



Assessment of NGO Monitoring on CEDAW Implementation in SE Asia

For UN Women

By Susan Bazilli

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Finally, I would like to dedicate this report to the women and girls in SE Asia for whom we all do this work – with the hopes that we will soon see a generational change for women's equality and empowerment. Note that the women's voices in this report are, by and large, anonymous in order to ensure that no one is put at risk in their countries, depending on the current political situation.

This report was written by Susan Bazilli, Director of the International Women's Rights Project¹, in her personal capacity as a consultant.

Note that in the report NGOs and CSOs are often interchangeable, but NPOs applies only to the recent legalized organizations in Lao PDR.

BACKGROUND

UN Women is carrying out a regional programme for Southeast Asia entitled "Facilitating CEDAW Implementation Towards the Realization of Women's Human Rights in South East Asia". The CEDAW SEAP programme Phase I was implemented in Cambodia, Indonesia, Lao PDR, Philippines, Thailand, Timor-Leste, and Vietnam. Phase II is being implemented from 2011 to 2016 and covers the same seven countries as Phase I – Cambodia, Indonesia, the Lao People's Democratic Republic (Lao PDR), the Philippines, Thailand, Timor-Leste and Viet Nam. This programme is funded by the Canadian International Development Agency (CIDA).

The overall programme goal has been to develop more effective CEDAW implementation in order to better contribute to the realization of women's human rights in these Southeast Asian countries. The following outcomes have contributed to the programme goal:

1. Improved awareness of women's human rights and deepened understanding of CEDAW by the organs of the State and by organized civil society groups including women's NGOs.
2. Strengthened capacity of States Parties and organized civil society groups to promote women's human rights under CEDAW.
3. Strong political will for CEDAW implementation in support of women's ability to claim their human rights.

¹ IWRP, www.iwrp.org

Using CEDAW as the institutional framework for change, the programme strategy recognizes the important roles to be played by civil society, especially including women's groups, and seeks to develop awareness, skills, processes and other means to build their capacity to protect, promote and fulfill women's human rights in the region.

CEDAW SEAP has been very successful in addressing some of the challenges to CEDAW implementation in the past, hindering its implementation at a national or country level. This programme has built knowledge about CEDAW amongst governments and civil society, enhanced skills to use CEDAW, and resulted in concrete plans of action. Some of the notable achievements have been enhancing the awareness of women's human rights overall, and of CEDAW, amongst a broad group of different stakeholders at national and regional levels. In addition, the knowledge, skills, access to resources and partnerships and networks of CEDAW implementation have been developed. Primarily this has been in the areas of the state and alternative reports, violence against women and women's political participation.

CONTEXT

At the global level, the past decade has witnessed important progress on strengthening the normative and policy environment for gender equality and women's human rights. International agreements, such as the Millennium Development Goals, refer to gender equality as a key goal for development. While there has been increased pressure on development agencies to commit policies and resources to issues of gender equality, considerable challenges to ensuring the implementation of such commitments remain. These include the continued global need for allocating more appropriate resources for advancing gender equality and women's rights.



Meeting with CEDAW advocates in Lao PDR

Barriers to gender equality are considerable in Southeast Asia. Many women face daily obstacles to their empowerment and advancement, and constraints on their freedoms. These include the economic disparities between men and women; women's lack of reproductive rights; lack of access to education; the poor female representation in politics and public life; the increasing poverty and disparity, where women are the most vulnerable; the entrenched discriminatory practices towards women in law enforcement and judicial decisions; the persistence of cultural and religious practices that legitimize discrimination against women and girls in society; and increasingly the impact of climate change, and environmental degradation due to extractive industries.

There are a multitude of challenges faced by the women in the region. While Southeast Asia as a whole has seen accelerated economic growth over the last decade and definite progress in terms of achieving its development goals, this progress has been uneven and has sometimes even ceased at the national level. The region is extremely diverse, its political systems, languages, religions and cultures, and in terms of its socio-economic standing. On one end of the spectrum are Brunei, Malaysia and Singapore, widely considered to be the more developed and economically advanced,

and for those obvious reasons are not included in the CEDAW SEAP programme. On the other hand, Cambodia, Lao and Timor-Leste are on the list of the UN's Least Developed Countries (LDCs) for Asia and ranked as among the world's poorest countries. The poverty rate across Southeast Asia remains high, and is both a cause and a consequence of serious economic disparities between men and women, rural and urban populations, and social groups and ethnic communities.

Political instability has also plagued the region. Cambodia, Timor-Leste and Viet Nam are countries emerging from conflict. In recent times, political unrest in the Philippines, Thailand and Timor-Leste has had a major destabilizing impact on development and human security in these countries, impacting significantly on women. Ongoing political conflicts in certain regions of many of these countries remains a constant threat. Recent natural disasters such as the tsunami, the global economic crisis, trans-border issues such as the spread of HIV/Aids, avian influenza, the drug trade and human trafficking are all challenges that exacerbate the already difficult situation many women face daily. All these issue impact more adversely on those from more marginalized groups, such as women from indigenous, ethnic communities living in rural, remote areas, or women with disabilities. The emphasis on CEDAW as a framework for promoting and protecting the rights of women is a critical tool for women in the region.

"What is good advocacy – how do we speak out when it just means we get hurt or killed?"

The Association of Southeast Asian Nations (ASEAN) is the key (and only) regional political body that brings together leaders from across the region. All 10 ASEAN countries and Timor -Leste have ratified CEDAW. All 10 ASEAN countries have also

endorsed the Beijing Platform for Action (BPFA) and the Security Council Resolution 1325 and 1820 on Women, Peace and Security. In addition, all these countries have endorsed the Millennium Declaration, the Millennium Development Goals and the Paris Principles of the New Aid Modalities, which if addressed strategically and to their full potential, could hold out a fresh promise for greater progress on gender equality and women's empowerment. However, there is the issue of political will to be reconciled.

Several ASEAN governments have issued policy directives at the highest levels to ensure that gender equality perspectives are mainstreamed into national economic and social planning. A range of sectoral policies, plans, legislation and programmes have also been introduced in the region. However, many of these remain to be promises on paper without adequate implementation mechanisms and resources attached to it. With civil society groups, the focus has been on building their understanding of CEDAW and skills to use CEDAW in holding the government accountable to their promises.

While ASEAN emerging human rights mechanisms have the potential to take on a role with regards to CEDAW implementation by its member states in the future, it also is a slow moving body which has not yet been in a position to play such a role. It would seem that 2012 is a watershed year for ASEAN, and the timing of Phase II will allow for increased civil society advocacy.

The international normative framework in the region for the protection and promotion of human rights can be found in five of the core human rights treaties. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), United

Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on the Rights of the Child (CRC), as well as the two Optional Protocols to the CRC, have been ratified by all of the seven countries. The Convention against Torture and the Convention on the Rights of Persons with Disabilities (CPRD) have been ratified by six of these countries, and the Optional Protocol to CEDAW, by five. Therefore, the seven programme countries have a broad rights based international legal framework from which common strategies can be developed to advance the interrelated human rights of women within their jurisdiction. Multi-treaty approaches can be adopted to address the intersectional and often cross border nature of many of the rights violations committed against women in the SEA region.

It is important to put the activities of NGOs and NPOs working with CEDAW into the context of the political process in each country and in the region. There are challenges facing democratization in all of the seven countries. While we may see some opening up their democratic space for civil society, others, such as Cambodia, are closing theirs. All of the issues we see increasing the denial of human rights – land grabbing, evictions, labour disputes, trafficking, corruption, political participation, electoral fraud, environmental degradation – have a gendered dimension. Fundamentally, the challenge for the SEA region for the early 21st century has been and will remain that of good governance. How then women’s movement and other human rights movements be strengthened to address good governance and create a more democratic (for lack of a better term) process and governing institutions? Where does CEDAW, as both a convention and as a process, assist in this political struggle? The work that civil society (the NGOs, CSOs, academics, etc.) engages in involves CEDAW as but one tool, albeit an important one. And for this region, how will CEDAW and human rights norms and instruments be incorporated into the ASEAN processes?



Azira and Alita from Alola Foundation, Timor-Leste

Another issue that was evident in most of the countries was that governments are now amenable to addressing gender issues that do not threaten the actual governance of the country or their rapid commitment to rampant capitalism, benignly termed economic development. They can develop policies and laws, as ineffective as they are, on VAW, DV, health (although not necessarily reproductive health), issues that are typically “women’s issues” and therefore “safe.” But land grabbing, the impact of extractive industries, access to water and other natural resources, evictions, women’s political participation (if it is a

threat to a power base), the role of China and other big economic players, and the free trade ASEAN, etc. – anything that is a political and economic challenge to the current status quo – that is a risk and a challenge for civil society and women in particular to engage in.

NGO ASSESSMENT

Purpose

The aim of this assessment was originally to review the NGO reports on CEDAW, in seven SEA countries. A questionnaire guiding the research framework and a work plan were agreed upon prior to the assessment mission. After the completion of the mission, UN Women requested that the assessment report comprise more details on monitoring, including the NGOs/CSOs advocacy, coalition building, the formation of CEDAW Watch groups, the preparation of alternative reports, and how they have contributed towards strengthened monitoring and accountability mechanisms for the implementation of CEDAW in the region. The report therefore was to contain less information on the actual alternative reports that the research tool was geared toward.

The general findings and recommendations in this assessment can hopefully serve as guidance to the NGOs for their future advocacy activities. Additionally, the information will be used by UN Women as part of their baseline for its work in supporting civil society organizations in this critically important work in the CEDAW SEAP programme. The original report was written as a report on each mission with a series of recommendations to UN Women, suggesting possible ways to proceed with the Phase II. The second version of the assessment, herein, is focused now on recommendations to NGOs/CSOs. This report is drafted to be a public version of the report. A further confidential report has been developed for UN Women's use only.

Methodology

The methodology for this assessment consisted of:

- A desk review of the NGO shadow and alternative reports and the CEDAW Committee Concluding Observations for six countries in the region
- Interviews in the field using an agreed upon research framework questionnaire that was standardized for all interviews with NGOs and individuals. The purpose was to learn about their capacity in planning and implementing processes during the following phases:
 - Pre-review – preparation of the shadow or NGO report
 - The CEDAW review – lobbying the CEDAW Committee members if they attended CEDAW meetings
 - Post-review – follow up and monitoring of the Concluding Observations of the CEDAW Committee
 - Any other usage of the CEDAW monitoring report or Concluding Observation for other advocacy purposes
 - An overview of the national NGO process in working together on CEDAW and other women's human rights issues
- Site visits to 6 CEDAW SEAP countries as well as to Malaysia and meetings with Women's League of Burma based in Thailand. The Indonesia assessment was undertaken by another consultant and therefore the lack of information herein does not represent the activities in Indonesia, but rather the lack of information by this consultant.

- Attending a consultation with NGO representatives who were attending the regional workshop of the Southeast Asia Women's Caucus on ASEAN.
- Interviews with former UN Women staff and consultants.
- Review of other documents and reports pertaining to CEDAW implementation in the SEA region, primarily documents found by the consultant in various UN Women country offices and on the SEAP, IWRAW-AP, and APWLD websites.

Comments and quotes contained in this assessment are reported anonymously, in an abundance of caution. Photographs however are attributed.

Limitations

There were several limitations to this assessment that should be kept in mind. The number of days spent in each country for interviews averaged between one and two, due in part to the limitation in the days of the consultancy, to the number of national holidays during April and May 2012, and to national elections, so it was not possible to meet with a more representative list of NGOs/CSOs. Respondents were also suffering from "consultant fatigue" as this was the second (incidentally) Canadian consultant related to CIDA that they had met within the same month. In addition, they had gone through the whole process of arranging to meet a consultant on this programme during the latter part of 2011 which had to be canceled.

This report is an amalgam between the original TOR, the research framework questionnaire, and the requests post-mission for further changes to the report. Consequently, this report is a hybrid of a number of different requests from UN Women for information. All attempts have been made to provide details as requested, where available. One of the findings in the CEDAW SEAP evaluation was that no quantitative data had been tracked systematically² in the programme. It is not possible to provide quantitative data in this report (how many NGOs, number of reports, etc.) and had it been required, it should have formed part of the initial TOR. It is not clear, either, how useful such information would be, as the indicators should be tracking impact, not numbers.

Second, there are excellent documents available on various aspects of CEDAW implementation, ranging from the Universalis evaluation of the CEDAW SEAP Programme from 2008, the report on *Going CEDAW in the Philippines*, the 2009 *Time for Action* report on implementing CEDAW in SEA, as well as others listed in the annex to this report. It would have been extremely helpful if these documents had been made available to the consultant in advance or during the mission, rather than finding out about them haphazardly at the end of the mission from contacts in the field. The facts contained in these reports could have been validated and refreshed during the missions. Third, as this consultant did not visit Indonesia, the sparse comments on Indonesia are from the previous consultant's hand over notes, which UN Women have, and not from personal experience. Finally, none of the findings in this report to date have been sent back to the respondents for validation, so have been reported only as a result of the consultant's visits to each country and other communication with respondents, as well as independent research in documents and CEDAW reports.

² Universalis Evaluation at p 55.

GENERAL FINDINGS

NGOs Advocacy and Monitoring

This section provides a general overview of the role of NGOs and what has taken place in the region over the past decade.

The role of the NGOs in monitoring the state's implementation of its obligations under CEDAW is crucial. This work has been increasing over the past decade in the region, resulting in a rich sharing at a regional level of good practices and strategies. Building the capacity of NGOs to engage with international mechanisms such as CEDAW and other treaty bodies, as well as undertaking advocacy for policy and legislative reform at the national level, is key to ensuring that States fulfill their obligations under international law.

Civil society groups in the region have done much to help build awareness and deepen understanding about CEDAW and women's rights. They have begun using the principles and framework of the Convention to guide their work and many of their programmes and activities are being developed from a rights based and substantive equality perspective. NGOs and civil society organizations are using CEDAW to validate and legitimize their advocacy with governments, stressing state obligations for law reform and implementation of legislation and policy on women's rights and gender equality. Several organizations have also begun to use the Concluding Observations to reinforce their demands. In addition, they have begun activities to monitor implementation of CEDAW to seek greater accountability from governments and national institutions that claim to improve women's social, political and economic positions.



Foundation for Women and organizations in Bangkok discuss issues of disability, HIV/Aids and CEDAW

Some NGOs in the region have begun to integrate the CEDAW framework into their regular strategic workplans and programmes. Many are increasingly using the Convention as a useful reference point to reinforce advocacy on their specific issue areas. They are also weaving CEDAW into training activities for other NGOs and public education programmes for grassroots communities. Applying CEDAW has helped open up discussions with NGOs that are not focused on women's rights issues to encourage them to develop more gender-sensitive approaches to their work. It is also helping to shape community dialogue about respect for human rights and human dignity, and

One of the most important thematic areas of focus for NGO advocacy in the region is violence against women. In almost all countries, significant effort goes into organizing public education campaigns and activities to advocate for greater government attention to and action on the subject. Some NGOs organize events during the Sixteen Days of Activism Against Violence Against Women,

which is a global, multi-country civil society campaign held every year in November to raise awareness about gender-based violence. Where legislation on VAW does exist, it is often connected to CEDAW to explain the rights that women have to seek justice against their attackers, and how to claim those rights. In recent years, NGOs have begun using the Convention to amplify and validate their advocacy demands for better protections for women against abuse. In the absence of antiviolenence legislation, as not all countries in the region have domestic violence laws, CEDAW can be used as a standard to push for such legislation.

All across the region, there are groups of women who have traditionally been more disadvantaged than others, who face multiple forms of discrimination intensified by poverty, environmental degradation, land grabbing, lack of basic services, traditional and religious beliefs, lack of access to health care and maternal child health services, language and cultural differences, patriarchal traditional governance structures, and national government neglect or deliberate exclusion. These include women living with disabilities, rural women living in poorly developed, remote areas, women migrant labourers, sex workers, and women from indigenous and ethnic minority communities. Many women from remote or ethnic minority communities also face nationality and citizenship difficulties, are more vulnerable to trafficking or forced prostitution, and are less likely to have legal protections and the means to access justice.

“CEDAW should be ‘on the job’ training”

More and more NGOs (both national and grassroots-based) have begun to focus outreach to these excluded groups, providing direct services, literacy programmes, livelihood skills building and public awareness education on issues like reproductive health care and

family planning, and women’s participation in decision-making. While they say it is not easy to introduce CEDAW to women from these communities, in part because of poorer education levels, and because concepts like ‘equality’, ‘rights’ and ‘gender’ are still quite abstract, it is still proving a useful tool to empower grassroots women leaders to actively participate in fighting against discrimination. In some countries, NGO networks have also started including rural and indigenous women’s groups in their CEDAW shadow reporting processes. This not only ensures their voices are heard, but also enhances the data and information sorely needed on the plight of women in their communities.

In recent years, in all seven countries there is a substantial increase in the number of resource people and local trainers among NGOs able to share knowledge on CEDAW. Several NGOs have begun to independently conduct training on CEDAW for their own members, other NGOs, and even to government. A large number of resource materials and tools on use of CEDAW had been developed by NGOs, and these resources can be found in the Appendices. NGOs have improved the frequency and quality of interactions with governments, particularly in relation to the CEDAW national report preparation and review, and follow-on activities related to the dissemination and use of the Concluding Observations. NGOs in several of the seven countries have established, or expanded and solidified CEDAW Watch Groups and have thus symbolically confirmed and formalized their commitment to working together on the monitoring of and advocacy for CEDAW implementation. In addition, regional exchanges between government and NGO members on a bilateral or multi-country basis has increased.

The NGOs and civil society need to be engaged to create more political space for their advocacy activities and outcomes. This could be developed by following the current UN Women’s approach to assist women’s organizations to continue to seek out strategic entry points such as those undertaken on VAW. More systemic advocacy should be undertaken with a long-term strategy

rather than just focusing on episodic report writing. Regarding the CEDAW Shadow Report process, respondents requested more training on how to prepare shadow reports. But as noted throughout this report, this should be more about how CEDAW and UN reporting processes are integral to the democratization process rather than episodic reports. Strengthening women's networks and fostering collaboration and cooperation between women's NPAs and organizations is a priority.

FINDINGS AND RECOMMENDATIONS FOR NGOS AND CIVIL SOCIETY

These following general recommendations are designed for the CEDAW SEAP Phase II regional project and have been developed in consultation with the regional and national NGOs and UN Women country offices from this mission. While there are recommendations to enhance regional initiatives, the overall intent of these recommendations is to strengthen national activities on advocacy using CEDAW as a tool and framework for realizing women's rights. National and local country level good practices and examples can be shared at a regional level. Much of the critical advocacy work taking place on CEDAW in the ASEAN region has in fact been long undertaken and coordinated by regional organizations. However, without ongoing consistent support and capacity for civil society at the national level, increasing the political space for their activism, or just trying to stop the gap from closing even further, is not likely to occur.

Women's Movement NGOs/CSOs

Given the brevity of the mission in the region and the limited opportunities for any in depth discussion, this report does not want to presume any significant expertise about the state of the autonomous women's movement in the region, but this report can make some general recommendations from the interviews and research about how CEDAW is being used as a tool to advance gender equality, human rights, good governance and the rule of law.



APWLD and ARWC – Asian Pacific activists at Rio+20

One of the central findings in all the countries is that of the fractured civil society. This contributes to the lack of good governance within civil society itself. This lack of trust and collaboration, and the competitiveness between and within NGOs is part and parcel of the same process that has led to the conflicts in some countries within the NGO monitoring and reporting process on CEDAW implementation.

Finding ways to coordinate building coalitions whereby NGOs could work closely together is a real challenge for many of the countries. There is no history of this in many countries, and the level of distrust mirrors the legacies inherited from the specific political history. This is a place where the regional networking can be directed – as often organizations will collaborate outside of the country when brought together at regional events. Where that is the case, this could be leveraged into national cooperation.

Organizational Issues

There have been challenges to overcome the sometimes weak or vulnerable management and organizational issues experienced by many NGOs. Institutional capacities such as human resources, strategic leadership, financial management, infrastructure, programme and process management approaches are all about the ability to use the resources, systems and processes to carry out the work of their mandate. Most of the organizations interviewed have been long standing, and consequently are presumed to have been able to survive all these challenges. There has been often limited funding, staff turnover, lack of institutional memory due to leadership change, the needs of donors driving some agendas, and the challenged within their own membership. Two central issues stand out from the interviews. The lack of good governance structures within their own coalitions and networks, for example in the Cambodia NGO CEDAW, results in not only the fractured civil society but a lack of transparency and accountability in reporting.

Much time is wasted and heartbreak created by NGOs lack of professional ability to manage funding, especially when driven by project funding with no operational funds. No donor is offering bridge financing, and this creates a crisis in the work at the same time as reporting procedures become more complex and difficult. Real capacity development needs to be done with organizations so that they can become more sustainable and effective. This does not need the services of international consultants, there is plenty of expertise at hand. However this must also be part and parcel of long term operational funding.

The second issue is the experience of the NGOs of increasingly bureaucratic processes and delays in funding. This was particularly noted by all interviewees about the new UN Women procedures. It is recommended that NGOs meet with the UN Women country offices for a frank and honest discussion about their work plans for Phase II and ensure that there are realistic expectations on both sides for the remainder of the programme from mid 2012-2015.

Learning from mistakes and progressing at their own pace is part of the process of growing a stable and integral NGO sector. The initial output might not be up to certain international “standards” but leadership must come from the local output. Where this creates conflict with donors, there must be a process put in place to resolve this. A lot of time is being wasted by the in-fighting, criticism, backstabbing and gossip around allegations of fiscal mis-management when the issues of women’s human rights abuses are so huge.

Civil society organizations, since they are so new, are going to need capacity built for basic management and administration, let alone what civil society really is, rather than NPAs ‘being clubs of retired party officials’ as described in Lao PDR.

The NGOs should undertake a “self-assessment” of their strengths and weaknesses and counter what some seem to think is a complacent approach to their work, according to some women’s groups in the Philippines.

Focus on Marginalized Women

While this has been a priority of CEDAW SEAP Phase I, during which the NGOs/CSOs accomplished a great deal of integration, Phase II should concentrate more on promoting and protecting the rights of the most excluded women and activities should focus on development of laws, policies and guidelines that target these groups. Support needs to be provided to ensure the justice system receives training on the importance of access to justice for these excluded groups. CEDAW monitoring and advocacy through CEDAW Watch groups will also ensure that excluded women are empowered to raise their concerns and undertake advocacy efforts.

The national (and regional) NGOs/CSOs interviewed have been extremely conscientious and diligent, to the best of their limited resources, about the inclusion of rural women, women with disabilities, indigenous women, migrant women, in their consultations on reporting and monitoring.

For example, the Indigenous Women's Network of Thailand (IWNT) was involved in the NGO report writing process for CEDAW. In collaboration with the Foundation for Women (FFW), IWNT trained ten indigenous women from ten different indigenous groups in Thailand on CEDAW and how to write case studies. These ten women then each wrote three case studies of instances of discrimination or violence against women in their particular ethnic group. These case studies were then used by both IWNT and FFW to write separate shadow reports, which were submitted to the CEDAW committee. The CEDAW committee then used these reports to make concluding comments to the Thai government. In the Philippines, the Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK), a national coalition of rural women, has undertaken extensive advocacy and training using CEDAW in their communities. They have created a framework document based on CEDAW and the COs and identified priority areas for each different community to use in advocating with local government and for monitoring CEDAW implementation.



Nor Ari Tungmuangthong, Chairperson, IWNT

However some very real challenges remain. Travel costs are expensive, given the chronic underfunding of women's NGOs/CSOs, to travel to, or bring in, rural women or women from distant areas. Accommodation for women with disabilities is also important to consider in budgeting. Most activities occur in the urban centres, out of reality. It is not that groups are not addressing this, it is merely stating the obvious.

Second, the administrative and institutional capacity of, for example, indigenous women's organizations like the IWNT are only just beginning to be developed. Many are not incorporated as NGOs/CSOs and therefore their funding has to be channeled through other organizations (in their case, FFW.) This continues a dependency relationship while the partner organization assists in building the organizational capacity; however without the institutional expertise, the small organizations cannot survive if they want to attract donor funding. This is a critical area to develop in Phase II, to build the capacity of indigenous and

marginalized women's organizations so that they can manage their own administration. And it is crucial that salaries be budgeted so that marginalized women can be paid to run their own organizations.

Leadership skills need to be developed with indigenous women. All of the issues impacting tribal and rural women – loss of their traditional way of life, food security, migration, trafficking, VAW,

loss of land and livelihoods, reproductive health, impact of climate change on water sources, agriculture, forests – are issues they can be better prepared to address with community leadership skills.

Developing the capacity of ethnic minority women to advocate on their own behalf as well as ensuring that intersectionality is understood and incorporated into national advocacy by women's organizations. There could be a move to having a number of NGO alternative reports to CEDAW rather than one overall national report.

The Philippine Shadow Reports are a synthesis of the experiences and insights generated from a series of consultations held in the early part of 2006, a process which brought together women's organizations from the three major regions of Luzon, Visayas and Mindanao. The three-day training seminar on the CEDAW that preceded all of these consultations allowed participants not only to comprehensively learn about the Convention but to fully appreciate how the CEDAW could be relevant and meaningful to women's lives. All in all, more than a hundred women's organizations from all over the country participated, the majority representing rural and urban poor women, women workers including migrant women, indigenous and Muslim women.

NGOs could also include the CRPD in their reporting process to ensure that disability issues are cross cutting and mainstreamed.

One key constituency that has been very under-represented is that LGBT community. Organizations working on these issues must be included in the consultation processes and the issues and concerns included in the reporting process, as well as advocacy.

Training and Capacity Building

All the NGOs consulted requested more expertise and training on how to use CEDAW – how to write shadow or alternative reports, how to use the Concluding Observations more effectively, and how to monitor implementation of CEDAW. Several respondents were very clear that they wanted local expertise to be built so that they could become their own CEDAW experts; others were equally clear that they wanted the regional expertise of IWRAW-AP to continue to assist them. One significant finding is that the hiatus between the end of CEDAW SEAP Phase I and the start up of Phase II left many organizations without a focus on CEDAW. In part this was a funding issue, and in part it was because there are so many draws on the time and resources of NGOs, so many urgent and immediate crises to respond to, that CEDAW advocacy is too far away from the reality of the urgent and present struggles. In addition, there has been tremendous turn over in both UN Women staff and NGO/CSO staff since the inception of the Phase I programme, which provided the opportunity to work on CEDAW.

Ongoing capacity building and technical assistance of NGOs and civil society was requested by all interviewees. This assistance however should not just focus on CEDAW. At the international level, other treaties and conventions could be used as a framework and a tool for intervention; very few organizations had worked on any other UN mechanisms. However, as the present pressing issue at the regional level is ASEAN, capacity building on how to make strategic interventions on ASEAN human rights mechanisms would be very valuable. This is especially urgent in 2012.

Dialogue Facilitation

Many NGOs stated that it was often very difficult for them to establish dialogue with their governments. Clearly this depends on the state of government repression or openness. But in general it was a challenge for them to be taken seriously. This varies also depending on the

personal relationships that NGOs have with government representatives or national women's machinery (NWM). But all agreed that facilitating closer contact with governments could or should be a key role of UN Women to coordinate a process between the governments and the NGOs whereby they could meet to discuss issues of women's equality and empowerment. UN Women should, where politically possible, work with the NGOs to facilitate a dialogue process between NGOs and government. It was seen as a need particularly from those in countries with more repressive governments where the role of the UN and UN Women was seen to be of critical importance in facilitating this process. UN Women can effectively use its status as a neutral UN agency to act as a facilitator and catalyst in terms of initiating or enhancing dialogue and collaboration among key stakeholders at national and regional levels. Many of these parties would not otherwise come together.

Another tactic that NGOs could employ is to use the entry points available through the NWM on a specific issue, for example on violence against women where they are already working on legislation or implementation, and use this as a way to establish a dialogue process.

"We need to bring CEDAW down into practice and our networks have to be strong and active otherwise our rights will only be on paper"

There was a consultation between the Ministry of Foreign Affairs (MOFA) in 2011 with the NGOs/CSOs in Lao PDR on the CEDAW report process. This was a positive step which is hoped to develop now that CSOs are registered as legal NPOs.

Lao PDR is a country that could benefit significantly from UN Women facilitating a process between the government and the NGO/CSO/NPAs. Several respondents strongly recommended that UNW could and should take a key role in ensuring participation of civil society with government processes to monitor compliance with CEDAW as well as national laws. There is still a huge gap between the two that needs to be bridged, perhaps by implementing some of the recommendations below.

As one respondent in the Philippines articulated, there needs to be constructive dialogues rather than the confrontational and oppositional approaches that have been characterized between government and civil society. The same could be said elsewhere for the relationship between some NGOs/CSOs.

Indonesia points to a positive example where CWGI used to just present their alternative report to the government just prior to departing for the New York CEDAW meeting, creating some animosity. Now there is a much more open process where it is understood that it is useful for the government to know what is in the NGO report. They will have a dialogue before the review.³

There appears to be a lot of opportunity to mainstream CEDAW in Viet Nam on issues of: land rights, GBV and the DV law. Support for the Gender Action Partnership (GAP) where a different policy is reviewed every four months appears to provide more opportunities. It is evident that it is going to take a lot of work to strengthen the consultative process between civil society and the government of Viet Nam, and focusing on the use of CEDAW as a strategic point of entry and intervention is a wise strategy on the part of UNW and the CEDAW SEAP programme.

³ Indonesia reported in July 2012 but there is no information on this process.

Other Treaty Bodies, Obligations and Reporting

During interviews with the NGOs consulted, it appears that very few of the NGOs consulted had participated in any other treaty reporting process.

It is recommended that women's rights NGOs, where possible, develop partnerships with other human rights organizations that might be preparing alternative reports on CERD, ICCPR, ICESCR, UNDRIP or the CPRD (where they are ratified), to ensure that women's rights are included in the reports. Where NGOs are already over-stretched with limited resources, it is not recommended that they take on this work themselves, as the focus on CEDAW in international law, ASEAN at the regional level, and the multiple issues of women's rights at the national and local level are already all-consuming. But perhaps the exercise could bring the human rights organizations closer together with more of a gender rights focus.

Another possibility is that the SEA region appears to have the best potential globally to bring together CEDAW and the CRC. There is somewhat of an artificial distinction between the age of children and women, and many of the issues raised for the girl-child, for example, forced marriages, sexual assault, trafficking into the sex trade, lack of education, child prostitution, domestic and child labour, could be incorporated into both CEDAW and CRC reports. Some organizations, such as the Alola Foundation in Timor-Leste, have experience working on both Conventions and they could share their expertise.



Ros Sopheap, GAD/C, Cambodia

All the SEA countries have ratified both Conventions, and both have Optional Protocols. Many of the organizations that work on children's rights already work in coalition with women's organizations, so ensuring that a feminist perspective is included in the CRC, with cross over to CEDAW, could be an important step in reducing the international human rights framework often piecemeal approach. It is recommended that UN Women consider this as a small pilot project in collaboration with academic institutions in the region who might be in a position to leverage funding.

CEDAW SEAP should build on its expertise from the NGO CEDAW reporting process to strengthen local capacity for producing and presenting periodic reports. The same activities such as data gathering, research, report writing, documentation of cases, holding mock sessions, and undertaking advocacy on the UN treaty body findings, will only serve to improve knowledge, skills, and attitudes regarding promotion of women's human rights, and will enhance ownership not only of the report but also of the

broader concept of CEDAW implementation. The reporting process will also encourage and enable CSOs to work together and share complementary knowledge. Positive reporting experiences can be used as an incentive to strengthen countries' commitments toward ensuring CEDAW implementation, as well as ensuring that obligations for gender equality and women's human rights under other human rights treaties and international documents are met by using mechanisms such as the UPR, BPFA and MDGs, and others.

Indigenous women have used the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in their advocacy, and the nexus between the UNDRIP and CEDAW could be strengthened for national advocacy.

UNW could provide support to NGOs to prepare alternative draft reports on other treaty bodies as well as CEDAW, support for review, research, writing, consultations; briefings for civil society and the government on the COs. But this requires operational support, not just episodic project funding.

Constitutional Reform

The CEDAW Committee has urged governments in many of its reports over the years to undertake constitutional reform that would entrench women's rights in the national institutional machinery. At a minimum, they should include explicit guarantees of equality and a definition of discrimination against women in accordance with Article 1 of CEDAW. National constitutions guarantee a range of rights, one of which is the right to equality and non-discrimination. Although contained to some degree in all the constitutions of programme countries, the guarantees differ in their scope and the grounds for discrimination that they proscribe. In Timor-Leste for example the advocacy of women's organizations to develop the Women's Charter which was mostly incorporated into the new Constitution, with gender-sensitive language used throughout, was a real victory. But the crisis that led to the opportunity that opened up that political space was specific to Timor-Leste. The political conflict and the coup in Thailand also opened up space for women's rights activists to engage in the constitution drafting process. Their advocacy was very successful as the 2007 Thai constitution contained more gender provisions than the previous one. In this current assessment, with the focus on CEDAW, there were few specific examples given about women's organizations involvement at this time on constitutional reform issues or processes.

However, continually ensuring that NGOs/CSOs monitor constitutional changes and reform, as well as advocating for such change, should be ongoing. This can be easily incorporated into the CEDAW monitoring and reporting process, to give the underlying constitutional basis for proposed changes to legislation, for example, or compliance with existing constitutional provisions.

"We use CEDAW as the framework in our review of discriminatory policies and laws. This also helps in surfacing gender issues and biases that sustain inequality and undermine government's efforts in complying with the CEDAW"

CEDAW and Equality Laws

The CEDAW Committee's Concluding Observations in some of the countries' reports urged States parties to ensure that their Constitution and domestic laws are harmonized, and that they are fully compatible with CEDAW, including its expansive definition of discrimination and its standard of substantive equality with the provision for temporary special measures.

Discriminatory elements still exist in laws governing personal rights particularly in codified Muslim laws. In many of the countries, laws are not yet in place that recognize and protect sexual and reproductive health and rights. Despite the work of feminists for decades, the right to divorce is still not recognized in the Philippines, the only country left in the world not to do so. The right to non-discrimination on grounds of sexual orientation and gender identity is still missing in many countries, as it is globally. There is need to comprehensively assess adequacy and compliance of existing legislative frameworks to address the intersectional and multiple human rights concerns that affect doubly disadvantaged women.

The Thai Gender Equality Law still in draft form and it needs to be passed in order to bring laws into compliance with CEDAW. The FFW is working on this advocacy. In addition, the Reproductive

Health law is pending in draft form but the terms of abortion are too controversial and this is going to have to be watered down if it is to pass, according to FFW.

Despite the enactment in most countries of positive laws including on various forms of VAW, the inconsistency of these laws with CEDAW and their weak implementation remains a problem. No comprehensive review of legislation has been undertaken by governments or NGOs/CSOs in most countries. The reviews that have been carried out have been done by international consultants for UN Women.⁴ NGOs do not seem to have used these research tools for any follow up.

It would appear that the NGOs/CSOs could really use capacity building and institutional support if they are to undertake reviews of laws for compliance with CEDAW norms and standards. The extensive reviews have been written by consultants to UN Women, not by the organizations themselves. Perhaps it would be a better use of resources for NGOs/CSOs to use the reviews for more extensive legal and legislative advocacy for amendments of laws and/or advocate for the implementation of the CEDAW Concluding Observations, rather than undertaking these reviews. This assessment has no finding on the use of the UN Women published reviews by organizations in country for advocacy, as it was not a question posed during the interviews. However, the assessment framework, *Do Our Laws Promote Gender Equality*,⁵ was tested and validated in workshops organized by CEDAW Working Group Initiative(CWGI) in Indonesia and in Cambodia by the Ministry of Justice. A full review was compiled of the laws in Vietnam. These took continuous technical support and ongoing discussions during 2008 and 2009. These initiatives might be revived by national NGOs where deemed useful for their review of CEDAW compliance. But again, caution should be exercised to ensure that effective strategies are used to make change where there are opportunities and some political will.

Regional Activities

There is an overall political drive in the sub-region for acceleration of regional integration in the political, economic, social and cultural spheres in ASEAN. UN Women is already taking advantage of this by supporting regional processes for knowledge generation, exchange, stock-taking and priority-setting for furthering implementation of CEDAW in the region.



FFW discussing CEDAW SEAP with IWNT members in Chiang Mai

Asia Pacific Women Law and Development (APWLD), Asian Indigenous Women's Network (AIWN), and International Women's Rights Action Watch Asia Pacific (IWRAP-AP) are regional coalitions, networks and organizations that work extensively at the regional level.

There are other regional NGOs such as the Asian Forum for Human Rights and

Development (Forum Asia) that also work at regional level. The above organizations have

⁴ For example, Rea Chiongson, *A Gendered and Rights-based Review of Vietnamese Legal Documents through the Lens of CEDAW*, UN Women, 2009.

⁵ Rea Chiongson, *Do Our Laws Promote Gender Equality: A Handbook for CEDAW-Based Legal Reviews*, UN Women, 2007.

been very effective in training these other organizations about CEDAW and women's human rights, leveraging their collective effectiveness. Not only do they have a better understanding of women's rights, but are better able to analyze specific issues in terms of their cultural contexts and the impact on more marginalized and vulnerable groups.

Continuing to work with regional NGOs such as APWLD, AIWN and IWRAW-AP will be critical for the advocacy that is going to be needed to incorporate human rights based mechanisms within ASEAN.⁶ Regional networking of "CEDAW Watch" groups should continue to be supported for peer learning on effective monitoring and reporting of CEDAW implementation, and coordinating regional advocacy initiatives using CEDAW as a framework. There is a keen desire and commitment on the part of NGOs in each country to undertake a regional solidarity with other women's organizations in ASEAN member states.

This assessment notes that while the primary focus should be on national programmes in each country, it also notes that all NGOs/CSOs consulted were very clear that there was great value for them in sharing good practices, tactics and strategies for advocacy on CEDAW and other issues. Strategic integration between the CEDAW SEAP Phase II and the "Regional Mechanisms to Protect Human Rights of Women and Girls in Southeast Asia" programme of UN Women will be critical to ensure effective activities and efficient use of resources for increasing advocacy around the newly established ASEAN Inter-Governmental Commission on Human Rights (AIHCR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) for women's human rights and gender equality.

There was a lot of interesting discussion about ASEAN through the course of the mission and it was very useful to conclude at the Women's Caucus workshop(s) in Bangkok. While there is skepticism about the likelihood of effective implementation of the ASEAN Declarations, many of the NGOs feel more relevance and engagement with the ASEAN process than the international normative frameworks. Simply put, they live in ASEAN, there is more accountability, at least perceived, and they have greater proximity to ASEAN than CEDAW (or the UN) "over there in New York or Geneva". The multiple challenges for the NGOs then are how to encourage and support the governments of ASEAN Member States to adopt the Terms of Reference of the ASEAN inter-governmental mechanisms on human rights, namely the AIHCR and ACWC, to have a monitoring mandate, be a genuine mechanism for accountability, and the power to impose sanctions for non-compliance with international human rights norms.

Given how little access there seems to be for civil society to access ASEAN structures, this is not only an ongoing challenge, but one with a great deal of urgency right now. Therefore democratizing ASEAN and its member states becomes part of the same challenge for NGO work as democratizing civil society, and creating institutions of good governance.

The challenge for each country (and the region) is to prevent the dilution of the ASEAN Human Rights Declaration (AHRD), as noted by the High Commissioner for Human Rights, Navi Pillay:

"Regional human rights instruments should complement and reinforce international human rights standards. The ASEAN Human Rights Declaration should go further by setting the bar higher for governments to ensure full protection and promotion of human rights through their policies, legislation and practices. This will help to ensure that the ASEAN Human Rights Declaration will have the distinction of embedding international human rights standards in the local context and

⁶ The evaluation of CEDAW-SEAP states that UN Women identified 8 regional organizations but they are not all known to this author.

representing the interests and aspirations of the people in the region. It is vital that universal human rights standards and principles shape the process of change in the region.”⁷

One recommendation made here is that there could be a pilot project in the region, leveraging UN Women funding with other donors, to work on a regional policy on women migrant workers where women are moving between countries with no protection for their employment or other human rights.

It was the opinion of several respondents that the ACWC should be able to complement the work of the CEDAW Committee. They have educated themselves with CEDAW reports and recommendations from all the ASEAN countries. ACWC could use these reports to identify areas where they can undertake advocacy. However, NGOs are not making reports to the ACWC as there is no mechanism to receive reports.

National and Local Activities

Obviously the capacity of national NGOs/CSOs to apply CEDAW principles to development and implementation of legislation and policies that advance gender equality will vary from country to country. Much work has been done on these issues, with many national organizations having worked long and hard over many years with tireless commitment on gender equality and women’s empowerment. All the sub-regional level advocacy, standard setting and sharing of knowledge has to be followed up with national level support in order to anchor the awareness and knowledge built through the regional initiatives into national action and enable States and NGOs/CSOs to take advantage of the regional expertise, knowledge and guidance made available from the regional level.

Local capacity can be developed through encouraging local institutions and resources to engage in learning by doing (in particular in relation to conducting legal reviews, research on gender responsiveness of justice systems, and monitoring implementation of gender equality commitments). Additionally, decentralization of governance systems in terms of delegation of authority to local governments to issue local regulations and ordinances needs to be kept in check. There are many examples of local regulations that are discriminatory to women (and sometimes contradicting the national Constitution) being issued based on gender stereotypes and patriarchal cultural beliefs. Thus, building mechanisms and expertise at the local level, both in government and in civil society, to propose gender responsive legislation, screen legislations for discrimination, and monitor their implementation is critical.

“I am happy that CEDAW is part of me”

In the Philippines, CEDAW is used as a major instrument towards the formation of, and realization of, the goal of women’s human rights. The CEDAW Watch network maintains that women’s human rights are much broader than just the CEDAW treaty itself. The network advocates for laws to be aligned with international obligations/treaties such as CEDAW. In working on CEDAW, the network deals with two faces and dynamism: (a) international level and (b) national or local level. It believes that advocacy must be strengthened at the local level. CEDAW Watch networks are active in most of the seven countries, the challenge is to get them functioning again after the long hiatus between Phase I and II.

⁷ GENEVA (11 May 2012) – UN High Commissioner for Human Rights Navi Pillay
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12142&LangID=E>

CEDAW Watch started in 2005 as a loose forum of Filipino CEDAW experts, advocates, and resource persons, the majority of whom were working with implementing agencies on UN-assisted projects in the country. Its members come from a variety of fields and sectors such as law, journalism, labor organizing, educational management, foreign service and political work, and had been meeting to formally organize and launch the network.

CEDAW Watch has evolved into a multi-sectoral advocacy network of individuals and organizations that are committed to promote women's human rights through the Women's Convention. It is careful not to duplicate the work already being done by women's NGOs and academic affiliates. It would rather support and build on their efforts for more effective advocacy for CEDAW implementation.

The network serves two important functions: (1) as a monitoring mechanism, by ensuring that the government respects its commitment to protect women's human rights; and (2) as a resource center leading the popularization of CEDAW. The network has been able to bring concrete programs to enrich and inform women. It is a network of women, individuals and groups involved in women's human rights advocacy at the national and international levels. The network promotes awareness of CEDAW in government, civil society organizations and the public in general through educational campaigns. Educating the public about the importance and critical role of human rights treaty bodies for the defense of women's human rights, the network aims to develop pro-active citizens who can effectively monitor government's compliance with CEDAW.

While using CEDAW as a major instrument towards the formation of, and realization of, the goal of women's human rights, the network maintains that women's human rights are much broader than just the CEDAW treaty itself. The network advocates for laws to be aligned with international obligations/treaties such as CEDAW. In working on CEDAW, the network deals with two faces and dynamism: (a) international level and (b) national or local level. It believes that advocacy must be strengthened at the local level.

"CEDAW is like a passport"

New and emerging issues will come to the fore and NGOs/CSOs are always been conflicted over the range of advocacy activities that need to be undertaken. The CEDAW SEAP programmatic work must be relevant to

the current work and issues, and if CEDAW could be "mainstreamed" into the other work in substantive areas as it is being done by some of the organizations, it could result in less stress and more impact.

Political space opens and closes for the work of civil society depending on multiple factors. Since the evaluations and reports on CEDAW SEAP were written, there has been a shift in some countries. Viet Nam and Lao PDR may have opened up space to work more favourably with civil society, through collaboration over the CEDAW report process, and in Lao PDR they have now passed legislation making organizations legal. But space in Cambodia is closing up and the lack of democratic governance and repression is impacting particularly around issues of environmental activism and opposition to land grabbing and evictions.

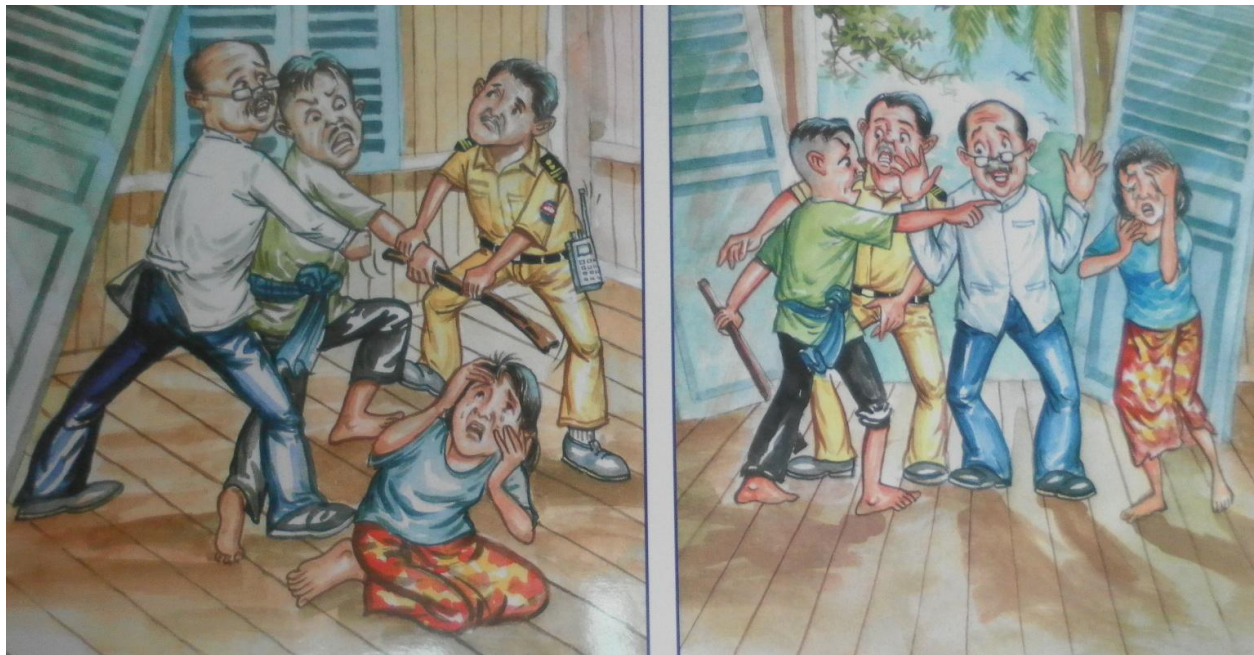
In Lao PDR, if possible, there should be strategic alliances created between civil society, NCAW and the LWU. It appears that the LWU has a broad based membership that can be used to undertake grassroots research at the village level. It might be strategic to assist the LWU to monitor the land law and the investment law and their impact on women, especially rural women. If there could be alliances built between the LWU and the NCAW, (which "are not in friendship with each other"),

there could perhaps be strategic research undertaken at the village level with the broad based membership of the LWU that could benefit rural women.

Kalynanamitra in Indonesia discusses the greater consultative process that has occurred at the local level to understand provincial and national issues for the national report.

Gender Based Violence

One of the main areas that local NGO/CSO efforts in the areas of legal reform, research on justice systems, and monitoring has been on the issue of violence against women. CEDAW General Recommendation 19 defines violence against women, which is further recognized in the UN



Training materials on domestic violence, Cambodia

Declaration on Violence Against Women (DEVAW). The ASEAN countries have also adopted their own ASEAN DEVAW. Eight of the ten ASEAN countries have enacted some form of domestic violence law. The Philippine and Indonesian laws refer explicitly to CEDAW and other international human rights instruments, and the Lao law clearly reflects CEDAW commitments. The SEA countries, patriarchal and linked to harmful traditions and practices, that have made significant progress in adopting laws and policies on DV have done so because of the decades of activism and advocacy by the women's movement in those countries.

In Thailand, the IWNT used strategic interventions at CSW to address the issue of VAW in the hill tribe communities and women's access to justice. If the DV bill is to provide public services and protection mechanisms under the Ministry of Social Development, such services are absent in these communities. This raises the whole issue of traditional practices and customary law where under the traditional governance systems the village and the spiritual 'heads' of the villages do not address VAW; or if they do, only insofar as to tell women to be better wives. Given that the 2013 CSW meeting is focused solely on VAW, this provides IWNT and its partners with a focus for

working both on VAW and on CEDAW, to do awareness building, training, and education of the local governance structures.

There was a sociological survey done nationally on the implementation of the DV law by justice system officials undertaken by the Women's Union in Viet Nam. This might be a useful initiative to build on. The GBV assessment was done in the north through focus group discussions at the provincial, district and community level. The law appears to be implemented well according to government reports, but respondents reported that "when speaking to the women who have suffered violence, that is not the case". The gap between implementation and the justice official statistics, and the real lived experience of women is important to research and provide testimony and data to the CEDAW Committee for reporting, and to the national government to hold them accountable.

In Cambodia, GAD/C says that the DV law is "not working" and that they have had some success in working at the village or commune level. They expressed the need to work with men in order to achieve some change, and this is a practice that all NGOs/CSOs working on GBV could investigate.

In Lao PDR, the National Assembly review of laws had a focus on VAW as a follow-up to the ASEAN DEVAW. This provided a strategic entry point through the DV law to a further review of the laws. With increased capacity, autonomous Lao PDR NPOs will be able to develop this relationship with government. In Lao PDR, combining the UN Women Access to Justice programme and the CEDAW SEAP Phase II could build on priorities from Phase I – the DV law, village mediation initiatives, training legal practitioners and the Lao Bar in the formal justice system; and working with the Ministry of Justice officials on law reform. The DV law provides a valuable and viable entry point.

In Timor-Leste the current DV Law has been passed and the National Action Plan (created by Article 13 of that law) is in the process of being finalized (by SEPI). It will include trafficking and GBV. Abortion as everywhere is contentious and at present the debate is around "if dangerous to the mother's health." While not a 'Catholic Country' the majority of the Timorese are Catholic.

FGM is still a serious issue in Indonesia, and has also been raised by the Committee Against Torture. However, the government seems to be institutionalizing it as part of 'tradition' by medicalizing it.

Women's Political Participation

Women's human rights activists all across the region have been organizing campaigns on gender-responsive governance to encourage and support women to stand for election, to train and femtor⁸ women candidates in the electoral process, and to do voter education on the importance of electing women. Like women all over the world, they have advocated for the use of temporary special measures such as quotas. This was not a topic raised during the mission in any detail, but information specifically on activities under CEDAW SEAP in Cambodia and Thailand can be found in *Time for Action*.⁹



Women's political participation, election in Timor-Leste, 2012

⁸ 'Femtor' is used instead of 'mentor' when referring to women.

⁹ At pp 36-43.

Draft law on local administration includes a quota for women – not sure where this is at but it would seem that the Thailand Government's plan for decentralization, which usually impacts adversely on women, reaches into the tambon level. IWNT could use some support for local governance and leadership training to get more women into the local administration structures.

Coordination with Other UN Agencies and Other Donors

In order to leverage and maximize the relationship that the NGOs have with UN Women as one UN agency, perhaps there could be greater cooperation and coordination with UNDP, OHCHR, UNFPA, UNICEF and other UN organizations. This is even more important now, arguably, with the new role of UN Women for the UN system's efforts for gender equality. However, it is also easy to see that since all civil society organizations are over-extended, recommending building what might be new relationships can be onerous. Strategic relationships are presumably already being leveraged by UN Women country offices where they have UN coordinated planning meetings on gender issues, such as in Timor-Leste. However that is not a representative example because of the history of UNCT.

Greater impact, at country and regional levels could be achieved on implementing CEDAW as a framework, especially if it were possible to engage other UN partners on gender equality. Where they exist, donor networks for gender equality should include UNW at the country level, and where there are good practices, they should be shared with the other country offices. Information is not available in this assessment as to whether all countries have donor coordination bodies that meeting regularly on gender equality issues, but UN Women could make this information available to NGOs if they are not aware. Improved coordination and cooperation among the civil society partners can be achieved with this mechanism, if donors themselves coordinate their activities, and ensure that NGOs are not always donor driven on issues they undertake. This is especially effective for reviews of National Action Plans, for example, on gender equality or on domestic violence.

Translation

The lack of resources that the NGOs/CSOs have manifests itself in many areas. One of them is the issue of translation. As far as this assessment could tell, many of the NGO Reports were primarily written in English and funding was not available to many of the NGOs to translate the reports to disseminate them to the very people most impacted. This was, perhaps, in part, due to reports being written by international consultants. NGOs/CSOs should include in their budgets to the CEDAW SEAP programme funding for translation of their reports on CEDAW implementation to local languages and in order to widely disseminate them. Where that is not viable, executive summaries of the reports could be translated to accompany training and advocacy tools at the local level. In many case, CEDAW will not have much meaning for marginalized women, and using short summaries along with training material in local language could be of great assistance. But, as the NGOs/CSOs themselves already know, the biggest benefit is being able to engage in meaningful consultation in local languages, more than any printed material. However, this should not be limited to CEDAW, but the demystification of other proposals for law reform or institutional mechanisms could benefit from the same approach.

The Thai report of 2012 was written in Thai, and organizations can use that version to disseminate to civil society. FFW is presently trying to translate a shorter version of the report into English.

The Timor-Leste report, written in Tetun, was then revised in English through the assistance of a volunteer, and has not translated back into Tetun. This is also complicated by the four languages used in T-L.

The Cambodian alternative report has yet to be translated into Khmer as it was written by an English speaking consultant.

The Indonesian draft report was written in Bahasa, and was discussed in a nation workshop organized by CWGI to consult and provide feedback. Once finalized, it will be translated into English.

Training of Feminist Lawyers

Everyone interviewed agreed that there is an urgent need to have more feminist lawyers (women and men) in the region. Women are significantly underrepresented in the legal profession whose role is critical in protecting rights of women and assisting them to secure justice. In addition to increasing the ranks of women lawyers, there is a need for lawyers in particular who are equipped with the legal technical skills and also are imbued with progressive perspectives to be advocates for women's human rights. In addition to increasing the numbers of feminist women lawyers, it is critically important that male lawyers and other judicial actors in the system – judges, prosecutors, legislators – receive gender training and training on women's human rights, including CEDAW.

Research and Data Collection for Monitoring Women's Rights Violations

All NGOs acknowledged the challenges of accurate data collection for their CEDAW reports and their work in general. There is a serious problem everywhere with the inability to rely on data provided by governments. There are four main sources of information and data that are used for advocacy, law reform, UN treaty reporting processes, etc.: 1) Government official data, that may be unreliable, propaganda, inaccurate, or accurate but incomplete. 2) Data provided by independent research or academic university based institutions. 3) Data provided by international NGOs or UN agencies. 4) Data gathered by the NGOs themselves, where, while accurate, may only reflect an urban area or extremely small samples that have been generalized. The majority of NGOs and NPOs consulted do not have the resources to generate their own research.

Technical assistance and capacity building is urgently needed to address this gap so that there might be more reliable data available not just for occasional CEDAW or other NGO reports, but for national monitoring of state compliance with CEDAW and with the country's own laws. The recommended preparation of annual reports on the status of compliance at a national level requires more consistent research and qualitative data collection.

*“When our rights are abused,
who can we turn to?”*

Linkages with independent research institutions, where they exist, should be explored as well as building the relationships between universities and academics with NGOs. There are very good practices evident such as the Philippines, and the nascent ones in Laos.

In all countries, both NGOs and government needs to strengthen the system of data collection, including use of measurable indicators, budget allocation, and the use of sex segregated data in all sectors. Data also needs to be disaggregated by sex and ethnic group, rural and urban areas, state and division level. More information is required on the situation of rural women in all sectors; impact of policy and programmatic measures; and obstacles encountered and results achieved.

In Lao PDR, the research undertaken with the survey in five provinces on DV and migration illustrates good research initiatives that can be strengthened by increasing research methodologies and collection of data.

Indonesian respondents raised the concern about collecting good and effective data saying that NGOs don't have those skills to do proper documentation; alternatively sometimes there is too much data but no analysis. Often data might be outdated rather than comprehensive, updated and accurate. Strong case studies are needed to support arguments, and often on traditional practices there are no case studies. However, where government reports are reliable, NGOs can use that.

Sustainability for the Women's Movement

In every country visited for this mission, the increasing focus on finding funding for women's equality seeking work was mentioned. Most organizations lack operational funding, a crisis that has been increasing over the past decade. The women's movement in the SEA region shares the same challenges facing global women's movements struggling for gender justice and for economic justice throughout the world. Feminists must respond to urgent current realities: neo-liberal globalization, religious and ethnic fundamentalisms, militarism, the global economic crisis, the decline in multilateralism, conflict and post-conflict experiences, and the apparent increase in the attacks on women's reproductive rights. As feminists struggle to defend women's rights in this context, they debate how to be part of a dynamic global justice movement and still maintain a powerful, distinctive voice. Feminists have been successful in building organizations and broad movements in recent decades, and in having many of their demands recognized (at least on paper) at the global level. Addressing the multiple oppressions women experience, including class, race, ethnicity, caste, sexual orientation, national origin, citizenship status, colonialism, region, religion, age, and marital status is an ongoing challenge. How to strengthen women's activism and advocacy at the local and national level while continuing to have a global impact is becoming increasingly difficult. There is a global crisis in funding for women's equality seeking organizations, which is also true for this region.¹⁰ Many organizations lack operational funding, a crisis that has been increasing over the past decade. In the AWID survey globally only 28% of women's organizations received core funding in 2010, but it is estimated that is higher than the average in the SEA region.

Without operational funding, organizations will not be sustainable. Without sustainability, they will continue to be donor driven, focusing on whatever is the most current priority for project funding. This is pertinent for the NGOs/CSOs in the SEA region regarding CEDAW. The CEDAW process of preparing alternative reports, and all of the work that goes into them, often determined by the schedule of the government (i.e., when they prepare their report), in theory only every four years (although often delayed), and is far removed from local and national issues, is a good example. The mission found that with the hiatus between CEDAW SEAP I and II, that often little work had been done as there was no funding specific to the CEDAW reports. It is recommended that the focus be less on the alternative reports and more on bringing together NGOs/CSOs, particularly marginalized women, into a process of reviewing CEDAW and its integration into national machinery. This should be integrated into the work plan of the organization, as it does not appear to be in most of them. Then the coalition process of pulling together the



CEDAW NGO activists in Viet Nam

¹⁰ 2011 AWID Global Survey "Where is the Money for Women's Rights?" Preliminary Research Results, June 2012, found at http://www.awid.org/Media/Files/WITM_Preliminary_2011_results

report would call on the expertise of the different organizations to bring their particular issues to the table.

External funding is going to be required, far and beyond the CEDAW SEAP Phase II funding. The global economic crisis since the end of CEDAW SEAP Phase I; the increasing political instability related to climate change, the rise in food and fuel prices; the shift in regional priorities; the 'donor fatigue' that is clearly evident, are all factors that make the implementation of CEDAW work during 2011-2015 very different. The focus needs to be on national NGOs/CSOs but there is still a critical catalytic role for regional partners to be facilitators or connectors to bring women's activist organizations together.

There have been some problems with turnover of staff at UN Women and within NGOs/CSOs, and on the other hand, not enough shift in leadership where some have held on to leadership roles for too long without establishing a democratic governance structure.

Diversification of funding is something that NGOs/CSOs in the region must be looking to, as elsewhere in the world.

Use of Concluding Observations

The central question for civil society and governments is how the critical recommendations, if implemented, would improve the status of women and realize women's human rights. And for the purposes of this region, assist in overcoming some of the cultural norms that hold back progress on women's empowerment? There were some positive examples of the use of COs in further advocacy and law reform activities, as well as use in the media and for campaign purposes. The CEDAW Committee reviewing Timor-Leste's reports focused on health and education, and the NGOs provided more information to the committee. The government agency, the Secretary of State for the Promotion of Equality (SEPI), provided a detailed response in June 2012. It is too early to tell what the NGOs will be able to do with this for advocacy.

In Thailand, the 10th National Plan for Women (2007-2011) specifically addresses issues identified by the COs. While this is not yet a systematic mechanism for monitoring the implementation of the COs, it provides a positive starting point on which NGOs/CSOs to build.

There are several recommendations for advocacy and effective use of the COs that NGOs could undertake, according to the compilation of all the COs for all countries: ensure that CEDAW is known and applied by all branches of government as a framework for all laws, court verdicts, and policies on gender equality and women's advancement; incorporate CEDAW and related domestic laws and human rights as an integral part of the education and training of members of the legal profession, law enforcement officers, prosecutors and the judiciary; ensure training on CEDAW, gender equality and human rights for educators, leaders of people's associations, NGOs and trade unions on systematic basis; and the need to disseminate the COs to the people, government, politicians.

Using the CO's for advocacy for the Reproductive Health Care Bills by the Women's Legal Bureau in the Philippines, and the support for the Bill itself, was a good practice that should be repeated in Phase II. This Bill, which has been submitted to the last five Congresses, still has not passed.

In Lao PDR, the COs requested that the government report on the issues of Education and Migrant Women Workers. The same was the case for Timor-Leste, where Alola Foundation and Rede Feto provided input to the report and organized community consultations as well as using the media and TV to publicize CEDAW and specifically these issues.

Mitra Perempuan in Indonesia suggested that the COs were very useful to compare the second CEDAW report with the first, and use them to identify what progress has been made, if any, by the government. Also in Indonesia, Solidaritas Perempuan used the COs for advocacy on ratification of the migrant convention and to push for women's participation in politics at the grassroots level. "The CO's give pressure and will embarrass the government if the government is questioned again on these issues."

In all countries, there is a problem with follow up; which could be overcome by incorporating this work seamlessly into annual work plans, with identified funding, tasks and deliverables.

Optional Protocol to CEDAW (OP-CEDAW)

To date, four of the seven countries have ratified the OP-CEDAW. Using OP-CEDAW helps to bridge the gap between the Convention and the reality of women's lives through its procedural process. Philippine NGOs successfully used OP-CEDAW in the Karen Vertido rape case. Led by the Women's Legal Bureau, they have shared their expertise on using OP-CEDAW in a number of workshops in the region. Following the Vertido case, NGOs in Thailand have been working to bring a similar rape case through the process.



Photo from Women's Museum, Hanoi

Several of the other countries raised the issue of how to strategically use OP-CEDAW, mostly for VAW cases. In Cambodia, CAD/C says that the DV law is not working, and they would like to develop an OP-CEDAW case. They did not give the specifics of the case, but they could work with the CEDAW-SEAP programme to develop their case using OP-CEDAW.

National Human Rights Institutions

National Human Rights Institutions (NHRIs) have raised critical human rights concerns through their independent reporting to the CEDAW Committee and other UN human rights treaty bodies. Timor-Leste's Office of the Prosecutor reported to the CEDAW Committee on the situation of women detained in prison, on the occasion of Timor-Leste's initial reporting under the CEDAW. Thailand's National Human Rights Commission made a submission to the country's 2011 universal periodic review in which it raised issues related to human rights violations caused by the extended enforcement of special security laws in Southern Thailand, and the negative impacts on people's rights resulting from the government's exploitation of natural resources. It also called attention to the plight of illegal migrant workers in Thailand. Working with these institutions to educate them on the use of CEDAW and how to ensure inclusion of women's equality concerns into other treaty body reports would be a very productive initiative. National and international reporting on human rights violations by NHRIs to all treaty bodies should include issues pertaining to gender equality and women's human rights, and this will be increased by women's organizations forming partnerships with them to educate them on a feminist perspective to human rights.

Challenges of Decentralization and Opportunities of Localization

In keeping with the global trend towards greater decentralization and autonomy of local governance bodies, this should be considered when addressing CEDAW implementation. There is a likelihood of incoherence between laws and issuances by national parliaments or executive agencies and those adopted by local governance bodies. This is another area with far-reaching relevance to women's human rights which could be systematically examined by women's groups and CSOs. Decentralization offers fewer human rights protections, especially to the poorest of the poor.

Alternatively and not contradictory, it is critical to use a consultative and responsive approach at the local level to enhance local ownership for gender equality results. Local resources and institutions should be supported for activities such as conducting legal reviews, researching the gender responsiveness of justice systems and producing CEDAW reports, which will strengthen the national capacity for carrying out these activities in the future.

So many of the NGOs/CSOs are operating in highly diverse and difficult national contexts, often involving armed conflict, human rights abuses, attacks on human rights defenders. This is compounded by decentralization. For example, in Indonesia and Thailand, this process has allowed local authorities to pass local laws that have little consideration for women's rights or they reinforce traditional and/or illegal practices that have a negative impact on women.

In Lao PDR, the Lao Women's Union (LWU) has a broad based membership that NPOs are thinking about how to partner with in order to undertake grassroots research at the village level.



Foundation for Women, Bangkok

National Action Plans

Several of the countries have various forms of national action plans on gender equality or VAW. NGOs should develop the capacity to monitor the implementation of these plans and could use CEDAW as a guide, or benchmark, for equality provisions. With CEDAW as a normative framework, a WHR approach could help to strengthen government accountability.

In Lao PDR, The 2nd 5-year NSAW (2011-2015) is based on the previous one, and is designed to consolidate the government's stated past achievements since 2003. It will focus on integrating CEDAW, addressing the concluding comments of CEDAW Committee during the 6th and 7th report, and integrating the MDGs. It's stated aims are to at expand gender sensitive services, and to actively strengthen women and girls by improving women's accessibility to education, health services; ensuring full participation of women in socio-economic aspects, decision making, and family affairs; ensuring that women receive equal benefits with men; and addressing women's needs and obstacles that impede women's advancement and gender equity. This gives UNW and the CEDAW

SEAP programme a strategic entry point, to work with both the government and the CSOs on CEDAW under the auspices of the NSAW.

CONCLUSION

This assessment merely provides a reflection of what some of the activities and advocacy that have been carried out by NGOs in the region. Some of these activities were conducted with resources from the Phase I of the CEDAW SEAP programme. However, the long time lag between Phase I and II caused a decline in momentum that is being picked up now. The lack of funding for CEDAW specific activities in the workplans of the NGOs from this programme does not indicate that the women's movement is not working on CEDAW. Many of them have incorporated CEDAW into their activism and advocacy. But this work could be solidified and built on with stable operational and supportive programme funding. On the other hand, it is not solely an issue of funding, as waiting for Phase II might not have been necessary as advocacy on other issues could have incorporated aspects of CEDAW.

However, given the very significant successes of the work on CEDAW in the SEA region, there is a need to re-build on past strengths. The tenacity, commitment and fortitude of the women's rights activists in the region give hope for a more democratic future in the region, and greater recognition of gender equality and women's empowerment.

ANNEX 1 – LIST OF ACRONYMS

ACWC – ASEAN Committee on Women and Children

ADHR – ASEAN Declaration of Human Rights

AIWN – Association of Indigenous Women Network

APWLD – Asia Pacific Women Law and Development

ASEAN - Association of Southeast Asian Nations

ACWC – ASEAN Committee on Women and Children

BPFA – Beijing Platform for Action

CAMBOW – Cambodian Committee of Women

CEDAW – Convention on the Elimination of Discrimination Against Women

CIDA – Canadian International Development Agency

COs – Concluding Observations

CRPD – Convention on the Rights of Persons with Disabilities

CSOs – Civil Society Organizations

CSW – Commission on the Status of Women

CUSO – Canadian University Students Overseas

DV – Domestic Violence

FFW – Foundation for Women (Thailand)

GBV – Gender Based Violence

GE – Gender Equality

GEL – Gender Equality Law

GENCOMNET – Gender and Community Development Network

GOs – Government Organizations

GOP – Government of the Philippines

INGO - International NGOs

IWNT – Indigenous Women’s Network of Thailand

IWRAW-AP – International Women’s Rights Action Watch – Asia Pacific

JP-CEDAW - Joint Programme to Facilitate the Implementation of the CEDAW Concluding Comments

LWU – Lao Women’s Union

MDGs – Millenium Development Goals

MOLISA (Viet Nam) - Ministry of Labour Invalids and Social Affairs

MOU – Memorandum of Understanding

NCAW – National Commission for the Advancement of Women (Lao PDR)

NHRI – National Human Rights Institution (Timor-Leste)

NPA – Non Profit Association

NPO – Non Profit Organization

NSAW (Laos) – National Association of Women

NSGE (Viet Nam) – National Strategy on Gender Equality

OP- Optional Protocol

RF – Rede Feto (Timor-Leste)

SEA – Southeast Asia

SEPI – Office of the Secretary of State for the Promotion of Equality

TA – Technical Assistance

T-L – Timor-Leste

TOR – Terms of Reference

TOT – Training of Trainers

UNDP – United Nations Development Programme

UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples

UNEP – United Nations Environment Programme

UNFPA – United Nations Population Activities

UNIFEM - now UN Women

UNW – UN Women

UPCWS – University of the Philippines Centre for Women's Studies

UPR – Universal Periodic Review

USAID – US Agency for International Development

VAW – Violence Against Women

VN – Viet Nam

VPU – Vulnerable Persons Unit (of the police in Timor-Leste)

VSS – Victim Services (Timor Leste)

WLB – Women's Legal Bureau

WLB – Women's League of Burma

WLEA – Women's Legal Education Association (Cambodia)

ANNEX 2 – LIST OF INTERVIEWEES

Cambodia

Name	NGO
Wenny Kusuma	UNW
Ms. Thida Khus	SILAKA
Mr. Sok Samouen	
Mr. Hang Puthea	NGO CEDAW
Dr. Kek Calabru	LICADHO
Mr. Ya Navuth	CARAM

Laos

NAME	NGO
Ms. Ny Luangkhot	Independent Consultant
Janet Wong	UN Women
Tingthong Thetsavong	UN Women
Mr. Phonexay	CARE International
Ms. Nathalie Veenman	INGO Network
Mr. Sengsoulxay	VFI
Mr. Phanthamith	APIHIV
Ms. Syda	APIHIV
Ms. Vartsana	APIHIV
Ms. Sounida	Gender Development Association
Ms. Inthana	Women Rights Study Association

Philippines

Name	NGO
Jeannie Manipon	UN Women
Clara Padilla	WLB
Carolyn Sobritchea	UPWC
Aurora de Dios	Miriam College
Tess Vistro	APWLD

Thailand

Name	NGO
Siriporn Skrobanek	Foundation for Women
Usa Lerdsrisantad	Foundation for Women and Women's Network for Advancement and Peace
Dararai Raksasiripong,	Women's Network for the Advancement of Women and Peace

Angkhana Neelapaijit	Justice for Peace Foundation
Suntaree Sengking	Northeast Women's Network, Homenet
Sawat Pramoonsilpa	The Association for Career Advancement of the Blind, Thailand
Sureeporn Sopha	Disabled Peoples' International Asia-Pacific Region (DPI/AP)
Sunee Talawat	Raksthai Foundation, coordinating with the Network of Women living with HIV
Chunsuk Arsaithammakul	
Nor Air Tung Muangthon	Indigenous Women's Network of Thailand (IWNT)
Anchalee Phonklang	IWNT
Lakelah Chator	

Timor-Leste

Name	NGO
Min-Whee Kang	UN Women
Teresa Verdial de Araujo (Alita)	Alola Foundation
Luis Sampaio	JSP
Jacinta Lugina	Rede Feto
Laura Pina	Consultant, former coordinator of CEDAW Shadow Report
Carolyn Meeghan	SEPI
Christine Chan	Former UN Women staff, now Gender Equality Policy Advisor, SEPI
Maria Isabel DaSilva	Former UN Women staff
Armando da Costa	National Director of Policy and Gender Development, SEPI

Viet Nam

Name	NGO
Ms. Vương Thị Hanh	Centre for Education Promotion and Empowerment for Women (CEPEW)
Ms. Nguyễn Thị Vân	Centre for Community development and Non-formal Education of Viet Nam (CENEV)
Ms. Thân Thị Chung	Centre for Socio-Economic and Environment Development (CSEED)
Ms. Trần Thị Mai Hương	Viet Nam Association for Child Right Protection (VACPR)
Ms. Lê Thị Quý	Research Centre for Gender and Development (RCGAD)
Ms. Nguyễn Thị Trung	Center for Community Initiative on Health and Population (CCIHP)
Ms. Nguyễn Thu Trang	Center for Community Initiative on Health and

	Population (CCIHP)
Ms. Hoàng Thị Hường	Gender and Community Development Network
Mr. Vu Ngoc Binh	UN Women consultant

APWLD

Kate Lappin	APWLD
Tomoko	APWLD

IWRAW-AP

Wathshlah Naidu	IWRAW-AP
Shanthi Dairien	IWRAW-AP
Audrey Lee	IWRAW-AP

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ANNEX 4 – RESEARCH FRAMEWORK

Assessment of NGO Reports on CEDAW Implementation

Research Framework

UN WOMEN CEDAW SEAP PROGRAMME

Introduction

This assessment of NGO reports on CEDAW monitoring as part of the implementation of the phase two of the “Regional Programme on Improving Women’s Human Rights in Southeast Asia” (CEDAW SEAP). The programme covers seven countries – Cambodia, Indonesia, the Lao People’s Democratic Republic (Lao PDR), the Philippines, Thailand, Timor-Leste and Viet Nam. The role of the NGOs in monitoring the state’s implementation of its obligations under CEDAW is crucial. Building the capacity of NGOs to engage with international mechanisms such as CEDAW and other treaty bodies, as well as undertaking advocacy for policy and legislative reform at the national level, is key to ensuring that States fulfill their obligations under international law.

Objective

The aim of CEDAW SEAP is to review the NGO shadow reports of the seven participating countries to contribute towards strengthened monitoring and accountability mechanisms for implementation of CEDAW in the region.

Specific objectives to be achieved include:

- (i) To review and assess the strengths and weaknesses of the NGO reports submitted to the CEDAW Committee between 2006 and 2011 with a focus on the latest developments.
- (ii) To draw recommendations for further strengthening the capacity of NGOs for monitoring of CEDAW tailored to specific contexts of each country and at the regional level.

Methodology

The assessment consists of:

1. A review of the NGO shadow reports and the CEDAW Committee reports.

2. A review of the NGO capacity in planning and implementing processes during the following phases:
 - Pre-review – preparation of the shadow report
 - The CEDAW review – lobbying the CEDAW Committee members
 - Post-review – follow up and monitoring of the Concluding Observations
 - Any other usage of CEDAW monitoring report or Concluding Observation for other advocacy purposes

3. Recommendations for strengthening the NGO capacity for CEDAW monitoring at the national and regional level.
 - Desk review of NGO shadow reports.
 - Interviews (semi structured) with key NGOs involved in the preparation of the report and those working on a range of issues. These include face to face interviews (where possible), or interviews via phone, skype or email.
 - Questionnaire to be sent via email to other NGOs who participated in the preparation of the report in cases where large numbers of NGOs were involved.
 - Consultation with other stakeholders working on CEDAW at national, regional or international levels.
 - Data gathered to be synthesized and analyzed to identify trends, lessons learnt and best practices in general as well as country / context specific.
 - Draft findings to be shared with UN Women country office staff and key NGOs in respective countries.
 - Draft country report to be shared with UN Women Bangkok .

A review of the NGO shadow reports

Assessment	Questions
<p>To assess the understanding of the scope and range of rights covered under CEDAW</p> <p>To assess how issues were prioritized and identify any and what obstacles</p>	<p>What were the issues raised and prioritized in the report?</p> <p>Why and how were these issues prioritized for the shadow report?</p> <p>To what extent the issues deal with current concerns at the national, regional or international level (i.e. economic crisis, natural disasters, etc)</p> <p>To what extent the issues raised in the report reflect the issues of different groups/ categories of women?</p>

<p>exist in highlighting certain issues in the report.</p>	<p>Were the concerns of marginalized groups sufficiently represented in the report? To what extent and how?</p> <p>Are there any issues that should have been covered in the report but were not? If so, what are they and why were they not included?</p>
<p>Data</p> <p>To understand the obstacles and assess if any systems have been put in place for the collection and monitoring data.</p>	<p>How strong was the data used to validate an issue? Was there a strong evidence base to support the argument/ analysis?</p> <p>Was there access to data disaggregated by sex and other categories?</p> <p>How was data obtained?</p> <p>Where was the data obtained from?</p> <p>Was the data reliable? were the source and methods of data gathering reliable?</p> <p>Was data mainly from NGOs or government statistics or external sources?</p> <p>What were the main gaps in data?</p> <p>Has anything been put in place to help with data collection?</p>
<p>Analysis</p> <p>To assess the application of</p>	<p>Does the report reflect an understanding and application of CEDAW principles?</p> <p>Were any other standards/ norms or principles applied in the analysis of</p>

<p>the CEDAW principles and human rights standards in the analysis of issues.</p>	<p>issues?</p> <p>Was consideration given or analysis made on how the rights of CEDAW intersect with other rights under other treaties (elements of intersectionality)?</p> <p>Did the analysis show an understanding of the interrelatedness of rights?</p> <p>(Refer to IWRAW-AP and IWRAW guidelines for preparing a shadow report).</p>
<p>Organization of report</p> <p>Important as the report is a lobbying tool as well as a reference document at the international and national level.</p>	<p>How was the report structured?</p> <p>How was the shadow report organized? (e.g. by article)</p> <p>Was the report user (reader) friendly? Did it make use of a table of contents, annexes etc?</p>
<p>Concluding Observations</p> <p>To assess how NGOs have been monitoring implementation of the</p>	<p>Was there an assessment of the implementation of the previous Concluding Observations by the CEDAW Committee in the shadow report?</p>

Concluding Observations.	
<p>Other state obligations</p> <p>To assess the appreciation for the interrelatedness of rights and the need to draw on various mechanisms to strengthen advocacy.</p>	<p>What other human rights treaties has the government ratified?</p> <p>Was any reference made of state obligations under other human rights treaties, the MDGs, UPR recommendations, etc?</p> <p>Were these other state obligations integrated well into the CEDAW shadow report?</p>

Preparing the NGO Shadow Report

Assessment	Questions
<p>Initiating the process</p> <p>To understand whether the monitoring of the government's obligation to submit a periodic report</p>	<p>Who initiated the process of writing the shadow report?</p> <p>Was the impetus from within the movement or external (e.g. UN Women, IWRAW AP or any other agency or organization)?</p> <p>Has any group initiated writing an alternative report on the basis that the government report is overdue with no indication of being submitted?</p>

to CEDAW has been internalized.	<p>Did the NGOs receive any training in writing shadow reports?</p> <p>Did the NGOs use any of the IWRAW-AP, IWRAW, UNIFEM, UNWOMEN, or any other training materials on the use of CEDAW, including the legal tools' materials?</p>
<p>Participation of NGOs</p> <p>To assess the level of cooperation among the NGOs and how inclusive the process was.</p>	<p>Who coordinated the process of writing the shadow report?</p> <p>Was it a single organization/ coalition / network of organizations?</p> <p>Who else/ which other organizations were involved in the process?</p> <p>How were other organizations/ groups/ individual invited or encouraged to participate in the process?</p> <p>Which groups / categories of women were involved/ participated in the process?</p> <p>How were the different groups involved in the preparation of the report? What was their contribution?</p> <p>Were there any obstacles to their participation/ involvement in the process?</p> <p>Were any long term/ permanent network/ coalition or initiatives created out of this process?</p> <p>What are these initiatives and current activities? What are they doing now?</p>

	How can these initiatives be made sustainable?
<p>Coordination of NGOs</p> <p>Coordination and consensus helps make advocacy more effective as the report will represent the voices of more women and there is greater ownership of the report among a larger group of NGOs.</p>	<p>How was it decided what issues would be included and prioritized in the shadow report?</p> <p>Was there a national consultation with other women's groups?</p> <p>Did all groups come to a consensus on the main issues to be highlighted?</p> <p>How many shadow reports were prepared?</p> <p>If more than one, why was there a need for separate reports?</p> <p>Was there any effort to write a consolidated report?</p>
<p>Technical knowledge</p> <p>To assess if and what kind of technical support is still required by the NGOs to write shadow reports</p>	<p>Were any specific trainings/ workshops organized in preparation for writing the shadow report? Who facilitated the workshops?</p> <p>Was there external technical support for this process? What was it?</p> <p>Was the draft shadow report submitted to IWRAW AP for comments?</p> <p>Do NGOs feel prepared to write the next shadow report? What technical capacity, if any, do the NGOs need to put together the next shadow report?</p>

	<p>What are some of the obstacles to building the technical capacity of NGOs to write shadow reports?</p> <p>What should be done to sustain technical knowledge gained for future monitoring and reporting ?</p>
<p>Time frame</p> <p>Capacity of the NGOs to monitor state obligation to report as well as what kind of systems are already in place for data collection, monitoring issues, etc.</p>	<p>How much time was needed for NGOs to prepare the shadow report?</p> <p>Was time a constraint? If so, why?</p> <p>How did time constraint impact the preparation of the shadow report?</p> <p>Was the report updated just before submission to the CEDAW Committee?</p> <p>How much earlier should NGOs start preparing the shadow report? What would help NGOs get a head start on preparing the next shadow report?</p>
<p>Dissemination of the shadow report</p> <p>Besides lobbying the CEDAW Committee, the report should also be used as a lobbying tool at the national</p>	<p>Was the report shared with the government? If so, when was it shared? If not, why?</p> <p>Was it translated (if necessary)?</p> <p>Was it repackaged into a more user friendly form?</p> <p>Is it being used and how after the review? By who?</p>

level.	<p>How it was disseminated and shared?</p> <p>Was there any concern with the dissemination or sharing of this report/ being made public?</p>
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The CEDAW Review

Assessment	Questions
<p>Pre-session</p> <p>To assess the level of preparation and participation at this stage of the review.</p>	<p>Was a list of critical issues sent to the CEDAW Committee?</p> <p>Was there NGO participation/ representation during the pre-session? How many? Who?</p> <p>Who prepared the list of issues/ attended? How was this decided?</p> <p>How much time did NGOs have to prepare this?</p> <p>Was it a useful process for the NGOs to have engaged with?</p> <p>What could have strengthened NGO engagement during the pre-session?</p>
<p>CEDAW session</p> <p>To assess the</p>	<p>Was there NGO participation/ representation during the actual CEDAW review? Who and how many organizations?</p> <p>How many representatives spoke during the information NGO presentation?</p>

level of preparation and participation at this stage of the review.	<p>How was this decided?</p> <p>Was a lunch meeting held with CEDAW Committee members?</p> <p>How useful was the oral statement, lobbying of CEDAW Committee members and lunch meeting in getting the priority issues across to the Committee?</p> <p>What could have strengthened NGO engagement at this stage?</p>
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Post CEDAW Review

Assessment	Questions
<p>Publicizing the CEDAW review and the Concluding Observations</p> <p>As states tend to not publicize the review process or its outcome document, the capacity of NGOs to be able to both fill this gap and pressure the state to do so it critical.</p>	<p>If NGOs attended the review, was there any sharing of experiences during the review? How and with whom?</p> <p>Was any initiative taken by NGOs to publicize the Concluding Observations or to ensure the government does so?</p> <p>Were the Concluding Observations translated into local languages?</p> <p>Were the issues in the shadow report and Concluding Observations repackaged or used in any way for advocacy? How it was used?</p> <p>Was any dialogue organized with the government or other stakeholders on the Concluding Observations? When, who and how was the dialogue held (the quality of the dialogue)?</p>

	<p>What were the outcomes/ feedback for any of the above/ above related initiatives?</p> <p>Were there any challenges in trying to publicize the review process or the Concluding Observations?</p> <p>What would / should be done differently during the next CEDAW review?</p>
<p>Monitoring the implementation of the Concluding Observations</p> <p>Follow up of the Concluding Observations is a key area of monitoring that NGOs should be engaging in. This will assess how far this is happening and if not, what are the constraints.</p>	<p>Were monitoring systems put in place by NGOs after the CEDAW review to monitor implementation of the Concluding Observations?</p> <p>How has the monitoring system been functioning?</p> <p>What was the scope of the monitoring system (e.g. national and local levels)</p> <p>Have these monitoring systems been used and by who? Give examples about quality of usage.</p> <p>If no monitoring systems are in place, why not? What have been the constraints?</p> <p>Has any alternative information been submitted to the CEDAW Committee on the progress of the government's implementation of the critical issues identified in the Concluding Observations for follow up (i.e. follow up procedure)?</p> <p>Have any plans been developed for further research and data collection or</p>

	monitoring of state action?
<p>Organizational capacity</p> <p><i>To understand the organizational capacity of the NGOs to advocate on implementation of CEDAW</i></p>	<p>Has CEDAW been institutionalized into the NGO's programmes/ advocacy? How?</p> <p>How has the NGO used CEDAW and the Concluding Observations in advocacy at the national and regional level?</p> <p>Is CEDAW shadow report writing part of the organization's workplan?</p> <p>Has the NGO made submissions to the CEDAW Committee during the drafting of General Recommendations?</p> <p>Do all programme staff in the NGO have working knowledge of CEDAW? How was this achieved? What are the obstacles to achieving this?</p> <p>What opportunities (at national or regional level) have helped the NGO advance its work on CEDAW?</p> <p>What threats, if any, to the organization or its work has the NGO experienced working on the CEDAW shadow report/ review process?</p> <p>What national or regional initiatives has the NGO engaged with on CEDAW? Have these engagements been useful? How?</p>
Other state obligations	Has the NGO participated in the preparation of any other treaty body review/ monitoring mechanisms?

<p>To assess the level of appreciation for the interrelatedness of rights and the need to be engaging with other human rights treaties and mechanisms.</p>	<p>To what extent and how was information from the CEDAW shadow report used for submissions to any other international treaty body or mechanism (e.g. UPR) or national commitments (e.g. MDGs, BPFA, national action plans, national development strategies, national strategies for the advancement of women, etc) or regional bodies (e.g. ASEAN, ACWC)? Was it useful?</p> <p>Have the Concluding Observations or recommendations from other treaty bodies or mechanisms been referred to in NGO advocacy? When and where?</p> <p>What are the constraints to expanding the scope of advocacy to these other human rights treaties / mechanisms?</p>
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ANNEX 5 – TERMS OF REFERENCE

TERMS OF REFERENCE

II. Scope of Work and Specific Tasks

The consultant will work under the supervision of the CEDAW SEAP Regional Programme Manager in the UN Women East and Southeast Asia Regional Office.

The overall objective of the proposed consultancy is to review the NGO reports of the seven above mentioned countries to contribute towards strengthened monitoring and accountability mechanisms for implementation of CEDAW. The specific objectives include:

- To review the reports submitted to the CEDAW Committee and provide the assessment of the strengths and weaknesses of these reports
- To draw recommendations for further strengthening the capacity of NGOs for monitoring of CEDAW tailored to specific contexts of each country and at the regional level.

Tasks of the consultancy

- To meet the above objectives, the consultant is expected to carry out the following tasks:
- Carry out desk review of NGO reports submitted to CEDAW Committee from nine countries during 2006-2011, assess the content and the quality of the analysis, and identify strengths, gaps, weaknesses of each NGO report.

- Hold interviews with the key NGO representatives to collect information about the processes undertaken to prepare the report and follow up advocacy and monitoring.
- Undertake travel to 7 selected countries (as necessary) to meet with NGOs and collect information
- Synthesize information, identify promising practices, challenges and lessons learnt
- Make recommendations to address the gaps and challenges at national and regional level
- Draw successes and lessons learned
- Develop promising practice notes

III. Expected Deliverables

The consultant is expected to deliver the following results:

- Final review and assessment report that:
 - a) Provides an overview of NGO reports reviewed in terms of their strengths and weaknesses.
 - b) Provides Information and analysis of the processes followed in the preparation of these reports and information and analysis of the NGO follow up of the Concluding Observations
 - c) Makes recommendations to address gaps and strengthen good practices
- A consultancy report that describes the consultancy approach, methodology applied and the list of meetings held and reports analysed
- Draft promising practice notes on the effective tools and methods of NGOs holding governments accountable to CEDAW