



What is CEDAW and why it is important to women's land rights?

The *Convention on the Elimination of All Forms of Discrimination against Women* – CEDAW is the only internationally binding treaty on preventing discrimination against women. In December 1979, CEDAW was adopted by the United Nations General Assembly and to date has been ratified by 185 of the 192 UN member states. Reservations on specific sections of the Convention have been permitted as long as these are not “incompatible with the object and the purpose” of the Convention itself (Art. 28).

The Convention acknowledges that women worldwide face extensive discrimination, defined as “*any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field*” (Art. 1).

This is recognition that discrimination against women violates the principles of equality of rights and respect for human dignity. The Convention not only covers civil and political rights, but also draws attention to the economical, social and cultural dimension of discrimination. Furthermore, CEDAW considers both *de jure* (in law) and *de facto* (in practise), as well as violations committed by private individuals or in private contexts.

Because it sets an international standard of women's human rights in areas such as education, employment, health care, marriage and family relations, politics, finance, and law, CEDAW provides a platform for lobbying governments to promote gender equality and hold them accountable at the international level. CEDAW has been an important advocacy tool of the women's movement over the last 30 years.

CEDAW can serve as a tool to promote women's equitable and secure access to land because it is the only international human rights Convention that explicitly deals with rural women and their rights (Art. 14 “rural women”). Other articles on quality before the law (Art. 15) and discrimination in marriage and family relations (Art. 16) are equally relevant to rural women (see Annex I for Articles 14-16).

You can read the full text of the Convention at www2.ohchr.org/english/law/cedaw.htm

The CEDAW Secretariat is located in the Office of the United Nations High Commissioner for Human Rights (OHCHR) www2.ohchr.org/english/bodies/cedaw/index.htm. Contact cedaw@ohchr.org

ILC, FAO, IFAD, (2004), *Rural Women's Access to Land and Property in Selected Countries, Progress towards Achieving the Aims of Articles 14, 16 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, available at www.landcoalition.org/pdf/cedawrpt.pdf



Up-to-date status of State parties to the Convention, including reservations: treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=env

Scheduled Sessions (or see annex II): www2.ohchr.org/english/bodies/cedaw/sessions.htm

Reporting Guidelines for State Parties (official reporting process): www2.ohchr.org/english/bodies/cedaw/index.htm and www2.ohchr.org/english/bodies/cedaw/docs/AnnexI.pdf

General Recommendations: www2.ohchr.org/english/bodies/cedaw/comments.htm

UN Fact sheet on "Complaints procedures": www2.ohchr.org/english/law/docs/Part_of_FS.No.7.pdf

(contact for communications under the Optional Protocol: tb-petitions@ohchr.org)

How does CEDAW work?

State parties to CEDAW sign and ratify the Convention, in some cases, with reservations. All state parties to the Convention submit initial and periodic reports on implementation of the Convention to the Committee on the Elimination of Discrimination against Women (CEDAW Committee). The CEDAW Committee composed of 23 independent experts, monitors implementation of the Convention based on reports received from state parties every four years or on request.¹ The review process is structured as follows:

1. A **pre-session working group**, composed of between 5 and 10 Committee members reviews the report and prepares a list of critical issues and questions for each reporting State scheduled *two sessions ahead*;
2. This list is sent to the state party, with a request to respond within 6 weeks;
3. The **CEDAW session** begins reviewing the report and response to the list of critical issues and questions, then the Committee and state parties discuss in plenary (other participants can observe but not intervene);
4. The Committee drafts **Concluding Observations**, including concerns and recommendations.

The Committee also produces general recommendations, by which it draws attention on a specific issue at the global level.² Since there are no quantitative indicators in the Convention and state parties often define articles very narrowly, general recommendations are an important tool in interpreting the convention's application at national level.

In addition to the Convention, an Optional Protocol to CEDAW (www2.ohchr.org/english/law/cedaw-one.htm) allows the Committee to receive and consider complaints from individuals or groups within the State party's jurisdiction. This Protocol contains two procedures:

- **Communications procedure:** this allows individual women or groups of women to submit claims of violations of rights protected under CEDAW to the Committee, provided that all steps to submit such a claim have been exhausted at national level;
- **Inquiries procedure:** The Committee can initiate inquiries into situations of grave or systematic violations of women's rights any time it receives reliable information, provided a state is party to CEDAW and the Optional Protocol. States, however, can opt out of this procedure.

¹ The Committee may request exceptional reports to obtain and examine information on actual or potential violation of women's human rights, where there is a special cause of concern (Rules of Procedure 48.5, decision 21/I and 31/III (h)).

² So far, the Committee has produced 25 general recommendations on specific reports as well as, increasingly, on themes and articles of the convention, including, for instance:

- No. 16 on Unpaid women workers in rural and urban family enterprises (10th session, 1991)
- No. 21 on Equality in marriage and family relations (13th Session, 1994)

How can civil society organisations engage?

Since its early sessions, the CEDAW Committee has invited non-governmental organisations (NGOs)³ to follow its work – principally to provide country-specific information. Civil society organisations have an important role in monitoring the implementation of CEDAW and assess de facto compliance at the national level. NGOs can engage in the CEDAW review process in three ways, each with their procedures, requirements, and deadlines:

Option 1: submit reports or country specific information to the pre-session working group

The review process starts with a pre-session working group, composed of members of the CEDAW Committee. This working group is a crucial moment in agenda-setting, as a list of issues and questions on reports which the Committee will consider at upcoming sessions is prepared two sessions ahead and sent to the reporting State. Usually, such lists contain no more than 30 clear and direct questions, to which the reporting State is requested to provide a written answer within six weeks after the notification.

NGOs may contribute to this process by submitting information on specific issues that they would like the CEDAW Committee to include in the list of issues and questions. Information can be submitted as a shadow report up until one month before the pre-session meeting to cedaw@ohchr.org or through IRAW-AP (International Women's Right Action Watch Asia Pacific), an NGO that is accredited with the CEDAW Secretariat to submit NGO reports.

Option 2: attend pre-session or session working groups and provide information in plenary

The CEDAW Committee sets aside time in each of its session in Geneva and New York, including the pre-session working groups, for NGO representatives to provide information orally. Such interventions must be concise and coordination between NGOs from the same country is encouraged. On average, no more than 10 minutes is allocated for NGO interventions for any one country.

To address the Committee or the pre-session working group, NGOs have to register with the OHCHR at cedaw@ohchr.org at least two weeks prior to the session, providing full title of NGO, names of representative and the proposed dates of attendance.

Option 3: submit alternative reports for the CEDAW session

NGOs can submit alternative reports, either providing a critical evaluation of an official report submitted by a state party ("shadow reports"), or independent reports, when a State party has not shared their report prior to the session. Alternative reporting allows civil society organisations to play a role in monitoring and holding their governments accountable. Reporting can raise awareness at the national level and can be an opportunity to build broad coalitions among civil society actors. The CEDAW Committee welcomes NGO reports and posts them on its website for the specific session.

Before drafting alternative reports, you should check whether the government of your country has ratified CEDAW with any reservations and read any previous reports and recommendations made by the CEDAW Committee to your government. There are no set formats for these reports and reports submitted by NGOs vary widely, from discussions of the general status of women in a country



Grupo ALLPA

CEDAW is the only human rights treaty that deals specifically with rural women, highlighting the need for their participation and access to basic social services - and is therefore a powerful tool to advocate for rural women.

³ The term NGO is used by the Committee to refer to civil society actors in general.

Useful links to NGOs engaged with CEDAW:

IWRAW-AP (International Women's Right Action Watch Asia Pacific, www.iwraw-ap.org) provides information on CEDAW and guidelines for writing a shadow/alternative report. IWRAW-AP also runs a training "*From Global to Local*" to help grassroots NGOs engage with the CEDAW review process. The IWRAW-AP site contains a lot of useful information on shadow reporting in particular:

www.iwraw-ap.org/resources/shadow_reports.htm

www.iwraw-ap.org/resources/pdf/Shadow_Report_Guidelines_Oct_2007.pdf

Contact: IWRAW Asia Pacific:
80-B, Jalan Bangsar, 59200 Kuala Lumpur, Malaysia. Tel: +60322822255, fax: +60322832552, email: iwraw-ap@iwraw-ap.org; iwraw_ap@yahoo.com

Women's International League for Peace and Freedom:

www.wilpf.int.ch/

International Women's Tribune Center: www.iwtc.org/

Equality Now: www.equalitynow.org/

Help Age International:
www.helpage.org/Home

IPAS – Protecting Women's Health:
www.ipas.org/Index.aspx

World Organisation against Torture (OMCT): www.omct.org/index.php?menuId=25&lang=eng

Women in Politics Support Unit (WIPSU) – Zimbabwe:
wipsu@wipsu.co.zw

CEDAW in Action in South East Asia:
www.cedaw-seasia.org

Gender Responsive Budget – UNIFEM:

www.gender-budgets.org/content/view/678/1/



Giorgio Alosi

to analysis of specific articles of CEDAW and a government's compliance in terms of policy.

Generally speaking, reports should be substantial yet concise and provide relevant data (from case studies to national census data) to back up your argument. Focus on a specific theme – e.g. Rural women's access to and control over land – or articles – in this case, 14,15 and 16 – is encouraged. You should quote CEDAW specific articles you are reporting against as well as other international treaties that support your arguments.

The CEDAW Committee encourages NGOs in a country to coordinate their efforts to produce a single report, so it is recommended that you build alliances with other organisations to combine reports on specific issues into one country report. International Women's Right Action Watch Asia Pacific (IWRAW) has been entrusted by CEDAW to collect NGO reports for submission, and they have produced some helpful guidelines (see link below). However, you can also submit reports independently.

In sum, quality research and data to back up alternative reports as well as a focus on specific articles can help capture the attention of the Committee, as can a joint submission by an alliance of NGOs active at the country level.

Timelines and other sources of information

The CEDAW Secretariat has just published a note with detailed information for NGOs wishing to participate in the 45th session (February 2010).⁴ Usually, pre-sessions working groups are held after current sessions, for instance, the pre-session for CEDAW 47 (October 2010) will be held during CEDAW 45 in February 2010. The deadlines for engaging in upcoming sessions (see Annex II) are:

	Directly to OHCHR	Through IRAW-AP
Submission of information to the pre-session working group	At least one month before the pre-session meeting: Submit report in .PDF format and bring 10 copies for distribution at the pre-session working group. NGOs not attending the pre-session working group should send 10 hard copies of their submission one month ahead of the pre-session working group.	You can send your list of critical issues, bullet points, etc... to IRAW-AP at least one month before the start of the pre-session meeting. IRAW-AP will then submit all the NGO submission in time.
NGO attendance at CEDAW's session or pre-session working group	NGO representatives wishing to address the Committee or pre-session working group are requested to contact the OHCHR and submit all the relevant information no later that two weeks prior the beginning of the session or pre-session working group.	
Submission of a shadow/alternative report	Submissions should be sent by email (in .PDF) and by post (30 copies of each submission). All submissions, electronic and hard copies, should arrive one month prior to the beginning of the session to the Secretariat of the Committee.	You can send your alternative/shadow report by email to IRAW-AP, they print and mail electronic and hard copies to the Committee. Reports have to be sent seven weeks before the CEDAW session.

⁴ CEDAW Secretariat note on NGO participation http://www2.ohchr.org/english/bodies/cedaw/docs/NGONote_45.pdf

Links in Spanish:

Folleto sobre CEDAW – OACNUDH México: www.hchr.org.mx/documentos/CEDAW%20Final.pdf

Fundación para estudio e investigación de la mujer - Argentina www.feim.org.ar/

Movimiento de Mujeres Indígenas Tz'ununija – Guatemala: mujeresindigenastzununija@gmail.com

Igualdad Ya: www.equalitynow.org/spanish/index.html

Centro de estudios legales y sociales -Argentina www.cels.org.ar/

CLADEM y CLADEM Nacionales, compuestas de Comité de América Latina y el Caribe para la defensa de los derechos de la mujer: www.cladem.org/

Centro de estudios de la mujer CEM- Chile www.cem.cl

Fundación de estudios para la aplicación al derecho FESPAD – El Salvador: fespado.org.sv

CERIGUA Centro de reportes informativos sobre Guatemala: cerigua.info/portal

UNIFEM - recursos en español: www.gender-budgets.org/content/blogcategory/82/170/

Links in French:

CAFOB: Collectif des associations et ONG féminines du BURUNDI: cafob@cbinf.com

Egalite Maintenant: www.equalitynow.org/french/about/about_fr.html

ACAFEJ Cameroun: www.web-africa.org/acafej/

WILDAF/FeDAFF – Afrique de l'Ouest: www.wildaf-ao.org/fr/spip.php

UNIFEM - ressources en français: www.gender-budgets.org/content/blogcategory/81/172/

Annex I:

Articles 14, 15, and 16 of CEDAW

Art. 14, 15, 16 of the Convention deal with rural women, ownership of land, inheritance rights and right to access property:

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and

co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage

and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

A global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue, and capacity-building.



INTERNATIONAL
LAND
COALITION

Secretariat

Via Paolo di Dono, 44
00142 Rome, Italy
tel: (0039) 06 5459 2445
fax: (0039) 06 54593628
(0039) 06 54593445
info@landcoalition.org
www.landcoalition.org

November 2009

Annex II: Timetable for upcoming sessions

	Session	Location
January - February 2010 (45th)	Botswana, Egypt, Malawi, Netherlands, Panama, United Arab Emirates, Ukraine, Uzbekistan	Geneva
July 2010 (46th)	Albania, Argentina, Australia, Central African Republic, Fiji, Grenada, Papua New Guinea, Russian Federation, Seychelles, Turkey	New York
October 2010 (47th)	Bahamas, Burkina Faso, Chad, Comoros, Czech Republic, Lesotho, Malta, Tunisia and Uganda	Geneva
Future sessions	Algeria, Belarus, Equatorial Guinea, Ethiopia, Israel, Kenya, Liechtenstein, Nepal, Niger, Oman, Singapore, South Africa, Sri Lanka and Zimbabwe	Geneva

The pre-session working group meets before the start or after the conclusion of a CEDAW session to discuss reports for forthcoming sessions, i.e. in January 2010 (45th session), the pre-session agenda will contain reports to be discussed in October 2010 (47th session).