

## **International Norms and the Realization of Women's Human Rights: The Role of Civil Society Organizations**

**Shanthi Dairiam**

**Member, Board of Directors, IWRAW Asia Pacific**

Madam Chair and Distinguished Members of the Committee, Mr. Jan Eliasson, Deputy Secretary-General of the United Nations, Ms Bachelet Executive Director of UN Women, Ms. Eleonora Menicucci de Oliveira, Minister of Policies for Women (Brazil) Your Excellencies, Members of Non- Governmental Organizations, ladies and gentlemen,

I am honoured to be participating in these celebrations commemorating the 30<sup>th</sup> anniversary of the CEDAW Committee. I thank the Committee through its Chair Ms Sylvia Pimental and the United Nations for this privilege. This is a historical moment.

### **The Uniqueness of the Convention on the Elimination of All Forms of Discrimination against Women. (The Convention)**

As a former member of the Committee, I am proud to be associated with this treaty and with the work of the Committee that has given meaning and life to the Convention and made it into a dynamic and living instrument. The Convention is the only international instrument that takes the understanding of human rights from being gender neutral or gender blind to being women focused, recognising the specific and differential needs of women on the basis of biology and gender or social construction. The Convention brings about a convergence between an international treaty with women's law leading to equality and justice for women. It demands not only the prohibition of discrimination against women but also places positive obligations on the State for the fulfilment of women's right to equality. It requires measures that will help women overcome the residual impact of past or historic discrimination against women. It is therefore not only about eliminating individual acts of discrimination but also about taking insightful initiatives to transform institutional practices to respect, protect and fulfil women's equality rights.

### **Creating Synergy between the National and International Processes: The Role of Civil Society**

The implementation of the Convention is not straightforward. There is a constant need to seek the context of women's lives as a basis for state action to eliminate discrimination against women. For example, the Convention makes us go beyond conventional approaches and forces us to unravel the pernicious, structural and dynamic process of discrimination that underpins the various manifestations of inequality. Since several institutions such as the family, the market, the community and the state interact and reinforce this pernicious web of discrimination, it

facilitates a denial of responsibility and justifies a state of helplessness by each of these institutions when it comes to undertaking the elimination of discrimination. The excuse is that each institution has done its work and the problem is elsewhere.

In this regard the role of civil society becomes significant. Their work on the ground gives them the perspectives and knowledge needed to unpack this web of discrimination so a multi-dimensional approach can be adopted to eliminate all forms of discrimination.

International human rights norms need to impact at the domestic level. This requires in particular, effective enforcement mechanisms such as an effective legal system and policy initiatives and the creation of a culture that encourages compliance with human rights principles and norms. The latter deals with the business of defining, invoking and promoting rights so that a culture that recognises people's rights and demands for justice is formed. These two dimensions are mutually reinforcing. A working premise that creates a synergy between the enforcement of rights and the culture of compliance with human rights norms is that a rights framework does not automatically confer rights; it only legitimises the claims for rights and women have to be able to claim their rights. The existence of civil society and their advocacy is critical for all of this to happen as they can play a role to improve the flow of information from the international level of legal standards to the local level. This facilitates the monitoring and implementation of the Convention locally and the claiming of rights by women.

To do this, a synergy between the national and international processes relating to the implementation of the Convention needs to be created. The Committee requires accurate information on the de jure and de facto situation of women on the ground in order to make recommendations that are useful to the State. Towards this end, women's groups have been providing alternative information to the Committee thereby influencing the interpretation of human rights standards and spelling out realistic state action. Consistent and systematic interaction between women's groups and the Committee therefore is an essential feature for the transformation of international human rights norms to create standards at the domestic level. This then is the difference between rules of general international law and international human rights law. The former has no direct relevance for individuals within a country citizens or non-citizens. This is because international law involves relationships and reciprocity between and among states but international human rights law involves the duty of a state to its own people. In this context, the role of the people in the treaty processes becomes critical.

### **The Legitimacy of Civil Society Participation in CEDAW Processes**

The participation of civil society organizations and women's groups in particular in treaty body processes enhances these processes. The fact that such participation has been legitimised is evidenced by the increasing numbers of women coming to the Committee with their observations. The treaty bodies themselves have contributed to this phenomenon. In the absence of a formal role for NGOs and women's groups, the CEDAW and other treaty bodies have been

exploring how to establish a more clearly defined relationship with them. At the sixth meeting of the Chairs of the treaty bodies, in 1995, the central role NGOs had been playing in providing information to the treaty bodies was stressed. They recommended that the Secretariat facilitate the exchange of information between the NGOs and treaty bodies. As a result of these developments, a report on this matter prepared by the Secretariat was discussed by Committee members during the January 1997 session. The first ever decision by the Committee “to invite the United Nations Secretariat to facilitate an informal meeting with non-governmental organizations outside the regular meeting time of the Committee” (Decision 16/II) [4] was made at this session. Further, the Committee included specific mention of the role of NGOs in the revised Rules of Procedure adopted in January 2001 thus giving more legitimacy to the presence of NGOs at the review of state party reports by the CEDAW.

### **The Work of IWRAW Asia Pacific: Contributing to the Legitimization of the Participation of Women in the Convention Reporting and Review Process**

It is interesting to note that coinciding with the decision of the Committee to include the role of NGOs in providing information to it, the International Women’s Rights Action Watch -IWRAW Asia Pacific, a regional and international non- government organization, with which I am associated, initiated a programme called “From Global to Local” in 1997 which has helped systematise a much needed relationship between CEDAW and women non- governmental organizations. At this point I wish to pay tribute by Arvonne Fraser of the International Women’s Rights Action Watch a programme of the Women and Public Policy Programme of the Humphrey Institute of Public Affairs, University of Minnesota. It was her pioneering work that first created the realization of the significance of the relationship between the work of the Committee and women’s groups as early as 1985. She initiated the creation of an international network of women activists, motivating them to take an interest in the Convention and in the reporting process at the United Nations.

The IWRAW Asia Pacific programme which was inspired by Arvonne Fraser’s early work went further to focus on the critical aspects of creating constituencies of women at the national level with a strong voice to invoke their rights and push for national level action by their governments to implement the Convention and create the necessary political will using the processes of the Convention at the international level.

The contribution that IWRAW Asia Pacific has made is to be a bridge creating a synergy between national and international enabling the application of international human rights norms and standards at the national level. IWRAW Asia Pacific worked towards these goals with a sharp realization that without a politically aware and active constituency of women at the national levels, the normative gains made in relation to women’s human rights cannot be sustained.

The Global to Local Programme of IWRAW Asia Pacific has been conducted with UNIFEM, now UN Women, as a collaborating partner annually since 1997. As of 2004, agencies such as UNFPA have supported this effort. To date through this programme, women from around a hundred and twenty countries have been participating in the CEDAW review process. The representatives of women's groups are trained to write shadow reports prior to the CEDAW review. IWRAW AP also acts as a conduit to forward the shadow reports to the Committee in advance so the committee has enough time to read them. At the review IWRAW AP trains and mentors the women's groups representatives to brief the Committee about their issues and to observe the review. The programme has contributed to the creation of a legitimate space for NGOs to interact with the Committee and a structured process for NGOs to communicate alternative country information or shadow reports to the Committee.

The assessment of the Global to Local Programme done by UNIFEM (2004) is of the view that although there were many other factors for the creation of stronger NGO –treaty body relationship such as recommendations from the UN world conferences for strengthening the role of NGOs in human rights implementation, the Global to Local programme did create a momentum for such change with the Committee

NGO interventions and advocacy in relation to their participation in the reporting process has had good results. NGO reports reveal why women's rights commitments often remain *de jure* commitments rather than representing *de facto* change. The usefulness of such information is borne out by the appreciation expressed by members of the Committee for such input. At the 34<sup>th</sup> session in January 2006 the chair of CEDAW in her report stated, "I wish to take this opportunity to thank IWRAW Asia Pacific for its continuing excellent encouragement and support to national non-governmental organizations towards the preparation of shadow reports, and for channelling this information so effectively to Committee experts." (Chair of CEDAW. 2005)

### **Benefits of Civil Society Participation in Treaty Processes.**

Hence the review process itself has benefited through the participation of NGOs. This has made for sharper and more specific recommendations by the Committee in its Concluding Observations. In turn this has facilitated better advocacy at the national level by the NGOs and better guidance to all other agencies that are in a position to offer technical and financial assistance to governments to implement the Convention. This has helped to bring NGOs together to discuss important aspects of state action, emphasise collaborative work in expanding ideas and activism around rights, create greater media awareness, provide the basis for dialogue and information giving to the state and ensure that state interventions are being monitored and assessed for effectiveness

NGO advocacy in their own country can benefit tremendously by their mere observation of the review process. NGOs gain knowledge of commitments their governments undertake during the dialogue and are also able to assess gaps in knowledge or capacity of their governments and this enables them to identify the areas for collaboration with their governments. They also learn how to be more strategic at the national level.

The observance by non- governmental organizations at the review has also helped them in some cases to establish better relationship with their governments and at times contributed to better government transparency. It would appear that the visibility of NGOs at the review process has raised their standing in some countries and consequently there are examples of governments being more willing to acknowledge them and even consult them on follow up processes.

It is our observation that Governments had greater respect for the women when they realised that the women were not there as individuals but as part of an international group. We have observed that government delegates made special efforts to dialogue with the women and to hear their views. So NGO activism is crucial to ensure fulfilment of state obligation to fully implement the Convention at the national level.

## **Conclusion**

Global norms developed through inter- governmental processes and international mechanisms remain transfixed at the international level and forgotten if they are not actively applied at the national level. While the creation of these norms may take place through the interaction of a limited number of actors such as governments and selected human rights mechanisms such as treaty bodies, their legitimization and usefulness can only take place through what Susanne Zwingel describes as “reciprocal interrelationship between the global, national and local levels.” This can only be done with the active participation of civil society organizations that bring a “critical domestic voice to the constructive dialogue between the Committee and States Parties” and in policy formulation at the national level. It requires innovation, commitment and resources. Transnational organizations such as IWRAW AP have been instrumental in consistently bringing the voices of civil society to the international and national levels and creating synergy between these levels.

Thank you Madam Chair.

---