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**Make the Link! ESC Rights are Women's Human Rights**

## Participation in ICESCR and CEDAW Reporting Processes:

Guidelines for Writing on Women's  
Economic, Social and Cultural Rights  
in Shadow/Alternative Reports (2010)



*International Women's Rights Action Watch Asia Pacific*



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# **Participation in ICESCR and CEDAW Reporting Processes:**

## **Guidelines for Writing on Women's Economic, Social and Cultural Rights in Shadow/Alternative Reports (2010)**

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## Introduction

This guide has been jointly prepared by IWRAP Asia Pacific<sup>1</sup> and ESCR-Net<sup>2</sup>, based on IWRAP Asia Pacific's guidelines for preparing an alternative/shadow report to the CEDAW Committee.<sup>3</sup>

This document is a practical guide for NGOs reporting on women's economic social and cultural rights within the reporting processes for the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>4</sup>

The main motivation of this guide is to encourage the participation of NGOs in the treaty body reporting process and use it as another tool to advance women's human rights and in particular, women's economic, social and cultural rights, at the national level. It also aims to bring about the greater recognition, protection and promotion of women's economic, social and cultural rights through the treaty body system at the international level.

The treaty reporting process is about holding states accountable to their obligations under a treaty and NGOs have a role to play in participating in and monitoring that

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

<sup>2</sup> The International Network for Economic, Social and Cultural Rights (ESCR-Net) is a collaborative initiative of groups and individuals from around the world working to secure economic and social justice through human rights. ESCR-Net seeks to strengthen the field of all human rights, with a special focus on economic, social and cultural rights, and further develop the tools for achieving their promotion, protection and fulfillment. Through ESCR-Net, groups and individuals can exchange information, develop a collective voice, amplify their actions, and develop new tools and strategies. By facilitating joint actions, enhancing communications and building solidarity across regions, the network seeks to build a global movement to make human rights and social justice a reality for all. Visit us at: [www.escr-net.org](http://www.escr-net.org).

<sup>3</sup> These guidelines are based on IWRAP Asia Pacific's publication: 'Participation in the CEDAW reporting process: Process and guidelines for writing a shadow/alternative report' (April 2009).

<sup>4</sup> These guidelines are limited to focus on reporting under the CEDAW Convention and ICESCR. For information on their respective Optional Protocols see: CEDAW Optional Protocol at <http://www2.ohchr.org/english/law/cedaw-one.htm>; and ICESCR Optional Protocol at <http://www2.ohchr.org/english/bodies/cescr/index.htm>. For information on NGO engagement with the respective Optional Protocols see: *Global Campaign for CEDAW-OP - Our Rights Are Not Optional!* at [http://www.iwraw-ap.org/opcedaw\\_campaign.htm](http://www.iwraw-ap.org/opcedaw_campaign.htm); and the *International NGO Coalition for an Optional Protocol to the ICESCR* at [http://www.escr-net.org/actions/actions\\_show.htm?doc\\_id=940624&attrib\\_id=13453](http://www.escr-net.org/actions/actions_show.htm?doc_id=940624&attrib_id=13453).

process. NGO shadow reporting within the CEDAW and the ICESCR country review processes can be strategically utilized to increase awareness and integration of all women’s human rights and improve state accountability.

CEDAW	ICESCR
<p>CEDAW is a human rights treaty that establishes the legal obligations of State Parties to eliminate all forms of discrimination against women and guarantee women the exercise and enjoyment of all human rights and fundamental freedoms on an equal basis with men. The convention was adopted by the General Assembly in 1979.<sup>5</sup></p> <p>The Committee on the Elimination of Discrimination Against Women (CEDAW Committee) is the body of independent experts that monitors implementation of CEDAW. It considers the reports submitted by States parties to CEDAW, and makes observations and recommendations on the basis of its consideration of those reports</p> <p>The CEDAW Committee consists of 23 independent experts on women’s rights from around the world.</p> <p>The Office of the High Commissioner for Human Rights (OHCHR) is the Secretariat for the CEDAW Committee.</p>	<p>The ICESCR is a human rights treaty that establishes the legal obligations of ratifying States to respect, protect and fulfill economic, social, and cultural rights for all. The Covenant was adopted by the General Assembly in 1966.<sup>6</sup></p> <p>The Committee on Economic, Social and Cultural Rights (ESCR Committee) is responsible for considering the ongoing implementation of ICESCR. The ESCR Committee considers the reports submitted by States parties to ICESCR, and makes observations and recommendations on the basis of its consideration of those reports.</p> <p>The ESCR Committee has eighteen members who are experts with recognized competence in the field of human rights, serving in their personal capacity.</p> <p>The Office of the High Commissioner for Human Rights (OHCHR) is the Secretariat for the ESCR Committee.</p>

Different treaties have developed in recognition of the need for a specific focus on particular human rights issues or the rights of particular groups of people. Having distinct treaties and reporting processes for economic, social and cultural rights and women’s rights has enabled States and treaty bodies to focus on these specific areas of human rights. However, it has also meant that the issues can sometimes be looked at in isolation from each other.

Women from around the world are increasingly recognizing how essential economic, social and cultural rights are to achieving gender equality and the full realization of women’s human rights. Throughout the world, women make significant contributions to

<sup>5</sup> *Convention on the Elimination of all Forms of Discrimination Against Women* (1979) at <http://www2.ohchr.org/english/law/cedaw.htm>.

<sup>6</sup> *International Covenant on Economic, Social and Cultural Rights*, (1966) at <http://www2.ohchr.org/english/law/cescr.htm>.

the economy and labour market through their paid and unpaid work in the public and private spheres. However, globally, women represent approximately 70% of the global poor and 60% of the working poor,<sup>7</sup> and disproportionately suffer when economic, social and cultural rights are not fulfilled. The feminization of poverty has reinforced women's political, economic and social inequality in all regions. In today's economy, gender inequality remains a significant issue as evidenced by the increasing poverty and economic exploitation of women and their concentration in the informal labor sector.<sup>8</sup> Trends towards the implementation of neo-liberal economic policies (including privatization and deregulation) as well as the current global economic crisis has made the need for strategies to address the roots of women's poverty even more critical. As States recede from providing for social needs, the burden falls on women because of socialized gender roles to ensure adequate food, education and healthcare for their families.<sup>9</sup>

As a result of this situation, there is a pressing need to improve understanding, recognition and implementation of women's economic, social and cultural rights as integral to and indivisible from civil and political rights. Furthermore, it is crucial that women are able to access justice and bring international visibility to these issues as a means to enforce women's human rights both domestically and internationally.

NGO shadow reporting within the CEDAW and the ICESCR country review processes can be strategically utilized to increase awareness on the rights and obligations contained in the treaties, promote integration of all women's human rights and improve state accountability for fulfilling its obligations under the treaties.

Both the CEDAW and ESCR Committees have recognized the need for a greater integration of women's rights and economic social and cultural rights in their processes. Equally, the shadow reporting for CEDAW and ICESCR to date have contained limited analysis of the integration of women's rights with economic, social and cultural rights.

The aim of this guide is to provide assistance for individuals and organisations who are working within the shadow reporting processes of CEDAW and ICESCR to incorporate information on women's rights related dimensions of economic, social and cultural rights in the shadow reports for both processes. The guide provides clarity on how NGOs should package information to ensure a more effective impact on the review process and in a way that is useful for the CEDAW and ESCR Committee. It also contained information about how to most effectively use the review process and the outcomes of

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<sup>7</sup>International Labor Organization, *Facts on Women at Work* (2003), at [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_067595.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_067595.pdf).

<sup>8</sup> Association of Women in Development, *Brief Series: The crises' impact on women's rights*, (November 2009), at: <http://www.awid.org/eng/About-AWID/AWID-News/Brief-Series-Impact-of-the-crisis-on-women-sub-regional-perspectives>.

<sup>9</sup> Id.

the review (the recommendations contained in the Concluding Observations) to effect change nationally.

These guidelines for reporting on women's economic, social and cultural rights to the CEDAW and ESCR Committees are organized into five parts:

- State Party reporting processes for CEDAW and ICESCR.
- Processes for preparing and submitting a shadow or alternative report to the CEDAW and ESCR Committees
- Guidelines for writing a shadow or alternative report for CEDAW and ICESCR.
- NGO Interventions during and after the CEDAW and ESCR Committee sessions: how and when to lobby
- Resources

Supplementary to these guidelines, information on reporting on women's economic, social and cultural rights through the CEDAW and ESCR Committee processes are also contained in:

- ESCR-Net Working Paper, *Promoting and Defending Women's Economic, Social and Cultural Rights: Utilizing CEDAW and CESCR*
- IWRAW-Asia Pacific and ESCR-Net, *Claiming Women's Economic, Social and Cultural Rights: A Guide to Advocacy and Litigation Using the Optional Protocol and Convention on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol and International Covenant on Economic, Social and Cultural Rights*
- IWRAW Asia Pacific *Participation in the CEDAW reporting process: Process and guidelines for writing a shadow/alternative report*
- IWRAW Asia Pacific *NGO Interventions during and after the CEDAW Session: How and when to lobby*

## **2. State Party reporting processes for CEDAW and ICESCR**

### **2.1 State reports and reviews**

State reports can be an important process for States to assess their progressive efforts in implementing the obligations and fulfilling the rights set forth in the conventions, as well as demonstrating their transparency and accountability for implementing human rights.

CEDAW	ICESCR
<p>Under Article 18 of CEDAW, countries that have ratified CEDAW are required to submit a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the Convention within one year of ratifying the convention (the 'Initial Report') and subsequently every four years (the 'Periodic Report').</p> <p>The Periodic Report includes a treaty-specific report<sup>10</sup> together with the Common Core Document.<sup>11</sup> The CEDAW Committee has issued guidelines on the form and content of reports to be submitted by State parties to the CEDAW Committee which forms the treaty-specific report.<sup>12</sup></p>	<p>Under Article 17 of the ICESCR, countries that have ratified ICESCR are required to submit a report detailing the status of economic, social, and cultural rights in their country within two years of ratifying ICESCR (the 'Initial Report'), and subsequently every five years (the 'Periodic Report').</p> <p>The Periodic Report includes a treaty-specific report together with the Common Core Document. The ESCR Committee has issued guidelines on the form and content of reports to be submitted by State parties to the ESCR Committee.<sup>13</sup></p>

### What happens if a State Party does not provide a report?

For both CEDAW and ESCR Committees, if the State Party does not provide a report, treaty committees have had the practice of notifying the State Party of the date it will review the State Party's implementation of the treaty, issuing a List of Issues/Questions, and proceeding with the review without the State Party present if necessary. In this event the Committee may develop and transmit provisional Concluding Observations to the State Party – these can be reported in the Committee's annual report but not published, or issue public and final Concluding Observations.<sup>14</sup> The CEDAW Committee

<sup>10</sup> CEDAW Committee, *Reporting guidelines of the Committee on the Elimination of Discrimination against Women*, at <http://www2.ohchr.org/english/bodies/cedaw/docs/AnnexI.pdf>.

<sup>11</sup> The Common Core Document constitutes the first part of any report prepared for the Committee in accordance with the *Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents* (UN Doc HRI/GEN/2/Rev.4). The common core document contains information of a general and factual nature.

<sup>12</sup> CEDAW Committee, *Reporting guidelines of the Committee on the Elimination of Discrimination against Women*, at <http://www2.ohchr.org/english/bodies/cedaw/docs/AnnexI.pdf>.

<sup>13</sup> Committee on Economic, Social and Cultural Rights, *Working Methods: Overview of the present working methods of the Committee* at <http://www2.ohchr.org/english/bodies/cescr/workingmethods.htm>; and see also Committee on Economic Social and Cultural Rights, *Rules of Procedure of the Committee*, UN Doc E/C.12/1990/4/Rev.1 (1993) at <http://daccessdds.un.org/doc/UNDOC/GEN/G93/183/98/PDF/G9318398.pdf?OpenElement>.

<sup>14</sup> See CEDAW Committee, *Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women*, UN Doc CEDAW/C/2008/III/4 (19 September 2008), at <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.2009.II.4.pdf>; and Committee on Economic, Social and Cultural Rights, *Working Methods: Overview of the present working methods of the Committee*, at <http://www2.ohchr.org/english/bodies/cescr/workingmethods.htm>.

commenced this process in its 43<sup>rd</sup> session (2009) when it reviewed Dominica and the ESCR Committee commenced applying this process in its ninth session (1993).

## 2.2 Pre-session

Following receipt of a State’s report, both the CEDAW and ESCR Committees select a **pre-session working group** who meet in private and identify a **List of Issues/Questions**, which are provided to the State Party, in advance of the review.

The List of Issues/Questions are intended to provide a focus for the dialogue with the State and thereby create a more efficient process.

The List of Issues/Questions is developed with reference to the documents submitted by the State, as well as information made available to the country rapporteur by other sources, including NGOs

CEDAW	ICESCR
<p>The CEDAW Committee pre-session working group is normally composed of five members of the Committee, taking account of the desirability of a balanced geographical distribution and other relevant factors. To the extent possible, the country rapporteurs are members of the pertinent pre-session working group.</p> <p>The pre-sessional working group meets for 5 days prior or just after each of the Committee’s sessions. The working group will consider countries that are scheduled to be reviewed in two sessions time (i.e. approximately one year prior to the review).</p>	<p>The ESCR Committee pre-session working group has five ESCR Committee members, taking account of the desirability of a balanced geographical distribution and other relevant factors. Each of which serves as a ‘country rapporteur’ and has the task of reading all of the relevant material regarding his/her State and drafting a List of Issues.</p> <p>The pre-sessional working group meets for five days prior to each of the Committee’s session</p>

The country rapporteur’s responsibilities pertain to the following three phases of the consideration of reports:

- the preparation of a draft List of Issues/Questions for the pre-session working group;
- consideration of the report(s) of the State Party, in particular the identification of issues and priorities to be raised during the constructive dialogue; and the
- preparation of draft Concluding Observations.<sup>15</sup>

<sup>15</sup> CEDAW Committee, *Ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women*, (2009) UN Doc CEDAW/C/2009/II/4, at <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.2009.II.4.pdf>.



A Committee member from the country under review does not take any part in the review of their country.

The Committee requests a written response from the State to the List of Issues/Questions, which are to be made available to the Committee in advance of the dialogue.

NGOs can and should submit information for consideration of the pre-session working group to ensure that the Committee requests further information from the State and asks questions of the State on the most critical issues for women in that country.

### **2.3. Review Session**

At the Review session the Committees meet with the State Party and consider the periodic report (which includes both the treaty specific report and the common core document) and the State Party's responses to the List of Issues/Questions.

The Committees also take into consideration information provided by non-State bodies, including national human rights institutions, non-governmental organizations and other UN bodies and mechanisms (e.g. other treaty bodies and Special Rapporteurs).

The Committee conducts an inter-active dialogue with the state under review over one day, during which the Committee will pose questions to the State based on the information it has received. The Committee's questions follow the flow of the articles of the Convention.

### **2.4. Concluding Observations**

The final stage of the review involves the Committees drafting and adopting findings and recommendations in the form of **Concluding Observations**.

On concluding the dialogue with the State Party in the Review Session the Committee meets in a closed session to discuss its findings. The country rapporteur then prepares, with OHCHR's assistance, the draft Concluding Observations for consideration by the Committee.

The agreed structure of the Concluding Observations is as follows:

- introduction - including whether the report complied with the Committee's reporting guidelines; any reservations to the treaty entered by the State Party; and the level of the delegation and the quality of the dialogue
- positive aspects of State's fulfilment of its obligations under the treaty
- factors and difficulties impeding the implementation of the treaty

- principal subjects of concern and suggestions and recommendations – including a recommendation for wide dissemination of the Concluding Observations.

The CEDAW Committee in its suggestions also requests the State Party to provide information in subsequent Periodic Reports on the utilization of the Beijing Declaration and Platform for Action in the implementation of the Convention; and the achievement of the Millennium Development Goals. The CEDAW Committee also encourages ratification of other human rights treaties and the CEDAW Optional Protocol if the State is not yet a party.

In its concluding observations, the ESCR Committee often calls on States to domesticate the provisions of the Convention and expresses concern towards States that continue to view economic, social and cultural rights as merely aspirational rather than fully justiciable rights. Since the adoption of the Optional Protocol to the ICESCR, the ESCR Committee has also begun to call on States to ratify this treaty.

The Concluding Observations, once formally adopted by the Committee are forwarded as soon as possible to the State Party concerned and included in the Committee's annual report. The Concluding Observations are also made available to the public on the Committee's website.<sup>16</sup>

## **2.5. Follow-up Procedure**

Both Committees require a State Party reporting for a second or more time, to report on what it has done since the last review to implement the recommendation of the Committee contained in the Concluding Observations.

In addition, the CEDAW Committee has recently introduced a follow-up procedure whereby it includes a request to individual States Parties in the Concluding Observations of their reports for information on steps taken to implement specific recommendations contained in those concluding observations. The request calls upon States Parties to provide such information to the Committee within one or two years.

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<sup>16</sup> CEDAW Committee website: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>;  
ESCR Committee website: <http://www2.ohchr.org/english/bodies/cescr/>.

**CEDAW Committee: New follow-up procedures<sup>17</sup>**

At its forty-first session in 2008 the CEDAW Committee adopted a follow-up procedure to its concluding observations and decided on its methodology at its forty-fifth session in 2010.

Under a follow-up procedure the Committee may request a State Party to submit information within one or two years on selected recommendations identified by the Committee from the Concluding Observations. Usually two recommendations are selected for the procedure.

NGOs are encouraged to submit follow-up shadow reports on what the State has done to implement the Committee's recommendations on the issue(s). The shadow reports should be sent to the OHCHR for submission to the CEDAW Committee by the same deadline as the State Party.

All information received under this procedure is made available on the Committee's website.<sup>18</sup>

The ESCR Committee also provides for a follow-up procedure, where it can request further information, statistical information or information on a specific pressing issue to be provided before the next periodic report is due. The Committee can respond to the additional information by noting it, adopting specific additional Concluding Observations, requesting further information or notifying the State Party that the issue will be addressed in the next review.

Alternatively, where the ESCR Committee feels it is unable to elicit sufficient further information through the above process, it can request the State Party to accept 1-2 members of the Committee to visit the State, for the purposes of collecting the necessary information and providing technical assistance and support. At the conclusion of the visit the Committee's representatives report to the Committee and the Committee forms its conclusions. If the State Party does not accept the mission, the Committee is able to make appropriate recommendations to the Economic and Social Council.<sup>19</sup>

<sup>17</sup> CEDAW Committee, *Statement by the Committee on the Elimination of Discrimination against Women on its relationship with non-governmental organizations*, 2010, at <http://www2.ohchr.org/english/bodies/cedaw/docs/statements/NGO.pdf>

<sup>18</sup> CEDAW Committee, 'Follow-up Reports', at <http://www2.ohchr.org/english/bodies/cedaw/followup.htm>

<sup>19</sup> ESCR Committee, *Overview of the present working methods of the Committee*, at <http://www2.ohchr.org/english/bodies/cescr/workingmethods.htm>

### 3. Processes for Preparing and Submitting a Shadow or Alternative Report

As part of the Committees' review processes, in addition to receiving information from States Parties, both Committees also consider information and reports provided by non-governmental organizations (NGOs) that are referred to as Shadow Reports or Alternative Reports.<sup>20</sup>

Through shadow/alternative reports women can critically engage with the reporting and monitoring process by providing data (including statistical data and case-studies) on the achievement of the rights and gaps in implementation of the obligations outlined in the CEDAW and ICESCR. This can include data on:

- The real situation of women in the country
- The impact and progress made by the State in implementing the human rights of women
- Violations of the human rights of women
- Inadequacies and gaps in laws and policies and their implementation
- Information about obstacles to the realization of the human rights of women

For example, article 10 of CEDAW and article 13 of ICESCR are on the right to education. A shadow/alternative report would contain information on the right to education, including information on the status of access, exercise and enjoyment of this right by women (including an analysis of the barriers to enjoyment of the right), as well as suggestions/recommendations of steps needed to address or improve it.

This data helps to reveal why commitments to women's human rights under CEDAW and the ICESCR often remain *de jure* (in law) commitments rather than representing *de facto* (in reality) change. It enables NGOs to identify areas for intervention, including areas where the State Party may not be able to intervene effectively, but where NGOs may provide support for women's economic, social and cultural rights to be realised.

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

- An NGO report that directly comments on and critiques the State Party's report is called a **shadow report**. This requires NGOs to have access to the government report submitted to the Committee.
- An NGO report, that is written independently of the State report, without critiquing the State report, is called an **alternative report**. Normally such a report is written where no government report is available (e.g. either because the

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<sup>20</sup> See the 'Information note prepared by OHCHR for NGO participation in the CEDAW Committee review' at [http://www2.ohchr.org/english/bodies/cedaw/docs/NGO\\_Participation.final.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/NGO_Participation.final.pdf). See also, information on NGO participation in the ESCR Committee review at: <http://www2.ohchr.org/english/bodies/cescr/NGOs.htm>.

government has not written one or it is not willing to share the report with NGOs and the posting of the government report on the Committee website is too late to start the processes for the writing of the shadow report).<sup>21</sup>

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

The purpose of the shadow/alternative report is to provide a Committee with information on the achievement of the substantive rights in the Conventions and gaps in implementation of the obligations contained in the Conventions.

The shadow/alternative report should contain information related to the various substantive rights guaranteed under CEDAW or ICESCR, including the status of access, exercise, and enjoyment of these rights by women, as well as recommendations for steps to address/improve women's enjoyment of these rights.

The shadow/alternative report should take this information a step further and not only include the status of that right in your country (as explained above) but also provide a critical analysis of the information provided in the State Party report.

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

#### **NGO accreditation and confidentiality**

It is not necessary for an NGO to be accredited in order to submit a shadow/alternative report to a UN Committee. Further, where the request for anonymity is made clear, (e.g. in the instance where NGOs and activists may face threats of violence or persecution from their respective States as a result of having submitted information to OHCHR has been quite conscientious about maintaining the anonymity and safety of activists submitting reports.)

There can also be several spin-off effects. At the international level, NGO involvement in the shadow/alternative reporting process can help to feed important information to other bodies of the UN and ultimately influence international processes, policies and programmes.

Domestically, the shadow/alternative report can also become a natural strategising point and locus of activity, particularly for issues that have remained unaddressed at the

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<sup>21</sup> Shadow/alternative reports may also be referred to as 'parallel reports'.

national level. At this level, discussions around concepts and practice of women's rights can provide a sound basis for enhancing national level processes for women's rights advocacy, influencing policy and creating spaces for change.

In addition the process of producing shadow/alternative reports can also create opportunities for dialogues between States and NGOs, often arising from the international limelight placed on specific government actors.

### **3.3 What is the difference between a shadow/alternative report and a 'written statement'?**

A written statement is only relevant for the ESCR Committee (not the CEDAW Committee).

The ESCR Committee allows for NGOs to submit a brief statement in writing relating to State obligations, this is called a **written statement**.

Unlike the broader shadow/alternative reports, written statements can be narrowly tailored to a specific issue and its relation to specific articles of ICESCR.

While the shadow/alternative report is a resource taken into consideration by the CEDAW/ICESCR Committees, it is not considered part of the formal review process.

However, the written statement forms an official part of the review process. That means that provided the OHCHR receives the written statement within three months of the session it will be translated into all the working languages of the ESCR Committee and issued as a United Nations document. It is included in the set of official documents, as part of the formal process. The advantage to NGOs of doing a written statement is that the data they present is included as part of the official records.

NGOs that are in general or special consultative status with ECOSOC, or on the Roster,<sup>22</sup> may submit a written statement to the Committee. An NGO without consultative status may submit a written statement only if it is sponsored by an NGO with consultative status.

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<sup>22</sup> "Organizations wishing to apply for General Consultative Status must be 'concerned with most of the activities of the ECOSOC and its subsidiary bodies'. These tend to be fairly large, established international NGOs with a broad geographical reach. Special Consultative Status is granted to NGOs 'which have a special competence in, and are concerned specifically with, only a few of the fields of activity covered by the ECOSOC'. These NGOs tend to be smaller and more recently established. Organizations which 'can make occasional and useful contributions to the work of ECOSOC or its subsidiary bodies' are included in the Roster. These NGOs tend to have a rather narrow and/or technical focus." See UN Department of Economic and Social Affairs, *NGO related Questions and Answers*, at <http://esango.un.org/paperless/Web?page=static&content=fags>.

The limitation of a written statement is that it can be no more than 2,000 words long for NGOs in general consultative status with ECOSOC and no longer than 1,500 words for NGOs in special consultative status and on the Roster.

Therefore, NGOs should consider submitting both a brief written statement and a more comprehensive shadow/alternative report.

### **3.4 Steps for preparing a shadow/alternative report<sup>23</sup>**

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

In preparation for your involvement in the CEDAW/ESCR Committees' reporting process, try to have meetings with both economic, social and cultural rights groups and women's rights groups in your country to identify and come to a consensus on the main issues affecting women's economic, social and cultural rights at the national level. Reports prepared by national coalitions of NGOs are more representative and comprehensive.

It is particularly important to ensure the participation of women from marginalized groups experiencing violations of their economic, social and cultural rights such as women with disabilities, lesbian women, indigenous women, women who belong to an ethnic or racial minority, etc.

The CEDAW/ESCR Committees recommend that NGOs collaborate, coordinate and consult when submitting information to the Committee, and whenever possible produce a single consolidated submission representing a broad consensus by a number of NGOs. In all cases, coordination of efforts is likely to make your advocacy more effective as it will represent the voices of large numbers of women, and diverse groups of women. This reduces the possibility of contradictions in NGO reports, and demonstrates broad NGO support for the positions taken in the report. Furthermore, you will have a larger base to draw from for follow up advocacy actions at the national level following the review. It also minimises the burden on CEDAW/ESCR Committee members, who often have limited time to consider all the relevant information.

#### **Step 2: Gathering and analyzing information**

Shadow/alternative reports should be concise, based on reliable and documented sources and be properly referenced. Shadow/alternative reports should be directly relevant to the rights in CEDAW or ICESCR. However, data gathering to write a shadow report is a step in the larger process of monitoring the "progress" of States in implementation of their obligations and this requires NGOs to have a clear idea of what

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<sup>23</sup> Contact IWRAP Asia Pacific, for the IWRAP Asia Pacific *Monitoring Framework*.

is being monitored and how real change can/should be continually measured. Thus a framework for data gathering may help you in designing your data collection.<sup>24</sup>

Upon agreeing on areas of concern, gather data on the key issues and analyze the actual situation for women on the ground. CEDAW and its General Recommendations and the ICESCR and its General Comments, as well as other relevant treaties, should be used as your main tool for analyzing the scope of women's human rights and the corresponding duties of the State against the policies and measures adopted by your government. You should use this information as a starting point for identifying violations of women's economic, social and cultural rights and making recommendations on ways to eliminate barriers and improve implementation of women's economic, social and cultural rights at the national level.

If your country has reported to the CEDAW/ESCR Committees previously, you should assess the implementation of the Concluding Observations from the last review and include this in the report.<sup>25</sup>

Information can be gathered through methods ranging from desk reviews of existing literature, to working with a coalition of NGOs to generate information.

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<sup>24</sup> The importance of a framework is that it enables partnership between different organizations and different country contexts which can facilitate better advocacy initiatives. The monitoring framework makes explicit the reasons why some manifestations of difference between women and men constitute discrimination, rather than being naturally created divides, thus helping NGOs to make the case for "action". It is also crucial that the information be presented as "evidence" to emphasize the importance of the facts presented and substantiate the case in the course of advocacy initiatives. The framework also helps to focus attention on gathering relevant information, and provides a format for effective presentation and advocacy. For more information see IWRAW Asia Pacific Monitoring Framework, pg 1

<sup>25</sup> CEDAW Committee's Concluding Observations are available at <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>. ESCR Committee's Concluding Observations are available at <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>.



### Case Study: Australia preparing the CEDAW Shadow Report

- A desk review of existing literature was conducted on key issues.
- Information materials on the shadow/reporting process were developed and a pool of facilitators from around the country was identified and trained in using the materials.
- A range of local workshops were then held by the trained facilitators, working with a range of NGOs and community members, to elicit information for the report.
- A shadow report and a fuller community report were prepared on the basis of the information elicited from the desk review and the local workshops.

Source: Women's Rights Action Network Australia (WRANA), at <http://www.wrana.org.au/>

NGO information provided to the CEDAW/ESCR Committees can take various forms. Some groups have preferred to submit a comprehensive report at the national level, as the result of a coordinated effort among several NGOs. In this case, groups have agreed to divide areas of concern among each of the organizations and as a result, each organization contributes information on a different area of concern. In some instances, if there is a limited capacity or insufficient time, groups may be selective and write a report on a few priority issues.

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

- Try to have a good understanding of the CEDAW and ICESCR. Read the text of both CEDAW and ICESCR and the CEDAW Committee's General Recommendations and ESCR Committee's General Comments.<sup>26</sup> Read also the Concluding Observations that either the CEDAW/ESCR Committees or other treaty bodies prepared when reviewing past reports submitted by your government.<sup>27</sup> You should also read any treaty committee decisions on complaints brought by individuals from your country under the individual complaints systems (Optional Protocols).<sup>28</sup>

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<sup>26</sup> For CEDAW Committee's General Recommendations see <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>;  
For ESCR Committee's General Comments see

<http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

<sup>27</sup> Previous sessions of the ESCR Committee can be found at <http://www2.ohchr.org/english/bodies/cescr/sessions.htm> and previous sessions of the CEDAW Committee can be found at <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>.

<sup>28</sup> OP-CEDAW decisions can be found at: <http://www2.ohchr.org/english/law/jurisprudence.htm>; at the time of this publication, the OP-ICESCR has not yet come into force.

- Collect papers, laws, statistics, academic research, legal cases, news clips or other documents that will provide useful data on the status of women's economic, social, and cultural rights in your country. Try to surface information on the success or failure of the State in fulfilling international commitments made towards the advancement of women's economic, social and cultural rights (e.g. obligations undertaken upon ratification of CEDAW, ICESCR, their Optional Protocols, other human rights treaties, or obligations contained in plans of action and outcome documents of World Conferences such as the Beijing World Conference on Women; or obligations under regional human rights instruments).
- Given the strong interconnection between women's economic, social and cultural rights and economic policy, corporate activity and development issues, it can also be useful to consider the impacts of:
  - bilateral and multilateral trade agreements (i.e. the World Trade Organization, free trade agreements)
  - agreements your state may have with multilateral banks and financial organizations (i.e. the World Bank or International Monetary Fund), or
  - contracts your State may have with national and multinational organizations operating within your national boundaries (especially related to provision of services traditionally provided by the State, such as water, electricity, sanitation, etc.).
- Collect information on the efficiency or effectiveness of State machinery meant to promote human rights in general and women's rights in particular. If there are discriminatory laws in your country, it is particularly useful to bring the texts of such laws with you as well as key court decisions on women's economic, social and cultural rights.

But above all it is important to ensure that the information in a shadow/alternative report must be credible, reliable and accurate.

### **Step 3: Preparing your Shadow/Alternative Report**

A shadow/ alternative report should be a maximum of 60 pages for the initial report and 40 pages for periodic reports.

This does not include appendices to the report or copies of supplementary materials that are provided to the CEDAW/ ESCR Committees.

For further information on preparing shadow/alternative reports see below 'Section 4 – Guidelines for writing a shadow/alternative report'.

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

As emphasized above, it is recommended that one collective shadow report be submitted on behalf of women's rights groups and ESCR groups. However, there may be some circumstances where it is imperative to prepare a separate report, to bring out:

- The status of a particular groups of women facing marginalization
- The status of geographical areas experiencing specific kinds of socio-economic rights violations
- Issues on which consensus cannot be reached

Instead of invisibilizing or marginalizing an issue, a group of people, or an area an NGO working with that particular issue or group, that is qualified to submit a written statement, should be encouraged to create a separate report that captures its specificity and impact.

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

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

**3.5. Funding Considerations**

Financial and human resources can be a constraint for many NGOs participating in treaty review processes. It is important to ensure that adequate funding is sourced to allow for the full participation of NGOs, particularly for women of minority groups in the preparation of the shadow/alternative report and in the review itself.

#### 4. Guidelines for Writing a Shadow/Alternative Report

The shadow/alternative report should be concise, focusing clearly on key issues and recommendations. The report should have a clear executive summary. All background material should be provided separately, as appendices or through hyperlinks to other documents.

**Make the report reader-friendly:** Have a table of contents and include page numbers. The report should also have a title page (including title, author(s), and date of the report and the CEDAW/ESCR Committee session), concluding remarks, and an appendix.

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

- A summary of the main critical points of the shadow/alternative report (listed according to the Articles of the treaty);
- A summary of the recommendations with reference to the critical points of the shadow/alternative report and to the challenges encountered in the implementation of the Convention/Covenant.

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

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

Since shadow reports are not official UN documents, they are not translated by the UN. Therefore, while the shadow report can be prepared in any language for your national advocacy purposes, you are strongly advised to also submit your report to the Committee in English because all of the Committee members understand English.

#### Integrating women's rights and economic social rights in the reporting

Economic, social and cultural rights have a particular significance for women because as a group, women are disproportionately affected by poverty, and by social and cultural marginalization. Women's poverty is a central manifestation, and a direct result of women's lesser social, economic and political power. In turn, women's poverty reinforces their subordination, and constrains their enjoyment of every other right.

The inequality in the lives of women that is deeply embedded in history, tradition and culture<sup>29</sup> affects women's access to and enjoyment of economic, social and cultural

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<sup>29</sup> As identified by the Human Rights Committee at para. 5 in its *General Comment 28: Equality of rights between men and women (article 3)* (2000), UN Doc CCPR/C/21/Rev.1/Add.10.

rights. To ensure women's enjoyment of these rights, they must be implemented in a way that takes into account the context in which women live. For example, the traditional assignment to women and girls of the role of primary care-giver for children, older persons and the sick restricts women's freedom of movement and consequently their access to paid employment and education. The economic and social devaluation of the work, paid and unpaid, that women traditionally do from a very young age, contributes further to fixing women in a position of economic and social inequality. These factors diminish women's earning capacity and their economic autonomy, and contribute to the high rates of poverty among women worldwide. Traditional, historical, religious or cultural attitudes are also used to justify and perpetuate discrimination against women in the delivery of economic, social and cultural rights, including health services and education, by public and private agencies.<sup>30</sup>

#### **Scope of the shadow/alternative report**

As women's economic, social and cultural rights standards are recognized in both CEDAW and ICESCR, it is important that you are able to refer to the standards associated with each substantive right (i.e. education, health, employment) in both treaties.

CEDAW provides critical understanding of the way in which discrimination can affect women's enjoyment of economic, social and cultural rights and what States are required to do to eliminate that discrimination, while the ICESCR establishes the content and scope of economic, social and cultural rights and the duties of States to realize these rights for all.

Since many of the issues are often also relevant under other major human rights treaties while collecting data and preparing your report, try to consider how issues and rights under CEDAW and ICESCR intersect with those under other treaties, and include relevant information about those issues and rights. Other relevant human rights agreements to look to include:

- International Covenant on Civil and Political Rights
- Convention on the Elimination of Racial Discrimination
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- UN Declaration on the Rights of Indigenous Peoples.

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<sup>30</sup> Working Group on Women's ESCR, *Montreal Principles on Women's Economic Social and Cultural Rights* (2002) at [http://www.escr-net.org/actions/actions\\_show.htm?doc\\_id=426624](http://www.escr-net.org/actions/actions_show.htm?doc_id=426624).

## A. CEDAW Convention

### ***How should the report be organised?***

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

The broad structure of the CEDAW Convention is as follows:

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

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

The commentary on Articles 1 – 5 and 15 of the CEDAW Convention should be written differently as compared to the discussion on Articles 6 - 16 since they cover substantive issues which are general in nature and set out the underlying principles of the CEDAW Convention, whereas Articles 6 – 16 enumerate specific issues.

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

- The text of the CEDAW Convention<sup>31</sup>.
- State Party report<sup>32</sup> - where there is access to the government report. State Party reports are also made available on the website of each Committee. If your state has submitted its report well in advance and you have access to the State report, then you should ensure that you respond to the information provided by the State on each article providing information demonstrating the real situation on the ground where the State report does not adequately reflect this. If the State has provided their report at the last minute and so there is not adequate time to include a comprehensive analysis of the State report in your shadow report, then you should still try to do this prior to the session even if it is very brief and ensure the Committee received a copy of this.

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<sup>31</sup> CEDAW text: <http://www2.ohchr.org/english/bodies/cedaw/convention.htm>.

<sup>32</sup> State party reports can be found at the CEDAW Committee website at <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm> under the relevant session.

- Concluding Observations<sup>33</sup> of the CEDAW Committee: If your country has been reviewed by the CEDAW Committee previously, you must look at the Concluding Observations and discuss whether the government has addressed the concerns and recommendations raised by the CEDAW Committee during the last review.
- General Recommendations for CEDAW:<sup>34</sup> The General Recommendations contain the latest interpretation of the normative standards in CEDAW. You should look to the General Recommendations in conjunction with the Articles, for example consider article 12 on health with General Recommendation 24. Or you can look to the General Recommendations to clarify and expand on issues which are not specifically covered in CEDAW, e.g. General Recommendation 19 on Violence Against Women. There are currently 26 General Recommendations.
- Consider also relevant General Comments of the ESCR Committee: The General Comments created by the ESCR Committee elaborate on the substantive aspects of the obligations of State parties for fulfilling women's economic social and cultural rights. In particular, see:
  - General Comment 16: [The equal right of men and women to the enjoyment of all economic, social and cultural rights \(art.3\)](#)
  - General Comment 20: [Non-Discrimination in Economic, Social and Cultural Rights \(art. 2, para. 2\)](#).
  - General Comment 4 : [The right to adequate housing](#)
  - General Comment 12: [The right to adequate food \(art. 11\)](#)
  - General Comment 13: [The right to education \(art. 13\)](#)
  - General Comment 14: [The right to the highest attainable standard of health \(art. 12\)](#)
  - General Comment 15: [The right to water \(arts. 11 and 12\)](#)
  - General Comment 18: [The Right to work \(art. 6\) -](#)
  - General Comment 19: [The right to social security](#).<sup>35</sup>
- Summary Records:<sup>36</sup> The Summary Records capture the dialogue between the government and CEDAW Committee at the review and will contain information

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<sup>33</sup> CEDAW Committee concluding observations can be found using the search engine on the OHCHR website at <http://tb.ohchr.org/default.aspx> and also the CEDAW Committee website at <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm> under the relevant session, and on the ESCR Committee website for each session: <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>.

<sup>34</sup>These are available on the OHCHR website on CEDAW, <<http://www2.ohchr.org/english/bodies/cedaw/comments.htm>>.

<sup>35</sup> A full list of the ESCR Committee General Comments are available at: <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

which is not reflected in the Concluding Comments. They provide an accurate and official record of the dialogue and will help guide your analysis. The Summary Records can also be useful for advocacy to get the government to honour its promises and to raise awareness of the views of the CEDAW Committee.

Other sources:

The following additional sources provide useful interpretative tools for understanding and articulating the obligations and rights under the Conventions. Furthermore, findings and recommendations of these bodies with regard to the State in question can be highlighted to the Committee so that they can usefully draw on these in their Concluding Observations also.

- Reports of UN Special Procedures (such as Special Rapporteurs on food, health, housing, violence against women, etc): The reports of the Special Rapporteurs also expand on normative standards and provide data on violations of human rights and can greatly contribute to your report.<sup>37</sup>
- Concluding Observations of other UN Treaty Bodies: In the event your country has reported to other treaty bodies, the relevant portions of those Concluding Observations which relate to women's rights should also be referred to. In particular consider previous concluding observations by the ESCR Committee for your country.<sup>38</sup>
- Universal Periodic Review: Under the Human Rights Council, all UN member States are reviewed every 4 years on their adherence to human rights norms through the Universal Periodic Review (UPR) process. The first cycle runs from 2008-2011. The UPR is a peer-review (i.e. an intergovernmental process) by which States review the fulfilment of human rights obligations of other States. The UPR is meant to complement rather than duplicate the work of treaty bodies (which are reviews conducted by independent human rights experts nominated and voted on by States).<sup>39</sup>

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<sup>36</sup>These are available on the DAW's CEDAW website, <http://www.un.org/womenwatch/daw/cedaw/>, from the 28<sup>th</sup> – 39<sup>th</sup> CEDAW session. Later sessions can be found at the OHCHR's CEDAW website <http://www2.ohchr.org/english/bodies/cedaw>.

<sup>37</sup> Information on Special Procedures mandate holders is available at <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

<sup>38</sup> Previous ESCR Committee review sessions can be found at <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>

<sup>39</sup> IRAW Asia Pacific, *A Guide to the Universal Periodic Review Process for NGOs and NHRIs* at [www.iwraw-ap.org/aboutus/documents/factsheetupr.pdf](http://www.iwraw-ap.org/aboutus/documents/factsheetupr.pdf). See also IRAW Asia Pacific *Guidelines for UPR* at <http://www.iwraw-ap.org/guidelinesUPR.htm>.



### **Reporting on Articles 1 - 5**

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

A joint reading of articles 1 to 5 and 24, which form the general interpretative framework for all of the Convention's substantive articles, indicates that three obligations are central to States parties' efforts to eliminate discrimination against women. These obligations should be implemented in an integrated fashion and extend beyond a purely formal legal obligation of equal treatment of women with men.

- Firstly, States parties' obligation is to ensure that there is no direct or indirect discrimination against women in their laws and that women are protected against discrimination — committed by public authorities, the judiciary, organizations, enterprises or private individuals — in the public as well as the private spheres by competent tribunals, as well as sanctions and other remedies.
- Secondly, States parties' obligation is to improve the de facto (actual) position of women through concrete and effective policies and programmes.
- Thirdly, State parties' obligation is to address prevailing gender relations and the persistence of gender-based stereotypes that affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions.<sup>40</sup>

Below we have set out a series of guiding questions for each article, to assist in eliciting relevant information that can be included in a shadow/alternative report which focuses on economic, social and cultural rights of women. Note these questions are not intended to be an exhaustive list. It is also not required to answer each question specifically, but rather to use them as a way to prompt information related to the specific article.

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

1. Has the definition of discrimination as defined in Article 1 of the CEDAW Convention been incorporated into the Constitution or laws of your country?
2. Do the laws also address both direct and indirect (or unintended) discrimination?<sup>41</sup>

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<sup>40</sup> CEDAW Committee, *General recommendation No. 25 -- thirtieth session, 2004 article 4 paragraph 1 - Temporary special measures*, paras 6-7, at <http://www2.ohchr.org/english/bodies/cedaw/comments.htm>

<sup>41</sup> An example of indirect discrimination is discrimination experienced as a result of a facially gender neutral law.

3. Do the laws providing for economic, social and cultural rights (e.g. tenancy laws, labour laws, education policies, health care services, social security legislation, employment and wage laws, etc.) contain clauses prohibiting discrimination against women?
4. Do the laws and policies address intersectional discrimination such as disabled women, minority women, migrant women, older women, etc., and their access to and enjoyment of economic, social and cultural rights such as the right to education, employment, health services, social security, and to ensure that women can participate in all areas of social and cultural life?

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

1. Has the government taken action to incorporate the CEDAW Convention into domestic laws?
2. Is the CEDAW Convention applicable in the courts?
  - Have any of the provisions of the CEDAW Convention been directly invoked in domestic courts to gain equal rights for women? Is there any case law?
  - Are lawyers and advocates able to directly cite the CEDAW Convention in court?
  - Do judges refer to the CEDAW Convention or international human rights principles in their decisions?
3. Are there national laws that conflict with the CEDAW Convention?
  - Where there is a conflict between national laws and the CEDAW Convention, which one takes precedence?
  - Has a comprehensive review of discriminatory legislation been done and a plan developed for legal reform?
4. Has any legislation been enacted as a means of incorporating the CEDAW Convention into domestic law and to make discriminatory acts in the public and private actors actionable? Such legislation could take the form of an Equal Opportunities Act, Gender Equality Act or Anti-Sex Discrimination Act.
  - Are adequate sanctions in place for discrimination against women by the public and private actors?
  - What steps have been taken by the government to ensure that women are informed about their rights?
  - What legal remedies are available to women who have been discriminated against or have had their rights violated?
  - Are the remedies available to women whose perpetrators are from the public or private sector?

5. Are legal mechanisms in place to draw compliance from all sectors of government at all levels, vertically and horizontally, especially within a federated system and where there is devolution of powers?
6. What measures, if any, has the government undertaken to ensure the practical realisation of the principles of equality and non-discrimination?
  - Does the government monitor the effect of the laws protecting women's rights on women and whether laws are enforced and or implemented and take appropriate action?
  - Is there a process for monitoring discriminatory practices?
  - Does the government ensure the obligation of non-discrimination has immediate effect, even in policies that are developed to progressively realise economic, social and cultural rights?
7. Are there competent and sensitised tribunals to hear cases on discrimination and inequality and are there procedures for women to claim their right to equality and non discrimination?
  - Do specific institutions exist and are procedures laid out for women to be able to make complaints such as an Office of the Ombudsman, or special tribunals such as Equality Courts?
  - If these institutions and procedures are in place, how effective are they in addressing violations of women's economic, social and cultural rights and providing effective remedies? Is there data on cases brought by women in these institutions?
8. Have all relevant government officers in all sectors, as well as the judiciary and relevant legal personnel and parliamentarians, been trained to carry out their obligations under the CEDAW Convention?

Shadow Report: United Nations Convention on the Elimination of All Forms of Discrimination against Women in Cameroon for its consideration at the 42<sup>nd</sup> Session 18 to 31 October 2008<sup>42</sup>

There are a plethora of discriminatory laws and adequate measures have not yet been taken to introduce anti-discriminatory legislation or to amend existing discriminatory aspects in personal and civil law. Cameroon has not yet developed legal provisions for the incorporation of the principles and provisions of CEDAW into domestic application. Few examples are worthy of note include:

- Section 361 of the Penal Code whereby, the onus of proof for the offence of adultery is higher for the woman than for the man. While an isolated act of sexual intercourse

<sup>42</sup> Women in Research and Action, *Cameroon Non Governmental Organizations Shadow Report to CEDAW: The Implementation of the Convention on the Elimination of all Forms of Discrimination against Women*, 2008, pp 16-17, at [http://www.iwraw-ap.org/resources/shadow\\_reports.htm](http://www.iwraw-ap.org/resources/shadow_reports.htm).

by a married woman is sufficient to constitute adultery, the man can only be seen to commit adultery either when it is done in his matrimonial home or it is established as habitual acts elsewhere. The word 'habitual' is subjective and this can give rise to varied interpretations. This is a double standard and is therefore discriminatory.

- Section 49 of the Civil Status Registration Ordinance (CSRO) includes polygamy as a form of marriage. It is favourable to men and minimizes the value of women.
- Section 74(2) of the CSRO gives the husband the right to object to his wife exercising a trade of her own except where she can prove that it is for the interest of the family. This same right is not accorded to the wife.
- Article 77 (2) of the CSRO requires a widow to observe a period of widowhood of 180 days from the date her husband died before contracting another valid marriage. It does not provide similar requirements to the widower who may be free to marry as soon as he wishes.
- Article 215 of the Civil Code gives the husband the reserved right to decide on the family home. He is the head of the family as per section 213 of the same Code.

Steps towards repealing these discriminatory laws need to be concretized. The draft laws on Gender Based Violence and the Family Code still have to see the light of day. These draft laws have been on the table for too long and due to complete silence on the issue one cannot help but wonder why the process seems to have lost momentum.

#### 2.4 Recommendations

- CEDAW should be domesticated as a matter of priority.
- All discriminatory laws should be repealed.
- The Family Code and the draft law on Gender Based Violence should be promulgated into law as a matter of urgency.
- Extensive public awareness on national and international legal instruments should be carried out to enable the population particularly women to know their provisions and better assert their rights.

Shadow Report to the United Nations Convention on the Elimination of All Forms of Discrimination against Women for the Slovak Republic, 41st session, 30 June – 18 July 2008.<sup>43</sup>

14. The institutional background of gender equality is insufficient in Slovakia. There was no interagency body that would deal with this issue until the end of 2007. The issue of

<sup>43</sup> Alliance of Women in Slovakia, Centre for Civil and Human Rights, Centre on Housing Rights and Evictions, Cultural Association of Roma in Slovakia, *Joint Submission: Shadow Report to the United Nations Convention on the Elimination of All Forms of Discrimination against Women for the Slovak Republic*, 41st Session 30 June to 18 July 2008, pp 13-14, at [http://www.iwraw-ap.org/resources/shadow\\_reports.htm](http://www.iwraw-ap.org/resources/shadow_reports.htm).

gender equality is generally assigned to the Ministry of Labor, Social Affairs and Family, but this power of the ministry is not stipulated by the law specifying the tasks and agenda of the individual Slovak ministries. There is a single division at the Ministry of Labor, Social Affairs and Family dealing with the gender issue, whose powers were constantly weakened in the past and it operated in the field of family and gender policy until 2005. As such, the division joined two policies that cannot be dealt with at the same time by using the same approach and instead need separate and specific approaches. Relating gender policy to family policy has resulted in a more traditional perception of a woman's role, while a clear gender strategy is still lacking. After the 2006 elections, the division was transformed to the Department of Gender Equality and Equal Opportunities and it was shifted under the authority of the Minister of Labor, Social Affairs and Family, however, its capacities have not been built up in terms of hiring experts on gender equality. Therefore, it cannot meet its tasks of an inter-agency and cross-section body as the implementation of gender perspective would require it to do. The national strategy on gender equality, as well as the legislative aim of the gender equality law has not been developed to date.

18. The only positive remaining is the fact that the Slovak Government passed the decision to set up *the Government Council for Gender Equality* (hereinafter "the Council") as of January 2008. The Council is a co-ordination, advisory and initiative body of the Government for implementation of gender equality principle in accordance with laws and generally binding legal regulations whose task is to propose measures and co-ordinate activities supporting gender equality with a view to preventing discrimination on the ground of sex.

#### **Recommendations to the Slovak Government and Other State Bodies**

19. Based on the above mentioned facts we hope that the CEDAW Committee incorporates the following recommendations to the Slovak Government into its concluding observations:

- To adopt a law on gender equality.
- To adopt a national strategy on gender equality.
- To allocate an adequate amount of funds, within the individual state budget chapters, for activities of the Slovak National Centre for Human Rights as the gender equality body, the Government Council for Gender Equality, the Executive Committee of the Government Council for Gender Equality and the Consulting Committee of the Government Council for Gender Equality.

Shadow Report for CEDAW Prepared by 'Saudi Women for Reform' Saudi Arabia, 2007<sup>44</sup>

In answering the query about how far in practice there was an implementation of equality between men and women, it is sufficient to say that the status quo is a continuous discrimination against women practiced not only by society but by the whole government's institutions and employees. There is no sign of an attempt to stop that, prevent it or punish the perpetrators. According to our knowledge, there is no legal text that punishes a person who discriminates against women. Discrimination is part of the general system, regulations and some explanatory legal circulations.

There are absolute *NOT Do's* for women, and there are other *NOT Do's except with a mahram* that could clarify the general situation. Here are some examples:

1. Absolute prohibitions:

- Not allowed in all the government's departments including the administration of women's education, and public institutions such as the Department of Social Insurance. Accordingly women's access to recourses is limited and sometimes denied, or abused by men who provide such services.
- Not allowed to issue an official document that combines the mother's identity information with her children's.
- Not allowed to drive a car.
- Not allowed into many shops and public service stores such as video shops, music shops, children's barber shops, travel agencies, or foreign labor recruitment offices (such as drivers).
- Not allowed to ride any game while accompanying a child in a public place such as a Mall.
- Not allowed to ride any boats in public parks.
- Not allowed to use gym rooms in hotels nor having designated hours.
- Not allowed into any sport clubs (all male), sport halls, or attend sport games.

International conventions that SA has signed and ratified do not have a priority in our juridical system over our local laws according to the first Saudi report on human rights. There are no examples that have put these conventions in practice, nor there public education or publicity as to their role in laws. What is known among the public about CEDAW is very limited.

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

1. What legislation has the State enacted to ensure women's equality in all fields (political, social, economic and cultural fields)? Are there laws in place that make economic, social and cultural rights justiciable?

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<sup>44</sup> Shadow Report for CEDAW Prepared by 'Saudi Women for Reform' Saudi Arabia, 2007 at [http://www.iwraw-ap.org/resources/shadow\\_reports.htm](http://www.iwraw-ap.org/resources/shadow_reports.htm).

2. Has the government created national machineries which address the development of women, create equal opportunities for women, and ensure women's equal access to those opportunities and equal results? E.g. Ministry of Women or Office of Gender Equality?
  - What are the competence and mandate of these machineries? Do they have authority to coordinate, provide resources and technical competence to play a catalytic role with other sectors? Can these machineries be more effective? How?
  - Has an inter-sectoral monitoring mechanism been established to monitor compliance with the obligations under the CEDAW Convention?
  - What is the level of coordination with other institutional machineries that address economic, social and cultural rights, such as the National Human Rights Commission?
  
3. Have the national development plans in your country addressed women's human rights and empowerment on a scale that is representative of the population or women?
  - In the national development plans (including poverty eradication strategies), has the government incorporated macro-economic and social policies that prioritize women's access and enjoyment of economic, social and cultural rights based on the principles and framework of the Convention? How are women's human rights mainstreamed in all sectors? Are Action Plans for Women integrated into the national development plans or do they run parallel to the national development plans?
  - What percentage of the budget in the national development plan is geared towards the goals of implementation of economic, social and cultural rights, such as access to clean, affordable and accessible water, access to adequate housing and food and overall advancement of women?
  - Do the national development plans include provisions for specific groups of women in your country, including rural women, indigenous women, disabled women, migrant women, minority women, refugee women and marginalised women?
  - Are there any monitoring systems in place to evaluate the implementation of the national development plans in relation to women's access to economic, social and cultural rights?
  - Are there mechanisms in place to address the shortfall of the national development plan's implementation, especially in relation to women's economic, social and cultural rights?
  
4. How are the women in your country affected by the World Trade Organization (WTO), the World Bank, the International Monetary Fund (IMF) or other regional bi-lateral or multi-lateral trade agreements?

- Have there been any assessments made on the impact of these agreements on the rights of women in your country?
5. Where public utilities (e.g. water supplies, electricity, waste and sewage services) and public services (e.g. education and health care) have been privatised, what has been the impact on women's access to these utilities or services? Has it had an impact on affordability? Do the services meet the specific needs of women?
  6. Where any industries or civic services have been deregulated, what impact has this had on women being able to access them? For example, have the quality and safety standards changed? Have the costs changed?
  7. Are there human rights action plans in your country and do they address the human rights of women, including specific economic, social and cultural rights of women?
  8. Is there adequate data to assess progress made in the implementation of the CEDAW Convention, such as data disaggregated by sex, ethnicity and other relevant variables?
    - Is information or data collected to identify obstacles to the achievement of de facto rights for women and to assess the effects of laws and policies on women?
    - Does the government make data available and use the data to formulate policies?
  9. Is there a plan for implementation of the CEDAW Convention that sets out benchmarks for progress?
  10. Has the government involved NGOs in planning any of the above?
  11. Does the government/State Party report mention specific commitments and institutional arrangements for implementation of the Beijing Platform for Action that includes accountability to NGOs?
  12. Does the government/State Party report mention specific commitments and institutional arrangements for implementation of the Millennium Development Goals that includes accountability to NGOs?
  13. What are your recommendations for government action under each of the issues or problems you have identified?



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

*(refer also to CEDAW Committee General Recommendation 25)*

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

**Article 5: Sex roles and stereotyping**

1. What has the government done to overcome negative perceptions of women and stereotyping of women's roles within the family and the society?
  - What policies or programmes is the government implementing to change prevailing mind sets among the population?
  - How have gender equality campaigns addressed the issue of stereotyping of women and men and the roles that they play within the family and society?
  - What education and public information programmes has the government developed to help eliminate prejudices and current practices that hinder women's equality?
2. What actions has the government taken to eliminate harmful traditional practices?
  - Initiatives to raise awareness on harmful traditional practices are critical but not sufficient to change harmful cultural and religious practices.
  - Has the government taken steps to put in place relevant laws to eliminate these harmful practices?
3. Are there laws in place that explicitly prohibit stereotypes against women which impede their ability to work in all fields of work?
4. Are there effective measures in place to ensure that the media respect and promote respect for women?

**Reporting on Articles 6 - 16**

Articles 6 - 16 are very specific in nature, as seen below. Articles with a particular relevance for women’s economic social and cultural rights are highlighted:

<b>Article number and focus</b>	<b>Sources to refer for greater understanding of the rights contained in the article</b>
Article 6: Trafficking and Prostitution	
Article 7: Political and Public Life	<i>Refer to CEDAW Committee General Recommendation 23</i>
Article 8: Participation at the International Level	
Article 9: Nationality	
<b>Article 10: Equality in Education</b>	<i>Refer to ESCR Committee General Comment 13</i>
<b>Article 11: Employment</b>	<i>Refer to CEDAW Committee General Recommendations 13, 17 and 26 and ESCR Committee General Comment 18</i>
<b>Article 12: Healthcare and Family Planning</b>	<i>Refer to CEDAW Committee General Recommendation 24 and ESCR Committee General Comments 14 and 15</i>
<b>Article 13: Economic and Social Benefits (i.e. family benefits, credit, cultural life)</b>	<i>Refer to ESCR Committee General Comments 16, 19, 21</i>
<b>Article 14: Rural Women (i.e. development and living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications)</b>	<i>Refer to ESCR Committee General Comments 4, 7, 12, 15, 16</i>
Article 15: Equality before the Law	<i>Refer to ESCR Committee General Comments 16 and 20.</i>
Article 16: Marriage and Family Life	<i>Refer to General Recommendation 21</i>

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

**General Questions to consider under Articles 6 – 16**

1. What is the status of women in your country under articles 6-16 of the CEDAW Convention? Are there violations of women’s rights as well under these articles and what are they? Which categories of women are most affected?

2. Does the government adequately collect and publish data dis-aggregated by gender, race, ethnicity, age, disability, sexual orientation, on women's economic, social and cultural rights? If there is no data, indicate this as a gap in state action.
3. What are the obstacles or contributing factors preventing women from enjoying the rights provided for under each article? (immediate, historical, systemic, etc)
4. What is the effect on women when they are denied rights under each article? Note, this should surface the interrelatedness and indivisibility of rights.
5. Has the government acknowledged the issues you have raised with regard to each right in question and the corresponding lower status of women in their report? If so, how has it presented these issues/problems and are you in agreement in relation to:
  - Prevalence and magnitude of the situation
  - Contributing factors.
6. What does the government say should be done to address the lack of implementation and enjoyment of each right and what does it say it is already doing? What is your analysis of this with regard to:
  - Appropriateness of what the government says should be done?
  - Effectiveness of government action. Are there statistics or evidence of the scale or effectiveness of government action? Does the government monitor its own actions?
7. Has the government provided information with regards to its obligations to protect, respect and fulfil all rights under the CEDAW Convention as well as the obligation to take immediate steps to progressively realize economic, social and cultural rights of women within maximum available resources on a basis of non-discrimination?
  - For example, have they provided evidence from the national budget relating to allocations of resources and actual expenditures on policies and programs to increase implementation of the rights listed in Articles 6-16?
8. If in your opinion the government's actions are not effective, what are the contributory factors?
  - Have the relevant actors been identified?
  - Is there an allocation of adequate resources?
  - Are there laws or policies that are adequate and are these enforced/implemented?
  - Are there institutional arrangements to facilitate the action?
  - Are relevant personnel being trained?
  - Is there a public awareness programme?
  - Is there a plan for support services if needed?

- Are there available mechanisms to seek redress for violations that have occurred?
8. For countries presenting periodic reports, what action has the government taken to follow-up on the Concluding Observations made by the CEDAW Committee or the ESCR Committee in relation to this right at the previous State Party report review?
  9. What are your recommendations for government action under each of the issue(s) or problems(s) that have been identified?
  10. For each article, include information on how girl children experience these issues and rights, particularly in relation to education, health (including infanticide, nutrition, adolescent health, HIV/AIDs and access to health care), violence and sexual abuse, child labour, street children, girls held in detention centres, teenage pregnancy, etc. [**Note:** If such information is included, the report or selected chapters of the report can easily be submitted also to the Committee on the Rights of the Child.]

**Additional questions to consider under Article 6: Trafficking and Prostitution**

1. Are there anti-poverty programs and opportunities for women to access education, training and employment in place to reduce the risk of their being trafficked or entering into prostitution?
2. Are recruitment agencies properly regulated to minimise the risk of women being trafficked?

**Additional questions to consider under Article 7: Political and public life**

1. Are there temporary special measures in place to address the barriers to women's equal participation in political and public life, arising from illiteracy, language, poverty and impediments to women's freedom of movement?

**Additional Question to consider under Article 9: Nationality**

1. Is women's right to choice of residence hindered by the existence of unequal rights to nationality and citizenship, particularly for women refugees/asylum seekers, displaced women, indigenous women and women from ethnic minority groups?

**Additional Questions to consider under Article 10: Equality in Education**

**Right to Education** (refers to Articles 13 and 14 of ICESCR, see also ICESCR General Comment 13)

1. Has the State recognized in law and policy the right of access to education for all, including women and girls?
  - Has the State undertaken to ensure free compulsory primary education for boys and girls?
  - Do girls from low income families have the ability to access and attend school?
  - What actions has the State taken to ensure access to education for marginalized groups of women and girls?
2. Has the State undertaken measures to increase the number of schools and hiring of teachers to increase access to education?
3. Has the State instituted temporary special measures to increase girls' and women's access to education at all levels? Are uniforms, transportation, books and school lunches provided for students from low income families?
4. What is the literacy rate among men and women? Are there government programs to combat illiteracy?
5. Has the State instituted policies to ensure non-discrimination in access to education at all levels?
  - What is the rate of girls in primary education?
  - What is the rate of girls in secondary education?
  - What is the rate of women in higher education and vocational or technical training?
  - Are women frequently steered toward certain areas of study such as nursing, teaching, etc.?
  - Are scholarships, fellowships and other types of support equally available to women? What is the percentage of scholarships given to women?
  - Are girls kept home from school in order to attend to chores? If so, has the State initiated policies or educational programs to increase access to education for girls?
6. Have there been any public policy programs or educational campaigns geared towards combating traditional stereotypes that may keep women from attending school?
7. Has the State implemented policies against intimate relationships between students and teachers and sexual harassment in schools?
8. What is the dropout rate disaggregated by sex, and then further by region, ethnicity and race?

9. Are there any discriminatory practices against girls who become pregnant or are married while in school?
10. Does the government provide education programs and support services for women's reproductive rights and early or forced marriage which affect girls' right to education?
11. Within two years of ratification of ICESCR, did the State create a national action plan to ensure free compulsory education for all, specifically outlining plans to increase enrollment of girl-children?

### **Additional Questions to consider under Article 11: Employment**

**Right to Work** (refers to Article 6 of the ICESCR, see also CEDAW General Recommendations 13, 17 and 26 as well as ICESCR General Comment 18)

1. Has the State taken steps to provide access to employment for women?
  - Has a national plan of action been developed?
  - Have benchmarks and timeframes been set?
2. Has the State provided information regarding the unemployment rate disaggregated by sex and then further with regards to race, age, disability, ethnicity, etc.?
  - If there is a disparity in employment rates, has the State taken any measures to achieve gender equality in employment?
  - Has the State implemented vocational programs aimed at aiding the unemployed? Are these programs targeted toward women?
  - Have measures been implemented which address women facing multiple discriminations in employment?
3. Has the State provided information on the rate of women in the informal economy?
  - Has the State taken any steps to ensure women in the informal sector are aware of their human rights, have access to remedies for violations of their economic, social and cultural rights and have the opportunity to access educational and training opportunities?
4. Has the State implemented legislation prohibiting discrimination against women in employment based on pregnancy and marital status? If so, how is compliance monitored?
5. What forms of redress are available for women who have been discriminated against in the workplace on the grounds of pregnancy and marital status?

6. Has the State put in place temporary special measures to increase women's participation in the formal sector and employment sectors where women are under-represented?
7. Does the State ensure women are guaranteed the same promotion and career enhancing opportunities as men?
8. Has the government implemented any public policy programs or educational campaigns geared towards increasing the competitive recruitment of women in the workforce?
9. Has the State taken steps to address customs or practices which may impair women's ability to access training and seek employment?
10. Do the labour laws explicitly prohibit stereotypes against women which impede their ability to work in all fields of work?
11. Has the State undertaken to develop supportive policies which enable women to take night work or employment in more traditionally dangerous sectors, i.e. prison guards, construction, etc.?
  - Do women have equal access to transportation which allows them to get to work?
12. If there have been governmental programs to work towards gender equality in employment, what affects have those programs had?
13. Do women have the legal standing and ability to access credit to start businesses of their own?
14. Has the State undertaken and supported research and experimental studies to quantify and include the unremunerated domestic activities of women in the gross national product?

***Right to Just and Favorable Conditions of Work*** (refers to Article 7 and 8 of ICESCR, see also CEDAW General Recommendation 26 as well as ICESCR General Comment 18)

1. Has the state enacted legislation which ensures that women are paid the same rate as men for the same work? If so, how has this been monitored and enforced?
  - Has the State provided information on the percentage of women employed in part time work? Is the minimum wage for part-time work the same as full-time?
  - Is equal pay for equal work guaranteed to those working in the private sector as well as the public sector? If so, are there still discrepancies?

- Has there been an agency of government formed to guarantee equal pay for equal work in both the public and private sector?
  - Has the State ratified *ILO Convention No. 100* on equal remuneration for men and women workers for work of equal value?
2. Does the minimum wage provide for an adequate standard of living?
  3. Has the State enacted legislation guaranteeing safe and healthy working conditions, such as moderate working hours, holiday leave, maternity leave, sick leave, pension benefits and disability payments?
    - Is this provided without discrimination?
    - Are holidays, sick leave, overtime, and maximum hours of work available to women in the informal economy?
    - Is there a maximum number of hours per week a worker is allowed to work?
  4. Is there any regulation of domestic work (an area often predominated by women)?
    - Are domestic workers afforded the same rights, including to a minimum wage?
    - Are safe and healthy working conditions for domestic workers monitored by the State?
    - Are there regulations prohibiting violence against women domestic workers, and avenues for redress?
  5. Is the retirement age, pension benefits and social security the same for men and women?
  6. Is there legislation prohibiting sexual harassment in the workplace?
    - Can sexual harassment suits be adjudicated?
    - Are there public policy programs or educational campaigns geared towards eliminating sexual harassment?
    - Has there been any recent case law regarding discrimination in the work place on the basis of sex? If so, what were the results of that law?
    - What is the rate of prosecution of sexual harassment cases? What were the subsequent penalties?
  7. Is there legislation prohibiting discrimination on the basis of pregnancy or marriage?
    - Are there any programs aimed at allowing women flexible working hours following pregnancy?
    - Is day care available? Is it affordable?
  8. Are there job opportunities available for single heads of households? Do these opportunities allow them to work and care for their families?



9. Has the State developed a gender-sensitive, rights-based approach to migration policy that facilitates access of women migrant workers to safe work opportunities?
- Are there regulations and monitoring systems to ensure that recruiting agents and employment agencies respect the rights of all women migrant workers?
  - Does the migration legislation contain a comprehensive definition of irregular recruitment and a provision on legal sanctions for breaches of the law by recruitment agencies?
  - Has the State removed all bans and discriminatory restrictions in visa schemes on women's immigration? (i.e. conditions that restrict permission for women migrant workers to be employed only in certain job categories; or conditions that exclude certain female-dominated occupations from visa schemes)?
  - Has the State removed all bans that prohibit women migrant workers from getting married to nationals or permanent residents, becoming pregnant or securing independent housing?
  - Does the state provide temporary shelters for women migrant workers who wish to leave abusive employers, husbands or other relatives and provide facilities for safe accommodation during trial?

Philippine NGOs Shadow Report to the 36th Session of the Committee on the Elimination of Discrimination Against Women<sup>45</sup>

**Women's Economic Empowerment**

Women's economic empowerment is one of the areas of concern the Philippine government promised to as part of efforts to facilitate the implementation of the CEDAW. However, the difference between policy and practice has yawned wider over the years, spelling more disempowering than empowering conditions for millions of Filipino women in the country and abroad.

For instance, more women are leaving the country to find decent-paying work abroad. From a few thousands in the 90s, the number of documented Overseas Filipino Workers, a majority of whom are women has risen to the millions.

Conditions are similarly dismal for rural women, whose work in both production and social reproduction is largely unpaid to begin with. Rural poverty incidence has hardly budged. Provinces in the island of Mindanao, where the largest concentration of ethnic minorities and indigenous peoples can also be found, consistently posted the lowest human development outcomes relative to other regions.

<sup>45</sup> Women's Legal Bureau Inc., *Philippine NGOs Shadow Report to the 36th Session of the Committee on the Elimination of Discrimination Against Women*, at <http://www.unifem-eseasia.org/projects/Cedaw/docs/2006/Philippine%20NGOs%20Shadow%20Report%20combined%202006.doc>.

10. Do all workers – including women - have the right to form or join trade unions, or is it limited to particular employment groups?
  - Do customs or practices interfere with women joining and leading trade unions?
  - Are trade unions prominent in the industries highly dominated by women, such as textiles?
11. Are all workers given the right to strike? If not, what is the reasoning behind this?
  - Does this have a disproportionate impact on employment sectors that are highly dominated by women, such as teaching and healthcare?

**Additional Questions to consider under Article 12: Healthcare and Family Planning**

**Right to Health** (refers to Article 12 of ICESCR, see also CEDAW General Recommendation 24 and ICESCR General Comments 14 and 15)

1. Has the State recognized the right to physical and mental health for women and men in national law?
  - Has the State created a national health plan which specifically addresses the needs of women?
  - Does the national health plan take into account any ethnic, regional or community variations or practices based on religion, tradition or culture?
  - Has the State ensured that women have the freedom to make their own decisions regarding their healthcare?
  - Is a gender perspective at the centre of all policies and programmes affecting women's health?
  - Do all health services allow for women's rights to autonomy, privacy, confidentiality, informed consent and choice?
  - Are women involved in the planning, implementation and monitoring of such policies and programmes and in the provision of health services to women?
  - Are there monitoring mechanisms for the provision of health services to women by public, non-governmental and private organizations, to ensure equal access and quality of care?
2. Has the State provided sex-disaggregated data on access to healthcare?
  - What are the levels of access to healthcare among racial and ethnic minorities, older women, disabled women, rural women, lesbian, transgender and intersex women?
3. Has the State provided access in urban and rural areas to mental health facilities? Are these services affordable and culturally appropriate?

4. Has the State provided access in urban and rural areas to dental health facilities? Are these services affordable and culturally appropriate?
5. Does the training curricula of health workers include comprehensive, mandatory, gender-sensitive courses on women's health and human rights, in particular gender-based violence?
6. Are healthcare services segregated by sex?
  - Does this impact the quality of services provided to women?
  - What percentage of healthcare workers are women?
7. Is access to prescription medicine readily available and economically affordable?
  - Has the State ensured that trade agreements do not undermine the right to access medications?
8. Has the State provided access to HIV/AIDS prevention services?
  - Are young children and high risk groups educated about HIV risks?
  - What are the HIV/AIDS rates among women?
  - Are those suffering from HIV/AIDS covered under a State health policy or social security system?
  - Are people suffering with HIV/AIDS protected by law against discrimination and provided with sufficient access to healthcare?
  - Are there any programs geared towards eliminating misconceptions that may lead towards discrimination against those with HIV/AIDS?
  - Are all required pre-departure HIV/AIDS testing or pre-departure health examinations respectful of the human rights of women migrants?
9. Do migrant women workers have access to standardized and authentic health certificates if required by countries of destination?
10. Are employers of migrant women workers and domestic workers required to purchase medical insurance for women?
11. Are sexual and reproductive health facilities available? Are there any public policy programs or educational campaigns geared towards raising awareness about sexual and reproductive health?
12. Do women have universal access to family planning services, including birth control and emergency contraception?
13. Is abortion legal and available?
  - What is the incidence of abortion?
  - What is the number of women who die as a result of unsafe abortions?

14. What is the maternal mortality and infant mortality rate? What action has the State taken to combat this?
- Has the State instituted pre and post natal care services for women?
  - Are these services available in rural areas?
15. What is the age of sexual consent? Does it have an effect on the reproductive health of girls and boys?
16. Is female genital mutilation practiced? If so, are there any legislative plans to criminalize the offense, or are there educational and policy programs geared towards educating the public on the effects of this practice? Have programs been created to offer alternatives to women employed by performing FGM?
17. Has the State undertaken to combat violence against women and domestic violence as serious hazards to women's physical and mental health?

Shadow Report to Ghana's Third, Fourth & Fifth Reports on the Implementation of the CEDAW in Ghana<sup>46</sup>

In Ghana, most health care facilities are understaffed and under provided for in terms of logistics and medical supplies. In most rural areas licensed drug dealers and traditional birth attendants perform the work of doctors and nurses since they are the only people available with some measure of medical "knowledge".

In 2003 institutional data revealed that the national average of maternal mortality was 214/100,000 births. The World Health Organization (WHO) rate for Ghana is 740/100,000 births. Due to inadequate management, the maternal death ratio in Ghana is between 500 and 800 deaths per every 100,000 births. The major causes are haemorrhage, and complications from unsafe abortions. Abortion is illegal in Ghana except in circumstances where pregnancy is a result of rape or defilement, there is substantial risk from abnormality or there is risk of the mental or physical health of the child. Many women use unorthodox means to terminate unwanted pregnancies.

There is also an unmet need for family planning in Ghana, as contraceptive use has increased amongst married women. Many young people in Ghana are sexually active. The state of reproductive health among young people between the ages of 10-24 years is very poor. Even though adolescents engage in sexual activity at very early ages they do not have information and understanding of contraception and are shy about using health facilities.

<sup>46</sup> WILDAF – Ghana, *Shadow Report to Ghana's Third, Fourth & Fifth Reports on the Implementation of the CEDAW in Ghana*, 2006, at [http://www.iwraw-ap.org/resources/pdf/Ghana\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Ghana_SR.pdf).

The Plan Parenthood Association of Ghana (PPAG) has identified gaps in sexual reproductive health in the area of advocacy education for women and of sexual reproductive health rights for the youth. Most adolescents are unable to negotiate safe sex such as the use of condoms and this exposes them to the risks of sexually transmitted disease as well as increases their chances of being infected with the HIV/AIDS virus. In the wake of the HIV/AIDS pandemic, more attention should be given to adolescents. More than 90% of AIDS cases are found among adults between 15-49 years (adolescents are within that group) to date; about two-thirds of the reported cases are females. There is a direct correlation between women's low status and violation of their rights and HIV transmission. Gender inequalities are at the centre of the vulnerability of women to HIV.

Shadow Report: United Nations Convention on the Elimination of All Forms of Discrimination against Women in Romania for its consideration at the 35<sup>th</sup> Session 15 May to 2 June 2006<sup>47</sup>

Roma exclusion from public health-care services is caused, firstly, by the inequitable geographic distribution of health-care units, by the malfunctions of the health-care system and by discrimination on ethnic criteria.

The health status of Roma is generally weak in Romania, and there is little information about the health needs and interests of Romani women.

A significant problem faced by Romani women in relation to the medical personnel is discrimination. Cases of Romani women hospitalized in 'special' rooms of the hospital where only Romani Women are placed have been reported to Romani CRISS in a number of occasions. This practice seems to be more common in maternity wards.

### **Additional Questions to consider under Article 13: Economic and Social Benefits**

***Right to Social Security*** (refers to Article 9 of ICESCR, see also CEDAW General Recommendation 17 and ICESCR General Comment 19)

1. Is social security available to all? Has the State provided sex-disaggregated data on the percentage of men and women receiving social security? Is this further disaggregated by race, ethnicity, disability, etc?

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<sup>47</sup> European Roma Rights Centre & Romani CRISS, *Shadow Report: United Nations Convention on the Elimination of All Forms of Discrimination against Women in Romania for its consideration at the 35<sup>th</sup> Session 15 May to 2 June 2006*, pp 4-5, at [http://www.iwraw-ap.org/resources/pdf/Romania\(2\)\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Romania(2)_SR.pdf).

2. What measures is the State taking to ensure that socially disadvantaged groups, such as women, including women with disabilities, indigenous women, women from ethnic minorities, are receiving social security?
3. Are women in the informal economy (e.g. working in family enterprises, unregulated sectors) given access to social security? Have any legislative or policy programs been implemented to provide an adequate standard of living for those in the informal economy?
4. Are there any allocations made for lost-work time as a result of child bearing and child rearing?
5. If social security is based on past employment and contribution, does the government provide any aid to elderly persons (especially women) who did not work outside the home?

***Right to an Adequate Standard of Living*** (refers to Article 11 of ICESCR, see also ICESCR General Comments 4, 7, 12, 14, 15, 18 and 19)

1. Has the State established an official poverty line that allows the State to analyze poverty rates?
  - Has the State produced sex-disaggregated data on levels of poverty of women versus men as well as for female-headed households?
  - Is this information further broken down by race, ethnicity, disability, age, etc?
  - If the poverty rate among women is considerably higher, are there legislative or policy goals aimed at combating this?
2. Has the State established a minimum wage? Is it the same for men and women?
  - Is this minimum wage sufficient to ensure an adequate standard of living?
3. Is there access to safe and affordable drinking water in urban and rural areas?
  - Has the State implemented measures to increase the physical and financial accessibility of water for women?
  - Has the State taken measures to ensure that adequate water is available to caregivers of HIV/AIDS sufferers?
4. Has the State provided sex-disaggregated data on the rates of homelessness?
  - Is this information further broken down by race, ethnicity, disability, age, etc?
  - If housing is inadequate, especially among disadvantaged groups, what is the State doing to address this issue?
  - What is the rate of forced evictions? Does this affect particular groups, including women? What are the legal rights afforded to those who are evicted?

5. Has the State instituted a national action plan to improve access to adequate, food, housing, water and sanitation?
  - Does this plan specifically address the needs of women?
  - Has the State taken specific and concrete measures to implement these rights? Do these measures address the unique and disparate impact on women?
6. Has the State ensured in law and in practice that women have equal access to and are not discriminated against in the enjoyment of the rights to food, housing, water and sanitation?
  - Has the State taken measures to ensure equality in the distribution of food?
  - Has the State implemented food programs that ensure pregnant and lactating mothers and children access to adequate amounts of nutritious food? How is this program monitored to ensure non discrimination among women in terms of race, ethnicity, disability, etc.?
  - Do social roles or cultural practices limit women's access to food, water, or housing?
  - Have policies been instituted to increase the availability of affordable housing, especially for women and their children?
  - Do women have equal rights to own/rent a home or land?
7. Has the State provided access to judicial and administrative remedies for violations of the right to housing, food and water?
  - If so, have there been judicial/administrative decisions on these rights?
  - Have the decisions been implemented?
  - Has the State undertaken to educate the judiciary on these rights?
8. Has the State sought international assistance to ensure the rights to food, housing, water and sanitation?
9. Has the State provided information showing they are making all efforts to progressively realize these rights within maximum available resources?
10. Has the State provided data proving they have met minimum essential levels for these rights on a basis of non-discrimination?

***Right to Enjoy, Participate in and Benefit from Scientific Progress and Cultural Life***  
*(refers to Article 15 of ICESCR, see also ICESCR General Comments 17 and 21)*

1. What measures are being taken to ensure that all people – including women – can take part in and preserve their cultural identity, language and education?
2. Are women allowed to take part in sports and other recreational activities?

3. Has the State taken steps to ensure that entrenched cultural attitudes do not restrict women's equal right to participate in cultural life? Do these steps specifically address domestic violence and gender-based stereotypes?
4. Do women have equal access to the benefits of scientific progress? Is there specific support for scientific advances that benefit women?
5. Do authors, artists and scientists, including women, have legal rights – including patents and copyrights - to their scientific, literary, and artistic work?
6. Has the State ensured that intellectual property regulations are consistent with communities, especially indigenous groups, to access traditional plants and land areas?

**Additional Questions to consider under Article 15: Equality before the law**

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

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



5. Are migrant women who live and work temporarily in the country permitted to have the same rights as men to have their spouses, partners and children join them?

**Additional Questions to consider under Article 16: Marriage and Family Life**

***Protection of the Family, Mothers and Children*** (refers to Article 10 of ICESCR, see also CEDAW General Recommendations 19 and 21)

1. Has the State implemented legislation requiring free and informed consent of both Parties before entering into marriage? Is there a minimum age of marriage?
  - Is there any differentiation in the law based on religion or ethnicity?
  - Has the State provided information on steps taken to combat traditional practices which permit the marriage of children from the onset of puberty?
  - Has the State undertaken any measures to raise awareness of the dangers of early pregnancy?
2. Has the State implemented legislation ensuring equal rights to both men and women in marriage, such as right to own property, and to pass nationality onto the children?
3. Are there differences in the rights afforded to married and non-married mothers?
4. Does the State recognize “de facto” or “common law” marriages?
  - Are women in these unions afforded the same rights as those who are legally married?
  - Are the children born of these unions afforded the same rights as those born in legally sanctioned unions?
5. Are there differences in the rights afforded to married and non-married mothers?
6. Does the State provide social security to mothers before and after childbirth while they are unable to work? Does the State require employers to provide for paid maternity leave?
7. Does the State provide temporary special measures to enable men and women to balance family and work responsibilities? This could include paid parental leave, tax benefits, etc.
8. Can divorce be freely filed by both men and women, or are there only particular circumstances in which it is allowed?
  - What are the legal protections given to divorced women? Are they afforded the same rights as women who are married, widowed, or unmarried?

- Are the children of divorced women given the same legal rights as children of married parents?
  - Are the economic consequences of divorce accounted for in law and by the courts?
  - Are there laws that prohibit discrimination in the division of property at the end of a marriage or de facto relationship, or on the death of a relative? Are financial and non-financial contributions to the marital relationship accorded equal weight?
  - Where there is a community-property regime in place, is there a legal requirement for women to be consulted when property owned by the parties during marriage or de facto relationship is sold or otherwise disposed of?
9. Have discriminatory provisions against women been removed from all inheritance laws and customs? Are men and women in the same degree of relationship to a deceased entitled to equal shares in the estate and to equal rank in the order of succession?
10. Has the State established women's centers geared towards providing services to women and girls? If so, are they adequately funded?
11. What legislative and policy measures have been taken to combat sexual exploitation of women and girls?
12. Is rape specifically defined in national legislation as sexual intercourse without consent? Are there exceptions between married individuals?
13. Has the State provided data on the current rates of gender-based violence? What criminal and policy oriented measures has your State taken to investigate and combat such crimes?
- Has the State provided data on the current rates of reported domestic violence?
  - Has legislation been introduced or passed to criminalize domestic violence and marital rape?
  - If so, what are the criminal punishments for domestic violence?
  - Are there any educational campaigns geared towards addressing the problem of domestic violence?
  - Are judges and police officers, social workers and medical professionals trained in the issues surrounding domestic violence?
  - Is physical and psychological help available to victims of domestic violence?
  - Has the State implemented any legal or policy measures to provide physical protection to victims of domestic violence?

14. Is trafficking of women and girls criminalized? Has the State taken any actions to combat any incidences of trafficking within your country?
15. Has the State established a minimum working age which creates legal liability for its violation? How is this monitored?
16. Are women able to choose a profession or employment that is best suited to their abilities, qualifications and aspirations?
17. Do women have equal rights to enter into and conclude contracts and to own, manage, enjoy, administer and dispose of property?
18. Do programmes of agrarian reform or redistribution of land among groups of different ethnic origins, provide women, regardless of marital status, the right to share such redistributed land on equal terms with men?
19. Has the state provided education and awareness raising programs to remove stereotypes of women's role and work in the family that may be discriminatory?

India Second NGO Shadow Report on CEDAW 2006<sup>48</sup>

'Conventionally in India the normative framework of [the] right "to" marry does not reflect women's autonomy and decision making in the realm of relationship[s] per se and more specifically in terms of marriage, the different dimensions of [the] right to choose if, when and whom to marry. Any digression from this lead[s] to violative situations perpetuated by the community and families (both natal and marital), thereby reinforcing the critical issues with regard to marriage [in relation to:]

- Child Marriage,
- Early Marriage
- Forced Marriage
- Forcing a person to marry per se or marry a person of the family's choice
- Denying a person 's right to marry of her own free will, a person of her own choice practices
- Adultery & Bigamy

In India provisions of the Indian Constitution regarding non-discrimination on the basis of sex, equal protection of the law, equality before the law and the protection of life and personal liberty, and other secular and personal laws safeguard this right. However despite the framework of national and international legal protection, this right has proven to be one of the most complex and difficult to put into practice in the socio-cultural contexts of India.'

<sup>48</sup> National Alliance of Women, *India Second NGO Shadow Report on CEDAW 2006*, pp 127, 130 at: <http://www.iwraw-ap.org/resources/pdf/India%20Shadow%20report.pdf>.

- B. Status in the Marriage:* The man is the head of the house – control over the person and property of the spouse. No decision-making power for women as manifested in the declining sex ratio of women and men. No provision for redressal of marital rape. Father is the Sole Legal Guardian of minor children. Control of sexuality of women as seen in provisions, which criminalise consensual adult sexual relationships.
- C. Status on dissolution:* The Personal laws reinforce inequality. Maintenance is minimal and unenforceable and female headed households are poorer affecting the health and education of the children. The father is the sole legal guardian under the law and it affects the rights of the mother to the custody of the children if the marriage breaks down. There is no concept of equal division of matrimonial property. Rape of a separated wife entails a lower punishment.
- D. Widowhood:* Tradition and customs limit the effective implementation of the law in practices like sati. Widows make up 8% of the population but there is no effective support system in place for them. The monetary compensation given to war widows only worsened their situation as they were forced to remarry into the family of the dead husband for the sake of the money and then abandoned. The number of young widows is increasing as the HIV epidemic spreads.'

### **Additional questions under the CEDAW Committee's General Recommendation 19: Violence Against Women**

It is strongly advised that NGOs prepare a separate section on violence against women, and refer to CEDAW's General Recommendation 19, and the UN Secretary-General's in-depth Study on All Forms of Violence Against Women<sup>49</sup> in writing this section.

It is also important to use this section to highlight the interconnectedness and indivisibility of rights by linking issues of violence against women with the impacts on women's economic social and cultural rights such as the lack of adequate housing, lack of social security, lack of access to education and employment, and lack of adequate healthcare services to the perpetuation of violence against women.

1. What are the various forms of violence faced by women (including but not limited to domestic violence, sexual harassment at work or schools, harmful traditional practices such as female circumcision, sexual violence in conflict situations, etc.)
  - What is the extent of this gender-based violence? Identify what statistical data is available on the incidence of violence of all kinds against women, as well as on

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<sup>49</sup> *The Secretary-General's in-depth study on all forms of violence against women* (2006) at <http://www.un.org/womenwatch/daw/vaw/SGstudyvaw.htm>.

the different groups of women (migrant women, rural women etc) who are the victims/survivors of violence.

2. What legislation is in force to protect women against these forms of violence?
  - How effective are these laws in addressing the forms of violence faced by women and in providing remedies to women?
  - Are women accessing these laws? Is there data on women accessing these laws?
  - What are the obstacles to women accessing the law and how can these obstacles be addressed?
  - What remedies are available to women under these laws and how appropriate/effective are they?
2. What other preventive and protective measures have been adopted by the government to eradicate violence against women (such as training and awareness raising to modify gender-based stereotypes and socio-cultural patterns of behaviour that legitimize, exacerbate or tolerate violence against women)? How effective are these measures?
3. What kind of infrastructure and support services are available for women who are victims/survivors of aggression or abuses? Are there specific physical and mental health services made available and affordable for women? Are women able to access these services? What are the obstacles for access and use of these services and how can these obstacles be addressed?
4. Has the State provided measures to ensure women have access to training, employment and social security to ensure women are able to access independent income streams?
5. Has the State provided “safe houses” with emotional counseling services on a short and long term basis to allow women and their children to transition out of abusive situations?

Brazil and compliance with CEDAW Shadow Report by Civil Society to the Sixth National Report of Brazil on the Convention on the Elimination of all forms of Discrimination Against Women, 2001-2005 Period<sup>50</sup>

‘In Brazil, the definition of violence against women in the Convention of Belém do Pará has been adopted. This definition considers as violence, any act or conduct based on gender, which causes death, physical, sexual or psychological harm or suffering to

<sup>50</sup> *Brazil and compliance with CEDAW Shadow Report by Civil Society to the Sixth National Report of Brazil on the Convention on the Elimination of all forms of Discrimination Against Women, 2001-2005 Period*, 2007, p11 at [http://www.iwraw-ap.org/resources/pdf/BRAZIL\\_SHADOWREPORT\\_CEDAW\\_June,18%5B1%5D.pdf](http://www.iwraw-ap.org/resources/pdf/BRAZIL_SHADOWREPORT_CEDAW_June,18%5B1%5D.pdf).

women, in the public sphere as well as in the private sphere. The “Maria da Penha” Law (Law 11340/2006) on domestic and family violence, specifically against women, focused for the first time on identification and treatment of the problem, even though the Federal Constitution of 1988 contemplated and recognized the existence of domestic violence, in a general manner, in the family sphere.

It should be understood, however, that violence practiced against women in all income levels in Brazil goes beyond the domestic sphere, therefore, it also occurs in the public sphere, by action or omission. And, the greater the level of vulnerability of women, the greater the incidence of gender violence.

Public opinion surveys on violence against women show that Brazilians believe: the woman should not put up with aggressions by the companion (86%); there is no situation which justifies the aggression of a man against a woman (82%); and that domestic violence is a very grave problem (91%). Still, these views do not correspond with the incidence of violence registered in Brazil that has already been cited. Even though public opinion expresses serious concern and absolute rejection of violence, the statistics reflect social and institutional practices that are constants in the systematic pattern of discrimination and impunity.

A document sent to the Presidency of the Republic in January 2007 denounced the constant impunity involved in the violation of rights of indigenous peoples in Brazil, asserting that it is a strong stimulus for the occurrence of new and ever-increasingly grave violations of indigenous rights. The text also refers to the impunity that accompanies cases of gender violence and of racism, highlighting the murders of 20-year-old Marina Macedo, of Baniwa ethnicity, who was found strangled and with signs of rape on the morning of January 7, 2007, in the municipality of São Gabriel da Cachoeira (a 858 kilometers from Manaus, Amazonas); and the case of 70-year-old Kurutê Lopes, of Guarani-Kaiowá ethnicity, who was shot to death a day before. The document called for the effective punishment of the persons responsible for these crimes. GRUMIN Network of Indigenous Women (Rede GRUMIN de Mulheres Indígenas) <http://redegrumindemulhereindigenas.blogspot.com/>.

### **Other issues**

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

## B. ICESCR

### How should the report be organized?

The best way to organize a shadow/alternative report is by the Articles of the ICESCR Convention, because the ESCR Committee reviews the government report Article-by-Article.

The broad structure is as follows:

- Articles 1-5 provide the general legal obligations of the State Party in implementing economic, social, and cultural rights, and ensures the equality of men and women in the enjoyment of these rights;
- Articles 6-15 provide specific substantive areas of economic, social and cultural rights under the Covenant;
- Articles 16-25 outline the State reporting process as well as the role of the ESCR Committee during country reviews and;
- Articles 26-30 outline the process for signatures, ratification, accession and entry into force of ICESCR.

The shadow/alternative report need only provide information on the **substantive articles** of the ICESCR Convention, **i.e. Articles 1 - 15**.

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

See also the '[Revised general guidelines regarding the form and content of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights \(E/C.12/1991/1\)](#)', issued by the ESCR Committee. The Guidelines are intended to assist States parties in the drafting of their reports, however, they also are useful to guide the structure of shadow/alternative reports.

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

- The text of the ICESCR Convention.<sup>51</sup>
- The State Party report, which is made available on OHCHR's website.<sup>52</sup>

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<sup>51</sup> *Covenant on Economic Social and Cultural Rights*: <http://www2.ohchr.org/english/law/cescr.htm>.

<sup>52</sup> ESCR Committee website: <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>.

- Concluding Observations of the ESCR Committee: If your country has been reviewed by the ESCR Committee previously, you must look at the Concluding Observations and discuss whether the government has addressed the concerns and recommendations raised by the ESCR Committee during the last review.<sup>53</sup>
- General Comments<sup>54</sup>: The General Comments contain the latest interpretation of the normative standards in the ICESCR Convention. You should look to the General Comments in consonance with the Articles, e.g. Article 12 on Health with General Comment 14 on the highest attainable standard of health and 15 on the right to water, as well as General Comment 16 and 20 elaborating the obligations to eliminate discrimination in the enjoyment of ESCR and General Comment 3 on States parties obligations.
- UN Special Procedures: Refer to the reports created through other mechanisms (such as Special Rapporteurs on health, housing, violence against women, extreme poverty, etc): Reports by the Special Rapporteurs expand on normative standards and provide data on violations of human rights which will contribute to your report.<sup>55</sup>
- Concluding Observations of other UN Treaty Bodies: In the event your country has reported to other treaty bodies, in particular the CEDAW Committee, the relevant portions of those Concluding Observations which relate to women's economic, social and cultural rights should also be referred to.

#### **A. Guiding Questions and Concepts**

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

Articles 1-5 provide the general legal obligations of the State Party in implementing economic, social, and cultural rights, and ensures the equal rights of men and women to these rights;

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<sup>53</sup> ESCR Committee concluding observations can be found under the relevant reporting session at <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>.

<sup>54</sup> ESCR Committee General Comments are available on the OHCHR website for the ESCR Committee at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

<sup>55</sup> Reports from Special Rapporteurs on specific rights / issues can be found at <http://www2.ohchr.org/english/bodies/chr/special/themes.htm>; Country Rapportuer reports can be found at <http://www2.ohchr.org/english/bodies/chr/special/countries.htm>.



### **Article 1: Right to Self-Determination**

1. Do women have the right to determine their political status and to pursue their economic, cultural and social development?
  - If not, what are the barriers that exist?
2. Does the state recognize the right of self-determination through law or policy?
  - If so, is their further recognition that this right extends to women within particular cultural or religious groups?
3. Do women have the right to access and utilize natural resources, particularly indigenous women?

### **Article 2: State Obligations under the ICESCR (refer to ICESCR General Comment 3)**

1. Have the substantive provisions of ICESCR been incorporated into domestic law and policy? If not, why?
  - Has the state ratified the Optional Protocol to the ICESCR? If not, have steps been taken to move forward with ratification?
2. Are the provisions of ICESCR applicable and justiciable in domestic courts?
  - Does the domestic court system provide an effective remedy for women who have suffered violations of ESCR? Is there any case law?
  - If women have taken ESCR cases before domestic courts, have there been steps taken to ensure that the judgment of the court is enforced? Are lawyers and advocates able to directly cite the ESCR Convention in court?
  - Do judges refer to the ESCR Convention or international human rights principles in their decisions?
3. Has the State presented evidence in the State report that they have taken immediate steps to progressively implement women's ESCR within the maximum available resources?
  - Has the State provided evidence from its national budget, with references to the full range of available resources?
  - Has the State provided sex-disaggregated data showing allocations and expenditures for policies and programs which directly target women's ESCR?
  - Has the State provided evidence that they are drawing on the full range of available resources to meet their obligations - human, monetary, informational, and technical?
4. Has the State met minimum core obligations of the rights enumerated under ICESCR?

- Are there a significant number of women deprived of essential foodstuffs, essential primary health care, basic shelter and housing, or basic education?
  - Can the State demonstrate through sex-disaggregated data that men and women have equal access to these basic essential levels?
5. Has the State taken any distinct measures to combat discrimination in the protection of, respect for and fulfillment of ESCR? Have these measures been effective?
- Is there any legislative/legal framework distinctly outlawing gender-based discrimination?
  - Does the framework acknowledge intersecting discriminations, regarding gender, race, disability, age, etc. and adopt measures to address it?
  - Is legal aid provided to victims of discrimination?
  - Does the government monitor the effect of the laws protecting women's ESCR on women and whether laws are enforced and or implemented and take appropriate action?
  - Is there a process for monitoring discriminatory practices?
  - Are there competent and sensitised tribunals to hear cases on discrimination and inequality and are there procedures for women to claim their right to equality and non discrimination?
6. Has the State taken any action to educate and inform the public, as well as teachers, judges, police officers, and politicians, about the rights guaranteed under ICESCR and their particular importance for women?
7. Are there examples of conduct by a non-state actor, such as a transnational corporation, which has violated women's ESCR, which the state has failed to address?
8. Has the State sought international assistance to facilitate realization of the rights under ICESCR?

**Article 3: Equal Rights of Men and Women** (*refer to ICESCR General Comments 16 and 20*)

1. What steps has the State taken to account for gender discrimination in accessing and enjoying ESCR, including legislative, budgetary, and administrative measures?
- Do these measures take into account the need for both substantive as well as legal equality?
  - Has the State undertaken to implement any temporary special measures to facilitate equality between men and women in the enjoyment of ESCR?
  - Has the State acknowledged both the requirement of conduct and result in addressing women's inequality in access to economic, social and cultural rights?

2. Has the State implemented any public policy programs or educational campaigns to eliminate deep-rooted, negative cultural stereotypes and prejudices against women as well as their roles in both the public and the private spheres?
  - Has the State presented data showing the percentage of women in politics, the judiciary, public service, representation in the private sector?

**Article 4: Limitations on Rights under ICESCR**

1. Has the State imposed any limitations to the enjoyment of women's economic, social and cultural rights as provided under ICESCR?
  - If so, does the limitation interfere with the intention of ICESCR or the scope of an enumerated right? If so, has the State justified this restriction?
  - Is the limitation arbitrary, unreasonable, discriminatory, or does it impair the democratic functioning of society?

**Article 5: No Restriction or Derogation from Fundamental Human Rights**

1. Has the State's integration of the ICESCR into the domestic legal structure undermined human rights previously recognized to a greater extent in domestic law, treaties or agreements?

**Article 6: Right to Work** (*refer to CEDAW Article 11, CEDAW General Recommendations 13, 17 and 26 and ICESCR General Comment 18*)

1. Has the State taken steps to provide access to employment for women?
  - Has a national plan of action been developed?
  - Have benchmarks and timeframes been set?
2. Has the State provided information regarding the unemployment rate disaggregated by sex and then further with regards to race, age, disability, ethnicity, etc.?
  - If there is a disparity in employment rates, has the State taken any measures to achieve gender equality in employment?
  - Has the State implemented vocational programs aimed at aiding the unemployed? Are these programs targeted toward women?
  - Have measures been implemented which address women facing multiple discriminations in employment?
3. Has the State provided information on the rate of women in the informal economy?
  - Has the State taken any steps to ensure women in the informal sector are aware of their human rights, have access to remedies for violations of their ESCR and have the opportunity to access educational opportunities?

4. Has the State implemented legislation prohibiting discrimination against women in employment based on pregnancy and marital status? If so, how is compliance monitored? Is there a formal complaint mechanism to claim these forms of discrimination?
5. Has the State taken any steps to integrate women into sectors dominated by men?
6. Has the State taken steps to address customs or practices which may impair women's ability to seek employment?
7. Has the State undertaken to develop supportive policies which enable women to take night work or employment in more traditionally dangerous sectors, i.e. prison guards, construction, etc.?
  - Do women have equal access to transportation which allows them to get to work?
8. Do women have the legal standing and ability to access credit to start businesses of their own?

**Article 7: Just and Favorable Conditions of Work** (*refer to ICESCR General Comment 18 and CEDAW General Recommendations 13, 16 and 26*)

- Has the State enacted legislation which ensures that women are paid the same rate as men for the same work? If so, how has this been monitored and enforced?
    - Has the State provided information on the percentage of women employed in part time work? Is the minimum wage for part-time work the same as full-time?
    - Is equal pay for equal work guaranteed to those working in the private sector as well as the public sector? If so, are there still discrepancies?
    - Has there been an agency of government formed to monitor equal pay for equal work in both the public and private sector?
2. Does the State ensure women are guaranteed the same promotional and career enhancing opportunities as men?
  3. Has the government implemented any public policy programs or educational campaigns geared towards increasing the competitive recruitment of women in the workforce?
  4. If there have been governmental programs to work towards gender equality in employment, what affects have those programs had?
  5. Does the minimum wage provide for an adequate standard of living?

6. Has the State enacted legislation guaranteeing safe and healthy working conditions, such as moderate working hours, holiday leave, maternity leave, sick leave, pension benefits and disability payments?
  - Is this provided without discrimination?
  - Are holidays, sick leave, overtime, pension benefits and maximum hours of work available to women in the informal economy?
  - Is there a maximum number of hours per week a worker is allowed to work?
7. Is the retirement age, pension benefits and social security the same for men and women?
8. Is there legislation prohibiting sexual harassment in the workplace?
  - Can sexual harassment suits be adjudicated?
  - Are there public policy programs or educational campaigns geared towards eliminating sexual harassment?
  - Has there been any recent case law regarding discrimination in the work place on the basis of sex? If so, what were the results of that law?
  - What is the rate of prosecution of sexual harassment cases? What were the subsequent penalties?
9. Is there legislation prohibiting discrimination on the basis of pregnancy or marriage?
  - Are there any programs aimed at allowing women flexible working hours following pregnancy?
  - Is day care available? Is it affordable?
10. Is there any regulation of domestic work (an area often predominated by women)? Are domestic workers afforded the same rights, including to a minimum wage and social security benefits?
11. Are there job opportunities available for single heads of households? Do these opportunities allow them to work and care for their families?

#### **Article 8: Right to Form and Join Trade Unions**

1. Do all workers – including women - have the right to form or join trade unions, or is it limited to particular employment groups?
  - Do customs or practices interfere with women joining and leading trade unions?
  - Are trade unions prominent in the industries highly dominated by women, such as textiles?
2. Are all workers given the right to strike? If not, what is the reasoning behind this?
  - Does this have a disproportionate impact on employment sectors that are highly dominated by women, such as teaching and healthcare?

**Article 9: Right to Social Security** (*refer to ICESCR General Comment 19*)

1. Is social security available to all? Has the State provided sex-disaggregated data on the percentage of men and women receiving social security? Is this further disaggregated by race, ethnicity, disability, etc?
  - What measures is the State taking to ensure that socially disadvantaged groups, such as women, are receiving social security?
  - Are women in the informal economy given access to social security? Have any legislative or policy programs been implemented to provide an adequate standard of living for those in the informal economy?
  - Are there any allocations made for lost-work time as a result of child bearing and child rearing? If social security is based on past employment and contribution, does the government provide any aid to elderly persons (especially women) who did not work outside the home?

**Article 10: Protection of the Family, Mothers and Children** (*refer to CEDAW General Recommendations 19 and 21*)

1. Has the State implemented legislation requiring free and informed consent of both parties before entering into marriage? Is there a minimum age of marriage?
  - Is there any differentiation in the law based on religion or ethnicity?
  - Has the State provided information on steps taken to combat traditional practices which permit the marriage of children from the onset of puberty?
  - Has the State undertaken any measures to raise awareness of the dangers of early pregnancy?
2. Has the State implemented legislation ensuring equal rights to both men and women in marriage, such as right to own property, and to pass nationality onto the children?
3. Are there differences in the rights afforded to married and non-married mothers?
4. Does the State recognize “de facto” or “common law” marriages?
  - Are women in these unions afforded the same rights as those who are legally married?
  - Are the children born of these unions afforded the same rights as those born in legally sanctioned unions?
5. Are there differences in the rights afforded to married and non-married mothers?
6. Does the State provide social security to mothers before and after childbirth while they are unable to work? Does the State require employers to provide for paid maternity leave?

7. Can divorce be freely filed by both men and women, or are there only particular circumstances in which it is allowed?
  - What are the legal protections given to divorced women? Are they afforded the same rights as women who are married, widowed, or unmarried?
  - Are the children of divorced women given the same legal rights as children of married parents?
  - Are the economic consequences of divorce accounted for in law and by the courts?
8. Has the State established women's centers and "safe houses" geared towards providing services to women and girls who have experienced domestic violence? If so, are they adequately funded?
9. What legislative and policy measures have been taken to combat sexual exploitation of women and girls?
10. Is rape specifically defined in national legislation as sexual intercourse without consent? Are there exceptions between married individuals?
11. Has the State provided data on the current rates of gender-based violence? What criminal and policy oriented measures has your State taken to investigate and combat such crimes?
  - Has the State provided data on the current rates of reported domestic violence?
  - Has legislation been introduced or passed to criminalize domestic violence and marital rape?
  - If so, what are the criminal punishments for domestic violence?
  - Are there any educational campaigns geared towards addressing the problem of domestic violence?
  - Are judges and police officers, social workers and medical professionals trained in the issues surrounding domestic violence?
  - Is physical and psychological help available to victims of domestic violence?
  - Has the State implemented any legal or policy measures to provide physical protection to victims of domestic violence?
12. Is trafficking of women and girls criminalized? Has the State taken any actions to combat any incidences of trafficking within your country?
13. Has the State established a minimum working age which creates legal liability for its violation? How is this monitored?

**Article 11: Right to an Adequate Standard of Living** (*refer to ICESCR General Comments 4, 7, 12, 14, 15, 18 and 19*)

1. Has an official poverty line been established that allows the State to analyze poverty rates?
  - Has the State produced sex-disaggregated data on levels of poverty of women versus men as well as for female-headed households?
  - Is this information further broken down by race, ethnicity, disability, age, etc?
  - If the poverty rate among women is considerably higher, are there legislative or policy goals aimed at combating this?
2. Has the State established a minimum wage? Is it the same for men and women?
  - Is this minimum wage sufficient to ensure an adequate standard of living?
3. Is there access to safe and affordable drinking water in urban and rural areas?
  - Has the State implemented measures to increase the physical and financial accessibility of water for women?
  - Has the State taken measures to ensure that adequate water is available to caregivers of HIV/AIDS sufferers who require large amounts of water for their adequate care?
4. Has the State provided sex-disaggregated data on the rates of homelessness?
  - Is this information further broken down by race, ethnicity, disability, age, etc?
  - If housing is inadequate, especially among disadvantaged groups, what is the State doing to address this issue?
  - What is the rate of forced evictions? Does this affect particular groups, including women? What are the legal rights afforded to those who are evicted?
5. Has the State instituted a national action plan to improve access to adequate, food, housing, water and sanitation?
  - Does this plan specifically address the needs of women?
  - Has the State taken specific and concrete measures to implement these rights?
  - Do these measures address the unique and disparate impact on women?
6. Has the State ensured in law and in practice that women have equal access to and are not discriminated against in the enjoyment of the rights to food, housing, water and sanitation?
  - Has the State taken measures to ensure equality in the distribution of food?
  - Has the State implemented food programs which ensure pregnant and lactating mothers and children access adequate amounts of nutritious food?
  - How is this program monitored to ensure non discrimination among women in terms of race, ethnicity, disability, etc.?



- Do social roles or cultural practices limit women's equal access to food, water, or housing?
  - Have policies been instituted to increase the availability of affordable housing, especially for women and their children?
  - Do women (including single women, single un-wed mothers, etc) have equal rights to own/rent a home or land and to inherit land? If allowed so by law, is this also the case in practice?
7. Has the State provided access to judicial and administrative remedies for violations of the right to housing, food, water and sanitation?
    - If so, have there been judicial/administrative decisions on these rights?
    - Have the decisions been implemented?
    - Has the State undertaken to educate the judiciary on these rights?
  8. Has the State sought international assistance to ensure the rights to food, housing, water and sanitation?
  9. Has the State provided information showing they are making all efforts to progressively realize these rights within maximum available resources?
    - Have they done so with specific references to allocation and expenditures which can be tracked and monitored within the national budget?
  10. Has the State provided data proving they have met minimum essential levels for these rights on a basis of non-discrimination?

**Article 12: Right to Health** (*refer to ICESCR General Comments 14 and 15; CEDAW Article 12 and CEDAW General Recommendation 24*)

1. Has the State recognized the right to physical and mental health for women and men in national law?
  - Has the State created a national health plan which specifically addresses the needs of women?
  - Has the State ensured that women have the freedom to make their own decisions regarding their healthcare?
2. Has the State provided sex-disaggregated data on access to healthcare?
  - What are the levels of access to healthcare among racial and ethnic minorities, older women, disabled women, rural women?
3. Has the State provided access in urban and rural areas to mental health facilities? Are these services affordable and culturally appropriate?
4. Are healthcare services segregated by sex?

- Does this impact the quality of services provided to women?
  - What percentage of healthcare workers are women?
5. Is access to prescription medicine readily available and economically affordable?
- Has the State ensured that trade agreements do not undermine the right to access medications?
6. Has the State provided access to HIV/AIDS prevention services?
- Are young children and high risk groups educated about HIV risks?
  - What are the HIV/AIDS rates among women? Has this information been disaggregated by age, disability ethnicity, etc.?
  - Are those suffering from HIV/AIDS covered under a State health policy or social security system or has the state instituted a home-based care policy? If there is a home-based care policy, what impact does it have on women?
  - Are people suffering with HIV/AIDS protected by law against discrimination in employment and housing and provided with sufficient access to healthcare?
  - Are there any programs geared towards eliminating misconceptions that may lead towards discrimination against those with HIV/AIDS?
7. Are sexual and reproductive health facilities available?
- Are there any public policy programs or educational campaigns geared towards raising awareness about sexual and reproductive health?
  - Is information regarding sexual and reproductive healthcare and family planning options available in local languages?
  - Do women have universal access to family planning services, including birth control and emergency contraception?
8. Is abortion legal and available?
- What is the incidence of abortion?
  - What is the number/percentage of women who die as a result of unsafe abortions?
9. What is the maternal mortality and infant mortality rate? What action has the State taken to combat this?
- Has the State instituted pre and post natal care services for women?
  - Are these services available in rural areas?
  - Is maternal healthcare provided at an affordable rate for low income women?
10. What is the age of sexual consent? Does it have an effect on the reproductive health of girls and boys?

11. Is female genital mutilation practiced? If so, are there any legislative plans to criminalize the offense, or are there educational and policy programs geared towards educating the public on the effects of this practice? Have programs been created to offer alternatives to women employed by performing FGM?
12. Has the State undertaken to combat violence against women and domestic violence as serious hazards to women's physical and mental health? Is domestic violence criminalized with access to effective judicial remedies?

**Articles 13 and 14: Right to Education** (*refer to CEDAW article 10 and ICESCR General Comment 13*)

1. Has the State recognized in law and policy the right of access to education for all, including women and girls?
  - Has the State undertaken to ensure free compulsory primary education for boys and girls?
  - Do girls from low income families have the ability to access and attend school?
  - What actions has the State taken to ensure access to education for marginalized groups of women and girls?
2. Has the State undertaken measures to increase the number of schools and hiring of teachers to increase access to education?
3. Are uniforms, transportation, books and school lunches provided for students from low income families?
4. What is the literacy rate among men and women? Are there government programs to combat illiteracy?
5. Has the State instituted policies to ensure non-discrimination in access to education at all levels?
  - What is the rate of girls in primary education?
  - What is the rate of girls in secondary education?
  - What is the rate of women in higher education and vocational or technical training?
  - Are women frequently steered toward certain areas of study such as nursing, teaching, etc.?
  - Are scholarships, fellowships and other types of support equally available to women? What is the percentage of scholarships given to women?
  - Are girls kept home from school in order to attend to chores? If so, has the State initiated policies or educational programs to increase access to education for girls?

6. Have there been any public policy programs or educational campaigns geared towards combating traditional stereotypes that may keep women from attending school?
7. Has the State implemented policies against intimate relationships between students and teachers and sexual harassment in schools? If so, are they enforced?
8. Is information available regarding the school dropout rate disaggregated by sex, and then further by region, disability, ethnicity, race, etc?
9. Are there any discriminatory practices against girls who become pregnant or are married while in school?
10. Within two years of ratification of ICESCR, did the State create a national action plan to ensure free compulsory education for all, specifically outlining plans to increase enrollment of girl-children?
  - Since this time, have they provided evidence of progressive realization within maximum available resources in realizing the substance of this right?

**Article 15: Right to Enjoy, Participate in and Benefit from Scientific Progress and Cultural Life** (*refer to ICESCR General Comments 17 and 21*)

1. What measures are being taken to ensure that all people – including women – can take part in and preserve their cultural identity, language and education?
2. Are women allowed to take part in sports and other recreational activities?
3. Has the State taken steps to ensure that entrenched cultural attitudes do not restrict women's equal right to participate in cultural life?
  - a. Do these steps specifically address domestic violence and gender-based stereotypes?
4. Do women have equal access to the benefits of scientific progress? Is there specific support for scientific advances that benefit women?
5. Do authors, artists and scientists, including women, have legal rights – including patents and copyrights - to their scientific, literary, and artistic work?
6. Has the State ensured that intellectual property regulations are consistent with communities, especially indigenous groups, to access traditional plants and land areas?

## ■ General Comments

General Comments are official UN documents, and serve to expand and define State's obligations under the ICESCR. In addition to formulating a report based on the substantive articles of the ICESCR, we strongly advise NGOs to examine the General Comments made by the ESCR Committee, specifically General Comments 5, 6, 16, 20, which deal with various aspects of discrimination, as well as the gender specific aspects of the other General Comments on the scope of substantive rights, referenced above with each Article of ICESCR.

### B. Defining the Scope of Non-Discrimination

#### General Comment 16: Equal Right of Men and Women to Enjoy ESCR

General Comment 16 focuses on the equal right of men and women to the enjoyment of economic, social and cultural rights.<sup>56</sup> The adoption of General Comment 16 was influenced by the adoption of the Montreal Principles in 2003.<sup>57</sup> It integrates the concepts of substantive equality and temporary special measures from CEDAW to support women's access to and enjoyment of ESCR. General Comment 16 gives examples of specific examples of States Parties' obligations, which may be helpful. Like the questions above, it is recommended to use these examples as a means of evaluating your State's fulfillment of the ICESCR.

1. Has the State demonstrated through law and policy a recognition of the unique and disparate impact the lack of implementation of economic, social and cultural rights has on women?
2. Has the State taken positive measures, including temporary special measures, to ensure substantive equality for women in the enjoyment of ESCR?
3. Has the State provided information regarding both its conduct and the results of policies, laws and other measures taken to ensure women's substantive equality and enjoyment of economic, social and cultural rights?
4. Has the State recognized the immediate nature of the obligation to ensure equal enjoyment of economic, social and cultural rights on a basis of non-discrimination through the adoption of concrete and targeted measures?

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<sup>56</sup> See *General Comment 16*. A list of all General Comments made by the CESCR can be found at: [http://www.iuraw-ap.org/protocol/disc\\_equality.htm](http://www.iuraw-ap.org/protocol/disc_equality.htm).

<sup>57</sup> Working Group on Women's ESCR, *Montreal Principles on Women's Economic Social and Cultural Rights* (2002) at [http://www.escri-net.org/actions/actions\\_show.htm?doc\\_id=426624..](http://www.escri-net.org/actions/actions_show.htm?doc_id=426624..)

5. Has the State demonstrated respect for the obligation to ensure non-discrimination and substantive and legal equality for women by not repealing or adopting laws which undermine these obligations?

**General Comment 20: Non-Discrimination in ESCR<sup>58</sup>**

General Comment 20 can also be a useful tool in writing your shadow/alternative report, because like General Comment 16, it recognizes that non-discrimination and equality are fundamental to the enjoyment of economic, social and cultural rights. General Comment 20 focuses on combating discrimination based on “race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.”<sup>59</sup> General Comment 20 also integrates the concepts of substantive equality and temporary special measures to eliminate discrimination. Therefore, General Comment 20 can be an important tool when addressing intersectional discrimination against women in minority groups, disabled women, older women, poor women and other marginalized status.

1. Has the State recognized in law and policy the immediate and cross-cutting obligation to eliminate all forms of discrimination in the enjoyment of ESCR?
  - Has the State repealed all laws which either directly or indirectly perpetuate historical discriminations against women and other marginalized groups?
  - Has the State adopted measures to address discrimination in the private sphere, such as the home, private housing sector, and credit providers?
2. Has the State recognized its immediate duty to adopt necessary measures to eliminate conditions and attitudes which perpetuate de facto discrimination against women, specifically targeting discrimination based on: race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status?
3. Has the State undertaken to adopt special measures to address attitudes and conditions which perpetuate discrimination against women in minority and marginalized groups?
4. Has the State adopted measures to address other basis for discrimination against marginalized groups of women, such as previous involuntary detention, mental or physical disability, age, nationality, marital or family status, sexual orientation or gender identity, health status, place of residence, and economic or social situation?

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<sup>58</sup> Sourced from the Advanced Unedited Version of Committee on Economic, Social and Cultural Rights, *General Comment 20: Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2)* at <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

<sup>59</sup> *Id.*

5. Has the State provided access to justice and effective remedies for violations of multiple discriminations against women of marginalized groups?
6. Has the State adopted a national plan to address multiple discriminations against women? Have national awareness campaigns been implemented?
7. Has the State undertaken to gather disaggregated data on various forms of discrimination against women?
8. Has the State implemented systems for monitoring and evaluation of policies and measures taken to address intersectional discrimination against women?

**General Comment 5: People with Disabilities**

1. Has the State taken positive actions to eliminate “any distinction, exclusion, restriction or preference, or denial of reasonable accommodation based on disability which has the effect of nullifying or impairing the recognition, enjoyment or exercise of economic, social or cultural rights”?
2. Has the State taken positive actions to eliminate structural barriers for the participation of women with disabilities in society and in the enjoyment of ESCR, both in law and in fact?
  - Have additional resources and tailored measures been implemented to achieve this goal?
3. Is discrimination against women with disabilities addressed in both the public and private spheres, including in employment, housing and essential services?
4. Has the State implemented legislation to ensure that government offices, schools, public walkways, public transportation, cultural and recreational venues, and businesses take steps to improve accessibility, including the obligation to provide reasonable accommodation?
5. Has the State undertaken supportive measures to reasonably enable disabled women to remain with their families?
6. Has the State adopted measures to ensure that free market forces do not interfere with the rights of women with disabilities to access and enjoy ESCR?
  - Has attention been paid during the privatization of essential services to protect access for disabled persons?
7. Has the State adopted measures that specifically address access for women with disabilities to the substantive rights under the Covenant?

8. Has the State ensured access to effective remedies for violations of these rights?
9. Has the State implemented measures to raise awareness within society of the rights of women with disabilities?
10. Have measures been adopted to combat stereotypes of women with disabilities?

**General Comment 6: Older Persons**

1. Has the State adopted measures in law and policy to eliminate discrimination against older women?
2. Has the State implemented measures which recognize that older persons, either due to poor health or economic status, are among the most vulnerable in society and undertaken to ensure the ESCR of older women is protected even in times of economic crisis?
3. Do older women have equal rights to social security, old age pensions and other employer based retirement programs?
  - Are pensions dependent on the number of years in the workforce?
  - Does the amount provided for by social security ensure an adequate standard of living?
4. Does employment discrimination based on age exist in law or practice? Has the State taken any measures to combat this situation?
5. Is support provided to families who care for their aging family members in the home?

In addition to looking at discrimination under the General Comments above, it is also recommended to look through the General Comments which expand on the substantive rights enshrined by the ICESCR to help frame your report under each substantive article.

**C. Other Issues**

Groups seeking to report on their countries performance may also be facing conditions which further undermine and impact women's enjoyment of ESCR, such as widespread domestic violence and violence against women, conflict and post-conflict situations, lack of accountability of non-state actors for women's ESCR. For help in further addressing these specific issues, please see the additional resources section in part 6.



## 5. NGO Interventions During and After the CEDAW and ESCR Committee Sessions: How and When to Lobby

There are a number of points at which NGOs can intervene in the Committees' review process and contribute information on issues concerning women in their country:

- Provide comments on the State's report to the State Party or, in the form of a public statement or a media release
- Submit a shadow or alternative report (or in the case of ICESCR, it can also be a written statement) to the Committee
- Prior to the pre-session meeting – provide information to the Committee's pre-session working group to assist them in identifying a List of Issues/Questions
- Submit information in response to the List of Issues/Questions
- Meet with the Committee during the session when the government reports are presented and reviewed – present an oral statement, organise a side event or briefing, lobby individual Committee members, observe the Review Session.

CEDAW:	ICESCR:
<p>For shadow/alternative reports, the CEDAW Committee requires the report to be sent by email (in pdf format) as well as <b>30 copies</b> of the report to be sent by post to OHCHR <b>at least two weeks prior to the beginning of the session</b><sup>60</sup>.</p> <p>NGOs can also email their CEDAW reports to IWRAP Asia Pacific, <b>no later than seven weeks</b> before the CEDAW session. IWRAP Asia Pacific has an on-going arrangement with the OHCHR to submit NGO reports received electronically to the OHCHR by post and email.</p> <p>The OHCHR will put all NGO information on the official website (which is publicly accessible). If you have concerns with security please ensure that you advise the OHCHR not to make your report available on the website.</p>	<p>ICESCR requires NGOs to deliver <b>25 copies</b> of their shadow/alternative report or written statement <b>no later than a week prior to the review session</b> to the OHCHR in order for it to be distributed to Committee members.</p> <p>Please note that the OHCHR will put all NGO information on the official website (which is publicly accessible). If you have concerns with security please ensure that you advise the OHCHR not to make your report available on the website.</p> <p>The NGO reports submitted to the ESCR Committee can be viewed at: <a href="http://www2.ohchr.org/english/bodies/cescr/sessions.htm">http://www2.ohchr.org/english/bodies/cescr/sessions.htm</a>. Then click on the session for which you are interested in viewing reports.</p>

<sup>60</sup> NGOs should check the deadlines in the Information Note prepared by OHCHR for NGO participation for each CEDAW session for specific dates.

The NGO reports submitted to the CEDAW Committee can be viewed at: <a href="http://www2.ohchr.org/english/bodies/cedaw/sessions.htm">http://www2.ohchr.org/english/bodies/cedaw/sessions.htm</a>	
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In addition, NGOs can also share their draft or final reports with:

- other NGOs, government agencies or officials, national human rights institutions and media within their countries as an advocacy, public education or capacity building tool;
- regional and international NGOs such as IWRAP Asia Pacific and ESCR-Net who can then disseminate the report to their networks;
- Committees for other human rights treaties that their States have ratified or other relevant processes, such as the Universal Periodic Review,<sup>61</sup> the Human Rights Committee,<sup>62</sup> and eventually the Convention on the Rights of Persons with Disabilities.<sup>63</sup>
- relevant special procedures of the Human Rights Council, such as the UN Special Rapporteurs on the elimination of violence against women, health, food, or housing among others.<sup>64</sup>

NGOs may also want to consider increasing the dissemination of their reports by having them translated into local languages, or publishing them as community reports that can be used locally for education, awareness raising or national advocacy.

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

Shadow/alternative reports submitted to the CEDAW or ESCR Committee may also be useful for the other committees established under other treaties when they review States that are party to the relevant treaty. Therefore, in writing your report, you should consider how women are affected by the issues addressed in these other treaties and if possible, you should include this information under the relevant article of your report.

For instance, in your chapters on education, employment, health and violence against women you can include subsections on how girl children are affected within these areas (consider the issues of education, child labour, teenage pregnancy, HIV/AIDS, access to health care, sexual abuse of girl children, etc.), which makes the report very relevant for the Committee on the Rights of the Child.<sup>65</sup> Including data disaggregated by race and ethnicity and information about the rights of women within minority groups will make the report relevant for the CERD Committee.<sup>66</sup> If your report addresses issues that relate

<sup>61</sup> More information available at <http://www.ohchr.org/EN/HRBODIES/UPR/Pages/UPRMain.aspx>.

<sup>62</sup> More information available at <http://www2.ohchr.org/english/bodies/hrc/index.htm>.

<sup>63</sup> More information available at <http://www.un.org/disabilities/default.asp?id=150>.

<sup>64</sup> For a list of special mechanisms see <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

<sup>65</sup> More information available at <http://www2.ohchr.org/english/bodies/crc/>.

<sup>66</sup> More information available at <http://www2.ohchr.org/english/bodies/cerd/>.

to the other treaties, you can submit the entire report or chapters from the report to the relevant committee when your country is scheduled to report to that Committee.<sup>67</sup> In such instances, it is useful to include a brief, targeted summary that highlights the more relevant priorities and recommendations contained in the shadow/alternative report.

### 5.1 NGO Participation in the pre-session

NGO information prepared for the shadow/alternative report can also be used for providing information to the CEDAW/ESCR Committees' pre-session working group. Information provided to pre-session working group should also be in the form of a report, but will differ because it needs to focus on the most important issues facing women in your country, what is missing in the government's report and what you want the Committee to ask the State Party in the list of issues and questions.

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

<u>CEDAW:</u>	<u>ICESCR:</u>
The CEDAW Committee requires NGO representatives attending the pre-session working group to send their submissions in pdf format and bring <b>10 copies</b> for distribution at the meeting of the pre-session working group. NGOs not attending the pre-session working group should send 10 copies of their submissions <b>two weeks prior</b> to the beginning of the pre-session working group. <sup>68</sup>	The ESCR Committee requires <b>10 copies</b> of the report to be delivered to the country rapporteur <sup>69</sup> or the OHCHR <b>at least one week before</b> the working group meets. Additionally, oral statements can be made by NGO representatives in person during the first morning of the pre-sessional working group meeting, which is usually held on a Monday from 10:30am – 1:00pm.

<sup>67</sup> For information on how to submit information to other treaty committees see: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

<sup>68</sup> CEDAW Committee Secretariat contact information: CEDAW Secretariat, UNOG-OHCHR, CH-1211 Geneva 10, Switzerland. Email: [cedaw@ohchr.org](mailto:cedaw@ohchr.org).

<sup>69</sup> To find out which Committee member has been assigned as your country rapporteur, you must contact the ESCR Committee Secretariat contact information (as of June 2009): Susan Mathews, Secretary of the Committee on Economic, Social and Cultural Rights; phone: +41-22-917-9154; fax: +41-22-917 90 22; e-

## 5.2 NGO participation in the review session

The Committee review sessions are ‘open sessions’ at which NGOs and any other stakeholder wishing to observe the review can attend.

For both Committee sessions, the OHCHR has issued NGO information notes which guide NGOs on participating in the sessions.<sup>70</sup> The OHCHR also issues NGO information notes with more specific information for each CEDAW session, which are available on the website of the relevant CEDAW session<sup>71</sup>. NGOs can participate by:

**a) Making a written statement (for ESCR Committee only)**

**b) Making an oral statement:** NGOs can present an oral statement during the allocated “Informal Meeting with NGOs” during the Review Session. NGOs should come to the session prepared with a draft statement.

### CEDAW

As part of the **official agenda**<sup>72</sup> of the CEDAW session, there are two informal meetings held between NGOs and the CEDAW Committee:

- **The first informal meeting** is scheduled on the first day of the session (usually Monday) and is for NGOs whose States are reporting on the first week.
- **The second meeting** is on the Monday of the second week of the session and covers NGOs whose States are reporting in the second and third week.

During these informal meetings, NGOs will have an opportunity to voice critical concerns through **short oral statements**. They may also be asked to answer questions by the CEDAW Committee.

NGOs must register the names of their speakers with the Office of the United Nations High Commissioner for Human Rights (OHCHR). Write to [cedaw@ohchr.org](mailto:cedaw@ohchr.org) (cc [iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)) with the name of the speaker, the name of the organisation, and

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mail: [smathews@ohchr.org](mailto:smathews@ohchr.org). Permanent contact information: Office of the United Nations High Commissioner for Human Rights, Office 1-025, Palais Wilson, Palais des Nations, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland.

<sup>70</sup> The informational note for CEDAW can be accessed at [http://www2.ohchr.org/english/bodies/cedaw/docs/NGO\\_Participation.final](http://www2.ohchr.org/english/bodies/cedaw/docs/NGO_Participation.final); and the informational note for the CESCR can be accessed at <http://www2.ohchr.org/english/bodies/cescr/NGOs.htm>.

<sup>71</sup> See <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm> (select the relevant session, and click on Updated NGO Notes).

<sup>72</sup> NGOs can organise their own private briefings with Committee members during lunch time or other times. These private briefings will not form part of the official agenda. Refer to our note on setting up a lunch briefing/side event for more information.

country.

There is a maximum time limit of **10 minutes per country**. This means NGOs have to share the available time with any other NGOs from their country that want to make a statement on issues.

It is not necessary to submit the written statement in advance. But bring **40 copies** of the statement to the meeting and hand them to an OHCHR staff, **15 minutes prior to the start of the meeting**.

If an NGO cannot attend the NGO Informal Meeting, IWRAW Asia Pacific can make arrangements to distribute the statement to the CEDAW Committee members and/or present the oral statement. But the NGO should be contactable (via mobile phone or other means) with IWRAW Asia Pacific in case the CEDAW Committee wishes to clarify points or issues raised in the statement.

For further information on making an oral statement see: IWRAW Asia Pacific's *NGO Interventions during and after the CEDAW session: how and when to lobby*.

### **ICESCR**

NGO hearings take place on the first day of each reporting session, from 3 p.m. to 6 p.m. The average time limit for NGO oral statements is **15 minutes** per NGO.

NGOs making an oral statement should bring **35 written copies** of their statements for interpretation purposes. There is no need to send the oral statement in advance.

#### **c) Organizing a side event or briefing for Committee members during the session:**

Organising a side event or briefing the Committee members (ideally the day before the review of your State) is an effective way to lobby the Committee to raise your concerns during the dialogue with your government delegation, and to clarify any issues / questions the Committee may have about the State part report or your NGO shadow / alternative report. Ideally, this is a space where the Committee can ask NGOs questions based on information they have already reviewed (from the State report, NGO shadow/alternative reports, and reports from other sources). Therefore, long presentations should be avoided, allowing more time for informal dialogue with the Committee members.

This is an NGO event and is not part of the official agenda of the CEDAW session, and the costs are met by the NGO. For the CEDAW Committee a lunch briefing should be held between 1.00 – 2.30pm, which is when the Committee members break for lunch. The ESCR Committee has been open to both lunch briefings and evening events.

NGOs can access separate rooms for briefing sessions and side events. NGOs must contact the OHCHR at least four weeks in advance of the session with any requests for a side event or briefing, noting the topic of their event. IWRAW Asia Pacific can assist in liaising with OHCHR about room bookings for events held for CEDAW Committee Sessions.

Flyers should be prepared in advance and should contain brief information about the purpose of the meeting, and the date, time and location of the meeting. The flyers can be distributed to the CEDAW/ ESCR Committee members and others who may want to attend the side event or briefing.

At the side event/briefing NGOs should have available copies of: the executive summary of their shadow/alternative report; a list of issues/questions they want the CEDAW/ESCR Committee to raise in the dialogue with the government; and a list of key recommendations.

For further information on organising a side event or briefing see: IWRAW Asia Pacific's *NGO Interventions during and after the CEDAW session: how and when to lobby*.

#### **d) Lobbying individual Committee members**

NGOs attending the CEDAW/ESCR Session will also have access to individual CEDAW/ESCR Committee members. This gives NGOs opportunities to approach individual Committee members to highlight key issues, respond to what the Government said during the dialogue, and make recommendations for what issues should be included in the Concluding Observations.

The Committee's Country Rapporteur, who will be responsible for drafting the Concluding Observations, is a key person to lobby.

When approaching a Committee member, introduce yourself and ask if they have time to speak with you. If they are busy, ask them for a lunch appointment or just to have tea with you at any convenient time. To aid in this it is useful to keep a list of CEDAW/ESCR Committee members on hand.

#### **e) Observing the Committee's dialogue with the State Party**

It can be useful to be in contact with the OHCHR in advance of the Session and build a working relationship with them. It can also be useful to work with international NGOs

who participate regularly in Committee sessions such as IWRAP Asia Pacific and ESCR-Net.

During the dialogue between the State Party delegation and the Committee, NGOs cannot intervene, but it can be useful to attend in the conference room to observe the dialogue.

Attending the dialogue between the Committee and your government provides a good opportunity to know what are the positions taken by the government on certain issues which can be useful input for advocacy strategies at the local level. It is also an opportunity to listen to the CEDAW/ESCR Committees and understand how they interpret and apply CEDAW/ICESCR to the issues raised.

During the dialogue NGOs should take notes on what issues are raised to help prepare a list of recommendations that you would like to see included in the Concluding Observations. Note that recommendations on issues/concerns not raised during the dialogue will not be included.

After the dialogue prepare the list of recommendations that should be included in the Concluding Observations and give this in writing to the Committee member who is the Country Rapporteur. Also provide copies to the OHCHR and supporting NGOs such as IWRAP Asia Pacific and ESCR-Net.

IWRAP-Asia Pacific's From Global to Local: A CEDAW monitoring and implementation programme works with local and national non-governmental organisations wanting to engage with the CEDAW review sessions. IWRAP-Asia Pacific provides training sessions one week prior to the CEDAW Committee session, for NGOs appearing before the Committee during the forthcoming session and mentors NGOs through the review.<sup>73</sup>

### **5.3 Disseminating and building on the Concluding Observations**

The Concluding Observations are transmitted to the State Party concerned promptly after the close of the session. They are then made available to all interested parties and included in the CEDAW/ESCR Committee's annual report to the General Assembly. They are also made available on the Committee's website.

The CEDAW/ESCR Committees include in their Concluding Observations a request for State parties to publicly disseminate the Concluding Observations at the national level.

A summary record of the dialogue between the CEDAW Committee and the government delegation is also made available on the website of the Office of the High Commissioner

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<sup>73</sup> For more information on IWRAP Asia Pacific's From Global to Local Program see: <http://www.iwraw-ap.org/programmes/globaltolocal.htm>.

for Human Rights <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm> (select the relevant session). Aside from providing summary proceedings of the meetings, summary records are also authoritative documents that can be used for advocacy at the national level.

NGOs can play an important role in disseminating, publicising and monitoring Concluding Observations as well as lobbying the State for their implementation.

- Disseminating Concluding Observations - this can be critical to ensuring there is widespread awareness of the Committee's findings. This can involve translating the Concluding Observations into local languages and working with the media to publicise them.
- Connecting with local NGOs - have NGO representatives who attended the review session debrief local NGOs on their return as this will help to build a constituency that demands follow-up and implementation of the Committee's views and recommendations. Continue working with the coalition of NGOs who prepared the shadow/alternative report to advocate for the implementation of the CEDAW/ESCR Committees' recommendations.
- Engaging with government – the Concluding Observations can provide an important foundation for initiating dialogues between governments and NGOs for addressing the issues identified in them, and opening avenues for advocacy.
- Monitoring the implementation of the Concluding Observations - this can be key to measuring the impact of the reporting process, to ensuring NGOs remain engaged with the CEDAW/ICESCR reporting process in between reports, and it can also contribute to future reporting, as there is considerable value in NGOs reporting on the State's implementation of the recommendations for the next review. An appropriate monitoring structure should be established by NGOs.<sup>74</sup>
- Providing the CEDAW/ESCR Committees with reports on follow-up measures taken by their government in response to the recommendations contained in the Concluding Observations.

The effort put into preparing shadow/alternative reports yields more results if it is part of a long-term strategy that includes such follow-up and monitoring. Without this kind of follow-up and monitoring, governments can easily ignore UN treaty committee review processes and their findings.

**Case studies:** Creative strategies by NGOs for using the Concluding Observations to strengthen the advocacy work at the national level.<sup>75</sup>

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<sup>74</sup> For a copy of IWRAW Asia Pacific's *Monitoring Framework*, please contact IWRAW Asia Pacific.

<sup>75</sup> These case studies are sourced from IWRAW-AP's From Local to Global Programme. Please contact IWRAW Asia Pacific for more information.



- At the 18th CEDAW Session, the government of Zimbabwe was praised by the Committee for repealing the *Legal Age of Majority Act 1982* which denied women adult legal status. Upon their return home, however, the government announced that they would reinstate the Act. The Zimbabwean women activists who had observed their government's review by the CEDAW Committee were able to widely publicize the contradiction in State action. The government subsequently withdrew its intention to reinstate this discriminatory Act.
- The Nepali NGOs who attended their country review at the 21st CEDAW session, used the Concluding Comments as an opening to engage their government in a dialogue. They also used the Concluding Comments to further legitimize their claim for changes in discriminatory laws. The CEDAW Committee's Concluding Comments played an important role as a catalyst for change.
- Using media coverage to popularise their struggle and by arguing for the implementation of the CEDAW Committee's recommendations in the Concluding Comments for Japan, the Women Workers Network in Japan was able to successfully obtain a judgment that Japanese executive and management practices discriminated against women in terms of wages and other promotional issues in the *Sumitomo Electric Wage Discrimination* case.<sup>76</sup>
- In the Philippines, the 2003 shadow report on ICESCR was used very effectively in disseminating information on the right to food and housing to various audiences. For example it was used in negotiations and lobbying with government food and housing agencies.<sup>77</sup>
- In Brazil, the drafting of the shadow report was used to launch legal actions about specific ESC rights, and the mobilisation around the cases gave rise to a broader movement around ESC rights. The submission of a civil society's shadow report pushed the government to present its own report for the first time in 2003 and engage in dialogue about the human rights situation with the international community. Through exchange in subsequent forums, the Brazilian example spread to and inspired other governments that had ratified the ICESCR but had never fulfilled its obligation to write a report.<sup>78</sup>

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<sup>76</sup> For more information on this case see: [http://www.iwraw-ap.org/resources/case\\_japan.htm](http://www.iwraw-ap.org/resources/case_japan.htm).

<sup>77</sup> ESCrights Action, *Shadow Report on Economic Social and Cultural Rights: Methodological Guide* (2009), p 82-83, at [http://www.agirpourlesdesc.org/IMG/pdf\\_guide\\_ENG\\_site.pdf](http://www.agirpourlesdesc.org/IMG/pdf_guide_ENG_site.pdf).

<sup>78</sup> ESCrights Action, *Shadow Report on Economic Social and Cultural Rights: Methodological Guide* (2009), p 83, 85 at [http://www.agirpourlesdesc.org/IMG/pdf\\_guide\\_ENG\\_site.pdf](http://www.agirpourlesdesc.org/IMG/pdf_guide_ENG_site.pdf).

## **5.4 Engaging the media**

Media can be positively used at all stages of the shadow reporting and review process to raise awareness of the issues, to monitor the government's reporting in the process, and to leverage pressure on governments to respond to the process. This can include:

- Media releases at the time of issuing the shadow/alternative report
- Having regular media reports during the Committee's review session
- Issuing a press statement on the release of the Concluding Observations

Keep in mind that press releases issued by the United Nations are available after each day of discussion. In this regard, we recommend you bring contact information of journalists that may be interested in publicising the reporting process. Press releases will be available on the following websites:

- UN News Centre - <http://www.un.org/apps/press/latest.asp> (this URL avails the 30 latest press releases on events taking place in relation to the UN).
- The Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/cedaw/pressreleases.htm> (select "Press Releases & Meeting Summaries (UNOG)" and then either the CEDAW or ESCR Committee).

As there can be difficulties in accessing media, NGOs may need to develop a media strategy as part of their preparations, which could include building alliances with media both nationally and internationally and accessing alternative media avenues such as community radio and the internet.

## 6. Resources

### • CEDAW Committee

- General website: <http://www2.ohchr.org/english/bodies/cedaw/index.htm>
- Mandate: <http://www2.ohchr.org/english/bodies/cedaw/mandate.htm>
- Sessions: <http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>
- Working Methods of the CEDAW Committee:  
<http://daccessdds.un.org/doc/UNDOC/GEN/N06/594/40/PDF/N0659440.pdf?OpenElement>
- Rules of Procedure of the CEDAW Committee:  
[http://www2.ohchr.org/english/bodies/cedaw/docs/ROPChapIV\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ROPChapIV_en.pdf)
- Statement by the Committee on the Elimination of Discrimination against Women on its relationship with non-governmental organizations:  
[www2.ohchr.org/english/bodies/cedaw/docs/statements/NGO.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/statements/NGO.pdf)
- General Recommendations:  
<http://www2.ohchr.org/english/bodies/cedaw/comments.htm>
- OHCHR Information note on NGO participation:  
[http://www2.ohchr.org/english/bodies/cedaw/docs/NGO\\_Participation.final.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/NGO_Participation.final.pdf)
  
- CEDAW Committee Secretariat contact information:  
CEDAW Secretariat  
UNOG-Office of the United Nations High Commissioner for Human Rights,  
CH-1211  
Geneva 10, Switzerland  
Email: [cedaw@ohchr.org](mailto:cedaw@ohchr.org).
  
- CEDAW Optional Protocol:  
*Campaign for CEDAW-OP - Our Rights Are Not Optional!:* [http://www.iwraw-ap.org/opcedaw\\_campaign.htm](http://www.iwraw-ap.org/opcedaw_campaign.htm)  
*CEDAW Optional Protocol:* <http://www2.ohchr.org/english/law/cedaw-one.htm>;

### • ESCR Committee

- General Website: <http://www2.ohchr.org/english/bodies/cescr/>
- Mandate: <http://www2.ohchr.org/english/bodies/cescr/>
- Sessions: <http://www2.ohchr.org/english/bodies/cescr/sessions.htm>
- Working Methods of the ESCR Committee:  
<http://www2.ohchr.org/english/bodies/cescr/workingmethods.htm>
- Rules of Procedure of the ESCR Committee:  
<http://daccessdds.un.org/doc/UNDOC/GEN/G93/183/98/PDF/G9318398.pdf?OpenElement>
- General Comments:  
<http://www2.ohchr.org/english/bodies/cescr/comments.htm>

- Guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the International Covenant On Economic, Social And Cultural Rights (2008): <http://www2.ohchr.org/english/bodies/cescr/>
- Information on participation of non-governmental organizations in the Committee on Economic, Social and Cultural Rights: <http://www2.ohchr.org/english/bodies/cescr/NGOs.htm>
  
- ESCR Committee Secretariat contact information  
Susan Mathews, Secretary of the Committee on Economic, Social and Cultural Rights;  
Office of the United Nations High Commissioner for Human Rights,  
Office 1-025, Palais Wilson,  
Palais des Nations,  
8-14 Avenue de la Paix, 1211  
Geneva 10, Switzerland.  
phone: +41-22-917-9154;  
fax: +41-22-917 90 22;  
e-mail: [smathews@ohchr.org](mailto:smathews@ohchr.org).
  
- ICESCR Optional Protocol  
*International NGO Coalition for an Optional Protocol to the ICESCR:*  
[http://www.escr-net.org/actions/actions\\_show.htm?doc\\_id=940624&attrib\\_id=13453](http://www.escr-net.org/actions/actions_show.htm?doc_id=940624&attrib_id=13453)  
*ICESCR Optional Protocol :* <http://www.opicescr-coalition.org/OptionalProtocol.pdf>
  
- **IWRAW Asia Pacific**  
80-B, Jalan Bangsar,  
59200 Kuala Lumpur, Malaysia  
Tel: + 60322822255,  
fax: +60322832552,  
E-mail: [IWRAW Asia Pacific@IWRAW Asia Pacific.org](mailto:IWRAW Asia Pacific@IWRAW Asia Pacific.org); [iwraw\\_ap@yahoo.com](mailto:iwraw_ap@yahoo.com)  
Website: [www.IWRAW Asia Pacific.org/](http://www.IWRAW Asia Pacific.org/)
  
- **International Network for Economic, Social and Cultural Rights (ESCR-Net)**  
211 East 43rd Street, #906  
New York, NY 10017, USA  
Tel. +1 212.681.1236  
Fax +1 212.681.1241  
E-mail : [info@escr-net.org](mailto:info@escr-net.org)  
Website: [www.escr-net.org](http://www.escr-net.org)

### Women's Economic Social and Cultural Rights

- COHRE, ESCR-Net, and IWRAP-Asia Pacific and, "Primer on Women's Economic, Social and Cultural Rights," (2010) available at: [http://www.escr-net.org/resources\\_more/resources\\_more\\_show.htm?doc\\_id=1134974](http://www.escr-net.org/resources_more/resources_more_show.htm?doc_id=1134974).
- *The Montreal Principles on Women's Economic, Social and Cultural Rights*, developed by the Working Group on Women's ESCR of ESCR-Net. Available at: [http://www.escr-net.org/actions/actions\\_show.htm?doc\\_id=426624](http://www.escr-net.org/actions/actions_show.htm?doc_id=426624)
- ESCR-Net Resource Page on Women and Economic, Social and Cultural Rights (last updated January 2010) available at: [http://www.escr-net.org/resources/resources\\_show.htm?doc\\_id=426913](http://www.escr-net.org/resources/resources_show.htm?doc_id=426913).

### Women's ESCR in Conflict and Post-Conflict situations

- Christine Chinkin, *The Protection of Economic, Social and Cultural Rights Post-Conflict*, prepared for the OHCHR Women's Human Rights and Gender Unit, papers on access to justice post-conflict, (2009).
- Patricia Sellers, *The Prosecution of Sexual Violence in Conflict: The Importance of Human Rights as a Means of Interpretation*, prepared for the OHCHR Women's Human Rights and Gender Unit, papers on access to justice post-conflict, (2009).

### Women's ESCR and Domestic Violence

- World Health Organization, Multi-country Study on Women's Health and Domestic Violence Against Women (2005) available at: [http://www.who.int/gender/violence/who\\_multicountry\\_study/en/](http://www.who.int/gender/violence/who_multicountry_study/en/).
- Advocates for Human Rights. "[Domestic Violence and Housing](#)," (2006).
- Leilani Farha, *Home is Where the Hurt Is: An Economic and Social Rights Perspective on Violence Against Women*, draft, submitted to Special Rapporteur on Violence Against Women Ms. Radhika Coomaraswamy, COHRE (1998).
- Leilani Farha, *Is There a Woman in the House? Re-Conceptualizing the Right to Adequate Housing*, Canadian Journal of Women and the Law, Vol. 14, No.1 (2002).
- Rhonda Copelon, *Intimate Terror: Understanding Domestic Violence as Torture in Human Rights of Women: National and International Perspectives*, 121 (Rebecca Cook ed., 1994).

### Accountability of Non-State Actors

- Women's Environment and Development Organization, *Diverting the Flow: A resource guide to gender, rights and water privatization*, (2003).
- Scott, Craig. "[Multinational enterprises and emergent jurisprudence on violations of economic, social and cultural rights](#)," In: Eide, Asbjørn/Krause, Catarina/Rosas, Allan (eds). *Economic, social and cultural rights: A textbook* (2<sup>nd</sup> ed.). Dordrecht: Martinus Nijhoff Publishers, pp. 563-595, (2001).
- Rebecca Cook, *Accountability in International Law for Violations of Women's Rights by Non-State Actors*, in RECONCEIVING REALITY: WOMEN AND INTERNATIONAL LAW, Dallmeyer, D.G. (ed.), Studies in Transnational Legal Policy #25 (Washington, D.C.: American Society of International Law, 1993) 93-116.

## Reporting to treaty bodies

### General

- OHCHR, *Treaty bodies - bringing human rights home* video- available on request from OHCHR Publications and Information Desk ([publications@ohchr.org](mailto:publications@ohchr.org)).
- OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, (2009) available at <http://www.ohchr.org/EN/AboutUs/CivilSociety/Pages/Handbook.aspx>.
- Frontline Defenders, *Human Wrongs, Human Rights: A guide to the human rights machinery of the United Nations*, (2001) available at <http://www.frontlinedefenders.org/manuals/human-wrongs-human-rights>.
- The International Services for Human Rights (ISHR), *Simple Guide to Treaty Bodies*, 2009, at [http://www.ishr.ch/index.php?option=com\\_content&task=view&id=108&Itemid=419](http://www.ishr.ch/index.php?option=com_content&task=view&id=108&Itemid=419).
- Paul Mageean, *International Monitoring Bodies: powerful tools for leveraging local change*, 2004, at <http://www.newtactics.org/en/InternationalMonitoringBodies>.
- IWRAW Asia Pacific, *Factsheet: A Guide to the Universal Periodic Review Process for NGOs and NHRIs*, (2009) available at <http://www.IWRAWAsiaPacific.org/publications/factsheets.htm>

### CEDAW

- IWRAW Asia Pacific, *Participating in the CEDAW Reporting Process: Process and Guidelines for Writing a Shadow/Alternative Report* (2009) available at [http://www.iwraw-ap.org/using\\_cedaw/sr\\_guidelines.htm](http://www.iwraw-ap.org/using_cedaw/sr_guidelines.htm)
- IWRAW Asia Pacific, *NGO Intervention during and after the CEDAW session: how and when to lobby* (2010) available at [http://www.iwraw-ap.org/using\\_cedaw/sr\\_guidelines.htm](http://www.iwraw-ap.org/using_cedaw/sr_guidelines.htm)
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- IWRAW-Asia Pacific, *Equity or Equality for Women? Understanding CEDAW's Equality Principles*, Occasional Papers Series No 14 ( 2009) at [http://www.iwraw-ap.org/publications/doc/OPS14\\_Web.pdf](http://www.iwraw-ap.org/publications/doc/OPS14_Web.pdf)
- International Women's Rights Action Watch, *Producing Shadow Reports to the CEDAW Committee: A Procedural Guide* (2009) available at <http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>
- CLADEM, *Guía para la elaboración de Reportes Alternativos al Comité CEDAW*, 2008 at [http://cladem.org/index.php?option=com\\_rokdownloads&view=file&task=download](http://cladem.org/index.php?option=com_rokdownloads&view=file&task=download)

[d&id=359%3Aguia-para-la-elaboracion-de-reportes-alternativos-al-comite-cedaw&Itemid=181.](#)

- UNICEF, *CEDAW and the Reporting Process to the Committee on the Elimination of Discrimination Against Women* (2009) at [http://www.unifem.org/cedaw30/attachments/resources/CEDAW\\_UNICEF.pdf](http://www.unifem.org/cedaw30/attachments/resources/CEDAW_UNICEF.pdf).
- International Gay and Lesbian Human Rights Commission, *Equal and Indivisible: Crafting Inclusive Shadow reports for CEDAW: A handbook for writing shadow/alternative reports for CEDAW incorporating human rights issues related to sexual orientation, gender identity and gender expression* (2009) available at: [www.iglhrc.org](http://www.iglhrc.org).
- Diane Elson, *Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW - A Summary Guide for Policy Makers, Gender Equality and Human Rights Advocates*, UNIFEM (2006) available at [http://www.unifem.org/attachments/products/MonitoringGovernmentBudgetsComplianceCEDAW\\_eng.pdf](http://www.unifem.org/attachments/products/MonitoringGovernmentBudgetsComplianceCEDAW_eng.pdf).

### **ICESCR**

- ESCrights Action, *Shadow Report on Economic, Social and Cultural Rights: Methodological Guide* (2009) at: [http://www.agirpourlesdesc.org/IMG/pdf\\_guide\\_ENG\\_site.pdf](http://www.agirpourlesdesc.org/IMG/pdf_guide_ENG_site.pdf)
- International Women's Rights Action Watch, *Equality and Women's Economic, Social and Cultural Rights: A Guide to Implementation and Monitoring Under the International Covenant on Economic, Social and Cultural Rights*, 2004 at: <http://www1.umn.edu/humanrts/iwraw/CESCRMANUAL.pdf>
- CLADEM, *Guía para la elaboración de Reportes Alternativos al Comité del Pacto Internacional de los Derechos Económicos, Sociales y Culturales*, 2009 at: [http://www.cladem.org/index.php?option=com\\_rokdownloads&view=file&task=download&id=358%3Aguia-para-la-elaboracion-de-reportes-alternativos-al-comite-del-pacto-internacional-de-los-derechos-economicos-sociales-y-culturales&Itemid=181](http://www.cladem.org/index.php?option=com_rokdownloads&view=file&task=download&id=358%3Aguia-para-la-elaboracion-de-reportes-alternativos-al-comite-del-pacto-internacional-de-los-derechos-economicos-sociales-y-culturales&Itemid=181)
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- UN, *2009 Report of the High Commissioner for Human Rights on implementation of economic, social and cultural rights* UN Doc E/2009/90, (8 June 2009) available at <http://www.un.org/Docs/journal/asp/ws.asp?m=E/2009/90>.
- Victor Abramovich, *Guidelines for Preparing Progress Indicators on Economic, Social and Cultural Rights*, Inter-American Commission of Human Rights, OEA/Ser.L/V/II.132 Doc. 14, (2008) available at: <http://www.cidh.org/pdf%20files/Guidelines%20final.pdf>.
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and the Optional Protocol to the ICESCR, (Chinese Academy of Social Sciences),  
Beijing, 2008, available at:  
<http://www.socialrights.ca/documents/beijing%20paper.pdf>