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## **Attaining Equality for Women**

### **Using the CEDAW Convention: Reading the Country Report and Lobbying the Concerned Issue**

#### **Reading the country Report**

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is one of the seven core treaties establishing the normative framework of human rights in the United Nations<sup>1</sup>. All of these treaties stipulate women's equality with men in the enjoyment of their human rights and provide a powerful framework for the advancement of gender equality. The CEDAW documents provided by the mechanisms that have been developed for implementation of the treaty -- country reports, alternative/shadow reports, general recommendations and concluding comments – should be read through a human rights lens in order to maximize their effectiveness for women. Such a reading will objectify the function of the reports, both as advocates of women's equality with men and as watchdog over their rights.

Additional and extremely important documents like the Vienna Declaration and Programme of Action (which came out of the Vienna World Conference on Human Rights, 1993), the Beijing Platform for Action (1995 – Fourth World Conference on Women), and the Millennium Development Goals (MDGs, adopted in 2000) provide guides to the implementation of CEDAW. These documents affirm that:

- The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights;
- The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of gender discrimination are priority objectives of the international community;
- Advancing and protecting the human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.

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<sup>1</sup> The seven core treaties establish rules and standards to uphold human dignity and protect people from harm. They are: The Universal Declaration of Human Rights (UDHR 1948); the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966); the Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965); CEDAW. (1979); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984); the Convention on the Rights of the Child (CRC, 1989); and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (CMW, 1990).

Although the Beijing Platform is not binding, it is a very important addition to the collection of human rights documents, enunciating as it does very specific details and recommendations in the fight for gender equality. The CEDAW Committee has now linked the Platform's twelve critical areas of concern, as well as the conclusions to Beijing follow-up conferences, to the articles of the CEDAW Convention. They see the Platform as recommending programmatic details for rights stated in Convention, and in its reviews of states parties' progress, the CEDAW Committee now considers how these countries have implemented the Beijing Platform's provisions. The linkage of the BPfA and the CEDAW Convention gives the former a human rights basis even in those sections not specifically concerned with human rights. The Platform thus gains more universal acceptance, and CEDAW gains in the areas of implementation. The linkage between the two documents is also reflected in the ways in which the country reports are written, read, commented upon and called to account.

Another link CEDAW has made is with the Millennium Development Goals (MDGs -- adopted by the UN General Assembly in 2000) which provide specific goals and targets for global development and specify indicators. Three of the goals specifically refer to women:

1. Goal 2 calls for achieving universal primary education. Target: Ensure that all boys and girls complete a full course of primary schooling. Indicators: Net enrollment ratios in primary education (girls, boys, total); the proportion of pupils starting grade 1 who reached grade 5 (girls, boys, total); literacy rate of fifteen to twenty-four year olds (women, men, total).
2. Goal 3: Promote gender equality and empower women. Target: Eliminate gender disparity in primary and secondary education. Indicators: Ratio of girls to boys in primary, secondary, and tertiary education; ratio of literate women to men fifteen to 24 years old; the share of women in wage employment and the non-agricultural sector; proportion of seats held by women in national parliaments.
3. Goal 5: Improve maternal health. Target: Reduce by three-quarters the maternal mortality ratio. Indicators: Maternal mortality ratio; the proportion of births attended by skilled health personnel.

Seen through a gender lens, however, all the MDG goals have bearing on the condition of women and their advancement. In linking the CEDAW Convention with the MDGs, the Committee notes that complete realization of the MDGs depends on meaningful implementation of the CEDAW Convention. The CEDAW Committee now requests that country reports incorporate the MDGs in their reports. It points out that in order to achieve the MDGs the CEDAW Convention must be fully implemented, and a gender perspective must be utilized in all government efforts based upon a consideration of the terms of the CEDAW Convention. Once again, since this requirement forms one of the guidelines countries must use in drafting their reports, a reading of the report should include evaluation of how the MDGs do or do not constitute a yardstick by which progress claimed by states parties is measured. Applying the MDGs to an evaluation of country reports yields very important information that may form the basis of a separate shadow/alternative report or recommendation.

It is important to recognize that the CEDAW Convention, besides being a human rights document is also an accountability mechanism. The recently issued UNIFEM report *Progress of the World's Women 2008/2009, Who Answers to Women? Gender and Accountability*, points out that accountability mechanisms work best for women when they can ask for explanations, information and –when needed– compensation or investigations. This, then, is the function of the CEDAW treaty: to ensure the human rights of women, advance gender equality, and demand accountability by gathering information, asking questions, and analyzing essential documents.

For the CEDAW reports, whether country reports by States Parties or shadow/alternative reports by the NGOs, it is therefore not enough to require and cite laws that are non-discriminatory on their face. CEDAW assumes that gender inequalities have been brought about by gender-based discrimination, and the Convention assumes an imbalance of power between women and men and a strategy for overcoming it. CEDAW lends itself to very concrete strategies, examining the impact and effect of gender inequalities and making sure, in very specific ways, that women can actually experience equality in their lives. It does not operate only in official spheres but in private ones as well, seeking to affect the root causes of discrimination in culture, the family, and interpersonal relationships.

As I am sure you know, the CEDAW mechanism mandates that the Committee, after reading the country report, raise questions in writing concerning the report and demand more specific proof that the country's information is substantive and really leads to gender equality, as required. The country will respond, also in writing. The Committee then issues its Concluding Comments at the end of every session. These comments are the Committee's official evaluation of the progress the states parties under review have made in complying with the CEDAW Convention. They contain both "concerns" and "recommendations," and these form the basis of the following periodic report. Countries are reviewed every four years, and their progress is cumulative. Reading a country report, then, should also entail reading the responses, comments and recommendations of the Committee.

Writing a report **encodes** the writer's values and norms in the selection of information that is given, the evidence that is being used and how it is employed, what conclusions are drawn, how, and on what basis. Thus the country report establishes the values and priorities of the reporting state, which may at times skew the information or evidence to conform to cultural and political realities in the country. Reading a report analytically requires **decoding** of the embedded values, norms and assumptions that are being made, so that one can understand and judge their effect upon the real lives of women. The reader must also have a background of factual knowledge concerning the issues that the report raises in order to be able to verify statements, examine them for their reporting truth, and critique the evidence that is being offered. It is therefore important while reading a report to:

1. Know your own Constitution and laws so that you can read with those in mind and critique the country report in terms of its compliance with the basic guarantees offered in the Constitution. Such knowledge will also help you determine areas in which you believe the laws could or should be amended to strengthen women's rights;

2. Become familiar with the twelve areas of critical concern articulated in the Beijing Platform for Action and with the follow-up documents. Link these with the provisions of the Convention to produce specific human rights-based directions for implementation of the Convention;
3. Become familiar with the MDGs and evaluate the country report in terms of whether it provides a gender lens in all of its CEDAW implementation efforts;
4. Do a careful analysis of the six framework articles, 1-5 and 24, of the CEDAW Convention before you start reading. If you know them well, you will perceive and understand the implications of statements in the reports and glean from the text clues to insufficiencies and gaps in the handling of each one of the first sixteen articles which CEDAW reports are required to address.
5. Hold the report to the definitions created in those articles. The substance of the Convention must dictate how one reads and evaluates the country reports. For instance, the Convention provides that:
  - a. States Parties are obliged to abolish social attitudes and cultural practices that are based on the idea of the superiority or inferiority of either sex;
  - b. States' Parties are obliged to eliminate discrimination not only by State agents but also by private individuals, organizations and enterprises;
  - c. Civil and political, economic, social and cultural rights must be integrated under the normative framework of nondiscrimination and equality;
  - d. Women's human rights must be fulfilled and protected both in public and in the private sphere of the family;
  - e. Former practices of discrimination may be corrected through the application of temporary special measures (quotas, affirmative action for women);

While reading the report the reader should ask herself how it fulfills the mandates established above.

6. Make sure you know whether the report you are reading is an initial report, required for submission one year after ratification of the Convention, or a report submitted for the periodic review, which is scheduled every four years. Although it may deal with all sixteen of the first articles of the Convention, the review document primarily reports on progress made on specific issues previously targeted by the CEDAW Committee in its Concluding Comments. The way you would read this report would be different from the way in which you read the initial report – you are looking for different things in terms of progress towards a goal rather than a report on the status quo.

That said, one should never lose sight of the fact that the point of the reporting process is to show how the state has implemented the CEDAW provisions in order to advance the status of women in the society and improve the real conditions of their lives. The purpose of the Convention is not and cannot be abstract and removed from women's day to day routines, responsibilities and problems. Concrete grassroots experience is very useful in putting a face on the material being presented and according it real and immediate significance, especially because governments often assume a dispassionate tone which distances the reader from the events in women's lives and obscures their importance. Read in that mode the country report pales in significance and becomes just another document to add to all the ones that have come

before. On the contrary, the reader should always bear in mind questions of how such general and abstract statements may apply to the specific conditions and experiences of women's lives. Only when the dispassionate statements are measured against the realities will their significance truly be felt and understood.

In Taiwan, of course, there is no country CEDAW report, but there are reports from the government about various women's issues, for example in education or dealing with the topic of violence against women. These reports may not follow the human rights framework recommended for CEDAW reports, but since Taiwan has indicated its commitment to CEDAW (as Ms. Shapiro pointed out) it might be a very good idea to read these reports in the light of the UN framework of Human Rights Treaties, the Beijing Platform for Action, and the MDGs, as you would a country report for CEDAW.

Having done so and determined what specific issues you will pinpoint in your own report to supplement or dispute the government's presentation, it is most important to publicize and lobby your point of view in order to get maximum coverage and general civil society support for your points, so that these may be incorporated into the country's laws and policies. It is important to monitor the government's progress, measuring it against the stated goals of the policy in question, the government's obligations under the Constitution, and the advancement of women in the general framework of human rights. And it is essential to forge coalitions with other groups to maximize the impact of your advocacy strategies.

After you have written the report according to the approach described in Ms. Shapiro's presentation, you should disseminate it widely and publicize it in order to obtain maximum impact for your ideas. You could try the following strategies:

1. Arrange round table discussions with government officials and NGO representatives. The conclusions of these discussions might lead to the formulation of an action plan to advance your issue. UNIFEM has very effectively facilitated such activities in Kyrgyzstan and Kazakhstan with very good results.
2. Institute awareness training and capacity building. The International Women's Rights Action Watch, IWRAW, has created a program called "Facilitating the Fulfillment of State Obligation to Women's Equality" that is designed to help women in Asia move from reading and understanding a set of treaty standards to applying a methodology for their implementation at the national level. This might serve as a model or guide to other NGOs.
3. Extend the guarantees enshrined by the Constitution by convincing the courts to use the Women's Convention to help give existing constitutional guarantees of women's rights more detailed and concrete meaning. This may be done by attending relevant court sessions, writing to legislators and judicial personnel and through other general methods as outlined below. You may also develop and produce petitions to various government offices, both central and local.
4. Inform and educate the government bureaucracies, local officials, law enforcement agencies and the public about CEDAW provisions and bring violations of the law to their attention. Keep up the pressure by drawing attention to the gaps between laws and regulations and their implementation. This may be done in different ways, such as the following:

- a. Talk to other NGOs and cooperate in planning joint activities around the issue you are lobbying. Exchange ideas and information. Schedule regular meetings and talks with one another. Write and disseminate summaries of your conclusions and strategies for further action.
  - b. Set up radio and television interviews and press conferences. Write information ads. Enlist prominent people in the public eye to promote the message contained in the ads and sign onto them. Run the ads in the local and national media.
  - c. Establish symposia and round tables on your issue at universities and in civic and women' groups. Follow up with summaries and specific recommendations drawn from the discussion.
  - d. Set up a blog to inform people of your issues and publicize advocacy events and strategies. Circulate links to the spot through your own listservs and those of your associates.
  - e. Enlist the help of religious institutions in the community. Religious leaders may be persuaded, for example, to mention in their sermons and teachings the issues you have identified. In some case they can reach a large audience and have great authority and influence.
  - f. Arrange town hall meetings and invite the participation of the community at large, including civic organizations, through your contact lists and those of your partner organizations.
  - g. Set up and promote a culture fair with music, dance, theater, film, video and poetry on the theme of your advocacy effort. For example, you could promote the status of women by showing and celebrating women in various professions and leadership positions, girls in school and their accomplishments, or the plight of the victims of trafficking. On September 18, 2008 the UNIFEM publication *Report on the World's Women 2008-2009* was launched at the United Nations with the Secretary General and the head of UNIFEM, Ms. Ines Alberdi, present. A group of singers, dancers, mimes and puppeteers from India presented a wonderfully imaginative and lively theater piece on how corruption on the local and national levels has affected the situation of women. By turns witty and serious, they held up the corruption in the country for scrutiny and ridicule. It was a delightful and a most effective strategy to draw attention to the problems they were experiencing in their communities. All the participants were local men and women.
  - h. If permitted by the local and/or state governments, organize demonstrations and position them for greatest visibility. Make up catchy placards. Wear costumes. The Falun Gong regularly demonstrates in front of the United Nations and the Chinese consulate in New York sometimes in chains and wearing prison uniforms. They have attracted much attention, and to the extent that many people now know who they are, they have been very effective in publicizing their grievances. They have also produced a free newspaper, the *Epoch Times*, which receives wide distribution.
5. In addition to paying attention to changing and/or implementing laws and official promulgations, it is important to provide grassroots support for women through programs and services like domestic abuse centers, safe houses for

battered women, complaint hotlines, legal aid websites and services for legal literacy. These are important capacity building strategies, attract attention both from officials and law enforcement agencies, and often bear significant fruit. In China, for example, according to Chen Xiaorong, vice president of the All-China Women's Federation, such measures have helped greatly to protect women from domestic violence. They have led to greater awareness of the problem, resulting in a new regulation (2008) which requires police to respond at the scene to all complaints of domestic violence. The regulation was issued by seven ministries, including the ministries of public health, security and justice

Whatever strategies you employ, above all follow through with advocacy and monitor progress constantly. It is entirely possible that even if the government has a law on the books, it may not be implemented. In Georgia in 1999, for example, the CEDAW Committee, using the NGO materials in an alternative report, recommended that the Georgian government increase women's participation in employment, especially in the political arena, through the use of temporary special measures, including quotas. Ministers were directed to gather information on the situation of women in order to set up and implement special programs. Several years later, however, the recommendation had still not been implemented. Advocacy is clearly needed in order to keep the issue in front of the public and pressure the government to live up to its commitments.

In Guatemala, three years of sustained advocacy contributed to the adoption of the *Law for the Promotion of Women's Status*. To date this law has not been implemented, though it is on the books. Again, lobbying is needed in order to keep up the pressure on the government and persuade it to carry out the law.

Reading a country report in the context of human rights and scanning it for omissions, generalities and abstractions is extremely important to the determination of what you wish to advocate, how, and where you wish to put your greatest efforts. Following up on these determinations, monitoring relevant processes, constantly advocating and publicizing your concerns – these activities are essential to the realization of the issues and the advancement of women towards full equality. It is a very slow process, but change is taking place. It will take all your efforts to keep it going.