A decorative graphic consisting of several blue squares of varying shades, arranged in a grid-like pattern on the left side of the page.

Committed to the realisation of women's human rights  
through the pursuit of women's equality

# Annual Report 2006

International Women's Rights Action Watch Asia Pacific

**IWRAP**AsiaPacific

80-B Jalan Bangsar, 59200 Kuala Lumpur, Malaysia

Tel: (603) 2282 2255 Fax: (603) 2283 2552 E-mail: [iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)

Website: <http://www.iwraw-ap.org>



# **ANNUAL REPORT 2006**

## **IWRAW ASIA PACIFIC**



### **INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH – ASIA PACIFIC**

80 – B, Jalan Bangsar, 59200 Kuala Lumpur, MALAYSIA

Tel: (603) 2282 2255

Fax: (603) 2283 2552

E-mail: [iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org); [iwraw\\_ap@yahoo.com](mailto:iwraw_ap@yahoo.com)

Website: [www.iwraw-ap.org](http://www.iwraw-ap.org)

## **IN MEMORY OF RITA RAJ (1944-2006)**



Rita was a staunch supporter of women's rights and women's reproductive and sexual rights throughout her adult and professional life. She played a critical role in the establishment of IRAW Asia Pacific. When Shanthi Dairiam started the IRAW Asia Pacific programme in 1993, Rita arranged for ARROW to act as fiscal agent to enable IRAW Asia Pacific to receive grants, signing checks and contracts and even ensuring financial reporting was properly performed - in essence she enabled IRAW Asia Pacific to exist. When the organisation was registered in 1999, Rita became a founding director of IRAW Asia Pacific.

Rita's dedication and commitment to women's human rights saw her getting involved with various other women's groups, nationally and internationally. She was a founding director of the Asia and Pacific Research and Resource for Women (ARROW) in Malaysia and was a past president of Women's Aid Organisation. She was also associated with the National Population and Family Development Board of Malaysia, and the Gender and Development Programme of the Asian and Pacific Development Centre (GAD-APDC), the Boston Women's Health Collective, the World Health Organisation, and the United Nations Development Fund for Women.

Her pioneering work in the area of reproductive health with the Federation of Family Planning Associations, Malaysia, needs special mention. In the nineteen sixties she contributed to the setting up of the evaluation system for the Federation and through this process she helped set criteria for evaluating the quality of care in the family planning clinics of the Federation throughout Malaysia. This was an emerging field of work in Malaysia at that time in which the Federation played a leadership role. Rita invited nothing but the utmost respect from any one who knew her. She was a woman of great integrity, highly principled and courageous, very professional in any thing she took on and always reliable but never one for self promotion. As a friend she was generous, affectionate and kind and above all she never lost her sense of humour no matter what she was going through

Rita was a gentle, perceptive and strong supporter of IRAW Asia Pacific from even before it was registered as a legal entity and her passing is an immense loss to us. Despite leaving Malaysia in 1995 to live and work in the US, Rita cared deeply about IRAW Asia Pacific, continued to help us in very critical ways, and welcomed newcomers with warmth that will be remembered for long.

"We at IRAW Asia Pacific can never forget Rita. She is part of our history." –Shanthi Dairiam

# TABLE OF CONTENTS

<b>Acknowledgements</b>	<b>1</b>
<b>Executive Summary</b>	<b>2</b>
<b>Organisation Background</b>	<b>8</b>
Philosophy, Vision and Mission	8
Governance	10
Funders	11
<b>Programme Implementation 2006</b>	<b>12</b>
Introduction	12
<b>Strategy 1: Building Capacity for Change</b>	<b>13</b>
Overview	13
1.1 Building the Pool of Resource Persons	14
Regional Training of Trainers	14
1.2 Development of Training Materials	16
“Building Capacity for Change”:	
A Training Package on CEDAW	16
1.3 Trainings and Technical Assistance	17
Trainings	17
Cooperation and partnership with UNIFEM	
CEDAW South East Asia Programme	17
Application of CEDAW in Specific Contexts	20
Talks/Lectures/Workshops	22
Technical assistance in Legal Cases	25
<b>Strategy 2: Enhancing the realisation of Rights</b>	<b>27</b>
Background and Overview	27
2.1 National Advocacy	28
National Women’s Human Rights Implementation	
Strategies	28
South Asia Litigation Initiative Project	29
2.2 International Advocacy	31
Optional Protocol to CEDAW	31
Optional Protocol to CECSR	37
Strengthening Advocacy with regard to	
UN Treaty Reforms	41
Human Rights Council	
(previously, Commission on Human Rights)	41
Gender Architecture	44
Treaty Bodies	45
Special Rapporteurs	46

2.3 Linkages between National activism and International Advocacy: Using International Tools for National Accountability: The From Global to Local Programme	48
2.4 Other Advocacy	60
<b>Information Dissemination, Exchange and Application Strategies</b>	<b>63</b>
Website	64
Publications	67
Occasional Papers Series	67
Treaty Incorporation Research Project	68
Women's Human Rights Book Project	68
Uses of CEDAW Book Project	69
Dissemination of published materials	70
Listserve	71
Cedaw4change	71
Global2local	72
Requests for Information/Assistance	72
Library	73
Preparatory work on Expert Group Meetings	74
EGM on State Obligation	75
EGM on Strengthening of Rights	75
<b>Institutional Building</b>	<b>77</b>
Board of Directors	78
Strategic Planning Meeting	78
Fund Raising Efforts/Meeting with Donors	79
New Office	80
Staff Movements	80
Internship Programme	81
Promotional Materials	83
<b>Networking</b>	<b>84</b>
<b>Annexes</b>	<b>86</b>

## **ACKNOWLEDGEMENTS**

IWRAW Asia Pacific would like to express our deepest gratitude to all our supporters: our programme partners, our funders, national partners, resource persons and advisors, have been instrumental in making our work in the implementation of the CEDAW Convention a possibility.

We thank Ford Foundation, Delhi HIVOS, Netherlands NOVIB, Netherlands, Rockefeller Foundation, USA, United Nations Population Fund (UNFPA) and United Nations Development Fund for Women (UNIFEM), New York for their funding support in 2006 which enabled continuance of our current programmes and the development of new programmes and innovations in addressing women's human rights.

IWRAW Asia Pacific would also like to record our appreciation and thanks for the long term support shown by the Ministry of Foreign Affairs, Government of Netherlands, which has funded our work since 1995 up until 2005.

## **EXECUTIVE SUMMARY**

The programme in 2006 was deeply impacted by the developments in the international forum on the institution building front. The team at IRAW Asia Pacific was faced with the challenge of contributing to the development of mechanisms such as the Optional Protocol (OP) to ICESCR and to the work of UN reform. The implementation of strategies underwent some changes as per the need, and it is to the credit of the organisation that such changes were not only taken in stride, but managed effectively to enable a maximum impact. Capacity building focused on providing technical assistance to partners in a targeted manner for optimal usage, which enabled us to build in-depth understanding on issues, enabling a more dynamic participation in the international advocacy on UN reform, ensuring a regional and national ownership of the Optional Protocol (OP) to CEDAW. These two were effectively supported by, and in turn, contributed to the Information and Dissemination programme, to enable a wider outreach as well as ensure that our substantive learning was institutionalised. The following provides a snapshot view of 2006:

### **Building Capacity for Change**

The past focus on providing training for partners shifted towards providing targeted and thematic support. This was largely due to our own sense that our national partners had the capacity of identifying training needs, vis-à-vis the use of the Convention, as well as the fact that our partners know that they can count on us to fill any technical gap that needs addressing in relation to the human rights of women: whether in training or providing more technical assistance.

This process also turned us towards expanding our outreach in terms of partners as well as building a wider Resource Pool. IRAW Asia Pacific conducted a training of trainers, bringing in about 25 activists and trainers who had worked on human rights, to add to their knowledge and our resource pool. 2007 would provide more focus on following up the work, to ensure the weaving in of this new resource into our programmes.

This process also provided us with the opportunity to update our materials, to reflect the new developments as well as ensure that the conceptual structure of our training package reflected the political realities. This training also afforded the testing for the new ideas. We plan to build on this opportunity and publish the package by mid-2007.

Technical Assistance was provided to a range of activities, nationally, regionally and internationally, as well as to a range of partners as well as non-partner organisations. Despite the planning gaps-especially in terms of operational and ownership matters, IRAW Asia Pacific in the interest of the substantive content of human rights work, provided technical assistance to UNIFEM CEDAW SEAP national programmes. The assistance ranged from providing general training on CEDAW to more focused assistance in writing shadow reports.

IRAW Asia Pacific has been designated as the conduit for sending NGO shadow reports to the CEDAW Committee. This gives us the unique opportunity to provide support to national NGOs to enable effective articulation on their critical issues. This process intensified in 2006 as the CEDAW Committee decided to meet in two



chambers, for three sessions in a year, tripling the number of countries examined. The sheer quantum of work undertaken by the Committee inspired our team to ensure that our inputs did not wane, and each country received equal attention.

In 2006, IWRAW Asia Pacific also had the opportunity to contribute significantly to standard setting nationally and internationally. We worked with national human rights organisations in Malaysia to develop arguments for equality and non-discrimination for cases filed in national jurisdiction. This experience sharpened our research skills and will contribute to our international advocacy for change as well. We also provided resources to a workshop in Sri Lanka, organised to identify the rubric of a general recommendation on Women and Armed Conflict. The workshop also included a training segment, which looked at the usage of CEDAW in the context of armed conflict.

2006 was an active year for regional groups working on the OP to CEDAW. IWRAW Asia Pacific's lead in organising the International Consultation on the OP to CEDAW in 2005, was followed by a regional consultation in the Middle East North African (MENA) region in June and in South Asia in November. Both consultations received extensive technical support from the office, ranging from commenting on the concept note to developing an agenda. In November 2006, the Advisory Group of the Global Campaign on OP to CEDAW coincided its meeting with the South Asia Consultation, thereby enabling extensive resource in-put into the consultation.

One of the key outcomes of the South Asia Consultation was the validation of the South Asian Taskforce for Advancement of CEDAW, which was created by South Asian NGOs present at the Global Consultation in August 2005. This is a dynamic step towards regional institution building on women's human rights. This, in turn, lends further impetus and importance to the process initiated by IWRAW Asia Pacific in 2004 in South Asia to develop National Women's Human Rights resource centres. The idea has evolved nationally, in India, into a National CEDAW Taskforce, which will oversee a combined strategy to encompass various levels of activism, advocacy and content work. This is reflective of the national process in which various partners have contributed at various times and levels to gain from the CEDAW as a treaty and a framework of making claims on the basis of equality and non-discrimination.

## **Enhancing the Realisation of Rights**

IWRAW Asia Pacific has used advocacy as a central tool of its work. It has advocated organisations and governments to build stakeholder-ship in CEDAW, the Committee itself, to enable it to pick up critical issues, evolve norms and standards of women's human rights and the international forum as a whole to ensure integration of women's human rights. We have not only advocated directly but have also supported and facilitated advocacy by national organisations in the international forums, to build ownership of the gains made, which is the only possible way of ensuring the usage and continuous evolution of standards and rights.

From Global to Local has become well established as a flagship initiative of IWRAW Asia Pacific. The programme has come a long way since 1997, the year it was started, and is perhaps ready to evolve into a sharper tool of facilitating CEDAW compliance and implementation at the national level. To ensure the advancement of CEDAW nationally and the institutionalisation of gains on human rights of women

internationally, it is essential that the international women's human rights framework is absorbed into the work of NGOs and that NGOs are able to use the concluding comments strategically to further their claims.

Furthermore, since 2003, IRAW Asia Pacific has been tasked by the CEDAW Committee to serve as the official conduit through which NGO shadow/alternative reports are disseminated to the CEDAW Committee members. This designation has enabled a much wider outreach for us, while casting enormous responsibility in ensuring the Committee is ably supported in its dialogues with State parties. Also, the stepping up by the CEDAW of its work methods, (three session and two chambers) has meant a stepping up on our part, again mostly of the review process in New York.

While this process has been an excellent one in terms of the interface with the Committee itself, much work is still needed to ensure that the periodic review feeds into national activism and the international gains become a tool for furthering the realisation of human rights of women in the national contexts. In fact, even the pre-periodic review process needs much input to ensure it takes place through a shared process and in a mode that will have maximum impact nationally and internationally.

Therefore, IRAW Asia Pacific is proposing a recasting of the "From Global to Local" programme, to begin in 2008, that will enable a more holistic approach to alternative information collation and utilisation. This recasting is especially timely given the move of the CEDAW from New York to Geneva, as it will allow NGOs that participate in the programme to gain familiarity with other HR mechanisms as well. It is also made possible because the Division for Advancement of Women (DAW) is providing the schedule of reporting countries much farther in advance and we hope that OHCHR would be continuing to keep up this practice.

Beginning with the 2006 sessions, IRAW Asia Pacific institutionalised the newly recast "mentoring" programme —part of the new programme structure— which supports the participants throughout the country presentation. 2006 saw the programme facilitating the participation of NGOs from 31 countries which takes the toll of the total number of countries supported to 99.

In advocating for change, IRAW Asia Pacific is very aware of its accountability to national partners. Through the South Asian Litigation Initiative, it seeks to surface the gaps at the national level in the way equality and non-discrimination have been argued. This will feed into national advocacy strategies, especially in focusing on juridical processes in demanding accountability for equality and non-discrimination. The findings will feed into building capacity of lawyers to argue on equality and non-discrimination, which contribute to the process of optimal usage of OP to CEDAW.

IRAW Asia Pacific has been hosting the Global Campaign on OP to CEDAW since its adoption in 1999. It has supported the first regional consultation in Latin America and then Africa. It called for the International Consultation in 2005, which spurred many follow-up regional consultations, such as those in the Middle East-North Africa (MENA) and South Asia, which were not part of IRAW Asia Pacific's initiatives but were a direct result of IRAW Asia Pacific's advocacy on OP-CEDAW via the Global Campaign. Since its adoption, 84 countries have become parties to the OP to CEDAW, a significant number of which are in the developing world.

The Resource Guide prepared and published by IRAW Asia Pacific has proved to be an invaluable resource for regional and national partners in raising awareness on OP to CEDAW and advocating for its ratification. The CEDAW has already adjudicated on various cases. We will be initiating technical support to cases in 2007.

In 2003, IRAW Asia Pacific entered the discussion on the elaborations of options to an OP to ICESCR. In addition to the women's human rights perspective, we have taken the learning from the OP to CEDAW process. IRAW Asia Pacific is a member of the Steering Committee of NGO Coalition for an Optional Protocol to the ICESCR.

2006 proved a year of some celebration as the mandate of the UN Open Ended Working Group was extending for two years, with the direction to start drafting the OP. As the Open Ended Group started looking at specific and substantive issues like scope of rights, admissibility, standing etc, the civil society, in addition to intervening in the process to support expansion of the mechanism to ensure access for victims claiming violation, also responded by calling the Lisbon Civil Society Forum which led to an outcome document, the "Lisbon Recommendations". IRAW Asia Pacific was an integral part of these discussions.

IRAW Asia Pacific strongly believes in using universal standards for claiming human rights nationally. It is therefore critical that it participates in the processes that are to impact on human rights discourse and institutions. Currently the UN reform process is underway. The Commission on Human Rights has already been replaced by the Human Rights Council. There are many other processes underway such as the treaty bodies' reform process, the gender equality architecture, the status of the special rapporteurs as well as the Universal Periodic Review. Many different formulations are being proposed. NGOs have and are lobbying very hard to be included in this process. IRAW Asia Pacific is also part of the organisations, with the very clear perspective of supporting institutions and processes that ensure human rights of women, and not see it as mere add-on. As the process is extremely dynamic and critical, we are ensuring that it is reflected in our trainings, technical assistance as well as information we provide our national partners. The situation is continuously changing and we have to be extremely aware of the timing of interventions as well as work with the international networks to ensure women's human rights.

We are also providing feedback to the special rapporteurs to ensure the reflection of women's human rights in their work. This is done through statements that we make at the presentation of their report. In 2006 we were pleased to welcome the work of the Special Rapporteur on Housing, using the gender lens effectively.

## **Information Dissemination, Exchange and Application Strategy, (IDEAS)**

The Information Dissemination, Exchange and Application Strategy embodies the core of IRAW Asia Pacific's initiative, as the activities enable sharing of information, sustaining conceptual gains, and ensuring a wider participation of partners. The challenge in 2006 was the changeover in staff, and despite that, the programme continued to contribute to the creation of new knowledge and move forward on conceptual gains.

Our website has received much appreciation on providing excellent resources on human rights as well as linkages to relevant sites. In 2006, the OP to CEDAW section was translated into Spanish and uploaded, which expanded our outreach considerably. A new section of gender equality legislation was also added, as a result of requests for assistance in identifying such resources by the cedaw4change listserv. The latter also indicates our response to the identified support by partners. The online library catalogue has been completed and uploaded and we are also creating a reports section, which would feature current events in the rapidly changing and expanding world of human rights.

The Occasional Paper Series is an important platform for us to present critical thematic learning in relation to CEDAW in a format that enable understanding of such issues by non-legal practitioners of human rights. We were proud to present two papers in 2006, one on Temporary Special Measures (created initially to support the Committee in formulating the general recommendation on article 4) and the other on Nationality and Citizenship.

The IDEAS also supported the research on incorporation on international human rights standards in domestic law. The papers would provide guidance on usage of international law in domestic regimes to advance women's human rights. They will also provide input to the Expert Group Meeting on State Obligations, to be held in early 2007.

Under the Publications section, IWRAW Asia Pacific launched the "Women's Human Rights" Book project in 2005. The outcome is to be used by national advocates to demand policy and legislative change. 2006 saw the completion of 3 draft papers and 4 case studies. It is hoped that 2007 will see the completion of the pending papers and finalisation of drafts and by the end of 2007, the book will be published.

Recognising that all successful practitioners may not have the time or the inclination to write, and also the critical need for the sharing of the strategies used by them in making claims on the basis of CEDAW to advance human rights, IWRAW Asia Pacific, in partnership with Dr. Debra Liebowitz of the Drew University, has initiated an exciting book project, "Uses of CEDAW". A call toward surfacing examples of successful uses of CEDAW was circulated. A meeting of all the participants has been scheduled for end 2007, where their usage of the CEDAW will be documented, thus providing the practitioners with opportunity to assess their own work.

In addition to all the above, the IDEAS is constantly taking feedback from resource persons and training practises to update the training package. The "Building Capacity for Change" training package is to be published by mid-2007 and by the end of the year, another package on lawyers, which incorporates our various learning through research and engaging in national and international advocacy, will be brought out.

The Listservs managed by IWRAW Asia Pacific, (cedaw4change and global2local) are important platforms for exchange of ideas, as proved by the creation and addition of the gender equality law section. We also seek to provide safe space for discussion on building national and international strategies for demanding accountability, which allows the participants to learn from each other and contribute to building a strategy resource base for claiming rights.

As the report comes to you, IDEAS has already supported the Expert Group Meeting on State Obligations and will be gearing for the Expert Group on Strengthening of Rights.

This work has only been possible due to the coming together of the entire team, given that the programme was suspended due to lack of human resource in October 2006. We are set to reinvigorate the programme with the return of the very first programme officer that IWRAW Asia Pacific has had, and look forward to an intensive year ahead of us.

## **Institution Building**

The institution building process was taken forward as the programme of action for Phase IV - building upon our earlier work, was initiated. The strategic planning meeting, which brings together the staff and the Board of Directors to look at learning, new ideas and plans, was extremely effective in supporting the Phase IV planning.

It is again a credit to these institutional processes that even the high turn-over of the staff did not affect the programmes. This is in part due to the intensive and engaged role taken on both by the Board of Directors and the Advisory Committee, in supporting the organization with various activities including providing hands-on advice and support.

IWRAW AP's internship programme continued to provide a learning space for many young interns and the organisation in turn, gained from their input in various areas of our work.

A critical aspect of our work is fund raising, as often donors have to be convinced about the nature of our work. This is sometimes due to our being an international organization based in the South, focusing on women's human rights. However, we were successful in ensuring funds for most of our work, and have assurances for the upcoming phase as well.

## **Networking**

Through formal and informal networking, IWRAW Asia Pacific strives to connect with civil society groups and other institutions that impact on women's human rights; growing our pool of contacts and ensuring that we have a broad range of knowledge sources and to use these opportunities as a chance to showcase our work and promote the CEDAW Convention.

## ORGANISATION BACKGROUND

Having started functioning in 1993, IRAW Asia Pacific was incorporated in Malaysia in 1996 as an international not-for-profit, autonomous organization, to work towards the achievement of women's human rights. The organisation plays a critical role in filling the gap between the promise of women's human rights—as embodied in human rights treaties and mechanisms—and their actual realisation at the national level.

IRAW Asia Pacific's regional and international activities are not implemented as separate components but rather as a means that add value to local activism. In this way, it has attempted to address the “disconnect” that traditionally existed between those groups shaping the development of human rights monitoring at the international level and those grassroots organisations demanding accountability from their governments—a gap which in many ways trumped women's access to the means of claiming and realising their own rights. Based on IRAW Asia Pacific's experience, regional organisations in the global South are uniquely positioned to strengthen domestic activism and simultaneously contribute to the progressive interpretation of human rights at the international level.

Initially, IRAW Asia Pacific worked with 12 countries in South and South East Asia nationally and regionally. Over the years, through its international advocacy work, IRAW Asian Pacific has built capacity and added value to the advocacy initiatives of women's groups in around 112 countries throughout the world including the developing and the developed world.

### Philosophy, Vision and Mission

**Philosophy:** As a human rights organisation, IRAW Asia Pacific places women at the centre of its work. The crosscutting premise justifying its past, present and future areas of work is the need for the mobilisation of women's groups at all levels to draw accountability from their governments on the domestic application of human rights standards.

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:** IRAW 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.

## **The Conceptual Basis of the Programme**

The programme of IWRAW Asia Pacific is premised on the belief that discrimination is at the root of all forms of deprivation and that all rights are interrelated. The programme aims to enhance people's control over the processes through which they can articulate and claim opportunities and the building of their capacity for economic self-reliance, good health, well-being and freedom from abuse. This entails the elimination of discrimination in all fields both private and public. In other words it involves the promotion of fundamental freedoms and human rights.

IWRAW Asia Pacific has chosen to focus on the promotion of women's rights as women face an additional layer of discrimination as compared to men. As a strategy to achieve its aim of promoting the human rights of women, the organisation has chosen to facilitate the application of international human rights standards at the domestic level. This is done through facilitating the implementation of the CEDAW Convention and working with other treaties whereby discrimination against women can be eliminated in the private and public spheres through reform of laws and policies and by drawing accountability for the enforcement and implementation of such measures. IWRAW Asia Pacific sees this approach as addressing the conditions that contribute to women's deprivation while at the same time ensuring that the specificities of women's experiences inform the appropriate reform of law and policy measures.

***Mission:*** To achieve our vision, we adopt a human rights approach and focus on ensuring the inclusion of 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.

Currently, important changes are taking place in the external environment – The reform of the United Nations, shifts in funding policies, national partner organisations taking ownership of CEDAW implementation in their respective countries (to varying degrees), situations of conflict; religious/cultural fundamentalisms and globalisation of trade coming increasingly to the forefront and fundamentally affecting the claiming of women's rights etc. In responding to these changes, IWRAW Asia Pacific has been taking stock of its programmes and activities and has attempted to develop its own capacity to rise to these challenges. The overview of activities implemented in 2006 describes our attempts to do this.

## **Governance**

### **Board of Directors:**

- Ivy Josiah
- Maznah Mohamad
- Noor Farida Arrifin
- Rita Raj (passed away in November 2006)
- Shanthi Dairiam

### **Advisory Committee:**

- Andonia Piau-Lynch (Vanuatu)
- Andrew Byrnes (Australia)
- Kanjapat Korsieporn (Thailand)
- Miho Omi (Japan)
- Ruth Manorama (India)
- Sapana Pradhan Malla (Nepal)
- Savitri Goonesekere (Sri Lanka)
- Shireen Huq (Bangladesh)

### **Staff:**

#### **Full time staff:**

- Anuradha Rao (Executive Director)
- Yew Bee Yee (Deputy Executive Director)
- Janine Moussa (Programme Officer)
- Sarah Lou Arriola (Programme Officer, until February 2006)
- tan beng hui (Programme Officer, until April 2006)
- Rozana Isa (Programme Officer, until June 2006)
- Lee Wei San (Programme Officer, joined January 2006)
- Jana Rumminger (Programme Officer, joined June 2006)
- Selvi Palani (Programme Officer, joined July 2006)
- Azlini Abdul Ghani (Administration and Finance Officer)
- Liew Siew Yan (Administration and Finance Officer)
- Rosfaizai “Ezza” Che Ramli (Administrative Assistant)

#### **Part-time staff:**

- Chin Oy Sim (Librarian)
- Ezrena Marwan (webweaver).
- tan beng hui (editing, website & library work)

## **Management, Advisory Team and Resource Teams**

### **From Global to Local Project Management Team:**

- Alda Facio (Women, Gender and Justice Programme – ILANUD)
- Debra Liebowitz (Drew University)
- Lee Waldorf (UNIFEM New York)
- Luz Melo (UNFPA)
- Amal Hadi (New Woman Foundation, Egypt)
- Anuradha Rao (IWRAW Asia Pacific)



**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)
- Sapana Pradhan Malla (Nepal)
- Shanthi Dairiam (Malaysia).
- Thoko Matshe (Africa Representative) (Alternate)
- Sabin Shrestha (Asia Representative) (Alternate)

**OP-ICESCR Advisory Team:**

- Marlene Libardoni (Brazil)
- Maria Graterol (Australia)
- Sabin Shrestha (Nepal)
- Shanthi Dairiam (Malaysia).

**South Asia Litigation Initiative (SALI) Advisory Group:**

- Andrew Byrnes (Australia)
- Geeta Ramaseshan (India)
- Sapana Pradhan Malla (Nepal)
- Sara Hossain (Bangladesh)
- Savitri Goonesekere (Sri Lanka)
- Shanthi Dairiam (Malaysia)

**Capacity Building Resource Persons**

- Madhu Mehra
- Rea Chiongson
- Shanthi Dairiam
- Alda Facio
- Maria Herminia Graterol
- Amal Hadi
- Shireen Huq
- Debra Liebowitz
- Tashia Peterson
- Rozana Isa
- Sabin Shrestha

**Funders**

The following are donors who are currently supporting our activities for Phase IV of our work cycle (2006-2009):

- Ford Foundation, Delhi
- United Nations Population Fund (UNFPA)
- United Nations Development Fund for Women (UNIFEM), New York
- HIVOS, Netherlands
- NOVIB, Netherlands
- Rockefeller Foundation, USA

# PROGRAMME IMPLEMENTATION 2006

## Introduction

IWRAW Asia Pacific's mission is implemented through a strategic approach. At the core are two interrelated strategies:

- **Building capacity for change**

This first strategy develops new ways of building the capacity of organizations and institutions at national, regional and international levels for advocacy and reform. Specific activities include, training, sustaining a pool of resource persons, technical assistance and ensuring the availability of appropriate resource materials for capacity building. .

- **Enhancing the realisation of rights**

The second consolidates existing advocacy work and develops fresh approaches to advocacy. It includes facilitating and engaging in varied levels of national and international advocacy and focuses on using the Convention's understanding of discrimination to create fresh standards and jurisprudence at the national and international level and improvements in law and policy.

These two programme strategies are supported by two other functional strategies:

- **Information dissemination, exchange and application strategy** — This strategy comprises the generation, publication, dissemination and application of information, ideas and knowledge to enhance the application of human rights standards.
- **Institution building** — The activities that makes for institution building aims to sustain IWRAW Asia Pacific as a viable, effective and efficient institution .

# STRATEGY 1: BUILDING CAPACITY FOR CHANGE

## Background and Overview

IWRAW Asia Pacific finds itself in the unique position of being the only organisation dedicated to providing training on the principles and application of the CEDAW, adding value to the work of all organizations by bringing in the standards of equality and non discrimination. IWRAW Asia Pacific's capacity building programme has grown and developed over the years. While IWRAW Asia Pacific used to provide mostly "training" on CEDAW, the current capacity building design goes beyond training to various types of technical assistance provided to a range of audiences

In 2006, IWRAW Asia Pacific's capacity building activities focused on the following areas:

- Strengthening and deepening the IWRAW Asia Pacific pool of resource persons;
- Updating the training materials, including testing the updated "Building Capacity for Change", IWRAW Asia Pacific's training package on CEDAW;
- Technical assistance for the training initiatives of others and input into legal cases; and
- Beginning the process of re-establishing links with national partners in South and Southeast Asia and working with them on national women's rights implementation strategies.

IWRAW Asia Pacific conducted a number of trainings throughout the year. These trainings were either initiated by IWRAW Asia Pacific directly or were a product of a request for training initiated by our partner organisations. Our capacity building was also conducted through interventions in which we participated in the activities of other organizations. In 2006, IWRAW Asia Pacific conducted fifteen workshops, sessions and trainings, ranging from multi-day trainings to sessions within conferences or workshops.

A major training held in 2006 was a seven-day Asia Pacific Regional Training of Trainers on CEDAW that had the broad objective of expanding the pool of resource persons in the Asia Pacific region.

In conjunction with IWRAW Asia Pacific's aims to raise awareness on OP and to advance the campaign for ratification of this instrument, and given the increasing interest in OP to CEDAW, evidenced by the increasing ratifications and the demands by our national partners and other organisations for capacity building on usage and advantages of OP CEDAW, we incorporated an OP-CEDAW component in several ongoing training activities.

Training Statistics: Table 1					
Types of training	Basic CEDAW	Shadow report	Treaty body system	OP CEDAW	Contextual
Number	7	3	1	3	1 (Armed conflict)

Table 1 describes the types of trainings we conducted. Basic CEDAW is a generic category describing trainings which are capacity building (technical) sessions on CEDAW while the other categories refer to more specifically purposive trainings e.g. trainings held to facilitate writing of NGO shadow reports or to facilitate campaigns in advocating on the OP CEDAW.

<b>Training Statistics: Table 2</b>	
<b>Profile of Participants</b>	
Activists	220
Legal Profession	60
Government officials	30
Total	330

Table 2 describes the general profile of our participants trained on CEDAW and other related issues such as OP CEDAW and UN treaty body system

## 1.1. Building the Pool of Resource Persons

One of the focuses in 2006 was trying to define, deepen, strengthen, organise and manage the pool of resource persons. IWRAP Asia Pacific has over the years mobilised and developed a regional pool of resource persons from different parts of the Asia Pacific region to help conduct their capacity building activities. They have been trained by IWRAP Asia Pacific and are provided with training materials to conduct trainings.

Over the past few years IWRAP Asia Pacific concentrated on facilitating national level trainings of trainers in several Asian countries, to expand the resources for training at the national level. For the past two years, through its annual Updating of Concepts Meetings, IWRAP Asia Pacific has also provided a regular forum through which all IWRAP Asia Pacific resource persons are updated with new knowledge and developments in the field of human rights and for the transference of their experience and lessons learnt to one another to ensure continuous skills and knowledge building. The process of sustaining the resource persons has helped to maintain consistency and uniformity in the interpretation of concepts and substance of theory.

In 2006, IWRAP Asia Pacific started formalising and strengthening the pool of resource persons by more clearly specifying terms of reference for the resource persons; compiling, organising and categorising the list of people who have and can be involved in training and technical assistance projects; and holding its third *Regional Training of Trainers* to help broaden and deepen the resource pool.

### Activities

#### ■ *Regional Training of Trainers (RTOT)*

**10-16 December | IWRAP Asia Pacific Regional Training of Trainers, Asia Pacific Region. Bangkok, Thailand.**

IWRAP Asia Pacific conducted a seven-day Regional Training of Trainers on CEDAW at the Twin Towers Hotel in Bangkok, Thailand. The training was conducted through twenty four sessions. One of the intentions of the training was to

expand IWRAW Asia Pacific's pool of trainers to meet anticipated demands for its Building Capacity for Change Programme. Of course, this also means that they would be in a position to meet the training demands at the local and national levels.

In broad terms, the training strengthened the ability of participants to apply international human rights norms to promote equality and non discrimination in the domestic context. Participants' capacity was supported to:

- Create and raise awareness among women, women's NGOs, human rights activists and NGOs, governments and other bodies about:
  - The significance of the CEDAW Convention in promoting women's rights to equality;
  - The principles of substantive equality, non-discrimination and state obligation as provided for in the CEDAW Convention as providing the normative standards for the realisation of women's rights;
  - The need for women to claim, exercise and work to sustain their rights;
- Provide others with a conceptual understanding of the barriers to establishing women's rights as human rights;
- Understand the role of the law in promoting or hindering women's rights;
- Raise awareness of the significance of engaging in international advocacy to advance women's rights and to create an understanding of UN mechanisms and processes and entry points for women's activism.
- Use and teach others to use the CEDAW Convention to identify sites of discrimination and use the Convention and other international human rights standards to reform discriminatory aspects of laws, legal systems, policies and practices, with the goal of developing a holistic rights-based approach to women's development.

In terms of content and process, because the training aimed at deepening the understanding and conceptual facility of the participants on CEDAW, thus these training included modules which dealt with subject matter such as topics focusing on the concept of gender as a social construct, the role of law, rights as a tool for change, the underlying principles of CEDAW and its substantive articles, the UN human rights system and its mechanisms and also modules that focused on practical application and skills-building in using the Convention. These were followed by skilling sessions, process sessions and simulation exercises where participants had a chance to discuss how to conduct trainings to unravel the complexities of different concepts and to practice leading training sessions themselves (mock sessions). Through these sessions, participants gained an understanding of the social construction of gender and the systemic nature of discrimination the law and its potential to empower women; the international human rights system, including its monitoring frameworks, treaties and treaty bodies, reporting processes and special procedures; the theoretical framework behind the CEDAW Convention and its basic principles – the positive obligations of the state to fulfil women's right to equality, and procedures; and how the Convention can be applied in the local context through a rights-based approach.

The training was attended by twenty-four participants from Australia, Bangladesh, China, Fiji, India, Malaysia, Maldives, Nepal, Pakistan, Philippines and Sri Lanka, as well as the programme staff of IWRAW Asia Pacific. Shanthi Dairiam (Malaysia), Maria Herminia Graterol (Venezuela and Australia) and Shireen Huq (Bangladesh) served as resource persons for the training.

There was an extensive selection process involving all four programme officers and Shanthi Dairiam. IRAW Asia Pacific received more than 100 applications for the 20-25 slots. In the end participants were selected based on their experience and solid grounding in gender and human rights; training experience and institutional base in the Asia Pacific region that works on women's rights and has a training agenda or plans to introduce a training agenda on CEDAW and interest in conducting trainings on CEDAW in the region for IRAW Asia Pacific and national level organisations. Our future plans will need to take into account the demand for this level of training on CEDAW.

One of the major challenges in organising the training was the administrative arrangements. IRAW Asia Pacific originally planned for the training to be held in Kalutara, Sri Lanka, with Sri Lankan NGO Women & Media Collective as the local partner in charge of local administrative arrangements. After the venue and accommodation were booked, there was a sharp deterioration in the security situation in Sri Lanka, and the office decided to move the training to Bangkok about 6 weeks before the event. Kanjapat Korsieporn, a new IRAW Asia Pacific Advisory Committee member, agreed to help with local administrative and logistical arrangements despite the last-minute nature of the change in venue.

## **1.2. Development of Training Materials**

In this new phase of IRAW Asia Pacific's work, there is a renewed emphasis on the development of training materials on CEDAW – both generally and from a legal perspective. IRAW Asia Pacific's materials on CEDAW have always been one of its strengths, as they have been carefully developed more than 10 years in consultation with women and women's groups who actively use CEDAW in their advocacy and capacity building work.

### **“Building Capacity for Change” : A Training Package on CEDAW**

In 2006, the work on the development of training materials focused on updating the “Building Capacity for Change”, IRAW Asia Pacific's currently used training package on CEDAW. The “Building Capacity for Change”, training materials, which were used for the Regional Training of Trainers was updated by Shanthi Dairiam and copy editing was done by Angela Kuga Thas. Through this effort the format of the materials was standardised. New and timely material on the ongoing UN reforms at the Human Rights Council and treaty bodies levels, changes to the CEDAW reporting process, additional information on the Optional Protocol to CEDAW, etc. were also added. In addition, the office compiled a Supplementary Reading Materials folder with additional articles and information about the topics in the Training Package.

## 1.3 Trainings and Technical Assistance

### Background and Overview

IWRAW Asia Pacific provides assistance in the form of trainings, resource persons, ideas, materials, etc. upon request. Generally, after receiving a request, IWRAW Asia Pacific will work with the requesting organisation to plan and carry out the training or provide the necessary assistance. IWRAW Asia Pacific usually arranges for resource persons from the pool of resource persons, helps plan the objectives and agenda, and compiles the training materials and any supplementary materials necessary for the event. The requesting organisation is responsible for raising funds, planning the logistics and implementing the event.

### Trainings

#### ▪ **Collaboration and partnership: UNIFEM CEDAW South East Asia Programme**

The UNIFEM CEDAW South East Asia Programme is a project funded by the Canadian International Development Agency (CIDA) to strengthen capacity for CEDAW implementation in 7 countries in Southeast Asia (Cambodia, Indonesia, Lao PDR, Philippines, Thailand, Timor-Leste and Viet Nam). Since 2001, IWRAW Asia Pacific has been discussing this programme with UNIFEM and negotiating a role as an implementing partner in the capacity building aspects of the programme.

As a result of a discussion with UNIFEM South East Asia in July 2006, IWRAW Asia Pacific agreed tentatively to carry out specified projects for the UNIFEM South East Asia 2006 and 2007.

- Two trainings in Timor-Leste (National Training of Trainers, basic CEDAW training for Ombuds Office)
- Technical assistance in Vietnam on Shadow Report writing
- Any technical assistance necessary for regional OP-CEDAW activities

A number of decisions were also made regarding administrative and operational procedures, including that the two organisations would meet again in early 2007 to plan 2007 activities.

#### ***Activities under the UNIFEM CEDAW SEAP***

#### ▪ ***Trainings on Shadow Report Writing***

**25-28 May | Training on Writing a Shadow Report on CEDAW Implementation. Hanoi, Vietnam**

This training was organised by IWRAW Asia Pacific and the Gender and Community Development Network (GenComNet) and funded by the UNIFEM CEDAW South East Asia Programme and the Swiss Embassy in Vietnam.

This training helped to:

- Equip NGOs in Vietnam with the skills to write a CEDAW Shadow Report
- Build the capacity of NGOs in Vietnam in relation to the significance, scope, content and uses of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Create a pool of resource persons on CEDAW, including in promoting and facilitating the writing of an NGO report; and
- Build their capacity to utilise the CEDAW framework in their work, including advocacy, services, development projects and other programmes.

The 25 participants comprised heads and staff of NGOs who are interested in writing the shadow report, a few of whom attended an earlier Vietnam training on CEDAW in October 2005 that was organised by the Centre for the Empowerment, Protection and Education of Women (CEPEW) and IRAW Asia Pacific. The resource persons were Rea Chiongson (IRAW Asia Pacific), Vuong Thi Hanh (GenComNet and CEPEW), Le Thi Quy (Research Center for Gender and Development) and Vu Thu Hong (UNIFEM CEDAW SEAP).

During the training, the participants discussed and decided upon the key areas and assignments for writing the Shadow Report. The issues that they decided to include in the Shadow Report were:

- Violence against Women (Articles 3(1), 5(a), 6; General Recommendation 19)
- Women's participation in politics (Articles 5(a), 7; General Recommendation 23)
- Women in Education (Articles 10, 14(d))
- Women and Health (Articles 5(b), 10(h), 12, 14(2)(b), 16(1)(e); General Recommendation 24)
- Female labour in the Informal Economic Sector (Articles 11, 13, 14)
- Rural Women (Articles 5(a), 14)
- Women in the family (Articles 2, 5(b), 11(2)(c), 16, and General Recommendation 21)

For each issue, the group identified a coordinator who is responsible for developing a draft on the issue. A Steering Committee was also identified to oversee the compilation and editing of the report and ensure it stays on schedule. The goal of the group was to try to engage as many NGOs as possible. The group discussed the time frame for finalising the report, based on the fact that Vietnam was reporting in January 2007. The introduction from the final Shadow Report, which covers the major issues listed above, is attached as an annex to this report. (Annex 1)

## **20-22 November | Indonesia Shadow Report Training, Jakarta, Indonesia**

In collaboration with the UNIFEM CEDAW South East Asia Programme (SEAP), IRAW Asia Pacific conducted a 3-day CEDAW Shadow Report training from 20-22 November 2006 in Jakarta, Indonesia.

Indonesia is scheduled to report to the CEDAW Committee in July 2007. This training provided the NGOs with a basic grounding in the principles of CEDAW and the reporting process, including how NGOs can participate in the process. Participants were trained on understanding the significance, scope, content and uses of CEDAW, compiling a List of Critical Issues for the CEDAW Committee's pre-session meeting



in February 2007, writing an NGO report to be submitted to the CEDAW Committee for the 39th Session in August 2007; and thus their capacities were built as potential resource persons on CEDAW, especially in terms of promoting and facilitating the NGO Shadow Report.

IWRAW Asia Pacific handled all substantive aspects of the programme, while the UNIFEM CEDAW SEAP funded the training and took care of administrative matters. Rozana Isa and Tashia Peterson of Malaysia conducted the training on behalf of IWRAW Asia Pacific.

The participants, 22 NGO representatives from Jakarta and Aceh, went through an intensive 3-day training on the CEDAW Convention comprising three parts: (i) key features and basic principles of CEDAW, (ii) mechanisms and procedures under CEDAW which included the role of the CEDAW Committee, the reporting process, specific interventions that NGOs can carry out within the CEDAW reporting process as well as pre/ post CEDAW review, and (iii) planning and writing the NGO shadow report. The final part was conducted in the form of a writing workshop utilising IWRAW Asia Pacific's guidelines on how to write a shadow/alternative report. For this process, participants were divided into seven groups to focus on different issues that would arise in the report.

The groups were divided as follows:

- Group 1: Articles 1 – 5, 15 (Laws and Policies)
- Group 2: Article 6 (Trafficking), Natural Disasters and Armed Conflict
- Group 3: Articles 7, 8 (Women in Political and Public Life)
- Group 4: Articles 11, 13 (Women's Right to Employment)
- Group 5: Articles 5b, 12 (Reproductive Health)
- Group 6: Articles 9, 16 (Citizenship and Marriage)
- Group 7: Articles 10, 14 (Education and Women in Rural Areas)

The seven groups started their preparations for the report writing on the second day of the training. On Day 3, the seven groups spent most of the day presenting the issues and ideas that they had developed. The coalition plans to expand on these issues and ideas for the list of critical issues due to the Committee for the pre-session meeting in February 2007 and for the comprehensive shadow report they will submit before the 39th CEDAW Session in July, when Indonesia will be reviewed by the Committee.

The List of Critical Issues that the Indonesian NGOs submitted for the pre-session meeting in February 2007 is attached as an annex to this report. (Annex 2)

#### ▪ ***National Training of Trainers***

August – November	Preparations & coordination of Timor-Leste National Training of Trainers, UNIFEM CEDAW SEAP (Planned but not conducted)
-------------------	---

In November 2006, IWRAW Asia Pacific, in collaboration with the Timor-Leste Office of the UNIFEM CEDAW South East Asia Programme), planned to conduct a National Training of Trainers on CEDAW for participants from non-governmental organisations in Timor-Leste. This training was designed to serve as a refresher

course to the training conducted by IRAW Asia Pacific in August 2005, strengthening participants' knowledge of CEDAW concepts and materials and emphasising training skills and methodologies. This training however was not carried out because of the uncertain security situation in Dili, Timor-Leste just prior to the training. It will hopefully be held as originally planned sometime in the first half of 2007.

## ▪ Application of CEDAW in Specific Contexts

### 5-6 December | Training on CEDAW in the Context of Armed Conflict

IRAW Asia Pacific, in collaboration with the Sri Lankan NGO Women & Media Collective, organised a two-day training on CEDAW in the context of armed conflict. Shanthi Dairiam served as the Resource Person for both the training and the one-day consultation that followed (see below).

During the training, women from local NGOs who will write a Sri Lankan NGO CEDAW Shadow Report came together to discuss the use of the CEDAW Convention in advancing the human rights of women and explore how to incorporate the issues relating to the conflict into the Shadow Report.

The training increased participants' understanding of the significance and use of the CEDAW framework in advancing the human rights of women. It explored how the CEDAW framework can be applied to the issue of women and armed conflict in Sri Lanka and highlight the gendered impact of conflict including determining how the issue should be addressed taking into consideration previous Concluding Comment by the Committee on the issue, understand the elements of state obligation in relation to women and armed conflict and discussed in detail how to structure their NGO CEDAW Shadow/Alternative Report to make it more effective as a lobby document and an information-based report.

During the training, the group talked about how the Convention can be applied to the issue and how they can incorporate the issue into their CEDAW Shadow/Alternative Report. First, Shanthi provided some background on the Convention to ensure that all of the participants were familiar with the framework and principles of the Convention. Next, they moved into the issue of women in armed conflict. They categorised rights and violations of those rights that occur during armed conflict into three categories:

- Various forms of violence women experience (at the hands of the armed forces, non-state actors, through intra-familial violence and their inability to raise the violence as an issue);
- Socio-economic forms of deprivations (such as displacement/lack of shelter, food, health care, disruption of livelihood activities);
- Civil and political rights (lack of decision-making power in terms of marriage partner or domicile; requirement that they conform to a certain group identity (which affects Muslims, Tamils, Sinhalese and lack of decision making in peace processes).

After outlining these rights/violations, the participants used IRAW Asia Pacific's monitoring framework and examined indicators or evidence of disparity and disadvantage, contributory factors, the effects on women from exacerbating violations

of rights, state obligation to address the factors, current state intervention and recommendations for advocacy. They spent some time reporting back, but did not have enough time to fully discuss their findings. At the end of the two days, the groups planned their shadow report writing process, deciding what issues and elements to address and putting groups together to focus on these issues.

## **7 December | Consultation on a Proposed General Recommendation on Women & Armed Conflict, Sri Lanka**

Immediately following the two-day training on CEDAW in the context of armed conflict, IWRAW Asia Pacific and Women & Media Collective collaborated on a one-day consultation on a proposed General Recommendation on women and armed conflict. Shanthi Dairiam again served as resource person.

In the consultation, participants looked at the significance of CEDAW General Recommendations and the CEDAW Committee's process of drafting them, brainstormed elements that might be included in a General Recommendation on women and armed conflict, and strategised around how to encourage the Committee to draft and adopt such a General Recommendation.

The participants' were given training in understanding the significance of General Recommendations, specifically with regard to the concept of state obligation, and how a General Recommendation on women and armed conflict could be used for advocacy in Sri Lanka. They also learnt about the process of drafting General Recommendations and how NGOs can initiate and contribute to the process, how to generate a list of issues / elements that should be included in a General Recommendation on women and armed conflict. The training also imparted ideas on how to lobby the CEDAW Committee on the need to draft a General Recommendation on gender and armed conflict and develop a plan to contribute information from the Sri Lankan experience to the General Recommendation drafting process. This was the impetus for establishment of a group of experts to work with the CEDAW Committee on proposing and drafting a General Recommendation on women and armed conflict.

During the consultation, the small group of participants first discussed what a General Recommendation is and the process by which it is drafted and adopted by the CEDAW Committee. They discussed the role of civil society in this process, what they can contribute to the process and a realistic look at how long the process takes. Shanthi also gave an update on the current General Recommendations that are being drafted and discussed by the Committee. During the afternoon, they brainstormed on what they would like to see in a General Recommendation on women and armed conflict – not just in the context of Sri Lanka – using a framework that accounted for various overlapping phases of conflict: (1) pre-conflict, when there is a building of tension; (2) during the conflict itself; (3) during the peace process and peace-building efforts; and (4) during the reconstruction phase.

## Talks/Lectures/Workshops

### **27 January | CEDAW Training for Law Faculty, University of Malaya, Kuala Lumpur**

At the request of the University of Malaya, on 27<sup>th</sup> January two IWRAW Asia Pacific programme officers delivered a lecture to the students of the law faculty. The objective of the lecture was to convey to the students basic principles of international law, with particular emphasis on the CEDAW Convention and its three principles of equality, non-discrimination and state obligation. The lecture lasted two hours, and consisted of a presentation, case studies and a question and answer period. Approximately 20 law students attended and exhibited much interest in the subject. Rozana Isa and Sarah Arriola, programme officers of IWRAW Asia Pacific, gave the lecture on behalf of IWRAW Asia Pacific.

### **16 August | Training for government officials from Non-Aligned Movement (NAM) countries on *International Instruments, Norms and Standards and the CEDAW Convention* at a two week Gender and Development course, Ministry of Women, Family & Community Development, Kuala Lumpur**

IWRAW Asia Pacific conducted a session for government officials from the Non-Aligned Movement (NAM) countries on “International Instruments, Norms and Standards and the CEDAW Convention” as part of a two-week Gender and Development Course organised by the Malaysian Ministry of Women, Family and Community Development that helped launch the Malaysia-based NAM Institute for the Empowerment of Women (NIEW).

The objective of the session conducted by IWRAW Asia Pacific was to give participants an overview of international law in general and on the CEDAW Convention in particular, including its uses and applicability. It was intended that at the end of the session, participants should have gained a better understanding of international human rights law as a source of standards that give rise to various obligations of the State. More specifically, the participants were given an explanation of the three principles of the CEDAW Convention (substantive equality, non-discrimination and State obligation) so that they may apply these principles in their work in their own countries. The training was attended by eighteen participants from fifteen different NAM countries, with IWRAW Asia Pacific programme officers Janine Moussa and Selvi Palani were resource persons for the session.

### **August 18-20 | Workshop on Using International and Constitutional Norms and Mechanism to Advance Women’s Reproductive Right. Organised by Forum for Women, Law and Development (FWLD), Kathmandu, Nepal and the Center for Reproductive Rights (CRR). New York, USA.**

The workshop aimed to facilitate the participants’ understanding on reproductive rights, at the national, regional and international levels. It also aimed to identify strategies for filing public interest litigations on such rights. Eighteen participants, mostly lawyers from NGOs, the National Human Rights Commission and academics attended the Workshop.

IWRAW Asia Pacific participated in the workshop in relation to its South Asia Litigation Initiative (SALI). Selvi Palani on behalf of IWRAW Asia Pacific attended the workshop and made a presentation on Optional Protocol to CEDAW and SALI.

**28-30 August | International Conference on Mechanisms & Legislation to Promote and Protect Gender Equality, Women's Centre for Change, Kuala Lumpur**

On 28-30 August 2006, the international conference on “Mechanisms and Legislation to Promote and Protect Gender Equality” was held in Kuala Lumpur, Malaysia. This conference was organised by Malaysia's Women's Centre for Change (WCC) Penang and the Women Living under Muslim Laws Network (WLUML), in collaboration with the Human Rights Programme at Harvard University. IWRAW Asia Pacific provided technical assistance in the form of compilation of materials on gender equality legislation and identification of potential speakers for the event.

The purpose of this conference was to bring together international experts on gender equality legislation and mechanisms; to share their experiences and expertise on gender equality legislation and mechanisms from different countries, to exchange different implementation methodologies and strategies for advocating for gender equality and to discuss the impact of gender equality legislation and mechanisms on women. A Gender Equality Bill for Malaysia, drafted by Malaysian women's rights activists, was also presented at the conference for discussion and feedback. This bill was examined at length by the participants.

Anuradha Rao, Executive Director of IWRAW Asia Pacific, made a presentation on the domestic application of the CEDAW Convention, taking examples from around the world. Selvi Palani, Janine Moussa and Jana Rumminger also attended as participants, and Jana facilitated one of the “break out” sessions of the conference in which Malaysian NGOs discussed issues of “process” regarding the draft Malaysia Gender Equality Bill (e.g. what are the next steps; who will be included; what is the timeline, etc.).

This conference gave the IWRAW Asia Pacific staff exposure to high level and sometimes quite technical discussions on gender equality law mechanisms, drafting and reform. It provided the staff with an up close and in-depth look at gender equality mechanisms and how to draft and advocate for a gender equality law and strengthening of gender mechanisms at the local level (in this case, Malaysia). In addition, it gave IWRAW Asia Pacific the opportunity to compile pieces of information from book chapters, articles, emails, etc., about the domestic application of CEDAW, which was an excellent precursor to the upcoming IWRAW Asia Pacific expert group meeting on state obligation to be held in February 2007. A number of potential technical assistance projects were identified as a follow up to the conference.

**17 September | Discussion on “CEDAW and its Applicability”, All Women's Action Society, Kuala Lumpur**

IWRAW Asia Pacific was invited by All Women's Action Society (AWAM) to conduct an afternoon discussion on CEDAW and its applicability to a group of young Malaysian women writers under its Writers for Women's Rights Programme

(WWRP). 10 participants from the WWRP attended the discussion. Janine Moussa and Lee Wei San from IWRAW Asia Pacific and Vizla Kumaresan from Women's Aid Organisation conducted the discussion. The objective of the activity was for the group of young women writers to learn about international law in general and CEDAW in particular and its applicability in Malaysia. A second objective was to educate the women on the principles of CEDAW so that it may better inform their local work.

The talk was divided into three parts:

- I. Introductory Quiz on CEDAW – Lee Wei San
- II. International Law & the CEDAW Convention – Janine Moussa
- III. Malaysia and the CEDAW Review – Vizla Kumaresan

In this session there was a mix of theory (on international law and concepts of the CEDAW Convention) and practical (discussion on the Malaysian experience at CEDAW reporting process). Members of the group can use the information they learned in the workshop for writing letters to the editor and other advocacy documents. In addition, the group developed a follow-up action plan immediately after the talk that includes developing a children's book on CEDAW in Malay.

**21 September | Towards Full Implementation of CEDAW, seminar following up on Malaysia's participation in "From Global to Local" & 35<sup>th</sup> CEDAW session, National Council of Women's Organisation (NCWO), Women's Aid Organisation (WAO), Kuala Lumpur**

The National Council of Women's Organisations and Women's Aid Organisation organised a day-long seminar to share with other Malaysian NGOs the experiences of NGO representatives who attended the 35th CEDAW session in New York, where Malaysia presented its initial and second reports, and to discuss follow up activities. The seminar disseminated the CEDAW Concluding Comments to a larger Malaysian civil society audience and shared with the women's NGO community what happened in New York from the NGO participants' perspectives.

The outcome of this seminar was the preparation of a memorandum that will be presented to the Ministry of Women, Family and Community Development (MWFCD) to facilitate the full implementation of the recommendations contained in the Concluding Comments, discussion of an eventual strategy on how to monitor the government's implementation of CEDAW, to remove the reservations Malaysia has placed on CEDAW and to begin thinking about preparations for the second Shadow Report.

At this seminar, Janine Moussa, programme officer of IWRAW Asia Pacific, gave a brief overview of the Optional Protocol to CEDAW to help the NGOs think about a campaign for ratification of the OP.

**27 September | National Workshop on International Human Rights Law and United Nations Systems, Suara Rakyat Malaysia (SUARAM) and the Asia Forum for Human Rights & Development (Forum Asia): Kuala Lumpur**

Suara Rakyat Malaysia (SUARAM) and the Asia Forum for Human Rights and Development (Forum Asia) organised a 3-day National Training on International Human Rights Laws and UN Systems from 26-28 September 2006. The training brought together representatives of Malaysian civil society organisations from various fields, such as students, indigenous peoples (including from Sabah and Sarawak), environmental activists, human rights, women's rights, children's rights, education, housing, etc. The objectives of the training were to give participants a basic understanding of international human rights law and to strategise on the role Malaysian activists can play in the Human Rights Council, UN Special Procedures, ASEAN human rights mechanism, and specific campaigns such as ratification of international human rights treaties, drafting a shadow report for the Convention on the Rights of the Child, and engaging with Special Rapporteurs on various issues.

IWRAW Asia Pacific, represented by Jana Rumminger, conducted a workshop session on "Introduction to the UN Treaty Body System". This workshop gave an overview of international human rights treaties and treaty bodies, provided details from the Malaysian experience reporting to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in May 2006 as part of its obligations under CEDAW, and suggested entry points for NGOs and activists in working with treaties and using treaties in their national activism and advocacy campaigns.

## **Technical Assistance involving legal cases**

### **June |                   Application of international human rights law in the Lina Joy case, Kuala Lumpur, Malaysia**

Lina Joy is a Malaysian citizen who was born a Muslim but came to believe in the Christian faith in 1990. She then chose to be baptized a Christian on 11 May 1998. The National Registration Department refused to register her change in faith by deleting "Islam" on her national identity card. Because of Malaysia's dual court system<sup>1</sup> and Malaysian laws on conversion and marriage that apply only to Muslims, Lina Joy is stuck between the secular and Syariah courts, cannot truly profess and practise her chosen faith, cannot solemnise or register a marriage with a non-Muslim in Malaysia, and thus is unable to bear a legally recognised child in Malaysia.

Programme officers Janine Moussa and Jana Rumminger assisted the Joint Action Group for Gender Equality (JAG), a coalition of Malaysian women's organisations, in preparing arguments related to CEDAW and other international human rights instruments for JAG's watching brief submission to the Federal Court.

The brief prepared is attached as an annex to this report (Annex 3)

### **July |                   Application of CEDAW & Convention on the Rights of the Child (CRC in the Shamala Sathiyaseelan case, Kuala Lumpur, Malaysia**

---

<sup>1</sup> Malaysia's constitution establishes a dual track legal system where Muslims are bound by Shari'a law for issues such as marriage, property and death, while members of other faiths follow civil law. This case appears to highlight the inherent difficulties and the gray areas of a pluralistic legal system which is often argued to be parallel and equal.

Shamala and her husband are Malaysians who were married in 1998 in accordance with Hindu rites<sup>2</sup>. He converted to Islam in November 2002 and then converted their two young sons to Islam without Shamala's knowledge or consent. Shamala subsequently obtained an interim order from the High Court for custody of the children. Her husband, however, applied to the Syariah Court and obtained a Hadanah (custody) Order. Shamala applied to the High Court for a declaration that the conversion of her two children to Islam by her husband was null and void. In April 2004, however, the High Court judge dismissed her application, acknowledging that the Syariah Court has no jurisdiction to hear her case since she is not a Muslim, but holding that the Syariah Court is the qualified forum to determine the status of the children. In July 2004, the High Court granted both parents joint legal custody of the children and awarded Shamala actual (day-to-day) custody, but with a caveat that Shamala would lose custody if she influences their religious (Islamic) beliefs by, for example, teaching them to eat pork or practise the Hindu faith.

IWRAW Asia Pacific programme officers Janine Moussa and Jana Rumminger assisted the Joint Action Group for Gender Equality (JAG), a coalition of Malaysian women's organisations, in preparing arguments related to CEDAW and the Convention on the Rights of the Child for JAG's watching brief submission to the Court of Appeal. The substantive arguments were not used in its entirety in the brief submitted by JAG but are annexed in full here. (Annex 4)

---

<sup>2</sup> The marriage was a legally valid Hindu (non-Muslim) marriage registered under the secular Law Reform (Marriage and Divorce) Act of 1976.



## **STRATEGY 2: Enhancing the realization of Rights**

### **Background and overview**

IWRAW Asia Pacific's advocacy programme includes both national and international advocacy for the promotion of women's human rights. The programme is based on the conviction that international advocacy must be impacted by and respond to national issues and activism. Equally, national activism and advocacy must gain from and contribute to international processes, such as in shaping of international norms and standards. In addition to demanding and ensuring realization of human rights in the people's lives, advocacy must also put in place processes that institutionalize normative standards of human rights and the methods through which they are to be realized.

In 2006, the international advocacy drew more of our attention, especially given that the UN was undergoing major changes. The three changes that we chose to focus on were the evolution of the Commission on Human Rights to the Human Rights Council, the Treaty Body Reform, and the initiation of drafting of the Optional Protocol to the ICESCR. While we did not directly engage with the Gender Architecture, we contributed and supported the advocacy by our sister organizations such as Centre for Women's Global Leadership, Women, Environment and Development Organization and others. We also continued our support to regional initiatives on OP to CEDAW and working towards optimal ratification and usage.

In terms of national advocacy, IWRAW AP provided technical support to national initiatives primarily in South and Southeast Asia on developing CEDAW implementation and monitoring strategies. IWRAW AP also further developed an initiative, known as the "South Asian Litigation Initiative" that will link national activism to usage of international mechanism to realize human rights for women.

Together through these national and international strategies, IWRAW Asia Pacific contributed to the advancement and empowerment of women in a manner which ensures that progress once achieved can not only be sustained but further improved. In addition to demanding and ensuring realization of human rights in the people's lives, advocacy must also put in place processes that institutionalize normative standards of human rights and the methods through which they are to be realized.

In addition to these, the advocacy based strategy also includes our flagship programme called "From Global to Local", which operationalised the links between national activism and international advocacy and is premised on using international tools (CEDAW) for securing national accountability.

Finally, IWRAW Asia Pacific has also participated and contributed to advocacy initiatives of our partner organisations and other civil society groups: these interventions are listed in the section titled "Other advocacy". Our main goal in these activities has been to generate awareness of CEDAW and CEDAW processes.

## Strategy 2.1 National Advocacy

### *Background and Overview*

IWRAW AP's work to support national advocacy is rooted in its earlier key project "Facilitating the Fulfillment of State Obligations to CEDAW" which had been implemented in South Asia and Southeast Asia from 1997 and 1998, respectively. This was a critical initiative as it was the first time IWRAW Asia Pacific developed a framework and methodology for monitoring and evaluating the implementation of CEDAW and trained national groups to understand and use this framework in their analysis of state action. The purposive aspects of this framework were to assist NGOs to develop better quality information (for submission of shadow reporting to CEDAW) through development of baseline reports on priority issues and to aid in their local level strategies and lobbying as the framework was designed to aid in conceptual analysis of contexts and obstacles to the achievement of equality for women. The continual impact of this programme on our work is seen through our continued collaboration with our national partners.

One of the major outcomes of this programme have been Asia Pacific consultation on specific themes that were initially issues analysed in the baseline reports anticipated by the project. These regional consultations held from 2003-2005 aided in creating knowledge on themes like violence against women and political participation while sustaining regional advocacy in the use and iteration of rights through the lens of CEDAW.

In 2004 and subsequent to this effort and as a follow up, IWRAW Asia Pacific collaborated with the same group of national programme partners in South Asia and started an initiative called Strengthening National Strategies for Implementing Women's Human Rights in South Asia. The aim of this initiative was to institutionalise the work done around CEDAW at the national level and to provide national programme partners with guidance on consolidating and creating cohesion with regard to national level advocacy and strengthening their international advocacy on the basis of their national advocacy. In 2006, programme partners in India followed through by setting up a structure and process and developing a national strategy for advocacy on women's rights.

In addition, through the South Asia Litigation Initiative (SALI) we aim to explore public interest litigation in national courts as an advocacy tool to strengthen women's human rights. This pilot project has been initiated in five countries in South Asia (India, Nepal, Pakistan, Bangladesh and Sri Lanka). The objective of IWRAW Asia Pacific's participation was to identify individuals and organisations, which could do comprehensive research on both women's human rights and on equality and discrimination.

### ▪ **Women's Human Rights Implementation Strategies (An advocacy planning project)**

#### *Background*

The main aim of this programme is to serve as advocacy planning for IWRAW Asia Pacific to better understand, serve and connect with the goals, work and strategies of

our national partners in South Asia and South East Asia. This programme<sup>3</sup> began in 2004 as the next phase of the Facilitating Project and will likely become the core of IWRAW Asia Pacific's capacity building work, feeding into our work in building the capacity of national partners to better use the CEDAW Convention in their work.

Beginning in South Asia, in 2004, IWRAW Asia Pacific held an inaugural consultation in Nepal with its core South Asian partner organisations from Nepal, Sri Lanka, Pakistan and India to discuss consolidating women's human rights advocacy and capacity building strategies at the national level. After the 2004 meeting in Nepal, NGO representatives from India held a follow up meeting called "The Facilitating Project and Beyond: Revisiting Strategies for the Promotion of Women's Human Rights", which was held from 27-28 May 2005 in Bangalore, India. During this meeting, 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 and coordinate their efforts through a CEDAW implementation task force.

## **Activity**

**28-29 September | India National Strategy on CEDAW Meeting, New Delhi, India**

A follow-up meeting of the CEDAW task force organised by the Association for Advocacy and Legal Initiatives (AALI) was held in September 2006 in New Delhi, India. At this meeting participants identified gaps in these efforts and priorities and opportunities at the local, national regional and international levels. Using this discussion as a guide, the group formulated a comprehensive women's human rights implementation plan for India that includes strategies and structures with defined roles and responsibilities and coordination and accountability procedures. They closed the meeting with a brief discussion of the India draft Shadow Report, which was to be submitted to IWRAW Asia Pacific by November 2006 for review at the 37th CEDAW Session in January 2007<sup>4</sup>. Shanthi Dairiam attended as an advisor

This meeting was not organised by IWRAW Asia Pacific, but is reported on as an example of the expansion of actions initiated by IWRAW Asia Pacific.

## **▪ South Asia Litigation Initiative (SALI)**

### ***Background & Overview:***

IWRAW Asia Pacific through the South Asia Litigation Initiative (SALI) intends to focus on litigation in addressing discrimination faced by women to bring about changes in women's human rights. The SALI straddles both capacity building and advocacy in its function and strategic focus, and feeds into several strands of our existing work.

---

<sup>3</sup> This programme was originally named "National Resource Centres" and covered under the IDEAS programme in previous reports.

<sup>4</sup> A team of 14 NGO representatives plan to attend the CEDAW Session and IWRAW Asia Pacific "From Global to Local" programme in New York to present the report and lobby Committee members on critical issues.

The project looks at how equality and non-discrimination are being judicially interpreted in the region, with aims to surface the gaps and positive practices in enforcing women's rights via the legal system. Knowing the jurisprudence around CEDAW will give us a better idea of what capacities of lawyers and legal activists need to be built and what skills and knowledge already exists upon which we can frame advocacy and capacity building initiatives.

Additionally, this project is also connected to our focus on OP CEDAW: two out of five countries in this region have ratified the optional protocol and SALI could potentially surface the test cases to be brought to the CEDAW Committee under the OP.

This is a pilot programme in five countries in South Asia (India, Sri Lanka, Pakistan, Bangladesh and Nepal). The project is divided into three phases: research and preparation, expert group meeting and implementation of strategy.

### **Implementation in 2006**

In 2006, The South Asia Litigation Initiative initiated its first phase of work: research and preparation. Independent researchers in each of the five countries are working to identify judgments of the Supreme Court/High Court where the plea of discrimination was raised and argued substantially before the courts. Most researchers have been identified through our national partners and has facilitated in establishing links with national processes. The research phase will end in 2007 and the findings from this research will be shared at an expert group meeting scheduled in 2007.

## **Strategy 2.2 International Advocacy**

Our work in international advocacy is aimed at operationalising our aim of linking national activism to the international advocacy. The international component comprises activities involving the old Commission on Human Rights; the new Human Rights Council; the Committee on Economic, Social and Cultural Rights, the Optional Protocol to CEDAW and the reforms happening around the UN mechanisms.

IWRAW Asia Pacific participated in these efforts to monitor and coordinate interventions in the reform process to ensure these reforms take women's perspectives into account. IWRAW Asia Pacific continues to be one of the few NGOs from the South that brings forth women's voices from this part of the world to global processes of this nature.

### **Campaign for the Ratification and Use of the Optional Protocol to CEDAW (OP-CEDAW)**

#### ***Overview & Background***

IWRAW Asia Pacific played a key role in the creation of the Optional Protocol to CEDAW. IWRAW Asia Pacific, along with other NGO delegates, was present throughout, lobbied governments and actively contributed to the drafting and elaboration of an optional protocol to CEDAW. In December 1999, the OP-CEDAW was finally adopted and opened for signature, ratification and accession.

#### ***The Global Campaign on the Ratification and Use of the OP-CEDAW***

In an obvious next step, in June 2000, IWRAW Asia Pacific launched a global campaign for the ratification and use of the OP-CEDAW called "Our Rights Are Not Optional!". The Campaign was launched to foster the creation of an international network aimed at supporting and strengthening the work of NGOs and women's work globally, around the twin goals of increased ratification and use of the OP-CEDAW.

The main objectives of the Global Campaign are:

- Creating a global network of women's groups that mobilise in favour of domestic implementation of the standards contained in the CEDAW Convention and other major human rights treaties.
- Building capacity for women lawyers, women's organizations and human rights advocates on the normative and procedural content of CEDAW, the OP and other international human rights instruments
- Strengthening a knowledge base on the Optional Protocol to CEDAW to support legal initiatives and advocacy efforts at the national, regional and international level
- Undertaking advocacy and establishing partnerships around standard setting on international human rights standards. The campaign may undertake international advocacy initiatives.
- 

Some of the main activities of the Global Campaign to date have been participation in the debates and discussions leading up to the creation of an OP-CEDAW; launching

of a Global Campaign on the Ratification and Use of the OP-CEDAW; facilitation and convening of global, regional and national conferences on the OP-CEDAW; and publication of a Resource Guide on the OP-CEDAW.

#### *Administration of the Global Campaign on OP-CEDAW*

IWRAW Asia Pacific is the secretariat of the Global Campaign and an international group of advisors, known as the ‘Advisory Group’, was created to give direction to this project. The Advisory Group comprises of five regional representatives, three independent experts, the Executive Director of IWRAW Asia Pacific and is coordinated by IWRAW Asia Pacific’s international advocacy programme officer. In 2006, the Advisory Group consisted of:

- The regional representatives: Barbara Limnowska (Europe); Sapana Pradhan Malla (Asia); Kafui Adjamagbo-Johnson (Africa); Marlene Libardoni (Americas); and Amal Hadi (Middle East and North Africa)
- The Independent Experts: Shanthi Dairiam (Malaysia); Alda Facio (Costa Rica); and Donna Sullivan (USA).
- IWRAW Asia Pacific: Anuradha Rao (Executive Director); and Janine Moussa (coordinator and programme officer in charge)

#### **Implementation in 2006**

2006 was a very active year for the Global Campaign on the Ratification and Use of the OP-CEDAW. Among other things, IWRAW Asia Pacific provided support and technical assistance to the seven regional OP-CEDAW campaigns which had been formed at the Global Consultation on the OP-CEDAW organised by IWRAW Asia Pacific and which took place in Kuala Lumpur, Malaysia the prior year (August 2005). This technical assistance was in the form of supporting regional consultations and/or providing information and sharing best practices across regions through our regular email updates and in response to requests for information. We also continued to widely disseminate the IWRAW Asia Pacific “Our Rights Are Not Optional” OP-CEDAW Resource Guide, which received rave reviews for its practical, informative and easy-to-use information. Also in 2006 we finished the translation of the OP-CEDAW section of our website into Spanish and uploaded this Spanish version onto our website, for all to use, in September.

More detailed descriptions of these activities including outputs, results and beneficiaries are included in the narrative below.

#### **11 June | MENA regional consultation and follow up on OP-CEDAW Campaign, Rabat, Morocco**

A regional conference for the Middle East and North African (MENA) region on the ratification of the OP-CEDAW and the removing of reservations was held in Rabat, Morocco from 9-11 of June 2006. This conference brought together activists and women’s rights leaders from around the region, including distinguished CEDAW Committee members. The Moroccan Prime Minister and Justice Minister were also special guests at the opening session. At the opening of the Session, the Minister of Justice announced that Morocco had lifted a number of reservations on International Women’s Day 2006, changed several of its reservations into declarations and is

considering ratifying the Optional Protocol. This was not a consultation organised by IWRAW Asia Pacific but was a direct outcome of the Global Consultation on OP-CEDAW which IWRAW Asia Pacific held in 2005.

The objectives of this conference were to:

- Launch a regional process to ratify the OP-CEDAW and remove existing reservations;
- Identify strategies to implement the CEDAW and encourage full equality between men and women in the region; and
- Promote common national and regional strategies.

Amal Hadi represented IWRAW Asia Pacific and gave a presentation on IWRAW Asia Pacific's experience in lobbying for the ratification of the OP-CEDAW. Janine Moussa provided technical assistance in terms of helping with the programme, speakers and materials. Overall, the conference was a huge success and the next one is already being planned.

#### **14-16 November | South Asia OP-CEDAW regional consultation, Male, Maldives**

The South Asian Consultation on the Optional Protocol to CEDAW (OP-CEDAW), organised by the Association for Advocacy and Legal Initiatives for the South Asia Regional Task Force on the OP, was held on 14-16 November in the Maldives. As mentioned before, this was not a consultation organised by IWRAW Asia Pacific but was a direct outcome of the Global Consultation on OP-CEDAW which IWRAW Asia Pacific held in 2005.

The main objective of the consultation was to discuss ways to enhance the ratification and use of the OP-CEDAW in South Asia. The more specific objectives were to raise awareness on the OP-CEDAW; to build skills on its usage and application locally and regionally; to widen the network on human rights activists working with CEDAW as a framework for the realisation of women's human rights; and to identify and formulate both country and regional strategies to increase demand for ratification of the OP-CEDAW.

Over 30 participants were present from seven South Asian countries. Countries represented were: Afghanistan, Bangladesh, India, Maldives, Nepal, Pakistan, and Sri Lanka. Also present was Shanthi Dairiam, a member of the CEDAW Committee, Eleanor Solo of the United Nations Division for the Advancement of Women, and other international experts on the OP-CEDAW.

IWRAW Asia Pacific provided extensive technical assistance to AALI in the preparation of its consultation, assisting AALI in its preparation of its concept note and programme; identification of participants; selection of resource persons; and in selection of materials. Janine Moussa, programme officer on the Global Campaign for the Ratification and Use of the OP-CEDAW, attended the consultation on behalf of IWRAW Asia Pacific. The OP-CEDAW Campaign Advisory Group meeting was held in conjunction with the South Asia consultation, so the members of the Advisory Group participated in the consultation.

### **13 &-17 November | Fifth Advisory Group meeting, Male, Maldives**

The fifth Advisory Group meeting was held in Male, Maldives on the 13<sup>th</sup> and the 17<sup>th</sup> of November. The meeting was held immediately prior to and immediately following the South Asian regional optional protocol consultation, organised by Association for Advocacy and Legal Initiatives (AALI), which also took place in Male from the 14-16 November.

The first day of the Advisory Group meeting was dedicated to finalising the agenda for the South Asian consultation. The second day of the Advisory Group meeting was dedicated to discussions around the Global Campaign on the Ratification and Use of the OP-CEDAW. At this full day meeting, the Advisory Group members reported back on their latest OP-CEDAW related activities; discussed challenges faced by the Global Campaign and possible solutions; and concluded with the creation of a work plan for Global Campaign activities for the year 2007. It was decided that the main focus of the Global Campaign for 2007 was the production and translation of resources, and continued provision of technical assistance and expertise to the regional optional protocol campaigns.

Present at the fifth Advisory Group meeting was:

- Shanthi Dairiam (Advisory Group, Independent)
- Alda Facio (Advisory Group, Independent)
- Marlene Libardoni (Advisory Group, Americas Representative)
- Barbara Limanowska (Advisory Group, Europe Representative)
- Thoko Matshe (Advisory Group, Africa Representative) (Alternate)
- Sabin Shrestha (Advisory Group, Asia Representative) (Alternate)
- Janine Moussa (Advisory Group, Secretariat)
- Niti Saxena (Executive Director, AALI) (Day one, only)

Absent, with apologies was:

- Donna Sullivan (Advisory Group, Independent Expert)
- Amal Hadi, (Advisory Group, MENA Representative)
- Sapana Prama Malla, (Advisory Group, Asia Representative)
- Kafui Adjamagbo-Johnson, (Advisory Group, Africa Representative)

### **Ongoing | Trainings on OP-CEDAW**

IWRAW Asia Pacific conducts a number of trainings throughout the year. These trainings are either initiated by IWRAW Asia Pacific directly or are a product of a request for training initiated by our partner organisations. In 2006, IWRAW Asia Pacific conducted fourteen workshops and trainings, ranging from multi-day trainings to a thirty minute talk given at a day-long seminar following Malaysian NGOs' participation at the 35<sup>th</sup> CEDAW session.

The topics of each training or talk vary, and depend on the needs of those receiving the training. No matter the topic, we try and ensure that each of our trainings have at minimum a component on the OP-CEDAW. Increasingly we are seeing more and more requests specifically on the OP-CEDAW. One of the trainings in 2006 was specifically on the OP-CEDAW; and two requests from Turkey and East Timor (which have yet to manifest).



## **Ongoing | Response to Requests for Information on OP-CEDAW**

IWRAW Asia Pacific receives and responds to request for information throughout the year. The requests for information can be broadly separated into the following categories: (1) CEDAW related information (about 40 requests/year) and (2) Request for General information (about 50 requests / year).

In addition to these requests for information, we also regularly provide information in the course of implementing programmes, such as when NGOs participating in our “From Global to Local” programme ask for information about the Committee members or NGO meeting with the Committee, for example, during our routine correspondence.

Of the total 90 requests for information received in 2006, about 10 directly asked about the OP-CEDAW within their request and approximately 30 others indirectly requested information regarding the OP-CEDAW<sup>5</sup>. These requests were ‘indirect’ in that the original question may not have specifically mentioned the OP-CEDAW, but it became relevant for the response. For example, if a request comes in for CEDAW-related materials, we inform them not only of our CEDAW material generally but also about the OP-CEDAW Resource Guide.

Responses to requests for information – the output – vary from request to request. These responses can take the form of forwarding already existing material on the requested subject matter; referring them to other experts on the matter; referring them to other material and links on the subject; or researching and providing a response ourselves where the processed response is not already pre-existing. An example of the latter is when we received a request on the status of the OP-CEDAW ratification in Nepal. For this we had to contact our country partners, do some research on the process of ratification in Nepal, and provide the response to the requester.

## **Ongoing | Update and Upgrade OP-CEDAW section of IWRAW Asia Pacific Website**

Throughout the year, we update the information on our website, including information related to the OP-CEDAW. In 2006 approximately 24 updates to the website were conducted, of which about 12 included updates related to OP-CEDAW information in particular (e.g. new ratifications, regional consultations, etc). A major upgrade to our website also took place in 2006, when we uploaded a Spanish translation to our OP-CEDAW section of our website for the first time.

There were a total number of 708,560 hits on our website in 2006 with 31,528 comprising unique visitors<sup>6</sup>. According to our tracking system, these hits came from over 130 countries worldwide. Although there is no way of tracking which visitors visited the OP-CEDAW section of our website in particular, interestingly after we

---

<sup>5</sup> Although the exact number of requests in 2005 is not available, it is believed that this represents an increase in number of OP-CEDAW related requests from the year before. More specific tracking has since been picked up by IWRAW Asia Pacific which we expect will allow us to look at the progress, more specifically, in next year’s annual report.

<sup>6</sup> Our tracking system only came into effect in use in October 2005, it is therefore impossible for us to compare the precise increase number of hits from 2005 to 2006. Nonetheless a breakdown of number of hits per month in 2006 indicates that the number of hits and visitors to the website is steadily increasing over time.

uploaded our Spanish section of the OP-CEDAW section the average number of hits per month increased from around 2,340 to an average of 3,201 per month (an increase of just under 1,000 per month!). Since no other major upgrade occurred during this time, these numbers indicate that the increase is directly related to the uploading of the Spanish translation onto our website.

### **Ongoing | Production of OP-CEDAW Related Materials (year round)**

In 2006 various new materials on the OP-CEDAW were created and disseminated to our programme partners.

OP-CEDAW related materials produced in 2006 were:

- Regular updates to our programme partners on the latest and most recent OP-CEDAW related developments (e.g. latest ratifications and regional OP-CEDAW consultations). There were four OP-CEDAW specific updates sent in 2006, which is an increase of four from the previous year (when no specific OP-CEDAW related updates were sent out). These updates were disseminated to all of our programme partners.
- A fact sheet on the OP-CEDAW, which is a very brief summary on the most relevant OP-CEDAW information (e.g. about the two procedures, number of ratifications etc). There is only one fact sheet on the OP-CEDAW and it was updated about 4 times in 2006. This is also a complete increase from the year before, where no such fact sheet was used. These fact sheets were regularly incorporated into and distributed at our trainings and seminars throughout the year.
- Promotional Material: In 2006 we also updated and re-printed our OP-CEDAW brochure. The original pamphlet was printed in July 2005 and 1,000 copies were printed. Then we reprinted another 1,000 copies in October 2006 once the first batch had been fully disseminated.

In addition to the above, we also updated information on the website. A fair amount of time was also spent on conceptualising and deciding what new materials should be produced in 2007. At the annual Advisory Group meeting in November 2006, the Advisory Group decided that three briefing papers would be produced in 2007: (1) exhaustion of domestic remedies, (2) admissibility requirements of the OP-CEDAW, and (3) comparative analysis of OP-CEDAW complaints and inquiry procedure cases to date. These three briefing papers are currently underway, with authors identified, contracts signed and deadlines set.

### **Ongoing | Dissemination of OP-CEDAW Information and Material**

In 2006, IRAW Asia Pacific continued to prioritise dissemination of material and information to our programme partners. Materials disseminated included:

- IRAW Asia Pacific Occasional Paper Series
- IRAW Asia Pacific Resource Guide on the OP-CEDAW<sup>7</sup>

---

<sup>7</sup> 1000 copies of the IRAW Asia Pacific OP-CEDAW Resource Guide were printed in August 2005, and 600 of those copies had been distributed by December 2006. It is estimated that in 2006 alone about 300 Resource Guides had been distributed. Note however that an electronic version of this Resource Guide is available online and so the exact number of individuals who have accessed this guide is difficult to determine.

- IWRAW Asia Pacific pamphlet on the Global Campaign on the Ratification and Use of the OP-CEDAW.
- General updates and fact sheets on latest and relevant happenings

Materials were distributed to our range of programme partners and friends, the vast majority of whom consist of women activists, lawyers and academics. Specifically, the core group partners consist of:

- IWRAW Asia Pacific Advisory Committee (8 individuals)
- IWRAW Asia Pacific Board of Directors (4 individuals)
- South Asia core programme partners (13 individuals)
- South East Asia core partners (15 individuals)
- Participants from our past Global Consultation on OP-CEDAW (101 individuals)
- IWRAW Asia Pacific cedaw4change listserv (845 individuals)

(Note: Some of these individuals are found in more than one category above.)

This mass dissemination generally occurred electronically, sending an electronic copy via email. However paper copies were distributed at the more targeted trainings and seminars attended by and organised by IWRAW Asia Pacific throughout the year.

The number of indirect beneficiaries of these materials is vast. Each of our programme partners is connected to his or her own network of individuals, where we can reasonably expect our material will continue to be disseminated widely. For example, we just heard from our Advisory Committee Member from Vanuatu that she has donated our IWRAW Asia Pacific publications in the local university and that the students are always telling her how much they value our publications.

### **Ongoing | Translation of OP-CEDAW Materials**

In 2006 the main translation of OP-CEDAW material that occurred was the translation of the OP-CEDAW section of our website, which was later uploaded in September of that year. In 2006 we also decided to commission the translation of the OP-CEDAW Resource Guide into Spanish, contacted a translator, and came to an agreement that this translation would occur in 2007. This translation is already underway and expected to be completed by mid-2007. Finally, in 2006, we also learned from our programme partners that the OP-CEDAW Resource Guide is currently being translated into Nepali and Japanese. The publications are forthcoming.

## **Advocacy for an Optional Protocol to ICESCR (OP-ICESCR)**

### **Background and Overview**

IWRAW Asia Pacific is part of a campaign for the adoption of an Optional Protocol to the ICESCR (OP-ICESCR). This optional protocol will create a procedure that allows individuals to bring forward individual complaints regarding violations of the rights contained on the International Covenant on Economic, Social and Cultural Rights.

IWRAW Asia Pacific decided to get involved with the campaign for an OP-ICESCR for several reasons. We felt it was necessary to bring women's perspectives into the ICESCR. Furthermore, IWRAW Asia Pacific was also keen on sharing our vast experience with the global campaign for an OP-CEDAW with the campaign for an OP-ICESCR. In addition, our programme partners in Asia had begun to express interest in working closely with NGOs specialising on economic, social and cultural rights in order to develop a better understanding on how to use CEDAW to promote these rights. Our involvement in the campaign really began to pick up in 2003 when the question of the OP-ICESCR started to gain momentum and an open-ended working group (OEWG) to discuss options for the elaboration of an OP-ICESCR was established by the UN Commission on Human Rights.

Around this same time, joint efforts with other NGOs resulted in the establishment of the NGO Coalition for an OP-ICESCR. The Coalition is a strategic alliance between NGOs and interested individuals working for the adoption of a communications procedure and an inquiries procedure to the ICESCR. The primary functions of the Coalition are facilitating communication between supporters of an OP-ICESCR; increasing the capacity of individuals and NGOs to lobby governments for an OP-ICESCR; and coordinating lobbying strategies prior to, during, and post UN. The Coalition is formally guided by a Steering Committee, of which IWRAW Asia Pacific is a member. The other members of the Steering Committee are: FIAN (Germany), COHRE (Switzerland), ICJ (Switzerland), Amnesty International (UK), ESCRnet (USA), Plataforma (Colombia), and the individuals Bruce Porter (Canada) and Magdalena Sepulveda (Chile).

IWRAW Asia Pacific is also guided by a team of advisors, known as our "OP-ICESCR Advocacy Team", with whom we have been working on these issues over the last several years. The Advocacy Team helps shape our stands/interventions, and represents us at international forums such as the UN open-ended working group meetings. Members of this Advocacy Team are: Maria Graterol, Tulika Srivastava, Sabin Shrestha and Marlene Libardoni.

The main objective of our involvement in the campaign is the adoption of an Optional Protocol which will grant women redress against violations of economic, social and cultural rights. We try and accomplish this through awareness raising; lobbying of governments and oral interventions at the open-ended working group meetings; and organising of side events and civil society forums on the topic.

### **Implementation in 2006**

2006 was a momentous year for the campaign for an Optional Protocol to the ICESCR. Most notably, in a victory for all those who have been working on the campaign, the mandate of the UN open-ended working group on the OP-ICESCR was extended for two more years, and it was given a mandate to begin drafting the Optional Protocol. Also the civil society was able to build on this momentum and organise a civil society forum to discuss inputs into this draft. More on all of these activities below:

## Activities

### **6 – 17 February| 3<sup>rd</sup> Session of the Open-ended working group to consider options regarding an OP to the ICESCR, Geneva, Switzerland**

From February 6 to 17, 2006 the Open-ended working group (hereafter the OEWG) met for the third time to discuss options regarding the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

Unlike the first two OEWG sessions, the third session was very focused and looked at issues such as the scope of rights to be subject to an OP-ICESCR, standing, admissibility criteria, international cooperation or interim measures. Two other issues were subject of intense discussions, i.e. the one of resource allocation and how the UN Committee on Economic, Social and Cultural Rights (CESCR) would deal with this question, as well as the one of international cooperation. Concerns were expressed by some States that the decision of the Committee on these issues would interfere with the internal affairs of the States, such as policy making decisions. Despite these concerns, the meeting concluded with most States supporting the renewal and change of the OEWG mandate to draft a comprehensive OP-ICESCR.

The Steering Committee of the NGO Coalition for an OP-ICESCR – of which IWRAW Asia Pacific is a member – was present at this meeting. Its members attended the Open-Ended Working Group sessions; presented statements<sup>8</sup>; and organised side meetings throughout this time. The interventions called for a renewal and change of mandate of the OEWG to a drafting mandate; and argued that any future OP must be comprehensive in scope (i.e. able to enforce all rights contained within the ICESCR). IWRAW Asia Pacific contributed to these statements and the content of the side events, even though it was unable to be present at the meeting due to last minute illness of the programme officer in charge thus no representative from IWRAW Asia Pacific was actually present at the Open-Ended Working Group.

### **19 – 30 June| First Session of the Human Rights Council, Geneva Switzerland<sup>9</sup>**

The first session of the Human Rights Council<sup>10</sup> (HRC) was extremely significant for advocates working towards an Optional Protocol to the ICESCR (OP-ICESCR). It was at this inaugural session that the HRC passed a resolution both extending and changing the mandate of the open-ended working group (OEWG) on an OP-ICESCR to begin drafting an Optional Protocol! Although some States continued to express concerns over issues such as international cooperation and resource allocation, overall most States were in favour of beginning the drafting process. The chair of the working group, Portugal, was designated to begin drafting and will be presenting this draft at the next OEWG in 2007.

---

<sup>8</sup> See **Annex 7** for full text of IWRAW Asia Pacific's statement by the NGO Coalition for an Optional Protocol to the ICESCR

<sup>9</sup> For more in this see section on Human Rights Council on p.p. 45

<sup>10</sup> The Human Rights Council replaced the Commission on Human Rights.

The Steering Committee for an NGO Coalition for an OP-ICESCR was present, and effectively lobbied governments and made oral interventions<sup>11</sup> in support of the renewal of the mandate of the working group. IWRAW Asia Pacific was represented by Anuradha Rao, executive director IWRAW Asia Pacific and Janine Moussa, programme officer IWRAW Asia Pacific.

**12 – 13 October|      Lisbon Civil Society Forum on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Lisbon, Portugal**

A two day civil society forum on the Optional Protocol to the Covenant on Economic, Social and Cultural Rights (OP-ICESCR) was held in Lisbon, Portugal on 12-13 October 2006. This meeting was co-organised by the International Centre on Economic, Social and Cultural Rights (CIDESC) and the Steering Committee of the NGO Coalition for an OP-ICESCR.

In light of the recent developments at the first HRC session whereby the UN Open-ended working group (OEWG) on the OP-ICESCR was given a mandate to begin *drafting* an Optional Protocol, members of civil society felt it was imperative to meet and refine our stand on key issues related to the drafting of an OP-ICESCR (e.g. standing, admissibility, proceedings on the merits).

Objectives of the forum were:

- To further discuss and solidify civil society's stand on certain important and contentious issues related to the OP-ICESCR (e.g. issues of standing, international cooperation),
- To develop draft language on these issues where possible and deemed strategically wise.
- To publish the outcome of these discussions in a public document that will be circulated to government delegations and to the Chair (Portugal) before the next OEWG meeting in April 2007.

Resource Persons were<sup>12</sup>:

- Scope of Rights – Bruce Porter, Social Rights Advocacy Centre
- Admissibility & Articulation with Regional Mechanisms – Suad Elias, ESCRnet
- Standing – Christian Courtis, International Commission of Jurists
- Merits & Interim Measures – Ian Seiderman, Amnesty International
- Views & Recommendations – Nathalie Milevaz, COHRE
- Follow-up to Decisions and recommendations – Areli Sandoval, Equipo Pueblo
- Conclusions – Micheal Windfur, FIAN

Discussions were fruitful and consensus was reached on most key issues pertaining to an OP-ICESCR. Many of these stands were in fact similar to previous stands taken by the NGO community – e.g. need for a comprehensive Optional Protocol – but were

---

<sup>11</sup> See **Annex 8** for a full text of joint statement by the NGO Coalition for an Optional Protocol to the ICESCR to the Human Rights Council

<sup>12</sup> Almost all the resource persons for the forum were members of the Steering Committee of the NGO Coalition for an OP-ICESCR.

simply laid out in more detail at the Forum. The outcomes of these discussions are contained in the “Lisbon Recommendations” which can be found in IRAW Asia Pacific’s ([www.irow-ap.org](http://www.irow-ap.org)) and the NGO Coalition’s ([www.opicescr-coalition.org](http://www.opicescr-coalition.org)) websites.

About 30 participants from around the world were present, from academia and civil society alike. Janine Moussa, IRAW Asia Pacific International Advocacy programme officer, attended on behalf of IRAW Asia Pacific.

## **Strengthening Advocacy with regard to UN Reforms**

### **Background & Overview**

Reform processes have been underway in the United Nations (UN) since the UN World Summit in September 2005 in New York. Several UN reform proposals were discussed and commitments were made during the Summit, which culminated in a World Summit Outcome Document<sup>13</sup>, in short referred to as the ‘Outcome Document’. The Outcome Document called for a strengthening of the role and leadership of the President of the General Assembly; proposals for replacing the Commission on Human Rights with the Human Rights Council (HRC); creation of an intergovernmental advisory body, the Peace-building Commission, to assist States emerging from conflict towards recovery, reintegration and reconstruction; for much stronger system-wide coherence across the various agencies, funds, and programmes of the UN; and strengthening the UN human rights machinery by endorsing the High Commissioner’s Plan of Action for doubling the budget of the Office of the High Commissioner for Human Rights (OHCHR).

### **Implementation in 2006**

IRAW Asia Pacific has been closely involved in monitoring and advocacy with regard to the reforms taking place at the HRC, specifically with the Universal Periodic Review (UPR) and the Treaty Bodies and was instrumental in initiating a campaign for integrating women’s human rights and women’s equality at the HRC. IRAW Asia Pacific participated in these efforts to monitor and coordinate interventions in the reform process to ensure these reforms take women’s perspectives into account. IRAW Asia Pacific continues to be one of the few NGOs from the South that brings forth women’s voices from this part of the world to global processes of this nature.

### **■ Human Rights Council**

The UN General Assembly voted on 15 March 2006 to create the new Human Rights Council (HRC). The HRC was created to replace and improve the former UN human rights body, the Commission on Human Rights.

### **Activities**

**June 19 - 30 | Participation at the first session of the Human Rights Council, Geneva, Switzerland**

---

13 UN Document: A/RES/60/1 dated 24 October 2005.

The inaugural session of the Human Rights Council in Geneva focussed largely on procedures while addressing some substantive issues. Representatives of over eighty countries and five NGO representatives (154 NGOs attended) spoke at the High Level Segments in the first week. IRAW Asia Pacific strongly advocated extending the mandate for drafting the Optional Protocol to the ICESCR. In its statements at several sessions of the Council, it also stressed the need for:

- Inclusion of gender equality in the processes, mechanisms and consideration of substantive issues.
- An active role for all stakeholders (including NGOs) in the formulation of the Universal Periodic Review (UPR) mechanism, and review of special mechanisms.
- Strengthening the mandate for special rapporteurs.
- Adopting a consistent and holistic approach to promotion, protection and monitoring of human rights that incorporates outcomes of existing review mechanisms into the UPR.
- Ensuring that women's human rights are not violated in the process of protecting religious and cultural practices.

The first working year of the HRC was considered critical in that several instruments, most notably the Universal Periodic Review mechanism, are being defined and operationalised. Special mechanisms under the Commission on Human Rights are also being reviewed for decisions on the extension of the mandates. How effective these instruments are will be shaped by the recommendations of the inter-sessional working groups – NGOs have lobbied hard to be included in the process, and are organising themselves to make effective interventions.

Anuradha Rao and Janine Moussa were the organisation's representatives at the First Session and made oral interventions during the session.

IRAW Asia Pacific made a statement<sup>14</sup> on the regression of women's human rights in the name of culture and religion. It referred to the practice of governments choosing to apply more restrictive interpretation of culture and religion, which is manifesting itself in harmful cultural practices and in parallel legal systems. It urged the HRC to make clear to governments that where culture and religion conflict with fundamental rights, it is the latter that should prevail. The statement also supported the renewal of the mandates of the Special Rapporteur on Violence Against Women, its Causes and Consequences and the Special Rapporteur on the Right to Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health.

A joint statement<sup>15</sup> by NGOs, including IRAW Asia Pacific, on Human Rights Defenders was also made during the First Session of the HRC. The statement called upon the inaugural members of the HRC to strengthen the mandate of the Special Representative of the Secretary-General (SRSG) on Human Rights Defenders and to provide all necessary political support and material assistance for the full implementation of the UN Declaration on Human Rights Defenders. It said that women human rights defenders, including lesbian, gay, bi-sexual and transgender

---

14 See **Annex 9** for full text of IRAW Asia Pacific's statement on "Pressing Human Rights Issues: Culture and Religion"

15 See **Annex 10** for full text of joint statement on "Pressing human rights issues: Human Rights Defenders"



defenders suffer multiple exclusions and discriminations under oppressive cultures of patriarchy in the region.

IWRAW Asia Pacific also made a statement<sup>16</sup> on the Universal Periodic Review mechanism. The statement welcomed the remarks of many government delegations stressing the need for the HRC to focus on the *implementation* mechanisms for the promotion and protection of human rights, a key agency for which is the Universal Periodic Review mechanism. The need for a transparent, inclusive and effective mechanism has also been stressed across the board.

Apart from these interventions, Anuradha and Janine were involved in a number of side-events.

### **September 18 – 6 October | Second session of the Human Rights Council, Geneva, Switzerland**

The second session of the HRC was largely devoted to the presentation of 39 reports by Special Rapporteurs (thematic and country), and reports of the Sub-Commission and the 1503 procedure, pending from the work of the previous Commission on Human Rights. There were intense discussions around the reports of informal working groups (now made formal) that were looking into the universal periodic review (UPR). The inter-sessional work of the working groups is critical, especially in the light of efforts of several governments to restrict the mandates of Special Rapporteurs, and dilute the UPR mechanism.

IWRAW Asia Pacific intervened on three specific agenda items at the second session of the HRC – reports of the Special Rapporteurs on Health and Housing, and the Universal Periodic Review (UPR). The organisation has been closely following developments in these areas, and our interventions on all three focussed on inclusion of women's human rights and gender equality.

In the statement<sup>17</sup> by IWRAW Asia Pacific on the report of the Special Rapporteur on Housing, it stated that it commended the approach of the Special Rapporteur in integrating a gender perspective into the monitoring and reporting dimensions of his mandate, recognizing the indivisibility of rights. His report underscores the multiple forms of discrimination that women face and the linkages between housing and other issues such as violence against women; land, property and inheritance; economic rights; the manner in which religious and customary laws particularly disadvantage women etc.

In IWRAW Asia Pacific's statement<sup>18</sup> on the report of the Special Rapporteur on Health, it requested the Special Rapporteur to integrate a gender perspective into the monitoring and reporting dimensions of his mandate, recognizing the indivisibility of rights. The multiple forms of discrimination that women face and the linkages between access to health services and other issues such as violence against women;

---

16 See **Annex 11** for full text of IWRAW Asia Pacific's statement on Universal Periodic Review Mechanism

17 See **Annex 12** for full text of IWRAW Asia Pacific's statement on the report of the Special Rapporteur on Housing

18 See **Annex 13** for full text of IWRAW Asia Pacific's statement on the report of the Special Rapporteur on Health

economic rights; restrictions placed on women by religious and customary laws etc, that deny large sections of women their right to health must be reflected in his report. Such an approach is necessary for all mandate holders to follow to highlight the vulnerable position that multiple discrimination places women in; and to mainstream gender in their work, as is the stated objective of the UN.

IWRAW Asia Pacific along with some other NGOs presented a joint statement<sup>19</sup> on UPR, where it urged the HRC to integrate gender equality and protection from multiple forms of discrimination into every stage and aspect of the review process, adopting standards defined by international treaties.

IWRAW Asia Pacific also co-sponsored a parallel event on the inclusion of women's rights in the HRC, along with Human Rights Watch, Centre for Women's Global Leadership and Action Canada on Population and Development. Anuradha Rao represented IWRAW Asia Pacific at the HRC.

IWRAW Asia Pacific also submitted a statement<sup>20</sup> for consideration by the Working Group created to develop the modalities of the UPR mechanism on 20 November 2006.

As IWRAW Asia Pacific has been consistently advocating for integrating women's human rights and women's equality at the HRC in the UPR and the Special Procedure Mechanisms, it has initiated a campaign supported by a large number of regional and international NGOs. It proposes to organise Panel Discussions during the 4<sup>th</sup> HRC Session in March-April 2007.

## ■ UN Gender Architecture Reform

### Overview

The 2005 World Summit Outcome Document amongst other proposals called for stronger system-wide coherence across the various agencies, funds, and programmes of the UN and invited the Secretary-General (SG) to “strengthen the management and coordination of UN operational activities”<sup>21</sup>. Following this, the SG established a High Level Panel on System-wide Coherence (in short ‘Coherence Panel’) in the fields of *Humanitarian Assistance, Development and Environment*. The 15 member Coherence Panel, was mandated to make recommendations on how the UN should be structured, both at the country and global levels; address new challenges; and discuss how the UN system can meet goals such as the Millennium Development Goals (MDGs). Critical of the composition of the Coherence Panel, women's groups addressed an Open Letter to the SG and Member States deploring the lack of gender balance on the Coherence Panel and the absence of gender equality concerns in the mandate. In response to the criticism, the SG expanded the mandate of the Coherence Panel to include both gender equality architecture and gender mainstreaming, and has made gender equality a cross-cutting issue for all three fields.

---

19 See **Annex 14** for full text of joint statement on Universal Periodic Review

20 See **Annex 15** for full text of IWRAW Asia Pacific's statement before the Working Group on UPR  
20 2005 World Summit Outcome Document (15 September 2005) , United Nations General Assembly Resolution 60/1 , Item 169, p.p. 36

## Ongoing Activities

IWRAW Asia Pacific has been part of the advocacy work of the Centre for Women's Global Leadership (CWGL) and Women's Development and Environment Organisation (WEDO) with the Coherence Panel on gender architecture and gender mainstreaming in the UN. Specifically, IWRAW Asia Pacific has been disseminating information on the gender architecture reform to its national partner organisations and organisations that are part of its listserv, urging them to sign-on to statements and for lobbying their respective governments.

## ■ Treaty Body Reform

### Overview

Reform of the treaty body system has been discussed for a long time, but was given stronger impetus in the last few years largely due to the support given by the former Secretary General of the UN, Kofi Annan, and by the Office of the High Commissioner of Human Rights (OHCHR).

The main objective of this reform is to simplify the treaty body system in order to decrease the burden on State Parties and to harmonise the work of existing treaty bodies. The two primary areas of treaty body reform are: (1) reform of the treaty body reporting process, and (2) reform of the composition of the treaty bodies

### Activities

#### **19 – 23 June| Annual Meeting of Chairpersons of Human Rights Treaty Bodies and Inter-Committee Meeting, Geneva, Switzerland**

The Annual Meeting of Chairpersons (ACM) and Inter-Committee Meeting (ICM) were held in mid June in Geneva, Switzerland. Janine Moussa and Anuradha Rao attended the meetings and made oral interventions on behalf of IWRAW Asia Pacific.<sup>22</sup> Along with representatives of all the treaty bodies, representatives of about 10 other, mostly northern based, NGOs were also present (e.g. Human Rights Watch, ISHR, Amnesty, etc).

The two main agenda items to be discussed at these meetings, in continuation from the previous years' discussions, were (1) reform of the reporting process of the treaty body system, and (2) reform of the composition of the treaty body system.

Below is a summary of the very interesting developments which transpired at these meetings.

#### *[1] Reform of the Reporting Process*

At the close of last year's meeting, it was decided that a working group, with members from all the treaty bodies, would be created to revise the reporting

---

<sup>22</sup> See **Annex 16 for full text of IWRAW Asia Pacific's statement to the Fifth Inter-Committee Meeting of the Human Rights Treaty Bodies**

guidelines. This working group was chaired by B. Shoep-Shilling of the CEDAW Committee. The working group met several times throughout the year and in May 2006, produced new revised guidelines for the reporting process (See HRI/MC/2006/3).

These new guidelines still favoured splitting the report into one expanded common core document (CCD) and one treaty specific document (TSD) and the rights of equality and non-discrimination were still located in the CCD. The working group however did make major strides in improving the former guidelines. In particular the working group made very clear that the common core document should be empirical, statistical and factual in nature and should in no way replace the more in-depth information to be provided in the treaty specific document. They acknowledged that the guidelines were not yet a 'perfected/final' document, but argued that it was now time to put these guidelines into practice and amend as needed. They also suggested that treaty bodies now turn their attention to developing their respective TSD.

It was finally decided that these guidelines would be '*accepted*' by all treaty bodies. It was also agreed that the treaty bodies would begin to put these guidelines into practice by January 2007 and that the treaty bodies would begin the development of their treaty specific documents.

### *[2] Reform of the Treaty Bodies*

Reform of the treaty bodies was also discussed at this meeting. The OHCHR, in its concept note, favours the idea of having one standing treaty body - with the exact nature and procedural characteristics of this treaty body to be determined. Other options were also discussed - such as maintaining the separate treaty bodies but having one 'complaints working group' across all treaty bodies or the option of no reform at all but simply improvement the streamlining of working methods across treaty bodies.

No consensus was reached. Only the CEDAW Committee had an official stand, coming out 'against' the OHCHR's standing treaty body suggestion. Many other Committees also expressed reservations about the idea of a standing treaty body, although they did not have official stands as of yet.

## ■ **Special Rapporteurs**

### **Background and Overview**

In continuation of IWRAW Asia Pacific's work on Optional Protocol to ICESCR and to ensure that international human rights standards on economic, social and cultural rights are reflective of women's realities, the organisation supports the work of UN Special Rapporteurs concerned with economic, social and cultural rights, particularly the mandates of the Special Rapporteur on Adequate Housing and the Special Rapporteur on Health.

## **Activities**

### **17 August | Visit to IWRAP Asia Pacific by Miloon Kothari, UN Special Rapporteur on Adequate Housing, Kuala Lumpur**

On 17 August 2006, IWRAP Asia Pacific hosted a series of informal meetings with United Nations Special Rapporteur on Adequate Housing, Mr Miloon Kothari, at its office in Kuala Lumpur. The three meetings were with representatives from Malaysian NGOs, a representative of the Malaysian National Human Rights Commission (SUHAKAM) and IWRAP Asia Pacific staff. The meetings were attended by Miloon Kothari, Ivy Josiah, Yew Bee Yee, Janine Moussa, Lee Wei San, Anuradha Rao, Jana Rumminger, five people from the Coalition of Urban Pioneers and Housing and the Marginalised People's Network and Datuk Dr Denison Jayasooria (SUHAKAM Commissioner). The objectives of the meetings were for IWRAP Asia Pacific, national groups and a representative of SUHAKAM to connect with Miloon Kothari to provide updates on each other's work; to discuss issues of housing rights, legislation on evictions and networking/advocacy initiatives on women and housing; and to reactivate IWRAP Asia Pacific's work with the Special Rapporteur on Adequate Housing.

In the first meeting, Miloon Kothari gave a brief overview of the transition from the CHR to the HRC, including the review (and temporary extension) of the mandates of the Special Rapporteurs. He said that because the HRC is in formation, now is a good time for NGOs to give their input so they can help shape its structure. Special Rapporteurs sometimes have difficulty in getting permission from governments to carry out country missions, so NGOs should lobby their governments to give open invitations and also determine if their countries have included this in the pledges given in order to gain membership to the HRC. He said that activists can review these pledges and use them in advocacy on other issues as well.

The Housing Coalition members updated the Special Rapporteur on the local situation. They had sent him a report on forced evictions on 21 July 2006, which he had yet to receive, so they handed it over to him during this meeting. One representative then went through the key issues, including the fight for land space, the lack of protections in the law and the lack of political will to make a real impact on the housing problems in Malaysia. He named the different communities who have different housing problems: urban settlers, plantation community, new villagers, flat dwellers, those who live in temporary, cheaply-constructed long houses, migrant workers and indigenous people. They discussed how the Emergency Ordinances, a policy to eliminate squatters by 2005 and a law that allows evictions to take place only 7 days after minimal notice can affect people's housing rights. Ivy then gave a presentation (created by Alice Nah) on behalf of the Migration Working Group about housing issues that migrants, refugees and asylum seekers face.

IWRAP Asia Pacific talked with the Special Rapporteur about how the organisation can increase its activities around housing and women. He said that he has released three reports on housing and women and that NGOs need to endorse these – specifically the recommendations. The reports may also give IWRAP Asia Pacific ideas on what the organisation can do. He would like someone to organise a session on women and housing at the Human Rights Council and raise funds for women affected by housing issues to attend and give testimony during this session.

## **Strategy 2.3 Linkages between National Activism and International Advocacy: Using International Tools for National Accountability**

The “From Global to Local” Programme: *a political expression of IRAW Asia Pacific’s approach to CEDAW Implementation*

### ***Background and objectives***

This programme is central to the work of IRAW Asia Pacific. Premised upon the strength of the CEDAW Convention as a tool to secure women’s human rights and the need to fill the gap between human rights monitoring at the international level by the CEDAW Committee and grassroots activism demanding government accountability at the national level, this programme is designed to facilitate interaction between national and grassroots activists and the CEDAW Committee. It cuts across broad areas of capacity building, advocacy and information dissemination, and awareness raising- building from all aspects of IRAW Asia Pacific’s functional strategies.

The programme features an organic link between national with international activism: it facilitates the flow of alternative NGO information to the CEDAW Committee and the presence of national NGOs at the annual CEDAW sessions in order to help ensure that women understand and can participate in the international human rights system and that the interpretation of international standards for women’s rights by the CEDAW Committee are informed by the voices of women who work at the local and national levels. The features of the programme have been developed to answer the peculiarities of the CEDAW review process, some of which are discussed below.

IRAW Asia Pacific provides technical assistance and support to the participants. The programme is overseen by a Programme Management Team (PMT) comprised of women’s advocates with extensive experience in international advocacy. The PMT works with IRAW Asia Pacific to plan and implement all of the components of the project. Details of the PMT terms of reference and membership are in Annex 5.

### ***A description of the programme***

The programme has been conducted in the last 10 years in two distinct phases.

i) Before the CEDAW session, IRAW Asia Pacific helps to ensure timely coordination and writing of shadow/alternative reports by national level groups, encourages NGOs to contribute to the Committee’s pre-session working group meeting, provides technical assistance as necessary to groups writing reports, collects final drafts of shadow/alternative reports from NGOs and distributes paper and electronic copies of the reports to the CEDAW Committee members.

This stage sees the team working toward facilitating NGO representation at the session via desk-based search, organisation and coordination. In this initial stage NGOs are briefed on what the CEDAW process contains and how best they can engage with a systemic response which can supplement their existing advocacy strategies. Besides this awareness raising, the team also tries to vet individuals and

groups for participation in the more formal aspects of our Global to Local programme.

Our team works to identify suitable participants willing to use the CEDAW framework and conduct follow-up activities to raise awareness in their local context of the CEDAW process and the outputs from the review i.e. the Concluding Comments of the CEDAW Committee, as a form of growing jurisprudence of women's human rights and a tool to demand state accountability. We continue to work with an inclusive approach, relying on a large net of partners to surface potential participants who are then vetted and provided with guidance on how to contribute to the CEDAW process.

Reporting countries are usually identified a year in advance of the review and announced by the Division of the Advancement of Women, the secretariat of the Committee; so we are also able to work toward early identification of NGO participants. If this list of countries is altered then the programme has to react to changes which may affect selection and identification of participants. Representation being a political gesture and a conscience raising tool, we only facilitate NGO women at the CEDAW review, as opposed to groups who are linked to government backed organisations. One key impact of our programme has been the enlarging and institutionalising of the space for women in international mechanisms for securing human rights.<sup>23</sup>

The first intervention NGOs can perform is submission of information for the pre-session list of issues. The pre-session working group consists of a subset of the Committee who meets 6 months and a year in advance of the review sessions. It requires states parties to answer specific questions in the state report: NGO information provided at (before) this stage helps the Committee in querying states parties and seeking specific answers in their coming report, thus shaping the content and tone of the forthcoming review.

Once identified and their commitment to the process secured, the NGO women are advised to work in a group to present a common shadow report to ensure that they use this opportunity to build a common platform and stand on issues: this again links to the movement-building aim of the programme. This ensures best use of the limited time, resources and space that the Committee has to address issues raised. The programme officer guides the NGOs in coordinating the writing of the shadow report, providing technical assistance in the form of analysis and editorial support to ensure the report is an effective lobbying document in terms of substance and function. In terms of substantive aid, the programme officer gives technical input to NGOs in writing their list of pre-session issues and the shadow report to the Committee.

ii) In conjunction with the CEDAW session in New York, we hold a full training programme once a year for our participants a week prior to the opening of the CEDAW session or an abridged mentoring programme<sup>24</sup>. There are usually two reviews a year but our full training is only available once a year due to lack of resources. In 2006, this full training was held in May contemporaneously with the

---

<sup>23</sup> IWRAW Asia Pacific and this programme in particular have been recognised by the CEDAW Committee and experts such as Anne Bayefsky for its impact and innovation in providing a multi level strategy aimed at supporting the claiming of rights and the drawing of accountability.

<sup>24</sup> A full training programme consist of 3 days training and one day of evaluation prior to the CEDAW session. A mentoring programme consists of a one-day 'nuts and bolts' training.

35<sup>th</sup> session. If resources allow we also invite participants from countries reporting in the later session, prioritising countries who have less experience in CEDAW engagement. Participants of the current session move directly into the CEDAW review session, staying on to observe their country's formal review by the Committee, while the participants of the forthcoming session also observe the review in the first week and then return to their home countries, to return again in 6 months when their countries are reviewed by the Committee.

Our 3 day pre-CEDAW session training/orientation trained the participants on:

- The normative content of CEDAW. This included learning about the process of becoming a State party to CEDAW, reservations, the main features of the CEDAW Convention, General Recommendations and Concluding Comments;
- The political aspects of working with the CEDAW Committee. This component provided participants with an overview of the UN treaty body system and other human rights mechanisms. In terms of CEDAW, participants learnt about understanding the nature of constructive dialogues, how CEDAW Committee members are elected, how the CEDAW Committee works, and the areas of expertise of each individual member; and
- Effective advocacy approaches at the UN level. During the training/orientation programme, participants also received information on who the Committee members and what their specific interests are. They also received tips on how to maximise their NGO presentations during the Informal Meeting session with the CEDAW Committee.

Similarly the one day 'nuts and bolts' informal mentoring were held for the 34<sup>th</sup> and 36<sup>th</sup> sessions and gave NGOs a basic orientation of the CEDAW process and trains participants on how best to lobby the Committee. IWRAW Asia Pacific assisted by arranging a resource person who gave support and guidance to participants on the process. This one day mentoring supplements the support provided to participants who did not receive the full training session.

NGOs are able to make oral presentations to the Committee before the review. Each Monday in the 3 weeks of every session when the Committee sits, it holds informal meetings, opening the floor to NGOs to make brief presentations. These oral statements give NGOs a final opportunity to brief the Committee; best use of this time is to highlight priority areas of their shadow report and imminent time-sensitive issues. We give technical assistance to NGOs in making their statements and share other lobbying strategies.

With familiarisation through the training or informal mentoring, the participants attend to observe the review process first-hand. Participants observe how this Committee of independent experts reviews their states performance, what questions are asked and the answers given by the state. Essentially, this is a politically charged act of monitoring how state's accountability is drawn and examined by a global team of experts charged with the duty of interpreting norms and standards to be fulfilled by our governments, with women as claimant-beneficiaries in the process.

At the end of each day our participants regroup to hold daily debriefings to share observations analyse problems and issues and identify learning points in CEDAW implementation.



In the post review phase we hold evaluations and advocate post-review plans and activities aimed at popularising the concluding comments as a tool to interpret women's rights standards emphasised through sharing events. IWRAW Asia Pacific has plans to make post review implementation activities more effective but have not yet institutionalised this as part of the Global to Local programme.

These processes ensure that NGOs are able to effectively lobby the Committee, to ensure their issues are depicted in their own voices, that these are taken up to the Committee and adjudicated by an international mechanism which builds normative standards that they will use at the local level, and that the NGOs effectiveness as lobbyists is improved through the building of a cohesive global movement of women using a common platform in seeking state accountability. A more detailed description of the programme is attached including main objectives, flow of activities and generic implementation details (Annex 5)

## **From Global to Local Implementation in 2006<sup>25</sup>**

The "From Global to Local" programme has been ongoing since 1997. Since then and terminating the count at the end of 2006, approximately 240 participants from 99 countries had attended the From Global to Local programme in New York. The programme was a major focus for all of the programme officers in 2006 because the Committee met three times a year instead of two in 2006 with similar plans for 2007<sup>26</sup>.

The committee also met in parallel chambers once in 2006 (reviewing 15 countries instead of 8) and will be doing this for two of the three sessions in 2007. This means that the organisation will handle 69 countries in 2006 and 2007 instead of the typical 32 countries normally scheduled over a two-year period. In addition, pre-session working groups were held earlier than usual, so the "From Global to Local" cycle of working with NGOs in reporting countries now begins up to one year in advance of the scheduled CEDAW sessions. The programme in 2006 therefore covered the 34<sup>th</sup>, 35<sup>th</sup> and 36<sup>th</sup> sessions and had a total of 76 participants. In 2006 there was a full three day training at the 35<sup>th</sup> session with a mentoring process at the 34<sup>th</sup> and 36<sup>th</sup> sessions.

Some of the achievements in 2006 at the operations level managed by IWRAW Asia Pacific were:

- Updating of Shadow/Alternative Report and Advocacy Guidelines to make them more user-friendly;
- Streamlining internal procedures and communications to help with communications with NGOs in the reporting countries;
- More emphasis on the pre-session to ensure that NGOs send at least a brief list of critical issues to inform the pre-session working group's preliminary review of the State party report and formulation of the List of Issues and Questions for the State party to answer; and

---

<sup>25</sup> Implementation in 2006 did not address the changes discussed above and continued 'as is'.

<sup>26</sup> The General Assembly noted the CEDAW Committee's request for an extension of its meeting time<sup>5</sup> and approves the request, authorizing the Committee to hold 3 annual sessions, in its resolution on the *Convention on the Elimination of All Forms of Discrimination against Women*, adopted during the 60th session of the General Assembly, Doc. No. A/RES/60/230.

- Increased communications with the DAW to ensure smoother operations at the CEDAW session.
- Formalising the mentoring module and institutionalising the implementation of this module, with the first test run at the 36<sup>th</sup> CEDAW session.

Feedback about the programme and the contribution of participants has been uniformly positive from both participants and the CEDAW Committee and Division for the Advancement of Women. From feedback, it was clear that the participants undergoing the mentoring programme only, despite not undergoing the full training, found that the mentoring was extremely useful in their efforts to lobby the CEDAW Committee and to influence the Concluding Comments. Nonetheless, Maria Herminia Graterol our resource person at the 36<sup>th</sup> CEDAW session, provided the IRAW Asia Pacific team with many suggestions for further refining of the programme.

## **Highlights from the Concluding Comments of 2006**

In 2006, the Committee reviewed the reports of 31 reporting countries and issues as many Concluding Comments. A total of 9 out of the 31 reporting countries were initial reporting countries.

Although the 31 reporting countries were from different regions and had disparate backgrounds, a reading of the Concluding Comments reveal common cross cutting issues across the regions. The Committee constantly raised issues related to:

- the status of the CEDAW Convention in the domestic legal systems, and in particular urged States to incorporate a definition of discrimination that includes both direct and indirect discrimination as set out in Article 1;
- the resources (in terms of decision making powers, financial and human resources) available to the national machinery for women and its effectiveness in carrying out its mandate;
- the discrepancy between de jure and de facto situation of women in situations where there is legal provision but no effective implementation and results and the monitoring of measures taken and results achieved in various areas of the Convention;
- the State's obligation to take steps to change negative stereotypes and culturally entrenched norms, which result in domestic violence, sexual attacks, and harmful practices against women;
- health, not just in terms of reproductive health of women (such as maternal mortality) but also sexual health (access to sex education, family planning education, contraceptives, abortion) and ability to access to healthcare services in general;
- women's vulnerability to HIV/AIDS;
- sex disaggregated data on the situation of women, in particular on rural women and ethnic minorities;
- use of temporary special measures, such as changes in election laws, use of incentives or quotas to encourage women's participation in politics and decision making processes; appropriate measures to ensure women's continued participation in the labour market and all areas of public life;
- prevalence and persistence of trafficking in women and forced prostitution and the need to have adequate support for the victim/survivor and ensure that the law punishes the traffickers not the victims/survivors;

- the need to integrate the special issues affecting rural women and women in ethnic minorities in all programmes for the advancement of women;
- the Committee also continued to place importance on the issue of reservations, commending States that ratified the Convention without reservations and calling for the removal of reservations to the Articles of the Convention. Of particular note, is the Committee's stand that reservation to Article 16 is contrary to the object and purpose of the Convention<sup>27</sup>;
- the Committee has also been sustained on asking State parties to ratify the Optional Protocol to CEDAW.

It is clear that in relation to realization of women's human rights, the barriers are part of more or less recurring themes across what may be seen as disparate geographical and cultural regions. Across the regions the States continued to use the "culture and religion" argument to justify lack of protection for women's human rights, in different jurisdictions. The other popular argument by States has been the lack of resources to undertake the change. This is in stark contrast to the NGOs continuing to raise the issue of a lack of understanding of the CEDAW framework and political will on part of the State. Another element that we can add would be the way in which States have understood their obligations vis a vis the principle of progressive realization. It appears that they feel that it releases them from the obligation of taking immediate steps, whereas the Committee has repeatedly emphasised the need to take measures and steps immediately, to ensure that the results are eventually realised .

It is also clear that we need to step up our support to the Committee on certain issues to ensure that the Concluding Comments are sharper on these issues and that NGOs are better able to articulate these issues in the framework of CEDAW. In particular, women's right to sexual autonomy has not been really addressed in the Concluding Comments of the Committee. Additionally, NGOs are not articulating the right of women to have equality before the law in their shadow report. In response to this we are updating our shadow report guidelines to add a section on how to provide information under Article 15 of the Convention<sup>28</sup>. Also in the pipeline is an occasional papers series on sexuality rights and how it has been articulated in the UN treaty body system.

The NGO representatives who participated in our programme have consistently reported to us that the issues and recommendations highlighted in their shadow report<sup>29</sup> and their engagement with the CEDAW Committee (through oral interventions<sup>30</sup> and other lobbying efforts) have made their way into the official dialogue with the government, and subsequently translated into the Concluding Comments<sup>31</sup>.

---

<sup>27</sup> Concluding Comments of Thailand (34<sup>th</sup> CEDAW session) and Malaysia (35<sup>th</sup> CEDAW session).

<sup>28</sup> <[http://www.iwraw-ap.org/using\\_cedaw/sreport\\_guidelines.htm](http://www.iwraw-ap.org/using_cedaw/sreport_guidelines.htm)>

<sup>29</sup> <[http://www.iwraw-ap.org/resources/shadow\\_reports.htm](http://www.iwraw-ap.org/resources/shadow_reports.htm)>

<sup>30</sup> <[http://www.iwraw-ap.org/resources/brief\\_statements.htm](http://www.iwraw-ap.org/resources/brief_statements.htm)>

<sup>31</sup> Concluding Comments can be accessed at the DAW's website at the relevant session:

<<http://www.un.org/womenwatch/daw/cedaw/>>

### **Participants' feedback:**

“[W]e are really happy that the experts have included [our] issue...in their concluding observation. I also appreciate IWRAW Asia Pacific for working with us to make this happen”

“I know that we ... are more than satisfied with the Concluding Comments”.

This implementation summary describes programmatic highlights for the year 2006. Descriptions of generic programmatic issues are included in Annex 5.

### **■ 34th CEDAW session (January)**

**16 January – 3 February | “From Global to Local”: mentoring programme, New York, USA**

At this session, the CEDAW Committee reviewed States parties' reports from the following countries: Australia, Cambodia, Eritrea, the Former Yugoslav Republic of Macedonia, Mali, Thailand, Togo and Venezuela.

The programme first identified the NGOs at the national level who would be willing to use the CEDAW process in their work and contribute to a shadow report. As in previous years, IWRAW Asia Pacific coordinated the dissemination of Shadow Reports and facilitated the presence of NGOs at the session in New York. Twenty-four participants from NGOs in Australia, Cambodia, the Former Yugoslav Republic of Macedonia, Mali, Thailand, Togo and Venezuela attended the CEDAW session in New York.

The pre-session for the 34<sup>th</sup> CEDAW session had taken place on 25 - 29 July 2005. Lists of critical issues and concerns were forwarded to the pre-session working group by NGOs from Cambodia, Thailand, Australia and Macedonia with NGOs from Thailand and Togo also submitting their shadow reports for consideration of the pre-session working group. The NGO from Macedonia had also sent a representative, Jasminka Friscik, to the pre-session working group after attending the From Global to Local programme that was held in July 2005.

Next, the programme team gave technical assistance to help in the writing of the shadow report- this includes analytical assistance and support in structuring the shadow report to be a more effective lobbying document. This led up to assisting the NGOs in going to the CEDAW session to observe the review process and to continue lobbying the Committee.

IWRAW Asia Pacific did not conduct a formal training programme at this session but arranged for IWRAW Asia Pacific's Project Management Team member, Debra Liebowitz (Drew University) to be available at the CEDAW session to provide informal technical assistance and mentoring support, which included amongst others,

introduction to the Committee members, strategizing with the NGOs about lobbying and holding debriefings with the NGOs. Several NGOs from Macedonia, Cambodia and Thailand had attended the training we arranged in July 2005. The NGO representatives from Thailand and Macedonia were therefore asked to provide mentoring to the NGOs who were attending the session for the first time. Through their observation of the earlier 33<sup>rd</sup> CEDAW session in July 2005, these participants had first-hand experience of observing the CEDAW reporting process, and were mentored on related advocacy and lobbying aspects. They had observed how the CEDAW Committee reviewed the reports by the governments of Israel, Benin and Guyana which were the countries that reported in the first week they were in New York; including how Committee members will raise questions to the representatives of these States parties, and how, in turn, the representatives will respond to these inquiries.

At the 34<sup>th</sup> CEDAW session, the participants were reminded that they could still give suggestions to the Committee on the recommendations they wished to see in the concluding comments even after the review was over.

In the afternoon of the first day of the CEDAW session, the first of two informal meetings was held between the CEDAW Committee and the NGOs from countries that are reporting in the CEDAW session that week, in this case Mali, Cambodia, Togo and Thailand. Here, NGOs are given time to make a presentation on the critical issues of their shadow report to the Committee. Participants received assistance from IWRAW Asia Pacific in the writing of these short speeches, so that they could pull out the most important issues to be highlighted to the CEDAW Committee. Participants strategically timed their approach to the Committee members and made their presence known to the Committee members and requested for meetings with individual members during the week that their respective States reported and reserved their intensive lobbying for the week when their government reports were reviewed.

There was some tension amongst the Australian NGOs as the Coalition that wrote the report on trafficking refused to share their meeting time with the CEDAW Committee members with other Australian NGOs present at the session. Our Resource Person at the session worked with these groups so that all of them were able to achieve their goals with regard to lobbying the Committee

There were also some issues with regard to the NGO presentations from Venezuela. The feminist movement in the country is largely divided between pro- and anti-Chavez groups and in this case the pro-government NGOs wanted to present during the NGO time with the Committee. Informally, IWRAW's representatives explained the process to all NGOs but also explained to the Division for the Advancement of Women what the issues were. We made sure that all groups had time to speak since the DAW wanted the opposing groups to share time and this would have meant that the independent groups would not have had adequate time to present their concerns.

The NGOs were advised to continue building the momentum post New York, by using the concluding comments as definitive standards to measure and demand state accountability and to keep IWRAW Asia Pacific informed of their progress.

In revisiting the evaluation of our programme, we found that an ad hoc or informal mentoring programme was very taxing on the resource person and from the lessons

learnt here, we decided to design a process which was more organized and institutionalized, in terms of implementation. Another critique was that there was no group cohesion among participants from different countries and this weakened the presence of NGOs in the CEDAW session. The informal (individual) mentoring was also limiting because the structure did not allow the groups present to learn from the experiences and work of others present. In fact, it was the lessons learnt from here that contributed to the development of the Mentoring Programme in May, by the Programme Management Team, and its implementation in August 2006.

## ■ 35th CEDAW session (May)

### 15 May – 2 June | “From Global to Local” training programme, New York, USA

At the 35<sup>th</sup> CEDAW session, the CEDAW Committee reviewed the following State Party reports: Bosnia and Herzegovina, Cyprus, Guatemala, Malaysia, Malawi, Romania, St Lucia, and Turkmenistan.

And, as in previous years, IWRAP Asia Pacific, held its “From Global to Local” programme in conjunction with the 35<sup>th</sup> CEDAW session. Similar to other sessions, the programme began months in advance of the actual session, with identification of NGOs who could potentially provide a shadow report and were interested to use the CEDAW framework in their activism.

This progressed to assisting them with coordination and dissemination of their shadow reports, which for the programme team meant giving technical assistance. Next we facilitated the presence of these NGOs at the CEDAW session in New York and finally conducted the full three day training with NGO activists from reporting countries immediately prior to the CEDAW sessions. Assistance to the NGOs at the CEDAW review included daily de-briefings every evenings as post mortem and during the CEDAW sessions, and an evaluation and follow up meeting at the end of the second week of CEDAW sessions.

Participants came from Bosnia Herzegovina, Cyprus, Guatemala, Malawi, Romania St Lucia, which were countries reporting at the 35<sup>th</sup> session and additionally from the 36<sup>th</sup> session participants came from Philippines, Moldova and Uzbekistan. All participants were provided with a set of training materials, which consist of a training kit, a set of supplemental reading materials and optional reading materials.

The From Global to Local programme for the 35<sup>th</sup> CEDAW session was a great success with many high points. Women activists from almost every reporting country were present in New York for the reporting process. On average at least two women per country were present, with Cyprus with only one member and the Malaysian NGO delegation with 6 members! These women presented their oral statements to the CEDAW Committee, lobbied the Committee throughout the week, and provided specific recommendations to the Committee on questions to ask their government during the “constructive dialogue” and recommendations to include in the Concluding Comments. Feedback was very positive from our “From Global to Local” participants; most went away feeling that they were able to have a direct impact on both the questions being asked of their governments and later on the Concluding Comments themselves.

Some specific highlights include the Cypriot participant, Susana Pavlou, who arrived alone to New York with minimum exposure and understanding to the CEDAW process and who was able to quickly adapt, catch up and lobby the Committee members very well. She informed IWRAW Asia Pacific that she was going to immediately begin raising awareness about the CEDAW Convention upon her return, and has already in fact conducted a meeting and disseminated the Concluding Comments widely. Another highlight included the team work and effectiveness of the Malaysian NGO delegates. With 6 NGO members this team was able to divide their tasks such as lobbying, writing questions/comments to the CEDAW Committee and sending information back home for press releases. There were four NGO women activists from Romania, two of whom were ethnic Roman women. The Roman women in particular were very effective and successful in highlighting to the Committee, through their shadow report, oral statement and their lobbying, the specific plights faced by Roman women in Romania itself.

Immediately prior to the training programme, the programme management team (PMT) of the “From Global to Local” programme met for its annual one day meeting. at this meeting that it was decided to strengthen the mentoring programme, and that August 2006 would be conducted through the mentoring programme. Janine Moussa, the programme officer in charge of this session, was tasked with getting feedback from previous mentors (i.e. Alda Facio, Drew Liebowitz, and Maria Graterol); creating a mentoring module based on this feedback; and test running this module at the next mentoring session being held concurrently with the 36<sup>th</sup> CEDAW sessions later that year in August 2006.

## ▪ **36 CEDAW session (August)**

**7 – 25 August | “From Global to Local” mentoring programme,  
New York, USA**

The 36<sup>th</sup> CEDAW session was held in New York from 7 August to 25 August 2006. The CEDAW Committee sat in dual chambers for the 36th session, allowing them to review twice the usual number of State parties. The 15 governments reviewed at the 36<sup>th</sup> CEDAW session were: Cape Verde, Chile, China, Cuba, Czech Republic, Democratic Republic of Congo, Denmark, Georgia, Ghana, Jamaica, Mauritius, Mexico, Philippines, Republic of Moldova and Uzbekistan .

At the 36<sup>th</sup> CEDAW session, IWRAW Asia Pacific held the mentoring programme for NGO participants. Maria Herminia Graterol, an IWRAW Asia Pacific resource person, was located in New York for the entire duration of the CEDAW session, and she conducted two full day mentoring sessions and daily de-briefings for NGO participants on the practical aspects of the CEDAW process. This mentoring programme had 27 participants in total from China (Mainland China, Hong Kong and Tibe ), Czech Republic, Georgia, Ghana, Jamaica, Mexico, Philippines, Republic of Moldova and Uzbekistan

With 15 governments reporting, this session was especially eventful! China reporting especially caused some stir! The representatives of NGOs from mainland China, interestingly, did not produce a “shadow report” due to the political climate in China, but did successfully lobby Committee members once in New York. There were also

numerous NGO participants representing Hong Kong, and who wanted to make several oral statements (e.g. they asked for 22 interventions, but in the end agreed to read two statements on behalf of the entire Hong Kong group). And unfortunately there was only one representative from Tibet.

The Mexican NGO delegation was also quite large and well experienced in this process. They were especially organised and effective in their lobbying and dissemination of information back to Mexico. They held a successful lunch meeting for the CEDAW Committee one day and sent daily press releases back home to Mexico on the days' events.. The Jamaican NGO delegates did quite well but interestingly a former NGO activists and expert on CEDAW, Margarete McCullay, was in New York as a government delegate. The Czech Republic also did a very good job, and also had two Roman women as part of their NGO delegation who did a great job at raising awareness on specific violations and issues faced by the Roman women in the Czech Republic.

With the CEDAW Committee sitting in dual chambers, and reviewing 15 countries, this CEDAW session was a bit hectic – both our “From Global to Local” programme and the session itself. However both IRAW Asia Pacific and the Division for Advancement of Women have surely noted down some lessons to make the next dual chambers run smoother! For example, IRAW Asia Pacific will now have at least two mentors (not one) when the Committee is sitting in dual chambers, and the Division of Advancement of Women has also stated that it will try and increase the time given for NGO Oral Statements given the increase in reporting countries.

## ■ Preparations for the 37th-39th CEDAW sessions in 2007

In 2007, the Committee will again meet for three sessions instead of two and will meet in dual chambers for two of those sessions. The 37<sup>th</sup>, 38<sup>th</sup> and 39<sup>th</sup> CEDAW sessions will be held in January, May and July 2007, respectively. IRAW Asia Pacific will hold the formal mentoring programmes at the 37<sup>th</sup> and 39<sup>th</sup> sessions and the full training programme, along with a Programme Management Team meeting, at the 38<sup>th</sup> session.

The countries reporting at the 37<sup>th</sup> session are: Austria, Azerbaijan, Colombia, Greece, India, Kazakhstan, Maldives, Namibia, Netherlands, Nicaragua, Peru, Poland, Suriname, Tajikistan and Vietnam. The countries reporting at the 38<sup>th</sup> session are: Mauritania, Mozambique, Niger, Pakistan, Serbia, Sierra Leone, Syrian Arab Republic and Vanuatu. The countries reporting at the 39<sup>th</sup> session are: Cook Islands, Belize, Brazil, Estonia, Guinea, Honduras, Hungary, Indonesia, Jordan, Kenya, Lichtenstein, New Zealand, Norway<sup>32</sup>, Republic of Korea and Singapore.

The Committee held pre-session working group meetings for the 37<sup>th</sup> and 38<sup>th</sup> sessions in August 2006. Therefore, IRAW Asia Pacific began its preparations for these two sessions in June 2006, after the lists of countries for these sessions were released, by identifying NGOs to participate in the process and encouraging them to submit lists of critical issues for the pre-session meeting. For the 37<sup>th</sup> CEDAW session, preparations for the session itself began in August, with support for shadow

---

<sup>32</sup> Norway was scheduled to report later, to replace Bolivia which is now reporting at the 40<sup>th</sup> CEDAW session.



report writing, selection of participants and logistical, administrative and programmatic arrangements for the programme in New York. The Committee plans to hold the pre-session working group meeting for the 39th session in February 2007, so NGOs from the countries reporting in the 39th session were contacted as soon as the list of reporting countries was released after the August 2006 session and have been encouraged to submit lists of critical issues for the pre-session meeting.

## 2.4 Other Advocacy

### Overview

This section deals with CEDAW and women's human rights advocacy efforts by IRAW Asia Pacific taking part in international and local (Malaysian) events.

**February 5 | Asian Consultation on the preparation for the 62nd session of the Commission on Human Rights / 1st meeting of the Human Rights Council (HRC). Organised by Forum Asia. Bangkok, Thailand.**

The purpose of the consultation was to provide a platform for concerned Asian advocates to share information regarding strategies for advocacy and possible joint actions for a synergised impact during the 62<sup>nd</sup> session of the Commission on Human Rights/ 1<sup>st</sup> session of the Human Rights Council (HRC) meeting. Given the general lack of information on the formation of the HRC (its composition, mandate and procedures) it was informative to analyse the latest outcome document prepared by two co-chairs appointed by the General Assembly. The outcome document indicated that the Council was on the verge of being formed. However, there was little information on how the annual Commission on Human Rights (CHR) meeting in March would go, and what the role of NGOs would be in the newly formed Council. Contingency plans were made to submit representations on the political situation in Nepal and Cambodia and the widespread suppression of human rights. It was also decided that closer to the day, a strong representation for active involvement by NGOs and civil society in the newly formed council would be made. Anuradha Rao represented IRAW Asia Pacific at this meeting.

**February 27 | High Level Round Table “Incorporating Gender Perspectives into the National Development Strategies for Implementing the International Agreed Development Goals requested at the 2005 World Summit”. Organised by DAW, United Nations. New York, USA. ADVOCACY**

This meeting held in conjunction with the 50th Session of the Commission on Status of Women (CSW) in New York was open to government representatives and some select NGOs. Shanthi Dairiam represented IRAW Asia Pacific and made the point that the incorporation of gender into development has to take place within macro-economic processes. Shanthi Dairiam was part of the Malaysian Delegation at the CSW Meeting.

She gave the example of Cambodia where an integrated framework is being developed to mainstream trade into national development plans, including the National Poverty Reduction Strategy. She emphasised that it is critical that pro-poor, gender-responsive trade strategies provide employment opportunities to women and men in rural areas as recommended by the CEDAW Committee when the government of Cambodia was reviewed in January 2006. This was especially important in the wake of the ending of the Multi-Fibre Agreement which affects the country.

**March 18-20 | International Consultation on “Trends in Family Law Reform in Muslim Countries”. Organised by Sisters in Islam. Kuala Lumpur, Malaysia.**

The first day of this three-day event was a public meeting where knowledgeable speakers provided a historical overview and theoretical framework on Islamic family law based on the Qu'ran and Sunnah, and shared present challenges women face in relation to family law in Muslim societies. The following two days were devoted to a closed-door meeting where participants comprised women and advocates from around the Muslim world. Together, they discussed specific strategies and best practices on the issue of law reform. IWRAW Asia Pacific was invited to join all three days of the consultation. It was asked to contribute information on how international law and the CEDAW Convention could be helpful as a tool for change. Janine Moussa attended on behalf of the organisation.

**May 5 | Briefing on “CEDAW NGO Shadow Report”, Organised by Women’s Aid Organisation. Kuala Lumpur, Malaysia.**

Women’s Aid Organisation (WAO), on behalf of the National Council of Women’s Organisation (NCWO), organised a briefing on Malaysia’s First NGO Shadow Report on the Initial and Second Periodic Report of the Government of Malaysia. At the briefing, the team representing the NGOs gave an introduction to the CEDAW and the government’s report, insight as to the shadow report process and how NGOs and the public can use the shadow report, an introduction to the team going to New York for the 35<sup>th</sup> CEDAW session as well as an overview of the critical issues being presented by the NGO shadow report group to the CEDAW Committee. The NGO shadow report was also launched at the briefing. This was followed by a Question & Answer session with the participants raising queries regarding the critical issues raised in the shadow report as well as the type of follow up work that was envisaged, amongst others. The public as well as many NGOs and press attended the briefing. Wei San represented IWRAW Asia Pacific at the meeting.

**June 29-30 | Fifth Workshop on the ASEAN Regional Mechanism on Human Rights. Jointly organised by the Ministry of Foreign Affairs of Malaysia, National Human Rights Commission of Malaysia (SUHAKAM), Center for ASEAN Studies of Universiti Teknologi Mara (UiTM) and the Working Group for an ASEAN Human Rights Mechanism. Kuala Lumpur, Malaysia**

The Fifth Workshop built on discussions from previous Workshops as well as the Vientiane Action Programme (2004-2010) and Kuala Lumpur Summit (2005). It primarily focused on the human rights-related programmes articulated in the Vientiane Action Programme: (1) Establishment of a commission on the promotion and protection of the rights of women and children; (2) Elaboration of an ASEAN instrument on the promotion and protection of the rights of migrant workers; (3) Promoting education and public awareness on human rights in the region; and (4) Networking among existing national human rights institutions in the ASEAN region. There was also a session devoted to the progress of the designated Eminent Persons Group in conceptualising an ASEAN Charter and the position of human rights in that Charter.

The establishment of an ASEAN mechanism for human rights and an ASEAN commission for the protection of women’s and children’s rights, will complement the national and international mechanisms already in place. It also brings the region on

par with Europe, Africa and the Americas, which have already established regional human rights mechanisms. IRAW Asia Pacific is interested in contributing to these discussions and ensuring that women's rights perspectives are taken into account throughout the process.

Shanthi Dairiam and Jana Rumminger participated as observers, providing comments and assistance particularly in the areas of human rights education and women's rights, including offering suggestions regarding a current research project on laws, policies and institutions relating to women's rights in ASEAN countries. This event was organised by the Ministry of Foreign Affairs of Malaysia, National Human Rights Commission of Malaysia (SUHAKAM), Center for ASEAN Studies of Universiti Teknologi Mara (UiTM) and the Working Group for an ASEAN Human Rights Mechanism. ADVOCACY

**July 14 | SUHAKAM meeting on CEDAW Concluding Comments. Kuala Lumpur, Malaysia.**

The National Human Rights Commission of Malaysia (SUHAKAM) brought representatives of NGOs and various government ministries together to discuss the CEDAW Committee's concluding comments from Malaysia's May 2006 reporting session. It was agreed that achieving substantive equality for women and complying with the CEDAW Committee's reporting guidelines requires the participation of many ministries, and that the Ministry of Women, Community and Family Development should play a coordinating role. Participants also agreed that priorities need to be set in order to achieve progress before the next reporting session; however, specific priorities were not set at this meeting. The Ministry of Women, Community and Family Development was urged to hold a meeting or conference to identify which ministries should be responsible for implementation.

Bee Yee, Wei San and Jennifer Hainsfurther (intern) attended the dialogue on behalf of IRAW Asia Pacific. Shanthi Dairiam was the key resource person and was invited in her capacity as CEDAW member.

# Information Dissemination, Exchange and Application Strategy (IDEAS)

## Background and overview

The Information Dissemination, Exchange and Application Strategy (IDEAS)<sup>33</sup> was formulated in 2002 as a new programme to: (1) initiate and expand NGO activism to one that utilises the rights based approach; and (2) to generate new knowledge and clarity in relation to evolving concepts and principles that strengthen women's ability to claim, access and realise their rights.

Given our expertise in building capacity and experience in facilitating activism, combined with the standing that we had gained through our work over the years, we were also well placed to respond to the gaps in knowledge capture and sharing in the conceptual understanding of CEDAW which had become apparent to us through our work with national groups and the international fora.

Given this, the primary objective of the next phase of the IDEAS programme is to sustain and build on the existing achievements of our past efforts. This, it is envisaged, will help us to continue to facilitate a two-way channel for information that enables a flow between (a) the different *levels* of activism (national, regional and international); (b) the different *forms* of activism of critical target groups (e.g. NGOs, human rights bodies, lawyers, judges, legislators, national machineries, bureaucracy, and research and academic institution ; and (c) the different *experiences* of each country and region, and this, in turn, will contribute towards universalising the domestic application of international human rights standards. Towards this end, a systematic generation, compilation and dissemination of relevant human rights information among partner organisations and other critical target groups, was prioritised. At the same time, this new component was seen as an important overarching connector to the other two main components of the organisation's work, capacity building and advocacy.

IDEAS comprises activities around a website, electronic discussion lists (listservs), publications, acquisition of materials as well as support of national human rights implementation strategies.

## Implementation in 2006

In 2006, with two out-going programme officers working on the projects under the IDEAS programme; tan beng hui, the information and communications officer who left in April 2006, and Hasnizuraini Hassan, the research and publications officer who left in December 2005; and an in-coming information and communications officer to take over the programme in January 2006, it was envisaged that some projects under IDEAS would not be operating at a similar level as in 2005. Nevertheless, the programme has continued to be successful in facilitating the development of new knowledge and clarity relating to women's ability to claim, access and realise their rights; and providing access to appropriate information and expertise to create

---

33 Previously known as the Information, Dissemination and Application Strategy (IDAS). This was changed to IDEAS in 2005.

awareness of international human rights norms and initiate and expand local activism. Developments under this programme are set out below.

## **Website <[www.iwraw-ap.org](http://www.iwraw-ap.org)>**

### **Background and overview**

The IRAW Asia Pacific website is our ‘face’ to the world. It represents our ‘identity’, being the first point of contact most people have with us and is our ‘voice’ in communicating with our target groups. More functionally, the website is a comprehensive and regularly updated online resource or knowledge bank on CEDAW and related UN mechanisms, as well as on women’s human rights issues. Through this we have been able to make more accessible, information that is in-depth yet easy-to-understand, so that users are equipped with both a substantive and procedural understanding of the convention. The website caters to both governments and NGOs by providing them with information on how they can utilise this treaty to promote women’s human rights, based on IRAW Asia Pacific’s experience in giving trainings and technical assistance in these areas. As well there is a news section which allows us to post updates in a timely manner; a resources section that contains useful links as well as online resources related to CEDAW and women’s human rights (including papers and articles written by us); and a section that explains more about us and the work we do.

The website was set up in late 2001 as a means to facilitate better understanding and more effective use of the CEDAW Convention. It was revamped in June 2003<sup>34</sup>, and further improved in 2004 and 2005 through the introduction of new categories of information<sup>35</sup>. In brief, the new categories of information aim to enlarge on the applicability of other human rights mechanisms toward achieving women’s human rights and address the issues related to the reform of the UN Human Rights system and mechanisms and the impact on women’s human rights activism. Spanish language sections were also added in the OP CEDAW sections to facilitate understanding and activism around the OP CEDAW.

### **■ Website maintenance and further improvements**

At the end of 2005, an external survey was conducted and the results were very positive in that users of the website found it the website to be providing quality, useful and user-friendly services. In addition to the external survey, an internal survey was subsequently conducted among the staff of the organisation to elicit feedback to continue to improve the website.

In 2006, the website was regular updated two to three times a month. In addition to the regular updates, the following improvements were also made to the website:

---

34 See the Website section of the Annual Report 2003 for details of the changes made.

35 This includes new sub-sections in the OP-CEDAW section such as “Relevant Case Law”, the OP-CEDAW NGO Campaign “Our Rights are Not Optional!” and “Communications Procedure”, uploading information on the Committee on Economic, Social and Cultural Rights under the section Other UN Human Rights Mechanisms, making available electronic copies of the publications under the IRAW Asia Pacific Occasional Papers Series, as well as uploading CEDAW NGO Shadow Reports and NGO Statements to the CEDAW Committee.

- the OP-CEDAW section of the website was translated into Spanish and launched<sup>36</sup>;
- compiling and uploading a new section on gender equality legislations around the world<sup>37</sup>;
- the design of the programme for an online library catalogue was completed and uploaded onto the website;<sup>38</sup>
- creating a new section featuring reports of meetings organised by IRAW Asia Pacific<sup>39</sup>;
- highlighting the latest and most pertinent information on the website by creating a running tab on homepage make new information more accessible<sup>40</sup>;
- providing brief descriptions with online access to the Occasional Papers Series to ensure the publications are more accessible<sup>41</sup>;

The section on Other Human Rights Mechanisms is currently being expanded to include new developments relating to the reform of the UN and will include sections on the Human Rights Council, special procedures (with particular emphasis on the work of the special rapporteurs), Treaty body reform, Coherence Panel and Regional human rights mechanisms. This will be in addition to the current categories of information pertaining to all the work of the other human rights treaty bodies. The organisation also decided in 2006 to harmonise the colours and fonts on the website to correspond to the colours used by the organisation in its promotional brochure. These improvements are targeted for completion in 2007.

## ■ Enhancing our web ranking

Throughout the year, we updated the information on our website to ensure that the information was current, relevant and easy to access. In 2006 approximately 24 updates to the website were conducted.

There were a total number of 708,560 hits on our website in 2006 with 31,528 comprising unique visitors. According to our tracking system, these hits came from over 130 countries worldwide. In terms of the number of visitors to the website, we had an average of 2627 “unique visitors”<sup>42</sup> in the year of 2006, with the highest number of visitors in the month of November 2006 with 3528 “unique visitors”.

---

36 <<http://www.iwraw-ap.org/PFCedawEspanyol/index.htm>>

37 <<http://www.iwraw-ap.org/resources/laws.htm>>

38 <<http://www.iwraw-ap.org/library.htm>>. Library materials are currently being uploaded onto the online library catalogue. We target to complete uploading all library materials in 2007.

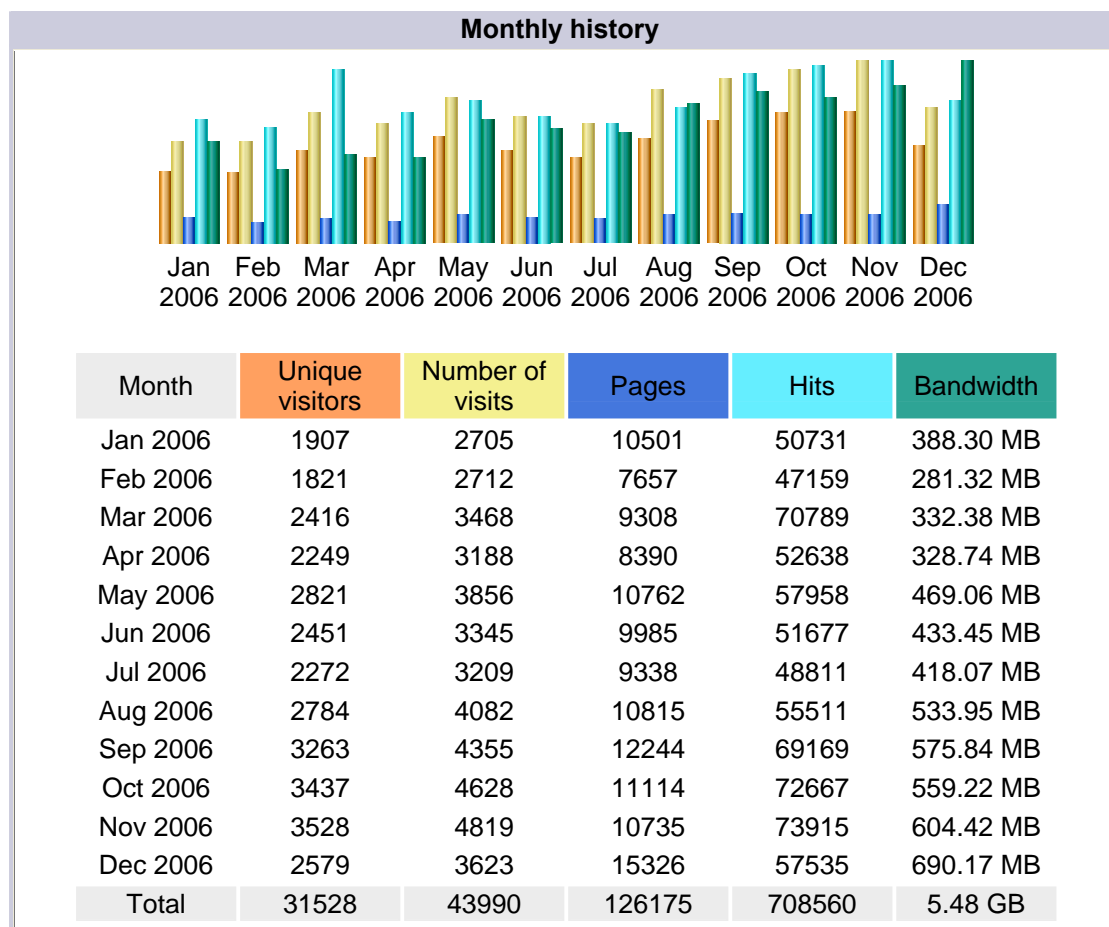
39 <[http://www.iwraw-ap.org/aboutus/other\\_reports.htm](http://www.iwraw-ap.org/aboutus/other_reports.htm)>

40 <<http://www.iwraw-ap.org/>>

41 <[http://www.iwraw-ap.org/aboutus/occasional\\_papers.htm](http://www.iwraw-ap.org/aboutus/occasional_papers.htm)>

<sup>42</sup> A “unique visitor” is a statistic describing a unit of traffic to a Web site, counting each visitor only once in the time frame of the report. This statistic is relevant to site publishers and advertisers as a measure of a site's true audience size. Definition provided by Wikipedia  
<[http://en.wikipedia.org/wiki/Unique\\_visitor](http://en.wikipedia.org/wiki/Unique_visitor)> accessed on 4 July 2007.

A table showing the monthly statistics for the year is set out below:



*Statistics provided by the Web Hosting Control System, Exa Bytes Network Sdn Bhd,  
<<http://www.exabytes.com.my>>*

The top ten web-pages visited within the IRAW Asia Pacific website are:

- About Us <<http://www.iwraw-ap.org/aboutus.htm>>
- CEDAW Optional Protocol, on the difference between de facto and de jure discrimination <<http://www.iwraw-ap.org/protocol/dejure.htm>>
- Resources (which includes Materials and publications produced by IRAW Asia Pacific, Weblinks, Laws, CEDAW Shadow Reports, CEDAW Summary Records, CEDAW-in-action) <<http://www.iwraw-ap.org/resources.htm>>
- CEDAW Convention <<http://www.iwraw-ap.org/convention.htm>>
- CEDAW shadow reports <[http://www.iwraw-ap.org/resources/shadow\\_reports.htm](http://www.iwraw-ap.org/resources/shadow_reports.htm)>
- News <<http://www.iwraw-ap.org/news.htm>>
- CEDAW Committee <<http://www.iwraw-ap.org/committee.htm>>
- Using CEDAW <[http://www.iwraw-ap.org/using\\_cedaw.htm](http://www.iwraw-ap.org/using_cedaw.htm)>
- CEDAW Optional Protocol <<http://www.iwraw-ap.org/protocol.htm>>
- Occasional Papers Series <[http://www.iwraw-ap.org/aboutus/occasional\\_papers.htm](http://www.iwraw-ap.org/aboutus/occasional_papers.htm)>

A table showing the ten most visited web-pages and the number of times they were accessed in 2006 are set out below:

Pages-URL	Number of times viewed
<a href="#">/aboutus.htm</a>	249
<a href="#">/protocol/dejure.htm</a>	177
<a href="#">/resources.htm</a>	139
<a href="#">/convention.htm</a>	136



<a href="/resources/shadow_reports.htm">/resources/shadow_reports.htm</a>	125
<a href="/news.htm">/news.htm</a>	119
<a href="/committee.htm">/committee.htm</a>	101
<a href="/using_cedaw.htm">/using_cedaw.htm</a>	98
<a href="/protocol.htm">/protocol.htm</a>	87
<a href="/aboutus/occasional_papers.htm">/aboutus/occasional_papers.htm</a>	82

*Statistics provided by the Web Hosting Control System, Exa Bytes Network Sdn Bhd,  
<<http://www.exabytes.com.my>>*

We continued to use the services of a professional company to help monitor and promote the website by providing weekly reports on broken links within and to the website such that technical errors are limited. We also continued to request the linking of IRAW Asia Pacific's website to other websites, though this was at an ad hoc basis. We found that others were independently linking their website to IRAW Asia Pacific's website as the website was becoming better known. From 23 links recorded in 2003, to 72 known links in 2004 and 111 in 2005, by December 2006 our website had 278 external links.

The IRAW 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. The website was put on hold at the end of 2006 as the portfolio of the information officer was modified to allow her to assist with the coordination of the "From Global to Local" programme and the Capacity Building programme.<sup>43</sup>

## **Publications**

Having concentrated on building capacity and facilitating advocacy since its inception in 1993, IRAW Asia Pacific started work in 2003 on several publications that reflected the experience and knowledge gained over this period.

We continued to publish papers under the Occasional Papers Series as well as make progress on publications that had been started in previous years. The developments on these publications are reported below.

### **■ Occasional Papers Series (OPS)**

The Occasional Papers Series seeks to promote clarity on CEDAW and make available emerging discussions and debates related to the organisation's areas of work. IRAW Asia Pacific published its first paper under the Occasional Papers Series in 2004. As of December 2006, nine papers under the Occasional Papers Series have been published<sup>44</sup>.

The two papers that were published in 2006 are:

- Addressing Intersectional Discrimination with Temporary Special Measures,
- Women's Right to Nationality and Citizenship.

---

<sup>43</sup> The new information and communications officer is scheduled to join the organisation in March 2007.

<sup>44</sup> These can be accessed at <[http://www.iwraw-ap.org/aboutus/occasional\\_papers.htm](http://www.iwraw-ap.org/aboutus/occasional_papers.htm)>.

Work on several papers started in past years are on-going (Addressing Rape as a Human Rights Violation - The role of international human rights norms and instruments; and Exploring the Potential of the UN Treaty Body System in Addressing Sexuality Rights). Work has also commenced on several papers in 2006 (Culture/religion and CEDAW; CEDAW and Migration, CEDAW and the right to health, Right to education, admissibility and exhaustion under the OP-CEDAW).

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

This project was initiated in late 2001, as part of IWRAW Asia Pacific’s capacity building work on the domestic implementation of international human rights standards. The project comprises research papers from legal scholars and activists in six Asian countries. The writers / researchers for this project are; Mayoury Ngaosrivathana (Laos), Janet Chew Li Hua (Malaysia), Hannah Irfan (Pakistan), Perfecto G. Caparas II and Jesus Agura Villardo III (Philippines), Deepika Udagama (Sri Lanka) and Pham Thi Thanh Van (Vietnam).

The research papers examine the status and implementation of international law domestically and how international standards can be used by advocates at the domestic level to advance the human rights of women. The papers are in various stages of being edited by Andrew Byrnes, and is expected to form part of the initial input for an Expert Group Meeting on State Obligation organised by IWRAW Asia Pacific which is scheduled for February 2007.

### **■ Women’s Human Rights: Challenges and the way forward (“Women’s Human Rights” book project)**

This book project was launched in 2005 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. The output from the project aims at supporting the advocacy of women activists in the region to influence national laws and development policies.

There are two sections to the book project. The first section 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), and the second section consists of five case studies (nationality; rape as torture; economic rights, focusing on issues surrounding water, land, migrants; and a critique of the strategies adopted for women’s rights, including the use of CEDAW standards, with a focus on reproductive rights and HIV/AIDS) that match one or more of the above themes.

The writers for the project include the following activists and academics: Savitri Goonesekere, Shanthi Dairiam, Carole Petersen, Dianne Otto, Sapana Pradhan Malla, Maria Herminia Graterol, Aurora de Dios, Tulika Srivastava. The editors of this book project are Savitri Goonesekere and Shanthi Dairiam.

The drafts of three thematic papers and three case studies have been completed by the paper writers and are in various stages of editing. Due to the busy schedules of the

other writers, deadlines have been extended for the completion of the other thematic papers and case studies. However, because the information in the papers may get outdated if not published in time, it was envisaged that the book project would be completed before the end of 2007.

### **■ Using the International Human Rights Agreements as a Tool for Redressing Violations of Women's Human Rights ("Uses of CEDAW" book project)**

This book project also commenced in 2005 in collaboration with Dr Debra Liebowitz of Drew University, USA. The aim of the project is to identify innovative, successful and potentially replicable strategies and methodologies for more robust policy advocacy by non-governmental organisations (NGOs) and government functionaries in using CEDAW as an advocacy and organising tool. The book 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 IWRAW Asia Pacific's experience in the From Global to Local programme, as a way to track how some of the participants have utilised the knowledge gained from the "From Global to Local" training.

Participants have been selected because of their direct expertise and innovative work in using the CEDAW Convention to affect domestic political change. They comprise leading activists, lawyers and scholars in national efforts to advance gender equality and the human rights of women from all regions of the world and with a diverse set of thematic, advocacy and organisational backgrounds. A call for submission was circulated to former From Global to Local alumni in late 2005 and other potentially interested parties, and around 25 persons responded positively. The list of writers will be finalised in 2007.

In July 2006, IWRAW Asia Pacific submitted a proposal to the Rockefeller Foundation, New York for funds to convene a meeting of the participants of the book project. Written by meeting participants, this conference will document and assess the ways that groups have used CEDAW as an advocacy and organising tool.

In addition to the resulting book, we plan to use this meeting as an opportunity to launch a new section on IWRAW Asia Pacific's website<sup>45</sup>. This will be particularly important since the website is already a hub for activists trying to hold their governments accountable for implementing international human rights obligations. Our goal is to use this section of our website to house primary documents that conference participants have created for their CEDAW advocacy initiatives. These materials can be resources for other activists interested in conducting similar campaigns or trainings in other parts of the world – including those working within the contexts of other human rights treaties.

The end of the year brought good tidings as the Foundation accepted our proposal for the meeting. The meeting is scheduled for October/November 2007 at the Rockefeller Foundation's Bellagio Study and Conference Center, Italy.

---

<sup>45</sup> <[www.iwraw-ap.org](http://www.iwraw-ap.org)>. For more information about the website, see the section on Website.

## Dissemination of published materials

This year, IRAW Asia Pacific continued to ensure that its published works were systematically disseminated to programme partners and advisory groups, country contacts, academic institutions, international and regional agencies. A dissemination list (created in 2005) was refined to record and keep track of the reach of the organisation's publications.

Specifically, the core group partners consist of:

- IRAW Asia Pacific Advisory Committee (8 individuals)
- IRAW Asia Pacific Board of Directors (4 individuals)
- South Asia core programme partners (13 individuals)
- South East Asia core partners (15 individuals)
- Participants from our past Global Consultation on OP-CEDAW (101 individuals)
- IRAW Asia Pacific cedaw4change listserv (845 individuals)

Note: Some of these individuals are found in more than one category above.

Materials disseminated included:

- IRAW Asia Pacific Occasional Paper Series
- IRAW Asia Pacific Resource Guide on the OP-CEDAW<sup>46</sup>
- IRAW Asia Pacific pamphlet on the Global Campaign on the Ratification and Use of the OP-CEDAW.

This mass dissemination generally occurred electronically, sending an electronic copy via email. However paper copies were distributed at the more targeted trainings and seminars attended by and organised by IRAW Asia Pacific throughout the year.

In March 2006, the organisation made a push to disseminate its Resource Guide on the Optional Protocol to CEDAW<sup>47</sup> and Occasional Papers Series, particularly targeting academic institutions and NGOs from the South. Our goal was to reach a wider audience as part of our advocacy and capacity building efforts, and to share our resources with others who may be interested. Additionally, we wanted to distribute the papers while the information remained relevant and useful. Our programme partners referred us to suitable recipients and in some cases, assisted us in disseminating our publications to their networks. More than 470 copies of the 9 volume OPS series have been sent to programme partners, national partners, educational institutions, development agencies, UN agencies, human and women's rights organisations and other parties.

The dissemination of IRAW Asia Pacific's publications are also made at conferences, meetings, trainings, etc. conducted and/or attended by IRAW Asia Pacific. More than 50 copies have also been sold to interested organisations and

---

<sup>46</sup> 1000 copies of the IRAW Asia Pacific OP-CEDAW Resource Guide were printed in August 2005, and 600 of those copies had been distributed by December 2006. It is estimated that in 2006 alone about 300 Resource Guides had been distributed. Note however that an electronic version of this Resource Guide is available online and so the exact number of individuals who have accessed this guide is difficult to determine.

<sup>47</sup> "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". IRAW Asia Pacific, published August 2005.

individuals at these venues or through queries and subsequently despatched by post. The number of indirect beneficiaries of these materials is vast. Each of our programme partners is connected to his or her own network of individuals, where we can reasonably expect our material will continue to be disseminated widely.

## Listservs

Both the cedaw4change and global2local listservs are maintained by IRAW Asia Pacific, with the cedaw4change listserv being moderated by the programme officer in charge of IDEAS, who is responsible for compiling information, and administering any requests or postings on both listservs.

### ■ Cedaw4change listserv

The cedaw4change listserv was set up<sup>48</sup> based on an observation that there were different levels of capacity and expertise on the CEDAW Convention in the Asia Pacific region, as well as around the world. IRAW Asia Pacific believed it would be useful to provide those interested with an opportunity to brainstorm, share experiences, and seek clarification on the effectiveness and implementation of the CEDAW Convention and other related human rights mechanisms. Through structured and moderated discussions, this listserv has raised the profile and understanding of CEDAW and provided insights into how the treaty impacts on women's human rights.

The last activity held on the cedaw4change listserv prior to 2006, was the two discussions on the Expanded Core Document, and the Optional Protocol to CEDAW (in 2005).

It has been difficult sustaining a constant and active engagement by the cedaw4change members. This is despite the remedial measures undertaken in response to the listserv's performance in 2005 by introducing a new format to prompt more active participation by its members. Given the difficulties in eliciting responses from listserv members, the organisation conducted an internal evaluation in 2006 and decided not to carry out the listserv survey that was originally targeted for early 2006. Instead, we decided to use the listserv as a mailing list to disseminate timely and targeted information on CEDAW and women's rights, other international human rights mechanisms including current debates around the reform of the UN treaty body system, the Human Rights Council as well as the proposed option protocol to the ICESCR, thus preserving the function of the listserv as a tool for dissemination and sharing of information without requiring substantive participation. This was because we have received feedback from some members that they did find the materials posted valuable, even if they were not contributing to discussions. Although we do not expect members to respond to the information posted, we hoped that by continuing to disseminate information on the listserv, members would be encouraged to share information and to keep in touch with the work of IRAW Asia Pacific.

The number of members subscribed to cedaw4change as of December 2006 is 845. The listserv is moderated by the Information and Communications Programme Officer at IRAW Asia Pacific.

---

48 In September 2002.

## ■ Global2local listserv

The global2local listserv was set up in October 2002 as a private listserv for participants of our “From Global to Local” programme. The listserv provides a safe and confidential space where members can keep in touch with each other for updates on CEDAW-related developments at the national level (after leaving a review session in New York), facilitates requests for follow-up assistance, and collectively shares views or strategies to advance women’s human rights. There are 249 subscribers on this list as of December 2006. The listserv is not moderated.

## Requests for Information

IWRAW Asia Pacific responded to 90 requests for information<sup>49</sup> throughout the year. This component of IWRAW Asia Pacific’s work is meant to generate better understanding of the organisation and its work, and create clarity on CEDAW and other women’s human rights processes. The information is derived from information on our website, materials from our library, the organisation’s “From Global to Local” and general database<sup>50</sup>, as well as the expertise of various staff members. The requests have come from different groups (women’s NGOs, regional and international bodies, universities, donor agencies, students, etc.) from different parts of the world.

The programme officer for IDEAS responds to these requests, coordinating with other members of IWRAW Asia Pacific’s staff as well as with resource persons, partners and networks to provide appropriate and comprehensive responses.

The requests for information can be broadly separated into the following categories:

- CEDAW related information (41 requests)

This includes information on the CEDAW Concluding Comments and its implementation, CEDAW reporting process, schedule of CEDAW sessions, guidelines for the writing of NGO shadow/alternative reports, requests to send shadow/alternative reports and reference materials to the CEDAW Committee, our global to local programme, translated materials on CEDAW, information about the OP-CEDAW and the new Human Rights Council its linkages to the work of the CEDAW Committee.

- General information (49 requests).

This includes information regarding the UN reform, about IWRAW Asia Pacific’s work<sup>51</sup>, request for materials (our publications, training materials, pamphlets, etc), referrals to IWRAW Asia Pacific’s network and contacts<sup>52</sup>, funding/financial

---

49 These are to be distinguished from the requests for technical assistance or training which are reported in the section on Capacity Building.

50 This database comprises the contact information of programme partners, advisory groups, donors, support services and other persons or organisations IWRAW Asia Pacific has worked with over the years. The database was created by an in-house administrative staff in 2005, and upgraded to include more categories of information in 2006.

51 One of which included a follow up meeting with a researcher from Australia.

52 This includes assisting the DAW in identifying suitable NGO participants from 7 countries for a workshop on the “Implementation and Follow up to Concluding Comments under the CEDAW Convention” that they organized in collaboration with ESCAP in Bangkok, Thailand in November 2006.

assistance, and participation in an online media survey conducted by Rutgers University for the UN.

We also received requests to cite and/or credit information that we provide. Significantly, the organisation's work was cited or publicly credited by others such as:

- "Development: Women's rights and development"<sup>53</sup>, a journal published by the Society for International Development,
- Women and Gender Institute<sup>54</sup> (WAGI), Miriam College, Philippines,
- Committee on the Elimination of Discrimination against Women<sup>55</sup>,
- Women's United Nations Report Program and Network<sup>56</sup> (WUNRN),
- Centre for Reproductive Rights<sup>57</sup> (CRR),
- Women in Development Europe<sup>58</sup> (WIDE),
- "Stop Violence Against Women" website<sup>59</sup> (a project by Minnesota Advocates for Human Rights),
- Japanese Association of International Women's Rights<sup>60</sup> (JAIWR).

## Library

### Background & Overview

IWRAW Asia Pacific's Library aims to function as a resource of select materials on CEDAW and women's human rights. To keep up with latest debates and developments in the human rights arena, IWRAW Asia Pacific has been actively identifying and obtaining various kinds of materials for its library. The acquisition of materials predominantly focuses on materials in two main categories: (a) A core collection comprising key CEDAW and other UN human rights documents, and (b) other reference materials.

Work in relation to the core collection took the form of updating the existing categories of CEDAW-related information (e.g. states parties' and NGO shadow or alternative reports, CEDAW Concluding Comments, CEDAW press releases, CEDAW sessional reports, etc.), at the same time building a compilation of materials

---

53 Which published Savitri Goonesekere's presentation (on behalf of IWRAW Asia Pacific) at the AWID Forum (Bangkok, Thailand, 2005) in Volume 49, Number 1, March 2006 of the journal.

54 WAGI used CEDAW related materials on our website for a training for state organs, which they organised in partnership with UNIFEM South East Asia and Canadian International Development Agency (CIDA), in May 2006.

55 The Chairperson of the CEDAW Committee, Rosario Manalo, referred to IWRAW Asia Pacific's work in her Opening Statement at the 34th CEDAW session in January 2006, 35th CEDAW session in May 2006, and 36th CEDAW session in August 2006.

56 WUNRN referred to our CEDAW reporting process flowchart (22 Feb 06), CEDAW shadow reports of under our "From Global to Local" programme (18 May 2006, 15 November 2006, 4 December 2006), our work on the OP-ICESCR <[http://www.iwraw-ap.org/news/escr\\_news.htm](http://www.iwraw-ap.org/news/escr_news.htm)> (7 August 2006), referred to our clarification regarding the CEDAW Summary Records (14 November 2006), Gender Equality Laws section of our website (28 November 2006), our list of webs resources via the CEDAW4Change listserv (29 December 2006).

57 CRR used materials obtained from IWRAW Asia Pacific's OP-Resource Guide and materials from the OP-CEDAW Consultation for a training they conducted in March 2006 in Bulgaria.

58 Newsletter No 9, October 2006, where they referred to our Spanish OP-CEDAW section of the website.

59 Referred to our website for shadow reports <[http://www.stopvaw.org/CEDAW\\_shadow.html](http://www.stopvaw.org/CEDAW_shadow.html)>.

60 JAIWR plans to translate our OP-CEDAW Resource Guide to Japanese, as one of their projects in conjunction with their 20th Anniversary in 2007.

from other treaty bodies. Our collection of shadow reports of NGOs since 1997 is a rare collection and cannot be found elsewhere. We have also sourced and collected documents in relation to the outputs of the UN Special Rapporteurs, Annual Treaty Body Chairs meetings, and the Commission on Human Rights sessions. Additionally, we have purchased books, reports and periodicals on the following subjects: the UN treaty body system, women's human rights, feminism, and gender and development. Together, the materials we have acquired form an important resource, not only for IRAW Asia Pacific but others too since we have been better placed and informed to respond to the various requests for assistance that we receive.

## **Implementation in 2006**

In 2006, IRAW Asia Pacific continued to improve and expand its collection of materials in the library by:

- updating the library's compilation of CEDAW-related materials and other UN documents pertaining to women's human rights; and
- expanding its collection of publications on human rights in general, and women's rights in particular.

In extending our subscription to key human rights, legal, feminist and development periodicals, IRAW Asia Pacific also started subscribing to on-line journals and compiling articles that were sourced online. The acquisition of books were made at a smaller scale this year. A number of the books were also sourced through other NGOs on a complimentary basis.

The cataloguing system that was started in previous years was finally completed in 2006. This included (1) a new classification system which involves the identification of an updated set of keywords, and (2) an online library catalogue that has been uploaded onto the IRAW Asia Pacific website<sup>61</sup>. The materials in the library are being re-classified according to the new catalogue system, and being uploaded onto the website. The new system is targeted to be fully operationalised by 2007.

The information and communications officer was responsible for keeping track of the new materials acquired for the library, and managed the weekly sorting, shelving and cataloguing of materials. beng hui<sup>62</sup> was hired to catalogue the library materials and upload it onto the website in mid 2006. Due to the large volume of library materials, a part-time librarian was hired in August to assist her in these tasks. The Information and Communications Officer provided overall supervision for the project.

## **Preparatory Work For Expert Group Meetings (EGM)**

IRAW Asia Pacific conducts expert group meetings in order to develop new levels of scholarship and skills needed to direct NGO activism and influence discourses related to women's human rights. In 2006, we planned for 2 EGMs on the issue of obligation's of the state under Article 2 of CEDAW and on the theme of the need for strengthening of rights.

---

61 Though this is temporarily offline pending the uploading of all the materials in the library onto the online catalogue.

62 Our information and communications officer who left in April 2006. She was also hired to upgrade sections of the website based on the web evaluation survey in 2005, as well as finalising several publications and reports.



- **EGM on CEDAW Article 2: National and International Dimensions of State Obligation**

International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific) plans to organise an Expert Group Meeting (EGM) on CEDAW Article 2 in collaboration with the University of New South Wales, Australia on 14-16 February 2007.

Article 2 is one of the core articles of the CEDAW Convention. It enumerates the general obligations of the State under the Convention, and lists legal and practical steps, which a State party must take to implement it and to achieve actual realisation of women's human rights. In order to assist States to fulfil their obligations under the Convention, the CEDAW Committee has consistently used the reporting process to clarify the content of States parties' general obligations under the Convention ("State obligation"). In this connection, the Committee has interpreted the provisions contained in Article 2 as they relate to specific contexts and circumstances.

Activists, lawyers, and academics working at the national level have been trying to address the gap that frequently exists between international standards on women's rights accepted by States and the domestic implementation of those standards. Various barriers and challenges to the full implementation of the Convention have been identified, and a range of different strategies and solutions has been developed in response: these may contribute additional elements to the current interpretations of State obligation under the CEDAW Convention.

Taking all these opportunities and challenges into consideration, IWRAP Asia Pacific plans to organise an EGM on CEDAW Article 2. The aim is to bring together a group of international experts to share experiences, analyses, strategies and recommendations that should be considered in the development of a comprehensive set of guidelines and principles on State Obligation in relation to CEDAW.

As the CEDAW Committee is currently drafting a General Recommendation on State Obligation (Article 2), the Outcome document from the EGM will be submitted to the CEDAW Committee. Apart from serving the advocacy behind Article 2, the Outcome document of this EGM will add to the overall CEDAW and women's human rights knowledge base which is the premise behind IDEAS. It is thus a project of knowledge creation and capturing and value addition which embodies the main aspects of IDEAS. Thus it is reported under IDEAS to reflect the main output from the project.

- **EGM on Strengthening of Rights**

IWRAP Asia Pacific has plans to host an Expert Group Meeting sometime in 2008 concerning the disappearance of rights and the strengthening of the rights-based framework. This Expert Group Meeting stems from repeated internal discussions about the erosion and disappearance of the framework of rights.

This Expert Group Meeting will allow IWRAP Asia Pacific to elaborate on this crucial topic by convening a group of experts to determine where, how and from whom rights are disappearing and how the rights-based approach can be strengthened

and reinserted back into key dialogues at local, national, regional and international levels. The meeting will focus on women's human rights and examine how different spaces where rights are not fulfilled affect women in particular.

In preparation for this meeting, from June- August 2006, IWRAW Asia Pacific with the help of Jennifer Hainsfurther, an intern from New York University, drew up a concept note and framework which was disseminated to experts to solicit their feedback. The concept and framework is still under discussion and the work on this proposed EGM continues.

# **INSTITUTION BUILDING**

## **Overview**

IWRAW Asia Pacific's core organisational governance comprises: a) Board of Directors b) Advisory Committee and c) Secretariat (IWRAW staff)

IWRAW Asia Pacific's Board of Directors (BoD) comprising 5 members, has final decision-making authority for all legal and financial matters. Decision-making is by consensus. Programme policy decisions, including the resource implications of each programme are entrusted to an Advisory Committee (AC) which is appointed by the Board of Directors. Currently the AC comprises nine members who are regional experts on CEDAW represent programme partners in Asia Pacific according to geographical regions and two BoD members. Decision making is by consensus. The AC meets annually to assess the efficiency in which ideas and programmes are carried out. The AC also serves as an avenue for fresh ideas.

We have a staff force of nine members comprising the Executive Director, Deputy Executive Director, 4 Programme Officers, one Information and Communications Officer, two Administrative and Finance Officers, one Administrative Assistant and a part-time Librarian.

Other position(s) may be created as and when necessary subject to the availability of funds. In addition to the above structure, IWRAW also works closely with its Resource and Management Teams comprising:

1. Pool of Resource Persons
2. From Global to Local Project Management Team
3. Advisory Group of the Global Campaign for Ratification and Use of the Optional Protocol to CEDAW
4. Other Advisory Groups which will be formed as and when necessary.

IWRAW Asia Pacific's programmes have strategically grown in the last ten years that it has worked in women's human rights. It is now embarking on the fourth phase of its work cycles from 2006 to 2008. Hence a major part of IWRAW Asia Pacific's institution building programme in 2006 was focused on preparation of our programme of action for the new work cycle and seeking funds for its programmes as well as institutional support to sustain its work beyond 2008. It is also working on processes to ensure accountability and transparency in its internal structure and to further build on its existing internal capacity for programme and financial reporting, tracking and management.

## **Implementation in 2006**

The core institution building activities are: fundraising, meetings of the Board of Directors, Advisory Committee and Strategic Staff Planning and networking. However, the year 2006 saw the end of the third phase of both IWRAW Asia Pacific's work and funding cycles. This meant wrapping up of activities, submission of final financial and narrative reports to our respective donors and a fund raising drive for the next phase of work.

Our programme of action for this phase in our programme (2006-2009) was conceived and is built upon past development of programmes. It was finalised in the last quarter of 2005 and submitted to numerous donors. Intensive research was done on donors' profiles identifying those whose mandates match our mission, prior to our submission of proposals to them.

. All these contributed to the decision to defer the Advisory Committee meeting to early 2007. The year also saw the members of the Board meeting more frequently and being more actively involved in overseeing institutional matters that require policy changes.

## **Board of Directors Meetings**

This was a busy year for members of the Board. Unlike the previous years, two formal Board of Directors meetings were held instead of one, the first on 20 September and the other on 19 December.

The meeting on 20 September discussed matters pertaining to funding situation, staff issues and programme activities. As some of the staff had only joined the organisation in 2006, the respective Programme Officers were also invited to brief the Board on their portfolios and to discuss matters that require inputs from the Board. Present were Shanthi Dairiam, Maznah Mohamad, Ivy Josiah who are members of the Board and Yew Bee Yee, Deputy Executive Director.

The meeting on 19 December was held to hold appraisals of three staff whose contracts of employment were due for renewal. All their contracts were renewed. They are Lee Wei San, Janine Moussa and Yew Bee Yee. Present from the Board were Shanthi Dairiam, Maznah Mohamad and Ivy Josiah and Anuradha Rao, Executive Director of the organisation. Additionally, the Board also held several other smaller meetings amongst themselves outside the office to discuss institutional matters that require policy decisions.

Items discussed and decisions made include:

- Period of transition between outgoing founding executive director and incumbent executive director
- Appointment of Shanthi Dairiam as Special Adviser
- Ivy Josiah to act as focal point for resolution of staff issues.

Due to the composition of the programme staff dwindling, there was a need to have substantive guidance to enable IWRAW Asia Pacific to live up to its vision and follow through on its philosophy and long-term aims. Therefore when the issue was brought up to the board, the board was pleased to appoint Shanthi Dairiam as Special Adviser, as she was the founder director and executive director for close to 12 years.

## **Strategic Staff Planning Meeting**

### **Background & Overview**

The strategic staff planning meeting is an annual event, aimed at enhancing planning and direction and to serve as an opportunity for fellowship between all staff and key board and advisory members. This last meeting was especially strategic as it was held

at the end of the third cycle of IWRAW Asia Pacific's current programme thus making it an opportune time to review our previous work and plan our work ahead. It was scheduled with the objective to:

- 1) Evaluate IWRAW Asia Pacific's action plan for the fourth phase (2006-2009).  
To achieve this, we
  - Examined and prioritised current relevance of issues and action plans outlined.
  - Took stock of decisions and the prioritisation of issues made at the past strategic planning and Advisory Committee meetings.
- 2) Finalise a concrete plan of action for the new phase based on outcome of the evaluation above, available funds and staff capacity.

Contributing to this meeting were Shanthi Dairiam, Maznah Mohamad and Ivy Josiah (all members of the Board of Directors). Dr. Deepika Udagama from the University of Colombo, Sri Lanka, facilitated the sessions and made sure that our objectives were achieved. At the end of the meeting, a detailed operational plan for the next four years was drawn up, with an emphasis of what could commence immediately based on available funds.

Aside from discussing the new work cycle, Dr Udagama also led us into a substantive discussion on the disappearance of rights discourse and the issue of indivisibility. The discussions strengthened the importance for us to have conceptual clarity on these issues for our work and it also outlined the scope and depth of these issues.

## **Fund Raising Efforts/Meetings With Donors**

With the end of the funding cycle, a fund raising drive was carried out in the third quarter of 2005, which spilled over to 2006 and it is still ongoing. Intensive research was carried out on the funding mandates of 35 donors. Proposals were submitted to twenty-seven donors who meet the mandate of our mission. To date, we were successful in receiving funds from six donors. As mentioned earlier, our current donors are UNIFEM, UNFPA, FORD Foundation, NOVIB, HIVOS and Rockefeller Foundation. Of these six donors, the latter three were new donors, although NOVIB had previously funded us in the late 1990s.

For project activities where funds required were not fully met by donors, such as the 'From Global to Local' programme which is very resource intensive, we assisted the participants to raise funds separately for their participation at our activities.

While on official duties, the Executive Director also took the opportunities to meet with several donors, both current and potential. To save costs, these meetings were arranged where our donor offices are located along the same routes where her official duties were held. The face-to-face meetings were useful as it enabled her to explain our work in greater detail as well as to foster relationships with them. Donors met were UNIFEM, UNFPA, FORD Foundation, the Government of the Netherlands, HIVOS, Swiss Agency for Development and Cooperation (SDC), Women's Rights Unit and Office of the High Commission on Human Rights, World Council of Churches.

Unfortunately, the Government of the Netherlands, one of our main donors for the past more than ten years terminated their funding support to us in December 2005. The reason given was because of a recent change in its funding policy to international NGOs. In addition, the funds allocated for international NGOs has been drastically reduced and we were not one of the few international NGOs selected for their funding support despite a very positive evaluation of our work (on effectiveness, efficiency, relevance, capacity to learn and implementing capacity) by an evaluation mission called the “Theme based Co-financing Evaluation” held in October 2005, commissioned by the Government of the Netherlands.

We soon discovered that this was indicative of changes in the external climate on funding – shifts in funding policies of bi-lateral and multi-lateral donors saw funds being routed through governments rather than NGOs. Most large donors decreased funds for women’s organisations working on women’s right, particularly regional and global organisations. Most such funds were disbursed to national NGOs working on specific issues/areas required to show tangible results.

In an attempt to request for a termination grant or to reinstate the funding support by the Government of the Netherlands, the Executive Director attended an “Objection Hearing” at their headquarters in The Hague. We were however not successful in extending their funding support nor getting a termination grant. However, we were fortunate to raise some funds from new donors such as NOVIB and HIVOS. Additionally most of our past donors, Ford Foundation, New Delhi, UNIFEM and UNFPA New York continue their funding support to us.

## **New Office & Office Warming**

In September 2005, IWRAW shifted to a new and more spacious office space. The shift was necessitated by the demolition plans of the owners of the previous building. It held an office warming party on 14 April 2006 to inform the local NGOs, GOs, donors and UN agencies of its new office location. The organisation also took the opportunity to give a brief introduction on the work that IWRAW Asia Pacific does as well as having a small quiz pertaining to the UN Convention on All Forms of Discrimination Against Women (CEDAW).

## **Staff Movements**

beng hui, Information and Communications Officer bade farewell after working at IWRAW Asia Pacific for more than three years. She decided to move into national level work and academics. Amongst other tasks, she was responsible in managing and updating our website and on-line discussions, maintenance of our resource centre, preparations of publications and information dissemination pertaining to women’s human rights. She will be missed but continues to be part of IWRAW Asia Pacific pool of resource persons.

Rozana Isa, Programme Officer for Capacity Building for about 2 years, decided to quit full time job to spend more time with her three young children and Sarah Ariola

Programme Officer for International Advocacy and Capacity Building (with a focus on training on the use of law) had to suddenly leave us due to illness of her father.

Azlini Abdul Ghani, senior administrative and finance officer and who has been one of the first staff to join the organisation completed her contract and decided to venture into her own business.

To replace the outgoing staff, three new staff came on board in 2006. They were Jana Rumminger as Programme Officer for Capacity Building, Selvi Palani as Programme Officer for International Advocacy and Capacity Building (pertaining to trainings on the use of Law) and Lee Wei San, as Information and Communications Officer. Jamuna Raneer who will assume Azlini's position will join us in January 2007.

Jana has an A.B., Princeton University (USA); J.D. and M.S., Northern University (Boston, USA). Over the last ten years, Jana's scholarship and activism has focussed on issues at the intersection of race/ethnicity, gender and poverty, with experience in South Africa, Sri Lanka, the United States and the United Kingdom. Prior to joining IWRAW Asia Pacific, she spent two years, the first as Luce scholar, working with Malaysian women's organisations on law reform and advocacy around violence against women, Discriminatory law, Muslim family laws and religious pluralism.

Selvi holds an LL.M. in International Human Rights Law, from the University of Essex, England. Before joining IWRAW Asia Pacific, she was practicing lawyer at the High Court of Madras (Chennai), India, focussing on human rights and women's rights issues and cases. She has been associated with several NGOs working on women's rights, child rights, civil and political rights and consumer rights in India. She has worked as an intern with the UN Special Rapporteur on the Right to Health and also interned with the World Health Organisation (WHO), Geneva.

Wei San has a Bachelor of Law (Hons.) from the University of Sheffield, United Kingdom (1999). She was called to the Malaysia Bar in 2001 and practised in the field of corporate and construction law. Prior to joining IWRAW Asia Pacific, she worked as project coordinator for the Global Consultation on OP-CEDAW held in August 2005. She also volunteers at the Women's Aids organisation, a Malaysian NGO.

## **Internship Programme**

### **Overview**

IWRAW Asia Pacific's internship programme offers successful applicants exposure to a range of women's human rights issues and knowledge on CEDAW and related treaty bodies. Interns will also be able to gain research, advocacy and/or organising skills. Depending on the duration and timing of the internship, IWRAW Asia Pacific also usually provides interns with a chance to gain hands-on experience through involvement in an IWRAW Asia Pacific training or event. Among other tasks, interns are asked to develop position papers on various issues relating to women's rights, undertake research, collation and analysis of cases and principles and assist in other ways.

Interns learned about the internship programme primarily through partner institutions who send interns regularly and the notice posted on the IWRAW Asia Pacific website.

Although there have been a number of interns over the years, almost all of them have come from the United States, United Kingdom or Australia. At the 6th IWRAW Asia Pacific Advisory Committee meeting, the Advisory Committee requested that IWRAW Asia Pacific try to forge links with universities in the South, such as Mahidol University in the Philippines, etc.

## **Implementation in 2006**

During 2006, the internship coordinator made some attempts to make these connections and encourage students from universities in the South to take part in the IWRAW Asia Pacific internship programme.

In 2006, IWRAW Asia Pacific hosted three interns: Rubiahna Vaughn (Luce Scholar, part-time, March – June), Jennifer Hainsfurther (NYU Law School, May – August), and Rachael Hopkins (Monash law, December 1 – 22 February 2007). Each of the three interns wrote papers that may be included as part of the IWRAW Asia Pacific Occasional Papers Series or may be posted on the IWRAW Asia Pacific website.

### **■ Rubiahna Vaughn, Luce Scholar, USA**

Rubiahna was a 2005-2006 Luce Scholar placed in Malaysia with special attachment to the Health Research Development Unit of Universiti Malaya. Rubiahna joined IWRAW Asia Pacific on a part-time basis from March through May 2006 as a component of her placement in order to explore international human rights standards on women's right to health. During her time at IWRAW Asia Pacific, she wrote a paper on international human rights and mental health. Rubiahna holds a bachelor's degree from Stanford University in Human Biology, with Interdisciplinary Honours in Latin American Studies and a minor in African and African American Studies. Upon her return to the United States, she began a master's degree in Public Health at Columbia University with a concentration in Sociomedical Sciences. She plans to attend medical school, also at Columbia University

### **■ Jennifer Hainsfurther, New York University, USA**

Jennifer holds a B.A. in Political Science and Women's Studies from Duke University, with honours. She is currently an Institute of International Law and Justice Scholar at New York University, where she will receive her Juris Doctor and LLM in international law. At NYU, she is a board member of Law Women and the Unemployment Action Center. Jennifer was an intern at IWRAW Asia Pacific from June through August 2006 as part of the NYU Center for Human Rights and Global Justice summer fellowship programme. While at IWRAW Asia Pacific, she helped conceptualise the Expert Group Meeting on the Strengthening of Rights and wrote a paper on CEDAW and migration.

### **■ Rachael Hopkins, Monash University, Australia**

Rachael holds a Bachelor of Arts with Honours in Women's Studies at Monash University, Melbourne, Australia and is currently completing her Bachelor of Laws at Monash University. She volunteers at the Women's Legal Service, Victoria. Rachael's internship at IWRAW Asia Pacific will last from December 2006 to February 2007 as part of the Castan Centre for Human Rights internship programme



at Monash University. During her time at IWRAW Asia Pacific, she completed a paper on reservations to CEDAW and religion, culture and tradition. The paper focuses on how religion, culture and tradition are used as excuses for not fully implementing the CEDAW Convention and presents arguments to counter resistance to CEDAW based on religion, culture and tradition.

## **Promotional Materials**

IWRAW Asia Pacific updated the information in its organisational brochure and the brochure on the Global Campaign on the Ratification and Use of the OP-CEDAW. The letterhead of the organisation was streamlined as well. Finally, a publications flyer which gives details about the publications and cost was produced to facilitate the dissemination of publications at trainings, meetings and conferences.

## NETWORKING

As in the past, besides the programmes developed and carried out by the organisation, we also responded to a number of other networking invitations both at the local and international levels in the course of the year. These are good forums to meet new groups and establish new links as well as sharing our knowledge and experiences beyond its regular constituencies to a different audience.

### **April 18 – 20 | Five-year Strategic Planning Meeting of ARROW and Partner Organisations. Terengganu, Malaysia.**

The meeting was a well-planned process of evaluating ARROW's past five years' activities as outlined in the first five-year plan, an assessment of external factors affecting ARROW's and partner organisations projects; internal strengths and weaknesses (organisational and project implementation) of ARROW, partner organisations and the links between them; prioritisation of projects based on available funding, and a distribution of responsibilities. It was interesting to note that an external evaluation of ARROW's programmes was being conducted simultaneously, with the evaluator (from India), scheduling a series of independent interviews with participants. The whole process was transparent and nurturing, encouraging participants to be frank in their observations. Representing IWRAW Asia Pacific, Anuradha Rao was invited to this event to share experiences and strategies for the realisation of women's health rights.

### **June 5 | Gender Equality Seminar: Swedish Experiences. Organised jointly by the Embassy of Sweden and the Ministry of Women, Family and Community Development. Kuala Lumpur, Malaysia.**

The 'Gender Equality Seminar: Swedish Experiences' gave important insights into the concept of gender equality and gender mainstreaming, using the Swedish experience as an example. It was emphasised that the strategy for achieving gender equality was gender mainstreaming, which was operationalised through governance (policies and laws), knowledge (current gender research) and methodologies for effecting laws and policies. The critical aspect was equality of results (as indicated in gender statistics on the effect of laws and policies on men and women), not merely instituting processes which may or may not be effective. After tracing the development of laws in Sweden since 1971 that aimed at economic independence and equality for women, Ms. Astrom, Inquiry Chair, Inquiry on Gender Equality Policy, Sweden, deconstructed the conventional approach to gender equality, which 'ghettoised' women's issues to departments for women's welfare.

A clear conceptual framework for gender mainstreaming is critical, since there is a global acceptance of gender mainstreaming in 1995 (Beijing Platform for Action) and strategies are being developed. Anuradha Rao represented IWRAW Asia Pacific at this meeting.

### **August 6 | Seminar and Book Launch: "Feminism and the Women's Movement in Malaysia: An Unsung (R)evolution". Organised by the Women's Development Collective. Kuala Lumpur, Malaysia.**

The seminar on “Feminism and Women’s Movement in Malaysia” was held to coincide with the launch of the book “*Feminism and the Women’s Movement in Malaysia: An Unsung (R)evolution*” authored by Cecilia Ng, Maznah Mohamad and tan beng hui. Anuradha Rao, Yew Bee Yee, Janine Moussa, Selvi Palani and Lee Wei San attended the event.

**September 27 | Meeting with German Minister on Human Rights and Development; German Ambassador to the UN; Parliamentary group, German Permanent Mission. Geneva, Switzerland.**

During the Second Session of the Human Rights Council held from 18 September to 6<sup>th</sup> October, a meeting was held with the German Minister on Human Rights and Development; German Ambassador to the UN and Parliamentary group. The purpose was for the German mission to hear from NGOs how the Council meetings were progressing and what the German member at the Council could do to push through some of our issues. NGO representatives at the meeting requested renewal of mandates; incorporating women’s human rights into the work of the Human Rights Council in its mandates and the Universal Periodic Review in particular; stronger representation and space for NGOs. Anuradha Rao attended the meeting on behalf of IWRAW Asia Pacific.

**September 26 | Policy Book Launch, Organised by the International Council on Human Rights. Geneva, Switzerland.**

In conjunction with the Second Session of the Human Rights Council (HRC), the International Council on Human Rights held a Policy Book launch of their report “Human Rights Standards: Learning from Experience”. Over 150 HRC participants comprising governments, NGOs and experts were present at the launch. The venue was a good opportunity to network. Anuradha Rao represented IWRAW Asia Pacific at the meeting.

**November 9 – 11 | AWID Conference on Money and Movements on Changing Funding Policies and How to Access Funds for Work on Women’s Rights. Organised by AWID and Semillas. Querétaro, Mexico.**

Anuradha Rao represented IWRAW Asia Pacific at this conference. The objectives of the meeting were to examine funding trends related to gender equality work and support to women’s rights organisations, contribute to promoting a significant increase in access to and amount of funding to support women’s rights work, particularly women’s organisations all over the world and improve the effectiveness of women’s organisations to raise and utilise more funds to build stronger movements and progress gender equality globally.

Approximately 270 representatives of women’s organisations and 50 donors participated at the meeting. Some of the key concerns addressed were the declining funds for work on women’s right; changing priorities of donors, especially bi-lateral and multilateral donors, strategies required of women’s organisations to counter these, and advocacy for a strong, well-resourced women’s agency in the United Nations.

# ANNEXES

## Annex 1

### **Structure of NGO Report on CEDAW implementation in Vietnam Developed in part at the NGO Shadow Report Training, May 2006**

1. Title of the report:

“NGOs’ report on CEDAW implementation in Vietnam”

2. Subject matters and leading organizations and individuals of subgroups:

- Women and family
- Trafficking in women and domestic violence
- Rural women
- Women with health issues
- Women with jobs in private economic sector
- Women and education
- Women in politics and public sector

3. Selected report outline:

1. General background (whether CEDAW articles could be applied)
2. Achievements/evidence (NGOs’ contribution)
3. Challenges/causes - analysis
4. Recommendations to CEDAW Committee.

4. Size of the report:

1. Sub-report on each of the subject matters: 5 pages
2. The whole report: 60 pages

5. Information collection:

*\* Major material for reference:*

1. Combined fifth and sixth Periodic Reports on CEDAW written by NCFW
2. General recommendation N<sup>o</sup> 19, 21, 23, 24, 25
3. Concluding recommendation to Vietnam ...
4. Shadow report of Australia (included in training material)

*\* Other information resources:*

- Based on relationship with other organizations working in the same sector, sub-groups should collect more relevant information, material and documents. Head of sub-groups should get well understanding and gathering information in line with their plan.
- The core group of GenComNet should find and provide contact details of INGOs and LNGOs working in various sectors for sub-groups to collect information. Relevant information should be concerned and tried to send to groups.

6. Critical issues

*I. Women and family* (Articles 2, 5a, 11.2c and 16, and General Recommendation 21)

1. Social meaning of housework.
2. Services on healthcare and child safe ensuring in order to create favourable condition for mothers to do their natural function.
3. Contract marriage with foreigner.

*II. Violence against Women* (Articles 3; 5a; 6; General Recommendation 19)

1. Domestic violence in Vietnam.
2. Immigration and trafficking in women and children in Vietnam
3. Most of victims suffered from above mentioned forms are women and children.

4. On-going attempts by Vietnam haven't solved these forms of violence.

*III. Rural women (Articles 5a, 14)*

1. *Signs of gender inequality in the rural area:*
2. Causes of gender discrimination in the rural area:

*IV. Women and health (Articles 5(b), 10(h), 12, 14(2b), 16(1e), and General Recommendation 24)*

1. Maternal mortality rate
2. Adolescent abortion
3. The issues of HIV/AIDS and other sexually transmitted diseases

*V. Women with jobs in private economic sector (Articles 11; 13; 14(c), (d), (e), (f), (g))*

1. Women's current demand on employment is higher than men's:
2. *The number of jobless women in rural and urban areas to join in private sector is rising*
3. *The development of women participation in the sector is increasing in future process of WTO entering if the equality situation of job creation isn't improved.*

*VI. Women and education (Articles 10 and 14(d))*

1. *The proportion of school girl at elementary and secondary and higher level in poor and ethnic minority areas is low particularly in ethnic minority group in mountainous remote area.*
2. Opportunities for women to access and enhance their working skills are limited
3. Gender bias in education textbooks and training programmes

*VII. Women in politics and public sector (Articles 7, 5(a), 16, and General Recommendation 23)*

1. Women do not have a real voice in governmental mechanisms.
2. *Women rarely participate in management and policy setting up in ministries and industries which are played strategic roles during the process of planning national programmes on socio-economic and human power development.*
3. *Women's voice during the process of decision-making and policy implementation at the grassroots level is limited.*

## **Annex 2**

### **Output from November 2006 Indonesia NGO Shadow Report Training and subsequent collaboration of the Indonesia NGO Coalition**

#### **1. Critical Issues**

During the Shadow Report Training, the participants broke into seven groups to discuss key issues and the structure of the report for each of the following topics:

- Articles 1 – 5, 15 (Laws and policies)
- Article 6 (Trafficking), Natural Disasters and Armed Conflict
- Articles 7, 8 (Women in Political and Public Life)
- Articles 11, 13 (Women's right to employment)
- Articles 5b, 12 (Reproductive Health)
- Articles 9, 16 (Citizenship and Marriage)
- Articles 10, 14 (Education and Women in Rural Areas)

#### **2. Structure of each topic**

For each topic, the working groups discussed the issues and prepared the following, which they presented to the entire group:

- Text of the relevant article
- Key issues within that topic
- Facts about each issue
- Critical analysis
- Conclusions
- Recommendations to the Committee

#### **3. Outline for List of Critical Issues for submission to the CEDAW Committee**

The NGO Coalition used the ideas they developed in the shadow report training to prepare a List of Critical Issues to submit to the CEDAW Committee for the pre-session working group meeting in February 2007. The Indonesian List of Critical Issues had the following structure:

##### ***I. Introduction***

##### ***II. Presentation of Data on Seven Crucial Issues***

- (1) Role of the State in eliminating discrimination
  - State has not amended or rescinded laws that discriminate.
  - State has even let new, obviously discriminatory policies or draft policies come into being at both the national and local levels.
  - There have been no concrete steps to address high level of trafficking.
- (2) Trafficking in women
  - No strong legal instrument to abolish the practice of trafficking in women
  - Weak immigration system and demographic administration
- (3) Right to work
  - Discrimination against women still exist in various fields and employment opportunities, including the formal sector, the informal sector (for example: domestic workers), and the migrant labor sector.
  - Formal sector: (1) discrimination in terms of wages earned; (2) discrimination in terms of entitlement to health allowance; (3) discrimination in terms of entitlement to promotion and pay rise; (4) discrimination in contracts of employment; (5) sexual harassment; (6) no entitlement or difficulties in exercising entitlements to health, welfare and leave for maternity-related matters.

- Informal sector: weak legal and social security protection; weak protection of their reproductive health; low wages; inadequate working facilities and inadequate protection of occupational safety; vulnerability to physical, psychological, sexual, economic and social violence; restricted access to information, communication, socialization and organization; no day off and leave.
  - Migrant sector: no legal protection; no social protection; violence; rape; vulnerability to trafficking for sexual exploitation; and wages below minimum standards.
- (4) Fulfilment of reproductive health rights
- Women's access to health facilities is still a problem, especially for poor urban women, rural and hinterland women.
  - The maternal mortality rate is still very high (the highest among ASEAN countries).
  - Health law only addresses women's reproductive health in the context of marriage, which results in discrimination in terms of access to reproductive health services for women who are not married, female teenagers, women of advanced age and widows who are not covered under the article to receive protection.
  - The health law does not guarantee access to service of women's reproductive health treatment in the event of abortion.
- (5) Marriage and family law
- The right to enter into a marriage: the right to enter into a marriage is not fully given to those under 21 years of age because permission from their parents is required
  - Child marriage and minimum age for marriage: minimum age for marriage is 16 years of age for females and at 19 years of age for males
  - Rights and responsibilities in the course of marriage and upon the severance of marriage are imbalanced and discriminatory against women: Husband designated under the law as the head of the family and wife as the housewife; wife must obey husband and do housework; many unregistered marriages, and women cannot use Domestic Violence Act if marriage is not registered.
  - Discrimination in the form of polygamy.
- (6) Politics and the public life of women
- The 30 percent quota for representation of women is not required and there is no strong incentive for political parties to enforce it through their nominations.
  - Women's participation in both decision making and policy making has not been fully realized, especially in conflict areas.
- (7) Citizenship
- The law that prohibited women passing citizenship to their children has been changed.
  - Women, especially the large number of female migrant workers, are particularly vulnerable under a law in which a person can lose Indonesian citizenship after living abroad for more than 5 years.

### ***III. Analysis***

### ***IV. Conclusions and Recommendations***

1. Immediate legislative action to amend Act Number 1 of the Year 1974 concerning Marriage, more specifically, Article 31(3) (on division of roles between men and women in marriage), Article 4(2) (on polygamy), Article 7(1) (on minimum age of marriage).
2. Immediate legislative action to revise Act Number 23 of the Year 1992 concerning Health through the explicit inclusion of reproductive health.
3. Immediate adoption of the Bill concerning the Eradication of the Crime of Human Trafficking that is being deliberated in the House of Representatives.
4. Legislative action to review policies at local level that are contradictory to the principle of equality and also go against the hierarchically higher-ranked legal umbrella.
5. Ending the deliberation of the Bill concerning Anti-Pornography and Anti-Pornographic Action because the bill has the potential to cause discriminatory treatment against women.
6. Increased inspection by the Ministry of Manpower of a number of companies that perform discriminatory practices against female labourers.

7. Revising [amending] Act Number 13 of the Year 2003 by including Domestic Workers into the category of worker as a form of acknowledgment and protection provided by the State to Domestic Workers.
8. Urging the State to immediately make a special regulation concerning the protection of Domestic Workers (a bill concerning Domestic Worker Protection).
9. Amending Act Number 12 of the Year 2003 concerning General Election, particularly article 65 that does not firmly provide for efforts to enhance women's representation in politics, and Act Number 31 of the Year 2002 concerning Political Parties that does not guarantee the minimum 30 % representation of women.
10. Amending Act Number 12 of the Year 2006 concerning Citizenship, in particular article 23 letter (i) and article 26 subsection (1) that is still discriminatory against women.
11. Immediate adoption of government regulations as a follow up of Act Number 23/2004 concerning the Elimination of Domestic Violence.
12. Broad-based promotion and awareness raising of Act Number 23 of the Year 2004 concerning the Elimination of Domestic Violence, and other legislation to the general public, government officials/ officers and law enforcers down to the grass-root level.
13. Broad-based promotion and awareness raising and broad-based provision of facilities and services accessible by victims of violence against women down to the village level and remote, isolated areas.
14. Guaranteeing protection, safety, and security of victims of domestic violence, for example, by providing safe shelters, keeping the victims' identity confidential, etc.
15. Conducting monitoring and control of the implementation of regulations related to women's issues.
16. Taking effective and efficient measures through approaches that are appropriate according to local cultures in order to be able to change the culture of violence that exists in a certain ethnicity, for example, by approaching or raising the awareness of traditional/ tribal leaders as well as religious leaders in some society.
17. Introducing rehabilitation programs for perpetrators of violence against women.
18. Providing political education to women down to the grass-roots level concerning both women as voters as well as women who would later on nominate themselves as prospective legislators.



## Annex 3

### Submission 1:

#### Submission by Joint Action Group for Gender Equality, Malaysia, in the Lina Joy case, including input from IRAW Asia Pacific on CEDAW and international human rights norms

14 March 2006

M/S Benjamin Dawson,  
B – 12 – 4, Megan Avenue 11,  
Jalan Yap Kwan Seng,  
Kuala Lumpur.

#### Re: Mahkamah Persekutuan Permohonan Sivil No.: 08-151-2005 (W)

With reference to the above, we append below a statement from the undersigned:

Lina Joy's case raises important matters of public interest in that its issues are intertwined with several fundamental rights of women, including the right to profess the religion of her choice, the right to marry, the ability to exercise her reproductive rights and the right to choose her country of domicile. The denial of these rights also constitutes a violation of Lina Joy's rights to equality and non-discrimination.

Lina Joy was born a Muslim but came to believe in the Christian faith in 1990 and was then baptized a Christian on 11 May 1998. The State authorities rejected her application to register her change in faith by deleting the particulars "Islam" from her identity card. She is unable to truly live in her chosen faith or register or solemnize a marriage with a non-Muslim in Malaysia and thus bear a "legitimate" child in Malaysia. She may have to move to another country to fulfil these fundamental rights.

#### Sources of Law

It is our understanding that the Federal Constitution is the supreme law of the land, as articulated in Article 4(1), and that the protection afforded by the State is applicable to all Malaysians, Muslim or non-Muslim. Malaysia also has numerous international human rights commitments as a result of its participation in the United Nations and the international community and because it has acceded to specific human rights treaties.

The Universal Declaration of Human Rights provides for freedom of religion and "the right to marry and to found a family". Although the UDHR is not technically binding on any country, it has an authoritative moral force, especially since most other human rights treaties are derived from it. In addition, it is widely considered to be part of international customary law.

Malaysia acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1995. By virtue of this accession, CEDAW forms part of the corpus of the Malaysian law and the State must fulfil the legal binding obligations contained therein. Among them, the State is obligated under Article 3 to guarantee *all* women – regardless of their religion – the full enjoyment of rights contained within the Convention. The State, including its courts, is further obligated to not only discontinue any discriminatory practices or policies but also actively "take all appropriate measures" to eliminate discrimination against women.

#### Denial of Rights

Under these constitutional and international rights frameworks, Lina Joy's right to "profess and practise [her] religion" has been severely curtailed because the State will not formally acknowledge her change in religion for matters that affect her daily life. This is in violation of Article 11(1) of the Federal Constitution, as well as Article 18 of the Universal Declaration of Human Rights, which states "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief ...".

Further, the inability to gain recognition from the authorities that she is Christian has also deprived her of her right to marry the person of her choice if that person is a non-Muslim. She may not contract a

marriage under the Law Reform (Marriage & Divorce) Act 1976, because the State still considers her to be a Muslim. Even if she acted against her conscience and belief and attempted to marry under the Islamic Family Law (Federal Territories) Act 1984 (hereinafter referred to as “IFL”), she would not be able to marry a non-Muslim man under section 10(2).

If a woman chooses to have her marriage solemnized prior to bearing a child, the State should make this option available to her. Because she cannot marry, she is unable to exercise her right to have children who are deemed “legitimate” by the State and society. In this way, her right to choose when and with whom to bear children is infringed.

These represent violations of fundamental human rights under the Universal Declaration of Human Rights and CEDAW. Article 16(1) of the UDHR states: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family ...”. Article 16(1)(a), (b) and (e) of CEDAW<sup>63</sup> obligate States parties to ensure that men and women have “The same right to enter into marriage”, “The same right freely to choose a spouse”, and “The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the ... means to enable them to exercise these rights”. Based on these fundamental human rights, a woman’s ability to choose when and whom to marry and whether to marry before starting a family should not be restricted by the government’s administrative determinations regarding her religion.

It is our belief that a woman in a situation like that of Lina Joy, who has been told she does not have a remedy in law, may be left with no other choice but to leave her country of citizenship and domicile in order to enable her to exercise her right to practice the religion of her choice, her right to marry, and her right to bear children considered legitimate by the State and society. This is in contradiction with Article 15(4) of CEDAW, which states: “States parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile”.

### **Denial of rights to equality and non-discrimination**

The denial of these fundamental rights also constitutes a denial of Lina Joy’s rights to equality and non-discrimination under the CEDAW Convention. CEDAW ensures full equality and non-discrimination for women on the basis of equality with men, but also on the basis of equality among different groups of women.

The right to equality between men and women is explicitly stated in article 1 of CEDAW, which states:

For the purposes of the present Convention the term ‘discrimination’ against women shall mean any distinction, exclusion or restriction made *on the basis of sex* which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. [italics added]

The right to equality among different groups of women is not explicitly stated in the Convention. However, by looking at the text of the Convention itself and the General Recommendations of the CEDAW Committee, the body that oversees compliance with the Convention, it is evident that the Convention recognizes that there are different groups of women who experience their own realities and face their own sets of discriminations. The Committee’s General Recommendation 25 specifically states,

Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional

---

<sup>63</sup> Although Malaysia originally made a reservation to Article 16, which relates to family life, it has withdrawn several parts of that reservation including subsections (1)(b) and (e). In addition, the CEDAW Committee, which oversees compliance with the treaty, “remains convinced that reservations to article 16 ... are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn”. *Report of the Committee on the Elimination of Discrimination Against Women (Eighteenth and nineteenth sessions)*, A/53/38/Rev.1 (1998), p. 49, para. 16-17, available at <<http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>>.

grounds such as race, ethnic *or religious identity*, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men.<sup>64</sup> [italics added]

In this case, Lina Joy's rights to equality and non-discrimination in relation to men and in relation to other groups of women have been denied:

- ***Denial of right to equality as opposed to men***

Lina Joy's right to equality in relation to men has been denied because as a Muslim woman she is not given the same right to marry as compared to a Muslim man. Under section 10(1) and (2) of the IFL, "No man may marry a non-Muslim except a *Kitabiyah*", while "No woman may marry a non-Muslim". This is express, direct, and intended discrimination on the part of the State. Lina Joy has also been denied her right to equality in relation to non-Muslim men in that non-Muslims in Malaysia do not face these obstacles when converting in or out of their religions and when choosing a marriage partner.

- ***Denial of right to equality as opposed to other groups of women***

Lina Joy's right to equality in relation to other groups of women in Malaysia has also been denied on the basis of religion. Again, Lina Joy is able to enjoy far less rights in relation to conversion and choice of marriage partner than non-Muslim women in Malaysia who do not face these similar obstacles.

As a State party to CEDAW, Malaysia must work "to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights" (CEDAW, Article 3). The State has an obligation to take measures to eliminate such discrimination against Muslim women and ensure that *all* women and men in Malaysia, whether Muslim or non-Muslim, have "the same right freely to choose a spouse" (CEDAW, Article 16(1)(b)) and, ultimately, can enjoy the rights to equality and non-discrimination.

JAG believes that these are issues of immense importance to Malaysian women. The State has certain constitutional and international human rights obligations based on the rights enshrined in its Constitution, "the supreme law of the Federation", and the commitments it has made in the international arena. It is essential that Malaysia begin to fulfil these obligations for the benefit of all of its citizens.

Signed,

Ng Choon Sim

Vice – President, All Women's Action Society (AWAM)

Zaitun Mohamed Kasim

Programme Manager and Chief Trainer., Sisters in Islam

Meera Samanther

President, Women's Aid Organisation (WAO)

Loh Cheng Kooi

Executive Director, Women's Centre for Change (WCC) Penang

Maria Chin Abdullah

Executive Director, Women's Development Collective (WDC)

---

<sup>64</sup> CEDAW Committee, *General recommendation 25 (Thirtieth session, 2004)*, para.12, available at <[http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf)>.

**Submission 2:**  
**Submission by Joint Action Group for Gender Equality, Malaysia, in the Lina Joy case,**  
**including input from IRAW Asia Pacific on CEDAW and international human rights norms**

**DALAM MAHKAMAH PERSEKUTUAN MALAYSIA**

**(BIDANGKUASA RAYUAN)**

**RAYUAN SIVIL NO.: 01-2-2006 (W)**

**ANTARA**

**LINA JOY**  
**(NO. K/P.: 640108-10-5038)**

**...PERAYU**

**DAN**

- 1. MAJLIS AGAMA ISLAM WILAYAH PERSEKUTUAN**
- 2. KERAJAAN MALAYSIA**

**...RESPONDEN-  
RESPONDEN**

**BRIEF OF:**

- 1. ALL WOMEN'S ACTION SOCIETY (AWAM)**
- 2. SISTERS IN ISLAM (SIS)**
- 3. WOMEN'S AID ORGANISATION (WAO)**
- 4. WOMEN'S CENTRE FOR CHANGE (WCC)**
- 5. WOMEN'S DEVELOPMENT COLLECTIVE (WDC)**

**PREFACE**

This brief is submitted for and behalf of All Women's Action Society (AWAM), Sisters in Islam (SIS), Women's Aid Organisation (WAO), Women's Centre for Change (WCC), and Women's Development Collective (WDC).

The five organisations that are submitting this statement are women's human rights organisations whose vision is to uphold the principles of gender equality where all women enjoy their human rights in every sphere. The belief and principle under which these organisations work is that women's human rights are indivisible, inalienable and universal. The women's organisations, as part of civil society, view public interest cases that affect the lives of women, such as the case at hand, as key components of their work. The case at hand also calls for women's organisations to include a women's rights perspective.

**INDEX**

<b>No.</b>	<b>Topic</b>	<b>Page</b>
<b>1</b>	<b>The Women's Rights Perspective</b>	<b>3</b>
<b>2</b>	<b>Sources of Law</b>	<b>3</b>
<b>3</b>	<b>Denial of Rights</b>	<b>3</b>
<b>4</b>	<b>Denial of rights to equality and non-discrimination</b>	<b>4</b>
<b>5</b>	<b>Conclusion</b>	<b>6</b>
	<b>Annexures</b>	
	<b>A. Background to All the Organisations</b>	<b>7</b>
	<b>B. Universal Declaration of Human Rights</b>	<b>9</b>
	<b>C. Convention on the Elimination of All Forms of Discrimination against Women - History</b>	<b>17</b>
	<b>D. Convention on the Elimination of All Forms of Discrimination against Women – Full Text</b>	<b>19</b>
	<b>E. Convention on the Elimination of All Forms of Discrimination against Women – General Recommendation No. 25</b>	<b>35</b>
	<b>F. Convention on the Elimination of All Forms of Discrimination against Women – Concluding Comments</b>	<b>45</b>

## 1. The Women's Rights Perspective

1.1. Lina Joy's case raises important matters of public interest in that its issues are intertwined with several fundamental rights of women, including the right to profess the religion of her choice, the right to marry, the ability to exercise her reproductive rights and the right to choose her country of domicile. The denial of these rights also constitutes a violation of Lina Joy's rights to equality and non-discrimination.

1.2. Lina Joy was born a Muslim but came to believe in the Christian faith in 1990 and was then baptized a Christian on 11 May 1998. The State authorities rejected her application to register her change in faith by deleting the particulars "Islam" from her identity card. She is unable to truly live in her chosen faith or register or solemnize a marriage with a non-Muslim in Malaysia and thus bear a "legitimate" child in Malaysia. She may have to move to another country to fulfil these fundamental rights.

## 2. Sources of Law

2.1. It is our understanding that the Federal Constitution is the supreme law of the land, as articulated in Article 4(1), and that the protection afforded by the State is applicable to all Malaysians, Muslim or non-Muslim. Malaysia also has numerous international human rights commitments as a result of its participation in the United Nations and the international community and because it has acceded to specific human rights treaties.

2.2. The Universal Declaration of Human Rights (UDHR) provides for freedom of religion and "the right to marry and to found a family". Although the UDHR is not technically binding on any country, it has an authoritative moral force, especially since most other human rights treaties are derived from it. In addition, it is widely considered to be part of international customary law.

2.3. Malaysia acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1995. By virtue of this accession, CEDAW forms part of the corpus of the Malaysian law and the State must fulfil the legal binding obligations contained therein. Among them, the State is obligated under Article 3 to guarantee *all* women – regardless of their religion – the full enjoyment of rights contained within the Convention. The State, including its courts, is further obligated to not only discontinue any discriminatory practices or policies but also actively "take all appropriate measures" to eliminate discrimination against women.

2.4. Furthermore, the Committee on the Elimination of Discrimination against Women, in the 35<sup>th</sup> CEDAW Session, provided in its Concluding Comments to the Malaysian Government in paragraph 8 *"The Committee calls on the State party to take immediate measures to ensure that the Convention and its provisions are incorporated into national law and become fully applicable in the domestic legal system. The Committee urges the State party to incorporate in its Constitution and/or other appropriate national legislation, the definition of discrimination, encompassing both direct and indirect discrimination, in line with Article 1 of the Convention..."*<sup>65</sup>

## 3. Denial of Rights

3.1. Under these constitutional and international rights frameworks, Lina Joy's right to "profess and practise [her] religion" has been severely curtailed because the State will not formally acknowledge her change in religion for matters that affect her daily life. This is in violation of Article 11(1) of the Federal Constitution, as well as Article 18 of the Universal Declaration of Human Rights, which states "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief ...".

3.2. Further, the inability to gain recognition from the authorities that she is Christian has also deprived her of her right to marry the person of her choice if that person is a non-Muslim. She may not contract a marriage under the Law Reform (Marriage & Divorce) Act 1976, because the State still considers her to be a Muslim. Even if she acted against her conscience and belief and attempted to marry under the

<sup>65</sup> CEDAW Committee Concluding Comments (35<sup>th</sup> Session, 2006) para 8 available at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/31/PDF/N0638431.pdf?OpenElement>

Islamic Family Law (Federal Territories) Act 1984 (hereinafter referred to as “IFL”), she would not be able to marry a non-Muslim man under section 10(2).

3.3. If a woman chooses to have her marriage solemnized prior to bearing a child, the State should make this option available to her. Because she cannot marry, she is unable to exercise her right to have children who are deemed “legitimate” by the State and society. In this way, her right to choose when and with whom to bear children is infringed.

3.4. These represent violations of fundamental human rights under the Universal Declaration of Human Rights and CEDAW. Article 16(1) of the UDHR states: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family ...”. Article 16(1)(a), (b) and (e) of CEDAW<sup>66</sup> obligate States parties to ensure that men and women have “The same right to enter into marriage”, “The same right freely to choose a spouse”, and “The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the ... means to enable them to exercise these rights”. Based on these fundamental human rights, a woman’s ability to choose when and whom to marry and whether to marry before starting a family should not be restricted by the government’s administrative determinations regarding her religion.

3.5. It is our belief that a woman in a situation like that of Lina Joy, who has been told she does not have a remedy in law, may be left with no other choice but to leave her country of citizenship and domicile in order to enable her to exercise her right to practice the religion of her choice, her right to marry, and her right to bear children considered legitimate by the State and society. This is in contradiction with Article 15(4) of CEDAW, which states: “States parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile”.

3.6. The Committee on the Elimination of Discrimination against Women, in the 35<sup>th</sup> CEDAW Session, provided in its Concluding Comments to the Malaysian Government in paragraph 8 ” *that the State party include adequate sanctions for acts of discrimination against women and ensure that effective remedies are available to women whose rights have been violated.*”<sup>67</sup>

#### **4. Denial of rights to equality and non-discrimination**

4.1. The denial of these fundamental rights also constitutes a denial of Lina Joy’s rights to equality and non-discrimination under the CEDAW Convention. CEDAW ensures full equality and non-discrimination for women on the basis of equality with men, but also on the basis of equality among different groups of women.

4.2. The right to equality between men and women is explicitly stated in article 1 of CEDAW, which states:

For the purposes of the present Convention the term ‘discrimination’ against women shall mean any distinction, exclusion or restriction made *on the basis of sex* which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. [italics added]

4.3. The right to equality among different groups of women is not explicitly stated in the Convention. However, by looking at the text of the Convention itself and the General Recommendations of the CEDAW Committee, the body that oversees compliance with the Convention, it is evident that the Convention recognizes that there are different groups of women who experience their own realities and face their own sets of discriminations. The Committee’s General Recommendation 25 specifically states,

---

<sup>66</sup> Although Malaysia originally made a reservation to Article 16, which relates to family life, it has withdrawn several parts of that reservation including subsections (1)(b) and (e). In addition, the CEDAW Committee, which oversees compliance with the treaty, “remains convinced that reservations to article 16 ... are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn”. *Report of the Committee on the Elimination of Discrimination Against Women (Eighteenth and nineteenth sessions)*, A/53/38/Rev.1 (1998), p. 49, para. 16-17, available at <<http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>>.

<sup>67</sup> Ibid 1

Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic *or religious identity*, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men.<sup>68</sup> [italics added]

4.4. In this case, Lina Joy's rights to equality and non-discrimination in relation to men and in relation to other groups of women have been denied:

- ***Denial of right to equality as opposed to men***  
Lina Joy's right to equality in relation to men has been denied because as a Muslim woman she is not given the same right to marry as compared to a Muslim man. Under section 10(1) and (2) of the IFL, "No man may marry a non-Muslim except a *Kitabiyah*", while "No woman may marry a non-Muslim". This is express, direct, and intended discrimination on the part of the State. Lina Joy has also been denied her right to equality in relation to non-Muslim men in that non-Muslims in Malaysia do not face these obstacles when converting in or out of their religions and when choosing a marriage partner.
- ***Denial of right to equality as opposed to other groups of women***  
Lina Joy's right to equality in relation to other groups of women in Malaysia has also been denied on the basis of religion. Again, Lina Joy is able to enjoy far less rights in relation to conversion and choice of marriage partner than non-Muslim women in Malaysia who do not face these similar obstacles.

4.5. As a State party to CEDAW, Malaysia must work "to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights" (CEDAW, Article 3). The State has an obligation to take measures to eliminate such discrimination against Muslim women and ensure that *all* women and men in Malaysia, whether Muslim or non-Muslim, have "the same right freely to choose a spouse" (CEDAW, Article 16(1)(b)) and, ultimately, can enjoy the rights to equality and non-discrimination.

## 5. Conclusion

5.1. In view of the above, it is respectfully submitted that the issues raised above are linked to several fundamental rights of women.

- i. Women have the right to profess the religion of her choice as guaranteed under Article 11 of the Federal Constitution.
- ii. Women have the right to marry as provided in the Universal Declaration of Human Rights (UDHR), which imposes an authoritative moral force and it is considered a part of international customary law.
- iii. Women have the ability to exercise her reproductive right is in Article 16(1)(e) of CEDAW. Her right to found a family is provided in Article 16 of the UDHR.
- iv. Women have the right to choose their country of domicile, as stated in Article 15(4) of CEDAW.

5.2. The denial of these fundamental rights to women constitute a violation of women's rights to equality and non-discrimination under the CEDAW Convention.

5.3. The above named women's organisations believe that these are issues of immense importance to Malaysian women. The State has certain constitutional and international human rights obligations based on the rights enshrined in its Constitution, "the supreme law of the Federation", and the commitments it has made in the international arena. It is essential that Malaysia fulfils these obligations for the benefit of all of its citizens.

---

<sup>68</sup> CEDAW Committee, *General recommendation 25 (Thirtieth session, 2004)*, para.12, available at <[http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf)>.

## Annex 4

### **CEDAW and CRC Arguments sent by IWRAW Asia Pacific to the Joint Action Group for Gender Equality, Malaysia, to be used in the Shamala case, 14 July 2006**

International law states that both parents – the father and the mother – have equal rights and responsibilities in the care, protection and upbringing of their children. Under the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), both ratified by Malaysia in 1995, Malaysia is legally obligated to ensure that the human rights of women and children, including rights related to family life, are promoted, protected and fulfilled, and to ensure that all Malaysians can realise these rights in their daily lives.

#### **Convention on the Rights of the Child (CRC)<sup>69</sup>**

The Convention on the Rights of the Child, to which Malaysia acceded in 1995, incorporates the full range of human rights of all children based on a set of four “guiding principles”: non-discrimination, best interests of the child, survival and development, and participation. The CRC places children’s rights within the context of the family, emphasising the important role that family plays in a child’s life. A number of the CRC’s articles apply to the Shamala’s children and their rights to not only preserve their own identities and religion, but also have *both* parents equally raise them, care for them and make decisions about their lives.

Article 8 requires States parties to “undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference”. In this case, key aspects of the children’s identity – their religion, names and how they can relate to their family – have been changed without the consent of their mother. Article 8(2) states that “Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity”. The court cannot automatically acquiesce to the conversion of the two children to Islam when the children were not old enough to decide to convert on their own and the second parent was not consulted and did not consent to the conversion.

Article 14 requires States parties to “respect the right of the child to freedom of thought, conscience and religion”, and “respect the rights and duties of the parents ... to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child”. *Both* parents have the right and duty to provide direction to the child on religious matters; a parent’s right does not increase based on his or her adherence to one certain religion or another. It is in the child’s best interest that both parents provide guidance with regard to freedom of thought, conscience and religion.

Article 18(1) of the CRC states: “States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. ... The best interests of the child will be their basic concern”. This clear, unequivocal articulation of the equality of both parents in raising their children requires that Shamala be involved on an equal level with her husband in deciding their children’s religion (until they can decide it for themselves), education, diet and the rituals and customs in which they participate.

Finally, Article 30 of the CRC states: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language”. As non-Muslims in a majority-Muslim state, Shamala and her children must be allowed to protect, practise and profess their religion within their family, and the children’s original religion cannot be changed without their consent or, if they do not have the capacity to consent because of their young ages, the consent of their mother. Even though “Islam is the religion of the Federation” under the Constitution and enjoys certain protections from the State, its courts and laws cannot be privileged over the laws for non-Muslims, especially relating to the identities and religion of children who are not Muslim.

---

<sup>69</sup> The full text of the Convention is available at <<http://www.unhcr.ch/html/menu3/b/k2crc.htm>>.



### **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>70</sup>**

Malaysia acceded to CEDAW in 1995 and thus has a legal obligation to “take all appropriate measures” to eliminate discrimination against women and ensure that women are able to develop and advance in all areas: civil, political, economic, social and/or cultural, including the private sphere of the home.

CEDAW is based on three core principles: the principle of substantive equality, that of non-discrimination, and the principle of state obligation. Substantive equality means that men and women, as groups and as individuals, must be given equal opportunity, equal access and equal results and outcomes. In terms of non-discrimination, CEDAW defines discrimination in Article 1 to include anything that has the effect or purpose of impairing women’s ability to exercise human rights or fundamental freedoms and makes it clear that the states’ obligation is one of both means and results. Therefore, besides undertaking to put in place appropriate legislation, establish legal protection mechanisms and modify or abolish laws, regulations, cultural practices and gender stereotyping that perpetuates discrimination against women, the state must ensure women their rights in a number of areas, including equal rights in marriage and family life. The preamble to the Convention stresses “that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women”

Article 5(b) of the Convention requires States parties to take all appropriate measures to “ensure that family education includes ... the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases”. Article 16, which focuses on family life, obligates the State to:

...take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: ...

... (c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; ...

...(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;...

These sections of the two articles stress that both parents, the father and mother, must have equal roles, rights and responsibilities in all aspects of their marriage and in all matters relating to their children. In Shamala’s case, she has been unable to make decisions regarding fundamental matters relating to her children: names, identities, religion, moral lessons, family rituals, diets, etc. This represents discrimination against Shamala on the individual level, because the religion of the children’s father and his related demands are being privileged over her religion and wishes for the children. The CEDAW Committee has expanded on Articles 5(b) and 16(1)(d) and (f) in General Recommendation No. 21:

As provided in article 5(b), most States recognize the shared responsibility of parents for the care, protection and maintenance of children. ... However, in practice, some countries do not observe the principle of granting the parents of children equal status ... . The shared rights and responsibilities enunciated in the Convention should be enforced at law and as appropriate through legal concepts of guardianship, wardship, trusteeship and adoption. States parties should ensure that by their laws both parents, regardless of their marital status and whether they live with their children or not, share equal rights and responsibilities for their children.<sup>71</sup>

---

<sup>70</sup> The full text of the Convention is available at

<<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>>.

<sup>71</sup> General Recommendation No. 21 (13th session, 1994), paras. 19-20, available at

<<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21>>.

CEDAW also requires that the State party, including its courts, ensure that men and women have equal rights before the law (Article 15). When Malaysia reported to the Committee on the Elimination of Discrimination Against Women (CEDAW Committee), the treaty body overseeing compliance with the Convention, the Committee asked a number of written and oral questions relating to the dual legal system and the way women are affected by this system. In its concluding comments, the CEDAW Committee stated,

The Committee is concerned about the existence of the dual legal system of civil law and multiple versions of Syariah law, which results in continuing discrimination against women, particularly in the field of marriage and family relations.... The Committee is further concerned about the lack of clarity in the legal system, particularly as to whether civil or Syariah law applies to the marriages of non-Muslim women whose husbands convert to Islam.<sup>72</sup>

The Committee went on to recommend that Malaysia

... undertake a process of law reform to remove inconsistencies between civil law and Syariah law, including by ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the Constitution and the provisions of the Convention and the Committee's general recommendations, particularly general recommendation 21 on equality in marriage and family relations.<sup>73</sup>

Both the specific application of family laws to Shamala and her children and the complications arising from the dual court system have resulted in Shamala being unable to practice her right to equality in her marriage and its dissolution and her right to make decisions about her children and raise them on an equal basis with her husband.

### Reservations

While Malaysia does hold reservations to certain provisions of Article 16 of the CEDAW Convention (sections (1)(a), (c), (f) and (g)) and to Article 14 of the CRC, both the CEDAW Committee and the Committee on the Rights of the Child have written extensively on the need for countries to withdraw reservations to the two conventions<sup>74</sup>.

Some of the reservations to the two conventions are considered by the two treaty bodies and by other States parties to go against the core rights and values set forth in the treaties. This is contrary to international law, since under the impermissibility principle in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a Convention shall not be permitted.

The Committee on the Rights of the Child stated in a General Comment that "The Committee's aim of ensuring full and unqualified respect for the human rights of children can be achieved only if States withdraw their reservations"<sup>75</sup>. It also noted:

The Committee is deeply concerned that some States have made reservations which plainly breach article 51(2) by suggesting, for example, that respect for the

---

<sup>72</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women: Malaysia, 31 May 2006, para. 13, available at <[http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/40/PDF/N0638440.pdf](http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/40/PDF/N0638440.pdf?OpenDocument)>.

<sup>73</sup> Ibid., para. 14.

<sup>74</sup> See "Report of the Committee on the Elimination of Discrimination Against Women (Eighteenth and nineteenth sessions)", A/53/38/Rev.1 (1998), pp. 47-50, available at <<http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>>; Committee on the Elimination of Discrimination Against Women, General Recommendation No. 21: Equality in marriage and family relations (1994), paras. 41-48, available at <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21>>; Committee on the Rights of the Child General Comment No. 5 (2003), paras. 13-16, available at <[http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2003.5.En](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2003.5.En)>; concluding comments to country reports where countries continue to hold reservations to the conventions, including "Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Malaysia", 31 May 2006, paras. 4, 9-10, available at <[http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/40/PDF/N0638440.pdf](http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/40/PDF/N0638440.pdf?OpenDocument)>.

<sup>75</sup> Committee on the Rights of the Child General Comment No. 5 (2003), para. 13, available at <[http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2003.5.En](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2003.5.En)>.

Convention is limited by the State's existing Constitution or legislation, including in some cases religious law. Article 27 of the Vienna Convention on the Law of Treaties provides: "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty".<sup>76</sup>

The CEDAW Committee notes that reservations affect the efficacy of the Convention, limit the application of human rights norms at the national level, and "ensure[] that women's inequality with men will be entrenched at the national level"<sup>77</sup>. The Committee goes on to say:

Neither traditional, religious or cultural practice nor incompatible domestic laws and policies can justify violations of the Convention. The Committee also remains convinced that reservations to article 16, whether lodged for national, traditional, religious or cultural reasons, are incompatible with the Convention and therefore impermissible and should be reviewed and modified or withdrawn.<sup>78</sup>

In General Recommendation No. 21, the CEDAW Committee "noted with alarm the number of States parties which have entered reservations to the whole or part of article 16, especially when a reservation has also been entered to article 2, claiming that compliance may conflict with a commonly held vision of the family based, inter alia, on cultural or religious beliefs or on the country's economic or political status"<sup>79</sup>. The Committee drew attention to "a belief in the patriarchal structure of a family which places a father, husband or son in a favourable position", and called upon States parties to "resolutely discourage any notions of inequality of women and men which are affirmed by laws, or by religious or private law or by custom, and progress to the stage where reservations, particularly to article 16, will be withdrawn"<sup>80</sup>. In this case, the father and his religion are placed in a favourable position over the mother and her religion. Malaysia has an obligation to ensure that Shamala be treated on an equal basis as her husband in terms of the rights of parents to raise and make decisions about their children's upbringing.

Following Malaysia's recent reporting session on its compliance with CEDAW, the Committee urged Malaysia "to review all its remaining reservations with a view to withdrawing them, and especially reservations to article 16, which are contrary to the object and purpose of the Convention"<sup>81</sup>. Based on these comments and recommendations of the CEDAW Committee and Committee on the Right of the Child, Malaysia's reservations to Article 16(1)(f) of CEDAW and Article 14 of the CRC should be removed in order to support the fulfilment and enjoyment of human rights by all women and children.

## Conclusion

Based on its accessions to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, Malaysia is obligated to promote, protect and fulfil the rights of women and children, including Shamala and her two sons. It is clear from the above treaty provisions that the facts of this case amount to clear violations of the two treaties. Malaysia must act to redress these violations and ensure that Shamala and her sons, as well as all Malaysians, are able to exercise and enjoy their human rights.

---

<sup>76</sup> Ibid., para. 15.

<sup>77</sup> "Report of the Committee on the Elimination of Discrimination against Women (Eighteenth and nineteenth sessions)", A/53/38/Rev.1 (1998), p. 49, para. 15, available at <<http://www.un.org/womenwatch/daw/cedaw/reports/18report.pdf>>.

<sup>78</sup> Ibid., paras. 16-17.

<sup>79</sup> Committee on the Elimination of Discrimination against Women, General Recommendation No. 21: Equality in marriage and family relations (1994), para. 41, available at <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21>>.

<sup>80</sup> Ibid., para. 44.

<sup>81</sup> "Concluding Comments of the Committee on the Elimination of Discrimination against Women: Malaysia", 31 May 2006, paras. 9-10, available at <[http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/40/PDF/N0638440.pdf](http://daccessdds.un.org/doc/UNDOC/GEN/N06/384/40/PDF/N0638440.pdf?)>.

## Annex 5

### From Global to Local Concept Note

#### *About the programme*

The From Global to Local programme is designed to fill the gap between human rights monitoring at the international level by the CEDAW Committee<sup>82</sup> and grassroots activism demanding government accountability at the national level. Specifically we do this by providing technical assistance and support on the CEDAW reporting process to women's NGOs, and by facilitating the presence of NGOs from reporting countries at these CEDAW sessions to monitor and observe the review of their government's report and to interact with the CEDAW committee members.

The "From Global to Local" programme has been implemented since 1997 initially only in collaboration with UNIFEM New York. It was designed to facilitate interaction between national and grassroots activists and the CEDAW Committee, thereby bringing international human rights norms to the local level and bringing local realities to inform standard-setting at the UN. This contributes to sharpening women's advocacy in using the mandate of the Convention. So far women's organisations from more than 100 countries have participated in "From Global to Local".

The specific objectives of the programme are as follows:

- To promote the compilation, analysis and dissemination of alternative information on the status of women in countries reporting to the CEDAW Committee. This will build the capacity of participating groups to approach women's issues according to international human rights standards that should be fulfilled and claimed at the national level;
- To familiarise women activists with the mechanisms set-up by the UN for monitoring the implementation of the CEDAW Convention, in particular, the dynamics of the reporting and review process, and the role NGOs can play from within;
- To enable women activists to observe and monitor the performance of their State party during the review of its country report by the CEDAW Committee, and to interact with the Committee members to share pertinent issues related to the position of women in their respective countries. Through this NGOs will be able to contribute added perspectives to the Concluding Comments that are produced by the Committee; and
- To assist women activists with plans to monitor their government's follow-up to the session, in particular, their compliance with the Committee's Concluding Comments.

NGOs can participate in the reporting process in several ways:

- Submitting lists of critical issues to the pre-session
- Submitting Shadow/Alternative Reports

---

<sup>82</sup> The CEDAW Committee is the expert body that monitors the implementation of the CEDAW Convention (Convention on the Elimination of All Forms of Discrimination Against Women). States parties to the CEDAW Convention submit initial and periodic reports to this Committee for review. In general, these reviews take place twice to three times a year.

- Attending the Session to monitor review of their government's report and to interact with the CEDAW Committee members
- Pre- and post-Session activities to advocate for implementation of the Convention and Concluding Comments

IWRAW Asia Pacific helps at each of these stages, whether by educating and reminding NGOs of the process and deadlines, assisting NGOs through the CEDAW Session itself, or providing ideas and support for follow-up work. NGO participation in the reporting process has an impact on women's rights advocacy at several levels; the national level, the CEDAW Committee itself and Government delegations and bodies.

## **Programme Implementation details**

### ***Before the CEDAW Session***

#### **1. Identification of Participants**

The process of identifying suitable participants for the From Global to Local Project commenced as early as 2005. Nominations were compiled through:

- National partners and contacts from the reporting countries,
- Regional/international partners

The final list of participants was obtained by assessing which nominees best fitted the following criteria:

- Members of NGOs who are working on the CEDAW Convention;
- Willing to prepare a shadow/alternative report to the government report in collaboration with other women's groups;
- Willing to carry out follow up activities such as de-brief women's groups, publicise the CEDAW review, and monitor the implementation of CEDAW Committee's Concluding Comments; and
- Members of NGOs *only*. Those who are part of the government delegation or have written the government's report are NOT eligible.

#### **2. Provision of Technical Assistance by IWRAW Asia Pacific**

Prior to bringing the participants to New York, IWRAW Asia Pacific provided technical assistance to the From Global to Local Participants as well as to the other groups listed above. This is done in the following ways:

- Provided information on how to get involved with the Pre-Session, including giving of technical assistance in the drafting of the NGOs list of critical issues and concerns;
- Shared information on how the CEDAW review process works. This included sending guidelines on the review process and updating materials on our website to ensure that the latest information was available; and
- Provided guidelines on the writing of Shadow/Alternative Reports. This also includes providing them with samples when requested, replying to concerns or questions in relation to writing the report, among others.

#### **3. Dissemination of alternative information and participation in the Pre-session**

Other than the From Global to Local programme, IWRAP Asia Pacific also provided technical advice on the pre-session to NGOs who did not attend the programme and it also facilitated the receipt of alternative information to the CEDAW Committee pre-session working group. The alternative information was useful in assisting the CEDAW Committee in the drafting of its List of Issues and Question address to the State. This document aims to supplement the State's report and determines in many ways the tone and direction of the coming review.

#### 4. Dissemination of NGO/Shadow reports

IWRAP Asia Pacific coordinated the compilation/reproduction and dissemination of Shadow/Alternative Reports to the CEDAW Committee prior to the start of the session. If submitted in a timely manner, IWRAP Asia Pacific reviewed and provided qualitative feedback to the NGOs on their shadow reports. It should be noted that IWRAP Asia Pacific has been tasked as the official conduit of NGO Shadow/Alternative Reports to the CEDAW Committee<sup>83</sup>. Thus, in addition to reports received from the participants, it also receives reports from other NGOs for transmission to individual Committee members. Most of the shadow reports received by the Committee are from the participants of the From Global to Local programme.

#### ***During the CEDAW Session***

##### 1. Training/mentoring

During the CEDAW Session, there is either a full training programme (three days, plus one day evaluation) or an abridged mentoring programme (one day)<sup>84</sup> that includes information about the CEDAW Convention, a briefing on the CEDAW reporting process and how NGOs can influence the process and assistance to NGOs in preparing their oral statements for the informal NGO meeting with the CEDAW Committee. After presenting to the CEDAW Committee at the informal NGO meeting on Monday, the NGOs lobby the Committee members in order to raise awareness on critical issues and also observe their country's formal review that week.

The flow of activities at the full training or mentoring programme when participants attend the CEDAW sessions in New York can be summarised as:

##### 2) NGO presentations to the CEDAW Committee

On the first day of the CEDAW session, participants from countries reporting in the first week will make short presentations during the first informal meeting between the CEDAW Committee and the NGOs. Participants from countries reporting in the second and third week will also make short presentations but such is scheduled on the Monday of the second week during the second informal meeting.

Participants will receive technical assistance from IWRAP Asia Pacific in the writing of these presentations, especially so they can pull out the most important issues to be highlighted to the CEDAW Committee. This document is also helpful in lobbying Committee members later.

---

<sup>83</sup> IWRAP Asia Pacific has been formally requested by the secretariat of the CEDAW Committee, the Division of the Advancement of Women (DAW) to perform this function.

<sup>84</sup> To be increased to two days for the 39th CEDAW session (July/August 2007) and 40th CEDAW session (January 2008).

## ii) Observation of the Review Process and Advocacy with CEDAW

The next component of the orientation gives participants first-hand experience of observing the CEDAW reporting process and to be mentored on related advocacy and lobbying aspects. Participants will observe how CEDAW Committee reviews a State, including how members of the Committee raise questions to the State delegation and how these State representatives respond. This will occur in the first week of the CEDAW session and involves observing the review of at least 2-3 States.

During this time, NGO participants whose countries are reporting for the first week will observe this review process, lobby Committee members and provide them alternative information or explanations to those given by their government delegates. As mentioned, participants continuously receive on-going mentoring from IWRAW Asia Pacific and its team of resource persons.

## 4) Debriefings

At the end of each day of the official review process, a debriefing will be held. Here participants will share experiences observing the reporting process, collectively analyze the issues or problems raised and identify learnings in terms of the obligation of the State and CEDAW implementation. Those from States that reported will be asked on how their governments fared in the review and to comment on their government replies. They will also be asked about how effective were they in raising their issues with the CEDAW Committee members and whether these issues were reflected in the questions raised to their governments by the Committee. They will be requested to share tips with the rest of the participants on their ways for influencing the reporting process.

## 5) Continuous Technical Assistance

Participants whose countries are reporting only in the second and third week will remain in New York. IWRAW Asia Pacific will continue to provide technical assistance to them in relation to the drafting of their presentations to the CEDAW Committee and in influencing the Committee members on this regard.<sup>85</sup>

## 6) Continuous Updating

Participants share follow up strategies and work including how to advocate for the implementation of the Concluding Comments through the From Global to Local listserv. This listserv has been specifically set up by IWRAW Asia Pacific for From Global to Local Alumni.

## 7) Feedback

Feedback from participants sought for post mortem as performance management strategy.<sup>86</sup>

---

<sup>85</sup> Some examples of NGO oral statements from the three sessions in 2006 are annexed here. Annex 6

<sup>86</sup> Most of the feedback from participants show that Global to Local helps develop understanding on how CEDAW can be used at the local level (participant from Bosnia) or to enable national groups to share knowledge on how their government representatives have represented the ground realities as an

**Secretariat**

IWRAW Asia Pacific served as the Secretariat of the From Global to Local Project. It provides technical assistance and support to the participants. IWRAW Asia Pacific also coordinates all logistical arrangements for the participants' travel to New York and participation in the programme, including assistance re: visa applications, application for UN passes and hotel arrangements. It also coordinates all activities in relation to the participants' participation in the CEDAW session.

**Programme Management**

The From Global to Local programme is overseen by a Programme Management Team (PMT) comprised of women's advocates with extensive experience in international advocacy. The PMT works together to plan and implement all of the components of the project. The membership of the PMT in 2006 was:

- Alda Facio, Women, Gender and Justice Program – ILANUD, Costa Rica
- Debra Liebowitz, Professor, Drew University, USA
- Amal Hadi, New Woman Foundation, Egypt
- Lee Waldorf, Human Rights Advisor, UNIFEM
- Luz Angela Melo, Human Rights Technical Advisor, UNFPA
- Anuradha Rao (as Executive Director, IWRAW Asia Pacific)

The PMT meets once a year in connection with one of the CEDAW Sessions to discuss the programme and help facilitate the three-day training programme. In 2006, the PMT met immediately before the May CEDAW Session and training.

Responsibility for the implementation of the From Global to Local programme rotates between the different programme officers and administrative and finance staff, with each programme officer assuming responsibility for one session and the Admin and Finance Officers alternating responsibility for the logistical and administrative arrangements of the programme in New York. Currently, the programme only entails limited follow-up contact with participants, though all participants are subscribed to the "global2local" listserv, a dedicated online discussion forum specifically developed for global to local participants to facilitate information sharing and dissemination and to promote discussion on CEDAW implementation.



## **Annex 6**

### **From Global to Local Programme: Oral Statements from NGOs**

#### **Sample 1: Malaysian NGOs**

##### **Statement to the Committee for the Elimination of All Forms of Discrimination Against Women on the Initial and Second Periodic Report from the Government of Malaysia, 22 May 2006**

Thank you Madam Chair for giving us the opportunity to address the committee.

I am Dr. Hamidah Karim from the National Council of Women's Organisations which coordinated the process of producing The Shadow Report involving 28 NGOs, institutions and agencies. We will be highlighting 5 issues. While I will speak on the first 2 issues my colleague Ms Zaitun Kasim will speak to you about the last 3.

In our presentation, we shall highlight the issues but not the recommendations which are contained in this statement.

#### **1. The need for substantive equality framework and domestic laws to deal with gender discrimination**

Following its ratification to CEDAW, the government amended the Federal Constitution to include gender as a prohibited ground for discrimination. However the definition of discrimination against women was not made explicit and was left to the interpretation of the government and the courts. This absence of definition of discrimination has led to the grave misinterpretation of the concept of equality that has permeated into the whole system. Many policies and programmes utilised the concept of formal equality and not substantive equality as recommended by CEDAW.

Further, the constitutional amendment itself exempts discrimination already allowed under the Federal Constitution. It is also noteworthy that under Malaysian law, international conventions and norms are not automatically incorporated as part of the domestic law. Thus the standards provided in CEDAW need not necessarily be adopted by the Court.

At the same time, the Malaysian courts interpret the constitutional provisions on equality and discrimination: (a) as prohibiting discrimination by state and public authorities only and not by non-State (private) actors; and (b) as guaranteeing equality only to those falling within the same class (group) of persons.

This highlights the need for gender equality laws to protect all women in Malaysia against discrimination irrespective of whether they are by public, private, federal or state authorities and to define the meaning of discrimination.

#### **We recommend**

- The definition of discrimination against women in line with Article 1 of the Convention must be clearly provided. This must be followed by campaigns to raise awareness about the Convention and the meaning and scope of discrimination against women aimed at the general public and especially to the parliamentarians, the policy makers, the judiciary and the legal profession.
- The remaining discriminatory provisions within the Federal Constitution should be thoroughly reviewed and amended to ensure harmonisation with article 8(2) of the Federal Constitution.
- The enactment of gender equality laws to define and enforce substantive equality due to the courts' upholding the duality between domestic laws and international treaties ratified by the executive and non-extension of constitutional protection against acts by non-State actors.
- Use of a substantive equality framework in policy formulation to abolish discrimination against women.

- There should be a systematic and thorough review of all laws in the country that continues to discriminate against women. It is recommended that the review and amendments of laws as identified in the JAG-VAW Memorandum on Gender Equality submitted on 25th May 2004 should be made a priority.

## **2. Temporary Special Measures and Special Measures**

The Government policy to increase the participation of women in decision-making in the public sector to at least 30 per cent and various mechanisms to promote gender equality have failed to show significant results. The government itself acknowledges that due to widespread stereotyping of women, pursuing a gender blind policy is not the best way. Yet it does not practise quota or preferential rules to achieve equality in results. The government therefore needs to have temporary special measures to bring about results in real terms and to accelerate this process. Such process may start by the election commission providing incentives to encourage political parties to nominate at least 30% women candidates.

Within the environment of widespread stereotyping; the government acknowledges that a working woman is faced with the difficult situation of having to perform and cope with multiple roles as a wife, mother and worker. To overcome some of these barriers the government should allow women temporarily to opt out of the workforce and re-enter without loss of benefits or seniority.

The government's policy to allow women working in the public sector, subject to approval, to take six months breast feeding unpaid leave after their two-month maternity leave is a positive move. Unfortunately this leave is only accessible to women who are socio-economically better off and those who have better negotiating powers with their superiors.

### **We recommend that the government:**

- urgently and effectively implement temporary special measures in accordance with Article 4, of the Convention, and with the Committee's General Recommendations No. 25, in order to accelerate the realization of women's de facto equality with men in all areas;
- include a provision for temporary special measures, in particular with regards to women's participation in decision-making and access to economic opportunities, within the gender equality law that has been recommended above;
- incorporate clear targets and time-frame as well as an evaluating mechanism for the temporary measures, to monitor the effectiveness of such measures;
- implement and adopt further measures to allow for reconciliation of family and professional responsibilities, including the provision of affordable childcare, flexible working arrangements like job sharing and the promotion of equal sharing of domestic and family tasks between women and men. The accessibility and effectiveness of such measures should be monitored so that adjustments can be made whenever necessary due to changing socio-cultural environment;
- ensure that all women can benefit equally from special measures that are formulated to protect maternity.

## **3. The Impact of codified Islamic laws based on narrow interpretations**

There is a trend towards adopting norms, rules, laws and policies that are discriminatory towards women in the name of religion (in particular Islam). It is important to note that these changes, which are premised on narrow interpretations of religious texts, have permeated the various social spheres as well as decision-making levels in the country.

One example that aptly highlights this is the recent pronouncement by one of the Muftis that it is against Islamic law for a husband to be a homemaker. Even more worrying was the suggestion by the Deputy Prime Minister that the ruling on this issue was to be left to the National Fatwa Council as it was deemed a syariah-related matter.

These narrow interpretations manifest themselves in several ways that affect both Muslim and women of other faiths.

Particularly, the amendments to the Islamic Family Laws over the last two decades that have systematically diminished the rights of women through the creation of unfair conditions regarding polygamy, divorce, maintenance and child custody. Cases of divorce pronounced outside of court (including by text messages through mobile phones), non payment of maintenance and cross-border polygamous marriages are just a few examples of injustices against women. The penalties to protect women from these injustices are usually ineffective.

The attempt to use gender neutral language in the last amendments in the context of an unequal framework only exacerbated discrimination against women. This highlights the fact that patchwork amendments are not able to deliver justice. There is an acute need for a comprehensive and uniform set of laws based on progressive interpretations.

In addition to the family laws above, Muslims are also governed by the Syariah Criminal Offence Enactments which increasingly infringe upon the privacy of citizens under the guise of 'morality' and 'public decency'. Records of arrests and prosecution show that these laws are used disproportionately against women and the young, in particular with regards to policing their attire, sexuality and how and with whom they socialise in their leisure time.

The separation of jurisdiction and application of different laws for Muslims and people of other faiths, have also had extensive implications especially in cases where one of two non-Muslim spouses, particularly the husband, decides to convert to Islam resulting in the rights gained by non-Muslim women under the Civil laws being severely challenged.

**We recommend:**

- The setting up an interagency committee inclusive of women's groups to review both the Syariah laws and the Law Reform Marriage and Divorce Act 1975 (a civil law statute) in order to:
  - Put in place a uniform and comprehensive set of Muslim family laws premised on the principles of gender equality and justice.
  - Clarify procedures and issues of jurisdiction in matters involving the conversion of a spouse to Islam so that ancillary matters of maintenance, custody and guardianship can be settled efficiently in one court.
  - Review existing procedures to ensure that the Court system is rendered friendlier and more accessible to women and children.
- That the Syariah Criminal Offences Enactment be reviewed by a committee, which includes women's groups and human rights groups, in accordance with Islamic legal theory and practice and fundamental liberties as provided under the Federal Constitution and the Convention.
- That the Malaysian Government's reservations to Article 16(a), (c), (f), (g), and (2) on the grounds that they are in conflict with the provisions of Islamic Syariah law and the Federal Constitution be withdrawn as it indicates the government's reluctance to extend full equality to women in family life.

**4. Women particularly vulnerable to discrimination**

There is an urgent need to pay special attention to marginalised groups of women who are vulnerable to discrimination, exploitation, violence and inhumane treatment. These groups include migrant domestic workers, trafficked women, refugees, asylum seekers, stateless women and sexual minorities. Without good data collection, addressing the needs of these women is rendered difficult if not impossible. Furthermore, there is no clear policy in respect of women with disabilities and stateless women as well as women who are trafficked, refugees and asylum seekers.

In respect of migrant domestic workers, vulnerability to abuse is exacerbated by isolation and inability to change employers and work during investigation and the court process. Non-recognition of sexual diversity results in sexual minorities being marginalised, isolated and vulnerable to violence.

**(a) Migrant domestic workers**

**We recommend:**

- Guidelines for employers and standardised contracts and provision of easy access for workers to report any abuse;
- Allowing workers to change employers and work during investigation and court proceedings, if any;
- Removing any requirement for payment for extension of stay (presently USD26 per month) pending court redress and expediting the legal process.

**(b) Trafficked women, refugees and asylum seekers**

**(c) Stateless women**

Under the Immigration Act 1959 (Act 155) persons can be detained without judicial scrutiny. There is no screening mechanism to identify trafficked victims and asylum seekers and these women including their children may be held in detention centres

Poverty and ignorance prevent many women of Indigenous (orang asli and orang asal) as well as of ethnic Indian origin whose forefathers lived in plantations (in Peninsular Malaysia) from registering the birth of their children. Women often depend on their husbands to register the birth of their children and when this is not done, people live out their entire lives without official documentation nor recognition of their basic rights to education, health care and employment.

**We recommend:**

- Research into the extent of trafficking in the country;
- Enactment of specific and comprehensive anti-trafficking laws;
- Establishment of more effective support mechanism;
- Setting up of a clear transparent process to ascertain and recognise the status of stateless persons and providing interim facilities for their basic needs e.g. education and health.

**(d) Women with disabilities**

In spite of legislation that attempts to promote inclusive education and employment opportunities, facilities in general - ranging from barrier-free environments, to facilities and human resource allocation - discriminate against women with disabilities in various spheres.

**We recommend:**

- A paradigm shift to frame issues of disability within a human rights framework rather than token welfare approaches;
- Enforcing legislation that improves accessibility and mobility;
- Conducting awareness raising to promote the rights of people with disabilities and actively ensuring that disability issues feature in all initiatives of gender mainstreaming.

**(e) Sexual minorities**

Non-recognition of sexual diversity results not only in social isolation, marginalisation of and violence against sexual minorities, but also renders every day dealings with bureaucracies an uphill, if not near impossible, task; ranging from difficulties with the immigration and road transport departments, insurance companies, banking procedures, having a family of their choice, funeral procedures, to name a few

Transgendered persons, in particular transwomen, are often subjected to frequent and humiliating raids by both the police and the religious departments for 'offences' ranging from wearing women's clothes, to charges of soliciting, drug-related offences, loitering and for taking part in beauty contests.

**We recommend:**

- Collection of data in order to assess the needs of sexual minorities

## 5. Violence Against Women

While criminal laws exist to address violence against women, the effectiveness of these laws is not being monitored by the government. There is also no systematic data collection. Police statistics merely give the total number of reported cases.

There is a need to define rape and aggravated rape as well as address the specificity of domestic violence apart from handling all survivors with sensitivity.

### We recommend:

- Reform of the criminal laws pertaining to rape and domestic violence;
- Enactment of legislation on sexual harassment;
- Policy reform related to VAW to accelerate investigation and access counselling and protection;
- The collection of statistics on age groups, location of incidents, conviction rates etc, with a proper analysis of data, to monitor trends be put in place;
- Continued and sustained training for public officials, especially law enforcement health care providers as well as the judiciary so that they are fully sensitised to all forms of VAW and can adequately respond to it.

## Sample 2: Ghana

### **NGOs STATEMENT TO THE UN COMMITTEE FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN ON THE COMBINED THIRD, FOURTH AND FIFTH REPORTS FROM THE GOVERNMENT OF GHANA**

Thank you Madam Chair, for giving me the opportunity to address the Committee on the combined Third, Fourth and Fifth Periodic Report of the Government of Ghana. I am Bernice Sam, from the Ghana focal office of Women in Law and Development in Africa (WiLDAF) and representing a consortium of 11 NGOs that put together this Shadow Report.

I would also like to introduce my, colleague Jane Quaye from the Federation of Women Lawyers, Ghana and part of the consortium

I would like to raise 4 critical areas that need to be addressed by the Government of Ghana in its compliance with CEDAW.

#### **1. REPEAL OF ARTICLE 42 (G) OF THE CRIMINAL CODE WHICH ALLOWS THE USE OF FORCE IN MARRIAGE TO CONFORM WITH CEDAW ARTICLES 2 & 24.**

1.1. Violence against women and particularly domestic violence continue to plague women in Ghana. Research has shown that 1 in 3 women experience physical violence and 1 in 5 women experience psychological violence. In addition, statistics from the Domestic Violence Victim Support Unit (DOVVSU), a specialised unit set up by the Ghana Police Service reported in 2004, 2,059 wife battery cases and 2,430 in 2005. In response to the alarming rate of domestic violence and in conformity with CEDAW, the Government of Ghana has a domestic violence bill. The definition of domestic violence follows that of CEDAW General Recommendation 19.

1.2. Over the years, government has taken measures to protect the rights of women including legislation on inheritance, trafficking of persons and criminalisation of certain customary practices such as female genital mutilation.

1.3 However, there are other existing laws that discriminate against women. In particular, section 42 (g) of the Criminal Code justifies the use of force in marriage. The consequence of this law is that while an unmarried woman can seek protection from the law if raped, a married woman on the other hand if raped by her spouse cannot seek redress from a court of law.

The law states: ‘The use of force against a person may be justified on the ground of his consent, but a person may revoke any consent which he has given to the use of force against him, and his consent when so revoked shall have no effect for justifying force; *save that the consent given by a husband or wife at marriage for the purposes of marriage cannot be revoked until the parties are divorced or separated by a judgment or decree of a competent Court*’

### **Recommendation**

1.4 . In the memorandum to the 2006 draft domestic violence bill, which is currently before Parliament, the Government of Ghana has taken a position not to include the repeal of section 42 (g). The memorandum states ‘the repeal of the provision of the criminal code, 1960 (Act 29) which prevents a wife from prosecuting her husband for rape in marriage has been excluded from the bill in response to public opinion.’

1.5 . We therefore recommend that government should initiate legal reform that would result in the repeal of section 42 (g) of the Criminal Code.

1.6 . We also recommend that to further assist victims of rape and defilement, government should put in place a policy that makes medical bills for such victims free. Prosecution of rape and defilement cases are often hampered because of victims’ inability to pay medical fees demanded for examination following such experiences.

1.7. There should be commitment by government to provide the needed resources to responsible state agencies to ensure effective implementation of the domestic violence legislation.

## **2. LEGISLATION TO REGULATE PROPERTY RIGHTS OF SPOUSES DURING MARRIAGE AND AT DIVORCE TO CONFORM WITH CEDAW ARTICLE 16 (C)**

2.1. Within the purview of Article 22 of the Constitution of Ghana, on property rights of spouses, there is legislation regulating property rights at death intestate. (Article 22(1)). However, a law regulating property rights between spouses during marriage and at its dissolution under Article 22 (2) is not in place.

2.2 Property rights at divorce are currently covered under customary law and the Matrimonial Causes Act. (1971). There are grave disparities in the application of customary law in cases of customary marriage dissolution that often do not enure to the benefit of women. Similarly, in applying the rules of equity under statutory law, spouses are asked to prove substantial contribution to property acquired, a requirement that is also to the disadvantage of many women, given the difficulty of quantifying women’s domestic work.

2.3. It is to address such injustice that the Constitution mandates Parliament to pass such a law which will also be in compliance with Article 16 (c) of CEDAW.

### **Recommendation**

2.4. Government admits that human rights violations against women occur because of the absence of legislation. NGOs in legal service delivery also affirm the high incidence of property rights violations. Women lose access to land, to a place of habitation, to movable property and to a means of continued livelihood, all of which contribute to their poverty.

2.5. Although government has taken some steps over the last 4 years to discuss property rights under article 22 (2), the process has been slow.

2.6. We are recommending that government prioritizes this issue by giving it the necessary attention.

## **3. LEGISLATION THAT CRIMINALISES THE CUSTOMARY PRACTICE OF BANISHING ALLEGED WITCHES TO WITCHES CAMPS TO CONFORM WITH CEDAW ARTICLES 1, 2 (F), 3 AND 5 (A)**

3.1. In 2003, the Special Rapporteur on Violence against Women expressed concern about the persistence in the belief in witchcraft in Ghana and in particular the rural areas. According to her report, (E/CN.4/2003/75/Add.1, Sect. II. A, para. 282) most accused witches are older women and widows. Once identified as witches who cause misfortunes in villages, they are subjected to violence including lynching and eventual banishment from their homes. They then go to live in witches camps

outside of their own villages. This phenomenon is prevalent in the northern parts of Ghana which are also the poorest regions in the country.

3.2 A report from only one of the many camps states that, there are 635 witches in that camp with 98 dependents mostly girls. Other serious consequences of banishing witches are that these young girls are subjected to subtle servitude, and have bleak futures as they only complete basic education or do not get any education.

3.4. Banishing alleged witches to confinement in camps is in contravention of Articles 1, 2 (f), 3 and 5 (a) of CEDAW. Additionally, it violates Chapter 5 of Ghana's Constitution on human rights and fundamental freedoms particularly Article 26 (2) which prohibits all customary practices that are injurious to the physical and mental well-being of a person.

#### **Recommendation**

3.5. Like the criminalisation of customary practices of ritual servitude, female genital mutilation and cruel widowhood rites, we recommend that the Government of Ghana should enact legislation that criminalizes banishment of old women from their homes on allegations of witchcraft.

3.6. Furthermore, the proposal made by Ghana in its report to this Committee, that such witch camps will be converted into old people's homes is impracticable. Stigmatisation associated with being called a witch cannot be taken away by such conversion. Such a shift will rather perpetuate the stigma. Therefore, in addition to legislation we proposed that Government should work with the Commission on Human Rights and Administrative Justice and Civil Society Groups to comprehensively address the practice.

### **4. LIMITED INSTITUTIONAL CAPACITY OF STATE AGENCIES RESPONSIBLE FOR THE ADVANCEMENT OF WOMEN**

4.1. In addition to the women's machinery, there are other state agencies such as the Department of Social Welfare, the Commission on Human Rights and Administrative Justice, the Domestic Violence Victim Support Unit etc. which have the responsibility of ensuring the advancement of women's rights. These agencies are confronted with capacity constraints in terms of human, logistical and financial resources.

4.2. Each year, budgetary allocations to these institutions for their work have remained inadequate thus affecting compliance to international and national obligations on gender equality. Several research reports and recommendations by UNIFEM and NGOs have all emphasized the need for gender sensitive budgeting.

#### **Recommendation**

4.3. In order for state agencies to do their work effectively in the advancement of women's rights, budgetary allocations, training of personnel and logistical support must be adequately provided.

## Annex 7

### **3<sup>rd</sup> Session of the Open-ended working group to consider options regarding an OP to the ICESCR Geneva, Switzerland**

#### **Statement by the NGO Coalition for an Optional Protocol to the ICESCR to the Open-Ended Working Group to consider options for an OP to ICESCR 6 February 2006**

Thank you Madam Chairperson for the opportunity to address the Open-Ended Working on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on behalf of the NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Coalition is comprised of national, regional and international organisations and individuals supporting the adoption of a comprehensive Optional Protocol to the ICESCR.

In 2004 and 2005, members of our Coalition participated in the previous sessions of the Working Group. We have been heartened by the significant developments we have witnessed. As the delegates at the second session themselves affirmed, the momentum for an Optional Protocol to the ICESCR is building. This third session of the Working Group represents an historic opportunity to commit to moving forward with the drafting of an Optional Protocol.

An Optional Protocol to the ICESCR will give real meaning to economic, social and cultural rights. It will implement the commitment made by governments in the World Conference on Human Rights Vienna Declaration and Programme of Action that “all human rights are universal, indivisible and interdependent and interrelated.” It will affirm the U.N.’s commitment to recognizing the equal status and importance of

economic, social and cultural rights, at time when so many in the world are denied enjoyment of these rights. An Optional Protocol to the ICESCR is essential to ensure the full protection and realization of the rights to housing, health, culture, education, food, social security, work, and other rights in the Covenant. No other mechanism at the international level provides for the breadth of coverage on economic, social and cultural rights issues.

The Coalition welcomes the analytical paper prepared by the Chairperson, “Elements for an optional protocol to the International Covenant on Economic, Social and Cultural Rights”, which will be considered by this OEWG. This provides an excellent framework for the discussions in the coming days. NGO Coalition for an Optional Protocol to the ICESCR Campaign for international justice for victims of violations of economic, social & cultural rights.

Motivated by a widespread concern for the protection and promotion of economic, social and cultural rights, the NGO Coalition has submitted its views, a document that has been distributed today.

Madam Chairperson, the mandate of the Working Group is to consider options for an Optional Protocol. Let us, as the Coalition, be clear. To our mind, the option of no Optional Protocol is not an option. It perpetuates a historic hierarchy of rights, wrought in a different political age. It fosters an inequality of review procedures within the human rights monitoring mechanisms. It ignores the broad-ranging implementation of economic, social and cultural rights in all regions of the world. It denies the growing, global jurisprudence on economic, social and cultural rights, which has derived in large part from the increasingly comprehensive domestic and regional mechanisms to address economic, social and cultural rights. And it ignores the needs of our shared constituents, those who suffer violations of their economic, social and cultural rights, who need a mechanism at the UN level through which these violations can be addressed.

The need for access to justice for those whose rights have been violated is the imperative which drives these discussions and our participation in this process, both here in Geneva and in our own work at the national level.

The developments achieved during the past sessions of the Working Groups have convinced us that it is time to take the next step and begin the drafting process for a comprehensive Optional Protocol. An OP to the ICESCR should incorporate the following elements as its broad framework.

- First, it should provide for individual and collective communications;



- Second, it should incorporate an inquiries mechanism, as per the CEDAW OP and procedures under the CAT; and
- Third, it should cover all the substantive rights contained in the Covenant (Articles 1-15), and include all components of the rights, without exclusions or reservations.

It is absolutely critical that an Optional Protocol maintain the integrity of the Covenant as a whole by providing for an effective and comprehensive complaints procedure consistent with the fundamental principle that all human rights require effective remedies.

We thank you for the opportunity to participate in the Working Group, and look forward to the work of this third session.

## **Annex 8**

### **First session of the Human Rights Council**

#### **Statement by the NGO Coalition for an Optional Protocol to the ICESCR to the Human Rights Council June 2006**

Joint oral statement delivered by AI, COHRE, FI, FIAN, FIDH, ICJ, IWRAW Asia Pacific, on behalf of the international NGO Coalition for an OP-ICESCR to the first session of the Human Rights Council

The NGO Coalition for an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights appeals for a drafting mandate to be granted to the Open-Ended Working Group to consider options regarding the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Individually and on behalf of the international NGO Coalition in which all submitting organisations are members, Amnesty International, the Centre on Housing Rights and Evictions (COHRE), Franciscans International (FI), the Foodfirst Information and Action Network (FIAN), the Fédération internationale des ligues des droits de l'Homme (FIDH), the International Commission of Jurists and the International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific) welcome the significant progresses made in the discussions on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

The NGO Coalition warmly welcomes the support expressed by the UN Secretary General, Kofi Annan, in his address to the Human Rights Council on the first day of the first session. In particular, we would like to highlight his encouragement of states to agree to an Optional Protocol establishing avenues for lodging complaints under the ICESCR.

The NGO Coalition actively participated in the last session of the Open Ended Working Group (OEWG) in February 2006, where increased momentum in favour of the adoption of an effective instrument for a better protection of economic, social and cultural rights (ESC rights) was evident. On this occasion, a great majority of states highlighted the need to develop and adopt a comprehensive complaint mechanism that includes all rights and all levels of States' obligations, taking account of provisions and arrangements under similar international procedural instruments related to other human rights treaties.

Accordingly, a large majority of states as well as the NGO Coalition expressed themselves in favour of a renewal of the mandate of the OEWG as well as its transformation to allow the OEWG to proceed to agreeing the text of a draft optional protocol. In this regard, the NGO Coalition is of the view that the OEWG mandate should be for at least two years.

The NGO Coalition supports the proposal made by numerous delegations during the OEWG session in February 2006 according to which the Chair of the OEWG, Mrs Catarina de Albuquerque, should prepare and present a draft Optional Protocol to the next session of the Working Group. This draft should reflect the discussions and achievements of the three first years of the OEWG and should serve as a basis for the drafting negotiations.

In this context, the first session of the Human Rights Council should approve an expanded mandate for the OEWG in order to ensure sufficient time to allow the Chair of the OEWG to conduct consultations on the text of the draft. Finally, the NGO Coalition would like to reiterate its commitment to active and constructive participation in the process.

## **Annex 9**

### **First session of the Human Rights Council Geneva, Switzerland**

#### **Statement by IWRAW Asia Pacific on Pressing Human Rights Issues: Culture and Religion 26 June 2006**

Speaker: Janine Moussa

My name is Janine Moussa, and I speak on behalf of the International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific), an international organisation based in Malaysia that works for the realisation of women's human rights through the lens of the CEDAW Convention and other international human rights treaties.

We thank the Chair for the opportunity to address the Human Rights Council regarding pressing human rights issues of today.

We are especially concerned with regression of women's human rights in the name of culture and religion. Cultural and religious extremism is on the rise around the world, resulting in fewer rights for women. Increasingly, governments are choosing to apply more restrictive interpretations of culture and religion that violate the fundamental human rights of women. This is manifesting itself in, among others, harmful cultural practices against women and dual legal systems for Muslims and non-Muslims.

We urge the Human Rights Council to take note of the above with the utmost urgency. We recall the Universal Declaration of Human Rights and the Vienna Declaration which establish that all persons are endowed with universal, fundamental human rights, irrespective of class, ethnicity, religion or sex. And submit that the Council makes clear to governments that where culture and religion conflict with these fundamental rights, fundamental human rights prevail.

We also take this opportunity to support the renewal of the mandates of the Special Rapporteur on Violence Against Women, its Causes and Consequences and the Special Rapporteur on the Right to Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health. Special Rapporteurs perform important fact-finding activities and issue key reports identifying areas where States are failing in their obligations. We appreciate these Rapporteurs in particular for their continued efforts to incorporate the women's rights perspective into the fulfillment of their mandates.

We especially commend the Special Rapporteur on Violence Against Women for noting in her recent report that States have a duty not only to respond to violence when it occurs but also to address the root causes in order to prevent violence against women. She further notes in her report the impact of the following key areas of women's human rights: 1) the public/private dichotomy in international human rights law; 2) identity politics; 3) global restructuring.

Finally we note that this first year of the Human Rights Council is a particularly important year – where both short and long terms agendas are being shaped. Thus we encourage the Council to, at least in this first year, ensure that all stakeholders have the opportunity to input into this process, including civil society.

## **Annex 10**

### **First session of the Human Rights Council Geneva, Switzerland**

#### **Joint statement on Pressing Human Rights Issues: Human Rights Defenders 26 June 2006**

Mr. Chairperson,

As you are aware, Asia remains the only region in the world without a regional human rights mechanism and where ratification of core international treaties is low, with many reservations entered upon what has been ratified. Given this context, the system of Special Procedures has been invaluable to Asian human rights defenders (HRDs) and victims.

Among the various mandate holders of the Special Procedures, the Special Representative of the Secretary-General (SRSG) on Human Rights Defenders has been one of the key instruments for the promotion and protection of Human Rights Defenders. We therefore call upon the inaugural members of the Council at the outset to strengthen her mandate and to provide all necessary political support and material assistance for the full implementation of the UN Declaration on Human Rights Defenders.

In Asia, the three freedoms of assembly, association and expression are continuously undermined as governments in the region introduce ordinances and so-called anti-terrorist initiatives to repress and obstruct the operation of HRDs. In particular, women human rights defenders (WHRDs), including lesbian, gay, bi-sexual and transgender defenders suffer multiple exclusions and discriminations under oppressive cultures of patriarchy in the region.

The failure of national laws in most countries of the region to comply with the standards in the Declaration on HRDs has also resulted in the disappearances, extrajudicial killings and persecution of HRDs in Asia.

Moreover, the governments of the region continue to refuse the requests by the Special Representative to visit their countries. We therefore urge the governments of Bhutan, India, Indonesia, Malaysia, Nepal, Pakistan and Singapore to accept her request and to fully facilitate her visits without any obstructions. We note with concern that the Special Representative, during her six-year mandate, has only visited one country in Asia. We hope that the inaugural members of the Council will accept further visits in the future, given the spirit of cooperation that has been expressed in the previous week.

Furthermore, we urge Asian governments to issue standing invitations to all of the Special Procedures' mandate holders. To date, only Iran, Maldives and Mongolia have issued such invitations in Asia, and we are disappointed that none of the Asian candidates issued any pledges to do so upon issuing their candidacies to the Council.

We also look forward to a Council that will put in place mechanisms to maximise the participation of HRDs in its work, and consider in its universal periodic review the Member States' responses to the requests, communications and recommendations by the Special Procedures and the steps taken to give them effect.

Thank you for your attention.

## Annex 11

### First session of the Human Rights Council Geneva, Switzerland

#### Statement by IWRAW Asia Pacific on the Universal Periodic Review Mechanism 28 June 2006

**Speaker: Anuradha Rao**

Thank you, Mr. Chair.

I speak on behalf of IWRAW Asia Pacific, and international NGO based in Malaysia that works on the promotion and protection of women's human rights through the lens of the CEDAW Convention and other human rights treaty bodies.

We wish to place on the table a matter critical to enhancing the credibility of the new Human Rights Council and making it effective, a principle that we are all agreed upon. We welcome the remarks of many government delegations stressing the need for the Council to focus on the *implementation* mechanisms for the promotion and protection of human rights, a key agency for which is the Universal Periodic Review mechanism. The need for a transparent, inclusive and effective mechanism has also been stressed across the board. However, there seem to be differing interpretations of inclusiveness and transparency. Some countries, such as Brazil, Mexico, the EU, Indonesia and others have placed on the table their support for NGO participation. Others, such as India, Canada, Australia, NZ and others have signed on to the principle of inclusiveness and transparency, but have no specific mention of NGOs. Others have suggested a closed door working group exclusive to participation by government representatives.

At this stage of formulation of the UPR mechanism, which will set the precedent for future functioning of the Council, we believe it is necessary to clearly articulate the role of NGOs. If implementation is indeed the serious focus, NGOs have, and have always had, an integral role in implementation. They therefore, should be an active part in designing the mechanism for implementation. We respectfully submit that:

There should be formal a representation of NGOs in the formulation of the UPR mechanism in the deliberations of an inter-sessional open-ended working group, with a space for active participation.

The information on the meetings and agenda of this working group should be circulated well in advance to make such participation meaningful.

International NGOs for the South should be supported financially to participate.

Thank you, Mr. Chair.

## **Annex 12**

### **Second session of the Human Rights Council Geneva, Switzerland**

#### **Statement by the International Women's Rights Action Watch Asia Pacific on the report of Special Rapporteur on Right to Housing**

**22 September 2006**

**Speaker: Anuradha Rao**

Thank you, Mr. Chair. I am Anuradha Rao and I speak on behalf of The International Women's Rights Action Watch (IWRAP) based in Malaysia. We build capacity for the progressive interpretation, universalisation, implementation and realisation of the human rights of women through the lens of CEDAW and other international human rights treaties. We have a significant presence in 12 countries of South and Southeast Asia with some work being carried out in East Asia, the Pacific and Central Asia. We have also facilitated the participation of women from 102 countries at the CEDAW review process.

We commend the approach of the Special Rapporteur in integrating a gender perspective into the monitoring and reporting dimensions of his mandate, recognizing the indivisibility of rights. His report underscores the multiple forms of discrimination that women face and the linkages between housing and other issues such as violence against women; land, property and inheritance; economic rights; the manner in which religious and customary laws particularly disadvantage women etc. Such an approach is necessary for all mandate holders to follow to highlight the vulnerable position that multiple discrimination places women in; and to mainstream gender in their work, as is the stated objective of the UN.

We support the recommendations of the Special Rapporteur on Housing, and the suggestions he has made for follow-up on these. We urge Members of the Council to continue to support the mandate of the Special Rapporteur on Housing; and to give priority to implementing the recommendations he has made. In particular, we support the recommendation that Members of the Council ratify the Optional Protocol to CEDAW and ensure that an effective Optional protocol to the ICESCR is drafted and adopted speedily. We also support the recommendation that States harmonize provisions in international human rights instruments and religious and customary law and practice in relation to women's equal rights to housing, land, property and inheritance.

We appreciate the Special Rapporteur's presentation of the findings of his report on women and housing to the CEDAW Committee. We would like to know if, and how, he proposes to work with the Committee on a continuing basis – does he, for example, integrate their concluding comments in his report

Another question is, whether the Special Rapporteur could identify the necessity for temporary special measures (as specified in article 4.1 of the Convention and GR 25 of CEDAW) that need to be undertaken by states for women to realize their right to housing. We would also like him to examine and highlight the links between women's right to political participation, and participation in public policy formulation and their enjoyment of economic, social and cultural rights, including that of housing.

## **Annex 13**

### **Second Session of the Human Rights Council Geneva, Switzerland**

#### **Statement by the International Women's Rights Action Watch Asia Pacific on the report of Special Rapporteur on Right to Health**

**Speaker: Anuradha Rao**

Thank you, Mr. Chair. I am Anuradha Rao and I speak on behalf of The International Women's Rights Action Watch (IWRAW) which is based in Malaysia , and builds capacity for the realisation of the human rights of women through the lens of CEDAW and other international human rights treaties.

We endorse the human rights based approach to health proposed by the Special Rapporteur on Health including an integrated approach to health and the development of indicators for monitoring progressive realisation of the right to health. We also support his emphasis on the integration of disaggregation, participation and accountability into health policies and programmes.

While the above is an excellent prescriptive framework, our question to the special Rapporteur on Health is whether he has had enough opportunity to make country visits, to observe country-specific situations in relation to the above framework, and to dialogue with governments and civil society on the adoption of the human rights based approach, or whether he has faced difficulties in making such visits. Also, has he had adequate opportunity to hold consultations with civil society, particularly representatives of vulnerable sections of society?

We would also like to know if the Dr. Hunt has had opportunity to observe issues such as corruption in health services; and increasing costs of healthcare and medicines under the current impetus of governments to privatise health services. We urge the Special Rapporteur to focus on these issues in his subsequent reports.

We request the Special Rapporteur to integrate a gender perspective into the monitoring and reporting dimensions of his mandate, recognizing the indivisibility of rights. The multiple forms of discrimination that women face and the linkages between access to health services and other issues such as violence against women; economic rights; restrictions placed on women by religious and customary laws etc, that deny large sections of women their right to health must be reflected in his report. Such an approach is necessary for all mandate holders to follow to highlight the vulnerable position that multiple discrimination places women in; and to mainstream gender in their work, as is the stated objective of the UN.

We would like to know what links the Special Rapporteur has with treaty bodies, in particular CEDAW, to ensure that his findings and recommendations are utilized by these bodies during the review of state party reports. We urge the Special Rapporteur to develop stronger links with the treaty bodies and to integrate the Concluding Comments of the treaty bodies into his reports.

Another question we have is whether, in recommending policy guidelines, the special Rapporteur can identify the need for temporary special measures (under article 4.1 and GR 25 of CEDAW), and whether he has established links between other rights such as the right of women to political participation and participation in public policy formulation, to their enjoyment of the right to health.

Clearly the scope of further action by the Special Rapporteur on health is vast and critical, we urge Members of the Council to continue to support this mandate, and to honour their pledges by extending open invitations to all Special Rapporteurs for country visits in order to carry out their work effectively. We also urge Members to adopt the human rights based approach to health services proposed by the Special Rapporteur.

## Annex 14

### Second session of the Human Rights Council Geneva, Switzerland

#### Joint statement by International Women's Rights Action Watch Asia Pacific in response to the Report of Working Group on Universal Periodic Review

On behalf of: **Center for Women's Global Leadership, International Alliance of Women, World Union of Catholic Womens Organisations, Pan Pacific and South East Asia Women's Association International, Worldwide Association for Women, Zonta International, Canadian HIV/AIDS Legal Network, Pax Romana**  
**2 October 2006**

The International Women's Rights Action Watch, and the other co-sponsors of this statement, have the following submissions to make on the UPR. Due to the limitation on time, we focus on some critical aspects to be addressed, while our NGO colleagues highlight other significant aspects which we endorse.

Mr. President, the HRC is uniquely placed to set the example of truly integrating women's human rights at this pivotal moment of defining process and adopting good practice. We urge the Council to integrate **gender equality** and protection from multiple forms of discrimination into every stage and aspect of the review process, adopting standards defined by international treaties.

We support the near universal emphasis on the UPR being a results-oriented mechanism to strengthen *implementation* of human rights standards on the ground, obligations and commitments by all Member States resulting in a real and positive impact on the day-to-day enjoyment of human rights of all citizens.

We caution against viewing the UPR as a 'light' or 'general' dialogue leading to little action and serving no real purpose. The UPR should be a comprehensive and rigorous process which promotes realisation of rights on the ground, maintaining a balance between implementation of State obligations under current conditions and the additional building of capacity necessary for more effective implementation. It should also take note of timeliness of reporting of the states concerned and the seriousness with which the state concerned has attempted to comply with the views of the treaty bodies.

The existence of democratic practices at the national level is essential for the adherence to human rights principles. The UPR must therefore, develop indicators on elements such as freedom of the press; right to information; freedom of assembly; freedom of religion; a multi-party system; a conducive environment for the functioning of NGOs etc. A vibrant civil society is critical in the interests of accountability.

We stress the need for intensive preparation for the review, given the three hour timeframe for the review. We support transparency throughout the process – in the preparation and submission of reliable information open to public scrutiny; during the review process and the follow-up, with active participation by all stakeholders including NGOs, national human rights institutions and special procedures. We support sourcing of data from multiple sources and analysis by independent experts, *ensuring that such data is disaggregated by sex*. Accredited NGOs should be invited to contribute credible, alternative information, and information provided by governments must be made available to the public.

On the *composition of the reviewing body*, we support the proposal of working groups comprising HRC members from each regional group and independent experts, *with a sufficient number of experts on gender equality and women's human rights*. The above model has the potential for expertise, objectivity and commitment by Member States.

In the interest of efficiency and effectiveness, the review mechanism should work intersessionally, the periodicity of review of each Member State being approximately once in three years.

The UPR should urge countries to strive for universal ratification of all treaties. In particular States should be impelled to ratify the Optional Protocol to CEDAW; and to support the timely drafting of an



effective and efficient Optional Protocol to the ICESCR. Members of the Council must demonstrate their seriousness by stressing country evaluations and renewing the mandates of country rapporteurs.

If the HRC is to fulfil its goals of increased credibility, transparency and effectiveness, it needs to invest in capacity building not only of State parties, but also of civil society which is a key partner in the realisation of human rights on the ground.

*The UPR should ensure that where there is a conflict between “harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism” and the fulfilment of women’s human rights, the latter holds primacy, as stipulated by the Vienna Declaration and Programme of Action, 1993.*

## **Annex 15**

### **HUMAN RIGHTS COUNCIL**

#### **STATEMENT BY INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH TO THE WORKING GROUP TO DEVELOP THE MODALITIES OF THE UNIVERSAL PERIODIC REVIEW MECHANISM**

**20 November 2006**

International Women's Rights Action Watch (IWRAP), an international organisation based in Malaysia works for the realisation of women's human rights through the lens of the CEDAW Convention and other international human rights treaties. We have a significant presence in 14 countries of South and Southeast Asia with some work being carried out in East Asia, the Pacific and Central Asia.

IWRAP makes the following submissions on each of the elements listed out by the Working Group on the UPR.

#### **Terms of reference/basis of review:**

The main basis for the review is the fulfilment of each State of its human rights obligations and commitments, irrespective of the State's political, economic and cultural systems. The HRC is required to examine State's implementation of human rights obligations through all international human rights standards, including the CEDAW Convention. Focus must be on women's human rights, specifically gender equality and the multiple forms of discrimination faced by women. Furthermore, there needs to be a common normative basis for the review of all States and a common format that would be applied to all States to ensure equality of treatment. The normative basis should address all human rights and fundamental freedoms without any distinction. All human rights should mean to include not only human rights spelt out under the treaties, but also the rights contained in the UN Charter, the Universal Declaration of Human Rights, the Declaration, and the pledges made by governments at world conferences and summits. The UPR mechanism should be based on the principle of universality of human rights and include economic, social, political, civil and cultural rights as well as the right to development.

#### **Objectives and principles of the review:**

As the main objective of the UPR is to ensure improved implementation of human rights obligations and standards by all Member States, it should respect the following principles:

- Information to the Human Rights Council (HRC) should flow from objective and reliable sources, including national and international NGOs;
- While accepting information on women's human rights the HRC could call for data on women from multiple sources and ensure that such data is disaggregated on the basis sex;
- Equal treatment and non-selectivity among States;
- Transparency – in the collection of information, during review process, the interactive dialogue, the outcome and follow-up and implementation of recommendation;
- Capacity-building of the State and civil society;
- Cooperative mechanism based on interactive dialogue with full involvement of the State concerned.

#### **Periodicity and order of review:**

As there is wide consensus that the periodicity of review should be three years, there should be scope for the UPR mechanism to have intersession meetings. That apart, the HRC must also be prepared to take 'urgent action' against mass atrocities and respond swiftly to early warnings.

#### **Preparatory process of review:**

As the time available for each review is very short there should be a thorough preparatory process that precedes the plenary discussion. The OHCHR would prepare a 'country dossier' taking into account observations and recommendations of Treaty Bodies, Special Procedures and reports from UN sources, NHRIs and NGOs. Thereafter, the HRC Bureau could appoint an independent 'session rapporteur', from a roster of experts prepared by the OHCHR. The 'session rapporteur' would visit the State and meet with all stakeholders and prepare a background note on the human rights situation in the reviewed State. The 'country dossier' and the background note of the 'session rapporteur' should contain information on gender equality and women's human rights. Based on the background report and the

‘country dossier’, the ‘session rapporteur’ should prepare a questionnaire, which should include questions on women’s human rights and the fulfilment of the State of the Concluding Comments of the CEDAW Committee. The questionnaire should be sent to the State under review in advance and should be available on the OHCHR website for stakeholders like NGOs, NHRIs etc. to submit their alternate information.

**Conduct of the review:**

The review needs to be conducted by a subsidiary body of the HRC. The subsidiary body should be composed of independent experts to be appointed by the HRC and one HRC member from each regional group. There must be gender balance in the appointment of independent experts and such experts would have expertise on gender equality and women’s human rights. While examining States fulfilment of human rights obligations, the principles and standards set by the CEDAW Convention and the Committee should be followed. The body conducting the review must permit the participation of NGOs in the interactive dialogue between the State under review and the HRC.

**Outcome and follow-up to the review:**

The UPR must lead to recommendations that include measures of technical assistance and capacity-building, and in more serious cases, the follow-up should consist in appointing a country rapporteur, a commission of enquiry, or even the adoption of a country specific resolution. The strongest outcome of the UPR would be the adoption of a country specific resolution, which should be more “results-oriented”. However, such country resolution should be adopted only if recommendations made to the State during the first review are not implemented and if the State does not take measures to correct the human rights concerns identified during the review. The UPR mechanism could be utilised to urge countries to ratify all Treaties and Optional Protocols not ratified by the State. The review must be conducted in a positive and constructive spirit, avoiding confrontation and giving consideration to the capacity-building needs not only of the State concerned, but also of civil society. Finally, the review mechanism could develop indicators on key elements like freedom of the press; right to information; freedom of religion etc. for assessing accountability of States.

## **Annex 16**

### **Fifth Inter-Committee Meeting of the Human Rights Treaty Bodies**

#### **Submission by International Women's Rights Action Watch (Asia Pacific) 20 June 2006**

Speaker: Janine Moussa

Thank you Mr. Chairperson.

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

We thank the Chair for this opportunity to present our views on critical debates currently before us. We would first like to outline the general principles that we believe would strengthen the reforms, and then comment on two aspects of the proposed reform to the treaty body system: the unified treaty body and the reporting guidelines.

In general, we believe the proposed reforms would be beneficial if they were to achieve the following:

- (1) Encourage a consistent and holistic approach to human rights promotion, protection and monitoring;
- (2) Strengthen the mainstreaming of women's human rights throughout the UN human rights system;
- (3) Avoid duplication; and
- (4) Create more entry points for advocacy on women's human rights.

We also share the concern expressed by several Committee members that this reform, if not properly implemented, could result in an even more confusing and inefficient system. To avoid this, we strongly believe that any reform – if it is to be successful - must incorporate the following key principles:

1. Retain and strengthen NGO participation: As expressed several times yesterday by Committee members, NGOs are an indispensable part of implementation, monitoring and follow-up of the rights contained in the various human rights treaties. Their roles should therefore be retained and institutionalized under any new reporting system.
2. Retain expertise of the CEDAW Committee: Women's human rights have expanded under CEDAW because of contributions by experts on its Committee. For it to continue to progress, we must ensure that any reform to the current system continues to retain this level of expertise.
3. Adopt the most progressive standards and jurisprudence in the current system: Over the past decades, treaty bodies have developed progressive standards and jurisprudence in several areas. The CEDAW Committee has done so in the area of women's human rights. We must ensure that these progressive standards and jurisprudence are incorporated into any reform from the outset – especially with regards to CEDAW's definition of substantive equality, non-discrimination and state obligation.
4. Retain the specialized understanding of women's human rights: The CEDAW Convention and Committee have created a specialized understanding of women's human rights – such as the notion of 'multiple forms of discrimination'. This type of specialized understanding must be retained under any new system.

Turning specifically to two aspects of the reforms, we address the proposal for a unified standing treaty body, as expressed in the concept note of the OHCHR. We endorse the statement of the CEDAW Committee, presented by its Chair yesterday that a unified standing treaty body runs the risk of losing the specificity and expertise of individual Committees to the detriment of rights holders. Should a unified standing body come to exist at all, it is essential to have experts, in particular women's rights experts, on the Committee.

Regarding the treaty reporting system, we commend the work of the Inter-Committee Technical Working Group and its revised harmonized guidelines. We especially commend the guidelines for stressing the importance for State parties to report on both *de jure* and *de facto* implementation of rights. We appreciate the draft guidelines for special attention paid to persons who suffer multiple forms of discrimination. We still caution however, that reporting on the rights of equality and non-discrimination in both the common core document and the treaty specific document deserves special emphasis. Guidelines need to be clearly articulated in order to avoid dilution of these rights and confusion for reporting parties.

In conclusion, we emphasize that these reforms should result in a holistic, integrated, progressive human rights paradigm that applies across the board not only to treaty bodies but to all other UN human rights mechanisms, in particular, the newly inaugurated Human Rights Council.

Thank you Mr. Chair.