

**INTERNATIONAL  
WOMEN'S RIGHTS  
ACTION WATCH ASIA  
PACIFIC  
ANNUAL REPORT 2005**

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## From The Executive Director

In my first year as Executive Director, I am proud to send you the annual report of IWRAP Asia Pacific for 2005. I joined the organisation in June 2005, and it has been a momentous year. I am fortunate to have walked into an organisation that has set high standards of work, creative thinking, innovative programmes and a wellspring of support and engagement by partner organisations, experts in a range of fields, donors who value our work and a dedicated, hardworking staff. It has also been a time of challenges. We are facing the same shrinkage of funds that NGOs worldwide are grappling with. After twelve years, we have moved to new office premises. And there has been a turnover of members of the staff. But nobody truly 'leaves' IWRAP Asia Pacific and we are happy to have continuing guidance and engagement from those who have left permanent positions within the organisation. In particular, we are fortunate to have the continuing guidance and support from Shanthi Dairiam, and other members of the Board of Directors and Advisory Committee who play an extremely active role in shaping the organisation. Past and outgoing programme officers continue to mentor newcomers. We are grateful for this support.

I highlight below some key activities in 2005:

- 2005 was the first year that we held two *From Global to Local* training programmes in New York, with participants from fourteen countries. As always, the evaluation was extremely positive.
- In August 2005, we had the Global Consultation on the Ratification and Use of the Optional Protocol to CEDAW. Over a hundred participants from over fifty countries participated. As with all our programmes, the planning preceded the event by over a year, and the outcome was substantively and administratively exceeded expected, as expressed by participants.
- We have continued our interventions at international forums – CEDAW sessions, on the treaty body reform process and in the campaign for the drafting of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). 2005 has been a critical year for such interventions, in the larger context of proposed reforms to the UN and treaty body reporting processes.
- We have further developed the Rights Based framework through the year. This was incorporated into our activities in different ways – regional thematic meetings, technical assistance, workshop sessions in meetings such as AWID and the 3rd Asia Pacific Conference on Sexual and Reproductive Health.
- We have continued to conduct several training programmes on CEDAW and its implementation. We have also provided technical assistance to training programmes conducted by other agencies. We have extensively negotiated a comprehensive implementation partnership with UNIFEM South East Asia on the implementation of CEDAW in seven countries in SE Asia. This includes training of a range of stakeholders including NGOs, lawyers, the Executive branch of government, and in some countries, the judiciary. We hope to see this project take off in the latter half of 2006.
- Our information officer has been busy, with the production and dissemination of several publications – four additions to the Occasional Paper Series, the Resource

Guide on the Optional Protocol to CEDAW, progress on several pending publications, and initiating two new publications.

- Growing recognition of IWRAW Asia Pacific's work is evident through increasing number of requests for the use of our materials, and extensive external evaluations conducted by the Ford Foundation and the Government of Netherlands. These evaluations have rated our work highly on several indicators such as efficiency, effectiveness, innovation, ability to learn etc. The CEDAW Committee has also formally, in the Chairperson's opening remarks, acknowledged with appreciation the value addition that our work with NGOs brings to its proceedings.
- Internally, we have addressed issues of transition that the organisation is going through with a series of organisational and programme development exercises. The Strategic Planning Meeting facilitated by Deepika Udagama was extremely useful in drawing up a concrete plan of action for our next phase: 2006 to 2008. Much of our energy has gone into raising funds, organisational restructuring and development of new programmes.

In short, it has been an eventful year, and once again, I am happy to present, on behalf of all of us at IWRAW Asia Pacific, this annual report which details our activities in 2005. We thank you for your support, and look forward to a continued and fruitful association.

With warm regards,

Anuradha Rao

# Background

The International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific) was established in 1993 to fill a gap between the promise of women's rights, and their actual realisation. Since then, the organisation has focused on building capacity for the domestic implementation of international human rights standards, and does this, in particular, through the lens of the Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention). From 2002, in recognition of the importance of promoting a continuously evolving and progressive understanding of women's human rights, the organisation has also expanded its scope and started to work with related standards of other treaties and mechanisms of the United Nations (UN).

Underlying IWRAP Asia Pacific's work is a cross-cutting premise that the mobilisation of women's groups at all levels is necessary to draw accountability from governments on the domestic application of these international human rights standards. Towards this end, the organisation has facilitated advocacy by NGOs for standard-setting at national and international levels. Having developed a significant presence in South and Southeast Asia during its initial phases of operation, IWRAP Asia Pacific has gone beyond countries in these sub-regions to establish a presence in many other parts of the globe. The organisation uses a rights-based approach in its work with women activists and NGOs, human rights advocates, lawyers, international bodies and governments.

In line with its two-pronged approach of building capacity and enhancing the realisation of women's human rights, IWRAP Asia Pacific's activities in 2005 were carried out under the following areas:

- Capacity Building
- Advocacy
- Information, Dissemination, Exchange and Application Strategy
- Networking
- Institutional Building

Details of these activities are available under the "Activities" section of this report.

## Philosophy, Vision and Mission

**Philosophy:** As a human rights organisation, IWRAP Asia Pacific places women at the centre of our work. We are committed to generating conditions and spaces, which nurture opportunities for sharing, creating awareness of and realising human rights for all women. We seek to accomplish this through a spirit of respect for and mutual cooperation with those we work with.

**Vision:** IWRAP Asia Pacific envisions a world where there is full realisation and enjoyment of human rights by all. Women's equality is integral to this achievement. We believe that through these societies can be transformed so as to achieve a balance

of power, and sustainable and equitable development conducive to realising human rights.

**Mission:** To achieve our vision, we adopt a human rights approach and focus on the experiences of women from the South. We see ourselves as catalysts in building capacity for change and in enhancing the realisation of the human rights of women through:

- The effective implementation of human rights standards, as seen through the lens of CEDAW and other international human rights mechanisms, at all levels of society.
- The inclusion of women in standard-setting processes at the national and international levels, and in the formulation of policies and laws.
- The development of new knowledge and methodologies.
- The mobilisation of women to bring about good governance and sustainable change.

## Governance

**Board of Directors:** Shanthi Dairiam, Ivy Josiah, Maznah Mohamad, Rita Raj and Noor Farida Arrifin.

**Advisory Committee:** Andonia Piau-Lynch (Vanuatu); Andrew Byrnes (Australia); Eleanor Conda (Philippines, resigned September 2005); Miho Omi (Japan); Ruth Manorama (India); Sapana Pradhan Malla (Nepal); Savitri Goonesekere (Sri Lanka); Shireen Huq (Bangladesh), Kanjapat Korsieporn (Thailand, joined September 2005).

**Staff:** Anuradha Rao (Executive Director; joined May 2005); Yew Bee Yee (Deputy Executive Director); Rea Chiongson (Programme Officer; resigned May 2005); tan beng hui (Programme Officer); Rozana Isa (Programme Officer); Hasnizuraini Hassan (Programme Officer; resigned December 2005); Janine Moussa (Programme Officer, joined March 2005); Sarah Lou Arriola (Philippines, joined June 2005); Azlini Abdul Ghani (Administration and Finance Officer); Liew Siew Yan (Administration and Finance Officer); and Rosfaizai “Ezza” Che Ramli (Administrative Assistant). *Part-time staff:* Tashia Petersen (Librarian; resigned November 2005); Brenda Campbell (cedaw4change moderator); Ezrena Marwan (webweaver).

## Resource and Programme Management Teams

**Pool of resource persons:** Andrew Byrnes (Australia); Dianne Otto (Australia); Carole Petersen (Hong Kong); Deepika Udagama (Sri Lanka); Faustina Pereira (Bangladesh); Geetha Devi, (India); Geeta Ramaseshan (India); Ivy Josiah (Malaysia); Kumudini Samuel (Sri Lanka); Madhu Mehra (India); Manisha Gupte (India); Maria Herminia Graterol (Venezuela/Australia); Muhammad Younas Khalid (Pakistan); Ruth Manorama, (India); Sara Hossain (Bangladesh); Shireen Huq (Bangladesh); S.K. Priya (India); Savitri Goonesekere (Sri Lanka);

Sudarshana Gunawardena (Sri Lanka); Sapana Pradhan-Malla (Nepal); Sabin Shrestha (Nepal); Shanthi Dairiam (IWRAW Asia Pacific); Shantha Mohan (India); Rea A. Chiongson (Philippines) and Tulika Srivastava (India).

**From Global to Local Project Management Team:** Alda Facio (Women, Gender and Justice Programme – ILANUD); Debra Liebowitz (Drew University); Lee Waldorf (UNIFEM New York); Ayesha Imam (UNFPA, 32nd CEDAW Session); Rea Chiongson (IWRAW Asia Pacific, 32nd CEDAW Session) and Anuradha Rao (IWRAW Asia Pacific, 33rd CEDAW Session).

**OP-CEDAW NGO Campaign Advisory Group:** Alda Facio (Costa Rica); Amal Hadi (Egypt); Barbara Limanowska (Poland); Donna Sullivan (USA); Kafui Adjamagbo-Johnson (West Africa); Marlene Libardoni (Brazil); Tulika Srivastava (India); and Shanthi Dairiam (IWRAW Asia Pacific).

## Funders

The following donors supported the activities of IWRAW Asia Pacific in 2005:

- The Ministry of Foreign Affairs, the Netherlands
- Ford Foundation, Delhi
- United Nations Population Fund (UNFPA)
- United Nations Development Fund for Women (UNIFEM), New York
- UNIFEM South East Asia
- UNIFEM South Asia
- UNIFEM Central and Eastern Europe
- Sigrid Rausing Trust
- Commonwealth Foundation
- New Zealand Aid
- International Gay and Lesbian Human Rights Commission

# Activities

## Capacity Building

IWRAW Asia Pacific's capacity building programme comprises two components: (1) training activities and (2) technical assistance that is provided on an ad-hoc and needs-based basis.

### Training

The primary focus of IWRAW Asia Pacific's training activities in 2005 was on Training of Trainers and Training of Lawyers. Attention on the former was in line with the organisation's ongoing efforts to build the capacity of local groups to understand the CEDAW Convention, at the same time widening the pool of trainers and advocates on this subject. In this regard, IWRAW Asia Pacific supported and/or ran five Training of Trainers workshops on CEDAW in 2005. These were held in Timor Leste, Nepal, Vietnam, Philippines and India. The organisation also supported two Training of Lawyers activities, recognising that those working in this arena require specific expertise that can help ensure more effective implementation of the CEDAW Convention at the local level. In addition, as part of a long-term project with UNIFEM South East Asia that started this year, IWRAW Asia Pacific also took on several general CEDAW training workshops for selected countries in this sub-region.

#### • Training of Trainers

August 16-19 | NGO Training of Trainers. Organised by UNIFEM South East Asia in collaboration with IWRAW Asia Pacific. Dili, Timor Leste.

The main goal of this training was to equip NGOs in Timor Leste with skills to write a CEDAW Shadow Report. At the same time, the training also sought to create a local pool of trainers who would have the capacity to (1) raise awareness among government officials, NGOs and women, on the significance and use of the CEDAW Convention in advancing women's human rights; and (2) become trainers or resource persons to promote and facilitate the implementation of CEDAW in Timor Leste. There were 23 female and three male participants, all involved in various levels of capacity building and advocacy work in the country. Rea Chiongson and Sarah Arriola conducted the training on behalf of IWRAW Asia Pacific.

In their evaluation of this activity, the participants requested IWRAW Asia Pacific for follow-up technical assistance. This was because, despite being a Training of Trainers' workshop, they felt that they needed a lot more knowledge before they could take on CEDAW trainings on their own. On its part, IWRAW Asia Pacific summed that any future trainings would have to be more rigorous, possibly conducted using an article-by-article approach. Likewise, they should feature more sessions that demonstrate the link between CEDAW and national and local laws, as well as with other international instruments.

**August 16-20 | Training of Trainers on CEDAW and its Optional Protocol. Organised by Forum for Women, Law and Development and supported by IWRAW Asia Pacific. Kathmandu, Nepal.**

Following a successful workshop on the same subject 2003, IWRAW Asia Pacific supported another Training of Trainers on CEDAW and its Optional Protocol in Nepal in 2005. This contributed to Forum for Women, Law and Development's local campaign to raise awareness on these two treaties. Besides gaining greater conceptual clarity on CEDAW and its Optional Protocol, participants had a chance to evaluate the implementation status of the CEDAW Convention in their country, and accordingly, strategised on ways to get the government to ratify the OP-CEDAW. They also broke up into groups to brainstorm on the different ways to ensure implementation of the CEDAW Committee's Concluding Comments.

The 21 participants comprised NGO activists from Kathmandu and the regions of Morang, Dolkha, Nawal Parasi, Dang and Dadelhura, as well as several representatives of political parties. The resource persons for this training were Sapana Pradhan Malla and Sabin Shrestha from FWLD, Jogendra Ghimire (former member, Human Rights Commission), Silu Singh (member, Human Rights Commission), the Honourable Kalyan Shrestha (Chief Justice, Appellate Court) and the Honourable Laxman Aryal (ex-justice, Supreme Court).

**October 3-6 | Training of Trainers on CEDAW. Organised by Center for the Education, Protection and Empowerment of Women in collaboration with IWRAW Asia Pacific. Supported by UNIFEM CEDAW South East Asia Project. Hanoi, Vietnam.**

The third training of the year sought to raise awareness in Vietnam, on the significance and use of the CEDAW Convention in advancing women's human rights; build their capacity to use the CEDAW framework in advocacy, services and development projects; and develop a pool of resource persons to promote and facilitate the implementation of the convention at the national level.

The 26 participants were advocates from national and international NGOs working on women's concerns and rights in Vietnam. They drew-up follow-up action plans, and the Center for the Education, Protection and Empowerment of Women in particular, mapped out two strategies to be undertaken within the next 3-4 years, including training and research. This Training of Trainers revealed a need for intensive follow-up sessions with the participants to ensure that they internalise the new knowledge and sharing of experiences. Another suggestion was for local trainers to be coached to conduct such trainings – meaning that resource persons would be present to provide first-hand coaching while the local trainers ran a workshop – as this would build their confidence and address language difficulties.

IWRAW Asia Pacific gave technical support for this activity, i.e. assisted in the drafting of the programme, the collation and provision of background materials, and

provided resource persons from its training pool – Tulika Srivastava from AALI (India) and Rea Chiongson (Philippines).

**October 17-21 | Training of Trainers on CEDAW. Organised by Women’s Legal Bureau in collaboration with IWRAW Asia Pacific. Supported by UNIFEM Southeast Asia. Manila, Philippines.**

Titled “Using CEDAW in the Philippines: Claiming our Place, Claiming our Rights”, this national training for women’s NGOs and human rights advocates was conducted to enhance their knowledge and skills on the CEDAW framework, its mechanisms, as well as procedures towards an effective use of the convention to promote equality and rights for women. IWRAW Asia Pacific extended technical support for this activity, i.e. assisted in the drafting of the programme, collation and provision of background materials, and provided a resource person (Rea Chiongson) from its training pool as the key trainer. Two CEDAW Committee members, Rosario Manalo and Shanthi Dairiam, were also present at some sessions of this training.

Overall the participants rated this workshop highly. They found many sessions useful, including the Fundamental Framework of CEDAW; the Role of NGOs in Demanding Accountability; and Applying CEDAW to the Philippine Context. In addition to the sessions on Mechanisms of CEDAW and the Role of NGOs, they particularly enjoyed the session of Rosario Manalo, “The Chair speaks on CEDAW” as they felt it made the convention really come to life. However, some also felt that the sessions on International Human Rights Law and Contextualising Discrimination were too elementary, even though this was consciously pitched the way it was to level-off understanding between the different participants, i.e. human rights groups and women’s rights advocates. As well, there was a request for more case studies from the Philippines.

**December 7-10 | CEDAW Training of Trainers for Activists. Organised by National Alliance of Women (NAWO). Supported by IWRAW Asia Pacific. Arunachal Pradesh, India**

Forty representatives of NGOs from the medical, education and legal fields, as well as the Social Welfare Board, agricultural department and State Commission for Women in Arunachal Pradesh participated in this training which sought to raise their awareness on the advantages of basing the quest for women’s rights on feminist principles and international human rights norms, with specific reference to the CEDAW Convention. Like the other Training of Trainers workshops run this year, the activity was also aimed at adding to the local pool of trainers on CEDAW. Ruth Manorama and Geetha Devi from NAWO, but who also belong to IWRAW Asia Pacific’s training pool, served as resource persons for this workshop.

The last day of the training coincided with Human Rights Day and to mark this occasion, NAWO and the State Commission for Women organised a public meeting on the CEDAW Convention and its role in promoting women’s human rights. The audience for this meeting included various other women’s groups and human rights organisations from the urban and rural areas. Among the issues they raised was in

relation to traditional customary laws and the denial of rights to women due to the rampant practice of polygamous marriages, and the difficulties experienced in securing divorces.

## • **Training of Lawyers**

**October 7-11 | Training of Lawyers. Organised by Partners in Law and Development (PLD). Supported by IWRAW Asia Pacific. Delhi, India.**

This was the second successive year that a training of this nature, run by PLD and supported by IWRAW Asia Pacific, took place. Its main objective was for legal practitioners and activists to be trained on using the CEDAW Convention in domestic litigation, as well as using the convention complementarily with the Rome Statute of the International Criminal Court (ICC). The 23 participants were taken through sessions on human rights law and related UN mechanisms; the women's human rights framework including the principles of CEDAW; and gender-based crimes in special contexts. There was also a useful moot court exercise at the end for them contextualise human rights standards and apply these to concrete situations; as well as film screenings to stimulate discussion on issues such as marginalised sexualities, comfort women and domestic violence.

Many participants liked the sessions on the application of international human rights norms at the domestic level, gender-based violence, and the ICC, while some mentioned CEDAW as their most significant learning point. In their follow-up plans, they discussed a number of ways in which this new knowledge would be incorporated into their work. For example, activists indicated that they would infuse this knowledge into community-based advocacy and case work; lawyers felt better equipped to invoke international standards in litigation; others mentioned incorporating human rights principles, CEDAW and the concepts of substantive equality and non-discrimination in the awareness raising campaigns, materials production, counselling as well as lobbying for the realisation of women's rights. There were also plans to translate and disseminate information about CEDAW into a local language, Oriya.

The facilitators for this training were Madhu Mehra (PLD), Saumya Uma (ICC-India) and Deepika Udagama (representing IWRAW Asia Pacific).

**December 16-17 | Lawyers Training on the Application of CEDAW and Its Optional Protocol. Organised by Law and Society Trust. Supported by IWRAW Asia Pacific. Colombo, Sri Lanka.**

This training had a three-fold objective: (1) to provide lawyers with knowledge on the CEDAW Convention; (2) to enhance their capacity to apply the principles and standards contained in the convention to their work, especially litigation, and (3) to develop a pool of lawyers committed to advancing women's human rights through legal and litigation strategies using the framework and standards of the CEDAW Convention. The training – held for the first time in Sri Lanka – involved 20 participants, a third who came from the Attorney General's Department. There were

five resource persons including Savitri Goonesekere, a member of IWRAW Asia Pacific's Advisory Committee and former CEDAW Committee member.

The two-day training began with an overview of the CEDAW Convention and its principles followed by a session on the comprehensive approaches to using CEDAW in Sri Lanka, including in the courts, in law-making or law reform, in advocacy with the state, and in awareness raising with civil society or building constituencies for change. Participants then looked at the domestic applicability of CEDAW and the comparative use of other international instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. They broke into workgroups to discuss case studies on the practical application of the principles of CEDAW. This was followed by sessions on the Optional Protocol to CEDAW and exploring future action for using CEDAW and its Optional Protocol in legal initiatives and litigation strategies.

The sessions were very interactive with most of the resource persons using group discussions. Several case studies were included to bring out the participants' views and experiences. Most resource persons made an effort to change discussion strategies and allow for participants to negotiate among themselves when contentious issues surfaced. At the same time, they were also able to provide participants with information that would be useful for their own work. Each session included a discussion of case law and decisions by the international treaty bodies, useful for participants in their daily work. Many examples of successful lobbying efforts from Sri Lanka and other countries with similar cultural and political backgrounds were discussed too.

The training surfaced several challenges that need to be considered in future activities of this nature. For one, there was reluctance among participants to be formally networked. In anticipation of this though, they were encouraged to interact with each other during the workshop duration itself, and long breaks were set aside leaving room for potential partnerships to be formed on an informal basis. For another, the perennial debate about whether or not CEDAW was a potential threat to the preservation of culture surfaced again at this training but was not fully resolved. It is recommended that continuous work on culture and its evolving nature and the use of CEDAW as part of the transformation is continued. This activity also revealed an inherent weakness in legal training efforts where excellent training on law may not go hand-in-hand with the principles that underlie laws. Another challenge is thus about bridging this gap through publications and interventions of this nature where a combination of ideas, resource materials and skills upgrading are provided together.

#### • **General CEDAW Training**

In 2005, IWRAW Asia Pacific resumed its general CEDAW training programme. Trainings of this nature had been provided up to 2004, but subsequently put on hold after 2004 to give more attention to the organisation's Training of Trainers and Training of Lawyers activities. However, in response to a specific need expressed by UNIFEM South East Asia – which is running a project to build the capacity of NGOs and governments of seven countries in the sub-region on this convention – in 2005,

IWRAW Asia Pacific undertook the first two activities in a series of general trainings on CEDAW that had been planned under this project.

**November 3-4 | CEDAW Shadow Report Training for Cambodian NGOs. Organised and supported by UNIFEM South East Asia Project. Phnom Penh, Cambodia**

In light of the government of Cambodia being reviewed by the CEDAW Committee in its January 2006 session, IWRAW Asia Pacific's Sarah Arriola conducted an initial training for Cambodian NGOs on CEDAW shadow report writing. The training introduced the participants to various aspects of the convention – its concepts and principles, the Committee and its review process, as well as advocacy and monitoring the government's implementation of this treaty.

In all there were 44 participants comprising women members of NGOs in the country. Apart from the usual difficulties with language, the training was also challenging due to the political climate at the time where human rights activists were being targeted and harassed. Consequently, even though the participants gained new skills on writing a CEDAW shadow report, the training was not as effective as hoped for.

**December 1-3 | CEDAW Training for Government. Organised by UNIFEM Indonesia and the Ministry of Women's Empowerment in collaboration with IWRAW Asia Pacific. Supported by UNIFEM South East Asia Project. Jakarta, Indonesia.**

This nationwide training sought to: (1) build knowledge and raise awareness of staff from selected Indonesian ministries on CEDAW; (2) develop their capacity to use the CEDAW framework in programmes and national policies to implement the convention; and to monitor, evaluate and report on this; and (3) promote greater recognition of the Indonesian state's obligations under this treaty. From the feedback received, it appeared that the training achieved its objectives of imparting knowledge on the convention and how this and other international human rights treaties are binding on states. Participants also learned how CEDAW could be implemented i.e. through law, government regulation, presidential decree, national action plan.

IWRAW Asia Pacific extended technical support for this training, i.e. assisted in the drafting of the programme, the collation of background materials and provided two resource persons from its training pool, Tulika Srivatava (AALI, India) and Rea Chiongson (Philippines). The training was also attended by a former CEDAW Committee member from Indonesia, Syamsiah Achmad, and the Director General of the Ministry of Human Rights. Many of the 30 participants were current gender focal points in their respective ministries and departments, and came from various administrative divisions in the country spanning from Sumatra to Kalimantan and Java.

**December 4-7 | CEDAW Training for NGOs. Organised by UNIFEM Indonesia and Indonesian Women's Association for Justice (LBH-APIK) in collaboration with IWRAW Asia Pacific. Supported by UNIFEM South East Asia Project. Jakarta, Indonesia.**

Immediately following the training for government officials, a similar programme on CEDAW was organised for Indonesian NGOs by LBH-APIK and UNIFEM. This comprised the following sessions: (i) Women's Realities: Understanding concepts of equality and non-discrimination; (ii) Challenges to Women's Activism; (iii) Rights as a Tool for Change; (iv) The CEDAW Convention; (v) UN Procedures for Monitoring the Implementation of the Convention and (vi) Next Steps: CEDAW and women's rights advocacy. The training also served as an opportunity to identify potential candidates for future CEDAW Training of Trainers activities. As with the government training, IRAW Asia Pacific provided the same kinds of technical assistance for this meeting.

There were 38 participants from NGOs dealing with a range of issues, and representing the different geographic regions of the country. Their feedback indicated that they left with a better understanding and appreciation of the CEDAW Convention, and were also very keen on the case studies, wanting to know more about applying CEDAW to different context and cases, and about the CEDAW monitoring and implementation process.

## **Technical Assistance**

Apart from organising or supporting specifically identified Training of Trainers and Training of Lawyers workshops, and carrying out general CEDAW training for countries under the UNIFEM South East Asia CEDAW Project, IRAW Asia Pacific also responded to requests for technical assistance in 2005.

April 30-2 May | Training on the Rights-Based Approach . Organised by All Women's Action Society and Women's Development Collective. Petaling Jaya . Malaysia.

IRAW Asia Pacific was invited to run a training on the rights-based approach for the staff and members of two Malaysian NGOs, All Women's Action Society and Women's Development Collective. This was a follow-up activity to an introductory session conducted for the same group the previous year. Both NGOs had an interest in furthering their understanding of the CEDAW Convention, and applying its rights-based framework to their programmes. Around 35 participants attended and were taken through sessions on the meaning, content and importance of rights; international human rights law and norms; and the rights-based approach.

Discussions were lively throughout the three days and the participants, who included a small number of men, left with a feeling of satisfaction at having a better grasp on this subject. To further internalise the rights-based approach, however, the two organisations are interested in another follow-up next year, this time to learn how to apply their new knowledge to a specific area that their organisations are addressing (e.g. sexuality). Rea, Janine and beng hui were IRAW Asia Pacific's trainers of this three-day meeting.

**December 17-18 | Workshop on Public Interest Litigation. Organised by Ain-O-Salish Kendra. Supported by IWRAW Asia Pacific. Dhaka, Bangladesh.**

As a follow-up to a CEDAW Training of Lawyers that was conducted in 2004 in Dhaka, Bangladesh, Ain-o-Salish Kendra organised this workshop for practising lawyers with the aim of assessing and reviewing strategies on public interest litigation, taking into account the application of CEDAW. The outcome of the workshop focused on the protection of fundamental rights of citizens in Bangladesh with further follow-up actions proposed for the next 6 months:

- Challenging the government's amendment to the Telecommunications Act to allow tapping of phones and e-mails in the name of 'national security';
- Pushing forward public interest litigation on the release of prisoners under trial (some of whom are languishing in jail for 5 to 12 years) without being produced in court even for a single day; and
- Rigorous advocacy strategies to implement the landmark judgment which curtails police powers to arrest and detain citizens without having to show a warrant.

## **Advocacy**

IWRAW Asia Pacific's advocacy programme promotes both local and international advocacy towards the promotion of women's human rights. In 2005, the local component of this programme featured the Facilitating Project; while the international component comprised another flagship project, From Global to Local, as well as activities involving the Office for the High Commissioner on Human Rights, the Committee on Economic, Social and Cultural Rights, and the Optional Protocol to CEDAW.

## **Facilitating Project**

In 2003 and 2004, IWRAW Asia Pacific held two regional consultations; the first on women's rights under Article 5 and 16 of the CEDAW Convention, and the second, on women's right to participate in public and political life. These were follow-up activities of the project known as "Facilitating the Fulfilment of State Obligation towards Women's Equality", the Facilitating Project in short, initiated in 1997 and 1998 for selected countries in South East and South Asia respectively.<sup>1</sup> These consultations were an attempt at bringing together groups which had worked on

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<sup>1</sup> This was a successful research-based advocacy initiative of IWRAW Asia Pacific. It aimed at developing a methodology for the application of the CEDAW Convention in specific contexts, by providing participating NGOs with a framework in which they could monitor their state's obligations under the CEDAW Convention. With this monitoring framework, the groups involved in the project produced a baseline report which identified the nature and cause of discrimination against women based on a chosen theme (e.g. violence against women, political participation, rights of women in marriage, etc.); as well as critiqued state action and proposed recommendations for them in this regard.

common issues or themes under this project, to allow for sharing and learning from the findings of the different research that had been undertaken, as well as to refine existing strategies to lift advocacy to another level.

**May 15-18 | Regional Consultation on the Economic Rights of Women. Organised by IRAW Asia Pacific and hosted by the Lao Women's Union. Vientiane, Lao PDR.**

In 2005, a third consultation under the Facilitating Project was held, this time on the theme of the economic rights of women. Involving 39 participants from nine countries – most came from women's groups working on this issue but there were a few academics as well – the overall objectives of this meeting were the same as the previous ones, except that they were tuned to the issue of women's economic rights. Unlike the first two meetings, however, a new component on the rights-based approach was added into this consultation.

The consultation began by bringing all participants to the same page on the CEDAW Convention and its principles of substantive equality and non-discrimination, and how NGOs can use this treaty in their advocacy. Next, they were taken through what states' obligations to women's economic rights were under this treaty. There was an extensive discussion on the linkage between CEDAW and the International Covenant on Economic, Social and Cultural Rights; the need to address discrimination faced especially by marginalised groups of women (e.g. women with disabilities); and the importance of submitting shadow or alternative reports to CEDAW.

This was followed by a session that looked at the phenomena of globalisation and how economic trends arising out of this had positively or negatively impacted on women's economic rights. Discussions focused on topics like the obligations of international financial institutions and bodies like the World Trade Organisation under international human rights law, and what the response of the CEDAW Committee to economic globalisation has been; the impact of globalisation on culture and value systems; and strategies to address deteriorating labour standards brought on by globalisation.

After this broad overview, the next session presented country situations focusing on three different contexts. The first looked at women's rights in relation to employment in open market economies (Mongolia, Thailand). The second examined the issue of poverty alleviation from the following perspectives: sustaining livelihoods for women living in rural areas; the provision of micro-credit, financing, land and other factors of production; and the creation of employment opportunities. Here presentations were made based on the experience of participants from Lao PDR, Vietnam, Philippines, Bangladesh and Cambodia. The third and final context viewed how women's economic rights were affected by migration across countries or in post-conflict reconstruction (Indonesia, Sri Lanka). There were extensive discussions ranging from how CEDAW could be used to address issues relating to women in the informal sector to the subject of rural women's livelihood.

Following this, participants broke-up into small groups to identify strategies to address specific examples where women's economic rights were denied. They came

up with four overarching economic rights issues that were common to at least 2-3 countries each, thus suggesting that this list can be used as a reference point for women's groups to conduct further research and advocacy on economic rights in the future. The four issues were: (1) property, inheritance and land rights laws that undermine women's access and control of resources; (2) the persistence of male leadership that obstructs women's right to participate in political life; (3) social-cultural discrimination and inefficiencies in the bureaucracy (e.g. corruption) that also undermine government programmes for women entrepreneurs; and (4) the emergence of new employment arrangements and lack of long-term human resource development plan for women workers, both domestic and migrant.

In the final input session, participants were introduced to the rights-based framework. This is a tool designed to enhance advocacy by clearly surfacing how such an approach should and can be understood as comprising several components, namely the recognising, exercising, sustaining, evolving and claiming of rights. Based on this framework, the participants then broke-up into different groups to critique their own work and draft comprehensive strategies for monitoring and advocacy with their respective states in relation to women's economic rights. This included identifying activities to carry out after the consultation.

The four-day consultation provided an excellent forum for participants to engage in complex and challenging issues with the guidance of experienced resource persons. They demonstrated a passionate commitment to the issues discussed, and were willing to learn from others thereby establishing an immediate sense of collective responsibility. As well, considerable interest was shown for a follow-up event where issues raised in the consultation could be revisited and progress measured. In the meantime, IWRAW Asia Pacific was to consider options for publishing a selection of the papers and presentations to ensure that these were made more widely available to the general public.

Shanthi Dairiam and Rozana Isa represented IWRAW Asia Pacific at this consultation. Together with Gigi Francisco and Deepika Udagama, the external resource persons, they formed the working group for this meeting. A full report of proceedings is available from the office.

**December 12-15 | Regional Thematic Meeting on Violence Against Women. Organised by IWRAW Asia Pacific. Hosted by Naripokkho. Dhaka, Bangladesh**

The fourth regional thematic meeting under IWRAW Asia Pacific's Facilitating Project took place in late 2005. The topic chosen this time was Violence Against Women (VAW). Although the right of women to live free from violence is not explicitly mentioned in the text of the CEDAW Convention, the convention nevertheless provides for this right through its underlying principles of equality, non-discrimination and state obligation to eliminate all forms of discrimination and ensure that women are able to enjoy all of their basic human rights and fundamental freedoms. Given this and the continuing prevalence of VAW in the region, a consultation on this theme was deemed timely and necessary.

Apart from bringing together activists, legal practitioners and experts from the region to better understand the dynamics of VAW, IWRAW Asia Pacific also intended to share the rights-based framework that it had developed and introduced successfully at the previous consultation on women's economic rights, so that participants at this meeting could also critically reflect on their work on VAW, and plot new levels of advocacy.

In total there were seven sessions that ranged from a general overview of women's right to be free from violence, to trends and new concepts in the area of anti-VAW work, to reports about VAW initiatives in different countries.

The country presentations for Indonesia, Malaysia, Philippines, Thailand, Bangladesh, India and Sri Lanka gave an introductory picture of anti-VAW initiatives in the region. Specifically, they provided information on a country's background, legal and policy situation, civil society initiatives and recommendations on how states and NGOs could improve the situation of women viz VAW.

The session on global and/or emerging trends that are expected to have an impact on anti-VAW efforts featured three papers. The first looked at how the issue of disappearing rights is also about other aspects – the disappearance of judicial oversight, procedures being removed, and also about tainting the character of rights, where restrictions are being introduced or the non-derogable character of rights is being undermined. The second presentation emphasised that working with men is essential, and that male engagement and male responsibility is important in the fight against VAW. However, there are some risks and challenges that must be taken into consideration as well. In the third presentation, the point was made that in terms of the linkages between sexuality and violence, there is a whole dimension beyond sexual violence and beyond violence against women who have transgressed in terms of sexuality or their sexual identity: the issue of “heteronormativity”, i.e. where heterosexuality is assumed to be the norm, as a type of violation of rights in and of itself.

The participants also gained different ways of seeing and addressing VAW through the session on new concepts. Here they learnt about due diligence, universal jurisdiction, and the relationship between insurgency groups and the issue of VAW, and how a better understanding of these concepts could improve their anti-VAW work. As mentioned, they were also introduced to the rights-based framework and were able to apply this when reflecting on their own anti-VAW activities back home. In so doing, they revisited basic organising strategies and considered new and different ways to approach problems related to areas such as networking and data collection. They also looked at potential pitfalls to avoid.

As well, they contemplated challenges related to the implementation of laws; access to justice; new forms of VAW crimes; lack of understanding of VAW issues; the problems posed by funder relationships; the issue of sexuality; the hijacking of agendas; and balancing the benefits of working independently or together with other groups. They also identified a number of critical issues and ideas that need attention from the women's movement (globalisation, keeping non-state actors accountable,

sexuality, working with men, due diligence, etc.). Many of these are difficult to deal with because they require resources, expertise, new ways of thinking or a shift in an organisation's strategies. However, by identifying them and recognising that they add complexities to the issue of VAW, women's groups can at least begin to understand these and start identifying how they manifest themselves in their work on VAW.

Taking all these into account, participants broke-up into groups in the final session to discuss how to revitalise old initiatives and begin new ones at the national, regional and international levels. Some of the ideas that surfaced were: adopting preventative strategies (e.g. education and gender sensitisation); rekindling the spirit of volunteerism and re-energising the feminist movement; tackling the issue of sexuality upfront; developing and sustaining a relationship with the media to highlight this phenomenon; working with men; and applying the rights-based framework internally.

In sum, the meeting was a good venue for exchanging experiences and know-how in the region on effective ways to address VAW. The level of self-reflection, combined with the range of new materials and issues presented allowed participants to learn a great deal, seriously consider the challenges that face them in their own national contexts, and decide how to move forward with their work. It also became a catalyst in the further development of comprehensive strategies, including a rights-based approach that takes into account national and regional experiences and international human rights standards. Finally, it was an avenue toward building a regional constituency working on VAW. Since the meeting, an anti-VAW listserv has been established to facilitate discussions regarding views and work on VAW among participants of the consultation.

Thirty participants from countries in South and Southeast Asia, including Bangladesh, India, Indonesia, Malaysia, Philippines, Sri Lanka and Thailand, attended this meeting. Most were partners of IRAW Asia Pacific and had conducted research on the subject of VAW under the Facilitating Project. The others came from groups that were working in this area. The IRAW Asia Pacific working group at this meeting consisted of Shireen Huq (Advisory Committee), Ivy Josiah (Board of Directors) and Sarah Arriola.

## **From Global to Local**

For the last eight years, the From Global to Local programme has contributed substantially to women's advocacy at the domestic and international levels by enabling activists from countries reporting to the CEDAW Committee to participate directly in the review process. This year, 2005, was no different with IRAW Asia Pacific facilitating the involvement of women's groups in the two designated CEDAW sessions for the year through this programme. These were the 32nd Session held from 6-15 January, and the 33rd Session held from 28 June-10 July. Funding availability enabled the organisation to run two training and mentoring sessions this year – to coincide with the CEDAW sessions – as opposed to the practice of having it only once annually.

The overall goal of From Global to Local is to enhance the dynamism of CEDAW by enabling women to link local-level advocacy with international official processes to monitor the implementation of the CEDAW Convention. Its specific objectives include:

- Promoting the compilation, analysis and dissemination of alternative information on the status of women in countries reporting to the CEDAW Committee. This process also helps participating NGOs build their own capacity to address women's issues according to international human rights standards that should be fulfilled and claimed at the national level;
- Familiarising women activists with mechanisms set-up by the UN to monitor implementation of the CEDAW Convention. In particular, they learn about the dynamics of the reporting and review process, and the role they can play within this;
- Enabling women activists to observe and monitor the performance of their State party during the review of its country report to the CEDAW Committee. By facilitating their presence at these sessions, these activists can also interact with CEDAW Committee members to share pertinent issues related to the position of women in their respective countries. Through this they contribute added perspectives to the Concluding Comments that are produced by the Committee;
- Assisting women activists to monitor their government's follow-up to the session, in particular, their compliance with the Concluding Comments.

Based on the selection criteria for this programme, participants were identified and chosen several months ahead of the two CEDAW sessions for 2005. They were given assistance in various ways. One was in relation to the preparation of shadow or alternative reports. This was to ensure that these were written in a manner that was helpful to the Committee's review of a said country. IWRAP Asia Pacific also extended assistance to ensure that these reports and/or their summaries reached the CEDAW Committee in time for consideration by its Pre-Session Working Group, and/or the actual CEDAW Session itself. As the body designated by the Committee to forward all NGO shadow or alternative reports to its members, an important part of IWRAP Asia Pacific's coordinating role was the dissemination of these reports. Apart from sending these to the Committee members, the reports were also uploaded onto the organisation's website to ensure a wider reach.

Another integral component of the From Global to Local programme in 2005 was the training and mentoring session that took place twice, prior to each CEDAW session in New York that year. Through this, participants had an opportunity to become more familiar with the normative content of the CEDAW Convention; the political aspects of working with the CEDAW Committee; and effective advocacy strategies at the UN level. Every NGO delegation was also given tips on writing up their five-minute presentations to be read to the CEDAW Committee at its Informal Meeting with NGOs during the sessions. Each participant also received a Training Package that contained a set of relevant training materials, background reading, and a list of optional reading materials.

After the training, the participants attended a five-day mentoring programme that involved observing and processing the proceedings of the first week of the CEDAW session. They sat through the constructive dialogues between the Committee and government delegations scheduled for review in this first week, and attended a daily debriefing session to share their insights and lessons learnt from this process at the end of each day. As always, the training and mentoring session closed with a meeting to evaluate the From Global to Local programme as well as to plan follow-up action to take place at the country level.

This year, there were a total of 19 women representing NGOs from Turkey, Samoa, Croatia, Paraguay and Algeria in the 32nd Session; and another 24 women from countries reporting in the 33rd (Benin, Gambia, Guyana, Israel/Palestine, Ireland, Lebanon) and 34th Sessions (Cambodia, the former Yugoslav Republic of Macedonia, Thailand).

IWRAW Asia Pacific ran the From Global to Local programme under the guidance of a Project Management Team that consisted of Alda Facio (ILANUD, Costa Rica); Liebowitz (Drew University, USA); Lee Waldorf (UNIFEM); Ayesha Imam (UNFPA, 32nd Session); Rea Chiongson and Anuradha Rao (IWRAW Asia Pacific, 33rd Session). Rozana Isa, Janine Moussa, Yew Bee Yee, Liew Siew Yan and Azlini Abdul Ghani from the IWRAW Asia Pacific office provided coordination and logistical assistance that contributed to the success of the programme for another year running.

## **Office for the High Commissioner on Human Rights**

### **March 29-7 April | Commission on Human Rights 61st Session. Geneva, Switzerland**

At the 61st Session of the Commission on Human Rights, IWRAW Asia Pacific participated and contributed input to processes related to various economic, social and cultural rights issues. This included the NGO Campaign for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), of which IWRAW Asia Pacific is a steering committee member, and other housing and health issues. The organisation also gave feedback to the work of the Special Rapporteur on Violence against Women. Rea Chiongson and Janine Moussa were the organisation's representatives at this meeting and attended discussions on Item 10 (economic, social and cultural rights) and Item 12 (integration of the human rights of women and the gender perspective), and made two oral interventions in this regard.

The first intervention was in relation to the reports of the Special Rapporteurs on Housing and Health, and the question of the OP-ICESCR.<sup>2</sup> IWRAW Asia Pacific's statement began by commending the Special Rapporteur on Housing, Miloon Kothari for his report and the great gains he had accomplished in the areas of housing and

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<sup>2</sup> See Annex 1 for the full text of IWRAW Asia Pacific's Statement on Item 10.

women's rights. It also urged the Commission on Human Rights to continue supporting the important work that he was doing. The statement then went on to thank the Special Rapporteur on Health, Paul Hunt, for his report which integrated women's realities and underscored the importance of including a women's rights perspective, before concluding with IWRAW Asia Pacific's support for the creation of an OP-ICESCR. Here the statement reiterated the stand held by the NGO Coalition for an OP-ICESCR – that an Optional Protocol is imperative for the full enjoyment of human rights by all – and that this Optional Protocol should cover *all* the rights set forth in the ICESCR.

The second intervention was in relation to the work of the Special Rapporteur on Violence against Women.<sup>3</sup> IWRAW Asia Pacific's statement started by commending the Special Rapporteur for her report on the intersections of violence against women and HIV/AIDS. It specifically commended her for applying an intersectional approach to discrimination, and encouraged her to continue doing so in future. IWRAW Asia Pacific also took the opportunity to urge the Commission on Human Rights to further integrate gender equality in its work. Specifically the organisation urged the Commission to integrate into its work, the principles of the CEDAW Convention of substantive equality, non-discrimination and state obligation.

Apart from these interventions, Rea and Janine were involved in a number of side-events. This included a workshop entitled, "Violence against women and the right to housing: Making the connections" where Rea and other partners of IWRAW Asia Pacific shared on the input and outcome of the regional consultations on women and housing rights that they had organised with the help of the Special Rapporteur on Housing. One of the main themes they touched upon was the connection between the lack of housing rights by women and their susceptibility to being victims of violence.

Both Rea and Janine also met with a few NGO representatives who were interested in supporting the work of the Special Rapporteur on Health, to strategise on possible strategies forward. As well, they were part of a briefing organised by the Steering Committee of the NGO Coalition for the OP-ICESCR, of which IWRAW Asia Pacific is a member, to discuss its global campaign with interested parties. Last but not least, they engaged in extensive lobbying of government delegates on all of the above matters.

The importance of IWRAW Asia Pacific's participation at the sessions of the Commission on Human Rights cannot be overstated. As an NGO providing input in such avenues, it contributes positively towards democratising processes of the UN. More importantly, it is one of the few international NGOs based in the South that brings forth women's voices from this part of the world to global processes of this nature.

**June 20-24 | Fourth Inter-Committee Meeting and Seventeenth Annual Meeting of Treaty Bodies Chairpersons. Geneva , Switzerland**

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<sup>3</sup>See Annex 2 for the full text of IWRAW Asia Pacific's Statement on Item 12.  
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The Inter-Committee Meetings and Meetings of Treaty Bodies Chairpersons seek to provide an opportunity for representatives of the seven UN human rights treaty bodies to come together and jointly discuss and strategise on common crosscutting issues. One of the main reasons why IWRAW Asia Pacific participates in and monitors this process is because the issues that are addressed here have important implications for NGOs like ours that work with treaty bodies. In recent years, IWRAW Asia Pacific's presence at these meetings has become even more imperative given the latest efforts to reform the treaty reporting process. The organisation's priority is to ensure that this proposed reform takes into account a women's rights perspective, does not result in the regression of these rights, and instead, continues to provide the space for its further progression.

In 2005, the agenda for the two meetings held back-to-back, included reviewing actions that had been implemented to ensure better harmonisation and consistency in treaty body procedures; and efforts at streamlining reporting requirements. The latter included talking about the Revised Draft Guidelines for a Common Core Document and Treaty-Specific Targeted Reports, presented by the Office for the High Commissioner on Human Rights for consideration by the treaty bodies as an option to harmonise and expedite the reporting process.

IWRAW Asia Pacific was represented at these two meetings by Janine Moussa, Programme Officer, and Dianne Otto, a member of the organisation's resource pool. Both monitored the proceedings of the meetings and made a verbal intervention on IWRAW Asia Pacific's behalf during the dialogue between representatives of the treaty bodies and NGOs.<sup>4</sup> This statement critiqued the proposed draft guidelines and provided recommendations to strengthen the implementation of state obligation under human rights conventions. Since the Revised Draft Guidelines of the Office for the High Commissioner of Human Rights did not significantly change from the draft guidelines of the previous year, many of IWRAW Asia Pacific's key points remained the same. These included the following:<sup>5</sup>

- Although the Expanded Core Document has the potential to be useful by reaffirming that human rights are interdependent and indivisible, and that measures to promote and protect human rights in one treaty enhances the promotion and protection of human rights in another, a number of concerns should still be noted.
- In efforts towards coordination, harmonisation and collaboration, there must be a conscious attempt to ensure that the most advanced jurisprudence and recommendations are adopted, rather than the least common denominator.
- The proposed reform of having states parties report on their obligation to equality and non-discrimination in both the common core document *and* the treaty specific document needs some further consideration to ensure it does not result in the regression of women's rights. For example, splitting the

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<sup>4</sup> The statement was read during the Inter-Committee Meeting but was addressed to participants of the ICM as well as participants of the Annual Meeting of the Treaty Bodies Chairpersons, who were already present.

<sup>5</sup> See Annex 3 for a copy of the full statement.

reporting of these essential rights must not result in ambiguity of reporting, confusion of monitoring body, and the lowering of human rights standards.

- Technical assistance and capacity building are important to ensure better reporting. In light of the proposed reforms, it is especially important that technical assistance services are comprehensive and include not only providing expertise on how to write a report but also explains the value of reporting and the political aspects of non-reporting.

IWRAW Asia Pacific participated in these meetings to fulfil one of its objectives, i.e. to bring voices of NGOs in the South into UN human rights processes. In these times of reform, the organisation's interventions are especially important to ensure that women's rights are central and continue to progress and evolve. Further, its comments and inputs were informative and instrumental in shaping the debate that took place. In fact, the CEDAW Committee acknowledged this publicly by praising IWRAW Asia Pacific's past contributions to the Committee, and saying that the organisation stood as a model NGO helping the work of treaty bodies.

No final determinations were made on the adoption or rejection of the current draft guidelines. Rather it was decided that members of the various Committees would form a working group which would meet later in the year to draft another set of guidelines that would take into account the concerns and inputs that were raised at this meeting.

## **Economic, Social and Cultural Rights**

**10-21 January | Second Open-Ended Working Group on the Optional Protocol to the ICESCR (OP-ICESCR). Geneva, Switzerland.**

IWRAW Asia Pacific has been advocating for the drafting and adoption of an Optional Protocol to the ICESCR since 2003. Towards this end, the organisation has participated in meetings of the UN Open-Ended Working Group to consider options regarding the elaboration of an OP-ICESCR, hoping to contribute experiences gathered from processes around the creation of the Optional Protocol to CEDAW. Also, to date, IWRAW Asia Pacific has been the only NGO raising the importance of including the gender dimensions of violations of the ICESCR.

IWRAW Asia Pacific participated in the session of the Second Open-Ended Working Group as a member of the Steering Committee of the NGO Coalition for an OP-ICESCR. Its team comprised Sabin Shresta (FWLD, Nepal), Marlene Libardoni (Agende, Brazil), Tulika Srivastava (AALI, India), and Maria Herminia Graterol (IWRAW Asia Pacific). The organisation also played a role in supervising and providing support to the Coordinator of the NGO Coalition, Caroline Lambert.

Among the activities undertaken by the NGO Coalition included updating its lobbying kit; having extensive meetings with international experts and government delegates; conducting an orientation session for NGOs; producing a briefing document for NGOs on alternate days; and organising a lunchtime seminar on the assessment of

economic, social and cultural rights claims before national courts and the application of this to a potential OP-ICESCR individual communications process. IRAW Asia Pacific also made several oral statements at this meeting, including one that was issued together with other members of the NGO Coalition.<sup>6</sup> As well, Tulika spoke at a lunchtime seminar “Deciding cases under the OP-ICESCR: Existing jurisprudence on the assessment of violations”.

The last debriefing meeting of the Steering Committee of the NGO Coalition discussed the need for fact-sheets and materials on the following topics: how the OP-ICESCR contributes to the exhaustion of domestic remedies (political, judicial/legal and quasi-judicial); self determination; international cooperation; non-retrogression of rights; standing of NGOs; the inquiry procedure; regional and specialised human rights mechanisms and why there is still a need for an OP-ICESCR; a comprehensive versus *ala carte* approach; non-discrimination and remedies; examples of the domestic implementation of the CESC; and basic principles that should inform the draft OP-ICESCR. These will all be further developed over the course of the year as resources for the NGO Coalition’s campaign.

**September 5-9 | High Level Experts Seminar on Economic, Social and Cultural Rights and NGO Advocacy Coordination and Development Workshop for the Campaign for an Optional Protocol to the ICESCR. Organised by the Government of France and the International Commission of Jurists. Nantes, France.**

This seminar sought to enable concerned European states develop a better understanding on the OP-ICESCR, towards building a common regional stand for the next meeting of the Open-Ended Working Group on the OP-ICESCR in January 2006. It brought together around 70 participants comprising European government representatives, selected NGOs, and experts from around the world to discuss the “option” of an OP-ICESCR. In particular, participants had the opportunity to deepen their knowledge on some of the concepts debated within the Open-Ended Working Group on the OP-ICESCR at its meeting in January 2005. They also discussed what an OP-ICESCR would look like in terms of, for example, admissibility requirements and substantive rights protected, and tried to come to a common understanding on currently debated issues like “justiciability” and “international cooperation”. Janine Moussa attended this meeting on behalf of IRAW Asia Pacific, while Shanthi Dairiam, our founding Director, went in her capacity as CEDAW Committee member.

As many other NGO representatives were also present for the seminar, they took this opportunity to hold their own meeting, one day before and the two days after the official seminar. This was organised and chaired by the Steering Committee for the NGO coalition for an OP-ICESCR, of which IRAW Asia Pacific is a member. It was a very productive exchange and resulted in common stands regarding the OP-ICESCR as well as plans of actions for steps forward. In particular, the NGO Coalition was able to solidify its stand on a number of debatable questions; come up with and divide its resources around a list of lobbying activities; and finalised a list of

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<sup>6</sup> For a copy of all these statements, go to Annex 4, 5 and 6.

short and long term strategies for ratification.<sup>7</sup> IWRAW Asia Pacific attended and contributed the women's rights perspective as well as shared from its OP-CEDAW experience in this process.

## **Optional Protocol to CEDAW**

**August 27-30 | Global Consultation on the Ratification and Use of the OP-CEDAW. Organised by IWRAW Asia Pacific. Kuala Lumpur, Malaysia.**

In June 2000, IWRAW Asia Pacific launched its Global Campaign for the Ratification and Use of the Optional Protocol to the CEDAW Convention (OP-CEDAW). With the call "Our Rights Are Not Optional!", the campaign was to focus on two interrelated and parallel objectives: to craft strategies for the ratification of the OP-CEDAW; and to promote and develop the capacities of women's groups to effectively use and access this protocol.

In 2005, IWRAW Asia Pacific organised an international consultation on the OP-CEDAW, an important part of its global campaign. This was a four-day event that brought together participants and experts from around the world to increase their understanding of the OP-CEDAW as well as to share experiences and best practices for its ratification and use. In particular, the consultation aimed for the participants to return to their countries and regions to apply what they learned and to launch into more intensive advocacy towards the increased ratification and use of the OP-CEDAW.

Over 100 people – including women's and human rights activists, academics, legal practitioners, CEDAW Committee members, and donors – from 53 countries around the world attended this meeting. They came from both countries that had ratified the OP-CEDAW and those that had not.<sup>8</sup> The consultation had the following specific objectives:

- Provide information/knowledge on CEDAW and the OP-CEDAW and their uses;
- Identify strategies for ratification;
- Identify strategies for access to justice, especially a discussion on comparable complaints procedures, similar inquiry procedures, and forum shopping; and
- Create opportunities for the planning of regional processes in relation to the ratification and use of the OP-CEDAW.

Apart from these five main sessions, there was a side-event by the Division for the Advancement of Women on the UN Secretary General's study on violence against women.

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<sup>7</sup> For a list of the NGO Coalition's stand, go to <http://hei.unige.ch/~mahon4/escrprotocolnow/index.htm> and look under "Advocacy Kit".

<sup>8</sup> The countries were Antigua, Australia, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cambodia, Cameroon, Canada, China (Hong Kong), Costa Rica, Egypt, Fiji, India, Indonesia, Jamaica, Japan, Lebanon, Malaysia, Mauritius, Mexico, Morocco, Namibia, Nepal, New Zealand, Nigeria, Paraguay, Philippines, Pakistan, Poland, Portugal, Samoa, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Timor Leste, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United States of America, Vanuatu, Yemen and Zimbabwe.

The consultation saw fruitful discussions throughout the four days, in addition to the sharing of best practices, and the identification of obstacles and potential solutions and ways forward. Most exciting of all were the different OP-CEDAW regional initiatives that were born or given new impetus during this consultation – namely for Africa, the Americas, Europe, Middle East and North Africa, the Pacific, South Asia and South East Asia. Each regional group was also able to meet, plan and come up with a plan of action for the ratification and use of the OP-CEDAW in their respective regions.

At the consultation too, IWRAP Asia Pacific launched its latest publication, the OP-CEDAW Resource Guide, a useful tool for activists and governments alike on the OP-CEDAW, including basic information on the instrument, arguments for ratification, and tips for most effective use. For a comprehensive account of the consultation, see <<http://www.whrnet.org/docs/interview-moussa-07-11.html>>. This features an interview by WHRnet with IWRAP Asia Pacific's Janine Moussa. A full report of the consultation is also available from the office.

The OP-CEDAW Global Consultation was organised by IWRAP Asia Pacific in conjunction with the Advisory Group of the OP-CEDAW NGO Campaign. Janine Moussa and Yew Bee Yee were the primary persons from the office who worked on this event. They were ably assisted by a part-time coordinator for this project, Lee Wei San.

## **Information Dissemination, Exchange and Application Strategy**

The Information, Dissemination, Exchange and Application Strategy (IDEAS), previously known as the Information, Dissemination and Application Strategy (IDAS) expanded further over the course of the year, both in terms of the quality of its services, and the quantity of work undertaken.

### **Website**

In 2005, IWRAP Asia Pacific was able to use its website to continue ensuring timely dissemination of information about CEDAW-related developments, the NGO Campaign for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, other relevant women's human rights news, and last but not least, its work.

#### **▪ Website maintenance and further improvements**

Apart from the regular updates that were uploaded 2-3 times a month, several significant new categories of information were also introduced this year. For example, the section of the Optional Protocol on CEDAW, steadily built over the last year and a half, was finalised in July with the completion of the subsections on the

Communications Procedure, and Case Studies. Newly created too were pages featuring the most recent CEDAW NGO Shadow Reports and Brief Statements presented to the CEDAW Committee.<sup>9</sup> Similarly, softcopies of the publications under the IWRAP Asia Pacific Occasional Papers Series were made available online as well.<sup>10</sup> Considerable effort also went into organising for the Optional Protocol to CEDAW section of the website to be translated into Spanish.<sup>11</sup>

Even though the number of visitors to the website has grown steadily over the years, a decision was made to conduct an evaluation exercise to gauge its usefulness, relevance and popularity, in addition to gathering feedback on how to further improve this tool and service of IWRAP Asia Pacific. An online survey was subsequently formulated, pilot-tested and sent to over 300 persons. Although the response rate was low, those who cooperated provided very high quality feedback, including detailed comments that strengthened the survey findings and overall recommendations.<sup>12</sup>

The conclusion that emerged was that IWRAP Asia Pacific is providing quality, useful and user-friendly services through its website. Over three-quarters of the respondents felt it important enough to refer others – NGOs, colleagues, students, UN agencies, etc. – to this site. This suggests that the website is effective and valued as an information tool, and while its predominant users are NGOs, there are some outside this circle who find it beneficial as well. Indeed, as one of IWRAP Asia Pacific's main focus is the implementation of the CEDAW Convention in Asia Pacific countries – the information provided is of direct relevance, and useful to the organisation's major stakeholders. Other key aspects of any website – the design, layout and navigability – were well rated by the respondents in general, suggesting that on the whole, these aspects of the IWRAP Asia Pacific website are acceptable to users and require minimal changes in future.

Notwithstanding this positive feedback, some respondents also forwarded useful suggestions to improve the website. These had to do with introducing new features (e.g. non-proprietary operating systems) that encourage interactivity and better access to information; enhancing existing CEDAW-related categories of information (e.g. including downloadable training materials; highlights or summaries of key conclusions of discussions from the cedaw4change listserv and the global2local listserv; documentation on best practices or challenges in CEDAW implementation at the national level); and a Question and Answer section where users can submit queries to an expert body for opinions on matters related to CEDAW. It is envisaged that some of these recommendations will be taken up in the next project cycle.

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<sup>9</sup> In 2003, the CEDAW Committee requested IWRAP Asia Pacific's assistance to collect and disseminate all relevant NGO Shadow/Alternative Reports of States parties being reviewed. Given this role, and with permission of the NGOs involved, the organisation has been able to make these reports more widely available by posting them on its website.

<sup>10</sup> Details about the IWRAP Asia Pacific Occasional Papers Series can be found in the next section.

<sup>11</sup> The translations are currently being finalised and it is expected that uploading will take place by the early 2006.

<sup>12</sup> In fact, the original plan was to follow-up on the survey responses with more in-depth qualitative questions. However, on tabulating and reviewing the results, it was decided that respondents should only be contacted if there were gaps in the data gathered. As it turned out, it was necessary to contact only one person to clarify a suggestion that she had made.

## ▪ **Enhancing our web ranking**

Maintaining a good web ranking is as much a reflection of the popularity of a website as it is a means of increasing a site's accessibility. Recognising this, IWRAW Asia Pacific has given some attention to ensuring that its web ranking remains within the top 10 for Internet searches under the keywords "CEDAW" and "OP-CEDAW". As with previous practice, various strategies were employed for this purpose.

On one hand, the services of a professional company were renewed for another year to help monitor and promote the website. In particular, they assisted with (1) assessing and recommending new metatags and keywords for two main pages of the website – the homepage and the CEDAW Convention page – to maximise their web ranking; (2) providing weekly reports on broken links within and to the website such that technical errors are limited; and (3) checking the website every week to ensure that it is correctly indexed to appear in Google and Yahoo!, two very popular search engines, and if not properly indexed, rectifying this for us.

On the other hand, the practice of requesting other NGOs to link their websites to IWRAW Asia Pacific's also continued, though to a smaller degree than previously done. In part this was due to time constraints and other priorities. At the same time, however, there was also less need for this given that the IWRAW Asia Pacific website was becoming more known, meaning that others were independently accessing its materials and making the corresponding links on their own. This development is reflected in the rise in the number of external links to our website, from at least 72 known links in the previous year to approximately 111 by December 2005.<sup>13</sup> Additionally, the website has been featured in listservs such as that of the Women's UN Report Network (WURN) which is regarded as one of the most active on gender issues.

Collectively all these have had a positive effect on the ranking of the IWRAW Asia Pacific website, allowing it to maintain its top ten position for Google searches with the keyword "CEDAW" and "OP-CEDAW".

The IWRAW Asia Pacific website is maintained and updated by the Information and Communications Officer, with the support of all Programme Officers and the services of an external web designer/weaver. A consultant was hired to design and implement the evaluation survey, under the supervision of the Information and Communications Officer.

## **Publications**

From a situation of having no publications prior to 2004, 2005 was a busy year for the organisation. In particular, attention was given to completing the OP-CEDAW Resource Guide and a number of publications under the IWRAW Asia Pacific Occasional Papers Series. Further progress was also made in relation to the

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<sup>13</sup> This was also in sharp contrast to the 23 links recorded in November 2003.

production of several other publications that had been started in previous years, and the organisation started work on two other initiatives. All these developments are reported on below.

### • **IWRAW Asia Pacific Occasional Papers Series**

The IWRAW Asia Pacific Occasional Papers Series was envisaged as a means to allow the organisation to share views on emerging discussions and debates related to its areas of work, and to do so in a timely manner. Following its first three titles released in 2004, IWRAW Asia Pacific produced another four titles under this series in 2005:

- Making United Nations Human Rights Treaty Bodies More Effective: A gender critique of reforms to the reporting process. The case of the ‘common core document’
- The Validity of Reservations and Declarations to CEDAW: The Indian experience
- The Right to Decide If, When and Whom to Marry: Obligations of the state under CEDAW and other international human rights instruments
- Sexual Harassment in the Workplace: Opportunities and challenges for legal redress in Asia and the Pacific

Work also started on the next set of titles under this series covering sexuality rights; nationality; rape; and temporary special measures (and its potential use by women facing multiple forms of discrimination). These will be completed in 2006.

The IWRAW Asia Pacific Occasional Papers Series has been distributed widely to core group partners, country contacts, academic institutions, and international agencies among others, either through the organisation’s mailing list or during meetings, workshops and conferences. The booklets have received extremely positive feedback, be it for their valuable and cutting-edge contents or attractive and user-friendly features. The majority are products of collaboration between IWRAW Asia Pacific and its partners or interns, while the rest have been developed by staff members. All in all, the booklets produced under this series augur well for the organisation, and has allowed it to make its mark in the arena of publications.

### • **Our Rights Are Not Optional: Advocating for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) through its Optional Protocol. A resource guide**

This easy-to-use Resource Guide was devised to contribute to processes leading to the ratification and use of the Optional Protocol to CEDAW. It comes in three sections. Section A provides a general overview of the CEDAW Convention and the Optional Protocol to CEDAW; Section B details the legal, political and strategic dimensions in promoting ratification of the Optional Protocol; and Section C focuses on enhancing advocacy and use of this treaty. There is also a set of handouts at the end of every section, as well as a separate section with supplementary materials.

The publication is expected to be of use to women's rights advocates (e.g. NGOs, academic institutions, individuals, etc.) as well as governments seeking to fulfil their obligations to women under the CEDAW Convention. It is the result of several years of preparation, and is the product of collaboration between IWRAW Asia Pacific and the main partners of its Global Campaign on the Ratification and Use of the OP-CEDAW. As indicated earlier in this report, it was officially launched at the organisation's Global Consultation on the Use and Ratification of the OP-CEDAW in August 2005.

- **The Vertical Application of Human Rights: Incorporation of international human rights standards in the domestic legal framework (Treaty Incorporation Research Project)**

In late 2001, IWRAW Asia Pacific initiated a book project comprising a compilation of papers from legal scholars and activists in six Asian countries. This was part of its capacity building work on the domestic implementation of international human rights standards. The papers were to focus on the status of international law in each country – Laos, Malaysia, Pakistan, Philippines, Sri Lanka, Vietnam – as well as how international standards can be used by advocates at the domestic level to advance the human rights of women. The selection was made to reflect experiences from both monoist and dualist legal systems.

The papers are being edited by Andrew Byrnes (Faculty of Law, University of New South Wales, Australia, and member of IWRAW Asia Pacific's Advisory Committee) and are expected to be ready by 2006. It is also expected that they will form part of the initial input for an Expert Group Meeting on the Domestic Application of International Human Rights Standards for the Advancement of Women's Rights that IWRAW Asia Pacific plans to hold at the end of 2006.

- **Lawyers' Training Manual**

The idea to produce a Lawyers' Training Manual evolved out of IWRAW Asia Pacific's capacity building work with lawyers, ongoing since 1997. Specifically, it was proposed in recognition of the need for more specialised training for advocates and others engaged in the arena of law, to enable them to concretise claims for rights at the same time call for adequate and effective remedies to ensure state compliance with obligations under the CEDAW Convention.

A consultant from India – a practising advocate who is also part of IWRAW Asia Pacific's pool of resource persons trained in CEDAW – was hired to write the contents of the manual. She worked closely with Rea Chiongson, a Programme Officer of the organisation with legal and training expertise. As well, the manual included inputs from students from the Human Rights Clinic of New York University who drafted three case studies on women's health and their corresponding trainers' notes.

Covering modules on CEDAW and the role of lawyers in advancing women's rights; substantive equality; non-discrimination; state obligation; CEDAW as a framework for remedies and the uses of CEDAW in legal initiative, the manual had already been pilot-tested in 2003 and 2004, and sent to an external reader – a practising lawyer in the national courts of Bangladesh and international human rights law expert – for further input. Based on this, a final draft was to be completed in 2005 before being sent for a last round of comments by three other experts in the field.

However, in light of IRAW Asia Pacific undergoing a transition period during this time – where apart from a new Executive Director coming into the organisation, and the departure of the Programme Officer in charge mid-way through the project – the publication of this manual has been delayed. It is now expected to be completed in 2006.

- **Women's Human Rights: Challenges and the way forward ("Women's Human Rights" book project)**

One of the new book projects IRAW Asia Pacific embarked on in 2005 was to document developments in the field of women's human rights at the national, regional and international levels, with a focus on the CEDAW Convention. This project seeks to support the advocacy of women activists in the region to change national laws and development policies. The book will have two sections. The first comprises four thematic papers (integrating CEDAW standards into national systems; politics of gender and the state; state sovereignty and international norms; pursuing women's rights through other human rights treaties). The second features case studies that match one or more of the above themes – nationality, rape as torture, economic rights (water, land, migrants), and a critique of the strategies adopted for women's rights, including an assessment of the use of CEDAW standards. Paper writers have been commissioned and are at different stages of progress. The editors of this book are Savitri Goonesekere and Shanthi Dairiam.

- **Uses of CEDAW**

Work also began in 2005 on a collaborative project between IRAW Asia Pacific and Dr Debra Liebowitz of Drew University, USA to document the ways that groups have used CEDAW as an advocacy and organising tool. This will provide an invaluable resource for those interested in doing CEDAW-related work or for those thinking about how international human rights standards can be translated into concrete action. In part, the desire to engage in this project is an outcome of IRAW Asia Pacific's experience in the From Global to Local programme, where on one hand, there is never enough time to share the specifics of organising and activist endeavours, and where on the other hand, we know that there exists smart, interesting, and creative uses of the CEDAW Convention. As the first step towards making this book a reality, a call for submissions was circulated to former From Global to Local alumni in late 2005 and other potentially interested parties, and around 25 persons responded positively. It is expected that a list of contributors will be finalised in early 2006, and writing will get underway as soon as funds have been secured for this project.

## Listservs

Since 2002, IRAW Asia Pacific has hosted two listservs, one called cedaw4change and the other, global2local. Both serve different functions but have the same objective of enhancing the realisation of women's human rights primarily through the CEDAW Convention.

### • **cedaw4change**

Towards the end of 2004, IRAW Asia Pacific made a decision to improve the quality of information shared on its cedaw4change listserv, and to provoke more exchange of opinions by revamping the format of discussions. Consequently, in 2005, two discussions were conducted, both directly related to the organisation's work: the Expanded Core Document, and the Optional Protocol to CEDAW. Each of these featured 4-5 papers that had been specially identified and commissioned by the organisation, written by experts in the field.

### **The Expanded Core Document**

The topic of the Expanded Core Document – the latest proposal by the UN Office of the High Commissioner for Human Rights in response to problems that have arisen with the system of states parties reporting periodically on their implementation of the UN human rights treaties – was introduced to members in January 2005. Special care was given to ensure that a range of different perspectives (NGO, government, language, and regions) was heard in this process. Towards this end, the following papers were produced and distributed:<sup>14</sup>

- “Strengthening the Effectiveness of UN Human Rights Treaty Bodies: A gender perspective on the proposal for a Common (Expanded) Core Report” by Dianne Otto, law professor, University of Melbourne;
- “Implications of the Expanded Core Document for States Parties: Vanuatu” by Andonia Piau-Lynch, women's rights activist, Vanuatu;
- “Propuesta de la OACDH para la elaboración informes oficiales de derechos humanos: Documento de discusión” (Proposal by the OHCHR for the development of official reports on human rights: A discussion document)” by Cecilia Valdivieso Vega, Acción Ciudadana por la Democracia y el Desarrollo, Ecuador; and
- “Baobab for Women's Human Rights Response on the Expanded Core Document and Its Implications for Women's Human Rights” by Chibogu Obinwa, Baobab for Women's Human Rights, Nigeria.

These argued that reform to the treaty body reporting process was indeed required given the delays and non-reporting by states, and how a holistic approach would help in avoiding duplication of information during the reporting process. They also raised concerns about the confusion that might arise due to a lack of clarity on the

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<sup>14</sup> A fifth paper which was to be an analysis of how the Expanded Core Document would impact on the reporting of the Indian state party was sought but did not materialise.

“congruent provisions” proposed for the Expanded Core Document, and the negative impact that this new proposal may have on women’s human rights. More importantly, as NGOs, there was also a greater concern that spaces and gains carved out by women’s human rights activists through their participation in the CEDAW process would be circumscribed with the proposed changes.

On its part, IWRAW Asia Pacific prepared a background paper explaining developments to date in relation to this topic. Also uploaded onto the file sharing section of the cedaw4change listserv website were the official guidelines on the Expanded Core Document and Treaty-Specific Reports, and harmonised guidelines on reporting under the international human rights treaties. Members were also alerted about the Office of the High Commissioner on Human Rights’ invitation to submit written comments on the proposed changes to the treaty reporting system (including the guidelines for the Expanded Core Document) for deliberation at the then upcoming Inter-Committee Meeting and Annual Meeting of Chairpersons of Treaty Bodies. This call for action was in line with IWRAW Asia Pacific’s objective of intervening in this process to help shape its outcome into one that would be beneficial for women’s human rights. To roundup this discussion on cedaw4change, a summary of the main points was uploaded onto the listserv website.

### **The Optional Protocol to CEDAW**

The second cedaw4change discussion was on the Optional-Protocol to CEDAW (CEDAW). This kicked-off in June with a contribution titled “Using the Optional Protocol for Change” by Alda Facio, a Costa Rican jurist and international expert on women’s rights. Her paper was broken into six parts and used to guide the weekly discussions. It covered the following areas: complaints procedures of treaty bodies; how to identify violations to bring to the CEDAW Committee; the ratification and strategic use of the OP-CEDAW; and interim measures and remedies.

Alda’s piece was complemented by inputs – sharing both positive and negative experiences – from CEDAW Committee member, Regina Tavares da Silva and Hungarian women’s rights activist, Julia Spronz.<sup>15</sup> The former wrote on the first case filed under the Inquiry Procedure, the situation of abduction, rape and murder of women in Ciudad Juarez, Mexico; while the latter shared the experience of women’s groups in Hungary following the successful filing of a case under the Complaints Procedure of the OP-CEDAW.

In general, the main objectives of the discussions on the OP-CEDAW were to increase awareness and distribute information on this protocol; and to give members the ability and confidence to put their knowledge to effective use. Thus, apart from the pieces commissioned above, a full list of resources was also distributed to all and stored for future use as well in the file sharing section of the listserv website. This included documents such as the OP-CEDAW text and rules of procedure; model

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<sup>15</sup> The article “Victory or another pile of papers for the archives: Hungarian Domestic Violence Case before CEDAW” by Julia Spronz was shared by Judit Wirth of NANE, an NGO in Hungary.

communications forms; and the CEDAW Committee's views and decisions on the German and Hungarian complaints as well as the Mexican inquiry.

The cedaw4change discussions on the OP-CEDAW ran parallel to the preparation and planning of IWRAW Asia Pacific's "Global Consultation on the Ratification and Use of the OP-CEDAW", a major event that eventually attracted more than 100 participants from over 50 countries. Through this, it lent to the overall momentum around this event and the on-going campaign to raise further awareness on the protocol.

### **Membership and logistics**

The number of members subscribed to cedaw4change grew to approximately 780 by the end of 2005. Many of them signed up on their own, as opposed to being identified by IWRAW Asia Pacific and invited to subscribe. Thus, even though the numbers are still small, this reflects a positive development where the listserv is establishing a name for itself and interested persons are coming forward independently to enlist. Some of the latest subscription requests have come from those associated with UN agencies, national human rights bodies, regional and international NGOs, and those in academia.

Like before, an external moderator handled the daily functioning of cedaw4change. However, members of the IWRAW Asia Pacific programme staff regularly gave feedback and suggestions for further action. In addition, the Information and Communications Officer was responsible for the overall coordination of this programme including contacting those who had been identified to prepare inputs for the themes identified. All paper writers commissioned were paid a token fee for their efforts.

### **Evaluation and future plans**

Despite having introduced a new format to prompt more active participation by its members, the cedaw4change listserv ran its course in 2005 with mixed results. For example, it is significant that the main paper by Dianne Otto (as listed above) for the discussion on the Expanded Core Document was later converted into a successful lobbying document under the IWRAW Asia Pacific Occasional Papers Series, and disseminated widely at the Inter-Committee Meeting and Annual Meeting of Chairpersons of Treaty Bodies that took place in Geneva in June 2005. The document was important in surfacing key considerations for all concerned and was warmly welcomed, in particular, by the CEDAW Committee members present. Unfortunately, there was not the same success in motivating more vigorous exchange of ideas among members of cedaw4change on this topic.

Discussions on the OP-CEDAW were similarly sparse. However, this perhaps reflected more on the situation where generally, knowledge about the OP-CEDAW – what this is and how it can be utilised to forward women's human rights – is still at its infancy. The few contributions that members posted supported this by illustrating some of the difficulties that groups had in utilising the OP-CEDAW at the national

level. Other feedback to IWRAW Asia Pacific also suggested that those subscribed to the listserv did find the materials posted valuable, even if they were not contributing to discussions. For example, in July 2005, these discussions on cedaw4change, together with the other resources that IWRAW Asia Pacific has developed on CEDAW and the OP-CEDAW – including information uploaded on its website – were highlighted on the widely subscribed listserv of ESCR-Fem, belonging to ESCR-Net’s Working Group on Women’s Economic, Social and Cultural Rights.

The importance of cedaw4change as a mechanism by which latest and relevant information pertaining to the CEDAW Convention and its Optional Protocol is shared cannot be understated. Over the last year as well, it has become a repository of additional resource materials on the chosen themes, commissioned specially for discussions on the listserv. Even so, it is also clear that there are recurring problems related to sustaining a constant and active engagement by its members. This is despite the remedial measures that had been undertaken in response to the listserv’s performance the previous year. Given this situation, a decision was made to conduct an evaluation of the listserv. For this, a survey has been designed to elicit feedback from members and users, and this will be supplemented with targeted phone interviews. The results of this exercise have been targeted for early 2006.

#### • **global2local**

Since October 2002, IWRAW Asia Pacific has been running a discussion listserv for former participants of its From Global to Local programme, primarily to facilitate the exchange of experiences and knowledge gained from their involvement in this programme. In 2005, through the global2local listserv, members learned about various developments related to the work of IWRAW Asia Pacific and women’s human rights, for example, the campaign for the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Commission on Human Rights; the proposal to streamline the treaty body reporting process; and CEDAW-related information. Discussions were reasonably active, usually in response to the prompts by IWRAW Asia Pacific. Unlike cedaw4change, however, global2local is not moderated. Nevertheless, the Information and Communications Officer oversees the running of this listserv, and ensures that all members are kept updated on latest developments relating to women’s human rights.

### **Requests for information/assistance**

Throughout the year, IWRAW Asia Pacific received a number of requests for information.<sup>16</sup> These can be broadly categorised into three areas: requests for CEDAW-related information; requests for non-CEDAW information; and requests to cite and/or credit information that we provide. In this regard, the organisation shared information on the Optional Protocol to CEDAW, CEDAW sessions and shadow reports, and participating in UN processes and procedures (e.g. the Commission on

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<sup>16</sup> These are to be distinguished from the requests for technical assistance or training which are reported in the section on Capacity Building.

the Status of Women, the Commission on Human Rights). It also responded to a number of queries for referrals to IRAW Asia Pacific's network and contacts.

Significantly, the organisation's work was cited or publicly credited by others such as:

- International Network for Economic, Social and Cultural Rights (ESCR-Net);<sup>17</sup>
- United Nations Population Fund (UNFPA) "The State of World Population 2005. The promise of equality: Gender equity, reproductive health and the MDGs";<sup>18</sup>
- Women's United Nations Report Program and Network (WURN);<sup>19</sup>
- Women's Environment and Development Organisation (WEDO);<sup>20</sup>
- Pacific Regional Rights Resource Team (RRRT) and the Tonga Catholic Women's League;<sup>21</sup> and
- Center for Reproductive Rights (CRR).<sup>22</sup>

There has also been a request from the Japanese Association of International Women's Rights (JAIWR) to translate IRAW Asia Pacific's "Our Rights are Not Optional!" resource guide into Japanese, pending funding availability.

## Library

In 2005, IRAW Asia Pacific was able to go on building and improving its library collection due to a generous grant for this purpose. As in the previous year, this allowed for:

- 1) Updating the library's compilation of CEDAW-related materials and other UN documents pertaining to women's human rights. This comprised CEDAW

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<sup>17</sup> ESCR-Net used materials from IRAW Asia Pacific's website in several pages of its newly constructed site. For example, <[http://www.escr-net.org/EngGeneral/op\\_rp\\_2.asp](http://www.escr-net.org/EngGeneral/op_rp_2.asp)>; <[http://www.escr-net.org/EngGeneral/op\\_rp\\_0.asp](http://www.escr-net.org/EngGeneral/op_rp_0.asp)>; <[http://www.escr-net.org/EngGeneral/op\\_rp\\_3.asp](http://www.escr-net.org/EngGeneral/op_rp_3.asp)>; <[http://www.escr-net.org/EngGeneral/op\\_rp\\_7.asp](http://www.escr-net.org/EngGeneral/op_rp_7.asp)>; <[http://www.escr-net.org/EngGeneral/op\\_rp\\_12.asp](http://www.escr-net.org/EngGeneral/op_rp_12.asp)>.

<sup>18</sup> The report says: "Translating these powerful human rights instruments into concrete change in the lives of women and girls depends on sustained and concerted action at the country level. Civil society actors, especially women's organizations, play a critical role in promoting accountability and monitoring implementation and enforcement: Women's groups have pressed for CEDAW implementation by working with government agencies, writing "shadow" reports and publicizing recommendations on compliance. The "Global to Local" programme of International Women's Rights Action Watch trains NGOs on how to implement CEDAW." (p23)

<sup>19</sup> WURN featured IRAW Asia Pacific's OP-CEDAW Resource Guide on its listserv on 20 October 2005.

<sup>20</sup> WEDO used the Communications and Inquiry Procedure charts from the IRAW Asia Pacific's OP-CEDAW website in its publication 'CEDAW. The Optional Protocol and Women in Decision-Making Manual. A manual for speeding the pace of change', (December 2004), pp24-7.

<sup>21</sup> Their publication, *Ko e hā 'a e CEDAW?* (2005), included information from the "Tips for NGOs" page on IRAW Asia Pacific's website.

<sup>22</sup> The Center for Reproductive Rights used materials obtained from IRAW Asia Pacific's resource package prepared for the organisation's Global Consultation on the Use and Ratification of the OP-CEDAW.

NGO Shadow Reports, States Parties' Reports, Concluding Comments, Press Releases, Reports of CEDAW Sessions, and Views/Decisions related to complaints filed under the Optional Protocol to CEDAW. It also included official documents from the 61st Session of the Commission on Human Rights (such as reports of the UN Special Rapporteurs on Violence against Women; Health; and Adequate Housing), the 4th Inter-Committee Meeting and the 17th Annual Meeting of Treaty Bodies Chairpersons. By remaining subscribed to the Office for the High Commissioner's Treaty Body Recommendations Unit's service and its regular email updates, the organisation was able to continue keeping abreast with developments in other treaty bodies.

- 2) Expanding its collection of publications on human rights in general, and women's rights in particular. To ensure that the organisation's work is informed by latest debates and research, IWRAW Asia Pacific extended its subscription to key human rights, legal, feminist and development periodicals for another year. The organisation also continued purchasing and acquiring books in the areas of women's human rights; economic, social and cultural rights; disability rights; sexuality rights; international human rights law; religion and women; the state; women's movements; globalisation; development and citizenship. While the majority of books were bought, a number were also sourced through other NGOs on a complimentary basis.

As a result of this growing library collection, a decision was made to reorganise the cataloguing system and at the same time make it user-friendlier. A major revamp has begun and apart from the development of a new classification system which involves the identification of an updated set of keywords, this also includes the creation of an online library catalogue that will be uploaded onto the IWRAW Asia Pacific website for better accessibility. The new system will be fully operationalised by 2006, taking into account staff changes and the shifting of the office into a new premise.

A Programme Officer was responsible for keeping track of the new materials acquired for the library. A part-time librarian who handled the weekly sorting, shelving and cataloguing of materials assisted her with this. The part-time librarian who also took on the task of reorganising the library classification system worked with another consultant on this. The Information and Communications Officer provided overall supervision for the project.

## **National Resource Centres and Strategies**

This activity was conceptualised as a next phase of the Facilitating Project described in detail earlier,<sup>23</sup> which IWRAW Asia Pacific has implemented in South Asia since 1998 to enable women's groups to monitor the fulfilment of governments' obligations to women's equality under the CEDAW Convention.

The proposal was for National Resource Centres to be established and developed in India, Pakistan, Sri Lanka and Nepal, and play similar functions as the IWRAW Asia

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<sup>23</sup> See the subsection on the Facilitating Project, under Advocacy.

Pacific Resource Centre. This includes serving as repositories of women's human rights materials, with a special focus on CEDAW; translating and adapting these materials for more relevance at the local level; working with governments to monitor implementation of CEDAW; maintaining a pool of resource persons, and so on.

Although functioning autonomously, the national centres are to be supported by the IRAW Asia Pacific Resource Centre in a way that allows them to be independent yet benefit from the experience and technical expertise of IRAW Asia Pacific when necessary.

An inaugural consultation bringing together IRAW Asia Pacific's South Asian core groups – i.e. groups that were both interested in and able to carry out this next phase of the Facilitating Project – occurred in February 2004 in Nepal. At this meeting, they agreed to expand the notion of the resource centres to include a consolidation of other women's human rights advocacy and capacity building strategies at the national level. This was in recognition not only of the full range of expertise available but also, the fact that not everyone who wanted to contribute to the development of women's human rights wished to set-up physical resource centres. The choice would thus depend on the context and development stage of each partner.

The meeting also agreed that the groups in Nepal, Sri Lanka and Pakistan would pursue the development of these centres on their own – in terms of conceptualising proposals and seeking funds – while IRAW Asia Pacific would extend technical assistance when called for. In the case of India, however, because there was no consensus at the consultation as to which group should set-up the resource centres or initiate the relevant strategies, they decided to organise a follow-up meeting in 2005 called "The Facilitating Project and Beyond: Revisiting strategies for the promotion of women's human rights".<sup>24</sup> This was held from 27-28 May 2005 in Bangalore, India, and was meant to bring to a close for Indian groups, discussions that had taken place at the previous South Asian consultation. The participants, however, also took discussions a step further.

First they updated each other on their own work, and other developments pertaining to women's human rights, including those in relation to international human rights law and domestic implementation. Then they discussed what needed to be done to get the Indian state to comply with its obligations under human rights treaties. They also evaluated their capacity building, advocacy and information dissemination programmes to determine what had been their gains and what remained as challenges.

In response to the above, the participants agreed to adopt a common strategy for the monitoring and advocating of the implementation of CEDAW where each group would take on individual pieces of this strategy, at the same time form a CEDAW implementation task force. The various strategies and delineation of responsibilities were as follows:

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<sup>24</sup> While Nepal, Pakistan and Sri Lanka were represented by one organisation each, there were several Indian groups present at the Nepal consultation given the vastness and diversity of the country.

International law materials e.g. documents, instruments, publications, updates, best practices, etc. (AALI, PLD [tentative])

Local materials (NAWO)

Issue-based advocacy – getting the state to have a strategic national and state plan for CEDAW implementation (MASUM, AALI)

Shadow report (NAWO)

Training (all involved)

It was proposed that membership of this task force be extended to others apart from those already present at the meeting. A follow-up meeting of the task force organised by AALI<sup>25</sup> was originally planned for late 2005 but later shelved to 2006.

Participating at this meeting were Ruth Manorama (NAWO); Tulika Srivastava (AALI); Geetha Devi (advocate), Manisha Gupte (MASUM), and Shantha Mohan (NIAS) who also coordinated the local preparations. Shanthi Dairiam represented IRAW Asia Pacific, and Anuradha Rao, IRAW Asia Pacific's new Executive Director participated in some sessions as well.<sup>26</sup>

## Networking

In addition to the programmes developed and carried out by IRAW Asia Pacific, the organisation responded to a number of other networking invitations in the course of the year. These took place both at the local and international levels and saw IRAW Asia Pacific sharing its knowledge and experiences beyond its regular constituencies to a different audience. As well, these activities were a good avenue to meet new groups and establish fresh ties with them.

**January 24-28 | Fifth Session of the Ad-Hoc Committee on the “Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities”.** New York, USA.

A UN convention on disability rights is currently being formulated following extensive lobbying over the past few years. At this meeting, the Ad-Hoc Committee established by the UN General Assembly discussed articles 7.5 to 15 of the draft convention proposed by its Working Group. As part of the NGO lobby, IRAW Asia Pacific provided assistance to the International Disability Caucus, a coalition of NGOs working towards a progressive drafting of the disabilities convention, especially on the issue of women with disabilities. Rea Chiongson represented the organisation at this meeting.

**February 28-10 March | Commission on the Status of Women 49th Session.** New York, USA.

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<sup>25</sup> The proposed agenda for this meeting includes discussing the modus operandi of the task force, how the information centres will function, the training and advocacy strategy, and plans for resource mobilisation.

<sup>26</sup> IRAW Asia Pacific's other core group representatives Nasreen Faiyaz (NAWO), Madhu Mehra (PLD) and Monisha Behal (NEN) were unable to join the meeting.

At the 49th Session of the Commission on the Status of Women, IWRAW Asia Pacific convened a side-event in the form of a workshop on the Optional Protocol to CEDAW (OP-CEDAW) as part of the organisation's efforts to promote its ratification and use. The workshop sought to raise awareness on this treaty, and its procedures for claiming women's human rights. It also aimed to discuss gains made, lessons learnt and possible advocacy strategies using the OP-CEDAW. In particular, it focused on the CEDAW Committee's first ever inquiry into the case of Ciudad Juarez where countless women have gone missing and/or been murdered with impunity.

The workshop was well attended with over 60 participants from NGOs around the world. A lively discussion ensued on the practical aspects of using the OP-CEDAW inquiry and communications procedures, and around the Ciudad Juarez case as well. Speaking were Marlene Libardoni of AGENDE and member of IWRAW Asia Pacific's Advisory Group of the NGO Campaign on the OP-CEDAW, and Regina Tavares da Silva, CEDAW Committee member who was part of its Working Group on the Optional Protocol. Janine Moussa who represented IWRAW Asia Pacific moderated the event and also shared on the complaints mechanism of the Organization of American States, a regional human rights body.

The workshop received better attention and enthusiasm than anticipated. There was a lot of interest in the CEDAW Committee's inquiry and communications procedures as evidenced by the number of questions directed to Regina Tavares da Silva. There was also a lot of interest in some kind of mainstreaming of information on the OP-CEDAW, and the decisions and inquiries of the CEDAW Committee, so that others may utilise and benefit from this.

**March 8 | Panel Discussion on 'Women and Syariah Criminal Law – Finding a Solution'. Organised by the National Council of Women's Organisations (NCWO). Kuala Lumpur, Malaysia**

This meeting, organised on International Women's Day, aimed to provide a clearer understanding of Syariah criminal law in Malaysia, particularly in relation to women and the role of enforcement authorities. The panel discussed the issue of moral policing including whether society is willing for individuals to part with their right to decide on morality issues and put this in the hands of enforcement authorities. There was a resounding 'no' to this idea. Instead several recommendations were made on how enforcement officers needed to be gender-sensitised, particularly given the many instances where women and transsexuals have been forced to go through unnecessary procedures and ill-treatment during raids by certain government agencies. The meeting succeeded in highlighting key areas for the Ministry of Women, Family and Community Development of Malaysia to review and take further action. IWRAW Asia Pacific was represented by Hasnizuraini Hassan at this function.

**March 14-15 | Seminar on "Women in Times of Armed Conflict and Peace", organised by the International Committee of the Red Cross (ICRC). Kuala Lumpur, Malaysia**

This seminar was another event held in conjunction with International Women’s Day. Different panels discussed how to meet the needs of women in times of armed conflict; reflected on gender and security issues; identified challenges in addressing gender disparity and sexual violence; evaluated the response and impact of the Asian Tsunami on women; and strategised on how protecting and empowering women in such situations can be made a reality. Interestingly, the seminar sought to promote discussion and awareness of issues affecting women *both* in times of armed conflict and peace. Hasnizuraini Hassan attended on behalf of IWRAW Asia Pacific.

**March 30-3 April | Gender, Sexuality and Law Reform in the MENA and SEA. Organised by Women for Women’s Human Rights – New Ways. Istanbul, Turkey.**

This meeting brought together around 35 NGO representatives and academicians actively working on law or policy reform at the national level in the Middle East, North Africa, South East Asia and South Asia, particularly on issues related to sexuality and gender. Together, they shared experiences from working in these areas – the problems and obstacles regarding law and policy reform, as well as best practices and strategies forward. There was also a session where the UN Special Rapporteur on Violence Against Women, Yakin Ertuk, spoke about her mandate, and how this related to sexuality and women’s rights. beng hui represented IWRAW Asia Pacific and gave a paper on the rape legal reform campaign in Malaysia.

**May 12-14 | Workshop on “Manual on Implementation of the CEDAW Convention”. Organised by the Division for the Advancement of Women and the Netherlands Institute for Human Rights. Utrecht, Netherlands**

The Division for the Advancement of Women, with the Netherlands Institute for Human Rights at the University of Utrecht, is preparing a manual on the implementation of the CEDAW Convention and its Optional Protocol. The main objective of the manual is to increase the capacity of States parties to enhance effective and ongoing implementation of the convention, and to prepare both initial and periodic reports. It is meant to provide practical, step-by-step information and serve as a ‘how-to- guide for government officials and other stakeholders on implementation, reporting and follow-up.

This workshop was organised to assess draft chapters of the manual with various stakeholders, and to have them ‘validate’ these. IWRAW Asia Pacific was invited and represented by Madhu Mehra from Partners in Law and Development. Madhu shared on the appropriateness of the content of the draft chapters, and helped during the process of identifying gaps and areas where the manual could be improved. She, however, did not ‘validate’ the document on IWRAW Asia Pacific’s behalf, instead pointing out to the organisers that this warranted a different process.

**June 22-23 | First Meeting of the International Litigation Advisory Committee (ILAC). Organised by the Center for Reproductive Rights. New York, USA.**

IWRAW Asia Pacific was invited by the Center for Reproductive Rights to be part of its International Litigation Advisory Committee. In light of this, Rea Chiongson

attended the inaugural meeting of the Advisory Committee which sought to (1) identify and discuss key opportunities, trends, strategic considerations, and challenges vis-à-vis work on international reproductive rights litigation; and (2) develop a set of concrete strategy recommendations to move forward with CRR's litigation strategy in 2005-2006. The meeting approved the terms of reference of the ILAC; identified opportunities and considerations for each of the regions; and came up with recommendations for litigation strategies here.

Rea was one of the discussants for the session on strategy recommendations for the Asia Pacific region, and the proposed strategy for Asia centred around three issues: (1) access to care and services (including issues relating to non-discrimination abortion, emergency contraception, adolescent rights, foetal rights, etc.); (2) rights in relation to marriage (including issues on spousal consent, domestic violence, marital rape, child marriage, forced marriage, interference in choice of marriage); and (3) disability rights. Issues common to the different regions included access to services and information; HIV/AIDS; adolescent rights; and abortion.

The need to apply the non-discrimination and substantive equality framework; incorporate the social science framework; and bear in mind that litigation is not always a viable strategy were all points that were reiterated at this meeting. Also identified as important were capacity building and building of alliances (e.g. with the judiciary, law schools, lawyers, etc.)

**July 12 | Asia Regional Training Institute organised by Young Women's Christian Association (YWCA)**

The Young Women's Christian Association invited IWRAW Asia Pacific to its Asia Regional Training Institute programme to give a session on international advocacy and women's human rights to around 60 members from South Asia, South East Asia and East Asia, half of whom were under the age of 30. The invitation came after a YWCA member had picked up IWRAW Asia Pacific's brochure at the UN Commission on Human Rights meeting and read about our work.

Janine Moussa went as a resource person and shared on how they could use various international procedures and mechanisms, in particular, CEDAW, to advocate for their issues. The session was instructive and informative but as a whole, the group did not know much about this topic. They were also somewhat apprehensive and doubtful of the effectiveness of working within the UN system and the international system as a whole. So the result was a tempered enthusiasm to learn more at the time. This outcome notwithstanding, some of them said they might call upon us in future to learn more about and/or use CEDAW and its Optional Protocol to further their goals.

**October 27-30 | The 10th AWID International Forum On Women's Rights and Development. Organised by The Association for Women's Rights in Development (AWID). Bangkok, Thailand.**

IWRAW Asia Pacific ran two sessions at the 10th AWID Forum, one, a skills-building activity entitled "Realising Rights! A Hands-on Workshop on the  
IWRAW Asia Pacific Annual Report 2005

Rights-based Approach” and the other, an interactive presentation entitled “Law and Policy Reform: Mechanism for Change of Black Hole?”. Each session attracted roughly 30 participants from various backgrounds and parts of the world.

The interactive workshop on the rights-based approach sought to create knowledge and expertise for participants to apply this in the work that they do. It began with an exchange on what rights are and why they are important. Participants were then taken through a process that enabled them to (1) assess their own work and see where this fits into the rights framework, and (2) identify elements that are needed for the application of such an approach to their work.

The second session on law and policy reform addressed the question of the usefulness and relevance of law and policy reform. It also discussed the importance of social and political support strategies for such initiatives – including litigation and enforcement of decisions – to be successful. Specifically, strategies need to be holistic and move beyond merely securing the recognition of rights, to include ensuring women’s ability to exercise, claim and sustain these too. Participants were introduced to different case studies that emphasised the importance of these strategies, and demonstrated how they are essential prerequisites for successful initiatives in law reform.

Resource persons for the two sessions above included our organisational partners Manisha Gupte (MASUM, India), Tulika Srivastava (AALI, India), Sabin Shrestha (FWLD, Nepal), as well as members of IWRAW Asia Pacific’s resource pool Shanthi Dairiam, Savitri Goonesekere and Maria Herminia Graterol. Anuradha Rao and Janine Moussa represented the office at this event.

**November 17-20 | The 3rd Asia Pacific Conference on Sexual and Reproductive Health. Organised by International Planned Parenthood Federation East and South East Asia and Oceania Region. Kuala Lumpur, Malaysia.**

At this conference which ran from 17-20 November, Shanthi Dairiam, Janine Moussa and Sarah Arriola conducted a half-day workshop session entitled, “Realising Reproductive Rights: A hands-on workshop on the rights-based approach”. Approximately 40 participants were taken through a series of exercises to help them understand the different components of a rights-based approach – including the importance of differentiating between ‘needs’ and ‘rights’ – and how this framework could be applied in the context of their work on women’s right to health. The participants were a mix of representatives from NGOs, academia, and funding agencies.

## **Institutional Building**

Aside from its regular institutional building activities – meetings of the Board of Directors and the Advisory Council, and staff development – IWRAW Asia Pacific saw a number of changes in its staff composition, and also found itself a new home in 2005. The latter two developments contributed to a postponement of the organisation's Strategic Planning Meeting, originally planned for late 2005 but subsequently moved to early 2006. Instead an in-house training meeting took place, complemented by two external evaluations, one by the Ford Foundation, and the other by the Netherlands government, and these helped in the process of the organisation taking stock of its work.

## **Board of Directors**

The Board of Directors meets annually to discuss and be updated on issues pertaining to organisational policy and financial matters. At the meeting this year, held on June 21, in addition to looking at matters arising from the minutes of the previous meeting, the following items were addressed:

- Progress of the transition of the new Executive Director
- Highlights of achievements in 2004
- Improvement on the format and presentation of Annual Report
- The 2004 Audited Accounts
- Overview of the financial situation and status of fund raising for 2005
- Matters pertaining to shifting to a new premise

Present were Shanthi Dairiam (founding Director), Ivy Josiah (Director), Maznah Mohamad (Director), Anuradha Rao (Executive Director), Yew Bee Yee (Deputy Executive Director) and Azlini Abdul Ghani (Administration and Finance Officer).

## **Advisory Committee**

IWRAW Asia Pacific's programme policy decisions, including the resource implications of each programme, are entrusted to its Advisory Committee. This body comprises ten members, who are regional and international experts on women's rights and CEDAW. Eight of the members were present at the organisation's sixth Advisory Committee meeting, held back-to-back with the OP-CEDAW Global Consultation.

Spanning two days, 1-2 September, the meeting started by welcoming the three new IWRAW Asia Pacific staff, Anuradha Rao (Executive Director), Janine Moussa (Programme Officer) and Sarah Lou Arriola (Programme Officer). Apart from discussing matters arising from the previous minutes; reporting on activities for 2004 and 2005 and getting an update on on-going activities; the Advisory Committee was presented with the organisation's plan for its new work cycle (2006-2008). A thorough discussion on the activities proposed for the next three years and follow-up plans including suggestions on the presentation of the three-year programme of action to donors took place.

Members of the Committee were also updated on institutional matters pertaining to the financial situation, fund raising and the global funding trend. They took the opportunity of updating each other and the staff present on their CEDAW-related work over the past year. As well, the office presented the latest trends in the UN and emerging issues for discussion and follow-up action. Potential candidates for the replacement of Eleanor Conda, who vacated her Advisory Committee post in 2004, were considered and it was unanimously agreed that Kanjapat Kornsiern from Thailand be invited as a new member.

## **External evaluation**

In June, the Ford Foundation conducted a mapping exercise of human rights organisations in Asia, to gain a better understanding of the work that was being done in the region, and accordingly, to assist in its future grant making decisions. IWRAW Asia Pacific was one of the organisations included in this process, and towards this end, Rangita de Silva, the consultant for this project, visited the office as well as several of IWRAW Asia Pacific's partner organisations in South Asia to learn about the programmes carried out. In the course of this exercise, it emerged that the feedback given by IWRAW Asia Pacific's partners had been very encouraging, and Rangita herself was very positive and impressed with the areas of work undertaken by and the achievements of the organisation.

In October, as part of the government of the Netherlands's efforts to evaluate its Theme Based Co-Financing Programme (TMF), two evaluators – Edith van Walsum and Vanita Mukherjee – visited IWRAW Asia Pacific, a long-time grantee of the Netherlands Ministry of Foreign Affairs. (They also subsequently visited selected partners of the organisation in India as part of this exercise.) The evaluation sought to establish three things: (1) the extent to which TMF organisations such as IWRAW Asia Pacific contribute to structural poverty reduction; (2) the degree to which their operations are effective and efficient; and (3) if their activities are relevant and sustainable. IWRAW Asia Pacific's programme rated highly for all the indicators studied: effectiveness, efficiency, relevance, capacity to learn; and implementing capacity.

Specifically, the evaluators commended the organisation in their report, saying:

IWRAW Asia Pacific is a comparatively small, highly professional and dynamic international NGO with a huge outreach. It serves both the purpose of a think tank and that of a sophisticated policy advocacy group and capacity builder. [...] The role of IWRAW Asia Pacific in nurturing organisations in the CEDAW process within their countries and at the international level is more than evident. There is a dynamic and mutually reinforcing relationship between IWRAW Asia Pacific and its partner organisations in Asia and elsewhere. The conceptual and strategic leadership of IWRAW Asia Pacific is highly valued and has had a visible impact on their work. These organisations themselves

do cutting edge work which feeds back into IWRAW Asia Pacific thinking and practice.

A copy of the full report is available from the office.

## **Staff activities**

### **• Staff development**

For 2005, IWRAW Asia Pacific managed to raise a budget for staff development activities. This fund was available for staff members to take up activities that would contribute towards the building of their knowledge and skills. It includes attending courses and trainings that can boost their understanding of women's human rights as well as enhance their competence in the areas of information technology, finance and accounting systems. This fund provides incentives for personal development as well as for staying with the organisation.

Through this, Liew Siew Yan, Administration and Finance Officer, attended a part-time evening English language course, to improve on her English communication, specifically speaking and writing, skills. The course was run by the British Council of Kuala Lumpur and comprised three modules spanning approximately a year in duration.

On a separate note, another member of the Administration and Finance staff, Azlini Abdul Ghani, also attended a course designed to improve interpersonal skills of NGO staff. Likewise, Yew Bee Yee, the Deputy Executive Director, participated in a half-day programme to gain additional skills related to the hiring of new staff.

### **• Staff movements**

2005 was an extraordinary year of staff movements for IWRAW Asia Pacific. Within six months of the departure of Maria Herminia Graterol, the Programme Officer in charge of International Advocacy, and Shanthi Dairiam, founding Executive Director at the end of 2004, the organisation saw another key staff member leave. Rea Chiongson, Programme Officer in charge of International Advocacy and Training bade farewell after working at IWRAW Asia Pacific for the last two and a half years. Rea's contributions gave the organisation an edge *viz.* developments related to international human rights law, and the conceptualisation of a lawyers' training manual. She will be missed but continues to be part of IWRAW Asia Pacific's pool of resource persons.

After a prolonged search for a replacement for Shanthi Dairiam, in May 2005, the organisation announced the appointment of Anuradha Rao as IWRAW Asia Pacific's

new Executive Director. Anuradha comes to the organisation with a wide spectrum of work experience spanning more than 20 years. Her areas of expertise include bringing a rights perspective and normative standards into advocacy approaches; research on legal and policy issues; developing, monitoring and evaluating programmes; advocacy skills and training; governance and social justice; consumer rights; legal literacy and public interest litigation; and capacity building support for community based organisations and NGOs.

To replace the outgoing Programme Officers, two new staff members also came on board in 2005, Janine Moussa and Sarah Lou Arriola. Janine has been involved with human rights and women's rights issues since the mid-1990s. She has worked with NGOs, academic institutions, and most recently with the Special Rapporteurship on the Rights of Women at the Inter-American Commission on Human Rights of the Organization of American States. She has conducted extensive work in the areas of international law, including research into violence against women, and has also been in hearings and litigation within the Inter-American system. Sarah was formerly a director in the Philippine Senate charged with the management of the Committee on Youth, Women and Family Relations, and the Committee on Indigenous Peoples. Prior to that, she served as the Special Projects Director of the Ateneo Human Rights Center in the Philippines. She has taught courses on gender, children and humanitarian law, and conducted training and research on various women's issues including trafficking in women.

During the course of the year, IWRAW Asia Pacific saw two other members of staff leave. Tashia Peterson, our part-time librarian who was previously also a Programme Officer with the organisation, resigned in September to move to Singapore. She had been the organisation's librarian since 2004. As well in December 2005, Hasnizuraini Hassan who had worked for over a year assisting in the area of research and publications, decided to return to legal practice.

Due to the numerous changes in staff composition, the internship programme took a backseat this year. It will resume in full swing in 2006.

#### · **In-house staff training, Fraser's Hill, Malaysia**

Taking into account the staff movements above, an in-house training was held from 28-30 September to establish a clear understanding of the work and portfolio of each staff member; to troubleshoot any problems that had surfaced during the transition period; and to discuss ways of overcoming work overload among the staff. Items such as streamlining of office procedures; synergy between the programme and administration staff; instituting a feedback and mutual support system were also discussed in great detail. To ensure a more productive and conducive work environment, work attitudes and a clearer system of internal communication among the staff were also deliberated.

### **New office**

In September, IWRAW Asia Pacific moved to a brand-new office space. Bigger, brighter and breezier than the previous location, the shift was necessitated by the demolition plans of the owners of the previous building. An office warming party planned for this year was postponed to 2006 due to the numerous changes in staff and workload of those left behind.

## **Promotional materials**

In line with the organisational brochure that was produced in 2004, IWRAW Asia Pacific streamlined the calling cards of its staff members, at the same time making this available for members of its Board of Directors as well. A blank folder was also conceived, bearing a catchy design and containing a brief introduction to the CEDAW Convention and its articles.

## Annex 1

**61st Session of the UN Commission on Human Rights  
Geneva, Switzerland  
Agenda Item 10: Economic, Social and Cultural Rights**

**Statement by IWRAW Asia Pacific on the Special Rapporteurs on Housing and Health,  
and on the question of the Optional Protocol to the  
International Covenant on Economic, Social and Cultural Rights (OP-ICESCR)  
30 March 2005**

**Speaker: Rea A. Chiongson**

I speak on behalf of **International Women's Rights Action Watch (IWRAW)** an international organisation based in Malaysia and committed to the domestic implementation of international human rights norms for the realisation of women's human rights.

We welcome the efforts of the **Special Rapporteur on Housing** to delve into a deeper understanding of women's rights to adequate housing. States have expressed their commitment to gender equality and non-discrimination through their ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), through their adoption and reaffirmation of the Beijing Declaration and Platform for Action, through their equality and non-discrimination guarantees in their Constitutions and legislations, among others. In the light of these commitments and consensus, we urge the members of this Commission to continue the mandate's focus on women and to request the Special Rapporteur to consolidate the gains of the regional consultations and the answers to the questionnaire and pursue in-depth analysis and discussions on the impact of cultural practices on women's right to housing as well as the interlinkages between women's housing rights and their enjoyment of their equal rights to land, property and inheritance. All these should result in concrete strategies and recommendations for ensuring substantive equality for women.

We also wish to take this opportunity to urge the Commission to continue the mandate of the **Special Rapporteur on Health**. We support the rapporteur's efforts in ensuring that women's rights are central to his work. We hope that gender equality and non-discrimination in relation to the right to health continuous to be an over-arching framework of the mandate. In this regard, the mandate should continuously look at the impact of the presence or absence of health policies and programmes on women. The experiences of women within groups which are disadvantaged in their access to health, e.g. persons with disabilities, the poor, indigenous peoples, rural persons, must be made visible and addressed.

Lastly, IWRAW is part of the NGO Coalition for an **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights** and is fully supportive of its statement. In our view, the value of an Optional Protocol rests in its ability to strengthen standards at the domestic level. As it can only be accessed after exhaustion of domestic remedies, it provides the impetus for national mechanisms to develop progressive standards.

To significantly contribute towards the realisation of economic, social and cultural rights, the Optional Protocol should cover all the rights set forth in the Covenant, all its components, and all levels of obligation—the obligations to respect, protect and fulfill. An Optional Protocol that allows for the selection by States parties of certain rights or certain aspects of rights undermines the holistic and interdependent nature of rights.

Furthermore, we emphasise that the drafting and eventual adoption of an Optional Protocol is the only option. Failing to do so creates a hierarchy of rights that diminishes economic, social and cultural rights in favor of civil and political rights and goes against the consensus in the 1993 World Conference on Human Rights in Vienna that states that, "All human rights are universal, indivisible and

interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis”.

We congratulate States that have participated in the Open-Ended Working Group on the Optional Protocol for their respect of the views of NGOs and we hope that the working group will continue to welcome the involvement of NGOs in the future.

Thank you.

## **Annex 2**

**61st Session of the UN Commission on Human Rights  
Geneva, Switzerland  
Agenda Item 12: Integration of the human rights of women and  
the gender perspective – Violence Against Women**

**Statement by IRAW Asia Pacific on the Special Rapporteur on Violence Against Women, its  
Causes and Consequences and the Commission's Work on Integration of the  
Human Rights of Women and the Gender Perspective  
7 April 2005**

**Speaker: Janine Moussa**

I speak on behalf of International Women's Rights Action Watch (IRAW) an international organisation based in Malaysia and committed to the domestic implementation of international human rights norms for the realisation of women's human rights.

We would like to begin by commending the Special Rapporteur on Violence against Women on her recent report on the intersections of violence against women and HIV/AIDS. We would also like to take this opportunity to express our continued support for the mandate of the Special Rapporteur and to urge the Commission for its continued support of her work, including the provision of adequate resources.

We encourage the Commission on Human Rights to further integrate gender equality in its work. This must be guided by a human rights approach to gender equality using the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention). The key features of the Convention include among others the following: (1) it mandates the achievement of substantive equality. It focuses on ensuring that equality is not simply an equality of laws and opportunities but an equality of results. (2) It provides a definition of discrimination and obligates the elimination of all forms of discrimination against women, direct or indirect, by both public and private actors, at all levels in the public and private sphere. (3) It also calls for specific and legally binding undertakings of the State to achieve substantive equality and eliminate discrimination and monitors these obligations of the State to ensure compliance. By using the Convention as an overarching framework in its work, not only to those in matters relating to Item 12 but to all matters, the Commission will clearly manifest that integrating gender equality entails ensuring the practical realisation of the concept of equality through clear understanding of its concept and through specific obligations and responsibility of the State.

We would like to take this opportunity to commend the Special Rapporteur for applying an intersectional approach to discrimination in her report. We recall paragraph 58 of this report which states, "[t]he intersection of discrimination related to gender, HIV status and sexual orientation – often combined with race and class – create multiple forms of oppression and violence that keep women subordinated." We further encourage the Special Rapporteur to apply this approach to other marginalised groups of women who face multiple layers of discrimination – such as women with disabilities, indigenous women and women who face discrimination on account of their sexual orientation.

We would also like to express concern over the "new rights" language being used by some states to limit or otherwise exclude some sets of rights, such as sexual rights and reproductive rights. We recall the well established principles of the Vienna Convention which state that, "All human rights are universal, indivisible and interdependent and interrelated." If we hope to continue to move forward in our pursuit of these principles we must seek to include, rather than exclude, and expand, rather than limit, the recognition and enjoyment of rights.

Thank you Mr. Chairperson.

## **Annex 3**

### **Fourth Inter-Committee Meeting of the Human Rights Treaty Bodies Geneva, Switzerland, 21-22 June 2005**

#### **Submission by International Women's Rights Action Watch (Asia Pacific) 21 June 2005**

Thank you Mr. Chairperson.

I speak on behalf of the International Women's Rights Action Watch Asia Pacific, an international organisation based in Malaysia and working towards the progressive interpretation and realisation of the human rights of women through the lens of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international human rights treaties.

Today we'd like to make a number of comments on the proposed revised guidelines to the common core document.

We believe that the proposal for an expanded core document presents us with some potential benefits if it were to achieve the following outcomes: (1) encourage a consistent and holistic approach to human rights promotion, protection and monitoring; (2) enhance the mainstreaming of women's human rights in the work of *all* the treaty committees; (3) avoid duplication; and (4) create more entry points for advocacy on women's rights.

Throughout this process we have presented our views about the expanded core document that would achieve these outcomes. However we feel that they have not been adequately reflected in the revised guidelines. We'd like to make three points for your consideration.

1) Splitting the reporting of a State party's implementation of obligations to equality and non-discrimination into two, so that some of it appears in a core document and the rest of it in a later to be defined treaty specific document, needs some further consideration. For example, would it mean reporting on *de jure* implementation in the common core document, and *de facto* implementation in the treaty specific document? Alternatively, does this mean that State parties are to report only on negative measures in the common core document and positive measures in the treaty specific document? Or does this mean that States would be reporting on the implementation of minimum core obligations in the core document and full implementation in the treaty specific document? If any of these alternatives are the result of the reform proposals, it would be a step backwards for women's human rights and human rights in general. In the absence of clarity on this fundamental point, the proposed reforms will not achieve the goal of simplifying and improving the reporting process.

2) The implications for the CEDAW Committee of treating all of the CEDAW's substantive provisions as common to all or several treaties, again, needs some further consideration. How will the CEDAW Committee continue to play a central role in the development of progressive jurisprudence about women's human rights? What are State parties to report on in the CEDAW treaty specific document if they are not to repeat the same information as in the common core document? Can the CEDAW Committee raise concerns about measures that a State party has reported on in the common core document in its concluding observations? What if another treaty body has previously praised the State party for adopting this very same measure? These are questions that need answering before women's human rights organisations can support the current reforms.

3) We are also concerned about the implications for women's human rights NGOs. Without clarity on the points just raised, shadow reporting could become more complex and confusing for grassroots human rights advocates. For example, should they concern themselves with the common core report or the treaty specific report, or both? Will they need to address concerns arising out of the common core report to *all* of the treaty committees, which could mean producing up to seven shadow reports? While

NGOs are typically creative and resourceful they too will need technical assistance and training to work with any new reporting system. This issue too needs further consideration.

We appreciate all of the time and effort that has gone into this reform process and would like to thank the UN OHCHR for its recognition that input from all parties, including NGOs, is essential if we want to make this reform as effective as can be.

Thank you for this opportunity to present the views of IWRAW Asia Pacific.

Janine Moussa (Programme Officer, IWRAW Asia Pacific)

Dianne Otto (Faculty of Law, University of Melbourne; IWRAW Asia Pacific network member)

## **Annex 4**

### **Second Open-Ended Working Group to Consider Options Regarding the Elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights Geneva, Switzerland, 10-21 January 2005**

#### **Statement by IWRAW Asia Pacific made on 12 January 2005 Referring to presentations by experts of various regional Human Rights Systems**

Thank you Madam Chair. My name is Tulika Srivastava and I speak on behalf of IWRAW Asia Pacific, an organisation that works extensively in the Asia-Pacific region.

I have been listening with immense respect to the critical headway made by the regional mechanisms in Africa and in the European Union, to protect and promote the economic, social and cultural rights by ensuring protection to individual victims of the violations of the same.

I will take this opportunity to provide a perspective of an Asian national NGO to whom such forums are not available, to the gains that would be accelerated by the elaboration and adoption of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

The international mechanisms, Madam Chair, for those of us based in local communities, are instruments to ensure local implementation of human rights, guaranteed by the treaty-bodies and articulated in our laws.

The very existence of the Optional Protocol to CEDAW without, I might point out, opening the floodgates for complaints, has precipitated a vigorous engagement with exercising human rights on part of the right holders – individuals and groups – and with protection mechanisms on part of the duty bearers, the state actors.

This has enabled both the judiciary and the administration to have a much greater knowledge about the violations being faced by the marginalised groups as well as about the process of ensuring redress and access to justice. It is with the same hope that we ask for an OP to the ICESCR.

The Optional Protocol will also lend itself to direct use by providing an opportunity for a constructive dialogue between the victims and the state, enabling a sustainable resolution. This is especially important, as we must not forget that adjudicative remedies available in the domestic arena are mostly adversarial in nature, so defined by most legal traditions. Often the winning and losing of a case as less to do with its merits, and much more to do with the manner in which it was legally handled, or even delayed, to the extent of even denial of justice.

I would also like to specify why IWRAW Asia Pacific and myself, a national organisation, are here to work for an OP which is holistic and applies to all the rights and to all levels of obligations that accrue to the state: to respect, protect and fulfill.

Our primary concern is, as always, the local realisation of economic, social and cultural rights through domestic implementation. A division between rights and levels of obligation will contribute to a diminished understanding of rights and obligations at the national level. It will make for a confused message that the states do not have to be consistent in their endeavor to ensure all the rights for their citizens, that they do not really have to be serious about certain right or even certain levels of obligations.

In order to enable a holistic realisation of rights at the domestic level, it is critical that the present Optional Protocol addresses all the rights and all levels of state obligations.

Thank you Madam Chair.

## **Annex 5**

### **Second Open-Ended Working Group to Consider Options Regarding the Elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights Geneva, Switzerland, 10-21 January 2005**

#### **Statement by IWRAP Asia Pacific on 14 January 2005 On Parts I, II, III of the ICESCR and Elements of an OP-ICESCR**

IWRAP Asia Pacific joins with States and other Non-Governmental Organisations who have expressed support for the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights which contains an individual complaints procedure and an inquiry procedure which would relate to all the rights set forth in the Covenant.

Although the discussion today focuses on Part II of the Covenant, our statement in relation to the Optional Protocol, will inevitably make reference to Parts I and III. As it has already be pointed out by others, any attempt to apply the Covenant to actual situations is strengthened when seeing it as a holistic document that cannot be divided, especially, when considering options and elements for an OP-ICESCR.

We will take this opportunity to discuss the ways substantive areas of the Covenant can relate to procedural elements that would have to be taken into account when drafting an Optional Protocol:

1. In relation to Article I of the International Covenant on Economic, Social and Cultural Rights, an important dimension of the right to self-determination is that it is impossible to justify violations of ESCR by the State on the ground that a group may be in conflict with the State, because of a political claim to self-determination. For example, at minimum, a government policy or practice that results in the denial of access to and availability of basic health services and primary education to communities seeking self-determination would clearly be discriminatory and as such, violate substantive rights contained in the Covenant. In such situations, groups seeking self-determination and targeted for violations of ESCR on that ground, should be able to submit collective complaints under the OP-ICESCR.

From the perspective of individuals and groups that are targeted and discriminated against because of their economic, social or cultural status, the OP-ICESCR must ensure protection and an opportunity for seeking redress. Moreover, it is because of this reason that groups and individuals that allege that they have been victims of violations of ESCR must be accorded standing under the Optional Protocol.

2. In regard to the question of international cooperation and assistance under the Covenant, we support the delegations that have begun to consider the ways this issue may relate to modalities and elements of the procedures that would be established under the OP-ICESCR. In our view, the obligation to use resources allocated and received from international assistance in ways that further the domestic implementation and realisation of the rights and principles set forth in the Covenant is an obligation that extends to both, donor and recipient States.

3. Part II of the Covenant is extremely critical to the discussion on violations of ESCR that should be addressed under an Optional Protocol. Articles 2.2 and 3 relate to the principle of Non-discrimination and should continue to be seen as inherently linked to the notion of substantive equality -which has now been referred to by the Committee in draft GC 16 on Article 3. The notion of substantive equality is a useful means to ensure that all individuals belonging to communities or groups that are disadvantaged are guaranteed equal opportunity, equal access to opportunity and equal benefits from the results of laws, policies and programmes aimed at creating an enabling environment for their human, social and economic development. In this regard, we submit that equality and non-discrimination are some of the cross-cutting principles that should inform the development of elements of the procedures under the OP-ICESCR as they would relate to all rights contained in Part III.

It is also important to note that although the principle of non-discrimination is contained in most human rights treaties, in our view, the ICESCR provides more room for addressing situations of intersectional discrimination. For example, although CERD and CEDAW refer to racism and gender as main grounds of discrimination, the ICESCR gives us room to analyse the compounded affects of one or more forms of discrimination, and explore different constructions of inequality as they specifically relate say, to poverty and health status.

In relation to the process of drafting the Optional Protocol, the exercise of exploring means and ways to establish an effective mechanism of “last resort” at the international level is likely to give further momentum to on-going discussions on legal and non-legal remedies for violations of economic, social and cultural rights already taking place at the national level. In this regard, the admissibility criteria for individual complaints under the OP-ICESCR is one of the key discussions that would enable national mechanisms for the protection of human rights to carry out a constructive review of the efficiency and impact of existing remedies in the context of ESCR violations.

In relation to Article 2.3, our position is that, at minimum, alleged victims of violations of the core rights set forth in the Covenant that are “under the jurisdiction” of a State Party should be able to bring individual complaints under the OP-ICESCR.

4. In relation to Part III, we want to re-emphasise that in our view, the OP-ICESCR should enable the protection and redress to the victims of violations of any of the rights contained in the Covenant. In this regard, we support the view that when analysing and applying the Covenant to specific violations it is impossible to separate levels of state obligation.

5. In order to ensure that the Optional Protocol is an effective mechanism, with capacity to provide redress for violations of human rights articulated in Parts I, II and III of the Covenant, the following elements must be considered:

**Extensive protection to the alleged victims/claimants:** Taking into account that the majority of the victims of ESCR violations are already in a position of disadvantage and as such are many times, vulnerable to further abuse, the individual complaints mechanisms under the OP-ICESCR should ensure that alleged victims/claimants are not ill treated or intimidated as a consequence of seeking redress at the international level. For example: A situation in which an individual complaint is submitted by a small indigenous community, whose members, as a direct result of the complaint, have been threatened by the local police and now fear communal attacks might instigated against them.

**Interim measures:** Since the nature of many of the violations of ESCR is repetitive and continuous, it is important to consider the need for the explicit inclusion of interim measures aimed at avoiding irreparable harm to alleged victims/claimants. For example: if there is a complaint on behalf of patients in a mental health institution in which most are in a critical stage if malnourishment, the Committee should be able to recommend measures aimed at preventing patients from dying from hunger.

**Grave and/or systematic violations:** The Optional Protocol should enable the Committee to investigate violations of rights under the Covenant which are grave and/or systematic. For example: if the Committee receives information from Special Rapporteurs and other reliable sources alleging that in State x, a local company is polluting the water of a community in order to evict them.

**The “No Reservations” clause:** Given the “optional” nature of the Protocol, no reservations should be permitted to it, as not only will it reduce from the international legal standard set by the OP to CEDAW and other Optional Protocols, but also fragment the inter-relatedness of rights, which must be accepted in totality. Also, in practice, it is impossible to separate violations right-by-right for example, a violation of the right to health may also link to violations of other rights that relate to determinants of health such as the right to water, the right to food, freedom from violence, etc.

**Remedies:** The types of remedies that could be recommended by the Committee under the inquiry and communications procedures under the OP-ICESCR should be discussed at length.

This discussion is likely to enable the working group to develop a more clear position and understanding of the quasi-judicial nature of the procedures.

## **Annex 6**

### **Second Open-Ended Working Group to Consider Options Regarding the Elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights Geneva, Switzerland, 10-21 January 2005**

#### **Statement by IRAW Asia Pacific on 18 January 2005 Opting for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

IRAW Asia Pacific supports delegations and NGOs that have highlighted the importance and need to use the third working group meeting as an opportunity to consider specific proposals on elements and modalities of an OP-ICESCR. In our view, it is important for delegations and advocates to agree on the main principles that would guide discussions on the possible elaboration of an OP-ICESCR. Although some of the conceptual issues that have been discussed are important, it is time to consider ways to apply concepts to actual procedures that should be considered under an OP-ICESCR.

Our position is that, at this point, it is no longer constructive to discuss options that are not in line with the need to develop mechanisms for protection of victims of ESCR violations.

Since the Working Group will be considering options to be discussed and analysed at the next session, IRAW Asia Pacific, would like to put forward the following suggestions:

#### **1. “No OP-ICESCR” should not be considered as an Option to be discussed in the next session of this open-ended working group**

It is clear that only a minority of States share the view that “not having an OP-ICESCR” is an option that should be given due consideration at this stage. In this regard, no consensus on “no individual complaints mechanism” is likely to occur until States are able to analyse the modalities and elements of an OP-ICESCR. Thus, our position is that “No OP-ICESCR” is an option that should not be discussed in the forthcoming working group.

#### **Reasons IRAW Asia Pacific opposes the ‘No OP-ICESCR’ option:**

A “No OP-ICESCR” approach is a denial of the obligation to provide mechanisms to seek redress to victims of violations on behalf of the international community.

The elaboration of an Optional Protocol to the Covenant is the fulfillment of Global commitment that all human rights are universal, indivisible, interdependent and inter-related.

A “No OP-ICESCR” approach to discussions on options would in fact be a retraction from the present status on international human rights wherein the Convention on Elimination of All Forms of Discrimination against Women, a treaty that articulates a holistic bill of rights, providing for civil-political and economic, social and cultural rights, has an Optional Protocol.

A “No Options” approach would also perpetuates inequity between treaty-bodies and will impact on states abilities to ensure equal realisation of all human rights, on a equal status in domestic jurisdictions.

#### **2. The need to discuss elements and modalities of an OP-ICESCR in the next working Group**

The third meeting on the open-ended working group should aim to address and discuss the specific proposals on elements and modalities that have been brought forward by delegations, experts and NGOs in the past. The discussion on elements and modalities for an OP-ICESCR should use the comprehensive approach as a starting point: all rights, all obligations, as well as inquiry and communications procedures.

**A Complaints Mechanism to address violations of ESCR is needed:**

A complaints mechanism by enabling the participation of victims of violations of ESC rights in the process of ensuring redress and access to justice, would address a vital gap, wherein the right bearers are not included in the process of reviewing the realisation of ESC rights within national jurisdictions.

A complaints Mechanism would enable a review of realisation of the economic, social and cultural rights within domestic jurisdiction, from the perspective of the victims of violation of economic, social and cultural rights.

It would enable the state parties to take complete advantage of the expertise of the Committee to ensure a more effective and comprehensive redress for the specific violations of ESC rights, in a positive environment of constructive dialogue and enhance domestic implementation, by formulating specific recommendations to the state parties to enhance or correct the steps taken by the state to ensure the rights contained in the Covenant.

The complaints mechanism would trigger a more effective national adjudicative process of ESC rights, which would contribute to further clarification of the content of the ESC rights and greater jurisprudential development at the national and international levels.

**Why use the Comprehensive approach to elements and modalities of an OP-ICESCR as a starting point?**

A comprehensive approach is essential for an effective Optional Protocol, it addresses all rights and obligations under the Covenant, all elements contained in the OP-CEDAW as well a communications and an inquiry procedure. In our view, it ensures the holistic nature of the rights and the integrity of the Covenant.

A comprehensive approach is the only way to ensure that the victims of violations of ESC rights are able to access holistic redress, as all rights are interrelated and a violation of one cluster of rights is linked to violations of other rights.

The “a la carte” approach should be considered as a modality of the OP-ICESCR and not as a different option. IWRAW Asia Pacific does not support an “a la carte” approach because it would contribute to a divisive understanding of the human rights treaties and obligations within national jurisdictions.

A comprehensive approach would serve to bring about clarity on the interrelated and inter-dependent nature of rights and support a holistic realisation of ESC rights.

**3. The need to ground discussions around elements and modalities of an OP-ICESCR instead of considering new options for redress of violations of ESCR**

Although discussions such as improving the reporting process under the ICESCR and setting up a World Court for Human Rights violations are interesting, it is not constructive for the open ended working group to analyse them as options other than an OP-ICESCR. Many of these options can continue to be discussed in other spaces of dialogue and exchange within the UN. Our view is that, other options should be considered only if no consensus on elements and modalities of an individual complaints and investigation procedure under the OP-ICESCR is reached.