



## STRENGTHENING CEDAW IMPLEMENTATION IN SOUTH & SOUTHEAST ASIA



Economic Rights  
Cultural Rights  
Social Rights  
Access to Justice

Sustainable Development Goals



# ACKNOWLEDGEMENTS

The Strengthening CEDAW Implementation project with a focus on Women's Economic, Cultural and Social Rights, Access to Justice, and Sustainable Development Goals - The STIC Project - was implemented by International Women's Rights Action Watch Asia Pacific (IWRAP AP) with support from Women's Fund Asia (WFA).

We would like to thank all partners, organisations, allies and advocates, and individual experts for their involvement, input and support.

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Roshana Pradhan, Program Officer,  
Forum for Women, Law and Development

# LIST OF ACRONYMS

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- **BPfA** Beijing Platform for Action
- **CEDAW** The Convention on the Elimination of Discrimination and Violence Against Women
- **CGFED** Research Centre for Gender, Family, and Environment in Development
- **CRPD** Convention on the Rights of Persons with Disabilities
- **FWLD** Forum for Women, Law and Development
- **GSWF** Global South Women's Forum on Sustainable Development
- **ICESCR** International Covenant on Economic, Social and Cultural Rights
- **ILO** International Labour Organisation
- **IWRAW AP** International Women's Rights Action Watch Asia Pacific
- **MoH** Ministry of Health
- **JSMP** Judicial System Monitoring Program
- **RMG** ready-made garment industry
- **SDGs** Sustainable Development Goals
- **SGBV** Sexual and Gender-Based Violence
- **STIC** Strengthening Implementation of CEDAW Project
- **UPR** Universal Periodic Review
- **VNR** Voluntary National Review
- **WROs** Women's rights organisations.





# STRENGTHENING IMPLEMENTATION OF CEDAW THE STIC PROJECT

The STIC Project focused on women's economic, social and cultural rights, access to justice, and the Sustainable Development Goals (SDGs) in South and Southeast Asia, with the Convention on the Elimination of Discrimination and Violence Against Women (CEDAW) serving as the primary framework. The project was implemented from June 2017 through May 2019.

The catalyst for STIC was the recognition that the implementation of CEDAW needed improvement at the national level. Through STIC, IWRAW AP developed a two-pronged strategy by engaging justice sector actors<sup>1</sup> in technical capacity building on CEDAW and other international human rights frameworks<sup>2</sup>, as well as providing spaces to dialogue and identify solutions. This was an intentionally multi-stakeholder and intersectional approach to strengthen and domesticate CEDAW throughout South and Southeast Asia, with the ultimate aim of achieving substantive equality for women.

The objectives of this project were:

- *Strengthened capacity of government agencies; justice sector actors such as lawyers and judges; women's rights activists, including marginalised women on CEDAW implementation.*
- *Stronger activism on CEDAW and expanded spaces for amplifying women's voices on women's economic, social and cultural rights, access to justice and SDGs at national and regional level.*
- *Increased opportunities for cross-country and regional exchanges and learning of strategies, experiences and practices that have expanded spaces for women's voices, implemented CEDAW, and monitored and advocated for the realisation of women's human rights.*

<sup>1</sup> Judges, lawyers, legal organisations, women's rights organisations to name a few.

<sup>2</sup> Other international human rights frameworks and mechanisms included ICESCR, ILO Conventions, UNGPs, and SDGs.



## INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH ASIA PACIFIC

Established 1993

International Women's Rights Action Watch Asia Pacific (IWRAP AP) is a feminist organisation committed to the full realisation of women's human rights through the pursuit of equality. We act to disrupt structures, systems and institutions that violate women's human rights, and we engage in movement building that amplifies women's voices and activism to create alternative political narratives and spaces.

## INTERSECTIONALITY AT WORK

IWRAP AP has used CEDAW as the primary tool and framework to strengthen domestic and regional activism for women's rights. The Office of the High Commissioner for Human Rights and the UN CEDAW Committee recognise IWRAP AP as one of the main organisers coordinating civil society advocacy during CEDAW reviews.

Using CEDAW and other international human rights frameworks as our backbone, we focus on strengthening feminist movements in the region and globally. We work to demystify human rights frameworks for local organisations and justice sector actors, with a goal to domesticate and integrate human rights frameworks into national level plans.

As part of our goals to strengthen regional feminist movements and making international human rights frameworks accessible, we now organise the [Global South Women's Forum \(GSWF\) on Sustainable Development](#), first launched in 2016. At the 2019 Forum, organised as part of the STIC Project, we strengthened linkages between SDGs and CEDAW and brought an intersectional lens to our organising, ensuring that people from marginalised groups led the discussions.

## IWRAW ASIA PACIFIC AND CEDAW IMPLEMENTATION

CEDAW is an international treaty adopted in 1979 by the United Nations and is widely considered the international bill of rights for women. States that adopted CEDAW are obligated to report to the CEDAW Committee, a body of independent experts that monitors CEDAW implementation. The Committee will provide recommendations to the State based on reports. State self-assessment reports often minimise the occurrence of human rights violations, thus shadow reporting by civil society is important for more accurate assessments.

We identified that lack of capacity, resources, weak national gender machineries, and poor coordination between government agencies and women's rights organisations (WROs) as barriers to full and effective implementation of CEDAW. The ideologies, socioeconomic situations, and political contexts underlying this, however, run deep. Laws and policies are bolstered by patriarchal structures. Neoliberal economic policies, corporate capture, and neocolonialism exacerbate and create new forms of discrimination and marginalisation. As new spaces emerge, such as the UN High Level Political Forum on the SDGs, women and other groups who are often organized in civil society organisations (CSOs) or WROs, are shut out or restricted, thus limiting their ability to influence policies or protect their rights.







**“This project was also guided by the same values we have as an organisation. Feminist values - intersectionality, equality, human rights-based approached, inclusion.”**

Shanti Uprety, Programme Officer, IWRAP AP

## Our Journey

Our experience organising and participating in the Southeast Asian GSWF gave us space to experiment with very intentionally pushing forward an intersectional feminist approach. Foremost, we approached it as a thinking and learning space to envisage the kind of feminist future and the future of work that we want. From there, we analysed whether CEDAW and other human rights frameworks are fit for our envisioned future of justice and work. This flipped the dominant narrative of being reactive or limited by the neoliberal context we operate within, and it also pushed us to critically analyse the utility of human rights frameworks rather than trying to fit our existing activism and work within the frameworks.

At the forum, we also made space to do a comparative analysis of various human rights frameworks and mechanisms, including CEDAW, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of Persons with Disabilities (CRPD), the Beijing Platform for Action (BPfA), and International Labour Organisation (ILO) Conventions.

Because we have a new, intentional strategy around intersectionality, we had representation from many groups that often haven't had a voice in these spaces – including LGBTIQ people, women with disabilities, sex workers, factory workers, and mental health service providers just to name a few. This intersectional approach to our work around demystification, critical analyses, and implementation of international human rights frameworks resulted in uncovering gaps – understanding whether it protected all of our rights, or just the rights of some of us.

**“We were very purposeful in including the voices of groups of women such as LGBTIQ women and sex workers, to ensure that when we do put our demands forward on the feminist agenda we're actually ensuring that women are represented throughout their experiences”**

Umyra Ahmad Fikri, Programme Officer, IWRAP AP



## GLOBAL SOUTH WOMEN'S FORUM ON SUSTAINABLE DEVELOPMENT



The GSWF on Sustainable Development was conceived as a space to share the rich, manifold experiences of women in the Global South pursuing and defending human rights. We recognise that gender equality should be integrated, interlinked and indivisible in human rights frameworks and the sustainable development agenda. The first GSWF was launched in 2016 to mobilise WROs and activists around the 2030 Agenda, and took place in Cambodia, followed by another global forum in Uganda in 2017. For the third GSWF in 2018, the GSWF held a regional focus on the Middle East and North Africa, hosted in Jordan. The latest GSWF took place in April 2019 in Malaysia, again with a regional focus, this time on South and Southeast Asia as part of the STIC Project.

## Key Learnings & Achievements

Our efforts to bring an intersectional approach and break silos also resulted in us connecting dots between work on labour rights and work on access to justice. This is significant as we made some important links within movements to work together. For example, we identified that trade unions remain heavily patriarchal with limited space for meaningful participation and leadership from women. This influences what policies and rights trade unions advocate for, as well as invisibilising the needs around women in the workplace, such as issues around sexual harassment or treatment of pregnant women to name a few.

When we engaged with state actors, such as labour departments, we were able to better understand the barriers to delivering access to justice. When we engaged with state actors, such as labour departments, we were able to better understand the barriers to delivering access to justice. We provided alternative spaces to share and learn. This included learning about work done by government institutions to advance women's labour rights and good practices recommended by judges about supporting women's right to equality in the family. These exchanges are invaluable and demonstrate the importance of cross-sectoral and regional organizing.

# INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH ASIA PACIFIC

Finally, the most significant change over the course of the project was the increased profile of IRAW Asia Pacific within international spaces, especially as we linked women's rights to labour rights, and access to justice with labour rights. We are now identified as a thought leader bringing feminist analyses and women's rights perspectives into spaces where economic and labour rights are discussed, such as UN Special Procedures, the Working Group on Business and Human Rights, and the Spring and Annual meetings of the International Monetary Fund. This is significant as we work to link these often inaccessible but important policy spaces with grassroots and local organisers.





## কর্মজীবী নারী KARMOJIBI NARI

Established International Worker's Day, 1 May 1991

Since 1991, Karmojibi Nari has organised women workers in the formal and informal sector. Karmojibi Nari also advocates to ensure their rights are protected, existing labour protections for workers are enforced, and the needs of workers are met through building their leadership capacity and rights-knowledge, and advocating for the enactment of necessary laws addressing gaps in labour rights. Karmojibi Nari envisions a just and egalitarian society free from exploitation, deprivation, and discrimination where workers enjoy their rights, dignity, power and authority.

## THE POWER OF CEDAW WHEN BACKED WITH EVIDENCE

**“We've created a new trend to follow the CEDAW Recommendation[s]. In future, I think many people will follow this work and it's an important thing.”**

**Farhana Afrin Tithi, Karmojibi Nari**

In 2016, after reviewing the state of human rights in Bangladesh in its 8th periodic report, the CEDAW Committee provided several recommendations to improve the rights of women. One of these recommendations, Recommendation 31(c), specifically focused on improving the working conditions for women in the informal and formal sectors. At Karmojibi Nari, we recognized this was a crucial moment of international attention and accountability that we could leverage to substantially push forward our advocacy for workers' rights.



The ready-made garment (RMG) industry plays a major role in Bangladesh, so we chose to focus specifically on women workers in this sector for this initiative. The RMG sector makes up 12.36%<sup>1</sup> of Bangladesh's GDP and 81% of total exports, with a majority of its workforce made up of women workers.<sup>2</sup>

Because of our organising in the informal and formal sector, with our own members also having experience working in the RMG sector, we were aware of the challenges and vulnerabilities faced by women workers in RMG factories. However, the severity of the problem was beyond our knowledge, nor was there existing comprehensive research providing even a baseline of working conditions for women in RMG factories. While we knew it intuitively and through our own lived realities as factory workers that conditions needed improvement, there was a major gap in research that framed these labour rights issues with a women's rights lens.

The goals of our research, then, were to gain a clearer understanding of the working conditions within the RMG factories and how it specifically impacted the rights, safety and health of women, all backed up by clear data. Our plan was to use the insights we gained from our research to provide policy recommendations to the government as we advocated for implementation of the Recommendation 31(c) provided by the CEDAW Committee in the Concluding Observations.

## **CEDAW CONCLUDING OBSERVATIONS RECOMMENDATION NUMBER 31**

### **Eighth periodic report of Bangladesh, 2016**

The Committee on the Elimination of Discrimination against Women recommended that the State party:

(a) take effective measures to monitor and improve the working conditions of women in the informal and private sectors, by ensuring regular labour inspections and social protection coverage;

(b) address the gender wage gap by applying gender-neutral analytical job classification, evaluation methods and regular pay surveys, and establishing effective monitoring and regulatory mechanisms for employment and recruitment practices;

**(c) regulate and monitor the working conditions of women employed in the garment sector, in order to protect them from unsafe labour conditions, through regular inspections and increased fines for abusive employers;**

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(d) remove all obstacles to the establishment of trade unions;

(e) adopt and implement specific legislation concerning the protection of women from sexual harassment in the workplace in accordance with the High Court Division guidelines.



1 Hossain, Latifee, Md. Sajib, Enamul Hafiz (6 August 2017). "Readymade garment industries going green". The Financial Express. International Publications Limited.

2 "Monitoring Work and Working Conditions of Women Employed in the Readymade Garment Industries of Bangladesh - Factsheet" (December 2018). Karmojibi Nari, IWRAP AP, Women's Fund Asia.

## Our Journey

We came together as a team of 12 field surveyors, all women with experience in the garment industry or trade unions. When we started the research, we faced several challenges. We had to work to gain the trust of the workers and work creatively to connect with them. We had a trade union leader on our team, and she would assure them that she had powers through her trade union and they could trust her and the research team. Location also mattered - when we tried to speak to workers in front of the factories, they were fearful of factory management and wouldn't speak to the research team. So, we had to figure out the neighbourhoods where they lived, and then ask them in a safer environment, after their work hours.

This research was necessary and had not been conducted before at such a large scale in Bangladesh on the RMG industry. We were also new to doing this kind of research and benefited from the support we received from IRAW AP through the STIC Project, including support on conducting this type of research. Ultimately, we were able to conduct a study with 3,014 workers, gaining significant insights into the working conditions within the RMG factories as well as learning how to

shape our research and CEDAW-related advocacy in the future. We committed ourselves to conduct a large-scale survey with representative samples of workers across the various roles within RMG factories: operators, cutters, packagers, for example. Because of our commitment to a large and representative sample size, we were able to gain deep insights that shed light on the working conditions in this sector, and recognise patterns across the sector.

Workers are limited to one type of work, like stitching cuffs or collars on clothing, and are provided no additional skills-training and no advancement within the workplace. You'll find a worker who has been doing this for 20 to 25 years, which places them in a financially vulnerable situation. Not only have they worked without being given space to learn any additional technical skills, we also found that many factories will not hire workers after they reach 35 years of age. *Farhana Afrin Tithi on some of the research findings*



Covers of the final research report



**“We were able to create a research team...we can see an expert surveyor team, strong administration and research group.**

**I think it's a big achievement of Karmojibi Nari”**

Farhana Afrin Tithi, Karmojibi Nari

## Key Learnings & Impact

The most significant change as a result of this project is filling in the knowledge gaps on women's rights in the RMG sector in Bangladesh, revealing important areas for advocacy for women's rights at work. Its groundbreaking nature meant we received a lot of media exposure, which was a major achievement, as it widely publicised the effectiveness of this approach – linking grassroots activism to international frameworks. The media responded to our findings positively, and publicised the results, along with government representatives expressing commitments to take our recommendations. To the wider civil society of Bangladesh, this demonstrated the effective use of the CEDAW framework for advocacy, and we believe many civil society actors, activists and others will adapt this methodology in the future.

At the organisational level, our most significant learning is linking our work on women's rights and labour rights with the CEDAW framework and other human rights mechanisms. For example, we conduct extensive work on addressing gender-based violence in workplaces, and we can now link up our work around this area with CEDAW recommended articles.

It also provided us with a strong knowledge base for evidence-based advocacy for future interventions. In Bangladesh, the government does try to follow CEDAW Recommendations, but there is a lack of monitoring systems to understand whether laws and regulations are effectively implemented. The research provided us a way of monitoring the working conditions. For example, we found that while Bangladesh labour laws have provisions for social security, there was no implementation within the sector. We plan to conduct advocacy around this to ensure financial security in retirement for workers.





## PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁL JUDICIAL SYSTEM MONITORING PROGRAM

Established 2001

Judicial System Monitoring Program (JSMP) was established in 2001 to monitor the processes of the Ad Hoc Human Rights Tribunal in Jakarta, Indonesia, and the Special Panels for Serious Crimes in Timor-Leste. JSMP now exists as a Timorese-led organisation working to improve the judicial and legislative systems in Timor-Leste, through advocacy to promote legality, transparency, accountability, and the rule of law.

## BUILDING POWER FOR STRUCTURAL CHANGE

Timor-Leste's penal code faces several limitations in protecting those harmed by incest and sexual violence in the family home. The lack of guidance in the penal code leads to inconsistent sentencing, and the lack of legal clarity on age of consent creates barriers for survivors seeking legal remedies. Often protection measures are absent during court proceedings and survivors are re-traumatised. To address this, in 2012, we published a report on incest, with an accompanying advocacy campaign urging the National Parliament to include a specific penal code subsection on incest and an article that would not limit it based on age or consent. Even though the National Parliament recognised the need, no action was taken.

### The Need to Amend the Timor-Leste Penal Code

Facts from the report

JSMP monitored 4,997 cases from 2012 - 2018

58% of these cases were about gender-based violence

49 of those cases were regarding incest

The cases of incest are likely under-reported due to stigma and family pressure

The gravity of the problem drew the attention of the CEDAW Committee, and in 2015 the committee also highlighted a need for definitions of incest to be incorporated into the Timor-Leste Penal Code.

We are committed, however, to addressing this problem in Timor-Leste, thus we continued our work for the rights of survivors of incest. Six years later, in 2018, through the STIC Project, we published our second report and again campaigned nationally for changes in the penal code, this time using the CEDAW framework. The 2018 report outlines the progress the Timor-Leste justice system made since 2012 around cases of gender-based violence generally, and incest specifically. Along with the report, we launched our first-ever training to medical professionals on their role in reporting and providing evidence in cases of sexual violence as part of improving access to justice for women.

## Our Journey

No other NGOs in Timor-Leste conduct trainings with medical professionals on incest and cases of sexual violence. This was also a new initiative for us, so the process of organising the training gave us a lot of new insight about the quality of the systems survivors must interface with following their assault(s). Our training explained how doctors and medical professionals can provide medical reports to courts on cases of sexual violence, and specifically in cases of incest.

We found that medical professionals are hesitant to provide testimonies and evidence during trials because they have a limited understanding of legal proceedings, leading to fears of imprisonment. They also were not aware of their obligations per Timor-Leste law to provide expert testimonies and evidence.



## About Timor-Leste Penal Code, Incest, and Age

- NGOs identified the lack of a specific article on incest as a key barrier to justice.
- Victims of incest who are less than 14 years of age are protected by a combination of article 177 concerning sexual abuse of a minor and article 192 concerning aggravation on account of a familial relationship.
- Victims of incest who are over age 18 are protected by a combination of articles 171, 172, and 173 but only with proof that the activity was non-consensual.

This places the burden of proving non-consent on the harmed party, who is likely already suffering from serious forms of trauma. The ability of the victim to consent is questionable, considering that they are often minors and abused by a person with familial authority. Furthermore, the survivors face pressure from family and their community to not testify. There is a need for a better and broader understanding on the concept of consent.

From "Incest in Timor-Leste: An Unrecognized Crime," JSMP, August 2012.



JSMP Event, August 2018





## Key Learnings & Achievements

We learned how to build power to make tangible gains for our advocacy. This was our second time conducting research and advocacy on incest. The difference was this time we applied a systems-level lens to understand structural problems and brought an intentionally collaborative approach. Using CEDAW to frame our systems-level analysis of sexual violence yielded very important results. For example, in CEDAW, there is an emphasis on implementing protection measures to prevent continuing violence – because of this we reviewed what protection measures the Timor-Leste Penal Code has for survivors of sexual violence. Ultimately, this led to judges providing compensation to survivors, something that was frequently not done before our intervention. Judges are now applying for compensation to survivors for psychological support, which is also a huge gain in getting the justice system to recognise the reality of psychological consequences resulting from trauma and violence. This was a big victory in our path to make the justice system for work.

An advancement we made in our continued advocacy to address incest was bringing together justice system actors, the medical system, and CSOs together. Bringing judges, prosecutors, government agencies and CSOs, including WROs, reaped very positive results. It was the first time judges and prosecutors accepted our recommendations on creating a separate article for incest in the Timor-Leste Penal Code. The importance of collaboration was also highlighted by the fact that our relationship with the Ministry of Health (MoH) made the medical trainings possible to organise. Within the MoH, the head of Professional Ethics acknowledged the deep need to continue the trainings more widely. With the support of the medical system going forward, we can further advocate for higher compensation and fairer judgements. Again, as with our research, we used CEDAW as a guide for the standards we set for the medico-legal systems in Timor-Leste when supporting survivors.



**RESEARCH CENTRE  
FOR GENDER, FAMILY &  
ENVIRONMENT IN  
DEVELOPMENT**

**TRUNG TÂM NGHIÊN  
CỨU GIỚI, GIA ĐÌNH &  
MÔI TRƯỜNG TRONG  
PHÁT TRIỂN**

**Established 1993**

Research Centre for Gender, Family, and Environment in Development (CGFED) organises in Vietnam around gender equality, with a focus on youth activists. CGFED advocates for the rights of workers, communities affected by mining, rural people affected by pesticides, and ethnic minorities, amongst many other initiatives to support intersectional gender equality in Vietnam. CGFED conducts workshops, trainings, and research to advance gender equality and organises activists, youth and civil society around international human rights mechanisms, such as the SDGs and CEDAW.

## **LEARNING TOGETHER, CREATING TOGETHER**

CGFED has significant experience organising young people, primarily into youth groups and networks that learn about and advocate for human rights in the context of a rapidly evolving and industrialising economy. This project built upon this experience, particularly by drawing on our learnings from our three-year project, "Women's Economic Leadership & Empowerment" with IWRAW AP that preceded the STIC project. Our project initiatives under the STIC Project focused on organising youth to act for human rights and raising media awareness of women's economic rights, women's rights, and women migrant workers' rights.

The duration of our STIC Project coincided with two important international human rights processes – Vietnam's Voluntary National Review (VNR) of the SDGs in July 2018 and Vietnam's third-cycle Universal Periodic Review (UPR).

## RESEARCH CENTRE FOR GENDER, FAMILY & ENVIRONMENT IN DEVELOPMENT

## TRUNG TÂM NGHIÊN CỨU GIỚI, GIA ĐÌNH & MÔI TRƯỜNG TRONG PHÁT TRIỂN

These two processes were important in several ways. Our work on human rights has increasingly met with pressure from the government and multinational corporations— in particular, in 2017 we published a study on working conditions in Samsung's mobile phone factories, resulting in a disinformation campaign from Samsung and increased scrutiny and agitation on the part of the Vietnamese government. In an increasingly restrictive environment, international human rights processes provide us and other civil society members a window of opportunity to leverage international pressure to push the government to advance our rights.

### Our Journey

We organised 30 people into youth key-groups and conducted interactive learning workshops to increase their awareness on gender equality, gender norms, human rights and women's economic rights in Vietnam. We also encouraged participants to create their own human rights projects

with our support, along with the training they were receiving. The workshops were led by us – youth activists ourselves – were designed to be appropriate for young people. We created a favourable environment for young people to practise what they learned and discuss what priority agendas they want to raise. In the first phase of the project, we guided the youth groups on how to implement their plans. In the later stages of the project, the youth groups led the activities, eventually self-owning the work.

#### Voluntary National Review (VNR)

The VNR process is the mechanism through which countries submit their progress against the 2030 Agenda, which includes the Sustainable Development Goals. Effective implementation depends on domesticating the framework, aligning it with national development goals. VNRs should include critical gaps in the development agenda that governments should strive to close.

#### Universal Periodic Review (UPR)

The UPR is another international mechanism, specific to measuring the human rights performance of member-states of the UN. It consists of a national report prepared by the State government and reports prepared by the UN that include input from civil society.



**RESEARCH CENTRE FOR  
GENDER, FAMILY &  
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DEVELOPMENT**

**TRUNG TÂM NGHIÊN CỨU  
GIỚI, GIA ĐÌNH & MÔI  
TRƯỜNG TRONG PHÁT  
TRIỂN**

The biggest challenge we faced in conducting our work is the fact that human rights are a sensitive issue in Vietnam. It was difficult to get approval for this issue. To address this, we work closely in coalitions, coordinating with networks and communities such as migrant networks, and gender equality networks. Our youth trainings and our work with media awareness involves building capacity of understanding international human rights frameworks such as CEDAW, SDGs, and 2030 Agenda.

ACTIVITY	DETAIL
Start up	Game/activity
Triangle of Gender Prejudice	<p><b>Role play: groups assigned different characters, must shape that image with actions and characteristics so that people guess what the characters are.</b></p> <p><b>Discussion points:</b></p> <ul style="list-style-type: none"> <li>• What characteristics does each role display?</li> <li>• What affects these characters?</li> <li>• Do we apply these characteristics on others in life?</li> <li>• Do these characteristics affect opinions of others?</li> <li>• What is the daily behaviour or behaviours?</li> <li>• Name the characteristics - team analysis.</li> <li>• Stereotypes, prejudice, discrimination.</li> </ul>
CEDAW	<p><b>Human Rights in CEDAW:</b></p> <ul style="list-style-type: none"> <li>• Which economic rights are regulated in CEDAW?</li> <li>• What economic rights do women workers care about?</li> </ul>

Sample workshop schedule

**“Through training sessions...these young people formed an independent working group on women’s rights in general. They actively participated in the process of writing CEDAW and UPR shadow report on sexual harassment in workplace. [These] achievements have proven how important the participation and contribution of the youth in the advocacy process for women’s economic rights in Vietnam.”**

Pham Thi Minh Hang, Representative of CGFED

## Key Learnings

Our most significant development as a result of this initiative was our ability to raise awareness and implement CEDAW. We were able to build a common understanding about CEDAW and human rights standards. We were also able to use CEDAW in line with other international human rights mechanisms, such as the 2030 Agenda and ILO conventions. The 2030 Agenda and the SDGs were confirmed as a priority development strategy by the Vietnamese government, who made strong claims to channel resources towards this and to promote the participation of all relevant stakeholders, civil society organisations, communities, and people along with state agencies. This made it even more pertinent that we continue to develop the understanding of human rights standards and international human rights mechanisms throughout Vietnam, through our youth groups and the media. The role of the media is extremely important and necessary to promote the participation of civil society in these processes.

**“In order to achieve success in advocating for women’s economic rights in Vietnam as well as social changes, we need the participation of all social groups such as civil society organisations, marginalised groups, disabled people, rural women and young people.”**

**Pham Thi Minh Hang - Representative of CGFED**





## FORUM FOR WOMEN, LAW AND DEVELOPMENT

Established 1995

Forum for Women, Law and Development (FWLD) works to change discriminatory laws, and challenge embedded systems of discrimination in society and culture. FWLD uses international human rights instruments and the cross-cutting effect of laws to promote the rights of marginalised groups using an intersectional lens.

## BUILDING SURVIVOR-CENTRED JUSTICE SYSTEMS

Beginning in 2018, we organised a series of workshops with district and high court judges. In these workshops, we discussed the uses of CEDAW in the Nepali justice system, with a particular focus on CEDAW General Recommendations 33 and 35. We chose these two recommendations because they expand CEDAW jurisprudence around access to justice and sexual and gender-based violence (SGBV).

We at FWLD want to enhance understanding within our justice system about Nepal's obligation to human rights protocols and highlight the impact gender has on access to justice. Thus, we very intentionally shaped these workshops to analyse decisions on cases related to SGBV – what does access to justice mean in cases of sexual violence? What is the court's obligation to promote survivors' human rights?

Following these workshops, we launched our first court-monitoring initiative on cases of SGBV. We followed the life cycle of a case and monitored how they are handled by the Nepali justice system. Ultimately, we identified where our justice system can improve



in its efforts to meet international human rights standards and centring the needs of survivors of sexual violence.

## Our Journey

The courtwatch was a new initiative for us and gaining access to closed court proceedings was a challenge. At the same time, we sought to build on our long history of working with the justice system. Through the workshops with the judges, we were able to emphasise the importance of developing a court watch programme for women's rights in Nepal.

It also was helpful that the workshops with the judges was led by Honorable Justice Sapna Malla from the Supreme Court of Nepal. Justice Malla is a women's rights champion within the legal community. Having her as an expert on CEDAW implementation along with IRAW AP's support allowed us to bridge the information gap between CEDAW and international human rights protocols, with the existing knowledge of Nepali judges.

### POINTS TO REVIEW IN LIFE CYCLE OF SGBV CASE

The process of filing an SGBV case in court

Case development after filing

Is security provided to the witnesses/survivors?

Is adequate legal aid provided?

Attitude of court officials

Compliance to continuous hearing

Is confidentiality honoured?

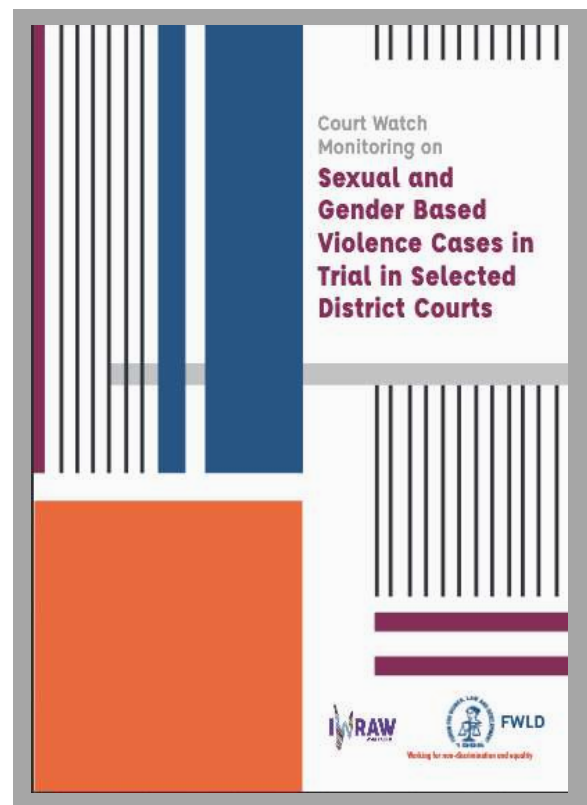


## Key Learnings & Achievements

Our objective of dialoguing with judges and lawyers was to create conceptual clarity on Nepal's obligations under CEDAW and its ongoing implementation. The evolving conversations with the judges and lawyers opened up avenues to continue working with them in the future. Judges were very enthusiastic about using CEDAW in upcoming cases in their docket related to SGBV, and they emphasised the importance of continuing our workshops in other districts. These workshops were critical in building good rapport with the judges and actors within the court system, and this is the groundwork we laid that allowed us to conduct our court-monitoring initiative.

In Nepal, getting access to courts is very difficult, and even more difficult when it comes to cases of SGBV because of the concern around confidentiality of the survivors. Holding the workshops with the judges built trust between FWLD and the judges, and we were able to gain permission to monitor cases in the court system.

Finally, a surprising learning was how well evidence-based advocacy works. Everyone was interested in the results of our court-monitoring study and people took our recommendations seriously. What made this particular evidence-based study special compared to previous ones is that we had overwhelming participation from all the stakeholders - government, civil society,



*Court-Monitoring Report Cover*

lawyers, judges. It was also unique in that we focused on court procedures, while other studies on SGBV look at collecting external data, such as how many women face SGBV, and how many receive legal aid. Our study provided information on internal processes within the justice system – how survivors are treated, and their cases are managed - which is what gained all the various stakeholders' interest. Lastly, while many civil society organisations do advocacy on CEDAW, this was unique because we focused specifically on General Recommendations of the CEDAW Committee.



## THE MOVEMENT FOR CEDAW IN NEPAL

Prior to the 6th periodic report of Nepal by the CEDAW Committee, FWLD, in partnership with other civil society organisations, prepared a Shadow Report to submit to the CEDAW Committee. The committee released Concluding Observations that were very much in line with the recommendations we had prepared in our Shadow Report.

While the alignment of the Concluding Observations with our advocacy goals is an achievement, the effective implementation of the observations is what will actually lead to substantive changes within the justice system and Nepal. Thus, we have formed a CEDAW Concluding Observations Implementation Follow Up Group, and it comprises various civil society organisations working on women's rights. As part of this follow up group, we have successfully invited the National Women Commission (NWC) as a coordinator of the group. This is significant because NWC has the mandate to monitor the state accountability on the various human rights frameworks in Nepal, including CEDAW. The follow up group brings NWC and CSOs together to increase the capacity of civil society and government to work on CEDAW, while also providing an avenue for CSOs to work on CEDAW.

We also developed a media fellowship to create wider public knowledge about CEDAW implementation in Nepal. This also allowed us to gauge mainstream media's understanding of CEDAW processes, educate them on how CEDAW works and why it's important. The media disseminated information about the CEDAW recommendations after they were released. We were also able to use these newly developed relationships to then support us with the book launch of the results of our court-watch monitoring later on.





Evidence-based advocacy works well when working with justice sector, national and international institutions. This evidence can be comprehensive studies of workplace conditions, as in the case of Bangladesh, or results from monitoring court cases, as in the cases of Nepal and Timor-Leste.

Provided with evidence and research, states do try to honour their obligations to international human rights protocols, such as CEDAW.

CEDAW is a powerful tool that can be leveraged for existing, ongoing grassroots activism. All partners in the STIC Project have years of experience doing this work – the STIC Project did not create a new idea for them, but rather allowed them to amp up their existing efforts with the power of international human rights mechanisms.

CEDAW can provide a strategic framework for existing work. For example, in Timor-Leste, JSMP was able to refine their ongoing work to address incest by examining compensation support for survivors provided by courts, which is embedded within CEDAW.

Coalition-based advocacy works! It's a well-known strategy whose impact is further highlighted by the results of the STIC partners.

**STRENGTHENING CEDAW IMPLEMENTATION  
IN SOUTH AND SOUTH EAST ASIA**

# **STORIES OF CHANGE**

**IWRAW ASIA PACIFIC  
2019**

**Economic Rights  
Cultural Rights  
Social Rights  
Access to Justice  
Sustainable Development Goals**



Binda Pandey, Nepalese trade unionist turned MP, speaks at IWRAW Asia Pacific's Regional Consultation on Women's Labour Rights held in Kathmandu in May 2018.