

# PARTICIPATION IN THE CEDAW REPORTING PROCESS:

## PROCESS AND GUIDELINES FOR WRITING A SHADOW/ALTERNATIVE REPORT

### Introduction

This document is prepared by IRAW Asia Pacific<sup>1</sup> to guide NGOs in their participation in the CEDAW reporting process, including the preparation of CEDAW shadow/alternative reports.

The document is divided into **two parts**:

- I. **PART I** describes in detail the steps to be taken by NGOs in preparing shadow / alternative reports to the CEDAW Committee.

#### PART I: Steps to be taken by NGOs in preparing shadow/alternative reports

- STEP 1: Identifying priorities: What are the major issues for women in your country
- STEP 2: Gathering and analysing relevant information
- STEP 3: Preparing your shadow/alternative report
- STEP 4: Disseminating and using your shadow/alternative report
  - CEDAW Pre-Session
  - CEDAW Session

- II. **PART II** is a set of guidelines to assist NGOs in the writing of an NGO report.

#### Part II: Guidelines on How to Write a Shadow/Alternative Report

- General Guidelines
- Guidelines for Writing Shadow/Alternative Report, Articles 1-5
- Guidelines for Writing Shadow/Alternative Report, Articles 6-16

<sup>1</sup> International Women's Rights Action Watch Asia Pacific (IRAW Asia Pacific) is an international women's human rights organisation based in the South that plays a critical role in filling the gap between the promise of women's human rights embodied in human rights treaties, and their actual realisation at the national level. This involves mobilising women's groups at all levels to draw accountability from governments on the domestic application of human rights standards. This is done primarily through the lens of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international human rights treaties. Established in 1993, IRAW Asia Pacific currently works throughout South and Southeast Asia and over 100 countries globally. For further information see our website, <http://www.iraw-ap.org>.

## **PART I: Steps to be taken by NGOs in preparing and disseminating shadow/alternative reports**

Governments of countries that have ratified the CEDAW Convention<sup>2</sup> are obliged to submit periodic progress reports to the CEDAW Committee<sup>3</sup>. NGOs can also submit their own reports to the CEDAW Committee to facilitate its preparations and strengthen its capacity to draw accountability from governments.

NGOs can ensure that they are representing the voices of women who may not be visible to the bureaucrats who write the State party report. In particular, they can critically engage with the reporting and monitoring process by providing:

- Data (especially those collected through micro-studies) that provides:
  - Information on the real situation of women
  - Information on impact and progress made by the State in implementing the CEDAW Convention
  - Violations of the human rights of women
  - Inadequacies and gaps in laws and policies and their implementation
  - Information about obstacles to the realization of the human rights of women

This data helps to reveal why women's rights commitments often remain *de jure* (in law) commitments rather than representing *de facto* (in reality) change. It enables NGOs to identify areas for intervention as well as where the state may not be able to intervene effectively, and where NGOs may provide support services to create enabling conditions for women's rights to be achieved.

### **Preparatory Steps**

#### **STEP 1: Identifying priorities through a coordinated effort**

In preparation for your involvement in the CEDAW reporting process, have a meeting with as many women's groups as possible in your country to identify and come to a consensus on the main issues affecting women at the national level. In all cases, coordination of efforts is likely to make your advocacy more effective as it will represent the voices of large numbers of women. Further more you will have a larger base for advocacy at home after the review.

#### **STEP 2: Gathering and analysing alternative information**

Upon agreeing on issues of concern, gather data on the key issues and analyse the actual situation for women on the ground. The CEDAW Convention should be used as your main tool for evaluating the steps and measures adopted by your government. You should use this information as a starting point for making recommendations on ways to eliminate barriers to women's equality at the national level.

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<sup>2</sup> The UN Convention on the Elimination of All Forms of Discrimination Against Women (the CEDAW Convention) is a human rights treaty that obliges countries that have accepted to be bound by it to take necessary steps to promote women's rights. The Convention sets out standards and outlines areas of concern. The CEDAW Convention came into force in 1981.

<sup>3</sup> The CEDAW Committee is an independent body composed of 23 experts on women's rights. The mandate of the Committee is to monitor the implementation of the Convention in individual countries.

If your country has reported to the CEDAW Committee before, you should assess the implementation of the Concluding Observations<sup>4</sup> from the last review as one basis for information to be included in the report.

Alternative information for consideration by the CEDAW Committee can be provided in various ways. Some women's groups have preferred to submit a comprehensive report on women's status at the national level, the result of a coordinated effort among several NGOs. In this case, women's groups interested in monitoring the implementation of CEDAW have agreed to divide areas of concern among each of the organisations and as a result, each organisation contributes alternative information on a different area of concern (e.g. women's health, women's education, etc.).

In some instances if there is limited capacity or insufficient time, women's groups may be selective and write a report on a few priority issues.

In order to maximise your efforts, please consider the following:

- Try to have a better understanding of the **CEDAW Convention**. Read the **Concluding Observations** that the CEDAW Committee or other treaty bodies prepared when reviewing past reports submitted by your government. Read about the main principles of the CEDAW Convention<sup>5</sup>, the **general recommendations**<sup>6</sup> of the CEDAW Committee and the **Optional Protocol to CEDAW**<sup>7</sup>. Most of these documents are available on the IRAW Asia Pacific website <<http://www.iwraw-ap.org>> and others can be provided upon request <email us at [iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)>.
- Collect **papers, laws or other documents** that will provide useful **data on the status of women** in your country. Try to surface information on the success or failure of the State in fulfilling international commitments made toward women's advancement (e.g. obligations undertaken upon ratification of the CEDAW Convention or other human rights treaties or obligations contained in plans of action and outcome documents of World Conferences such as the Beijing World Conference on Women).
- Collect information on the **efficiency or effectiveness of State machinery** meant to promote human rights in general and women's rights in particular. If there are **discriminatory laws** in your country, it is particularly useful to bring the texts of such laws with you as well as key court decisions on women's rights.
- You can also send your completed CEDAW shadow/alternative report to **other treaty bodies**, since many of the issues in CEDAW are also relevant under other major human rights treaties. While collecting data and preparing your report, try to consider how issues and rights under CEDAW intersect with those under other treaties, and include relevant information about those issues and rights. For example, make sure you have information about how girl children are affected under the CEDAW articles, since that information can easily be sent to the Committee on the Rights of the Child.

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<sup>4</sup> In line with efforts to harmonize the working methods of the human rights treaty bodies, the CEDAW Committee recently changed the title of its "Concluding comments" to "Concluding observations". See UN Doc E/CN.6/2008/CRP.1, "Results of the fortieth session of the Committee on the Elimination of Discrimination against Women".

<sup>5</sup> <<http://www.iwraw-ap.org/convention/principles.htm>>

<sup>6</sup> <<http://www.iwraw-ap.org/convention/general.htm>>

<sup>7</sup> <<http://www.iwraw-ap.org/protocol.htm>>

### STEP 3: Preparing your Shadow/Alternative Report

You may decide to take any of the following approaches when organising your information and compiling recommendations on measures to be taken:

- **Preparing a shadow report:** This is possible if you have access to the government/State party report. We recommend that you try to obtain reports from your government in advance<sup>8</sup>. State party reports and further details on CEDAW sessions can be found on the webpage of the United Nations Office of the High Commissioner for Human Rights (OHCHR), the Secretariat<sup>9</sup> for the CEDAW Committee <<http://www2.ohchr.org/english/bodies/cedaw/>>. Contact the OHCHR <[cedaw@ohchr.org](mailto:cedaw@ohchr.org)> if you have not been able to obtain a copy of your government's report.
- **Preparing an alternative report:** This is a report written independent of the government report, where, for example, no government report is available. This report could be a comprehensive one touching on all the articles of the CEDAW Convention or it could be done on just one or two priority concerns identified through consultation with other women's groups.

Part II of this document provides guidelines on how to write a shadow or alternative report.

### STEP 4: Disseminating your shadow/alternative report

There are a number of points at which NGOs can intervene in the CEDAW review process and contribute information on issues concerning women in their country. The first is during a **CEDAW pre-session**, and second at the actual **CEDAW session** that government reports are presented and reviewed.

In addition, NGOs can also share their draft or final reports with other NGOs or government agencies or officials within their countries as an advocacy, public education or capacity building tool, or send their reports to committees for other human rights treaties their States have ratified.

#### ***CEDAW Pre-Session***

The CEDAW review process begins when a working group of the CEDAW Committee first meets to identify gaps in all States parties' reports. The working group prepares a List of Issues and Questions relating to the States Party report that is sent to the reporting State, and the State is required to provide a written reply to the questions before the session in which it will be reviewed.

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<sup>8</sup> Note that the process for preparing State party reports is changing. Each State currently writes separate reports for each treaty it has ratified, e.g., one report for CEDAW, a separate report for CRC, etc. In 2006, however, representatives of the treaty bodies accepted a set of harmonised reporting guidelines for writing State party reports on issues common to all of the treaties, and each of the committees will be developing treaty-specific guidelines for issues specific to each treaty. This means that States will submit one common report for all of the treaties they have ratified covering facts and issues common to all treaties, and treaty-specific reports for each ratified treaty that focus on the issues specific to each treaty. For example, a State would submit the common report and a report on women to CEDAW, the common report and a report on children to the CRC, and the common report and a report on torture to the CAT Committee. For more information on treaty body reform, contact IRAW Asia Pacific at <[iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)>.

<sup>9</sup> As of 1 January 2008, responsibility for servicing the Committee on the Elimination of Discrimination against Women was transferred from the Division for the Advancement of Women to the Office of the High Commissioner for Human Rights. However, the website of the DAW is still very useful for information prior to 1 January 2008 <<http://www.un.org/womenwatch/daw/cedaw/>>.

The pre-session working group meets for one week before the start or after the conclusion of an earlier CEDAW session.

The pre-session is **very important**, as it determines the direction, tone and issues for dialogue between the CEDAW Committee and your government during the CEDAW Session. It is also the **last chance** to get the government to submit written information on certain issues that the government may have overlooked or may be trying to avoid in its report. Therefore, it is a very important time for NGOs to intervene in the process by submitting information on the most important issues for women in your country. This can assist the CEDAW pre-session working group in identifying gaps and framing the questions it will ask the government.

If you are working on a shadow/alternative report, you can extract these issues and send the information in bullet-point form. Your list of critical issues should include the most important issues facing women in your country, what is missing in the government's report and what you want the CEDAW Committee to ask your government during the CEDAW review. If you already have a shadow report, you should send the report itself together with an Executive Summary. Even if the existing shadow report is in draft form and still needs to be finalised for presentation, it can be sent for the pre-session. The final report can be produced in time for the CEDAW review itself.

As stated in the UN Office of the High Commissioner for Human Rights (OHCHR)<sup>10</sup> NGO Information Note<sup>11</sup>, IRAW Asia Pacific collects pre-session submissions from NGOs to submit to the CEDAW Committee. You can send your list of critical issues, executive summary, or draft shadow/alternative report to IRAW Asia Pacific at <iwraw-ap@iwraw-ap.org> and <iwraw\_ap@yahoo.com> between **2 – 4 weeks** before the pre-session meeting. IRAW Asia Pacific will then submit all of the NGO submissions to the OHCHR in time for the pre-session meeting. You may also submit the list of critical issues directly to the UN Secretariat responsible for servicing the CEDAW Committee (the Office of the High Commissioner for Human Rights, OHCHR) at [cedaw@ohchr.org](mailto:cedaw@ohchr.org), at least 2 weeks before the pre-session meeting.

### ***CEDAW Session***

To IRAW Asia Pacific: IRAW Asia Pacific has made arrangements with the OHCHR to collate and send NGO reports to the secretariat for onward submission to the CEDAW Committee. IRAW Asia Pacific also mails hard copies to CEDAW Committee members upon request from the members themselves.

Therefore, once you have finalised your report, please email your report to <iwraw-ap@iwraw-ap.org> with a copy to <iwraw\_ap@yahoo.com>. Please be sure to send us your report **no later than seven weeks** before the CEDAW session, and we will then forward it along by post and email.

To OHCHR: You can also send your report directly to the CEDAW secretariat (the OHCHR). You should plan to email and post 30 copies of your report to the OHCHR **four weeks before** the CEDAW session.

The address for submission of printed copies of the NGO reports can be found in the NGO Information note for the session at which your State is reporting.

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<sup>10</sup> As of 1 January 2008, responsibility for servicing the Committee on the Elimination of Discrimination against Women was transferred to the Office of the High Commissioner for Human Rights.

<sup>11</sup> <<http://www2.ohchr.org/english/bodies/cedaw/docs/ngoparticipation.doc>>

Electronic submissions can be made to OHCHR at: [cedaw@ohchr.org](mailto:cedaw@ohchr.org) (please cc [iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)).

All submissions to CEDAW should:

1. Identify the full name of the NGO;
2. Indicate the country to which the information relates; and
3. Be sent electronically in pdf format (not Word) and thereafter in 30 copies by post.

The OHCHR will make your report available to the Committee members in electronic copies just prior to the CEDAW session. Please note that the OHCHR will put all NGO information on the official website (which is publicly accessible). If you have concerns with security please ensure that you advise the OHCHR not to make your report available on their website.

The OHCHR You should plan to bring a few copies of your alternative / shadow report to the CEDAW session for distribution to the Committee members as well as any other organisations (such as UN agencies) attending the CEDAW session.

## PART II: Guidelines on how to write a shadow or alternative report.

### ■ General Guidelines

#### What is the difference between a shadow report and an alternative report?

First it is important to note the difference between a shadow report and an alternative report. When an NGO writes its report, with access to the government report submitted to the CEDAW Committee, and critiquing the information in the report of the government report, this is called a **shadow report**.

When an NGO writes its report where no government report is available (e.g. either because the government has not written one or it is not willing to share the report with NGOs and the posting of the government report on the web page for the Division for the Advancement of Women is too late to start the processes for the writing of the shadow report), this is called an **alternative report**.

#### What is the purpose of the shadow/alternative report?

The purpose of the shadow/alternative report is to provide the CEDAW Committee with information on the achievement of the substantive rights outlined in the CEDAW Convention. So for example since Article 10 of the CEDAW Convention is on the right to education, the report would contain information on the right to education, which will include information on the status of access, exercise and enjoyment of this right by women, as well as your suggestions / recommendations of steps needed to address / improve it.

The shadow report would have an **added element**. It would not only include the status of that right in your country (as explained above) but also provide a **critical analysis** of the **information provided in the State party report**.

Such NGO reports help the CEDAW Committee to raise certain issues that may not be presented in the official report, or to check on the validity or veracity of government reports using the alternative information provided by NGOs. They also help counterbalance the information provided to the Committee during the constructive dialogue with the State.

#### How should the report be organised?

**Organisation:** The best way to organise a shadow/alternative report is by the Articles of the CEDAW Convention, because the CEDAW Committee reviews the government report Article-by-Article.

The broad structure of the CEDAW Convention is as follows:

- Articles 1 - 5 provide the general obligations of the State to provide a legal and policy framework for the implementation of the Convention as well as the social context that may impede the achievement of women's right to equality;
- Articles 6 - 16 provide specific substantive areas of equal rights for women under the Convention;
- Articles 17 - 23 outline the role of the CEDAW Committee and the procedures pertaining to the Convention and finally;
- Articles 23 - 30 outline the administration and interpretation of the Convention.

The shadow/alternative report need only provide information on the **substantive articles** of the CEDAW convention, i.e. **Articles 1 - 16**.

The commentary on Articles 1 – 5 and 15 of the CEDAW Convention should be written differently as compared to the discussion on Articles 6 - 16 since they cover substantive issues which are general in nature and set out the underlying principles of the CEDAW Convention, whereas Articles 6 – 16 enumerated specific issues. For more information on this, see the **specific guidelines** for these articles below.

**Framing the content in each article of your report:** In framing the information under each Article in your report, the following (in priority) should be taken into account

- The text of the **CEDAW Convention**<sup>12</sup>.
- **State party report**<sup>13</sup>: Where there is access to the government report. State party reports are also made available on the website of the OHCHR.
- **Concluding Observations**<sup>14</sup> of the CEDAW Committee: If your country has been reviewed by the CEDAW Committee previously, you must look at the Concluding Observations and discuss whether the government has addressed the concerns and recommendations raised by the CEDAW Committee during the last review.
- **General Recommendations**<sup>15</sup>: The General Recommendations contain the latest interpretation of the normative standards in the CEDAW Convention. You should look to the General Recommendations in consonance with the Articles, for e.g. Article 12 on Health with General Recommendation 24, and/or to clarify and expand on issues which are not specifically covered in the Convention, e.g. General Recommendation 19 on Violence Against Women. There are currently 25 General Recommendations.
- **Reports of other UN Human Rights Mechanisms** (such as special rapporteurs on health, housing, violence against women, etc): The reports by the special rapporteurs also expand on normative standards and provide data on violations of human rights and can well contribute to your report.
- **Concluding Observations of other UN Treaty Bodies**: In the event your country has reported to other treaty bodies, the relevant portions of those Concluding Observations which relate to women's rights should also be referred to.
- **Summary Records**<sup>16</sup>: The Summary Records capture the dialogue between the government and CEDAW Committee at the review and will contain information which is not reflected in the Concluding Observations. They provide an accurate and official record of the dialogue and will help guide your analysis. The Summary Records is

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<sup>12</sup> <<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>>

<sup>13</sup> <<http://www.un.org/womenwatch/daw/cedaw/reports.htm>> and <<http://tb.ohchr.org/default.aspx>>

<sup>14</sup> These can be found using the search engine on the OHCHR website <<http://tb.ohchr.org/default.aspx>> and also the DAW's CEDAW website, <<http://www.un.org/womenwatch/daw/cedaw/>>, under the relevant session.

<sup>15</sup> These are available on the OHCHR website on CEDAW, <<http://www2.ohchr.org/english/bodies/cedaw/comments.htm>>.

<sup>16</sup> These are available on the DAW's CEDAW website, <<http://www.un.org/womenwatch/daw/cedaw/>>, from the 28<sup>th</sup> – 39<sup>th</sup> CEDAW session. Later sessions can be found at the OHCHR's CEDAW website <<http://www2.ohchr.org/english/bodies/cedaw/>>.



also very useful for advocacy to get the government to honour its promises and to raise awareness of the views of the CEDAW Committee.

**Executive Summary:** You must have an Executive Summary of your shadow/alternative report, as it assists the CEDAW Committee members in understanding what is contained in the report and where they should read more carefully on specific issues. The Executive Summary would include:

- A summary of the main critical points (by Articles) of the shadow/alternative report;
- A summary of the recommendations to the critical points above and to the challenges encountered in the implementation of the CEDAW Convention.

The Executive Summary should be organised by Articles of the Convention, in the same way the report is organised.

Make the report reader friendly by having a table of contents and page numbers.

### **What language should our shadow/alternative report be in?**

Since shadow reports are not official UN documents, they are not translated by the UN. Therefore, while the shadow report can be prepared in any language for your national advocacy purposes, you are strongly advised to also submit your report to the Committee in English because all of the CEDAW Committee members understand English. If it is not possible to submit your report in English, you should at least have an English translation of the Executive Summary.

### **What if a shadow/alternative report has already been prepared?**

You should update the information in the report to include any recent developments made by the government, progression or even stagnation of the implementation of the rights of women in your country. We strongly recommend that you send one integrated updated report rather than two separate reports to the CEDAW Committee (i.e., an old report and another updated report), since this makes it easier for the Committee to process the information.

### **How many shadow / alternative reports can be submitted per country?**

We strongly recommend that women's groups get together to collaborate on one shadow report. Such collaborative efforts is likely to make your advocacy more effective as it will represent the voices of large numbers of women, as well as enhance the credibility of the report. Please be aware that the CEDAW Committee has finite capacity and time to process a large amount of information for each CEDAW session, hence a coordinated effort is likely to make your intervention more effective.

However, there may be circumstances where it is imperative to prepare a separate report, to bring out:

- the status of a particular minority group which is facing marginalisation;
- the status of geographical areas under conflict which is experiencing specific kinds of violence or oppression;
- issues on which consensus cannot be reached.

Instead of invisibilising or marginalising an issue, a group of people, or an area – it is strongly encouraged that a separate report that captures its specificity, be submitted by groups/NGOs working on that issue, group, area.

## **Does the CEDAW Committee have a follow up procedure?**

The Committee has a follow-up procedure to its Concluding Observations. In the Concluding Observations, a State party is requested to submit information on action taken to implement the recommendations selected by the Committee under the follow up procedure, within one or two years. Usually two recommendations are selected for the procedure. NGOs can therefore highlight the most critical issues for the attention of the Committee for the follow up procedure.

## **Can committees for other human rights treaties use this report?**

Shadow/alternative reports submitted to the CEDAW Committee may also be useful for the other committees established under these treaties when they review States that are party to the relevant treaty. Therefore, in writing your report, you should consider how women are affected by the issues addressed in these other treaties. If possible, you should include this information under the relevant CEDAW article of your report. For instance, in your chapters on education, employment, health and violence against women, you can include subsections on how girl children are affected within these areas (consider the issues of education, child labour, teenage pregnancy, HIV/AIDS, access to health care, sexual abuse of girl children, etc.), which makes the report very relevant for the Committee on the Rights of the Child. Including data disaggregated by race and ethnicity and information about the rights of women within minority groups will make the report relevant for the CERD Committee. Various articles in the CEDAW Convention also overlap with articles in the ICCPR and ICESCR. If your report addresses issues that relate to the other treaties, you can submit the entire report or chapters from the report to the relevant committee when your country is scheduled to report to that Committee. Please contact us at <iwraw-ap@iwraw-ap.org> for more information about submitting your report to other committees.

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## **■ Guidelines for Writing Shadow/Alternative Report, Articles 1 - 5**

Articles 1 - 5 are general in nature and set out the underlying principles of the CEDAW Convention: Equality, Non-Discrimination and State Obligation.

Below we have set out a series of questions for each article. Note these are not meant to be an exhaustive list. Note also that you are not meant to answer each question specifically, but rather use them as a way to prompt information related to the specific article.

### **Article 1: Definition of discrimination**

1. Has the definition of discrimination as given in Article 1 of the CEDAW Convention been incorporated into the Constitution or laws of your country?
2. Do the laws also address both direct and indirect (or unintended) discrimination?<sup>17</sup>

### **Article 2: Policy measures to be undertaken to eliminate discrimination**

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<sup>17</sup> An example of indirect discrimination is discrimination experienced as a result of a facially gender neutral law.

1. Has the government taken action legally for the CEDAW Convention to be incorporated into domestic laws?
2. Is the CEDAW Convention applicable in the courts?
  - Have any of the provisions of the CEDAW Convention been directly invoked in domestic courts to gain equal rights for women? Is there any case law?
  - Are lawyers and advocates able to directly cite the CEDAW Convention in court?
  - Do judges refer to the CEDAW Convention or international human rights principles in their decisions?
3. Are there national laws that conflict with the CEDAW Convention?
  - Where there is a conflict between national laws and the CEDAW Convention, which one takes precedence?
  - Has a comprehensive review of discriminatory legislation been done and a plan developed for legal reform.
4. Has any legislation been enacted as a means of incorporating the CEDAW Convention into domestic law and to make discriminatory acts in the public and private actors actionable? Such legislation could take the form of an Equal Opportunities Act, Gender Equality Act or Anti-Sex Discrimination Act.
  - Are adequate sanctions in place for discrimination against women by the public and private actors?
  - What steps have been taken by the government to ensure that women are informed about their rights?
  - What legal remedies are available to women who have been discriminated against or have had their rights violated?
  - Are the remedies available to women whose perpetrators are from the public or private sector?
5. Are legal mechanisms in place to draw compliance from all sectors of government at all levels, vertically and horizontally especially within a federated system and where there is devolution of powers?
6. What measures, if any, has the government undertaken to ensure the practical realisation of the principles of equality and non-discrimination?
  - Does the government monitor the effect of the laws protecting women's rights on women and whether laws are enforced and or implemented and take appropriate action?
  - Is there a process for monitoring discriminatory practices?
7. Are there competent and sensitised tribunals to hear cases on discrimination and inequality and are there procedures for women to claim their right to equality and non-discrimination?
  - Do specific institutions exist and are procedures laid out for women to be able to make complaints such as Office of the Ombudsman or special tribunals?
  - If these institutions and procedures are in place, how effective are they in addressing the violations and providing the remedies? Is there data on cases brought by women to these institutions?
8. Have all relevant government officers in all sectors as well as the judiciary and relevant legal personnel and parliamentarians been trained to carry out their obligations under the CEDAW Convention?

### **Article 3: Guarantee of basic human rights and fundamental freedoms**

1. What legislation has the State enacted to ensure women's equality in all fields (political, social, economic and cultural fields)?
2. Has the government created national machineries which address the development of women, create equal opportunities for women, and ensure women's equal access to those opportunities and equal results? E.g. Ministry of Women or Office of Gender Equality?
  - What are the competence and mandate of these machineries? Do they have authority to coordinate, resources and competence to play a catalytic role with other sectors? Can these machineries be more effective? How?
  - Has an inter-sectoral monitoring mechanism been established to monitor compliance with the obligations under the CEDAW Convention?
  - What is the level of coordination with other institutional machineries?
3. Have the national development plans in your country addressed women's development and advancement on a scale that is representative of the population or women?
  - In the national development plans (including poverty eradication strategies), has the government incorporated macro-economic and social policies that will ensure women's access and enjoyment to overall economic and social development based on the principles and framework of the Convention? How is women's rights mainstreamed in all sectors? Are Action Plans for Women integrated into the national development plans or do they run parallel to the national development plans.
  - What percentage of the budget in the national development plans is geared towards the goals for the development and advancement of women?
  - Do the national development plans include specific provisions for specific groups of women in your country including rural women, indigenous women, disabled women, migrant women, minority women, refugee women and marginalised women in your country?
  - Are there any monitoring systems in place to evaluate the implementation of the national development plans in relation to women's development?
  - Are there mechanisms in place to address the shortfall of the national development plans implementation especially in relation to women's development?
4. How are the women in your country affected by the World Trade Organisation (WTO) or other bi-lateral or multi-lateral trade agreements?
  - Have there been any assessments made on the impact of these agreements on the rights of women in your country?
5. Are there human rights action plans in your country and do they address the human rights of women.
6. Are there adequate data to assess progress made in the implementation of the CEDAW Convention, such as data disaggregated by sex, ethnicity and other relevant variables?
  - Is information or data collected to identify obstacles to the achievement of de facto rights for women and to assess the effects of laws and policies on women?
  - Does the government make data available and use the data to formulate policies?
7. Is there a plan for implementation of the CEDAW Convention that sets out benchmarks for progress?
8. Has the government involved NGOs in planning any of the above?

9. Does the government/State party report mention specific commitments and institutional arrangements for implementation of the Beijing Platform for Action that includes accountability to NGOs?
10. What are your recommendations for government action under each of the issues or problems you have identified?

**Article 4: Temporary special measures to achieve equality**

*(refer also to General Recommendation 25)*

1. Has the government instituted any temporary special measures to improve specific situations of women in your country that would bring them closer to experiencing equality with men, i.e. the implementation of affirmative action policies in education, employment, political decision-making?
2. Are the temporary special measures limited to the public sector or are they also extended to be applicable in the private sector as well?
3. Are there temporary special measures that address specific groups of women such as rural women, indigenous women, disabled women, migrant women, minority women, girl children or other marginalised women in your country?
4. Are there mechanisms in place to monitor the implementation of temporary special measures and to measure their progress in accelerating de facto equality for women?

**Article 5: Sex roles and stereotyping**

1. What has the government done to overcome negative perceptions of women and stereotyping of women's roles within the family and the society?
  - What policies or programmes is the government implementing to change prevailing mind sets among the population?
  - How have gender equality campaigns addressed the issue of stereotyping of women and men and the roles that they play within the family and society?
2. What actions has the government taken to eliminate harmful traditional practices? Initiatives to raise awareness on harmful traditional practices are critical but not sufficient to change harmful cultural and religious practices. Has the government taken steps to put in place relevant laws to eliminate these harmful practices?

**■ Guidelines for Writing Shadow/Alternative Report, Articles 6 - 16**

Articles 6 - 16 are very specific in nature, as seen below:

- Article 6: Trafficking and Prostitution
- Article 7: Political and Public Life *(refer also to General Recommendation 23)*
- Article 8: Participation at the International Level
- Article 9: Nationality
- Article 10: Equality in Education
- Article 11: Employment
- Article 12: Healthcare and Family Planning *(refer also to General Recommendation 24)*
- Article 13: Economic and Social Benefits

- Article 14: Rural Women
- Article 15: Equality before the Law
- Article 16: Marriage and Family Life (*refer also to General Recommendation 21*)

A series of questions can be asked for each of these articles, focusing on the specific issues covered in each article. The same set of questions can be used for each article. Note once again that you are not meant to answer each of these questions specifically, but rather use them to prompt the type of data and information you bring out for each article.

### **General questions for Articles 6 – 16**

1. What is the status of women in your country under the article concerned according to the issues and rights raised in the CEDAW article concerned? Are there violations of women's rights as well under this article and what are they? Which categories of women are most affected? Provide data disaggregated by sex and other variables if possible. If there is no data, indicate this as a gap in state action.
1. What are the obstacles or contributing factors preventing women from enjoying the rights provided for in the article concerned? (immediate, historical, systemic, etc)
2. What is the effect on women when they are denied rights under the article concerned? This should surface the interrelatedness of rights.
4. Has the government acknowledged these issues / low status of women in their report to CEDAW? If so, how has it presented these issues/problems and are you in agreement in relation to:
  - Prevalence and magnitude of the situation
  - Contributing factors.
5. What does the government say should be done to address the problems and what does it say it is already doing? What is your analysis of this with regard to:
  - Appropriateness of what the government says should be done?
  - Effectiveness of government action. Are there statistics or evidence of the scale or effectiveness of government action? Does the government monitor its own actions?
6. If in your opinion the government's actions are not effective, what are the contributory factors?
  - Have the relevant actors been identified?
  - Is there an allocation of adequate resources?
  - Are there laws or policies that are adequate and are these enforced/ implemented?
  - Are there institutional arrangements to facilitate the action?
  - Are relevant personnel being trained?
  - Is there a public awareness programme?
  - Is there a plan for support services if needed?
7. For countries presenting periodic reports, what action has the government taken to follow-up on the Concluding Observations made by the CEDAW Committee in relation to this right at the previous State party report review?
8. What are your recommendations for government action under each of the issue(s) or problems(s) that have been identified?

9. For each article, include information on how girl children experience these issues and rights, particularly in relation to education, health (including infanticide, nutrition, adolescent health, HIV/AIDs and access to health care), violence and sexual abuse, child labour, street children, girls held in detention centres, teenage pregnancy, etc. [**Note:** If such information is included, the report or selected chapters of the report can easily be submitted to the Committee on the Rights of the Child.]

### **Specific questions for Article 15: Equality before the law**

Note that article 15 is not about everything related to the law. For instance, discriminatory provisions, practices related to the law, and biases in the implementation of the law should be covered in Article 2. The emphasis in article 15 specifically relates to the legal capacity of a woman (e.g., her ability to enter into a contract, to move about freely, etc.) and her equal access to the law. Some questions you can think about when reporting on this article are:

1. Do women have full equality with men in all civil and business matters, i.e., is the legal persona of women equal to that of men?
  - Are women able to enter into contracts, receive loans, own/buy/sell and administer their and their children's property, travel freely, apply for a passport. etc., on their own, without the consent of their husbands, fathers, or other male guardians?
  - Are women recognised as legal adults in the law? Are they deemed to have equal capacity to that of men? With respect to their interactions before the law, are they treated as independent adults before the law, or as dependents?
2. Are women treated as equals at all stages of procedure in courts and tribunals? Can they bring cases on their own and serve equally with men as lawyers, judges and witnesses? Are women able to use the laws and remedies available on an equal basis with men?
3. What steps has the State taken to ensure that women and men are equal before the law and are equally able to exercise their legal capacity?
4. Are women able to choose where they live and their domicile, and do women have full equality in their ability to move around the country and outside of the country?

### **Specific questions for General Recommendation 19: Violence Against Women**

We strongly advise that NGOs prepare a separate section on violence against women, and refer to General Recommendation 19, and the UN Secretary-General's in-depth Study on All Forms of Violence Against Women<sup>18</sup> in writing this section.

1. What are the various forms of violence faced by women (including but not limited to domestic violence, sexual harassment at work or schools, harmful traditional practices such as female circumcision, sexual violence in conflict situations, etc.)
  - What is the extent of this gender-based violence? Provide statistical data on the incidence of violence of all kinds against women, as well as on the different groups of women (migrant women, rural women etc) who are the victims / survivors of violence.
1. What legislation is in force to protect women against these forms of violence?
  - How effective are these laws in addressing the forms of violence faced by women and in providing remedies to women?

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<sup>18</sup> <<http://www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm>>

- Are women accessing these laws? Is there data on women accessing these laws?
  - What are the obstacles to women accessing the law and how can these obstacles be addressed?
  - What remedies are available to women under these laws and how appropriate / effective are they?
2. What other preventive and protective measures have been adopted by the government to eradicate violence against women (such as training and awareness raising to modify gender-based stereotypes and socio-cultural patterns of behaviour that that legitimize, exacerbate or tolerate violence against women)? How effective are these measures?
  3. What kind of infrastructure and support services is available for women who are victims / survivors of aggression or abuses? Are women able to access these services? What are the obstacles for access and use of these services and how can these obstacles be addressed?

#### ■ Other issues

1. Has the government integrated the strategies, objectives and activities recommended under the Beijing Platform for Action under the relevant articles of the Convention?
2. If there are reservations to the Convention, what plans does the State have to remove them?
3. Has the Optional Protocol to CEDAW been ratified in your country? If not, what are the reasons?