



# International CEDAW Conference

One World Action & WOMANKIND Worldwide

11th November 2009

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**“ CEDAW is the bill of rights for women,  
the foundation upon which everything  
else is built. ”**

**Emilia Muchawa,  
Zimbabwe Women Lawyers Association**

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# Introduction



On 11th November 2009, One World Action and WOMANKIND Worldwide teamed up to deliver an interesting and inspiring international conference to celebrate 30 years of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The 'International CEDAW Conference' brought together experts from around the world to work with participants to discuss the successes and challenges of using CEDAW and draw up recommendations to strengthen the implementation of its principles.

Despite a last-minute change which meant Secretary of State for International Development Douglas Alexander MP was unable to attend, the conference

hall was packed with over one hundred participants – some even standing to listen to the key note speeches by Mike Foster MP, Parliamentary Under-Secretary of State, DFID and Theresa May MP, Shadow Minister for Women and Equalities. Several of WOMANKIND and One World Action's partners, including the directors of the Ghanaian Gender Centre, Zimbabwe Women Lawyers Association, the Tanzanian Women's Legal Aid Centre, Association of Bolivian Councilwomen, DEMUS (Office for the Defence of Women's Rights) from Peru, and Rape Crisis South Africa, attended the event to share their experiences of using CEDAW in their countries.

**“ I will now keep more updated on CEDAW and assess how it is actually being implemented in the day to day lives of women. ”**

**Feedback from Conference Delegate**



Jane Esuantsiwa Goldsmith

Jane Esuantsiwa Goldsmith chaired the event, which began with a panel discussion about meeting the UK's international commitments under CEDAW, which gave both conference delegates and international partners the opportunity to lobby the government to meet their obligations. Panellists Dr. Ruth Manorama from India and Mrs. Dorcas Coker-Appiah, a CEDAW Committee member from Ghana, challenged the Department for International Development (DFID) to ring-fence resources for civil society organisations' gender equality work.

After the morning plenary, participants broke up into a succession of workshops to examine how CEDAW is used in practice throughout the world and discuss the next

steps for strengthening enforcement and filling the gaps in CEDAW.

Speeches and workshops gave an opportunity for participants to share their expertise and to learn from others. Participants developed a better awareness of CEDAW and an understanding of how to use it to challenge and lobby government. There was a strong feeling of solidarity and commitment to strengthening CEDAW through participants' work.

Theresa May MP closed the event with a brief speech highlighting the Conservative Party's gender equality priorities. Immediately following the event, participants attended an evening drinks reception marking the launch of WOMANKIND's new publication on CEDAW and One World Action's *More Women, More Power* campaign.

**“ I'm feeling very excited about exploring CEDAW in my work! ”**

**Feedback from Conference Delegate**

# What is CEDAW?



## Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Chaired by Jane Goldsmith, the Conference began with a presentations about the work of One World Action and WOMANKIND Worldwide on CEDAW by Carolina Gottardo, Head of Policy and Advocacy at One World Action and Sue Turrell, Director of WOMANKIND Worldwide.

Since its creation 30 years ago on 18th December 1979, CEDAW has become known as the global bill of women's rights. CEDAW is made up of 30 articles designed to eliminate discrimination and inequality

between women and men and set out clear obligations on State parties for promoting gender equality. As of November 2009 it has been ratified by 186 States, including the UK in 1986. Countries that have not yet ratified CEDAW include Sudan, Iran and the United States of America.

The UN CEDAW Committee was established in 1982 to monitor States' progress on CEDAW. The Committee is formed of 23 experts who currently meet three times per year. States report on their progress to the Committee once every four years, and the Committee assesses the progress of each state by looking at the official government report and the accompanying shadow reports from civil society. Following this

**“ I will keep reading, researching and advocating for women's and human rights. Happy Birthday CEDAW! ”**

**Feedback from Conference Delegate**

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process, the Committee issues States with specific recommendations for improving their compliance with the Convention. The UK submitted its CEDAW report in 2009, and it was accompanied by a series of strong civil society shadow reports and recommendations.

The Committee also issues General Recommendations that build on the CEDAW provisions in order to help the Convention evolve and stay relevant as new women's rights issues and challenges emerge. CEDAW does not include a provision on gender-based violence, for example, but in 1992 the Committee issued General Recommendation 19 which defines gender-based violence as a form of discrimination against women in order to bring it under the ambit of the Convention.

The CEDAW Optional Protocol was created on 22nd December 2000, and ratified in the UK in 2005. In countries that have ratified both CEDAW and the Optional Protocol, the Protocol allows individuals and groups of individuals to submit claims of rights violations to the CEDAW Committee, once they have exhausted all legal measures within their own country. It also allows the CEDAW Committee to perform inquiries into grave or systematic violations of women's rights in State parties. As of September 2009, the Optional Protocol had been ratified by 98 States.

Much has been achieved since the CEDAW convention was signed – equality between men and women has been enshrined in constitutions, many discriminatory laws

and practices have been abandoned; and we have seen female Presidents and Prime Ministers taking a lead on the world stage. The CEDAW convention has, however, fallen short in achieving fairness and equality for all of the world's women – particularly the most marginalised. Women still do two thirds of the world's work, receive only 10 per cent of the world's income and own one per cent of the world's property. Women are 50 per cent of the world's population and still only 20 percent of the world's decision makers. Violence against women, simply because they are women, is pervasive worldwide.

One World Action and WOMANKIND Worldwide came together, therefore, to celebrate CEDAW and its achievements, but also to consider its weaknesses and where it has failed. The International CEDAW conference reviewed the success of the implementation of the Convention and by sharing the experiences and knowledge of women across the world, decided together on the recommendations on the way forward for ensuring that CEDAW can have even more success in its next 30 years.

### **WOMANKIND's work on CEDAW:**

CEDAW has been at the heart of WOMANKIND's approach ever since it was founded as an organisation in 1989. Many WOMANKIND partners have used CEDAW to hold governments to account and evaluate their actions or inaction, interpret equality and mobilise support for women's rights. All of our work leading up to the forthcoming general election

**“ This was a well-organised event with a good blend of like-minded people. Delegates demonstrated passion, enthusiasm and commitment to achieving gender equity in an international context. ”**

**Feedback from Conference Delegate**

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will be framed within the rights enshrined in CEDAW. WOMANKIND will lobby the three major political parties to ensure that their manifestos and ongoing work ensures that women's rights are at the heart of their policies on aid, trade, foreign affairs and the military. WOMANKIND organised a conference on CEDAW and report in 2004. WOMANKIND advocacy work with DFID and at the Commission on the Status of Women uses CEDAW as a framework.

partners and has proved to be a vital tool in lobbying on a wide range of issues, including challenging deeply embedded cultural-norms that limit women's choices and opportunities and gender-based political violence. Our *More Women More Power* campaign has been raising awareness of the convention in its 30th anniversary year and is urging the UK government to take urgent action to fully implement the Convention and evaluate its international commitments under CEDAW.

## WOMANKIND Worldwide Partners

Durga Sob from the Feminist Dalit Organisation (FEDO) in Nepal  
[www.fedonepal.org](http://www.fedonepal.org)

Kathleen Dey from the Rape Crisis Cape Town Trust in South Africa  
[www.rapecrisis.org.za](http://www.rapecrisis.org.za)

Dorcas Appiah-Corker from Gender Studies & Human Rights Documentation Centre in Ghana  
[www.gendercentrehghana.org](http://www.gendercentrehghana.org)

Emilia Muchawa, Zimbabwe Women Lawyers Association (ZWLA) in Zimbabwe  
[www.zwla.co.zw](http://www.zwla.co.zw)

Maria Ysabel Cedano García, DEMUS in, Peru  
[www.demus.org.pe](http://www.demus.org.pe)

## One World Action Partners

Maria Eugenia Rojas Valverde and Ana Mariá Encina from the Association of Bolivian Councilwomen (ACOBOL) in Bolivia  
[www.acobol.org.bo](http://www.acobol.org.bo)

Jane Magigita from the Women's Legal Aid Centre (WLAC) in Tanzania

Emily Sikazwe from Women for Change (WfC) in Zambia  
[www.wfc.org.zm](http://www.wfc.org.zm)

Dr Ruth Manorama, National Alliance of Women (NAWO) in India  
[www.nawoindia.org](http://www.nawoindia.org)

## One World Action's work on CEDAW:

With a 20-year history of pioneering approaches that champion women's rights, the CEDAW convention has long provided a framework for One World Action's work around the world. The Convention also provides a strong basis for the work of our

# CEDAW – Meeting our International Obligations

CREATING POWER AND  
OPPORTUNITY FOR  
PEOPLE TO TRANSFORM  
THEIR OWN LIVES

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to find out what you can do.

No. 1022298



**Mike Foster MP, Parliamentary Under-Secretary of State, Department for International Development; Dr Ruth Manorama, President of the National Alliance of Women, India; & Dorcas Coker-Appiah, Ghanaian member of the CEDAW Committee**

As part of One World Action and WOMANKIND Worldwide's shared commitment to creating innovative and democratic spaces where citizens are able to hold their governments to account, the Conference introduction was followed by a panel session, entitled '*CEDAW – Meeting our International Commitments*', attended by Mike Foster MP, the Parliamentary Under-Secretary of State (PUSS) at the Department for International Development (DFID). Along with the attendance of representatives from a broad range of civil society organisations in the North, the panel was a unique opportunity for women activists from the global South to hold the UK government

directly to account for its international commitment to the CEDAW convention. Consequently, the Minister was joined on the panel and robustly questioned by Dr Ruth Manorama, an internationally renowned rights activist from India and Dorcas Coker-Appiah, the Ghanaian member of the CEDAW Committee.

In his opening remarks, the Minister reminded participants of the progress that has been made in recent years in ensuring that gender equality is at the heart of international development, but also acknowledged the distance still needed to be travelled. He was very clear – too many women continue to be denied their right to land, decent work and health, and one in five women are subjected to rape or attempted rape in their lifetime. In an encouraging statement, he identified these challenges as political and human rights issues, arguing that "where women gain equal rights with men, society is transformed and everybody benefits".



*Dr. Ruth Manorama*

The Minister went on to offer examples of the work that DFID is supporting to address the challenges that women face, such as supporting the Ghanaian Government to provide free healthcare to pregnant women and working with local leaders in Nigeria on the benefits of hospital care. This has resulted in the number of women attending hospital increasing by 50 percent. The Minister also underlined the government's support for the new UN agency for women. For the new agency to make a real difference, however, he emphasised the importance of ensuring that it has a strong leader, is well-resourced and is formed quickly.

Dr. Ruth Manorama spoke about her work with CEDAW as part of the National Alliance of Women in India. Although CEDAW was ratified by India in 1985, it took civil society organisations (CSOs) a long time to utilise CEDAW in their work because of the difficulties in getting accurate information from the government about what conventions and commitments they had signed up to.



*Mike Foster*

She therefore responded to the Minister by asking whether DFID played an enabling role in implementing CEDAW in partner countries, like India. She demanded that DFID support civil society organisations in partner countries, particularly in relation to their work in monitoring government performance on CEDAW.

Dorcas Coker-Appiah also had a probing question to put to the government. She was concerned about the shift towards multi-donor direct budget support in partner countries. Because of the low priority given to gender in national policies and plans, she felt that this move would have a negative impact on gender equality work and asked the government to ring-fence resources for gender equality work.

The Minister stressed the government's reluctance to create separate basket funds for sectoral issues, comparing gender equality to issues like HIV/AIDS and maternal mortality. He said that the government's focus was on strengthening whole



Dorcas Coker-Appiah

systems – such as a country’s national health system. With regards to civil society funding, he explained that five percent of direct budget support will be earmarked for civil society organisations, with the explicit aim of making governments more accountable under obligations like the CEDAW convention. But Ruth Manorama questioned whether or not this five percent would actually reach women’s organisations and recommended robust gender-responsive monitoring of how this money is dispersed in reality.

Questions to the Minister from the floor were wide-ranging. The Women’s League for Peace and Freedom asked why the UK had taken so long to ratify CEDAW and the Optional Protocol, and demanded to

know when existing reservations would be removed. They also urged the government to enshrine in law its commitment to double core funding to the new UN agency for women. HelpAge wanted to know if and how the government was using CEDAW to challenge the discrimination in development faced by older women. Tearfund were interested in how the government was supporting the long-term cultural change recommended by the Convention; and One World Action asked whether or not DFID was using its obligations under the Convention to promote women’s political participation in development practice.

Whilst admitting that there was no “magic bullet” for strengthening women’s participation, the Minister was keen to stress that DFID’s Gender Equality Action Plan applies to women of all ages. In the case of cultural change, he referred to DFID’s work with religious leaders and emphasised the importance of working on a case by case, country by country basis on this sensitive issue. Dorcas Coker-Appiah reiterated that for those countries that have signed the Convention, they have made an international commitment to its principles and urged the government not to accept “culture” as an excuse in the global South to not pass legislation that will repeal discriminatory laws. Unfortunately, the Minister at this point had to move onto another engagement, but urged all of those participants who still had questions to send them to him in writing, promising a thorough and detailed response to all questions around the UK government’s international commitments under the CEDAW convention.

**“ Where women gain equal rights with men, society is transformed and everybody benefits. ”**

**Mike Foster MP, Parliamentary Under-Secretary of State, DFID**

# Gender Equality into the Future



## Theresa May MP, Shadow Minister for Women and Equalities

After starting the day by hearing about the government's commitments to the CEDAW convention, and given the importance of the Opposition's policies as the upcoming election approaches, the conference closed with a similar session on the Conservative Party's work on CEDAW and gender equality.

Theresa May MP, Shadow Minister for Women and Equalities, opened by calling for a new name for CEDAW, arguing that not many people have any idea what it means or what it stands for. She went on to talk about the 2007 Conservative Women's Policy Group Paper, 'Women in the World Today', which highlights the following key priority gender issues:

- ▶ Women victims of violence should be given a grace period of three months

before having to look for employment or claim benefits. This was a suggestion in the strategic document accompanying the Welfare Reform Bill;

- ▶ Ensuring that funding for rape crisis centres is on a three-year cycle;
- ▶ Ensuring that all government departments adopt one definition of Violence Against Women – the UN definition;
- ▶ Incorporating the issue of consent into the UK sex education curriculum as an important tool in preventing rape;
- ▶ Delivering flexible working for parents of children up to the age of 18;
- ▶ Introducing a new policy of paid paternity leave and flexi-parental leave, which mothers and fathers can split, or both take at the same time.

On the importance of gender equality in international development, the Shadow Minister pointed to the recent Conservative

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Party Green Paper, highlighting its support for microfinance and sanitation. She stressed the need to lower birth rates before a more progressive development could be achieved and insisted that the positive impact of girls' education would open the door to economic progress.

The session then moved on to a question and answer section. Before the Shadow Minister's arrival, participants arrived at a consensus on what key questions to ask, bearing the CEDAW convention in mind at all times. There was a commitment that any questions not asked would be passed in writing to Theresa May's office, and she agreed to respond to these questions thoroughly.

**Q** *What are you going to do about the (lack of) representation of women in politics in the UK?*

**A** The Party have introduced a 'gender neutral' element to selection procedures, so there is no longer any need for macho 'tub-thumping' speeches at selection meetings. Also, if the Tories win by just one seat in the next election, there will be 55 Conservative women represented in Parliament. The Party have also introduced primaries to democratise selection processes and David Cameron has announced that he will be introducing all-women shortlists in some seats in the New Year.

**Q** *Are you going to make sure the Human Rights Act is kept?*

**A** The Tories will be scrapping the Human Rights Act and replacing it with a Bill of Rights that focuses on rights and responsibilities. This is not an attempt to water down issues like women's rights.

**Q** *Can the Conservative Party commit to funding for rape crisis centres?*

**A** The Conservative Party have identified funding and the commitment is there to use that funding.

**Q** *Can you commit to doubling funding towards the new UN Women's Agency?*

**A** There has been no agreement as yet on this and as for doubling funding, it is very difficult to make such a commitment in the current economic climate. The Conservatives are, however, committed to the 0.7 percent spending on aid. The Party hasn't yet explored the option of ring-fencing some of this money for women's organisations.

**Q** *Will the Tories ring-fence funding for and legislate on CEDAW?*

**A** Referring back to the Equalities Bill, the Conservative Party have a difference of opinion from the Labour Party on this. The Tories want to review the situation post-Equalities Bill. As for funding, again, no commitments can be made at present.

**Q** *Will the Conservative Party make any changes to the status of refugees, or in the granting of visas for women? And what would a Conservative Party government do to support women around the world on the issue of political violence?*

**A** On the issue of women's migration to the UK, the overall Conservative policy is to set an annual limit on migration and visas will be granted on an individual's work needs. In relation to the question about political violence, this is an issue that needs consideration and it is important to talk and work together. Aside from that, it is difficult to see how much any government is able to influence issues in other countries, beyond putting on political pressure.

# Challenges and Opportunities of CEDAW: Conclusions drawn from the morning workshops



The participatory element of the Conference began with a series of morning workshops that examined how CEDAW is used by civil society organisations in their work around the world to secure the rights of women. A wide range of organisations working on different gender issues from regions around the world presented their experience, including:

- ▶ Mariá Eugenia Rojas Valverde and Ana Mariá Encina from the Association of Bolivian Councilwomen (ACOBOL) in Bolivia;
- ▶ Durga Sob from the Feminist Dalit Organisation (FEDO) in Nepal;
- ▶ Kathleen Dey from the Rape Crisis Centre in South Africa;
- ▶ Jane Magigita from the Women's Legal Aid Centre (WLAC) in Tanzania;
- ▶ Ann Marie Grey from the Northern Ireland Women's European Platform in the UK;

- ▶ Emily Sikazwe from Women for Change in Zambia.

Using the different casestudies as stimuli, the groups were then asked to identify both the opportunities presented by using CEDAW as a tool in equalities work and also the challenges presented by the Convention. A wide range of issues were discussed, but many of the groups identified common themes, opportunities and challenges, which were then fed back to the main conference plenary session, to inform the afternoon discussions. These conclusions are summarised below.

## The key opportunities presented by the CEDAW convention included:

- ▶ The creation of a clear international framework and standard for women's rights and equality;

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- ▶ The creation of a useful tool in holding governments to account for their national actions and policies on gender equality;
  - ▶ The creation of a key lobbying tool and a useful framework to use to increase education and awareness of women's rights;
  - ▶ The building of coalitions amongst women's CSOs and other networks and the provision of a central point around which activists can campaign and lobby.

### **The key challenges to working with the CEDAW convention as a tool included:**

- ▶ The lack of awareness of the Convention amongst grassroots women and even amongst many CSOs and women's rights activists;
- ▶ The lack of sanctions for both non-reporting on and non-implementation of CEDAW;
- ▶ The lack of resources available to promote the use and full implementation of CEDAW;
- ▶ The Convention's lack of recognition of the intersectional inequalities faced by women and the inadequate provision for the needs of some women – the young, old, LGBT women – in CEDAW;
- ▶ A lack of data collection, leaving CEDAW implementation difficult to monitor.

# Summary of Key Conference Conclusions and Recommendations



## At the local level

- ▶ Local authorities are rarely held accountable for lack of outcomes or weak processes when implementing gender equality legislation. The implementation of CEDAW (and the forthcoming Equality Bill in the UK) must also be examined at the local level and not focus solely on the performance of central government;
- ▶ Local authorities should ensure closer integration between the agendas of the Millennium Development Goals, CEDAW and the Beijing Platform for Action;
- ▶ Investment in people at the local level, to build capacity and ensure people know and understand their rights, must be a priority for local, national and international bodies, to ensure that CEDAW is the most effective framework it can be.

## At the civil society level

- ▶ CSOs within the equalities and human rights sector must, in their work, strive to break down the distinction between issues of equality and issues of human rights, promoting a rights-based approach to equality. Women's rights are human rights;
- ▶ CSOs should strive to work with both women *and* men, to redefine gender roles and stereotyping;
- ▶ The equalities and human rights sector should work together to bring inconsistencies or failures in CEDAW implementation to the attention of the national media;
- ▶ CSOs within the equalities and human rights sector should submit shadow CEDAW reports that highlight under-represented issues and groups in CEDAW (such as disabled or lesbian women),

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to put pressure both on the CEDAW Committee to recognise these gaps, as well as on the implementing government itself;

- ▶ CSOs should develop innovative indicators to measure progress on gender equality, including identifying how change happens and the key factors that facilitate change;
- ▶ CSOs should use international opportunities- like the Beijing Platform for Action +15 review, the MDG review and the Millennium Task Force – to articulate a strong women’s rights agenda in the post-Beijing era;
- ▶ CSOs need to secure mobilisation and resources to deliver a mass grassroots consultation to look at strongly engendered successors to the MDG and Beijing frameworks;
- ▶ CSOs should use CEDAW, not just as an advocacy tool, but as a *legal* tool to advance women’s rights;
- ▶ Resources to support advocacy for implementation of CEDAW should be channelled through both small and large NGOs, to ensure support at every level;
- ▶ Learning the lessons from recent strong campaigns around climate change, strong CSO campaigns around gender equality will provide Governments with the clear mandate they need to take positive action;
- ▶ In the UK, the equalities and human rights sector should take urgent action to challenge procurement policies that are leading to diminishing funding for women’s services and impeding full compliance with CEDAW.

## At the national institutional level in the UK

- ▶ National Human Rights Institutions, such as the Equality and Human Rights Commission (EHRC) in the UK must effectively scrutinise their government’s compliance with CEDAW;
- ▶ The Equality and Human Rights Commission in the UK should take urgent action to tackle procurement policies that are leading to diminishing funding for women’s services and impeding full compliance with CEDAW;
- ▶ To prevent the misinterpretation of legislation like the Gender Equality Duty, and to prevent procurement and tendering processes from undermining the implementation of CEDAW, the EHRC must develop guidance on when and why single-sex services are necessary for women in some circumstances;

## At the parliamentary and governmental level

- ▶ CEDAW must be used in national legislation. The preamble of the Equality Bill in the UK, for example, must reiterate the UK’s commitment to CEDAW and other international human rights agreements;
- ▶ There is a urgent need for education within national government bodies and amongst Ministers themselves on CEDAW, so that the articles of the Convention are fully embedded across all policy areas;
- ▶ To ensure that populations are aware of their rights under CEDAW, there is a need for national public education and public awareness campaigns, starting at the primary school-level;

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- ▶ Basic service provision should be delivered for women who currently have no recourse to public funding (such as women survivors of domestic violence who have insecure immigration status in the UK);
  - ▶ In the interests of better governance and accountability, governments should provide more resources for data collection to support shadow reporting from civil society organisations, especially in policy areas that are less visible to the public;
  - ▶ National Governments should ensure closer integration between the agendas and principles of the Millennium Development Goals, CEDAW and the Beijing Platform for Action;
  - ▶ In the UK, the government should lobby governments who have not ratified CEDAW in those nations with which we have an aid or foreign policy relationship and monitor progress on the CEDAW committee's recommendations in signatory partner-countries;
  - ▶ In the UK, guidance must be developed on when and why single-sex services are necessary for women in some circumstances to prevent the misuse of legislation like the Gender Equality Duty, and to prevent procurement and tendering processes from undermining the implementation of CEDAW.
- ▶ A properly-resourced CEDAW monitoring department at the international level would help to mitigate the inconsistencies in self-reporting, ensuring that governments are accountable for their implementation of the Convention. There must be stringent accountability mechanisms and sanctions at the international level for non-implementation of or non-compliance with CEDAW;
  - ▶ Introduce gender-responsive budgeting and monitoring of the quantity and quality of aid delivered to further both MDG 3 and the CEDAW Convention;
  - ▶ There must be consideration of women's diversity and of the individuals inadequately represented in the CEDAW Convention – women refugees, asylum seekers, disabled women or women living with HIV/AIDS for example – and potentially, a move towards new conventions that are more inclusive and have a strong women's rights focus;
  - ▶ International human rights instruments or frameworks should be used to complement and strengthen each other. The Beijing Platform for Action, for example, cannot be seen in isolation from CEDAW as a framework. International institutions and organisations should ensure closer integration between the agendas of the Millennium Development Goals, CEDAW and the Beijing Platform for Action;
  - ▶ Using other regional and international human rights mechanisms to compliment the CEDAW convention can ensure that women's rights are better and more effectively secured.

## **At the Regional and International level**

- ▶ The CEDAW Committee must be better resourced to improve its performance. This goes hand in hand with delivering adequate funding to ensure that the new UN's women's agency is both relevant and effective. The organisations of the UN must have clear access to funds to strengthen work on women's rights;

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# **CEDAW in practice**

**Reports of the morning workshops**

# Working on CEDAW in Bolivia



**Mariá Eugenia Rojas Valverde and Ana Mariá Encina, Director and President of the Association of Bolivian Councilwomen**

Facilitated by Carolina Gottardo of One World Action, the workshop began with Maria and Ana Maria outlining the work of the Association of Bolivian Councilwomen (ACOBOL). ACOBOL is a cross-party organisation founded 15 years ago to support women councillors in Bolivia and to push for a more participatory form of government. Women councillors in Bolivia face multiple economic, social and cultural barriers to political election and then structural barriers – along with political violence and harassment – once they achieve their ambition of being in office. The work of ACOBOL, therefore, is vital to ensuring women in Bolivia can be effective participants in political processes.

The workshop then moved on to consider how the CEDAW Convention has been used as a tool in Bolivia to secure the rights of women and support the work of ACOBOL. ACOBOL have used the fact that their government is a signatory to the CEDAW convention and the Optional Protocol in their lobbying work to considerable success. In particular, they have used Article 7 of the CEDAW convention to champion the political rights of women in Bolivia. The new Bolivian Constitution, for example, was influenced by the article and has made provisions for quotas that will ensure that 50 per cent of MPs are women. Similarly, ACOBOL's lobbying work around CEDAW recently resulted in the passing of two key pieces of legislation in Bolivia that encourage women to participate in politics and oblige political parties to ensure women are fully-included. The Ley de Cuotas and Ley de Partidos

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Políticos (the Quota Laws and the Political Party Laws) require that at least 30 per cent of a Party's candidates in local elections are women.

ACOBOL were instrumental in raising awareness of the issue of gender-based political violence in Bolivia to the CEDAW committee and – after closely studying the Bolivian report of the CEDAW Committee – found that of the 54 listed recommendations, 2 were specifically regarding gender-based political violence. The organisation is now using these recommendations to lobby the Bolivian government, ensuring that it is reminded of its obligations under the Convention and pressuring for legislation to combat gender-based political violence. ACOBOL's work in this area has already had considerable impact in other States and Ecuador has passed a law on gender-based political violence. ACOBOL are, however, frustrated by the lack of knowledge of the CEDAW convention amongst ordinary women in Bolivia and are concerned by the lack of resources available for public awareness-raising on the issue.

Following discussions around the Bolivian casestudy and the experience of other participants in the group, the workshop concluded that working with the CEDAW convention presents clear **opportunities**:

- ▶ It provides a clear international framework for ensuring that national legislation is gender-sensitive and considers women's rights and gender equality;
- ▶ It similarly provides a clear framework for those countries that are developing new constitutions to ensure that their approach is equitable and rights-led;
- ▶ In Bolivia, Article 7 has been a leading tool in increasing the number of women participating in the political process.

However, the group also recognised that the Convention faces some key **challenges**:

- ▶ CEDAW implementation is usually monitored at the national level, but not at the local level and this is where many key services for women are provided;
- ▶ There are no specific recommendations within the Convention that compel signatories to raise awareness of the Convention's existence and the rights of individuals under the Convention;
- ▶ The articles of the Convention have gaps in key areas. For Bolivian women, one of the key issues is the lack of recognition in the articles of political violence as a key challenge faced by many women.

# Working on CEDAW in Nepal



**Durga Sob, Director,  
Feminist Dalit Organisation, Nepal**

Facilitated by Roisin Cavanagh from the British Institute of Human Rights, the workshop saw Durga Sob, the director of the Feminist Dalit organisation (FEDO) give participants an informative presentation on the successes and challenges of using CEDAW.

Feminist Dalit Organisation (FEDO) works to promote and protect the rights of Dalit women and to enshrine the participation of Dalit women within the political and civil structures of Nepal. FEDO knows that legal change alone is not enough, and that consistent pressure from human rights groups is required to force stakeholders to invest resources and time in changing policies and practices. A large portion of FEDO's work has involved forming women's groups in under-served areas,

and providing rights training and skills to these groups. In addition, FEDO liaises with local government officials to increase their awareness of and sensitivity to women's rights. CEDAW has been the key framework used to discuss and describe rights to women and local power-brokers in rural and regional areas of Nepal.

Nepal ratified CEDAW on 22 April 1991, and its Optional Protocol in 15 June 2007. Durga outlined a number of ways in which violence and discrimination against women is very real in Nepal. Violence against women is estimated to affect between one third and three quarters of all Nepali women; daughters do not have the right to inherit property; it is estimated that between five and seven thousand Nepali girls and women are trafficked for sex work each year, usually to India; girls still have significantly lower rates of attendance at school than boys; women are under-represented in politics and traditional discriminatory practices still exist.

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Nepal is recovering from the aftermath of a civil conflict which lasted over ten years. Following the Comprehensive Peace Agreement (CPA) reached in 2006, there have been several significant developments: in particular, the abolition of the monarchy and establishment of a secular state; elections to the Constituent Assembly; the adoption of an interim constitution; and the drafting of a new constitution. Over 80 per cent of Nepal's population is Hindu, and until 2007, Nepal was officially a Hindu kingdom. Both caste discrimination and traditional notions of gender remain pervasive across the country.

CEDAW has had a unique influence on the women's rights movement in Nepal because of its legal status. Under the Treaty Act of 1991, a ratified treaty is enforceable as a domestic law, and other inconsistent laws are void to the extent that they are inconsistent with the treaty. In effect, this means that human rights groups have the ability to bring cases to the Supreme Court of Nepal when national laws are inconsistent with the provisions of CEDAW. This has been a very powerful provision for the women's movement in Nepal, and the Court has been an extremely important supporter of women's rights.

Durga discussed cases that have been taken to the Supreme Court in which CEDAW has been directly referenced to bring about landmark decisions around property rights, marital rape and abortion law. However, Supreme Court decisions have not always been followed by strict and timely implementation by the government. Even in cases where the national law has been changed, discriminatory practices continue, particularly outside of Kathmandu.

Durga highlighted that heightened international awareness of women's rights issues also translates into positive pressure

for the advancement of women's rights. This is used by NGOs to put pressure on the government, through bilateral negotiations with Nepal, and increases the attention paid to women's issues by international development agencies working in Nepal.

The key **opportunities** presented by CEDAW, identified by the group were:

- ▶ Using CEDAW as a lobbying and educational tool to raise awareness of gender inequality and women's rights;
- ▶ Using CEDAW to create specific policy change;
- ▶ Challenging multiple levels of discrimination by integrating CEDAW with other human rights mechanisms.

The **challenges** to fully implementing CEDAW included:

- ▶ Lack of case studies and data;
- ▶ The constraints on resources available to projects that implement CEDAW;
- ▶ The lack of work done to increase CEDAW's intersectionality, especially in the area of gender-caste discrimination;
- ▶ Little awareness of the links between CEDAW and UN resolution 1325.

# Working on CEDAW in South Africa



**Kathleen Dey, Executive Director, Rape Crisis, South Africa**

Facilitated by Rachel Carter of WOMANKIND Worldwide, the workshop saw Kathleen Dey, the executive director of Rape Crisis Cape Town Trust (RCCTT), South Africa, give a presentation on working on CEDAW in South Africa. Kathleen introduced her organisation and discussed the use of CEDAW in South Africa. Participants then identified challenges and opportunities to work on CEDAW.

Rape Crisis Cape Town Trust is an NGO that believes in challenging the power imbalances in society that are at the root of sexual violence. They seek to confront and prevent sexual violence and empower survivors through working with individuals, communities and other social structures in order to provide accessible services. Established in 1976, RCCTT is one of the

oldest and most experienced organisations in South Africa working to end sexual violence against women. They work to improve access to care, treatment and justice for rape survivors both female and male. RCCTT provide:

- ▶ Counselling and support services to survivors and their partners, family and friends;
- ▶ Awareness interventions in schools and communities;
- ▶ Empowerment through a Rape Crisis volunteer programme.

CEDAW was ratified by South Africa in 1995, including the Optional Protocol. The South African government fails to regularly report to the CEDAW committee. South Africa reported to the CEDAW Committee in 2008 for the first time in ten years (last report submitted in 1998). However, the 2008 report did not reflect the realities faced by women in South Africa. There was also a lack

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of co-ordinated response from the women's sector in South Africa. However, the 2008 CEDAW report describes CEDAW as integral to transition from Apartheid.

The key **weaknesses** inherent in the CEDAW convention were identified as:

- ▶ The lack of consequences for infrequent reporting;
- ▶ The huge gaps between governments' policy commitments when they sign up to CEDAW and the practice on the ground;
- ▶ The limited resources available for work on CEDAW;
- ▶ The optional protocol is a difficult tool and can only be used after national legislative processes have been exhausted;
- ▶ National gender machinery is often weak and unable to adequately ensure full implementation of the Convention;

# Working on CEDAW IN Tanzania



Jane Magigita, the Women's Legal Aid Centre (WLAC), Tanzania

After a brief welcome from One World Action's workshop facilitator Emily Esplen, Jane opened the session by outlining some of the major obstacles facing women in Tanzania. These include a systemic lack of access to, and ownership of, land and housing; only 19 percent of land is owned by women. This is exacerbated by the impacts of neoliberalism; for example, foreign investors are given priority over access to land and resources, with women being disproportionately affected. Other challenges include the small numbers of women attending university or obtaining leadership positions and top jobs, as well as early and forced marriages.

Although a Ministry of Community Development, Women and Children has been created, a lack of adequate funding

makes it difficult for the department to achieve its goals, especially in relation to gender mainstreaming. More broadly, there is insufficient political will on the part of government and other 'powerbrokers' to promote women's rights, with the result that laws relating to gender equality are poorly enforced.

Jane went on to explain how WLAC used CEDAW as a mechanism to advance women's rights in Tanzania and reflected on the role played by women's groups and organisations in monitoring the Convention more generally. Although Tanzania ratified the Convention in October 1985 without any reservations, the process of domesticating the Convention in Tanzania is not automatic but is instead done in a piecemeal fashion, with each article having to be adopted by the Parliament. Women's organisations have been key to pushing for change and holding the government to account for its commitments under the Convention. For

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example, women's groups have called for legal reform around the age of marriage and inheritance rights by preparing shadow bills; have carried out gender sensitive budgeting; and have engaged with the CEDAW shadow reporting process by preparing shadow reports in 1998 and 2008.

This advocacy prompted significant changes, including the enactment of the Sexual Offences Act of 1998, the Land Acts of 1999, the setting up of the Tanzania Human Rights Commission, the establishment of gender desks at police stations, and an increase to 30 percent of women in leadership positions at local and parliamentary levels.

One of the strengths Jane pointed to is that CEDAW's framework is flexible enough to be promoted and implemented within institutions, at the community level, nationally, regionally and internationally. One of the major challenges in using CEDAW to bring about positive change for women in Tanzania is that CEDAW domestication is piecemeal rather than automatic. Other challenges relate to the fact that countries can place extensive reservations on CEDAW provisions, which weakens the Convention, and the fact that delays in reporting are permitted with the Committee's permission. In particular, Jane emphasised the problem of the lack of sex disaggregated data within national systems, which makes it difficult for civil society to monitor the implementation of the CEDAW Convention.

The key **opportunities** provided by the CEDAW convention, as identified by the group were:

- ▶ It provides a framework of continuity for advancing women's rights;
- ▶ It can and is being used as a tool to secure women's rights, even in rural communities where very little rights work has been done previously;

- ▶ Governments voluntarily signed up to the convention and this is a key tool in holding them to account for their record on women's rights.

The key **weakness** inherent in the CEDAW convention were identified as:

- ▶ CEDAW is not automatically a part of domestic law and as such can be applied in a piecemeal approach;
- ▶ CEDAW is difficult to domesticate, particularly in the context of local culture and customs;
- ▶ The reservations system weakens the Convention;
- ▶ A lack of data means that implementation is difficult to monitor.

# Working on CEDAW in the UK



## Ann Marie Grey, Northern Ireland Women's European Platform

The Women's Resource Centre and Ann Marie Grey, Northern Ireland Women's European Platform, discussed the implementation of CEDAW in the UK.

Dr Ann Marie Gray spoke about her work with the Northern Ireland Women's European Platform (NIWEP) and her involvement in the UK delegation to the CEDAW Committee in 2008. She said that she was excited to see that CEDAW is gaining recognition across the UK and that more women and women's organisations know about it and are beginning to use this language in their work.

On 10th July 2008 the UK Government reported to the CEDAW Committee. The UK Government had not reported to the Committee for nine years (since 1999) despite its obligation to do so every

four years. At the 2008 examination, the Committee learned of the status of women and girls in the UK from an official Government report, oral briefings and from shadow reports submitted by women's and human rights organisations. The Committee questioned the Government for six hours based on this intelligence.

Following the oral examination, the Committee issued Concluding Observations that stated that – despite some advances, such as the introduction of gender equality legislation and the establishment of the Equalities and Human Rights Commission – women's rights are far from fully realised in the UK. Further, the committee noted a "lack of reference (by the Government) to the concluding observations of 1999 and its general recommendations."

In 2008 the Committee issued a series of General Recommendations urging the UK Government to:

- ▶ Ensure that the Gender Equality Duty is interpreted and applied properly so that women-only services and other activities of women's organisations are not negatively impacted upon;
- ▶ Incorporate the provisions of the Convention into the single equality legislation (the Equality Bill);
- ▶ Provide increased and sustained funding to NGO's involved in women's rights, including reporting on funding in the next CEDAW report;
- ▶ Raise public awareness of CEDAW, the Optional Protocol and General Recommendations, especially in the criminal justice system;
- ▶ Review the 'No Recourse to Public Funds' policy to ensure the protection of and provision of support to victims of violence;
- ▶ Increase efforts to design and implement targeted female genital mutilation (FGM) prevention strategies;
- ▶ Give consideration to granting victims of trafficking indefinite leave to remain.

The Women's Resource Centre held a conference in March 2009, *'Seizing the Opportunities of CEDAW: Developing a Women's Sector Strategy for 2011'*. This conference raised awareness within the women's sector of CEDAW and the Government's examination in July 2008. As a result of the success of this conference, the WRC established a 'CEDAW Working Group'. Specific tasks of the working group include:

- ▶ Maintaining a watching brief on responding to the Government's implementation of CEDAW recommendations;
- ▶ Collecting evidence for the next shadow reports;
- ▶ Lobbying on key CEDAW recommendations and themes;
- ▶ Attending the next examination.

To join the working group go online to: <http://thewomenscafe.ning.com/group/cedaw>

There was an interesting and lively discussion on the challenges and opportunities for using CEDAW in the UK.

The key **opportunities** presented by CEDAW and identified by the group were:

- ▶ CEDAW is a key tool in helping to build strong coalitions and linking with other sectors and campaigns. In the UK, key networks have been formed between the women's sector and the Trade Unions, for example;
- ▶ The opportunity to lobby for rights by linking CEDAW with other human rights instruments, including the Declaration of Human Rights, and the Declaration on the Elimination of Violence Against Women;
- ▶ CEDAW is a solid framework that can be used by CSOs to lobby for the mainstreaming of issues within national legislation and ensuring a strong focus on women – the UK Equality Bill, for example;
- ▶ The group also identified the forthcoming general election as a key opportunity to promote CEDAW, through campaigning, through the press and through the EHRC.

The key **challenges** to implementing CEDAW identified by the group were:

- ▶ Lack of investment in services/provision for women to access;
- ▶ The lack of transparency in reporting to the CEDAW committee by the UK government;
- ▶ Despite the UK failing to meet its obligations, the lack of implementation of the general recommendations made by the CEDAW committee and no enforcement mechanism to ensure recommendations are carried-forward;

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- ▶ The need to maintain a focus on women in the Equality Bill and to not allow gender issues to be mainstreamed into invisibility;.
  - ▶ The inadequate covering by the Convention of the needs of groups of women, including Lesbian, Gay, Bisexual and Transgender (LGBT) women, women living with disabilities, older women, younger women and women facing violence;
  - ▶ The lack of UK representation on the CEDAW committee;
  - ▶ The limited understanding or engagement with CEDAW by women's organisations in the UK;
  - ▶ The difficulty in co-ordinating the representation of devolved regions in reporting or lobbying around CEDAW;
  - ▶ The lack of funding available to the women's sector leading to few resources for lobbying on CEDAW;
  - ▶ The recent threats to human rights approaches, language and legislation. The Conservative Party, for example, have pledged to dismantle the Human Rights Act.

# Working on CEDAW in Zambia



**Emily Sikazwe,  
Women for Change, Zambia**

Facilitator Wendy Ngoma (One World Action) ensured the workshop took a very participatory and inclusive approach and began with Emily Sikazwe breaking participants into smaller groups. She asked each group to imagine that they were in a small village in rural Zambia and to consider, in this context, how they would use the opportunity of the CEDAW convention to work for and with women. She also asked each group to consider what challenges they might face in using the Convention and where the Convention's own weaknesses might contribute further to those challenges. The resulting discussion concluded that CEDAW does provide a clear framework that enables women across the world to hold authorities to account for their action on gender equality and that this accountability mechanism did not begin and end with

national authorities. Emily Sikazwe explained that the Convention, and particularly Article 5, had helped Women for Change to challenge one of the biggest barriers to equality faced by rural women – the opinions and practises championed by many local, traditional leaders. Yet even though CEDAW provides a clear framework, the group felt that its effective use faces many challenges in a rural context.

In discussing the challenges presented in a rural African context, the group highlighted the disconnect between the international idealism presented by the convention and the realities of service delivery faced by women in day to day life. For example, it was pointed out that Article 14 provides for the elimination of discrimination for rural women in accessing services, development programmes, training and credit. However, as Emily highlighted, the reality for rural women in Zambia is that they are often ignored in both national and local planning

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processes and are rarely consulted when basic services are being rolled out, leaving most with differential and unequal access. Thus, whilst CEDAW demands equal access to services, it does not provide for mechanisms to ensure that this equal access becomes a reality.

Related to this challenge and as Emily explained, many women in rural communities in Zambia have very limited access to information about the very Convention that is supposed to secure their rights. This can often leave CEDAW as a redundant or inaccessible tool to most individual women at the rural level and means that many of these women are only empowered to use CEDAW as a tool by external means – civil society organisations with the skills required to use the Convention effectively. Whilst CEDAW therefore, may readily be used by national policy makers, its use by and within rural communities is often more patchy, leading the group to conclude that more needs to be done to ensure that CEDAW is an accessible framework at all levels.

Using the opinions and experiences of the participants in the group as a guide, the group summarised the key **opportunities** that they felt that CEDAW presents;

- ▶ CEDAW is a key tool available to women to enable them to hold their governments to account for their actions on gender equality;
- ▶ As the experience of Zambia shows, CEDAW – and particularly Article 5 – has been a key tool in helping civil society organisations to challenge deeply embedded cultural norms with traditional community leaders.

Several of CEDAW's **weaknesses** and key challenges were also identified by the group:

- ▶ The link between the Convention and its use in the real, everyday lives of women

across the world is weak. There are limited mechanisms (the Optional Protocol is rarely used) to ensure that the ideals in the Convention become a reality for women on the ground;

- ▶ Limited access to information about the Convention means that its use at the local rural level can be patchy;
- ▶ The lack of sanctions for non-compliance with the Convention, along with the reservations system, means that many governments do not feel compelled to fully implement all articles.

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# **CEDAW, The next steps**

## **Reports of the afternoon workshops**

# CEDAW and Regional Instruments



**Emilia Muchawa, Zimbabwe Women Lawyers Association (ZWLA), & Rachel Carter, Head of Policy & Advocacy, WOMANKIND**

Zimbabwe Women Lawyers Association (ZWLA) is an association of women lawyers that was established in 1992 by a group of women who were all lawyers in either private practice, government service, in academia or the non-governmental sector. ZWLA seeks to promote a Zimbabwean society where women are empowered and assert their rights within a justice system that treats men and women equally and that is sensitive to the needs of children.

Given the difficult environment and the deterioration in women's rights in Zimbabwe, Emilia Muchawa discussed how relevant international and regional instruments are used in the country. In the post-colonial context, African leaders, including those in Zimbabwe today, focus on upholding state

sovereignty and minimising interference from the West. This creates challenges for enforcing international law.

Regional instruments place international instruments into a regional framework. Regional instruments such as the African Union (AU) and the Southern African Development Community (SADC) Protocols are therefore a home-grown solution to this problem and provide greater capacity for women's organisations to call African governments to account. The AU and SADC Protocols also emphasise the importance of CEDAW, as they re-affirm its provisions. In some cases, the regional instruments go further than the Convention itself and include some women's rights issues that are more relevant to the lives of African women – for example, HIV and AIDS, inheritance and widow rights, FGM, violence against women, equality in marriage and polygamy. In short, Emilia concluded that "CEDAW is the bill of rights for women, the

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foundation upon which everything else is built.”

In Zimbabwe, CEDAW and these regional instruments have been used to lobby for laws such as the Domestic Violence Act of 2007 (which contains a comprehensive section on harmful traditional practices), the Sexual Offences Act of 2001 and the Inheritance Laws of 1997. ZWLA is also using CEDAW and other regional instruments as an advocacy tool in calling for harmonisation of marriage laws in Zimbabwe. ZWLA has used CEDAW in test cases to emphasise the commitments that the Zimbabwean government has made.

In addition, ZWLA has used CEDAW as a reference in strategic and advocacy planning processes. For example when campaigning around the constitution-making process, ZWLA used the principles in CEDAW to guide their demands. It set the framework for facilitating discussion and dialogue with the government on women’s rights. The Women’s Coalition of Zimbabwe also used CEDAW and regional instruments to frame women’s demands for a new Constitution in a document called the Women’s Charter: [www.undp.org.np/constitutionbuilding/elibrary/woman/zim%20womens%20charter.pdf](http://www.undp.org.np/constitutionbuilding/elibrary/woman/zim%20womens%20charter.pdf)

Emilia Muchawa shared key lessons from ZWLA’s use of CEDAW. It is a challenge to get the government to honour their commitments – reports to the AU and CEDAW are usually submitted late, without sanctions; recommendations from both the AU commission and CEDAW committee are not enforced. Further, women’s organisations have to think about how they can ensure the harmonisation of reporting under different instruments. In the Zimbabwean context, much of what is relevant to SADC Protocol is relevant to both CEDAW and the AU protocol, as the three instruments are inter-

connected. The gaps between national and international law are small but the challenge lies in implementation. If women MPs and women’s organisations work together to push for implementation, there is greater chance of success. There is a need to popularise the regional instruments and CEDAW to create a critical mass of people to push for reform.

A discussion around international support stressed the importance of UK and UN influence. DFID and Foreign and Commonwealth Office support at the national level is crucial to persuading States to view all three instruments as interconnected. Funds are being channelled through civil society and international organisations as well as through UN agencies and these funds can be used as a lever to persuade governments to implement CEDAW.

## Recommendations:

- 1 Resources to support advocacy for implementation of regional and international conventions and protocols should be channelled through both small and large NGOs so that there is support at every level;
- 2 The women’s sector should develop innovative indicators to measure progress on gender equality for both regional and international instruments, including identifying how change happens and the key factors that facilitate change;
- 3 Cultural and attitudinal change to gender-approaches can be best achieved through education;
- 4 These educational opportunities should be available to both women *and* men, to redefine gender roles and stereotyping.

# Monitoring CEDAW Implementation – What can we do? How should we do it?



## María Ysabel Cedano García, DEMUS

Having formed an integral part of the team funded by the Committee on Caribbean and Latin America for the Defence of Women (CLADEM) to prepare the 2007 shadow report in Peru to the CEDAW Committee, María Ysabel offered information and guidelines for organisations wishing to understand and contribute to the shadow reports submitted to the UN CEDAW Committee. She outlined the importance of shadow reports in monitoring States' performance on women's rights and stressed that the report-writing process should be democratic and participatory in order to ensure that the reports represent women's needs and give women a sense of ownership of CEDAW. CLADEM's shadow report focussed on the women and issues that are excluded from the articles of the CEDAW convention, such as LGBT women and indigenous and Amazonian women.

After presenting the shadow report to the Committee, CLADEM held two public forums and an audience before Congress to disseminate the shadow report's findings and to call local, regional and national governments to action on the areas of non-compliance with CEDAW identified by the Committee's recommendations to the State. These activities demonstrate the use of shadow reports, not only as valuable information for the CEDAW Committee, but also as a tool for advocacy for women's rights.

Following María Ysabel's presentation, the bulk of discussion focussed on the accessibility of CEDAW for ordinary women. Maria Ysabel asserted that although poverty and a lack of funding impede access to CEDAW for many women, apathy and disinterest in human rights pose a greater obstacle to the implementation of the Convention. In the last five years, civil society in Peru has made an effort to organise

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itself and turn the shadow report into a participatory process that involves small rural communities. María Ysabel concluded that a change of approach to rights issues is possible as long as women are interested, motivated and enabled to be involved in processes.

## **Recommendations :**

- 1 Use CEDAW to frame national legislation;
- 2 Campaigners could advocate for the Equalities Bill and the Human Rights Act, reminding the government that the issues presented in the Bill and the Act are the same as those at the heart of CEDAW;
- 3 Allow recourse to public funds for women survivors of VAW who have an insecure immigration status;
- 4 Funding is required to make possible women's participation in producing shadow reports and to publicise and monitor the country CEDAW recommendations;
- 5 Take account of women's diversity in CEDAW – age, sexual orientation and disability for example;
- 6 Ensure access to funds for women's rights within UN organisations.

# CEDAW and the MDGs/post-MDGs



**Ceri Hayes, Independent Consultant on gender and human rights & Dorcas Coker-Appiah, Executive Director, Gender & Human Rights Documentation Centre and Ghanaian member of the CEDAW Committee**

Ceri Hayes gave participants an overview of the Millennium Development Goals (MDGs), including the progress that has been made and the challenges and opportunities that the MDGs present. Dorcas Coker-Appiah then discussed the UN CEDAW Committee's work on the MDGs.

The MDGs are time-bound goals and targets developed at the Millennium Summit in 2000, which are to be achieved within 15 years (by 2015). Although not a legally binding framework, like CEDAW, the importance of the goals have been strengthened by links to other human rights instruments. The CEDAW committee, for example, has a mandate for monitoring

States' progress on gender equality and has made clear statements that implementation of the MDGs should be in line with the principles enshrined within CEDAW. There will be a review of the MDGs in the summer of 2010 by the Millennium Task Force. More information on the MDG review can be found on [www.mdg-review.org/](http://www.mdg-review.org/) The goals themselves are not new, having been built on existing development targets created in the 1980s/1990s. The MDGs have enabled some progress on gender equality:

- ▶ MDG 3 is to 'Promote gender equality and empower women.' This is through actions to eliminate gender disparity in education, in waged employment in the non-agricultural sector and in the political representation of women in national parliaments.
- ▶ All of the MDGs have a gender dimension, so the goals will not be able to be achieved without addressing gender.

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In the lead up to the +15 review of the agenda of the Beijing Platform for Action (BPFA) (for more information look at [www.un.org/womenwatch/daw/beijing/platform/](http://www.un.org/womenwatch/daw/beijing/platform/)), the group concluded that there is now a mass lobbying opportunity for civil society and for women's organisations to develop a new women's rights vision for the post-Beijing era. It was noted that the Millennium Task Force's review of the MDGs will issue recommendations that could provide a mobilising force around which women's organisations could rally in developing this new agenda. It was also identified as vital that this new agenda includes sufficient resources for both the CEDAW committee itself and the new UN Women's agency (for more information on this look at [www.un-gear.eu](http://www.un-gear.eu)), so that both can fulfil their mandates and be effective institutions to safeguard the rights of the world's women. It was further felt that this global rallying cry would be important in ensuring that governments – including the UK government – are given a mandate to promote the women's rights agenda at the MDG review 2010 and in the post MDG-era.

To improve accountability and to track progress, the group felt that the implementation of the Millennium Development Goals needs to be more closely linked to the 'new aid modalities' agenda and the Paris Declaration. This would include introducing gender-sensitive monitoring of the quantity and quality of aid delivered to further both MDG 3 and the CEDAW convention.

Dorcas Coker-Appiah then explained to the group the difficulty and complexity of measuring the implementation and progress of the MDGs, CEDAW and BPFA agendas at the local, national and global levels, consequently calling for the closer integration of these agendas at all levels. The group built on this discussion, calling for the use of

sanctions, including financial penalties, for non-implementation or non-compliance with CEDAW and the MDG agenda.

## Recommendations:

- 1 International human rights instruments or frameworks should be used to complement and strengthen each other. The MDGs, for example, cannot be seen in isolation from CEDAW as a vital framework;
- 2 CSOs should take advantage of the opportunities for lobbying for gender equality presented by the 2010 Review of MDGs by UN General Assembly (and prior to this at expert consultations and ECOSOC meetings) and Beijing +15;
- 3 Learning the lessons from recent strong campaigns around climate change, strong campaigns around gender equality will provide Governments with the clear mandate they need to take positive action;
- 4 Mobilisation and resources are needed to ensure a mass grassroots consultation looking at an engendered successor to the MDG framework, post 2015. Unless gender equality and women's human rights are clearly prioritised, they may be weakened in any new framework;
- 5 It is important to link grassroots women to CEDAW through democratic shadow reporting (through women's CSOs working with grassroots women);
- 6 CSOs should work to ensure that MDG country reports promote human rights instruments, such as CEDAW;
- 7 Ensuring strong data collection is key to holding states to account for their implementation of CEDAW;
- 8 Use Millennium Task Force recommendations around gender equality to strengthen CEDAW.

# How can we fill the gaps in CEDAW?



**Emily Esplen, Women's Rights Coordinator, One World Action & Felicity Manson-Visram, Latin America Coordinator, One World Action**

Participants in the workshop recognised that discrimination against women is multi-layered and does not lie solely in their gender. Women may also be discriminated against because of their disability, their sexuality, their religion, their age, immigration status and many other factors aside from the fact that they are women. It was felt, however, that the CEDAW Convention inadequately represents many of these women. The group therefore identified several key gaps in the CEDAW Convention:

- ▶ The rights of disabled women, indigenous women, women of a different sexuality and other socially excluded women are not specifically recognised in the convention. Despite the many specific human rights abuses they face, there

is also no mention of the rights of girl-children;

- ▶ Whilst CEDAW calls for political equality, it is not strong enough in demanding 50 per cent representation of women in decision-making;
- ▶ Reproductive health rights with regards to abortion are not covered by the Convention;
- ▶ The Convention does not go far enough in tackling violence against women and in particular, does not identify specific forms of gender-based violence, such as political violence, honour killings, femicide and female genital mutilation;
- ▶ There is a structural gap for women in volatile and changing situations, such as women in conflict and refugee women;
- ▶ CEDAW's main focus is on the public and visible spheres of women's life. Many cultural and class differences manifest only

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in the private sphere and the Convention does not give enough weight to this;

- ▶ Signatories to CEDAW are only guided in their domestic actions. There are no provisions for a country's responsibilities under CEDAW in terms of foreign or international development policies.

At the root of the problem in highlighting and reducing the gaps in CEDAW was the general lack of awareness and lack of respect for the Convention at all levels. The group felt that there is a need to start educating children about their rights from the primary school level upwards. Similarly, the workshop concluded that the CEDAW Committee is poorly resourced and its members face many constraints on their time, as they all have other jobs. It is therefore the responsibility of civil society organisations to raise awareness with the Committee about the gaps in the Convention, taking advantage of the shadow reporting mechanism to highlight underrepresented groups and issues.

However, it was recognised that the process of shadow reporting was made more difficult by the lack of reliable data available to civil society. Indeed, data in the government's own reports is often unreliable.

Governments should therefore provide more resources for data collection to assist with the shadow reporting process, particularly in areas that are less visible to the public and which governments are often less willing to disclose. The example of the frequency of 'backstreet' abortions was given as a difficult-to-obtain statistic, which may impact greatly on infant and maternal mortality rates, as well as on women's reproductive rights within a country.

Finally, it was also felt that the gaps in CEDAW could never be filled unless the problem of enforcing the implementation of the Convention could be solved. If there is no international framework for enforcing

implementation, or an international body to effectively monitor compliance, the provisions of the Convention as it stands would continue to be undermined. Further, the group were concerned that addressing some of the 'gaps' may become conveniently avoidable under the 'reservations' system provided for by the Convention

## Recommendations:

- 1 To ensure that populations are aware of their rights under CEDAW, there is a need for public education and public awareness campaigns, starting at primary school level;
- 2 CSOs should take responsibility for highlighting under-represented issues and groups in the Convention to the CEDAW Committee;
- 3 Governments should provide more resources for data collection to support shadow-reporting from CSOs, especially in policy areas that are less visible to the public;
- 4 Stringent accountability mechanisms and sanctions must be introduced at the international level for non-implementation of or non-compliance with CEDAW.

# CEDAW: The Equalities and Human Rights Commission Perspective



**Jennifer Earle,  
Senior Lawyer in the Legal Team, EHRC**

The workshop began with an introduction to the Equality and Human Rights Commission (EHRC). The EHRC was created in 2007 by a merger of existing equalities bodies, including the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission, with the intention of increasing the intersectionality of equality approaches in the UK, incorporating a strong human rights mandate and increasing the focus on specific equality strands that had been marginalised under the old system – religion, age and sexuality. The EHRC is not an NGO but is an independent body accountable to the Minister for Equalities. It is recognised as a National Human Rights Institution (NHRI) and is compliant with the Paris Principles. The EHRC is tasked with harmonising international human rights agreements in national legislation and overseeing the implementation of these policies. This includes the implementation of the CEDAW Convention.

The workshop led to discussions around three key themes – a rights-based approach to equality; challenges to CEDAW implementation in the UK; and international challenges to implementation. Firstly, whilst the EHRC takes a rights-based approach to equality, there was a concern within the workshop that many of the challenges faced by women – domestic violence, for example – are neither recognised as equality nor human rights issues in the minds of the public. We therefore need to find ways, not only to increase awareness of equality and rights, but also to demolish all distinctions between equality issues and human rights. The workshop participants concluded that public knowledge on issues around gender equality and human rights in the UK was patchy and that there is an urgent need for education campaigns, not just around the theme of gender equality, but on human rights issues more generally. Further, we need to ensure that the abstract concepts of gender equality and human rights can be easily applied to the everyday lives of

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real people. Nowhere was this education and awareness-raising more important than in government departments themselves and participants felt that the CEDAW convention was not well-known and was certainly not a priority for most Government Ministers – especially male Ministers.

Secondly, and considering the theme of domestic implementation, whilst the EHRC's status as a NHRI is crucial to its authority in monitoring UK compliance with the implementation of CEDAW, the governments' failures in this area often go unnoticed by the general public. Recent government rankings on gender equality, for example, show that the UK has slipped down below some African and Asian countries. Similarly, local authorities are rarely held accountable for lack of outcomes or weak processes when implementing gender equality legislation. To improve implementation of CEDAW in the UK, the equalities and human rights sector should work to bring failures and inconsistencies to the attention of the media; compliance with CEDAW should be scrutinised at the local level; the preamble of the current Equalities Bill should reiterate the UK's commitment to CEDAW; and there must be international sanctions for non-compliance and non-implementation of the Convention.

Discussions around international challenges to implementation sparked a dilemma in the workshop. There was a concern around the lack of consideration on the part of the UK government of the non-ratification of CEDAW in other countries during international aid and foreign policy negotiations. However, it was felt that the imposition of pro-CEDAW policies and priorities by the UK on other nations was problematic, especially in the face of the UK's less-than-exemplary record on CEDAW implementation. There was also a concern in the group that the EU's procurement and tendering processes were being falsely represented in a manner that is

detrimental to CEDAW implementation. To explain, many procurement and tendering processes require that multiple sectors compete for funding at the local level. When combined with the misinterpretation of provisions within the Gender Equality Duty, there has been a resultant widespread assumption that 'equality' must mean 'sameness,' and that any services that exist for women must also be available to men. Not only is this undermining a feminist approach, but the financial resources available to the women's sector and for women's services are rapidly being diminished. Guidance, therefore, must be developed on when and why single-sex services are necessary for women in some circumstances.

## Recommendations:

- 1 Organisations within the equalities and human rights sector must strive to break down any distinctions between issues of equality and issues of human rights, promoting at all times a rights-based approach to equality.
- 2 The urgent delivery of education within government bodies and amongst Ministers themselves on the CEDAW convention;
- 3 Those in the equalities and human rights sector should work together to bring failures in CEDAW implementation to the attention of the media;
- 4 Performance on CEDAW implementation must be robustly monitored at the local level and not focus solely on the performance of central governments;
- 5 The preamble of the Equality Bill in the UK must reiterate the UK's commitment to CEDAW and other international human rights agreements;
- 6 Guidance needs to be developed on when and why single-sex services are necessary for women in some circumstances.

# Is CEDAW failing as a Human Rights Instrument?



**Carolina Gottardo, Head of Policy and Advocacy, One World Action & Jane Magigita, Director, Women's Legal Aid Centre, Tanzania**

The workshop began with Jane Magigita outlining her perceptions of the challenges that the CEDAW convention needs to overcome to become a more effective human rights instrument. She was particularly concerned that ordinary, grassroots women did not fully understand the provisions of CEDAW and this made it very difficult to ensure that the Convention was relevant to empowerment in everyday life. She concluded that, to ensure that CEDAW is the most effective human rights framework it can be, it is vital to deliver more investment in people at the local level, to build capacities and ensure women know and understand their rights. It was felt that civil society organisations (CSOs) have a vital role to play here and the group recommended that CSOs use their expertise

and use CEDAW, not just as an advocacy tool, but as a *legal* tool to advance women's rights. Participants in the group also added that this would also be a further support to women in developing countries who may not have the financial resources readily available to start the process of challenging authorities for their actions under CEDAW.

Jane went on to detail her concern that CEDAW made no account of the subtle regional differences and complexities in securing rights for women and that this led to the Convention's diminished success as a human rights instrument. She pointed to the Maputo Protocol as a more progressive framework in terms of securing rights for *African* women and explained that the protocol was more relevant in the African context, as it has provisions on a range of areas that are a particular barrier to women's rights in the region, including rights for widows and reproductive rights. Jane, however, concluded that these regional

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mechanisms are not enough on their own to consistently secure women's rights on a global scale and recommended that regional human rights instruments be used to complement the CEDAW convention, rather than as an alternative to it.

Carolina Gottardo then deepened the discussion by highlighting how the CEDAW convention and the securing of women's rights can be supported by other regional and international human rights instruments. She explained that by recognising rape as a form of torture, the UN Special Rapporteur on Torture has deepened the international perception of sexual violence as a breach of both human and women's rights. She similarly pointed out that the Belem Do Para Convention and Maputo Protocol have been effective tools in plugging the rights gaps left by CEDAW in terms of violence against women in the intra-American and African context. The discussion up to this point led to the conclusion that using other human rights mechanisms to compliment the CEDAW convention – the Maputo Protocol in Africa, the Belem Do Para Convention in the Americas or the UN Special Rapporteur on Torture, for example – may be an effective way of ensuring that women's rights are better secured.

Carolina went on to highlight one of the most undermining failures of the CEDAW convention as an effective human rights framework – the lack of a legal enforcement mechanism to ensure compliance with all provisions. The European Convention on Human Rights, by contrast, is supported by a robust enforcement system in the form of the European Court of Human Rights and this means that signatories to the European Convention face direct legal challenges and consequences for breaches in the implementation of the Convention. Although the European Convention does not specifically address women's rights

and has faced criticism from some corners for this weakness, a test case on violence against women in Turkey has meant that women's rights – especially around domestic violence – have recently been taken more seriously under the Convention. The group, therefore, recommended that to ensure a consistent international standard on women's rights, there must be stringent accountability mechanisms and sanctions at the international level for non-implementation of or non-compliance with CEDAW.

## Recommendations:

- 1 Investment in people at the local level, to build capacity and ensure people know and understand their rights should be a priority;
- 2 CSOs should use CEDAW, not just as an advocacy tool, but as a legal tool to advance women's rights;
- 3 Using other regional and international human rights mechanisms to compliment the CEDAW convention can ensure that women's rights are better and more effectively secured;
- 4 To ensure a consistent international standard on women's rights, there must be stringent accountability mechanisms and sanctions at the international level for non-implementation of or non-compliance with CEDAW.

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# Acronyms:

<b>ACOBOL</b>	Association of Bolivian Councilwomen
<b>AU</b>	African Union
<b>BFPA</b>	Beijing Platform for Action
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>CLADEM</b>	Committee of the Caribbean and Latin America for the Defence of Women's Rights
<b>CPA</b>	Comprehensive Peace Agreements
<b>CSO</b>	Civil Society Organisations
<b>DFID</b>	Department for International Development
<b>ECOSOC</b>	UN Economic and Social Council
<b>EHRC</b>	Equality and Human Rights Commission
<b>FGM</b>	Female Genital Mutilation
<b>FEDO</b>	Feminist Dalit Organisation, Nepal
<b>LGBT</b>	Lesbian, Gay, Bisexual and Transgender
<b>MDG</b>	Millennium Development Goals
<b>NAWO</b>	National Alliance of Women, India
<b>NGO</b>	Non-government Organisation
<b>NHRI</b>	National Human Rights Institution
<b>PUSS</b>	Parliamentary Under-Secretary of State
<b>SADC</b>	Southern African Development Community
<b>UN</b>	United Nations
<b>UNIFEM</b>	United Nations Development Fund for Women
<b>VAW</b>	Violence Against Women
<b>WfC</b>	Women for Change, Zambia
<b>WLAC</b>	Women's Legal Aid Centre, Tanzania
<b>ZWLA</b>	Zimbabwe Women Lawyer's Association

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