

'We Have to Start

by Aurora de Dios

as told to Luz Maria Martinez

As an insider in the United Nations Committee for the Elimination of Discrimination Against Women, I see the Convention on the Elimination of Discrimination Against Women as a tool in monitoring the situation of women and promoting women's rights worldwide. In a very real sense, CEDAW is a good document. It codifies the long history of women's struggles at the grassroots. Though the women's Convention is legally binding, compliance is really voluntary.

Countries can also ratify the Convention with reservations, which means they may not be bound to comply with some provisions of the Convention that go against their cultural, religious and political views.

And even after countries have ratified the Convention, their governments may fail to submit reports and the Committee has no power to insist that they do. For example, India ratified the Convention in 1993 but it has never reported to the Committee and shows no intent to do so. Other countries schedule a report but fail to submit one. Cambodia and

Laos are long overdue. As for official reports received, the Committee assumes these are truthful.

This voluntary nature of the Convention is a big obstacle to its implementation, such that many do not see its usefulness in creating change in any country. The problem is governments do not popularize the Convention and there are no feedback

Insider Oyie de Dios



photos by Luz Maria Martinez

Somewhere...'

systems within their countries. Neither is the Convention used as a guide in policy-making.

At the same time, mainstreaming and coordination within the UN is inadequate. As if that were not frustrating enough, the Committee has little resources to do outreach, education, training and research. Because of the lack of outreach and education, NGOs do not actively participate in the reporting process.

Another major gap is the absence of an optional protocol, where individual women can bring their grievances directly to us. Many of us on the Committee are working for the adoption of such a protocol but it's controversial among many governments and, in turn, with some of our own members. I think, however, that this protocol would make the Convention more effective. I'm hoping that within the next two years this optional protocol will be adopted.

There are little successes that keep me going and I would still advocate the Convention as a useful instrument for women's empowerment. Each year there has been an increase in the number of signatories, and most countries are beginning to make some changes. The pressure is on to adopt human rights measures. It will still take a long time for change to happen, but we have to start somewhere.

THE MONITORING PROCESS

Countries that ratify the Convention commit themselves to give their first report within a year of the ratification. Subsequent reports are every four years. Obviously, not all will be heard at once so 10 countries are scheduled each session: three from Asia, three from Europe, three from Africa, etc., reflecting the world's regions. The Committee meets in

January and July each year.

Governments have to send their reports a year before the actual sessions because these have to be translated into six languages and reviewed. The Division for Advancement of Women (DAW) is responsible for culling and preparing all the materials for the Committee. DAW also administers the Commission on the Status of Women (CSW). They do background research which includes basic data analysis on the situation of women. They also compile the highlights of all previous country reports.

The Committee requires a specific reporting format. We want governments to report on the programs implemented since they ratified the convention and what obstacles and problems remain. The written report must be well documented, with statistical data and adequate explanations.

In the evaluation, experts study and raise questions about the report. These questions are collated by the DAW and organized into thematic issues by the pre-session committee, and sent immediately to the UN missions in the countries concerned. The government being addressed has to answer these questions in written form and report to the CEDAW during the formal dialogue.

The Committee looks at factual information coming from media and NGOs, papers, special reports. This is where alternative but specialized information is needed.

THE ROLE OF NGOs

This is also the time we need to hear from NGOs! It is so important to have NGOs connect with us in some way to inform us about particular countries. Here is a Committee devoted entirely to the monitoring of the situation of women. No other UN Human Rights Committee is woman-centered or woman-focused. It's up to the NGOs to make

use of it by becoming aware of what kind of information they can give us, making sure that the information is reliable, credible and timely. If you have vital information but you give it to us after the session, of what use is it? We need at least one month to have ample time to evaluate information. This is why NGOs must know when their government is reporting, and when the pre-session and the actual session are scheduled. In the next session of CEDAW to take place in January 1998; Azerbaijan, Belize, Croatia, Zaire, Zimbabwe will give their initial reports; Bulgaria, Equatorial Guinea, Indonesia their second reports; and Mexico and the Republic of Korea their third reports.

Although they cannot participate directly, NGOs can also attend the meeting between the Committee and the governments. This is a long-standing issue for the Committee because while NGOs have five minutes to state their case during the sessions of the UN Committee on Human Rights, only experts are allowed to question governments during CEDAW sessions. NGOs can ask questions through the experts.

Experts decide whether or not to take NGO information at face value.

I would emphasize that experts bring in a tremendous amount of knowledge and expertise. You must get to know them and contact them directly, or through the DAW.

As advocates: NGOs sometimes do not systematize their data gathering and retrieval. Being involved in advocacy, we need to present data and not only speak about the issues. We must back up all claims of human rights violations with data because we need to convince a public that is very doubtful, especially on an issue such as violence against women. Substantive data clarifies the issue.

HOW THE SESSIONS GO

All 23 members of the Committee read each of the reports. In addition, some members are assigned a particular country for which we do extra reading. All additional information gathered are shared with the rest of the Committee. The assigned country expert gives a preliminary presentation, which includes an assessment of the country report, during closed-

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NAME	PROFESSION	AREAS OF INTEREST/FOCUS
Ms. Charlotte Abaka	Dentist	Ghana, reproductive rights
Ms. Ayse Feride Acar	Sociologist/Academic	Turkey, women's studies, gender and development
Ms. Emma Aouij	Lawyer	Islam, family/marriage law
Ms. Tendai Ruth Bare	Development Planner	Zimbabwe, rural women, national machinery on women
Ms. Desiree P. Bernard	Justice, High Court	Guyana, justice system, family/marriage law
Ms. Carlota Bustelo	NGO/Academic	Spain, prostitution and trafficking, employment
Ms. Sylvia R. Cartwright	Justice, High Court	New Zealand, justice system, Optional Protocol, family/marriage law
Ms. Ivanka Corti	NGO	Italy, women's political participation, affirmative action
Ms. Aurora Javate de Dios	NGO/Academic	Philippines, women's studies, national mechanisms on women, gender and development, prostitution and trafficking of women
Ms. Miriam Estrada	Lawyer	Ecuador, family law, children's rights
Ms. Yolanda Ferrer Gomez	Ministry of Women's Affairs	Cuba, women's political participation
Ms. Aida Gonzalez	Diplomat	Mexico, women and development, children's rights, diplomacy
Ms. Sunaryati Hartono	Lawyer/Professor of Law	Indonesia, law, TNCs/GATT, Law Reform Commission
Ms. Yung-Chung Kim	Former Parliamentarian/Academic	South Korea, education, employment
Ms. Ahoua Quedraogo	Development Planner	Burkina Faso, rural development and women
Ms. Anne Lise Ryel	Equality Ombudsperson	Norway, affirmative action in employment
Ms. Ginko Sato	Former Ambassador to Nigeria	Japan, diplomacy, education
Ms. Hanna Beate Schopp-Schilling	NGO	Germany, affirmative action in employment/political participation
Ms. Carmel Shaley	Lawyer	Israel, human rights/reproductive rights
Ms. Lin Shaugzhen	Academic	People's Republic of China, All China Women's Federation, education/political participation
Ms. Kongit Sinegiorgis	Ambassador to Egypt	Ethiopia, diplomacy, human rights
Ms. Mervat Tallawy	Former Ambassador to Japan/ Minister of Social Affairs	Egypt, women's rights, UN system, diplomacy



Stressing a point about NGO involvement in CEDAW

door sessions.

Governments are usually represented by whoever is designated as their primary representative who can be assisted by a panel. More and more, this process is evolving into very formal meetings, some kind of a hearing of what governments have accomplished and have not.

The Committee systematically goes through the 18 substantive provisions of the Convention, article by article. Governments do not know what information we have until the time we ask them. The process is enhanced by the openness of information that exists nowadays. Governments can no longer be shielded from unsavory reports. We had a report from the Philippine NGO Kanlungan on information about the deaths and exploitation of migrant women workers. The government representative immediately acknowledged the problem as "a long-term problem" that they are dealing with as best as they can. Of course, there are other instances when a representative will deny the issue and say "that's not true; that is not a problem in my country."

After the round of questions, the representative is given about two one more session to comment or respond to additional points raised at the actual session. A brief second round is held if questions still remain. Questions that cannot be adequately answered must be addressed by the government in their next

report.

This is the formal process. After this, the committee assigns two people to review and sum up the whole discussion in the "Concluding Comments," which are immediately sent out to the concerned government. This helps us in monitoring because it identifies key issues and recommendations.

The Committee identifies areas needing "further improvement," a euphemism for disturbing trends such as the detention of indigenous women for various reasons, or migrant women not receiving any social service, or the criminalization of women who have abortions, etc. But the Committee also gives credit where credit is due. For instance, the Philippines introduced a women's budget to insure funds for women's projects; an innovative approach, so we highlighted it.

CONTROVERSIES

It can become very controversial and quite tense if our sources and adequate NGO documentation show that a government has failed to comply with any of the provisions of the Convention. Often, it is difficult to raise questions. Apart from denying the allegations, governments can question our source. In some cases, we ensure the variety of our sources for additional data because governments can say "that NGO is biased. They are our political opponents, trying to stir up trouble for us." So you have to have a balance of reports.

Governments are sometimes wary because we do our homework. When I was assigned to work on Bangladesh, I really went there to know the situation of trafficking in women and got data from women's groups. In other words, asian expert, you have to be prepared.

There was the case of Turkey. We received information that brothels are legally operating there, about 50 in Istanbul. At the same time, Turkish Muslim women must observe very restrictive rules that include virginity testing. The Committee told the Turkish government that we look at this with displeasure and that we would like this practice to discontinue. The government should instead start a program that will inform women their rights. Although we usually try to be diplomatic, the Committee can be also be very direct. We have to strike a balance, not lean on governments too hard while staying faithful to the mandate of the Committee, which is to monitor violations of women's

Countries that have ratified CEDAW (as of July 1997)

Albania, Algeria, Andora, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, The Bahamas, Bangladesh, Barbados, Belarus Republic, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamarihiya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Macedonia, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts & Nevis, Saint Lucia, Saint Vincent & the Grenadines, Samoa, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Surinam, Sweden, Switzerland, Tajikistan, Thailand, Togo, Trinidad & Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukrainian Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

rights regardless of what governments say.

SPECIAL REPORTS

Special reports are prepared for very gross violations of women's rights arising from armed conflict, such as the war in Rwanda, or in Bosnia-Herzegovina or in Croatia. These are extraordinary reports that we ask for when we urgently need to know the issues affecting women, and to what extent governments have done their part. We may suggest or recommend ways in which governments can respond to the situation. But then, **when a country is racked by war and there is no effective government, who do you pass the responsibility on to?** In those instances, we call on other specialized agencies, other UN bodies like the Human Rights Commission, or the High Commission on Refugees, to directly intervene. In times of war, with mass refugee movements, we cannot do much except to recommend.

Presently there are six human rights monitoring bodies. Aside from the Committee on the Elimination of Discrimination Against Women, there are the Committee on Torture, Racial Discrimination, on the Child, Economic and Social Rights, and on Civil and Political Rights. The Committee on Migrants is still to be set up. These committees are co-equal.

The committees meet at different times of the year. Because we all do the same thing, we all have "Concluding Comments." The Committee on the Elimination of Discrimination Against Women recommended that the "Concluding

Comments" of all the others committees be made available for our own sessions for us to have additional data and for human rights issues to be reiterated and emphasized when necessary. If there are ongoing violations of human rights, it is worth raising the question again and again. Therefore, we rely on a continuing stream of information from NGOs, the academe, specialized agencies like the International Labor Organization (ILO), the World Health Organization (WHO), UNESCO.

SEEING CHANGE

From my vantage point as a member of the Committee, I see improvement in some areas, deterioration in others. Governments are changing their attitude. In the past, they did not care about the Committee. But today, more and more members elected are experts from their countries. Legislation in many countries has improved.

The Committee has become more assertive and demanding of the countries. Experts are not afraid to raise controversial issues. I think too that we have improved our system of shared information, its quality and timeliness.

Things are far from equal between women and men, but we have to start somewhere. We must keep fighting for women's empowerment—if not for this generation, then for the generations that follow. ☺

Aurora de Dios was nominated by women's groups and the Philippine government and elected as an independent expert to the Convention on the Elimination of Discrimination Against Women (CEDAW) Monitoring Committee. A long-time activist and an advocate of women's rights, Oyle has established a name for herself in the field of women's studies.