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***Time for Action: Implementing CEDAW in Southeast Asia***

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# TIME FOR ACTION

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Implementing  
CEDAW  
in Southeast Asia



# FOREWORD

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This year we celebrate 30 years since the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by the UN General Assembly in 1979. Over the 30 years, 186 countries have ratified the CEDAW Convention, and globally the landscape on gender equality and women's empowerment has progressed.

Take Southeast Asia. All 10 ASEAN countries and Timor Leste have ratified CEDAW. All 10 ASEAN countries have also endorsed the Beijing Platform for Action (BPFA). Security Council Resolution 1325 and 1820 on Women, Peace and Security finds unequivocal acceptance in the region. Further, all these countries have endorsed the Millennium Declaration, the Millennium Development Goals and the Paris Principles of the New Aid Modalities, which if addressed strategically and to their full potential, hold out a fresh promise for greater progress on gender equality and women's empowerment.

ASEAN consensus around, commitment to and ownership over all these major international agreements has made gender equality, women's empowerment, gender mainstreaming a legitimate part of the ASEAN development vocabulary and a non-negotiable part of the ASEAN development agenda. Several Southeast Asian governments have issued policy directives at the highest levels to ensure that gender equality perspectives are mainstreamed into national economic and social planning. A range of sectoral policies, plans, legislation and programmes have also been introduced in the region. However, many of these remain to be promises on paper without adequate implementation mechanisms and resources attached to it.

It is against this backdrop that UNIFEM has been supporting governments and civil society gender advocates in 7 Southeast Asian countries to advance gender equality through the implementation of CEDAW. Since 2004, with the generous funding support of the Canadian International Development Cooperation (CIDA), UNIFEM's Regional

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Programme on Facilitating the Implementation of CEDAW has been raising awareness, political will and capacities of governments to fulfill the commitment that they made to CEDAW's principles of substantive equality and non-discrimination of women. With civil society groups, the focus has been on building their understanding of CEDAW and skills to use CEDAW in holding the government accountable to their promises.

This publication, *Time for Action: CEDAW Implementation in Southeast Asia*, is born out of 5 years of UNIFEM's concentrated work, helping partners understand what implementing CEDAW means. It documents the variety of ways in which both governments and civil society actors have used CEDAW to make that promise of non-discrimination and equality one step closer to reality for women. The examples are drawn from both UNIFEM supported initiatives and those support by others that we are aware of. The aim is to provide ideas and inspiration to those that are looking for more effective ways of realizing the guarantee of women's human rights. We hope that there is something useful here for you as well.



Dr. Jean D'Cunha  
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# LIST OF ABBREVIATIONS

ADKASI	Association of Indonesian Regency Legislative Councils (Indonesia)
CAMBOW	Cambodian Committee of Women
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CEDAW SEAP	UNIFEM CEDAW Southeast Asia Programme
CIDA	Canadian International Development Agency
CNCW	Cambodian National Council for Women
CPWP	Committee to Promote Women in Politics (Cambodia)
CWGI	CEDAW Working Group Initiative (Indonesia)
FFW	Foundation for Women (Thailand)
FPMP	Forum Pemerhati Masalah Perempuan (Indonesia)
GAD	Gender and Development
GMAG	Gender Mainstreaming Action Groups
IWRAP-AP	International Women's Rights Action Watch Asia Pacific
LWU	Lao Women's Union
MDGs	Millennium Development Goals
MOWA	Ministry of Women's Affairs (Cambodia)
NCAW	National Commission for the Advancement of Women (Lao PDR)
NCRFW	National Commission on the Role of Filipino Women
NGO	non-governmental organization
NHRC	National Human Rights Commission (Thailand)
NWM	National Women's Machinery
OHCHR	Office of the High Commissioner for Human Rights
OP-CEDAW	Optional Protocol to CEDAW
OWAFD	Office of Women's Affairs and Family Development, Ministry of Social Development and Human Security (Thailand)
PJA	Philippine Judicial Academy
PKKK	Pambansang Koalisyon ng Kababaihan sa Kanayunan (the Philippines)
SEPI	Office of the Secretary of State for the Promotion of Equality
UP-CWS	University of the Philippines Centre for Women's Studies
VMU	Village Mediation Unit (Lao PDR)
WAGI	Women and Gender Institute of Miriam College (the Philippines)
WAY Lampang	Association for the Promotion of Lampang Women and Youth Development (Thailand)
WLB	Women's Legal Bureau (the Philippines)
WNGRG	Women's Network for Gender Responsive Governance (Thailand)

# OVERVIEW

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), is one of the core international human rights treaties. It is often referred to as the ‘women’s bill of rights’, because it specifically targets the promotion and protection of the fundamental human rights of women, and urges the empowerment of women so that they can claim and enjoy these rights. All ten countries of the Association of Southeast Asian Nations (ASEAN)—Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam—have ratified or acceded to CEDAW. Timor-Leste, a non-ASEAN country, acceded to the Convention in April 2003.

## CEDAW implementation in the region

Barriers to gender equality are considerable in Southeast Asia. Many women face daily obstacles to their empowerment and advancement, and constraints on their freedoms. These include stark educational and economic disparities between men and women; poor female representation in politics and public life; entrenched discriminatory practices towards women in law enforcement and judicial decisions; and the persistence of cultural and religious practices that legitimize discrimination against women and girls in society. These concerns have been raised in the review process of the Committee on the Elimination of Discrimination Against Women, the body that oversees CEDAW (referred to henceforth as the CEDAW Committee).

The Convention has suffered from poor political will and visibility across the region. It has mostly remained off the political agenda or been a low priority issue in many countries, despite their governments having become signatories. Governments and civil society stakeholders have lacked sufficient knowledge, capacity and expertise to implement CEDAW, which in turn has had a negative impact on the sense of national ownership of the process. There has also been discomfort and resistance in some societies where CEDAW has been perceived as a challenge to accepted sociocultural and religious norms.

The complex nature of the CEDAW implementation process itself has sometimes been an impediment. Beyond consistent political will, effective implementation requires the participation of many different stakeholders, strategic

actions and appropriate resource allocation on various levels. It also requires proper benchmarking to measure progress and mechanisms to ensure accountability. This is undoubtedly a complicated and formidable undertaking that cannot be accomplished over a short period, particularly given the relatively low baseline of gender equality in most Southeast Asian countries.

The last decade, however, has seen demonstrable change. There has been a marked leap forward in political will, as well as growing awareness about CEDAW and interest in how it can be applied to promote women's rights. With the support of the UN and other international partners, governments and civil society groups have worked to develop their capacity and practical expertise to empower women and advance gender equality, using CEDAW to inform and guide their actions.

## Signs of progress

Key developments have emerged in the last decade, sure signs that CEDAW—and the notions of gender equality and women's human rights—are gaining traction in Southeast Asia. These developments attest to the conscientious efforts of national stakeholders to apply CEDAW's principles and framework to remove discrimination against women and, importantly, in a manner that is sustainable.

### **Growing pool of national resource persons on CEDAW**

The increase in activity around CEDAW implementation in the last ten years has been both cause and consequence of a growing number of national CEDAW experts and resource persons. As awareness about CEDAW has gradually expanded within government and the non-governmental organization (NGO) community, it has stirred up interest in furthering understanding about state obligations and how to use the Convention as a tool to empower women, and a desire to strengthen expertise to do this. Many NGOs have developed their skills to conduct training on CEDAW for community groups and national institutions. National women's machineries (NWMs), the government entities in charge of gender issues, have received capacity-building support to become repositories of CEDAW information and expertise within government—many have taken on a CEDAW advocacy role to encourage other departments and agencies to become more gender-responsive.

The availability of national CEDAW resource persons has significantly helped to decrease dependence on international experts, and to strengthen commitment to locally generated resources, strategies and achievements.

### **Expanding array of national resource materials**

Both governments and NGOs have spent considerable effort on producing numerous CEDAW-related resource materials for the national context. These range from basic guides and backgrounders, training modules and manuals for different target audiences, informational materials using local case studies, and reviews of national legislation and policies using a CEDAW lens. They are used in a variety of ways: to further public awareness on CEDAW and women's rights, to serve as learning tools and guides for capacity development, to review or highlight national actions to advance women's rights, and to substantiate advocacy for reform of laws, policies and programmes that are discriminatory to women.

### **Stronger and more diverse NGO networks**

In several countries, civil society monitoring networks—in some cases the same ones that worked together on CEDAW shadow, or alternative, reports—have emerged, calling themselves 'CEDAW Watch' groups. They are using the reporting process, especially through shadow reports and the CEDAW Committee's Concluding Observations (recommendations issued after every review), to play an ongoing monitoring role, and press for government accountability to women. Importantly, their focused work around shadow reporting has contributed to building stronger, more cohesive networks, and to bringing a larger and more diverse number of civic organizations together to advance gender equality. After their countries' official review by the CEDAW Committee, many CEDAW Watch groups embark on advocacy campaigns to publicly discuss review outcomes and raise awareness about CEDAW implementation. They translate key documents into local languages and disseminate these as widely as possible. They use the Concluding Observations as an advocacy instrument—not only to direct public attention to issues of concern, but also to urge their governments to concentrate on the critical measures highlighted by the CEDAW Committee that need to be taken to make progress.

### **Gender equality as a human rights issue**

Heightened awareness of the Convention is helping to shape the discussion of gender equality by duty bearers (state organs of the government that have ratified CEDAW) and rights holders

as a human rights issue rather than as a question of political or cultural choice or individual preference. This represents a major shift in perspective, especially for the more politically and socially conservative countries in the region, where public debate over human rights tends to be sensitive and highly politicized. Related to this, the CEDAW process has helped open up space for dialogue about rights between government and civil society. It has also prompted knowledge exchange at the regional level and between neighbouring countries, of the often similar challenges they face in advancing gender equality, and the domestic solutions being employed by various stakeholders to address these.

### **Enhanced government-civil society engagement**

Growing understanding about CEDAW and increased activity around its implementation has led to the emergence of new government-civil society interactions in some countries, and improved relationships in others. Governments and NGOs in Southeast Asia have engaged in different ways, and to different degrees: some interactions have focused on training, while others have involved opening new space for dialogue and consultation, sharing information with local government, or partnering on awareness-raising activities.

### **Promising approaches to implementing CEDAW**

The positive outcomes described above are the result of a wide range of strategies and approaches that governments and civil society actors have taken to give momentum to the CEDAW implementation process in their countries. These initiatives have been instrumental in raising awareness about the Convention and women's rights among both duty bearers and rights holders. They illustrate that CEDAW can successfully be applied in the national context so that it moves beyond a concept to tangible actions that hold real value for women on the ground.

*Time for Action: Implementing CEDAW in Southeast Asia* is an attempt by the UNIFEM CEDAW Southeast Asia Programme (CEDAW SEAP) to showcase some of these notable initiatives at the national and regional levels in Southeast Asia—specifically in the seven countries the programme is active in: Cambodia, Indonesia, Lao PDR, the Philippines, Thailand, Timor-Leste and Vietnam. The publication hopes to offer insights to programme planners, government officials and NGOs seeking more knowledge and information on how CEDAW can be used to effectively promote better programmes and policies that empower women.

What follows is an overview of initiatives discussed in this publication. The strategies and approaches introduced in the publication are clustered around advocacy and outreach, laws and the justice system reform, the CEDAW reporting process, and development of national capacity and ownership.

## 1. From abstract concept to practical action

To fully tap the potential that the Convention possesses to transform women's lives, mere awareness of it is only the first step. This must evolve into a deeper understanding of how CEDAW can be applied as strategic actions to remove discrimination against women. More government and NGO stakeholders in different countries have begun using the CEDAW framework to inform their efforts towards this end.

### **Using CEDAW to make governments more gender-responsive**

#### *National women's machineries leading the way*

NWMs have tended to have lower status within the bureaucratic hierarchy, and inadequate resources to carry out their mandates. In some countries, NWMs have been using CEDAW successfully to advocate for more attention to gender concerns, especially by focusing on state obligations and concerns raised in the CEDAW Committee's Concluding Observations. This is helping them to improve their visibility and institutional authority, foster greater gender sensitivity among government staff and obtain more support for mainstreaming gender into policies and programmes. National plans for women have increasingly integrated CEDAW, with several including specific policy measures to address recommendations in their countries' respective Concluding Observations. Efforts are being made to improve monitoring of the situation of women through better collection and analysis of sex-disaggregated data. In addition, advocacy by NWMs is also having a positive impact on ensuring government accountability to their CEDAW obligations. Efforts to improve the state reporting process, for example, have led to better collaboration across government in the coordination of the report, and increased responsibility among different government stakeholders for promoting gender equality.

#### *Initiatives on CEDAW by other government entities*

Beyond NWMs, other government sectors are also playing a more active role in addressing discrimination against women within their own spheres of influence. National institutions in the education sector have taken innovative approaches to

applying CEDAW principles, including revising or developing new curriculum that removes gender stereotypes and is more gender-responsive. In some countries, the legislature is taking on a larger monitoring role by requesting the executive branch of government to submit and discuss state reports and Concluding Observations, and report regularly on follow-up. Initiatives are also in progress in several countries to expand CEDAW and women's rights knowledge from national to local legislators.

## **Using CEDAW in NGO advocacy and outreach**

### *Confronting violence against women*

Tackling gender-based violence is an important area of focus for NGO advocacy across the region. In all seven countries, immense effort is put into organizing public education campaigns and activities to advocate for greater government action on the problem. NGOs have started citing CEDAW to validate and amplify their advocacy demands for better protections for women against abuse, as well as introducing it in their community awareness activities—the Convention provides an important point of reference to educate communities that living free of violence is not a privilege, but a fundamental right of women.

### *Reaching out to excluded women*

Women living with disabilities, rural women living in poorly developed, remote areas, and indigenous and ethnic minority women have traditionally been more disadvantaged than others, facing multiple forms of discrimination intensified by poverty, traditional and religious beliefs, language and cultural differences and general government apathy. NGOs have begun to concentrate their efforts on these excluded groups, providing direct services, literacy programmes, livelihood skills-building and public awareness education on issues like reproductive healthcare and family planning, and women's participation in decision-making. CEDAW is being used as a tool to help women leaders from these communities to better advocate with local government on their priority issues. NGO networks have also started including rural and indigenous women's groups in their CEDAW shadow reporting processes. This not only ensures their voices are heard, but also enhances the data and information sorely needed on the plight of women in these communities.

### *Seeking out 'influencers': Youth, performers and the media*

To effect widespread social change, gender advocates are going after the 'ripple effect', promoting CEDAW awareness among important 'influencers' such as performing artistes with a popular

fan base, young people who have peer influence, and the media who can play a crucial role in changing mindsets. Strategies include involving performing artists, comedians and young people in dialogue about gender stereotyping and discriminatory behaviour, and engaging the media on gender equality issues, through gender sensitivity training, awareness-raising on CEDAW and state obligations, and dialogue on the negative impact of discrimination against women on society as a whole.

### *Increasing women's political participation*

Another important area where NGOs are translating CEDAW from concept to action is in the realm of politics and public life. Throughout the region, levels of female representation in politics and decision-making have typically been low. Many gender advocates are focused on promoting gender-responsive governance and greater female involvement in the electoral process, by encouraging women to stand for election, training and mentoring female electoral candidates, and educating voters about the importance of women's participation in public life. They have particularly advocated for the use of temporary special measures, such as quotas to guarantee female representation, and 'sandwich' systems which preventing women from being left at the bottom of party electoral lists.

## **2. Enhancing legal frameworks and justice systems**

A country's legal framework and justice system can arguably be considered the most important means to eliminate gender-based discrimination and achieve gender equality. The CEDAW Committee has repeatedly amplified the importance of the conformity of domestic laws with the Convention. Also stressed is the need for CEDAW awareness-raising among legislators and members of the justice system so that a legal culture that is supportive of women's rights and non-discrimination can firmly be established. In addition, public education about CEDAW, domestic laws and the means to access justice is critical to ensure that women know what their rights are and how to claim them. Greater public awareness also helps in altering traditional attitudes and gender stereotypes that can perpetuate discrimination.

### **Using CEDAW to enhance legal frameworks**

#### *Engendering national constitutions*

While many constitutions worldwide provide general guarantees of 'equality' and general prohibitions against 'discrimination', these general guarantees too often fail women. The CEDAW

Committee has therefore urged governments to undertake constitutional reform that entrenches women's rights in their national systems, by including explicit guarantees of equality for men and women, and a definition of discrimination against women in accordance with Article 1 of the Convention. In two countries in Southeast Asia, Thailand and Timor-Leste, gender activists have seized opportunities within the constitutional process to push for stronger gender equality provisions and guarantees for women, using CEDAW as an important reference point.

### *Creating new laws to advance women's rights*

A number of new laws to advance women's human rights have been enacted in several countries, many of which reference CEDAW principles or respond to recommendations from the CEDAW Committee. These laws include overarching legislation or bills on gender equality; local and national legislation to improve women's participation in decision-making, particularly in electoral and political processes; and anti-violence and anti-trafficking laws. They represent concrete, good practice actions by governments to increase protections for women, recognize their legal rights and strengthen the legislative climate for gender equality.

### *Ensuring public knowledge about laws*

The responsibility of the State is not only to enact or amend laws and ensure they are enforced through the justice system, but also to ensure that all citizens understand these laws and how they are applied. Many women, especially those living in marginalized communities, have a poor awareness of the existence of laws that protect and advance women's rights, and a limited understanding about the very concept of gender equality itself, and what this means in terms of rights. Government and NGO approaches have been using CEDAW's rights-based framework to publicize the content and purpose of such laws and to introduce the concept of women's rights and the notions of respect and dignity of all individuals, male or female. Because it places obligations on States, it is often referred to as another law that women have at their disposal to reinforce their right to non-discrimination and gender equality.

### *Reviewing existing laws for discrimination*

One innovative approach that NGOs are taking to strengthen their advocacy efforts is to conduct reviews of existing legislation for discriminatory provisions that contradict CEDAW principles. These reviews are being used to generate

awareness among government officials and lawmakers about the need for legal reform. They are also being used to inform capacity-building efforts for women at the national and local levels, especially female political candidates, members of political parties and elected female parliamentarians. Reviews have been carried out by NGOs in the areas of governance, violence against women, the economy and the justice sector. Some governments have also begun conducting similar assessments to determine legislative compliance of domestic laws with CEDAW, notably in response to the Concluding Observations related to their respective countries. In addition, a regional guide is in development, to assist gender advocates to create legislative indicators to help determine compliance and inform legal reform in accordance with the Convention.

### **Implementing CEDAW: The role of the justice system**

Amending laws, or creating new ones, are not in themselves enough. Unless legislation also carries with it appropriate implementation and enforcement processes, it will lack the teeth necessary to make legal reform meaningful to women. Here, the CEDAW Committee recognizes the crucial role the justice system plays and often recommends that States parties implement measures to gender-sensitize all court personnel, and to ensure that the spirit, objectives and provisions of the Convention are well known and used in judicial processes.

#### *Sensitizing the judiciary to equal rights for women*

A useful strategy being taken in some countries is to target members of the justice system as integral stakeholders in the CEDAW implementation process. This has involved initiatives that further understanding about the rights-based framework of the Convention and its application vis-à-vis the domestic legal system, as well as address the patriarchal bias and stereotypes held by legal practitioners that can adversely impact judicial decisions, the handling of cases and the treatment of victims. Interesting projects have included gender sensitivity training for judges, lawyers and court personnel, research into gender bias in the courtroom, and highlighting of judicial decisions that have contributed to gender-responsive jurisprudence. At the regional level, several activities are bringing judges and court personnel from different countries together to improve knowledge on CEDAW and exchange insights on the role the justice system can play in advancing gender equality.

### *The Optional Protocol to CEDAW*

The Optional Protocol to CEDAW (OP-CEDAW) is a separate treaty that must be independently ratified or acceded to by States that are already parties to the CEDAW Convention. While it does not create any new substantive rights, it provides procedures by which rights given in the CEDAW Convention can be claimed by women. In Southeast Asian countries that have ratified or acceded to OP-CEDAW, such as the Philippines, Thailand and Timor-Leste, civil society groups have begun exploring the potential of the treaty to provide a means of justice for women at the international level, when the domestic legal system has failed them. NGOs in the Philippines are leading the way, assisting a complainant in filing the very first individual OP-CEDAW complaint from the region in 2007, and also filing the first OP-CEDAW inquiry from the region in 2008. Their experience of using the instruments of the OP-CEDAW are being shared regionally with NGOs from other countries, such as Thailand, who are also considering applying OP-CEDAW to address violations against women.

## **3. Strengthening accountability: The reporting process as catalyst**

Countries in Southeast Asia have historically taken a hands-off approach to CEDAW reporting, relying on external consultants to produce their state reports. Significant delays have been common between reporting periods, and the purpose of the reporting process has not been well understood or even taken seriously. A lack of knowledge about CEDAW and limited capacity to effectively navigate the reporting process have further added to making state reporting an obligation considered more unpleasant than useful. With the support of the UN and other international partners, however, much has changed over the last five years. Several good practice approaches have seized on the catalytic nature of the reporting process to increase participation and accountability across government on promoting gender equality.

### **Preparing the state report**

One strategy that is having an impact on improving the state reporting process is conscientious awareness-building on CEDAW and state obligations for government officials, particularly those from ministries or agencies that have not historically played a role in addressing gender-related issues in any formal way. NWMs in several countries have focused their

efforts on ongoing training activities for government officials, followed by national consultations with different ministries and sectors to discuss information and gather input and feedback on the state report. This approach has been successful in widening participation and urging a more collaborative system of coordination across government structures. It has also helped to develop a greater sense of responsibility among different ministries and government institutions for the reporting process and for overall CEDAW implementation.

### **Preparing for the CEDAW Committee session**

An important next step in the CEDAW reporting process for governments, after submission of their state reports, is to prepare for the actual review session. The CEDAW Committee regards these sessions as an opportunity to interact with States parties in a ‘constructive dialogue’ on women’s human rights in their countries. Since 1990, a pre-session working group of the Committee has drawn up short lists of issues and questions with regard to state reports, which are sent to governments prior to their review to facilitate their preparation for the dialogue with the Committee. In some countries, the list is used to develop supplementary reports capturing achievements and obstacles encountered in implementing the Convention that are absent or not fully discussed in the official report.

One initiative that is proving valuable for governments as they prepare for their review session is the use of mock sessions. These help governments understand the purpose of the review as a constructive dialogue and mechanism to help them meet their obligations. They also help to demystify the procedures of the review, deepen understanding about the role each delegation member must play, and demonstrate the nature and rigor of the questions that will be asked. Mock sessions are structured to imitate the actual proceedings of a CEDAW session—their only difference is that delegations receive an in-depth orientation before the session begins and a debriefing on their performance after it. Between 2005 and 2009, mock sessions have been organized for several governments in the region, contributing to a more effective and efficient dialogue with the CEDAW Committee.

### **Valuable voices from the ground: NGOs and CEDAW reporting**

The CEDAW Committee places great value on hearing from women themselves about the situation of women in their countries. It recognizes the critical role that civil society plays

in raising awareness about the Convention, helping to monitor state obligations and highlighting some of the most pressing women's human rights concerns in their countries. Many NGOs have received assistance to prepare for CEDAW sessions, through training and guidance programmes and hands-on activities conducted by experts from international and regional NGOs and UN agencies. One major activity they have been encouraged to undertake is the submission of shadow or alternative reports for consideration by the CEDAW Committee. The experiences of NGO networks in coordinating, writing and eventually presenting such reports to the CEDAW Committee are highlighted, along with a number of post-review advocacy initiatives to disseminate information, raise public awareness and lobby with governments on particular areas of concern mentioned by the CEDAW Committee.

#### **4. Building capacity and national ownership**

To reap the full benefits over time of good practice initiatives to advance CEDAW implementation, these must be sustainable. Here, two mutually reinforcing factors influencing sustainability are critical—national capacity and national ownership. As stakeholders have grown their knowledge, skills and resources around CEDAW implementation, this has significantly impacted their ability, interest and commitment to effectively keep pursuing it.

##### **Successful approaches to building capacity and ownership: Training, mentoring and learning-by-doing**

Expanding the awareness of stakeholders about CEDAW has been a crucial foundational need, given the low level of awareness about women's rights across Southeast Asia. Since the inception of UNIFEM's CEDAW SEAP, hundreds of government officials and NGO staffers have participated in capacity-building activities.

Capacity development approaches have included training, mentoring and learning-by-doing, tailored to suit different contexts, participants and intended outcomes. Good practice initiatives in these areas have paid attention to contextual entry points, styles of engagement with participants and ways to maximize the impact and reach of learning. The training-of-trainer (TOT) approach has proven especially useful in terms of its cost-effective, ripple effects, as well as its role in solidifying a pool of national resource persons who are able to continue carrying out capacity development around CEDAW well into the future. Mentoring has also proven to be an effective approach.

The sharing of practical knowledge by national experts on an ongoing basis provides a valuable added layer to basic training, allowing trainees to further their understanding as they attempt to expand and apply what they have learned.

Capacity building initiatives have also focused on the process of learning alongside the content of it. Learning-by-doing strategies, in particular, have attempted to build skills along a continuum while working towards a specific goal. Skills-building around documentation—through actual data collection, analysis and writing up of case studies—is a useful approach that is helping to enhance NGO capabilities to validate their advocacy, while also providing important information on the situation of women to monitor CEDAW implementation. Government and NGO participation in the writing of state and alternative CEDAW reports is another example of hands-on capacity development, which can involve various activities such as developing report-writing skills, improving data coordination from various sources and managing consultations and discussions on key issues among a variety of stakeholders. Preparing for review sessions is another important learning-by-doing exercise—mock sessions for governments, for example, are helping to improve their performance and ability to engage with the CEDAW Committee during review sessions.

## **Development of local resource materials**

The availability of resource materials for the national context is vital to promote a sense of ownership. In many countries, for a long time, not even the text of the Convention was available in the national language, let alone any documents relating the different kinds of discrimination that the Convention addresses to the everyday lives of women. This contributed to people's perception of CEDAW as a 'foreign' ideal, removed from the values, practices and belief systems of Southeast Asian peoples.

Today, a wide variety of local resources exist, often in the national language as well as local languages and dialects. Training manuals are tailored to local audiences and contexts, and emphasize specific substantive areas that resonate with socio-cultural and political realities. A slew of public education materials ranging from posters and pamphlets to media advertisements and mobile exhibitions reach out to literate and non-literate communities. Assessments, research studies and reviews on gender issues are expanding the body of national data and information on the situation of women, and helping to set parameters and benchmarks for government and NGO efforts.

## **Institutionalizing CEDAW in national bodies of learning**

An important strategy for facilitating national ownership of CEDAW has been to target institutions of learning to embed the Convention and notions of gender equality and respect for women's human rights in their curriculum. The hope is that this will contribute to nurturing next generation leaders, professionals and government officials who understand the critical importance of CEDAW and act to promote and protect women's human rights through their work. When CEDAW is systematically institutionalized, implementation becomes less arbitrary, and less dependent on ad hoc decisions, the preferences of individual leaders or the thrust of particular government administrations. It also aids in changing attitudes and cultivating a culture of respect for the rights of women in a more deliberate and sustainable manner.

A number of national initiatives have received support to integrate CEDAW within government training systems and academic curricula. In several countries, CEDAW modules and materials have been added to institutional training for civil servants and members of the judicial system. Academic institutions have also begun incorporating the Convention and gender equality concepts into their training programmes and curricula for faculty and students.

## **Conclusion**

The range of national strategies and approaches to implement CEDAW highlighted in this publication are cause for optimism. They are practical examples of just how to convert commitment on gender equality into concrete action, and they exemplify what is working, and what could potentially be replicated or scaled up to accelerate change. However, as gender advocates across the region will attest, this is only the tip of the iceberg. In all seven countries discussed, implementation and accountability for gender equality and the empowerment of women is lagging behind the commitments and normative agreements that these countries have made. Actions, not words, need to expand exponentially in the future to close the gaps and overcome the obstacles that prevent women from the full realization of their rights.

Looking forward, a number of areas around CEDAW implementation that would particularly benefit from more concentrated attention and effort in the near future are suggested:

- To push gender equality achievements to the next level, it is important that CEDAW be integrated into broader national development planning strategies that reach across all sectors, rather than only those considered to be related to gender. This will help move women's rights issues up the government agenda and attract the investment of resources necessary to properly implement policies and programmes to empower women and promote their rights.
- Gender-responsive budgeting can be a valuable tool to fast track equality for women. More countries in the region could benefit from applying a gender lens to their national and local government budgeting processes to identify existing gender gaps and biases in allocations, spending and revenue raising measures. The focus on appropriate resource allocation helps to align budgets with state obligations to CEDAW implementation-it is a useful means to quantitatively benchmark results, track expenditure and set policy priorities that ensure accountability to women.
- Especially in view of the current global economic crisis, greater support is needed to build the economic literacy of gender advocates on macroeconomic and trade policies and how to apply CEDAW and other human rights instruments to make these rights-based and gender-responsive.
- The situation of women from marginalized communities is a dire and persistent problem across the region. Greater efforts must go towards promoting the rights of excluded women and increasing their capabilities to use CEDAW and other human rights instruments to articulate and advance their agendas.
- Because formal justice systems too often present barriers to women seeking justice, the role of informal or traditional justice systems is extremely important to consider. These exist in most countries in Southeast Asia and are notoriously prejudicial to women. Thus far, efforts to address discrimination against women within the informal justice arena are seriously lacking. While there are emerging examples of initiatives to engage religious and civic leaders in local communities in some countries, there is still too little knowledge and information being shared in general about how to properly advance women's rights in this area.

- The persistence of dual legal systems in some countries of the region continues to be an area of concern that warrants serious attention. Inconsistencies between systems of civil and Syariah law, and lack of clarity in legal interpretation due to multiple versions of Syariah law, are adversely affecting the rights of women, especially Muslim women, and obstructing their access to justice especially in the spheres of personal status, marriage and family relations. Greater efforts to undertake reform to align both legal systems with each other and with CEDAW are necessary, and the CEDAW Committee has called for better knowledge sharing on more progressive interpretations of Islamic law, and greater dialogue with Islamic research institutions, religious leaders and community groups, including women's organizations, to support legal reform.
- Young people are the key to truly transforming negative gender stereotypes—more attention should be paid to educating youth about human rights and harnessing their energy to promote gender equality.



# INTRODUCTION

*When Rattana first started work at a law firm, she was the only female in her cohort of young, newly graduated lawyers. She soon found herself spending most of her time making coffee for senior lawyers, cleaning their desks and drafting their correspondence, while her male peers were working on cases. The only time she was sent to the courts was to request judges to postpone hearings, since her boss felt that judges, who were mostly male, were more likely to agree because she was pretty.*

*At the tender age of 14, Aissa was married off to a man twice her age, a common practice in her rural, indigenous community. Her parents had stopped her from going to school two years earlier when she reached puberty—they did not consider education as important for her as for her brothers, and were also concerned for her safety since the nearest school was far away, and girls were vulnerable to assault as they walked to and from school. Because Aissa's family received a good dowry from her husband, he considered her his property. By the age of 18, Aissa could barely read or write, already had two children and was expecting a third.*

*May was happily employed at a manufacturing company for several years. When she got pregnant, she informed her supervisor, so that the necessary planning could be done to accommodate her approaching two-month maternity leave. She was shocked to learn just a week after speaking with her supervisor that she was being sacked on the grounds that her work was unsatisfactory. She could not believe what was happening since she had never received a bad performance review. May's loss of her job would mean extremely difficult times for her family, especially once her baby was born.*

*Sopha's troubles with her husband started soon after they were married. He would often come home drunk and beat her, accusing her of not cooking or cleaning the house properly. In his drunken stupor he would also force her to have sex with him, even when she was ill or in severe pain after being beaten. One day when she could not stand it anymore, she took her two young children and fled to the nearest police station. There she was told that her problem was a domestic issue and not something the police could get involved in. Desperate, Sopha then went to the village elders for help. They agreed to mediate between husband and wife. Sopha's husband was lightly admonished for his behaviour, while Sopha was told to be more diligent in her wifely duties if she wanted to avoid further arguments. After a few months of relative peace, the beatings started again.*

**D**iscrimination against women, as illustrated in the stories of Sopha, May, Rattana and Aissa is an all too common occurrence throughout the world, including in the region of Southeast Asia.<sup>1</sup> Whether overt, as in the case of Rattana and Aissa, or more subtle as in May's story, discrimination affects women of all ages, and in all spheres of their lives, from interpersonal relations, culture and family, to the market and community. Barriers to their advancement and constraints on their fundamental freedoms are daily realities many women are forced to live with.

Discrimination is deeply rooted in culture, tradition and strong gender stereotyping. Patriarchal attitudes and entrenched customs and practices regarding the roles and responsibilities of women and men in the family and society help legitimize discrimination against women. In many societies throughout Southeast Asia, discrimination is condoned or tolerated because of the perceived inferior status of women to men in both private and public life. Often, the notion of women's rights, or women's rights as human rights, either does not exist or is poorly understood by both men and women, especially in marginalized communities. Women's rights, when up against a wall of patriarchal stereotypes, can easily be sidestepped to preserve a society's traditional values. Furthermore, if women are not empowered to know and exercise their rights, their ability to give voice to their experiences of violation, discrimination and marginalization is significantly impaired.

All this serves to reinforce and perpetuate the disadvantaged position of women in a multitude of areas including education, employment, health care, politics and access to justice. Women have been time and again excluded or prevented from participating in decision-making processes, whether at the village level or at the municipal or national levels, despite these decisions directly affecting their lives and those of their families.

The deeply held gender stereotypes that fuel discrimination against women are also a root cause of gender-based violence. The abuse of women and girls is a persistent problem in all countries in Southeast Asia, rearing its ugly head in numerous forms such as domestic violence, marital rape, slavery and forced prostitution, human trafficking, incest, early marriage and female genital mutilation.

## The significance of CEDAW in advancing women's rights

CEDAW was adopted by the UN General Assembly on 18 December 1979, coming into force as a treaty on 3 September 1981. CEDAW is one of the core international human rights treaties requiring member states to undertake legal obligations to respect, protect and fulfill human rights.<sup>2</sup> It is often referred to as the 'women's bill of rights', because it targets the promotion and protection of the fundamental human rights of women, and urges the empowerment of women so that they can claim and enjoy these rights. Today, CEDAW is one of the most broadly endorsed human rights treaties—it has been ratified or acceded to by 186 countries to date, or about 90 percent of UN membership.

CEDAW offers a powerful framework for countries to move towards realizing women's human rights. It spells out in detail what these rights are and targets specific forms of discrimination. It describes a range of measures that must be taken to end such discrimination and ensure that women can fully enjoy their fundamental rights. By accepting the Convention, States parties are legally obliged to remove discrimination in all aspects of women's lives—from personal and family life to public life and politics, from health care and employment to education and business, from reproductive choice to nationality and rural development. States parties agree to take all appropriate measures, including legislation and temporary special measures, to meet this goal. States are responsible not just for their own actions, but also for eliminating discriminatory practices by private individuals and organizations.

While there are provisions protecting women's human rights in all of the core international human rights treaties, what is significant about CEDAW is that it is exclusively devoted to gender equality. It clearly articulates the nature and meaning of sex-based discrimination, and it frames the concept of gender equality not as a cultural or political choice, or an individual preference, but rather as a fundamental human right, rooted in respect for the dignity, value and worth of the human person, regardless of whether male or female.<sup>3</sup>

“  
[CEDAW] spells out in detail what [women's human rights] are, and targets specific forms of discrimination ...  
By accepting the Convention, States parties are legally obliged to remove discrimination in all aspects of women's lives ”

*“ States parties must do more than just ensuring that there are no existing laws that directly discriminate against women. They must also take whatever steps are needed to ensure that women actually experience equality in their lives ”*

Importantly, the Convention takes a three-dimensional view of equality—it is based on the principle of ‘substantive equality’ between men and women. This means that saying that laws and policies ensure non-discrimination and equality for men and women, simply because they are gender neutral or because they do not overtly discriminate against women, is not enough. Instead, the actual effects of these laws

and policies on women’s daily lives must be considered for a true measure of whether discrimination is absent or equality has been achieved. The Convention thus requires that States parties must do more than just ensuring that there are no existing laws that directly discriminate against women. They must also take whatever steps are needed to ensure that women actually experience equality in their lives.

CEDAW requires that gender inequalities be tackled in all the spheres of family, community, market and state. The Convention is especially explicit about the negative aspects of culture and tradition within these spheres, when these allow gender stereotypes and social norms to give rise to legal, political and economic barriers to women’s advancement. It stresses that unless social values are transformed, and a culture of respect for the human rights of women created, efforts to achieve gender equality will never go far enough.

However, CEDAW’s potential as a transformative tool to improve the condition of women can be realized only through its systematic implementation. While this implementation is a legal obligation of the government, the full realization of women’s rights requires the awareness, understanding and active participation of all segments of society, including civil society, business, academia, the media and women at the grassroots level. This participation helps keep government accountable, allows for progress to be tracked and measured, and ensures that gender equality is not just a concept but a real practice that directly impacts, and improves, the lives of both men and women.

## The CEDAW Monitoring Mechanism

The CEDAW Committee is a group of 23 gender equality experts, elected by States parties to CEDAW, although once elected they serve in an independent capacity and not as representatives of their countries. The Committee membership is regionally representative, and terms last four years.

The Committee is responsible for reviewing each State party's progress, as well as the challenges experienced in implementing the Convention. The Committee is also responsible for developing jurisprudence, a body of legal interpretation, through the issuing of General Recommendations and decisions under CEDAW's Optional Protocol (explained in more detail in Chapter 4). This jurisprudence helps clarify how the Convention applies to specific situations and emerging issues.

States that are parties to CEDAW must submit regular reports to the CEDAW Committee, typically at four-year intervals. These reports require a fairly comprehensive mapping of progress in achieving gender equality, and must contain detailed information about legislative, judicial, administrative and other measures that have been undertaken to implement CEDAW, as well as any obstacles encountered.

State reports are reviewed during CEDAW Committee sessions which have been held in Geneva since 2008. The reporting State sends a government delegation, including the heads of NWMs and other key officials such as those responsible for foreign affairs, education, health and justice, to engage in a dialogue with Committee members.

### General Recommendations

The General Recommendations are statements by the CEDAW Committee about how different aspects of the Convention should be interpreted. They are intended to be additional guidance to assist governments in their implementation of the Convention. To date, they have primarily been used either to elaborate on the implications of specific articles of CEDAW (such as Article 7 on political participation), or to explain the application of the Convention to areas which are not covered by their own article (such as HIV/AIDS, and violence against women). General Recommendations typically include an overview of the women's human rights concerns in that area, a close analysis of the ways in which CEDAW applies to these concerns, and a list of recommended measures for governments to implement. Thus far, CEDAW has adopted 26 General Recommendations, with the most recent on migrant women workers being adopted in 2008.

Since 1990, state reports have been reviewed by a pre-session working group of five Committee members. The working group draws up questions to guide the full Committee's examination of the state report, called the 'List of issues and questions with regard to the consideration of periodic reports'. These questions are provided to the reporting country in advance of the formal review session so that it can prepare a response.

When the CEDAW session is over, the Committee issues its Concluding Observations on each State party's report.

## CEDAW in Southeast Asia

Across Southeast Asia, governments have increasingly shown commitment to promoting gender equality and removing discrimination against women. All ten countries of the Association of Southeast Asian Nations (ASEAN), and Timor-Leste, have ratified or acceded to CEDAW. Gender equality is far from being a reality, however, and the challenges to women's rights across the region are still formidable.

### Challenges faced by women in the region

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

### Concluding Observations

After the CEDAW Committee reviews a State party's progress and the challenges it experiences in implementing the Convention, the Committee issues its Concluding Observations (previously termed Concluding Comments) which provide specific guidance on how this performance could be improved in the national context. They note successful steps that have been taken to achieve gender equality, then identify the most critical measures that need to be taken in the future to implement the Convention.

The Concluding Observations are very important resources for gender equality work. Not only do they provide authoritative guidance about what CEDAW requires in individual country contexts, but they are also valuable advocacy tools for use by gender equality advocates to press for needed changes in their countries.

countries of the region. At the other end are Lao PDR and Timor-Leste, both ranked among the poorest countries in the world. The poverty rate across Southeast Asia remains high, and is both a cause and a consequence of serious economic disparities between men and women, rural and urban populations, and social groups and ethnic communities.

Political instability has also plagued the region. Cambodia, Timor-Leste and Viet Nam are countries emerging from conflict. In recent times, political unrest in the Philippines, Thailand and Timor-Leste has had a major destabilizing impact on development and human security in these countries. Other factors include natural disasters and trans-border issues such as the spread of HIV/AIDS, avian influenza, the drug trade and human trafficking. These challenges exacerbate the already difficult situation many women face daily, particularly those from more marginalized groups, such as women from indigenous, ethnic communities living in rural, remote areas, or women with disabilities. The emphasis on CEDAW as a framework for promoting and protecting these rights cannot be more timely for women in the region.

While the CEDAW Committee acknowledges country-specific concerns, there are common challenges facing women across Southeast Asia. These include

- the feminization of poverty and economic disparities between men and women;
- low representation and participation of women in public offices, government structures and the judiciary;
- stark disparities in educational opportunities between males and females;
- the widespread prevalence of violence against women, particularly domestic violence and marital rape, child marriage, and trafficking in women and girls;
- entrenched discriminatory practices towards women by law enforcement and judicial officials;
- the persistence of strong gender stereotypes, customs and practices biased against women and girls.

In addition, the CEDAW Committee has also pointed to other recurring areas of concern in some countries such as land and inheritance rights, the status of ethnic minorities and indigenous communities, the impact of religious fundamentalism and the situation of rural women and female migrant workers.

## CEDAW implementation in the region

Implementing CEDAW in the region is understandably fraught with difficulty. In many Southeast Asian countries, stakeholders are still unclear about the role of CEDAW in advancing women's human rights. Confusion continues around what exactly is meant by 'women's empowerment', 'gender equality' and 'gender mainstreaming'. Many laws and policies still do not adequately conform to CEDAW standards for gender equality. Others, while seemingly focused on the advancement of women, fall short of their aims because of poor enforcement, limited capacity and weak accountability. At the level of the rights holder, many women still do not understand what their rights are, and how to claim and exercise them, especially women from marginalized groups.

*“ Many laws and policies..., while seemingly focused on the advancement of women, fall short of their aim because of poor enforcement, limited capacity and weak accountability ”*

Duty bearers lack the technical capacity and expertise to implement CEDAW. Government officials often look at it as simply a four-yearly reporting obligation, and do not fully understand or utilize it as a comprehensive framework and implementation tool to advance the human rights of women. The interrelatedness of the objectives of CEDAW, the Beijing Declaration

and Platform for Action, and the Millennium Development Goals (MDGs), which their governments have also committed to, is not fully grasped. The efforts of many civil society groups to promote gender equality also fail to use the important rights-based framework that CEDAW provides.

Against this seemingly bleak backdrop, however, there is cause for optimism. For, despite the challenges, CEDAW has been gaining traction in the last decade. Throughout the region, there has been noticeable overall progress in applying the CEDAW framework to the development of laws, policies and institutional planning, as a direct result of efforts by both governments and civil society.

Legislation reflects this progress—across the region, existing laws have been amended or new laws have been enacted on domestic violence, sexual harassment and rape, and anti-trafficking. Several countries have overarching legislation or bills on gender equality and, in recent years, many have also enacted local and national legislation to improve women's participation in decision-making, particularly

in electoral and political processes. Several Southeast Asian governments are also committed to mainstreaming gender equality perspectives in national economic and social planning, requiring that national development plans include gender equality provisions, and allocating resources to implement them.

Civil society groups have done much to help build awareness and deepen understanding about CEDAW and women's rights. They have begun using the principles and framework of the Convention to guide their work—many programmes and activities are now being developed from a rights-based and substantive equality perspective, for example. Non-governmental organizations (NGOs) are using CEDAW to validate and legitimize their advocacy with governments, stressing state obligations and using the Concluding Observations to reinforce their demands. In addition, they have begun activities to monitor implementation of the Convention to seek greater accountability from governments and national institutions that claim to improve women's social, political and economic positions.

*“ NGOs are using CEDAW to validate and legitimize their advocacy with governments, stressing state obligations and using the Concluding Observations to reinforce their demands. ”*

## **UNIFEM: Facilitating CEDAW implementation**

The UNIFEM CEDAW Southeast Asia Programme (CEDAW SEAP), through the support of the Canadian International Development Agency (CIDA), has been working since 2004 to facilitate better implementation of CEDAW to advance women's rights in Southeast Asia. CEDAW SEAP has focused its work in seven countries—Cambodia, Indonesia, Lao PDR, the Philippines, Thailand, Timor-Leste and Viet Nam—and has sought to play a catalytic role in spurring more effective action around CEDAW.

The main objectives of CEDAW SEAP have been to

- **increase awareness about women's human rights** and deepen understanding of CEDAW by state institutions, and organized civil society groups;
- **strengthen the capacity** of governments and civil society groups to promote women's human rights under CEDAW, both at the national and regional levels;
- encourage **stronger political will and commitment to CEDAW implementation.**

To achieve this, CEDAW SEAP works with governments

to build knowledge of CEDAW and state obligations across the three branches of government (legislature, judiciary and executive); to create high-level political commitment to implement CEDAW; and to develop technical expertise to fulfill their CEDAW obligations.

It works with civil society organizations (CSOs) to help them develop a clear understanding of CEDAW and its relevance to their work; to build expertise to maximize the use of CEDAW in their advocacy and services; and to hold governments accountable to their promises for gender equality.

CEDAW SEAP also works with partners within the UN System and international community to promote the use of CEDAW as a framework to advance women's human rights.

## About this publication

Full CEDAW implementation is by its very nature a long-term and complex process. Many lessons have already been learnt along the way. Many innovative approaches and strategies taken by governments and civil society groups are helping to unravel the complexity and give momentum to the process. They have succeeded in raising awareness of CEDAW and women's human rights in their countries, and in applying CEDAW to their local contexts. Taken together, these initiatives are aiding the steady development of a critical mass of people and actions that are exploiting the potential of the Convention to bring about dynamic, positive change in the daily lives of women.

Strategies are also being shared between countries, so they can serve as models of learning and potential replication. Both governments and NGOs are exchanging knowledge on ways to tackle particular implementation challenges, on legislative reform, and using the CEDAW reporting process to build capacity and expertise, create stronger networks and better advocate on issues of concern.

It is important to capture the wealth of learning and experience that is being generated, not only to mark achievements or inform future efforts at the national level, but also to develop a useful reservoir of information on practical actions from around the region that are really making a positive impact on women's lives. This publication, *Time for Action:*

*Implementing CEDAW in Southeast Asia* hopes to contribute to this process.

With it, UNIFEM CEDAW SEAP seeks to showcase the initiatives being taken at the national and regional levels—specifically in the seven countries that the programme has been active in. The publication is intended as a resource guide, offering insights to programme planners, government officials and NGOs seeking more knowledge and information on the value of CEDAW’s framework and principles in promoting better policies and programmes that empower women.

The initiatives highlighted in *Time for Action: Implementing CEDAW in Southeast Asia* demonstrate not only the tangible progress that countries are making in terms of realizing women’s human rights, but also how they are tackling obstacles successfully. They illustrate how, in many areas, stakeholders are successfully transforming the concept of CEDAW from an abstract notion into a living framework that is helping to end decades of discrimination against women and promote societies where women can enjoy the same rights, exercise the same freedoms and access the same opportunities as men.

## Summary of the articles of CEDAW

The articles of CEDAW fall into three main groups. The first set of articles explains the nature and scope of the State's obligations. The second set of articles targets specific forms of discrimination and outlines measures that the State must undertake to eliminate discrimination in each of these areas. The last set of articles governs procedural and administrative matters, such as the composition of the CEDAW Committee and the way in which the reporting process operates. The following is a summary of the first two sets of articles—scope of state obligations, and forms of discrimination.

**Article 1** provides CEDAW's definition of discrimination against women. Under CEDAW, this includes not just direct or intentional discrimination, but any act that has the effect of creating or perpetuating inequality between men and women.

**Article 2** sets out a range of general measures the State must take to eliminate discrimination against women, with a strong focus on legal protections. The State must:

- enshrine the principle of gender equality in *national constitutions*
- enact *legislation prohibiting discrimination* against women
- ensure *effective legal protection* for the right to be free from discrimination, including through the creation of national tribunals and other institutional mechanisms
- ensure that no *public authority* discriminates against women
- ensure that no *private individual or organization* discriminates against women
- *abolish existing discriminatory laws, customs and practices*

**Article 3** directs the State to take the positive measures needed to ensure the realization of women's human rights on the basis of equality with men. Especially in the political, social, economic and cultural fields, the State must take whatever steps are needed to ensure the full advancement of women.

**Article 4** directs the State to take temporary special measures where they are needed to speed up the process of achieving equality. Article 4 makes clear that measures that temporarily favour women over men, or impose different standards, are not a form of discrimination if they are being implemented as a means of speeding up the achievement of gender equality.

**Article 5** underlines that the State has responsibility for eliminating discrimination in social and cultural life, and so must take measures to eliminate prejudices and customary and other practices that are based on notions of women's inferiority or stereotypes.

### **Article 6: Trafficking and Prostitution**

States are required to take all necessary measures to “suppress trafficking in women and the exploitation of prostitution.”

### **Article 7: Public and Political Life**

States are required to eliminate discrimination in public and political life, and especially ensure the right to:

- vote and be eligible for election
- participate in the formulation and implementation of government policy
- hold public office and perform public functions at all levels
- participate in non-governmental and civil society organizations

### **Article 8: International Affairs**

States are required to ensure women the equal opportunity to represent their governments at the international level, and to participate in the work of international organizations.

### **Article 9: Nationality**

States are required to ensure that women have equal rights with men regarding nationality, and the nationality of their children. CEDAW underlines in particular that a woman's nationality should not be determined by the nationality of her husband.

### **Article 10: Education**

States are required to eliminate all discrimination in education. States should take measures especially in areas such as equality in access to study at all levels; equality in curricula, teaching and school facilities; elimination of gender-based stereotypes in teaching; reduction of female drop-out rates; programmes for women and girls who have left school; equal opportunities in sports and physical education; and access to specific information on family health and family planning.

### **Article 11: Employment**

States are required to eliminate discrimination in employment, with special attention given to discrimination on the basis of pregnancy. They should ensure that women have equality with men regarding the rights to:

- work
- employment and selection for employment
- choice of profession
- promotion, job security and benefits
- vocational training
- equal pay for work of equal value
- social security and paid leave

### **Article 12: Health Care**

States are required to eliminate discrimination in the field of health care. Women should be ensured equal access to health care services, including family planning. States must also ensure that women receive appropriate services relating to maternity, including free services where needed, and adequate nutrition.

**Article 13: Economic and Social Life**

States are required to eliminate discrimination in other areas of economic and social life. Article 13 highlights in particular the need to ensure equal rights to family benefits, bank loans, mortgages and other forms of credit, and participation in recreation and all aspects of cultural life.

**Article 14: Rural Women**

States are required to pay special attention to the situation of rural women. They should ensure rural women's equal rights to:

- participate in development planning
- access health care including family planning
- obtain education and training, including literacy training
- organize groups and cooperatives to pursue economic opportunities
- participate in community activities
- access agricultural credit and loans
- access marketing facilities and technology

**Article 15: Equality Before the Law**

States are required to ensure that women are given equality before the law. In particular, women must have the same legal capacity as men to enter into contracts and to own property, and they must be given equal treatment in the courts. Laws regarding freedom of movement within the country and choice of residence must treat men and women equally.

**Article 16: Marriage and Family Life**

States are required to eliminate discrimination against women in marriage and family life. In particular, States must ensure that men and women enjoy the same rights in the areas of:

- entry into marriage of a spouse and consent to marriage
- responsibilities during marriage
- dissolution of marriage
- parental rights and responsibilities

## ENDNOTES

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1. While anecdotal, all stories depict real situations; actual names have not been used.
2. There are nine core international human rights treaties, each established with a committee of experts to monitor implementation of the treaty provisions by its States parties. Some of the treaties are supplemented by optional protocols dealing with specific concerns. The treaties are: International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965), International Covenant on Civil and Political Rights (ICCPR, 1966), International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), CEDAW (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984), Convention on the Rights of the Child (CRC, 1989), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW, 1990), International Convention for the Protection of All Persons from Enforced Disappearance (2006), and Convention on the Rights of Persons with Disabilities (ICRPD, 2006). [www.ohchr.org](http://www.ohchr.org).
3. CEDAW and the Human Rights-based Approach to Programming: A UNIFEM Guide, UNIFEM, 2007.