

OVERVIEW

Overview

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This crucial and timely work, the evaluation of our impact, our successes and failures, as women's rights advocates, is being undertaken with regard to all areas of our work, not just CEDAW. It is important to place ourselves within the context of the global project. For example, some advocates have suggested that targets and benchmarks are useful: they make progress visible and measurable; they allow monitoring of trends to see if there is progress; they translate idealistic goals into realistic stages; they provide incentives for sustained efforts; they help determine responsibility for achieving targets and they allow progress to be rewarded by recognition.¹

The recent work in preparing for the Beijing +5 process has seen many women's rights activists acknowledging the need to incorporate the importance of targets and indicators for holding governments accountable for the fulfillment of commitments made in the Beijing Platform for Action.²

Implementing the CEDAW Convention: *The Results of the Investigation*³

At the CEDAW Impact Seminar in January 1999, the National Correspondents orally presented the highlights of the results of their studies into the impact of the CEDAW Convention in their respective countries.³ The two main questions guiding the 50 participants were: to what extent has the CEDAW Convention made a difference in their respective countries and what are the most important factors influencing the successful and unsuccessful invocation of CEDAW's provisions? In short, what is working and what is not? The analysis of that question was developed under four main headings from the Impact Study

Questionnaire (see Appendix A).

1) NGOs' current awareness of the CEDAW Convention and reporting procedure and their capability to use the Convention at the international and national levels;

2) Description of the events before and after ratification in each State;

3) The extent of NGO participation in the preparation of States Parties' reports;

4) The use of the CEDAW Convention in the courts, by the media, in constitutional and legislative initiatives, by the non-profit sector, and in aspects of government policy reform.

Despite the many challenges facing women's human rights advocates, the general stance of the National Correspondents was largely optimistic. The seminar considered that the CEDAW Convention had the potential to be an important instrument in monitoring the realisation of women's equality rights through the persistent efforts of NGOs and national governments. At the same time, however, it was recognised that translating CEDAW principles into practice is a tall order, and that efforts to do so very often run into resistance from governments and the broader community. Nevertheless, the underlying argument was that NGO advocacy, and monitoring of national governments *can* stimulate a relationship with government officials and help them to recognize that integrating government objectives with CEDAW principles produces beneficial socio-economic consequences.

The national reports and subsequent discussion highlighted the fact that the process of effectively deploying the CEDAW Convention at the national level requires action at many levels and by many actors. The circum-

Overview

stances which contribute to its effective utilisation include:

- 1) Widespread awareness of and knowledge about the CEDAW *Convention*;
- 2) NGO use of the reporting process;
- 3) Constructive dialogue between government representatives, CEDAW Committee Members and NGOs;
- 4) NGO and Government utilisation of *Concluding comments* and *General recommendations* in holding national governments accountable to their people in relation to their legally binding obligations under the CEDAW *Convention*;
- 5) Governments recognizing how policy goals can be adapted to implement their stated commitments to social, political and economic equality under the CEDAW *Convention*;
- 6) NGOs recognizing the value of using human rights treaty bodies to their full advantage, including: the CEDAW *Convention*, CEDAW General recommendations, CEDAW Concluding comments, other human rights treaties, the Vienna Declaration and Programme of Action (1993), and the Beijing Platform for Action (1995);

7) Given the complex dynamics of domestic politics, the force which one Declaration, Covenant or *Convention* may have over another at different “political moments,” changes. Recognising which international obligation holds the most influence and at which time, is an important nuance which NGOs would be well-advised to monitor. Equally important is knowing whom to influence with such information at the grassroots, national, and international levels;

8) The systematic use of cross-cultural, gender-specific indicators to appraise existing governmental policies, laws, and budgets, while taking into consideration the recommendations of civil society institutions in contributing to such governmental appraisals.

Specific barriers to achieving satisfactory implementation of the CEDAW *Convention* which were explored in the discussion between national correspondents and discussants included the following:

- 1) The marginalised position of NGOs in the political system;
- 2) The alienation of national government from civil society;
- 3) The lack of support from government officials;
- 4) The difficulty in executing proposed gender-integrated policies;
- 5) The lack of media awareness of the CEDAW *Convention* and the reporting process;
- 6) NGO financial shortages.

Despite the difficulties, the participants considered that the CEDAW *Convention* is making an impact, though its extent varies considerably from country to country. While the pace of reform is not always constant, and awareness of its potency as an instrument to amend domestic legislation is often limited, progress is being made.

Given the advantages of living in an information age, the exchange of information about “realisable objectives,” “effective strategies,” and “successful outcomes” is becoming increasingly easy for those who have access to the Internet. This sharing of “CEDAW stories” is an important element in understanding its practical implementation, a fact which clearly emerged in the oral reports and is still evident in the final country papers.

Examples of the Implementation of the *Convention* at the National Level: *The Use of CEDAW in Organising Strategies for the Achievement of Women’s Equality*

The reports prepared by the National Correspondents detailed many instances in which the *Convention* and the output of the Committee had been drawn on at the national level in order to promote CEDAW’s objectives. Those summarised here represent a selection of some of the more striking examples, where the activism of the women’s advocates has resulted in the incorporation of CEDAW into national machinery. However, in countries where there

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has not been the political will to implement CEDAW to date, women are beginning to use the *Convention* to organise activist strategies.

South Africa

A major feature of the new South African Constitution, which came into effect on 4 February 1997, lies in its recognition of women’s unequal social positions. The founding assumptions of the new South Africa, as articulated in Chapter 1 of the Constitution, are that a democratic state is based upon values of: a) human dignity, the achievement of equality and advancement of human rights and freedoms; b) and non-racialism and non-sexism. The Constitution contains a number of other important clauses for the advancement of gender equality, foremost among them: (a) The equality clause in the Bill of Rights, which provides that:

the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth;

(b) affirmative action, provided for in the clause which states that “legislative and other measures” may be taken to “protect or advance” people who have been disadvantaged.

According to the first South African report presented to the CEDAW committee in June 1998, “the provisions of CEDAW are therefore relevant to the interpretation of all South African laws even though there is no explicit legislation.”⁴ Only the details of the next Shadow Report will see whether the commitments have been lived up to.

Germany

Following the UN mid-Decade World Conference in Copenhagen in 1980, the Federal Republic of Germany established many bodies and institutions as part of women’s national machinery at the federal, the state and the community level. These include: (a) The German Women’s Council General Secretary, her staff, and Board Member for international

relations, are aware of CEDAW, follow the reports, and publish articles written by the German CEDAW member or by its international human rights correspondent (the readership for the Council’s publication is some 13 million). In 1992, the National Women’s Council organised a seminar on the United Nations and the CEDAW process for approximately 30 women. The Council has been aware of international efforts regarding the Optional Protocol for CEDAW, and the amendment to CEDAW’s article 20, and has consistently lobbied the federal government for support on these issues.

Another important aspect in the case of Germany is that when new and corrective legislation was passed in the late 1980’s and early 1990’s,⁵ the drive for such legislation did not come from CEDAW, but from European Community Directives, anti-discrimination legislation in the U.K. or Scandinavian countries, and from the process of unification in which women lobbied for the transmission of some of the anti-discrimination legislation of the former German Democratic Republic to be incorporated into the legislation of the unified Federal Republic.

Japan

In Japan, the ratification of the CEDAW *Convention* without reservation in 1985 had an important impact on Japanese law. For example, in employment, Japan enacted the Equal Employment Opportunity Law (EEOL), and amended the *Labour Standards Law* to relax restrictions which were applied to only women as protective measures, also extending maternity protection just before ratification. Unfortunately, the EEOL did not prohibit discrimination against women in recruitment, hiring, assignment and promotion, and was criticised widely. Consequently, the EEOL was amended in 1998, and new amendments were to come into force in April 1999.

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Overview



Left to right: Saprana Pradhan Malla, Olexandra Rudneva, Lara Karainan, CEDAW Impact Study, Evaluation Session, Jan. 1999, UN Headquarters, New York.

Unfortunately, the Japanese government relies on the fact that the recommendations of human rights treaty bodies are not legally binding, and therefore do not necessarily implement such recommendations as a matter of course. Specifically, the Japanese Government has expressed the view that the implementation of CEDAW can be progressive, and that a State party enjoys a large measure of discretion in deciding what measures to

adopt to implement it, taking into account the country's particular social and economic conditions.

In June 1999, a Committee was formed on International Relations for the Japanese Association of International Women's Rights. During this formative stage, there were three specific tasks accomplished: a "Japan NGO Report on CEDAW Preparatory Committee"; collected opinions from the public for this report process; and a "Japan NGO Alternative Report" for the "Beijing +5" Special Session of the UN General Assembly.

Turkey

In Turkey, the invocation of the CEDAW *Convention* has resulted in a number of encouraging outcomes vis-a-vis the judiciary and state agencies. For example, domestic violence legislation (the *Family Protection Law*), which took both its ideological inspiration, and timing from the "face-to-face dialogue of the CEDAW Committee and State's representatives during Reporting."⁶

In 1998, a Parliamentary Commission was convened to inquire into the status of women in Turkey—openly investigating how reservations could be withdrawn from CEDAW, and to what extent full implementation was being achieved. The report of the Commission asserted CEDAW's role as a binding legal in-

strument, and reiterated its importance as a yardstick for all measures to be taken *de jure*, and *de facto*, in order to ensure the promotion and protection of women's human rights.

Since 1994, the Constitutional Court of Turkey has rendered four decisions with respect to the legal equality of men and women. In two of these decisions, the court specifically and extensively made reference to CEDAW.⁸ Those decisions pertained to article 159 of the *Civil Code* (eventually annulled on 29 November 1990), which had required a husband's permission for his wife's professional activity, and to articles 441 and 440 of the *Turkish Penal Code* defining adulterous acts of men and women on different grounds, leading to unequal punishment. The offending provisions of these articles have now been declared void and, legally, adultery is no longer a crime.

Ukraine

In July 1995, the first Parliamentary Hearings on CEDAW were held in the Ukraine. The hearings were attended by representatives of the government, NGO's, media; were broadcast on national radio and press; and the findings were published as a text. This hearing "*became one of the first political steps in attracting all levels of power authorities and strata of the community to the discussion of a particular international legal document*" [emphasis from Report].⁸ Due to the direct impact of the basic CEDAW provisions, the parliamentary hearings on CEDAW, and the Beijing Platform for Action, the Committee for Women's Affairs was created under the authority of the President. Another significant example of implementation of CEDAW principles in Ukraine is their inclusion into the new Constitution, adopted in June 1998.

While no shadow report had been presented to the CEDAW committee on behalf of Ukraine women's NGO's for any previous reports, one of the outcomes of the process of participation in this Impact Study is the beginning of a collaborative process by NGO's to plan for the preparation of such a shadow report.

Nepal

After participation in an IWRAP Asia-Pacific

and UNIFEM training on CEDAW, several key women’s NGO’s in Nepal had developed the capacity to use CEDAW in their lobbying and activist strategies. The Ministry of Women and Social Welfare has formed a taskforce to review all laws that are inconsistent with CEDAW, according to the National Plan of Action under the Beijing Declaration and the Platform for Action. The Ministry will also be developing public awareness through the media on CEDAW, to create support for the ratification of three other conventions on marriage and education, which critically affect women in Nepal. Two bills have been presented to Parliament: the Bill Against Domestic Violence and The Family Courts Bill—both addressing violence against women.

Canada

While Canada has not adopted CEDAW into any national legislation, Canada’s legislative commitment to women’s equality is found in the *Canadian Charter of Rights and Freedoms*. The *Convention* has been used in argument in court cases at various levels, but arguably the most significant use of the CEDAW has been in activist strategies. While Canadian NGO’s have not yet submitted a fully detailed Shadow Report, the concluding comments from the CEDAW Committee with regard to the last State report have been used by women’s groups to focus attention on the increasing inequality of women in Canada. The most critical use of the concluding comment has been in the Canadian NGO presentations to the International Committee on Economic, Social, and Cultural Rights in Geneva in November 1998, when Canada’s Third Report on the implementation of the International Covenant was being considered. This raises the critical point of using CEDAW to interpret other international conventions with regard to the equality rights of women. Much more work needs to be developed on the human rights literacy of women’s domestic and national NGO’s.

Panama

Women’s NGO’s in Panama have been very active in the use of CEDAW, especially since the IWRAP/ UNIFEM training in January 1998. The

main umbrella women’s organisations subsequently organised themselves to create the NGO shadow report, which was delivered to the CEDAW Committee in June 1998. The Law of Equality [Titles 1 and 2], January 1999, is based in part on the provisions of CEDAW. There has also been the creation of national mechanisms for the advancement of women in Panama, with the most influential being the National Council of Women which has the mandate to monitor implementation of CEDAW and other international obligations. It is important to note that, in Panama, the National Council of Women with multi-sectoral representation and with the mandate to monitor implementation of CEDAW and other international obligations, was already established by Presidential decree *prior to* the Beijing conference. Increased use and awareness of CEDAW flowed from the empowerment of women’s NGO’s, the UN world conferences on women and their follow-up, the changing international conditions, and the more stable social and political conditions domestically. Important actions are being carried out within the framework of the National Plan of Action 1996–2001, supported by Equality Opportunity Promotion Program (funded by the European Union and the Panamanian government), the National Council of Women and its secretariat, the National Directorate of Women, to monitor the nationwide implementation of CEDAW, the Beijing Platform for Action, the evaluation of women’s human rights, the status of rural women, and other governmental mechanisms for women.

Netherlands

The Dutch parliament established an independent committee to report on the implementation of CEDAW, inspired by the critical response of the CEDAW Committee to the 1992 first report. The Groenman report, 1997, was highly critical of the government’s policies regarding the status of women, and provided 65 recommendations for legislative and policy measures. Subsequent to a meeting in 1997 to discuss what should be done, one of the commitments made by the government was to the direct application that CEDAW could have to legislation and policies. This process

Overview

provided the background to the NGO Working Conference on Women's Human Rights that was held with Dutch NGO's to assess the impact of CEDAW, as part of this study, and the discussion from that wide-based consultation formed the basis of the report.

South Korea

After members of Korean Women's Association United (KWAU) attended an IRAW Asia-Pacific and UNIFEM training program on CEDAW, advocates were able to prepare a shadow report to the 19th Session of the CEDAW. While the government has not responded to KWAU and the NGO's with regard to the concluding comments, the women activists in South Korea have been able to focus the government's attention on CEDAW. The Impact Study process facilitated women's capacity to build on the critical training and support offered by IRAW and UNIFEM.

Discussion and Analysis

The discussion which followed the presentation of reports by National Correspondents and which continued in the afternoon session considered both the more general question of the best strategies to adopt to maximise the implementation of the CEDAW *Convention* and, more particularly, what steps needed to be taken to complete the CEDAW Impact Study

in a way which would finalise the country studies, disseminate their results and encourage the more effective use of the *Convention*.

Factors/Contexts Enhancing the Impact of CEDAW

A number of participants attempted to identify the forces or strategies that had contributed to the CEDAW *Convention* bringing about real change in individual countries. Identification of this would, it was hoped, help advocates to identify a practical plan of action to maximise their intervention at the national level.

The importance of world conferences and other international events was noted: the various women's world conferences since 1975 had stimulated ratifications of the *Convention*, the removal of reservations, the preparation of reports, and in general a greater awareness of its existence and potential (especially among activists). It is a tribute to the participatory nature of the Beijing process that the Beijing Platform for Action, an instrument of a non-binding character, is often better known than the CEDAW *Convention*.

Other circumstances in which the CEDAW *Convention* could be seen to have had an impact were when:

- 1)The reporting process had been effectively used by NGOs at the national level to raise issues of concern and then to follow up CEDAW's concluding comments with subsequent national lobbying and other forms of action;

- 2)The output of CEDAW in the form of concluding comments or general recommendations was persuasively argued and soundly presented;

- 3)The legal profession and the judiciary were aware of the *Convention* and were receptive to arguments based on the relevance of international treaties to the task of interpretation and application of national law (this was most effective where there was adequate knowledge of the international standards and informed and vigorous advocacy);

- 4)In cases where the *Convention* has been explicitly or implicitly incorporated as an integral part of policy-making in government, a process which required both knowledge and



From left to right, Ferida Acar, Turkey; Hannah Beate Schöepp-Schilling, Germany; Ite van Dijk, and Alide Roernik (standing), Netherlands; CEDAW Impact Seminar, January 1999, N.Y.

commitment on the part of government officials; and

5)The contribution of the media—which seemed to represent a particular challenge, in how to interest the media in the story of CEDAW implementation.

Strategies for Action

The country papers in this Final Report detail successes and failures—necessary information for evidence-based advocacy. Participants in the CEDAW Impact Seminar were keen to develop strategies for future activism based around or drawing on the *Convention*. Many were concerned that the efforts they, and others undertake are not executed in a vacuum, and expressed the need to be connected to a wider network of activism. Suggestions were made as to how this might be achieved, including the establishment of an email distribution list which would maintain links. This would go beyond the initial country rapporteurs and the on-line discussion that was held at the beginning of the Impact Study work. The CEDAW-in-action listserv that UNIFEM was able to host in 1999, when the resources were available, is an important indication of the need for such an ongoing place for the sharing of information, strategies and networking around the use of the CEDAW *Convention*.⁹

Key strategies are reflected in the following points raised in country papers and at the CEDAW Impact Seminar:

- How can we make the CEDAW process more participatory and how can the principles of the CEDAW *Convention* be made accessible to and relevant to women in all walks of life, especially at the grassroots level? Because specific outcomes often take years to achieve, the small steps of progress which the CEDAW process foments, are vitally important. It is that process of widespread participation which CEDAW frequently fails to command at the local/grassroots level. The Beijing Platform for Action (PFA) has been an effective lobbying instrument because it dealt with critical issues in a participatory way and is more visible at the grassroots level. CEDAW has to be presented as an instrument which can be used in a prag-

matic fashion to change national strategies and policies on women. The Beijing PFA should be used as a legal interpretative aid to CEDAW.

- What can be done to maintain a consistent level of NGO and civil society engagement in countries in which political regimes are unstable?

- How do we organise information and anecdotes of success into coherent strategies for achieving change? We need to identify what has worked and why, the resources (informational and other) that are available to help us in our task, to supplement them and to make them widely available.

- The dissemination of information, especially via the Internet, is extremely important. This requires more information and better links between institutions. The greater the network of links, the greater visibility, access and resources advocates have to draw upon. For example, setting up a list serve around CEDAW, would be a useful resource.

- Engagement with the media at the local and national level is an extremely important part of the CEDAW process. Accurate reporting from sources other than government officials about the status of governmental policies and the CEDAW Report, is critical in making CEDAW a more participatory process.

- Awareness raising and resource-capacity building is important to the development of legal principles. Legal work should also incorporate strategies from other disciplines when seeking to address human rights grievances.

- Another important point to make is the concern expressed with regard to the implementation of CEDAW within the European Union. Developments should be monitored at a European level in applying CEDAW to protect women’s interests. A permanent focal point for action could be instrumental in initiating contacts, distributing information, maintaining links and coordinating action on the European level.¹⁰

Beijing Platform for Action

Most National Correspondents noted that activist work with regard to CEDAW must be linked to the Beijing Platform for Action and

Overview

the “Beijing +Five” process. Similarly, the participants in the preparatory and regional meetings in the follow-up to the Beijing process also noted that the local, regional and international advocacy to implement the Platform must include the use of the CEDAW *Convention*. The Platform is directly linked to the *Convention*.

The centrality of the *Convention* to women’s advancement and the achievement of equality is underlined in critical area I of the Platform for Action, [Human Rights of Women], which sets as its first strategic objective the promotion and protection of the human rights of women through the implementation of all human rights instruments, especially the *Convention*. The Commission on the Status of Women has the primary mandate for monitoring the implementation of the Platform for Action. However, the Platform makes it clear that the CEDAW Committee also has an important role in this regard. For example, the Committee has commended governments for their plans for women’s advancement, national action plans or other mechanisms to implement the Platform. Strategies to implement the Platform developed in cooperation with non-governmental organisations have been particularly welcomed, as has the inclusion of non-governmental organisations in monitoring implementation. Mention has also been made of innovative

approaches to implementation. Just as significantly, the Committee has noted where governments have failed to address the Platform for Action in presenting their reports, and has sometimes suggested that plans for implementation are inadequate.¹³

There are two very critical areas where the CEDAW Committee has commented on the implementation of the CEDAW *Convention* and the Platform for Action. The Committee has reviewed the challenges for implementation and suggested recommendations for accelerated implementation.

First, the challenges for implementation have included new and emerging issues, such as the adverse economic consequences for women as a result of transition to a market economy, particularly in regard to employment, health and social services, economic recession, the impact of structural adjustment, economic restructuring and privatisation, modernisation, liberalisation, and globalisation. Deepening poverty of women, armed conflict, trafficking in women, exploitation of prostitution, traditional practices and customs, abuses of migrant women, discriminatory laws, increasing stereotypical attitudes, coexistence of legal systems, ongoing violence against women ... are all cited by the Committee as continuing challenges to implementation. Full details of these challenges are outlined in the CEDAW Committee’s report on the implementation of the Platform for Action as submitted to the Commission on the Status of Women for the Prep Com of March 1999.¹¹

Specific recommendations for accelerated implementation were made in the same report, including measures of affirmative action, special measures and programmes, law reform, sex disaggregated data, human rights education, multifaceted and coordinated measures to address violence against women, monitoring of the impact of privatisation of health services on health care for women, gender equality in employment, national machinery, poverty eradication strategies, review trafficking and prostitution of women.

We have just begun to grapple with the issues of methodology that confront us in developing ways of assessing the impact of



From left to right, National Correspondents, Silma Pinilla Díaz, Panama; Lee Waldorf, Canada; Feride Acar, Turkey; and Hanna Beate Schöepp-Schilling, Germany; CEDAW Impact Seminar, January 1999, New York.

CEDAW (both *Convention* and Committee). We must determine effective impact assessment tools for evaluating the implementation of the Platform for Action, integrally linked in our analysis, activism, strategy, and evaluation of CEDAW.

Methodological Issues and Future Applications of Impact Study Models

In evaluating the pilot Impact Study, some correspondents noted that the issues raised by the questionnaire were wide-ranging and that it had been difficult to attempt to answer all the questions in adequate depth. All National Correspondents noted that responding to the questionnaire had required considerable additional research into the situation in their country. A number also pointed to the methodological problem of determining whether in fact CEDAW had caused or contributed to change, in view of the many other forces and influences at work in any given case.

A number of questions about the methodology of the study were raised. Clarification on the criteria for selection of the ten countries for which reports were prepared and whether those chosen were a representative or otherwise useful sample of States. The limited resources for the pilot study kept involvement to ten countries, distributed among the regions of the United Nations. The question was also raised whether the goal of the project had been to develop a series of social science studies which used similar methodologies and which would prove a basis for close comparison of the experience of the different countries selected, since not all the studies adhered to the same format. The purpose of the CEDAW Impact Study was to discover what type of methodological, logistical and financial problems arose in trying to assess the impact of the CEDAW *Convention*. While noting that the National Correspondents adopted different approaches within the overall framework of the questionnaire and thus might not cohere as a traditional social science study, one critically important aspect of the process had been the unearthing of some of the impact of CEDAW at the national level. The exchange of information among advocates from different coun-

tries of information about strategies that did (and did not) work effectively is facilitated by this kind of study. Nevertheless, it was agreed that these conceptual and methodological issues need to be examined closely in the light of the experience of the pilot study, in the hope that further expansion of the Study can be undertaken and improved upon.

The format of the CEDAW Impact Seminar did not really provide sufficient time for the in-depth analysis of the detailed country reports. This analysis will now be possible, using the Final Report, in identifying possible strategies to move forward the implementation of the *Convention* in individual countries. All participants in the CEDAW Impact Study agreed that it was important to ensure publication of the papers, not merely as an academic exercise, but as a means of enhancing activism around the *Convention*. While it was acknowledged that the available funding was very limited, the dissemination of the Final Report on the Impact Study has been a significant concern. To be effective, the Impact Study needs to be printed, available online, translated into local languages, and summarised for succinct reference.

Conclusion

This CEDAW Impact Study has demonstrated several important and fundamental lessons for the use of CEDAW, and the monitoring of its impact. Training and capacity building of women's NGOs working on women's national and international human rights is a critical pre-requisite for the use of the *Convention*. Without the advocacy of the women's human rights activists who have been described in this report, little or none of the pressure on national States Parties would have resulted in the adoption of CEDAW principles, let alone its ratification.

The goal of the global women's movement with regard to States that have ratified CEDAW is to translate the avowed commitment into policy and practice leading to women's equality. The inception of this Impact Study demonstrated that the request for the information itself was able to assist in organising the work that was done in the various countries to give

Overview

voice to women's concerns about CEDAW, and to facilitate their development of strategies for its use to further women's equality.

While the framework of women's human rights and the use of conventions, treaties, agreements, conference reports, CEDAW Committee reports, and many other mechanisms have been extremely useful in efforts to lobby for legislative and policy changes at all levels, it is arguable that it is at the grassroots level of organizing that these tools have been more effective. Women all over the world are seeking to use, change, adopt and enforce any and all mechanisms available through creative strategies for advocacy and activism to achieve equality and human rights for women. In order to ensure that we are assisting women to realise their human rights, we need to develop creative and fluid methodologies to adapt to evaluating the effectiveness of this work—and the very victories that women's activists have achieved. We hope that this pilot study can be used, re-shaped, built upon, and developed to become one more practical tool. For example, it is now clear that much more information needs to be gathered about the impact of the CEDAW Committee Concluding Comments to reporting countries as well as CEDAW General Recommendations that strengthen particular articles of the *Convention*.

The information gathered on the Beijing Platform for Action strategies was an additional advantage from this Impact Study, and, some of the country report information, has now been incorporated into the latest IWRAP consultative work.¹³

By elaborating the meaning and scope of discrimination against women, the *Convention* provides a valuable tool for promoting human rights for women. Together, the *Convention* and the work of the Committee, particularly in its formulation of General Recommendations, constitute a benchmark in terms of the establishment of an international human rights framework that is relevant to the majority of the world's women.¹⁴ The Committee has reached an important juncture in its work—it has established a procedural framework, examined many country reports, explored its broader powers, and addressed itself to the Platform For Action. It is

our hope that this impact study can assist with the task of continuing to develop a methodological framework to analyze the impact of the work of the Committee and the implementation of the *Convention* in the day-to-day reality of the lives of women and girl children.

Endnotes

¹Patricial Flor, Chair, UN Commission on the Status of Women, *NGOs for Women 2000*, 1999.

²UNIFEM, *Targets and Indicators, Selections from Progress of the World's Women*, June 2000.

³Presentation of working papers by the National Correspondents at the CEDAW Impact Seminar, 24 January 1999 in New York. This section of the final report is based on the initial draft by the Rapporteur for the Seminar, Andrew Byrnes, with Moana Erickson and Heather Northcott.

⁴South Africa Final Report, p.8.

⁵Schöepp-Schilling, Germany Final Report, "Non-discrimination labor legislation in the private and public sector, Equal Opportunities Legislation, Recognition of Child Rearing, Taking care of older/disabled persons in the social security system, Legal claim for a place at a child-care center, Abortion legislation, Additional clause in the Constitution on the responsibility of the state to promote equal opportunities for women."

⁶See Report on Turkey, Appendix D.

⁷Ibid.p.7.

⁸Ukraine report p.3

⁹IWRAP-Asia Pacific plans to continue this important on-line work, while the host of the listserv has not yet been determined.

¹⁰The Netherlands Report, p.8.

¹¹Progress in the implementation of the Platform for Action base on the review of reports to the Commission on the Status of Women of States parties to the CEDAW Convention, E/CN.6/1999/PC/4, 19 February 1999, p. 4.

¹²Ibid

¹³IWRAP – The CEDAW *Convention* and the Beijing Platform for Action: Reinforcing the Promise of the Rights Framework, January 2000.

¹⁴A/CONF.177/7 Op. Cit.

Appendix A: Questionnaire

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The following questionnaire was designed by the International Advisory Committee and was distributed to the CEDAW Network of National Correspondents. The questionnaire is intended as a guide for National Correspondents in their data collection efforts.

Questionnaire is divided into four main categories:

- I NGO Involvement
- II Ratification Process
- III Reporting to the UN
- IV Use of CEDAW

I. NGO Involvement

1. What is the current awareness of NGOs with regards to CEDAW at different levels: grassroots, regional and national?
2. Assess the capability of NGOs to use CEDAW and give examples of how CEDAW has been used and /or describe any plans or strategies for using CEDAW that are being considered.
3. Describe the problems/solutions for NGOs in the use of CEDAW, such as efforts and methods employed to remove country reservations, education needs, advocacy needs.

II. Ratification Process

4. What was the motivation for ratification? How was this motivation communicated—by written announcement, media coverage, spoken statements (on record or unofficial). Please include dates, citations and clippings wherever possible.

5. Describe the steps taken in your country towards ratification.

6. Following ratification, how did you learn that your country had in fact ratified CEDAW? What follow-up measures were taken by the government, by others? Please describe as fully as possible.

III. Reporting to the United Nations

7. What is the level of NGO participation in the preparation of state parties' reports?

8. Describe any NGO “shadow reports,” including which NGOs were involved in their preparation. Please include a copy wherever possible.

9. Have NGOs received any guidelines and training on CEDAW? Who provided this? What have the results been?

10. What are the areas of information provided by NGOs that were included in the member country report to the UN? Was anything provided excluded? Please describe and provide samples wherever possible.

IV. Use of CEDAW

11. Describe the use of / reference to CEDAW in: courts, media, constitutional and legislative Initiatives, non-profit sector, or by advocates for development policy reform.

12. Are you aware of the CEDAW concluding comments in response to the country report(s)? Have the CEDAW Committee concluding comments been implemented? How?

Overview



Please provide samples wherever possible.

13. Are there any other ways that CEDAW has been used, i.e. interpreting a point of public policy or administrative law?

14. Describe any conscious effort taken to incorporate CEDAW in domestic legislation as opposed to, for example, using the Convention to create clarity in domestic legislation/tool for statutory interpretation.

15. Describe Government/institutional arrangements in implementing CEDAW.

16. Who/what are assigned as key implementers?

17. What are the strengths/weaknesses of these arrangements?

18. Identify who/which category of people is using the Convention in any particular way, for what purposes?

From top to bottom, (left to right), Sapana Pradhan Malla, Nepal; Similla Pinilla Díaz, Panama; Alide Roerink and Ite van Dijk, Netherlands; Lesley Ann Foster, South Africa; Marilou McPhedran, Canada; Sapana Pradhan Mall, Nepal; CEDAW Impact Study, Evaluation Session, January 1999, New York.

Appendix B: CEDAW Impact Seminar

HELD JANUARY 24, 1999
FOLLOWING THE IWRAW CONSULTATION, NEW YORK

Morning Agenda

9:00
Welcome

Savitri Gooneskere
Chair

Introductions
Marilou McPhedran,
Director, CEDAW Impact Study

9:30 – 12:00

Presentations by National Correspondents in the CEDAW Impact Study
followed by
a brief “Q and A” session for clarification after each presentation.

Lesley Ann Foster of South Africa
Olexandra Rudneva of the Ukraine
Youngsook Cho of South Korea
Lee Waldorf of Canada
Silma Pinilla Díaz of Panama



Left to right, Savitri Gooneskere, Chair, Morning Session; Marilou McPhedran, Director, CEDAW Impact Study; National Correspondents, Youngsook Cho, South Korea; Lesley Ann Foster, South Africa; CEDAW Impact Seminar.

Overview



Top to bottom: Jane Connors, Chief, Women's Human Rights, UN-DAW; Shanthi Dairiam and Andrew Byrnes, Co-Facilitators, Strategy Session.

CEDAW Impact Seminar Jan. 24, 1999
Presentations by National Correspondents:

Sapana Pradhan-Malla of Nepal
Alide Roerink and Ite van Dijk of the Netherlands
Feride Acar of Turkey
Masumi Yoneda of Japan
Hanna Beate Schoepp- Schilling of Germany

12:00 – 1:20 *p.m.*
Luncheon

Afternoon Agenda
1:30 *p.m.*

Jane Connors
Chief, Women's Rights Unit,
United Nations Division for the Advancement of Women
Chair of the Afternoon Session

1:40 *p.m.*
Open Discussion

Co-facilitators:
Shanthi Dairiam
Director, International Women's Rights Action Watch-Asia Pacific

Andrew Byrnes
Director, Centre for Comparative and Public Law,
University of Hong Kong

Discussants will explore the impact of CEDAW in their own countries and those of the national correspondents, taking into consideration the Beijing Platform for Action and human rights treaty bodies in the United Nations system. Recommendations will be developed on *effective implementation of CEDAW* from four main perspectives: **NGOs and Civil Society Organisations, States Parties, Governments**

3:00 – 3:15 *p.m.*

The CEDAW Convention and Committee
The United Nations

3:45 – 4:00 *p.m.*
Closing Remarks and Adjournment

4:15 – 5:00 *p.m.*

Technology Training: Kelly Mannix
IWRP "Webwoman"—Using the web for activist research.

Appendix C: List of Participants

CEDAW IMPACT STUDY SEMINAR, JANUARY 24, 1999, NEW YORK

CEDAW Committee Members

Feride Acar
Turkey
National Correspondent in the CEDAW Impact Study

Hanna Beate Schöepp-Schilling
Germany
National Correspondent in CEDAW Impact Study

Savitri Goonesekere
Sri Lanka
Chair, CEDAW Impact Seminar

Yung-Chung Kim, South Korea
South Korea

Mavivi Y. L. Myakayaka-Manzini
South Africa

Working Group on the Optional Protocol to CEDAW

Aloisia Wörgetter
Chair, Working Group on the Optional Protocol to CEDAW
First Secretary, Permanent Mission of Austria to the United Nations

International Advisory Committee for the CEDAW Impact Study

Anne Bayefsky
York University
Toronto, Canada

Andrew Byrnes
Rapporteur, CEDAW Impact Seminar

in association with Moana Erickson, Heather Northcott and members of the International Advisory Committee
Faculty of Law, University of Hong Kong

Jane Connors
Chief, Women's Human Rights
UN-DAW
New York, New York, U.S.A

Shanthi Dairiam
International Women's Rights Action Watch (IWRAP) Asia Pacific
Kuala Lumpur, Malaysia

Ilana Landsberg-Lewis
Human Rights Programme Advisor,
UNIFEM

Marilou McPhedran
Director, International Women's Rights Project
Centre for Feminist Research, York University
Toronto, Canada

Jessica Neuwirth
Executive Director
Equality Now
New York, N.Y., U.S. A

Sapana Pradhan Malla
Development Law Associates
Kathmandu, Nepal

National Correspondents in the CEDAW Impact Study

Feride Acar
Department of Political Science

Overview

Middle East Technical University
Ankara, Turkey

Youngsook Cho
Korea Women's Association United
Seoul, South Korea

Ite van Dijk
The Netherlands

Lesley Ann Foster
Masimanyane Women's Support Centre
South Africa

Silma Pinilla Díaz
Women and Development Forum
Panama, Republic of Panama

Alide Roerink
The Netherlands

Olexandra (Sasha) Rudneva
Kharkiv Women's Studies Centre
Ukraine, Kharkiv

Hanna Beate Schöepp-Schilling
Academic Women's Association
Germany

Lee Waldorf
Canada

Masumi Yoneda
Japanese Association of International Women's Rights
Japan

Funders

Cathy Feingold
The Ford Foundation
Peace and Social Justice Program
New York, N.Y., U.S.A

Ilana Landsberg-Lewis
UNIFEM

Helen Neuborne
The Ford Foundation
Peace and Social Justice Program

New York, N.Y. U.S.A.

Nancy Ruth
Nancy's Very Own Foundation
Toronto, Ontario, Canada

CEDAW Impact Study Communications Manager

Kelly Mannix

Invited Discussants

Rupa Amolic
Anti-Racism Multiculturalism Native
Issues Centre
University of Toronto
Toronto, ON, Canada

Fareda Banda
SOAS, Law Department
London, U.K.

Carolyn Bennett
Member of Parliament, Canada

Christine A. Brautigam
United Nations Division for the Advancement
of Women

Fanny M. Cheung
Equality Opportunities Commission
Wanchai, Hong Kong, China

Christine Chinkin
London School of Economics
England

Shelagh Day
National Association of Women and the Law
Canada

Moana Erickson
Recorder, CEDAW Impact Seminar
Centre for Comparative and Public Law
Faculty of Law, University of Hong Kong
Hong Kong, China

Marsha Freeman
Director,
International Women's Rights Action Watch

Hubert H. Humphrey Institute of Public
Affairs
Minneapolis, Minn., U.S.A.

Felice Gaer
Executive Director,
Jacob Blaustein Institute for Human Rights
New York, N.Y., U.S.A

Amal Abd El Hadi Abou Halika
Cairo Institute for Human Rights (CIHRS)
Cairo, Egypt

Griselda Kenyon
International Federation of University Women
Kent, U.K.

Sumaya Khan
Metlhaetsile Women's Information Centre
Mochudi, Botswana
South Africa

Rita Serena Kolibonso
Jakarta, Indonesia

Ai-Schuen Lee
IWRAP Asia Pacific
Kuala Lumpur, Malaysia

Chikeeva Lupa
Kyrgyzstan

Mary McHugh
Women's National Commission
Durham City, U.K.

Helen W. Metz
Independence, Minn.

Kirsten Mlacak
Human Rights, Humanitarian Affairs and
International Women's Equality Division
Department of Foreign Affairs and
International Trade
Government of Canada

Lia Nadaraia
Feminist Club of Georgia
Tbilisi, Georgia

Heather Northcott
Recorder, CEDAW Impact Seminar
York University,
Toronto, Ontario, Canada

Miho Omi
Japanese Association of International
Women's Rights
Yokohama, Japan

Indira Rana
Forum for Law and Development,
Nepal Law Society
Kathmandu, Nepal

Aitmatova Rozetta
Women Support Centre
Kyrgyzsta

Jaya Sagade
Toronto, Ontario, Canada

Shaheen Sardar Ali
Pakistan

Monica Tabengwa
Metlhaetsile Women's Information Centre
Mochudi, Botswana, South Africa

Kunthi Tridewiyanti
Law Faculty, Pancasila University
Indonesia

Valerie Zamberletti
Zamberletti and Associates
Minneapolis, Minn., U.S.A

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