sessions, the committee is empowered and strengthened by the implicit support of their work and this ultimately does affect the response of the government.

Ilana: As was clear, CEDAW could be stringent with questions about such 'controversial' issues as custom and religion when they have a constituency behind them. There may be some political backlash to this new toughness of the committee. This new stance could be seen as a desire by the committee to be more accountable to NGOs and the international community in the performance of their duty. Thus, it is vital for us to lobby CEDAW outside of CEDAW related activities-such as inviting them to NGO forums and meetings and giving them an idea of the work that is being done on a given issue.

Ali: The backlash or political repercussion has yet to emerge but it is clear that the committee has become more critical and professional –this heralds a new era in the committee's attitude. Therefore the changes bring with it advantages and disadvantages which we will need to be aware of and address when necessary.

Shanthi: Just as we object to the language of sharing used by the government of Algeria – since they have a legal obligation to report- we also must expect our committee to be independent of their governments – for once someone is elected a member of CEDAW they no longer represent their country in any manner. Thus, this identity is fraught with tensions and as NGOs we have to be aware of them but not be too put off by it.

Follow up and need to further lobby:

- Schopp-Schilling's question regarding the treatment of minorities such as the Berbers and the intensified discrimination suffered by marginalised communities.
- Issue of the official publication of international treaties in domestic law (Issue of official gazzetting into formal domestic law) This may need to be clarified and checked.
- Reservations to work with CEDAW members who have clearly expressed disapproval and concern of the continuing existence of reservations. Extant to this- there will be a need publicise the

Concluding Comments and General Recommendations within the country and to make other NGOs more aware of CEDAW.

- For the period before Algeria's reply, a window of time exists in which we can lobby further if we think it necessary. It is important to affect how CEDAW will answer the replies given by the government. Windows of opportunity present themselves at lunchtime, when members can be approached—but this can work negatively as was evident during the Croatian report where the Croatian representatives asked the NGOs out for lunch thereby effectively neutralising them.
- 2 key points which must be addressed:
 - a) The different interpretations of Islam and the argument of plurality used by governments to justify reservations based on the Shariah. This argument is only used when faced with women's issues and not for other matters such as Islamic laws related to finance. The Concluding Comments will be stronger if they were to rebut any argument based on protection of the Shariah by citing this example i.e. that the Shariah laws are not used uniformly but only to subjugate women.

This can be used not only for arguments regarding Islam but to other religions as well such as the Catholic countries which bar abortions based on choice.

(Note: The role and influence of the Catholic church on the government of Croatia was shown in the last reporting session when it was revealed through NGOs that a large part of the national budget was from aid funds given by the Catholic Church.)

This is important in the current political climate, as it will definitively demonstrate that the UN is not anti-Islam but is against the question of states and governments using religion or custom to deny human rights to its citizens

b) Objections and reservations to Article 16 effectively undermines the ability to address discrimination against women since a large part of women's lives are lived within the family and if the committee cannot review what is being done by governments to change the family, women cannot access fully the gains in public life.

GLOBAL TO LOCAL: A CONVENTION IMPLEMENTATION AND MONITORING PROJECT

POST CEDAW SESSION DEBRIEFING -

KYRGYZSTAN

Impressions:

Zura Chikeeva: (Kyrgyztan participant) Noted the nervousness of state party when reporting to CEDAW. Awareness of NGO information made government more nervous? It appeared like the government did not expect NGO information to filter to CEDAW. Th representative also seemed very new to the procedure. Was also shocked by the error in translation regarding lesbianism on pg. 22. (Zura clarified that there was no such prohibition on lesbianism as was identified CEDAW)

Shanthi: To clear it up, we will need to wait for the government's answer. As to comparisons between Algeria and Kyrgyzstyan's report? Algeria was eager to be presented in a good light and was diplomatic. They qualified all their promises, saying that the government would not be expected to perform all the changes immediately.

Roza Aitmatova: (Kyrgyztan participant) The government was honest talking about problems. There seemed to be information gaps but they were sincere. The problem seemed to be that there were many progressive programs which were not being implemented.

Zura: Criminal Code was said to be good but presentation did not delve into specifics and the context that these laws operated. E.g. law of rape is specific but then again the reality is that the economic situation has caused a drug addiction problem and a related rise in crime which is not addressed by country report.

Shanthi: Is the government playing a game? Were they sincere or giving the excuse that the economic situation made it difficult for them to act? Conceptually, did the government understand 'equality' and their obligation under the Convention?

E.g. Sri Lanka when it reported did not report on the impact of ethnic war on women. NGOs gave data on VAW in refugee camps, (displaced persons were mostly women and children). Government thought it was a national problem and not 'women's' issues to be addressed at the CEDAW sessions.

Thus was it a situation where the government had no information, or were they being disrespectful or sincere in their answers? The assessment of government's stance will only be complete when they answer the questions of the committee.

Roza: Felt that the govt. understands women's human rights and did try to implement some steps but the resurgence of patriarchal values in society made it hard.

Ana Maria: Disagreed. Felt that the representative did not understand the Convention. In fact the ambassador (man) from Algeria seemed to know the Convention better.

Zura: He may have been better because he was a diplomat to the UN. The representative from Kyrgyzstan was new.

Lia: My opinion is that Georgia is very similar to Kyrgyzstan and the women sent to represent was a typical soviet functionary. It is interesting to note that with the downfall of the soviet regime it is easier to remove women's human rights. There was more respect for Women's HR prior to that.

Veronica Matus: In my experience, people speaking for the state are always loyal to the state . We must recognise this and not get caught up in assessing how the state parties perform in CEDAW sessions. What is important is how we address our claims for women's human rights. Especially important how we ask for these. The language of rights must be used. In terms of the practicalities, it was clear from the report that there was no mechanism to implement the policies and plans of the government. There was also a question about the quality of statistics. There was a mistake about the rate of illegal abortions in the country.

Shanthi: It is fact that most women's machinery has no power to implement. They have no discretion or voice that affects law, policy, employment etc. Thus, they have no authority to bring about change. The representative here will not have the mandate to make sure that the recommendations will be used.

For example, when the Philippines reported, the representative was the National Commission for the role of Philippine women who consists of feminist bureaucrats who are energetic and conceptually clear on equality. However, they have no power. The report was honest and frank in detailing the government's failures. However the Congress is hostile to women's human rights. Thus the response from CEDAW was one of sympathy and there was no strong censure of the government's failures.

Another example is the Malaysian National Women's Machinery has no power to make changes. Ideally those officials who have the power to enact changes such as the Attorney general or the Home Minister, or the Director of the Economic Planning Unit should be made to go to CEDAW sessions.

Louisa: Is it a suggestion that if we have someone like the ambassador, the likelihood of things being implemented will be greater?

Shanthi: Reality of how our governments are structured. This is not a question of whether we will empower women more or not in government but how decisions regarding law and policy is usually made. Thus all units in charge of planning and directing and implementing must realise they are responsible to women and have to have women in mind when deciding.

Mary: It is not so important who represents government; they are all accountable. The example of Philippines may be a (ruse) tactic; submissive posturing switches off aggression.

Veronica: The government consists of compartments and identities.

Shanthi: There is no prescription for this problem. In Asia, the focus of power has not accepted responsibility for women's human rights. Thus the women's machinery was created to shunt off women's issues from public debate. This is why it is important to note what happens with the concluding comments of CEDAW when we go back.

Veronica: Precise questions did not seem to bring up any information that was helpful

Shanthi: That is important for us to recognise. The Committee gives general comments to the report then will consider it article by article.

Thus the review may seem fragmentary and would benefit from being more thematic. However, at least with general questions, CEDAW can see what the governments understand of equality, discrimination and their obligation

lssues:

Louisa: The focus was on VAW, especially in connection to the change in the economic system and the return of patriarchy.

Lia: Algeria's report was more dynamic. It may have to do with the power dynamics.

Shanthi: With the Algerian report, many linkages were made.

Soumeya: Guilty attitude of representatives could be because they knew there would be no resolution. There seemed to be a great dependency on NGO for information and services.

Doris: CEDAW also noted this dependency and criticised the government for their own lack of initiative.