



**Advancing
Gender
Equality
Using CEDAW
and
UN Security
Council
resolution 1325**

*Training
Module for
Gender
Equality
Advocates*

**Developed by the UNIFEM Regional Project
“Women for Conflict
Prevention and Peace-Building
in the Southern Caucasus”**



**ADVANCING GENDER EQUALITY –
USING CEDAW AND
UN SECURITY COUNCIL RESOLUTION 1325**

*TRAINING MODULE FOR GENDER EQUALITY
ADVOCATES*

Developed by the UNIFEM Regional Project “Women for Conflict
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Acknowledgements

UNIFEM would like to thank the International Centre for Human Development (ICHD) who helped to compile and produce the initial draft of “Advancing Gender Equality – Using CEDAW and UN Security Council resolution 1325”.

Under the auspices of the UNIFEM-supported Regional Coalition “Women for Peace”, the Module was piloted in Armenia, Azerbaijan and Georgia through the affiliated national networks - “Women’s Peace Coalition”, “Coalition 1325” and “Network of Unity of Women for Peace” respectively. In conducting the piloting, the UNIFEM partners targeted local and national government authorities, parliamentarians and locally elected officials, non-governmental organizations (NGOs), academics, lawyers, teachers, rural women, internally displaced persons (IDPs) and journalists.

UNIFEM would like to thank the following NGOs, who on behalf of their respective networks, supported the piloting and provided subsequent feedback to the Fund on how to revise and finalise the Module: Millennium NGO, Association for the Protection of Women’s Rights after D. Aliyeva, Association “Women and Health, Samtskhe-Javakheti Women’s Regional Center, Helsinki Citizen’s Assembly – Armenia, Association “Democracy and Welfare”, Women Republic Council NGO, Civil Society Development Association, “Spectrum”, Armenian Association of Women with University Education, Caspian Mental Health Association, Gender Development Association, Azerbaijan Young Lawyers’ Union, Gender Research Center of Western University, and Union “Wives of Invalids and of Lost Warriors of Georgia.

The Training Module was developed by the UNIFEM Regional Project “Women for Conflict Prevention and Peace-building in the Southern Caucasus”. Supported by the Governments of Sweden and Finland, the UNIFEM Regional Project works in partnership with government and women’s networks to support the advancement of gender equality, increased participation of women in decision-making, and the creation of an enabling environment in support of conflict prevention and peace-building in the Southern Caucasus.

The Module is designed using photos of three photographers in the Southern Caucasus region – Mr. Albert Babelyan (Armenia), Mr. Sanan Aleskerov (Azerbaijan) and Ms. Natela Grigalashvili (Georgia).

Under the UNIFEM regional project, these photos were compiled for use in a traveling photo exhibition in the Southern Caucasus in 2006. The photo exhibition depicted the life of women in the region. Shown in Armenia, Georgia and partially in Azerbaijan, the exhibition had as its logo - “Progress for Women – Progress for All” . The photo exhibition highlighted the similarities and commonalities facing Georgian, Armenian and Azerbaijani women striving for peace and sustainable development for their countries and their children. Selected photos were also used by the UNIFEM project in their 2006 Regional Calendar.

Design by David Trchunyan

Background to Module

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as the international bill of rights for women or the “Women’s Convention”. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination and to achieve substantive equality.

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms and to ensure “equality of results”, including:

- The incorporation of the principle of equality of men and women into the state legal system, the abolishment of all discriminatory laws and the adoption of appropriate laws prohibiting discrimination against women;
- The establishment of tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- The elimination of all acts of discrimination against women by persons, organizations or enterprises.¹

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice and to move beyond “de jure” equality and to ensure an equality of results – equality which is felt by the average woman and man. They are also committed to submit national reports - an initial report a year after ratifying the Convention and then regular reports every four years - on measures they have taken to comply with treaty obligations.

On 31 October 2000, the United Nations Security Council adopted resolution 1325 on women, peace and security (UNSC resolution 1325). UNSC resolution 1325 was the first resolution addressing gender issues to be passed by the Security Council. It emphasized the vital role of women in conflict resolution and mandated a review of the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, as well as reconstruction and rehabilitation processes.

UNSC resolution 1325 and CEDAW - two normative, legally binding documents – are powerful tools when used together to move the gender equality agenda forward in the peace and security context. Although each set of standards constitutes a critical tool in advocating for women’s rights, using them together strengthens the work of gender equality advocates, and works to ensure the realization of de facto gender equality in times of peace and within post-conflict environments.

Under UNIFEM’s Regional Project “Women for Conflict Prevention and Peace-Building in the Southern Caucasus”, considerable advocacy and awareness raising activities have been implemented around the importance of UNSC resolution 1325. In all three countries, the project has supported the development of “Women for Peace” networks that have based their mandates/charters around the principles of CEDAW and UNSC resolution 1325. Further, through the advocacy and initiative of the three networks, the Southern Caucasus Regional Coalition “Women for Peace” was created in 2003 and has been working together to advocate for the improved implementation of CEDAW and UNSC resolution 1325, to support the development of a culture of peace.

The purpose of this Training is to build the capacity and awareness of gender equality advocates in government and civil society in the Southern Caucasus to advocate for and to support the implementation of CEDAW and UNSC resolution 1325. Specifically, the Training will provide participants with:

- Increased awareness of the obligations under CEDAW and UNSC resolution 1325, and how these obligations can be practically applied at the national and local levels;
- Improved understanding on the linkages between the core principles found in CEDAW and UNSC resolution 1325;

¹ <http://www.un.org/womenwatch/daw/cedaw/>

- Concepts and practical suggestions for advocates in government and civil society on how to advocate for and support the effective implementation of CEDAW and UNSC resolution 1325 at the national and local levels.

The Training Module is set up within a two-day schedule, with 8 hours per day allocated for the training. Recognising that gender equality advocates in government, civil society, media, academia, IDP communities, international organizations and youth organizations may have varying levels of knowledge, the Training Module has two levels - Introductory and Intermediate. "Introductory" Level is for those who have had only limited exposure to the concept of gender, and have very limited knowledge of CEDAW and UNSC resolution 1325. The "Intermediate" Level is for those who have a solid background on gender issues, and have had exposure to CEDAW and UNSC resolution 1325, but need support in understanding the linkages between the two documents and how to improve their national applications. The Training Module has been prepared so that the trainers may shift back and forth between "Introductory" and "Intermediate" Levels over the course of the two days, if needed.

Proposed Timetables

Introductory Level Training

<u>DAY ONE</u>	<u>DAY TWO</u>
Session 1 – Introduction, Background and Expectations – 30 to 45 Minutes	Session 5 – UNSC resolution 1325 – Significance and Legal Authority - 1 Hour
Session 2 - Gender Equality and Empowerment – An Overview - 2 Hours	Session 6 – Part 1 - Applying CEDAW and UNSC resolution 1325 in Local context – 2 Hours and 30 Minutes
Session 3 –CEDAW – Significance and Legal Authority – 2 Hours and 30 Minutes	Session 7 – Part 2 - Applying CEDAW and UNSC resolution 1325 in local context – 1 Hour and 35 Minutes
Session 4 - National legislative and mechanisms protecting women’s rights – 1 Hour and 20 Minutes	Session 8 (Optional) – Creating a Women’s Agenda for Participation 1 Hour and 30 Minutes

Intermediate Level Training

<u>DAY ONE</u>	<u>DAY TWO</u>
Session 1 – Introduction, Background and Expectations – 30 to 45 Minutes	Session 5 – UNSC resolution 1325 – Significance and Legal Authority - 1 Hour
Session 2 - Gender Equality and Empowerment – A Refresher - 1 Hour and 40 Minutes	Session 6 – Part 1 - Applying CEDAW and UNSC resolution 1325 in Local context – 2 Hours
Session 3 –CEDAW – Significance and Legal Authority – 2 Hours and 15 Minutes	Session 7 – Part 2 - Applying CEDAW and UNSC resolution 1325 in local context – 45 Minutes
Session 4 - National legislative and mechanisms protecting women’s rights – 1 Hour and 30 Minutes	Session 8 – Creating a Women’s Agenda for Participation 1 Hour and 30 Minutes

List of Handouts Needed for Training – Introductory Level Training

Session 2:

- HO #1 - Approaches to Women’s Equality
- HO #2 - Case Study – “Protection or Discrimination”
- HO #3 - Case Study #2 – Different ideas about what constitutes equality

Session 3:

- HO #4 - Concluding Comments of Armenia, Azerbaijan and Georgia
- HO #5 - Exercise #2 - Part 1 - Case Study - In the Courts
- HO #6 - Exercise 2 – Part 2 – Handout #4 – An Employee’s Rights

Session 4:

- HO #7 - Overview of Criteria for Effective Gender Equality Institutions in Government – Results of Council of Europe Assessment in Preparation for Beijing +10
- HO #8 - How policies/programmes are developed and implemented- Mainstreaming Gender in the Poverty Reduction Strategy for Armenia

Session 5:

HO #9 - UNSC resolution 1325 – A Summary

Session 6:

HO #10 - Information on women and conflict, and mechanisms for conflict prevention and enhanced protection

HO #11 - Displacement

HO #12 - Organizing for peace

HO #13 - Rehabilitation, reintegration and reconstruction

HO #14 - Secret notes for the “Women’s Group”

HO #15 - Secret notes for the “Peace Negotiation Team”

HO #16 – Secret notes for “International Negotiation Observer Team”

Session 7:

HO #17 - Post-conflict political participation

HO #18 - Justice and legislating equality

HO #19 - Women in the Burundian Peace Talks

HO #20 - Assessing Women’s Capacity for Participation in Peace Talks

List of Handouts Needed for Training – Intermediate Level Training

Session 2:

HO #1 - Approaches to Women’s Equality

HO #2 - Case Study – “Protection or Discrimination”

HO #3 - Case Study – Different ideas about what constitutes equality

HO #4 - The Power Chain – Cause and Effect

Session 3:

HO #5 - Concluding Comments of Armenia, Azerbaijan and Georgia

HO #6 - Exercise #2 - Part 1 - Case Study - In the Courts

HO #7 - Exercise 2 – Part 2 – Handout #4 – An Employee’s Rights

HO #8 - Case Study - Mobilising Awareness about Women’s Rights

Session 4:

HO #9 - Overview of Criteria for Effective Gender Equality Institutions in Government – Results of Council of Europe Assessment in Preparation for Beijing +10

HO #10 - How policies/programmes are developed and implemented- Mainstreaming Gender in the Poverty Reduction Strategy for Armenia

Session 5:

HO#11 - UNSC resolution 1325 – A Summary

Session 6:

HO #12 - Information on women and conflict, and mechanisms for conflict prevention and enhanced protection

HO #13 - Displacement

HO #14 - Organizing for peace

HO #15 - Rehabilitation, reintegration and reconstruction

HO #16 - Secret notes for the “Women’s Group”

HO #17 - Secret notes for the “Peace Negotiation Team”

HO #18 - Secret notes for “International Observer Team”

Session 7:

HO #19 - Post-conflict political participation

HO #20 - Justice and legislating equality

Session 8:

HO #21 - Women in the Burundian Peace Talks

HO #22 - Assessing Women's Capacity for Participation in Peace Talks

List of Annexes

Annex 1 - CEDAW

Annex 2 - Optional Protocol

Annex 3 - Concluding Comments of Armenia, Azerbaijan and Georgia (Russian and English)

Annex 4 - UNSC resolution 1325

Note to Trainers – How to use the Training Module

UNIFEM designed the CEDAW/UNSC resolution 1325 Training Module so that it can be used in a flexible manner, allowing for trainings to be tailored to fit the knowledge level of the participants. The Introductory Level Version is for trainings of participants who have a very basic knowledge of gender, CEDAW and UNSC resolution 1325. Intermediate Level Version is for trainings of gender equality advocates. However, because there are going to be varying levels of knowledge within both of these groups about CEDAW, gender and UNSC resolution 1325, the two Versions should be used inter-changeably – for example, in Intermediate Level trainings, participants may have a solid understanding of gender and CEDAW, but be unfamiliar with UNSC resolution 1325, in which case the session on UNSC resolution 1325 in the Introductory Level Version may be more appropriate. Alternatively, in the Introductory Level Version, the participants may have little knowledge of CEDAW and UNSC resolution 1325, but have a good understanding of gender, in which case the gender session found in the Intermediate Level Version may be more appropriate.

- It is important that at the start of the trainings, the Trainers properly assess the level of knowledge of participants. If the Trainers are not familiar with the participants, then Day 1 – Session 1 – should include questions to the participants on the types of trainings which they have participated in the past on gender, CEDAW, UNSC resolution 1325; and the type of work/research which they may have done around the issues. In Day Two, the Trainers must assess which of the Sessions they will use, as the last part of Day Two is largely focused on advocacy skills and strategies around the issues. The final session of Day Two (“Session 9”) may not be particularly relevant to the Training under the Introductory Level Version, particularly if there are a high level of decision-makers/government representatives among the participants. This is an assessment which the Trainers must make at the start of Day Two. If it is determined that Session 9 is un-necessary, then the Trainer should:
- Allow for longer discussions in plenary in Session 7 and Session 8;
- Allow for more time in the Role Play in Session 7 – this is particularly important if there is a mix of decision-makers and civil society/activists jointly participating, as the Role Play will be much more powerful for them.

Session 1

(For both INTRODUCTORY
and INTERMEDIATE levels)
- Introduction, Background
and Expectations - 30 to 45 Minutes



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Overall Objectives

- To introduce participants to purpose and scope of training; (see Background Information).
- To outline expectations and ground rules;
- To familiarize participants with each other and the skills/resources which the group possess;

Part 1 – Introduction and Background – 15 Minutes

- Trainer reviews with the group the Background Information;
- Present workshop objectives and list these on one side of a flip chart;
- **(Optional):** If the group is unfamiliar with each other and/or if it is a group of younger participants, the Trainer can use the following exercise as an “ice breaker”: Ask each team member to state his or her name and attach an adjective that not only describes a dominant characteristic, but also starts with the first letter of her or his name . Then go around the group and each person must repeat the names and the “adjective” of the people before them, and then list their own name and “adjective”. (e.g., Serious Stan, Mathematical Mary, Bicycling Bill, Creative Cathy);
- If the participants are already familiar with each other, then the “Skills on the Palm” exercise below will act as an ice-breaker;

Part 2 – Expectations – 15 - 25 Minutes

- The Trainer will use this time to make sure that a common group expectation exists and is relevant to the overall goals of the Training.
- During this session participants will share and agree on the ground rules necessary for the 2-day training. It is important that all participants have a common commitment to certain rules and expectations during the training.

Exercise #1 - Procedure

- On the flip chart page in which the Trainer has listed the “Training Objectives”, the Trainer should now list “Expectations” of the participants. Where possible, align these expectations with the objectives allowing time to address expectation issues if there are significant ones which may or may not differ from the overall Training Objectives.
- Tell the participants that we are going to define our ‘ground rules’ and write down that title on the flip chart
- Ask participants what kind of rules and rights they want to see for the next two days and list these on the flip chart;
- The Trainer can start from a simple ground rule like ‘No smoking in the training hall’ , ‘Silence your mobiles’ , ‘Respect your time and time of others’ or ‘One person talks at a time’.
- At the end present the full Workshop Agenda (on flipchart).

Or – Alternative activity -Possible “Ice Breaker

- If the Trainer prefers, instead of listing these ground rules and expectations in a plenary session, the Trainer can divide the participants into smaller groups.
- Each group will be given a separate piece of flip chart paper, upon which a human hand has been drawn.
- In the fingers of the hand, each group should list their expectations of the training;
- In the palm of the hand, each group should list what types of skills/expertise they bring to the training;
- On the wrist of the hand, each group should list what should be avoided in the training (i.e. not respecting other’s comments, etc.)

Tips

- Agreeing to ground rules helps to create and maintain a safe and open working environment. This is also known as 'contracting', or developing a 'constitution'.
- While it is important that the ground rules are put forward and agreed by the participants in consultation with trainers, it is useful to review the rules, ensuring that the following issues are incorporated:
 - Participants are aware of the need to allow whoever is speaking to finish before reacting.
 - Trainers should not ask the group to do anything they would not do, nor should the participants or trainers disclose information they feel is inappropriate.
 - If someone does not want something which has been said within the group repeated outside the training sessions then others must respect this.
 - Participants and trainers should avoid talking on behalf of others. Speak personally, and not for anyone else e.g. "I believe that...", "In my experience...", "I feel angry...", as opposed to "You make me angry...", "They believe that..." etc.
- Trainers should participate in activities and take the lead on difficult issues as a way of demonstrating the level of participation required.

Session 2

(INTRODUCTORY LEVEL) -
Gender Equality
and Empowerment
- An Overview - 2 Hours



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Overall Objectives

- To review the core concepts of gender equality;
- To understand how gender roles in society are developed;
- To reiterate the distinctions between “formal” and “substantive” equality and the importance of “equality of results”;

Note to Trainer before conducting Session 2

- There will be varying levels of understanding about gender concepts among participants, particularly if it is a mixed group of government and NGO. For Introductory Level trainings, the most important concepts which participants should learn about are those of “gender” verses “sex”, what is meant by a gender stereotype and what stereotypes exist in their community/country/region and the general concepts of “formal” and “substantive” equality. The participants are not meant to become gender experts – simply to become more aware of gender issues and concepts.
- It is important that the conversation under this Session does not get stuck on debating country-specific gender issues – if there is a mix of government and NGO participants, there is going to be varying opinions on “what” are gender issues for the community and what are not. However, the more “localized” the discussion, the more likely it is that these theories will be understood in a practical manner;

Part 1 -Gender Roles and Stereotypes - 50 Minutes

Objectives:

- To review the difference between the terms “sex” and “gender”;
- To assess the level of knowledge and understanding participants have about gender concepts.
- To understand how gender roles in society are developed

Background Notes - 25 Minutes

- Gender is the socially constructed differences between men and women. This is different from sex, which is the biological difference between men and women.
- Gender roles are in a constant state of flux in response to changing social and economic conditions. For example, in a crisis situation women may take on traditional male roles, e.g. heads of families, industrial workers or soldiers.
- The gender roles we play change throughout the course of a day. For example, if a mother stays home from work to take care of her sick child, she is playing a traditionally “female gender role”. That same mother, once the child is healthy, may go outside of the home to work and act as the main wage earner for the family – in this, she is playing a traditionally “male gender role”. Depending on the size and type of group, a discussion could be had on how gender roles change during the day and how they have evolved in their countries/communities. For example, if a man chooses to stay at home with the children, do state social benefits allow for this? If a man chooses to stay home when a child is sick, will his work allow for this?

- Note to Trainer – What is interesting is that the questions above, which reverse the traditional “gender” roles – i.e. the man stays home with the sick child – may cause quite a lot of debate among participants. It must be understood by all – even those gender equality advocates – that as gender roles and stereotypes are explored in society, and as women’s rights advance, the roles that BOTH men and women play will shift. Many participants may say that those questions are not relevant to their culture. (I.e. For example, if a man chooses to stay at home with the children, do state social benefits allow for this? If a man chooses to stay home when a child is sick, will his work allow for this?) But the question then needs to be asked “will these questions ever be relevant?” Society will determine how each role will change – but it should be understood that one role cannot change without impacting another. For example, in North American, up until the late 20th Century, the “feminist” movement did not really deal with the issue of “double duty “ -i.e. the woman is working more and more outside of the home, but the husband is not helping inside of the home – so she became the “super woman”. Roles are now shifting in North American culture so that men and women are sharing the household labour. This is an example of a culture absorbing the changes to gender roles.
- Because gender is constructed by society and not fixed, stereotypical notions of male and female roles can be challenged. In all societies, these roles have evolved and have changed throughout a culture’s history.
- The term “gender roles” and “gender stereotypes” are often used interchangeably. These are the roles that tradition has created - i.e. it may be that the culturally acceptable definition of a “good” woman is one who marries young, has many sons, works hard for her sons and husband, puts their needs above her own, is gentle and kind, does not argue, etc. These stereotypical traits of what is a “good” woman are the gender roles she may play in that culture.
- When we say that men and women are not the same, we refer not only to differences in biology (biological/sex differences) but also to the different roles that have been created by society (gender differences).
- Because of both biological/sex and gender differences, women and men have different needs and different levels of access to resources and power, which create gender inequalities.
- Policies and strategies that recognize gender inequality constraints seek to address them in ways that promote women’s full participation in community and political life.
- People working on gender (i.e. gender focal points in government) or advocates for equality should work to: a) raise awareness and understanding on how the roles that women do and can play contribute to society’s socio-economic growth; b) increase their own understanding and the understanding of society about what are accepted as traditionally “female” and traditionally “male” gender roles and how these have evolved over time within their communities/countries;
- How do you understand “women’s empowerment” - and in your community/country, are the following characteristics which determine the level of women’s empowerment?
 - Note to Trainer – for this question, it may help to guide the discussion if the Trainer selects an “empowerment” issue which is particularly relevant to the community, and frames the question in this manner. For example – “What determines women’s empowerment as local and national leaders?”, “What determines women’s empowerment in the area of income generation?”, “What determines women’s empowerment in the rights over her body – gender-based violence and reproductive health?”. In Introductory Level trainings, it may be better to flip these questions to look more at what hinders/ challenges women’s empowerment in these areas, such as:

- Access to material and non-materials (knowledge, information,) resources?
- The ideologies that justify inequality (individual and collective consciousness; ideas of gender roles and what is “acceptable” in a woman/girl; the family verses the rights of the individual)?
- Limited understanding/capacity/resources on the part of decision-makers to ensure that policies, plans and legislation are in place which will help address the challenges women face in certain sectors.
- The institutions and structures that reproduce and sustain inequality (family, media, education and educational curriculum, social, economic, legal and political institutions)?
- Internalized oppression (self-image, self-esteem, aspirations, and dreams)?

Exercise #1 - Procedure – Gender Roles – 15 Minutes

- Trainer gives the above presentation and allows for discussion throughout. This presentation should be as interactive as possible to allow the trainer to assess the level of knowledge of participants.
- If the knowledge is very basic, then the trainer should proceed with the activity below – if it is clear that participants have a good understanding of the concept, then the trainer should use the corresponding session in the Intermediate Level Training.
- If understanding of participants is basic, then trainer goes directly into brainstorming with the participants about what is meant by “gender”; ask the participants to list the “gender roles” that they are aware of; and ask them to list “female” characteristics and “male” characteristics;
- Put their responses on a flip chart – then ask participants:
 - Whether these traits are innate or acquired?
 - Whether they can be applied to either sex or to both of them?
 - Which of these are of distinctive ‘male’ or ‘female’ nature?
- This discussion will prompt a great deal of debate and discussion among participants. It is important that this debate stays focused to the concepts that are being raised (power, empowerment, and socially constructed roles) and not get stuck on local issues (i.e. trafficking, women in decision-making, adoption of gender equality legislation).
- The Trainer may find, depending on the level of knowledge that the above exercise illustrates that participants have a clear understanding of the difference between “sex” and “gender”. However, if the participants are slow to suggest responses to the above, or they exhibit varying levels of understanding, then it is recommended to go to Exercise 2, which is a Quiz on roles and stereotypes. This will help participants to better understand the differences between “gender” and “sex”.

Exercise #2 – Procedure – “ Quiz – Sex or gender?” - 10 Minutes

- The Trainer should write the list below on a Flip chart and then ask participants – in plenary - to decide if these roles/stereotypes may be attributed to “Sex” or to “Gender”. When disagreement occurs, ask them to justify their opinions. Add local examples if you wish:

- Women give birth to babies (Answer - sex).
 - Little girls are gentle and timid; boys are tough and adventuresome (Answer – gender role).
 - In many countries, women earn 70 % of what men earn (Answer – gender role).
 - In many countries men are conscripted to the army, but women are not (Answer – gender role, but many persons/governments would disagree and state the policy was because of “sex”).
 - Peace agreements are mainly negotiated and signed by men (Answer – gender role).
 - Women breastfeed babies (Answer – sex).
 - According to UN statistics, women do 67% of the world’s work, yet their earnings amount to only 10 % of the world’s income (Answer – gender role).
 - Mother Therese helped the poor (Answer – neither sex nor gender; personal characteristic).
 - Men are decision makers (Answer – gender role).
 - Women did not fight as soldiers in the conflict (Answer – gender role. Also, depending on the country, this general assumption may be incorrect.)
- After wards, discuss following questions:
 - Did any of the statements surprise you?
 - How do gender roles vary across age differences, classes, races, cultures and historical periods?
 - Why is this differentiation/attribution important?
 - Why do we separate/stereotype roles?

Tips

- The statements – “Peace agreements are mainly negotiated and signed by men” and “Men are decision makers” are interconnected - essentially, men are in power and make decisions.
- “Mother Therese was helping the poor” has an unimportant gender role. It is more important to look at it as leadership and/or religious role of Mother Therese. It is presented here to assist participants in distinguishing between sex, gender and other role- defining characteristics of a person.

Part 2 - How to Achieve Women’s Equality – 30 Minutes

Objectives

- Assess Participants’ knowledge of the different approaches towards gender equality;
- Understanding the basic gender equality concepts and terms;
- Understand the importance of ensuring women’s basic human rights are promoted and protected in society;

Background Notes – 15 Minutes:

- According to the constitutions of most countries in the region, everyone is free by birth and is equal before law without distinction of any kind, such as race, colour, language, sex, religion, political or other opinion, national, ethnic or social origin, property, birth and place of residence;
- Implementing such legal protections is the challenge. Governments are obligated to ensure the equal rights and opportunities for women and men and to ensure the realisation of these rights;
- Governments need to recognise the principles of equality in all spheres of life – and must provide framework for introducing and implementing measures for prevention and elimination of all forms of discrimination on the ground of sex;
- Terms to understand:
 - Gender: refers to cultural expectations and assumptions about the behaviour, attitudes, personality traits, and physical and intellectual capacities of men and women, based solely on their identity as men or women;²
 - Gender Equality - Gender equality means an equal visibility, empowerment and participation of women and men in all spheres of public and private life. It is an integral part of human rights and it aims to promote the full participation of women and men in society;³
 - Equity – This generally refers to ensuring parity or evenhandedness when it comes to representation – i.e. ensuring similar treatment for men and women – and is often equated with “formal equality” (see below). To many gender equality advocates, working towards “equity” is often seen as an attempt to set a lower standard for “equality”, in that it focuses on basic measures to improve representation of women. It is important to note that “equality” is a human rights concept, but “equity” has no status in international human rights law. It is therefore “equality” which states are obligated to achieve under international law, not “equity”.
 - Sexual Discrimination - Direct discrimination because of sex occurs when a difference in treatment relies directly and explicitly on distinction based exclusively on sex and characteristics of men and women, which cannot be justified objectively. Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory on its face, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities;
 - Discrimination Against Women (As defined by the CEDAW) – “...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.”
 - Specific Actions (Or Special Measures) - Specific actions are specially tailored measures, referred in international law as *special measures* aimed to remedy or redress historical injustice, reduce structural disadvantages, overcome gender stereotypes and prejudices. They include a variety of actions, from legal reform, designing

² The definition of term *Gender* is borrowed from United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights, W/C.12/2005/3, General Comment N. 16 (2005), paragraph 14.

³ The definition of term *Gender Mainstreaming* is borrowed from Council of Europe, Conceptual Framework, Methodology and Presentation of Good Practices, Final Report of Activities of the Group of Specialists on Mainstreaming, Strasbourg, May 1998.

and implementing specific strategies and projects aimed specifically at correcting the position of women of a target group in one or more aspects of their social life, organising campaign and educational activities to actions addressing the cultural negative stereotypes. When they are aimed to favour access by members of certain disadvantaged or underrepresented categories of people to rights, which they are guaranteed, to the same extent as members of other categories they are covered by the term positive actions or special temporary measures;⁴

- Gender Mainstreaming - Integration of gender equality perspective is a reorganisation, improvement, development and evaluation of policy processes so that gender equality perspective is incorporated in all policies and programmes at all levels and at all stages, by the actors normally involved in policy-making;⁵
- There are three core strategies to achieving substantive equality:
 - Mainstreaming of gender throughout policies and programmes;
 - Specific actions in priority areas – special /temporary measures; effective institutional support for monitoring and implementation of gender equality commitments; and allocation of necessary financial and human resources to ensure implementation;
 - Enhanced capacity of government and NGOs to advocate, implement and monitor gender equality commitments at the local and national level.

Exercise #3 – Procedure – 15 Minutes

- The Trainer gives the above presentation and allows time for question.
- After questions, the Trainer then poses two questions from the list below to the participants.
- These questions are a way of leading into Exercise #4 on “substantive and formal” equality. If there are a large number of participants, divide them into two groups and have them discuss one of the questions. In this scenario – the two groups should convene and present and have 10 additional minutes for group discussion.
- Questions
 - Would protection of women from rape when seeking fuel outside of refugee camps simply reinforce gender stereotypes and women’s secondary status?
 - Would efforts to prevent trafficking result in limited mobility of girls and women?
 - Would the prevention of trafficking stigmatize (further) sex workers?
 - What should be the criteria for forming high-level decision-making body working on conflict resolution: professionalism, position in the society/community, gender balance? Any other ideas?
- The Trainer then sums up participants’ opinions about the answers.

⁴ The definition of term *Specific Actions or Special Measures* is elaborated based on Council of Europe, Positive Action in the Field of Equality Between Women and Men, Final Report of Activities of the Group of Specialists on Positive Action in the Field of Equality between Women and Men, 2000.

⁵ The definition of term *Gender Mainstreaming* is borrowed from Council of Europe, Gender Mainstreaming, Conceptual Framework, Methodology and Presentation of Good Practices, Final Report of Activities of the Group of Specialists on Mainstreaming, Strasbourg, May 1998.

Part 3 - Formal and Substantive Equality - 40 Minutes

Objectives

- Differentiate between *formal* and *substantive* equality;
- Understand the significance of equality for women in the overall development of society;

Background Notes – 15 Minutes⁶

- The Session focuses on various models of women's equality and different approaches to achieving equality. *Handout #1* will help the Trainer in explaining the differences between the various forms of equality.
- "Formal equality" takes that approach that men and women are equal and sets out to treat women the same as men. Meaning that under Formal Equality, sometimes "equality for women" can be understood as meaning "equal to men". In other words, "formal equality" promotes the idea that men and women must be treated equally and under the same set of standards (equity). Standards which are normally set according to what is relevant and applicable to men.
- The problem with this model of equality is that it does not take into consideration the differences between men and women – differences which exist because of the distinct biological and gender roles which men and women traditionally play in their societies.
- For example: In one town, a factory opens up and advertises that they are an equal opportunity employer – meaning that they would like to equally employ men and women. The Factory also explains that all employees will have to work shift work, and that employees must be willing to work nights on a regular basis. However, the women in the town have not applied to the Factory for work, as it is considered improper and unsafe for women to travel alone at night.
- Policies and legislation which are intended to treat men and women as equals (in the sense that they are to be treated "the same") may result in de facto discrimination against women.
- There is also the "Protectionist" approach to equality, which supports measures that "protect" women from doing certain activities which may cause them harm or work against their own interest. Using the above example as a case study, under a "protectionist" approach, women would be barred from doing shift work at night as it would be considered unsafe for them to do so. In effect, the protectionist approach recognises the differences between women and men but constitute these differences as weakness in women. Such approaches do not take into consideration the special measures which the state could enforce which would allow for women's full participation the particular activities from which they are "protected", in a safe and open environment.
- "Substantive equality", on the other hand, recognizes the differences between men and women, and works to address these differences, so as to ensure "equality of results".
- As such, substantive equality looks at ensuring equal access and equal benefits, but recognizes the need at times for special steps and measures to ensure real (de facto) equality between the sexes.
- To ensure substantive equality, governments need to look at "how" and "why" women and men are treated differently, and develop policies/programmes and special measures to address this. This is called the "corrective approach".
- Again, using the example above, from the substantive equality approach, the authorities or the owners of the factory should institute a system of safe transport for their female employees from the home to the factory. This would be one measure which would help to ensure that women, as well as men, equally benefit from the economic opportunities offered by the factory.
- Therefore, substantive equality recognizes that sometimes men and women need to be treated differently in order to ensure equal access to opportunities and benefits.

⁶ Much of the background notes in this section are taken from the following publication - "From Global to Local; Orientation on the CEDAW - Training Manual", International Women's Rights Action Watch, Asia Pacific (IWRAP Asia Pacific), July 2004.

FORMAL	DOES NOT RECOGNIZE DIFFERENCES
	Is based on gender-neutral legislation, which treats women similarly to men and, therefore, expects women to access the opportunities and to perform according to male standards.
	Creates disabling conditions for women, as women and men are not similar.
	Is characterized by: <ul style="list-style-type: none"> • Difference • Disparity • Disadvantage
PROTECTIONIST	Recognises differences between men and women, but does so in a way which attempts to protect women from practices/employment which are seen as harmful. Through this approach, women are at times denied their rights to equal access and equal opportunities which can have long-term negative implications for women and society.
SUBSTANTIVE	While recognizes equality between men and women, recognizes the differences and focuses on how to address these differences using a “corrective” approach. This approach is meant to lead to an “equality of results”.
	Establishes conditions/special measures to correct an environment which discriminates against women and thus is also called...
	The “Corrective Approach”
	Establishes equal rights on the play ground, while recognizing that inequalities exist, and attempts to address the root causes of these inequalities.
	Calls for various initiatives (often called “Special Measures” , such as special policies, legislation or programmes, to promote: <ul style="list-style-type: none"> • EQUAL OPPORTUNITIES • EQUAL ACCESS • EQUAL RESULTS AND BENEFITS

Exercise #4 - Procedure - «Formal versus Substantive Equality” – 25 Minutes

- Based on the Background provided above, the Trainer briefly explains the difference between Formal and Substantive Equality. The Trainer then goes through the following case studies with the participants. If the group of trainees is quite large, have them break into two different groups, with each working on a different Case Study. Make sure that the groups are an equal mix of government and civil society. For smaller groups or groups with more basic knowledge, based on the country context, choose the most relevant Case Study and work in plenary.
- The case studies provide an example of what happens when the state focuses attention on formal equality and not on an “equality of results”. Depending on the group of participants, the Trainer could ask the group if they have witnessed similar/parallel cases in their own communities/countries.
- Case Study #1 is particularly interesting as it touches upon what happens when trying to ensure the safety and protection of girls hurts their rights to equal opportunity and equal education. This is a common challenge/issue which countries in conflict/post-conflict face.

Handout #2 – Case Study#1 - “Protection or Discrimination”

In County X, with a new ceasefire agreement in place, the government has begun the process of resettling the IDP population in temporary homes/camps. Choosing areas which have space and infrastructure to absorb the new population, the government has re-located a portion of the IDPs in the mountain village of Gordana. The *Commission on Refugees and IDPs* has recently launched a campaign to encourage IDP families to once again send their children to school, stating that it is now safe to move about outside of the home and therefore both boys and girls should now be regularly attending primary and secondary school.

As the local school in the village is already over crowded with the children of the resident population, the children of the IDP community must attend a school approximately 3 km outside of the village boundaries. Only occasional and unreliable public transport is available and given the burden of the extra costs for transportation on the family, most of the children must walk to school. As a main trade route, the road is very busy with large transportation trucks coming and going. Over the 3 km road, there are a number of small stands where the truck drivers stop to rest and get food and drink. During the winter time, the walk to school is often done in the early morning dark or late afternoon dusk, and there is no lighting along the road.

Within the first six months of resettlement to Gordana, the IDP girls’ attendance at the primary and secondary school has decreased significantly. To address this drop in attendance, the local representatives of the *Commission on Refugees and IDPs* have launched an awareness raising campaign about the importance of girls’ education among IDP communities. The parents claim that their girls are not safe going to school, as there have been increasing reports of harassment of the girls by the truckers, and even a case of attempted abduction. Thus, some have chosen to keep the girls at home and send only the boys. The local authorities assert that it is the family’s obligation to ensure that boys and girls are both equally granted the same educational opportunities, as provided for by “gender equality legislation” recently adopted by the state. By not sending their girls to school, the parents are in breach of this legislation.

Questions for Discussion:

- 1) What steps has the state taken to institute “formal equality”?
- 2) The parents’ response was to “protect” their daughters, which in the longer term leads to discrimination. What corrective approach could the state or local community have adopted to ensure “substantive equality” or “equality of results”?
- 3) If the situation in the above case study is not addressed, what are the long-term implications for IDP girls and women? How will this cost the state in the long run?
- 4) What actions could civil society or the parents themselves have taken to address the above gap between de jure and de facto equality?
- 5) Depending on the level of knowledge of the group, they should take the texts of both the Convention and UNSC resolution 1325 and highlight the relevant articles/paragraphs in each which apply to the above case study.

Handout #3 - Case Study #2 - Different ideas about what constitutes equality⁷

In the annual athletic competitions sponsored by a municipality in Country Z, there are two different State-sponsored running competitions - one for men, and one for women. The men's race consisted of three different categories - boys, adults and seniors. The women's race only had one category which includes women and girls of all ages. Furthermore, the adult men's race had three awards while the women's race had only first prize. On top of that, the first prize for the adult men's race was three times that of the one prize for the women's/girl's race.

The Association of Women Athletes (AWA) protested against this situation which they considered discriminatory and in violation of Article 1 of the CEDAW. However, AWA was divided as to how to remedy this situation. One group wanted the women to be allowed to run in the three male races, arguing the equality between men and women required that there be no sex segregation in races. The other group within AWA insisted that in order for women to enjoy equality, they did not have to run as fast as men. This group felt that there should be two distinct races, one for men and another for women, but that each race should have the same number and quality of awards and the same number of categories. When approached, the organisers of the races said they did not have funds or resources to hold the same number of races for both men and women or to have the same quality and quantity of awards. The AWA decided to take their case - of having a separate, unequally funded race for women - to the Supreme Court of Country Z as a case of discrimination.

The Supreme Court decided that having a separate race for women was not a case of discrimination. The Court argued that, on the contrary, it was a case of affirmative action as having a specific race for women ensures that they can compete and win, which would not be the case if they had to compete in a race with men who are generally physically faster and physically stronger. So, the Court concluded that having a specific race for women was an affirmative action to compensate for women's impossibility to compete on an equal basis with men in most athletic competitions. However, the Court did not address the issue of the separate races having the same number/quality of awards and categories, stating that special measures in this regard were not necessary and it was up to the municipal leaders to decide the degree of funding and resources to be allocated to the respective races - and that the current structure provided opportunity for all.

Questions for Discussion:

- a. Do you agree with the Court's decision? Did the state enforce formal equality by this decision, or was "real" equality achieved?
- b. How could the principles of non-discrimination and substantive equality have been better met?
- c. What actions could civil society have taken to address the above gap between de jure and de facto equality?

⁷ The original concept of this case study was taken from examples provided in "From Global to Local; Orientation on the CEDAW - Training Manual", International Women's Rights Action Watch, Asia Pacific (IWRAP Asia Pacific), July 2004. However, for the sake of this Module, UNIFEM has modified the concept/case study.

Session 2

(INTERMEDIATE LEVEL) -
Gender Equality
and Empowerment – A Refresher
- 1 Hour and 40 Minutes



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Overall Objectives

- To refresh gender equality advocates' understanding about key gender equality concepts;
- To reiterate the distinctions between “formal” and “substantive” equality and the importance of “equality of results”;

Notes for Trainer before conducting Session 2:

- When training gender equality advocates, it is important to tailor the following Session to the knowledge and the experience level of the participants. Generally, this session should be treated as a “refresher” course on basic gender concepts, as there will be varying levels of understanding about this topic among the group.
- However, the Trainers should be flexible and assess the knowledge of participants as the session progresses. If the participants' level of understanding about gender concepts is unexpectedly low, then it is suggested to use the Session on Gender concepts in the “Introductory” version of the Module.
- The most important aspect of Session 2 is ensuring that participants have a clear understanding of Formal and Substantive Equality.
- To assess the participants' level of understanding, the Trainers should start Session 2 with a brainstorming exercise. Ask participants to identify one to two main gender equality issues in their community/country. What do participants' think are the root causes of these obstacles/challenges? For example, one issue could be that there are very few women in senior decision-making posts in the public sector. Why?
- The Training Module is quite intense so it is important that the brainstorming discussion not be too long and not get stuck on debating country-specific gender issues. However, the more “localized” the discussion, the more likely it is that these theories will be understood in a practical and useful manner;
- In this brainstorming discussion, it is important that the Trainers determine for themselves whether or not the participants are talking about “women's human rights” or “gender”.

Part 1 - Formal and Substantive Equality - 45 Minutes

Objectives

- To differentiate between *formal* and *substantive equality*;
- To become familiar with different approaches to gender equality, their relative merits and their implications for the advancement of women;

Background Notes⁸ - 15 Minutes:

- Part 1 focuses on various models of gender equality and different approaches to achieving equality. *Handout #1* will help the Trainer in explaining the differences between the various forms of equality.
- “Formal equality” takes that approach that men and women are equal and sets out to treat women the same as men. Meaning that under Formal Equality, sometimes “equality for women” can be understood as meaning “equal to men”. In other words, “formal equality” promotes the idea that men and women must be treated equally and under the same set of standards. Standards which are normally set according to what is relevant and applicable to men.
- The problem with this model of equality is that it does not take into consideration the differences between men and women – differences which exist because of the distinct biological and gender roles which men and women traditionally play in their societies.
- For example: In one town, a factory opens up and advertises that they are an equal opportunity employer – meaning that they would like to equally employ men and women. The Factory also

⁸ Much of the background notes in this section are taken from the following publication - “From Global to Local; Orientation on the CEDAW - Training Manual”, International Women's Rights Action Watch, Asia Pacific (IWRAP Asia Pacific), July 2004.

explains that all employees will have to work shift work, and that employees must be willing to work nights on a regular basis. However, the women in the town have not applied to the Factory for work, as it is considered improper and unsafe for women to travel alone at night.

- Policies and legislation which are intended to treat men and women as equals (in the sense that they are to be treated “the same”) may result in de facto discrimination against women.
- There is also the “Protectionist” approach to equality, which supports measures that “protect” women from doing certain activities which may cause them harm or work against their own interest. Using the above example as a case study, under a “protectionist” approach, women would be barred from doing shift work at night as it would be considered unsafe for them to do so. In effect, the protectionist approach recognises the differences between women and men but constitute these differences as weakness in women. Such approaches do not take into consideration the special measures which the state could enforce which would allow for women’s full participation the particular activities from which they are “protected”, in a safe and open environment.
- “Substantive equality”, on the other hand, recognizes the differences between men and women, and works to address these differences, so as to ensure “equality of results”.
- As such, substantive equality looks at ensuring equal access and equal benefits, but recognizes the need at times for special steps and measures to ensure real (de facto) equality between the sexes.
- To ensure substantive equality, governments need to look at “how” and “why” women and men are treated differently, and develop policies/programmes and special measures to address this. This is called the “corrective approach”.
- Again, using the example above, from the substantive equality approach, the authorities or the owners of the factory should institute a system of safe transport for their female employees from the home to the factory. This would be one measure which would help to ensure that women, as well as men, equally benefit from the economic opportunities offered by the factory.
- Therefore, substantive equality recognizes that sometimes men and women need to be treated differently in order to ensure equal access to opportunities and benefits.

FORMAL	DOES NOT RECOGNIZE DIFFERENCES
	Is based on gender-neutral legislation, which treats women similarly to men and, therefore, expects women to access the opportunities and to perform according to male standards.
	Creates disabling conditions for women, as women and men are not similar.
	Is characterized by: <ul style="list-style-type: none"> • Difference • Disparity • Disadvantage
PROTECTIONIST	Recognises differences between men and women, but does so in a way which attempts to protect women from practices/employment which are seen as harmful. Through this approach, women are at times denied their rights to equal access and equal opportunities which can have long-term negative implications for women and society.
SUBSTANTIVE	While recognizes equality between men and women, recognizes the differences and focuses on how to address these differences using a “corrective” approach. This approach is meant to lead to an “equality of results”.
	Establishes conditions/special measures to correct an environment which discriminates against women and thus is also called...
	The “Corrective Approach”
	Establishes equal rights on the play ground, while recognizing that inequalities exist, and attempts to address the root causes of these inequalities.
	Calls for various initiatives (often called “Special Measures” , such as special policies, legislation or programmes, to promote: <ul style="list-style-type: none"> • EQUAL OPPORTUNITIES • EQUAL ACCESS • EQUAL RESULTS AND BENEFITS

Exercise #1 – Procedure «Formal versus Substantive Equality” – 30 min.

Based on the Background provided above, the Trainer briefly explains the difference between Formal and Substantive Equality. The Trainer then goes through the following case studies with the participants. These case studies show the various approaches to equality, as outlined above.

Tips:

- If the group of trainees is quite large, have them break into two different groups, with each one working on a separate Case Study. For smaller groups, based on the country context, choose the most relevant Case Study and work in plenary.
- The case studies provide an example of what happens when the state focuses attention on formal equality and not on achieving an equality of results. Depending on the group of participants, the Trainer could ask the group if they have witnessed similar/parallel cases in their own communities/countries.
- Case Study #1 is particularly interesting as it touches upon ensuring the safety and protection of girls, even to the detriment of their rights to equal opportunity and equal education.

In County X, with a new ceasefire agreement in place, the government has begun the process of resettling the IDP population in temporary homes/camps. Choosing areas which have space and infrastructure to absorb the new population, the government has re-located a portion of the IDPs in the mountain village of Gordana. The *Commission on Refugees and IDPs* has recently launched a campaign to encourage IDP families to once again send their children to school, stating that it is now safe to move about outside of the home and therefore both boys and girls should now be regularly attending primary and secondary school.

As the local school in the village is already over crowded with the children of the resident population, the children of the IDP community must attend a school approximately 3 km outside of the village boundaries. Only occasional and unreliable public transport is available and given the burden of the extra costs for transportation on the family, most of the children must walk to school. As a main trade route, the road is very busy with large transportation trucks coming and going. Over the 3 km road, there are a number of small stands where the truck drivers stop to rest and get food and drink. During the winter time, the walk to school is often done in the early morning dark or late afternoon dusk, and there is no lighting along the road.

Within the first six months of resettlement to Gordana, the IDP girls’ attendance at the primary and secondary school has decreased significantly. To address this drop in attendance, the local representatives of the *Commission on Refugees and IDPs* have launched an awareness raising campaign about the importance of girls’ education among IDP communities. The parents claim that their girls are not safe going to school, as there have been increasing reports of harassment of the girls by the truckers, and even a case of attempted abduction. Thus, some have chosen to keep the girls at home and send only the boys. The local authorities assert that it is the family’s obligation to ensure that boys and girls are both equally granted the same educational opportunities, as provided for by “gender equality legislation” recently adopted by the state. By not sending their girls to school, the parents are in breach of this legislation.

Questions for Discussion:

1. What steps has the state taken to institute “formal equality”?
2. The parents’ response was to “protect” their daughters, which in the longer term leads to discrimination. What corrective approach could the state or local community have adopted to ensure “substantive equality” or “equality of results”?
3. If the situation in the above case study is not addressed, what are the long-term implications for IDP girls and women?
4. What actions could civil society or the parents themselves have taken to address the above gap between de jure and de facto equality?
5. Depending on the level of knowledge of the group, they should take the texts of both the Convention and UNSC resolution 1325 and highlight the relevant articles/paragraphs in each which apply to the above case study.

Handout #3 - Case Study #2 – Different ideas about what constitutes equality⁹

In the annual athletic competitions sponsored by a municipality in Country Z, there are two different State-sponsored running competitions - one for men, and one for women. The men's race consisted of three different categories - boys, adults and seniors. The women's race only had one category which includes women and girls of all ages. Furthermore, the adult men's race had three awards while the women's race had only first prize. On top of that, the first prize for the adult men's race was three times that of the one prize for the women's/girl's race.

The Association of Women Athletes (AWA) protested against this situation which they considered discriminatory and in violation of Article 1 of the CEDAW. However, AWA was divided as to how to remedy this situation. One group wanted the women to be allowed to run in the three male races, arguing the equality between men and women required that there be no sex segregation in races. The other group within AWA insisted that in order for women to enjoy equality, they did not have to run as fast as men. This group felt that there should be two distinct races, one for men and another for women, but that each race should have the same number and quality of awards and the same number of categories. When approached, the organisers of the races said they did not have funds or resources to hold the same number of races for both men and women or to have the same quality and quantity of awards. The AWA decided to take their case - of having a separate, unequally funded race for women - to the Supreme Court of Country Z as a case of discrimination.

The Supreme Court decided that having a separate race for women was not a case of discrimination. The Court argued that, on the contrary, it was a case of affirmative action as having a specific race for women ensures that they can compete and win, which would not be the case if they had to compete in a race with men who are generally physically faster and physically stronger. So, the Court concluded that having a specific race for women was an affirmative action to compensate for women's impossibility to compete on an equal basis with men in most athletic competitions. However, the Court did not address the issue of the separate races having same the number/quality of awards and categories, stating that special measures in this regard were not necessary and it was up to the municipal leaders to decide the degree of funding and resources to be allocated to the respective races - and that the current structure provided opportunity for all.

Questions for Discussion:

1. Do you agree with the Court's decision? Did the state enforce formal equality by this decision, or was "real" equality achieved?
2. How could the principles of non-discrimination and substantive equality have been better met?
3. What actions could civil society have taken to address the above gap between de jure and de facto equality?

Part 2 – Gender and Power Relations – What shapes and determines women's empowerment - 55 minutes

Part 1 highlights the various forms of equality and thus discrimination, which women have fought for and which some states uphold. Part II looks at the social norms and expectations around gender roles, and how these impact the application and realization of women's rights and empowerment.

Objectives

- To increase awareness and understanding about the impact societal norms and values have on gender roles.
- Based on this awareness, improve understanding about the relationship that social roles, legislation and gender stereotypes have on women's empowerment in each society.

⁹ The original concept of this case study was taken from examples provided in "From Global to Local; Orientation on the CEDAW – Training Manual", International Women's Rights Action Watch, Asia Pacific (IWRAP Asia Pacific), July 2004. However, for the sake of this Module, UNIFEM has modified the concept/case study.

- The substantive approach recognizes that in order to redistribute benefits equally between women and men – to ensure de facto equality or “equality of results” – approaches to promote gender equality must transform the unequal power relations that exist between women and men because of social roles and stereotypes.
- The trainer should give a very brief reminder that gender is the socially constructed differences between men and women. This is different from sex, which is the biological difference between men and women.
- The gender roles we play change throughout the course of a day. For example, if a mother stays home from work to take care of her sick child, she is playing a traditionally stereotypical “female gender role”. That same mother, once the child is healthy, may go outside of the home to work and act as the main wage earner for the family – in this, she is playing a traditionally stereotypical “male gender role”. As awareness increases in society about gender roles and stereotypes, perceptions of what is typically a male or female gender stereotype also change.
- Depending on the size and type of group, a discussion could be held first on how gender roles change during the day and how they have evolved in their countries/communities over the years.
- It is interesting to note that in many countries, “gender equality advocates” are still not aware of the impact that gender equality will have on men’s roles.
 - For example, the Trainer asks the following question: If a man chooses to stay at home with the children, do state social benefits allow for this? If a man chooses to stay home when a child is sick, will his work allow for this?
 - Now measure the reaction of the participants – both the men and the women. The Trainer may find that many will say that their “men” are not interested in playing such roles, so such concerns/questions are not relevant to their society.
 - If time allows, discussion should then focus on the fact that without both sexes accepting the gradual shift that gender equality will bring in many of the stereotypical roles BOTH men and women play, true change will not be realized. If women’s role in the home is not changed, but their access and leadership in public life increases, then they face the situation of performing “double-duty” and in many ways, are no farther ahead in realizing true gender equality.
 - Also, if time allows, it is important that participants discuss and understand the implications gender equality has for traditional male roles. There is no “right” or “wrong” answer to how/if gender roles should shift – but it is important that participants be aware of the impact on both sexes.
- It is important to note that the women’s movement works to a) increase understanding about how the roles that women can and do play contribute to society’s socio-economic growth; b) push for the empowerment of women, which means protection of their rights, enforcement of special measures in support of substantive equality, and increasing access and leadership in all spheres; and c) through this movement, the culturally/locally-specific evolution of what are accepted as traditionally/stereotypical “female” and “male” gender roles.
- To help participants understand the many facets of gender equality and socially determined roles, the Trainer could quickly go through the following definitions:
 - Rights are political, social and economic protections, opportunities and resources, many of which are protected by law. Rights are also those instruments which are designed to promote equality and equity between people and address and prevent discrimination or exploitation on grounds of sex, ethnicity, religion, ability or sexual orientation. For example, in Country Y it is every citizen’s right to vote in local and national elections, provided they are of legal age;
 - Access to rights, socio-economic standing, as well as enforcement of gender stereotypes and traditional roles all determine the “social power” of each citizen or group to effect change and realize personal and social achievements. For example, if a young women interested in starting her own carpet-making business does not have proper access to

¹⁰ Many of the points made under the Background notes are derived from a PowerPoint presentation of Srilatha Batliwala (2004) entitled: “Gender, Rights & Empowerment - An Analytical Framework”

the education, financing/credit, training, information on state regulations/ protections, or access to services which will help her mobility to and from the marketplace, she has limited power to develop a successful business.

- Empowerment is about *power*, and changing the unequal distribution of power in society – which also means improving people’s access. Empowerment is both a process, and also a result of a process. It is necessary to mention that empowerment of one social group does not mean the disempowerment of another social group. So, if the woman in the carpet-making business has the necessary access she is empowered and this can positively impact not only the socio-economic situation of her family, but also the larger economy.
- Empowerment is also about the redistribution of social power – i.e., the rights, resources, opportunities and responsibilities of individuals and social groups in relation to one another in a given society;
- Empowerment is also aimed at creating both *equality* and *equity* (equal access, such as to education or health) between individuals and social groups. In other words, empowerment is about translating “formal equality” into “substantive equality” and closing the gap between de jure equality (potential/legal equality) and de facto equality (real on-the-ground equality).
- Women’s Empowerment is the process, and the results of the process, through which gender *and* social relations are transformed in *favour* of women and creates greater *equality* and *equity* between men and women *within* and outside of social groups;

Exercise #2 - Procedure – Brainstorming on “Women’s Empowerment” in Your local community – 30 Minutes

- Explain the above concepts to the plenary, and then, conduct a brainstorming in plenary (depending on size of group – may have to break down into smaller groups.) about how social power is constructed in their local communities/countries, and how this impacts women’s empowerment.
- To assist in this, use the Case Study below and then discuss specific local issues of women’s access to power;
- Often in these discussions, participants mention that in order to achieve substantive equality the overall socio-economic and political environment of a community/country needs to be changed. This is an important point, but the trainer must make sure to keep the discussion focused largely on the gender aspects of the brainstorming.

Tips:

- Part 2 will prompt a great deal of debate and discussion among participants. It is important that this debate stays focused to the concepts that are being raised (power, empowerment, socially constructed roles) and not get stuck on local issues (i.e. trafficking, women in decision-making, adoption of gender equality legislation).
- The strength of this session is that it brings home, in a very personal way, what determines women's role in society and how women can overcome these. This discussion can equally be applied to any disadvantaged "group" within society – such as IDPs, refugees, disarmed soldiers, etc.
- The Trainer may find that the case study is too sensitive or not relevant for the particular context in which the training is being carried out. In which case, the Trainer should instead ask participants the following question:
 - How do you understand "women's empowerment" - and in your community/country, what are the characteristics which determine the level of women's empowerment?
 - Note to Trainer: For this question, it may help to guide the discussion if the Trainer selects an "empowerment" issue which is particularly relevant to the community, and frames the question in this manner. For example – "What determines women's empowerment as local and national leaders?", "What determines women's empowerment in the area of income generation?", "What determines women's empowerment in the rights over her body (gender-based violence and reproductive health)?"
- If ideas are slow in coming in response to question #1 in relation to the case study, the Trainer should walk the participants through each rights violation, starting with the bride kidnapping, and discuss the gender stereotypes and power issues behind these. Also, the trainer could note to the plenary, after discussion the following:
 - The CEDAW Committee's recent Concluding Comments, they called upon Georgia, " to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, and are sensitized to all forms of violence against women and adequately respond to them."¹¹
- If ideas are slow in coming in response to question #4, the trainer can list the following as key characteristics impacting women's empowerment:
 - Access to material and non-materials (knowledge, information,) resources;
 - The ideologies that justify inequality (individual and collective consciousness; ideas of gender roles and what is "acceptable" in a woman/ girl; the family verses the rights of the individual);
 - The institutions and structures that reproduce and sustain inequality (family, media, education and educational curriculum, social, economic, legal and political institutions);
 - Internalized oppression (self-image, self-esteem, aspirations, dreams);

¹¹ CEDAW/C/GEO/CO/3, paragraph 20.

Handout #4 - The Power Chain – Cause and Effect

Eteri Gagua was kidnapped at the age of 14 by her future husband – a practice sometimes linked in Georgia and throughout the Caucasus to old traditions. While formal equality is in place through legislation which prevents this practice, it is seldom enforced. Further, the family, who themselves may be facing economic hardships, will not always fight the kidnapping. And if the girl is taken for longer than 24 hours, her honour is questioned and thus, her “marriagability” may be limited. Like many cultures, and in particular among the poorer segments of society, the girl’s “access” to future opportunities and social power depends often on the quality of the marriage she makes. When marriages are forced upon girls, sometimes by their fathers and often against their mother’s wishes, the girls have limited power to do anything about this decision.

Eteri and her husband were married 17 years and while he was well placed in society, throughout the marriage, Eteri endured physical, sexual and psychological violence from the side of her spouse. They had three children and when Eteri was pregnant with the fourth child, she fled her house after a particularly violent fight with her husband. Eteri’s husband was the head of the local police department and so she was afraid to turn to the police for support and instead sought refuge at her parents’ house. Worried for his daughter and tired of the years of abuse Eteri had suffered, her father confronted the husband and a fight ensued. During the fight, the husband was killed. The father confessed to the crime and was arrested by the local police. Surprisingly, the police also arrested Eteri, accusing her of provoking the crime by turning to her father for help – because there were no state services to protect her and to provide her shelter - and thus “inciting” murder.

Empowerment and protection of women has recently been upheld in Georgia with the adoption in 2006 of a Domestic Violence law – but in this case, the new legislation, which grants women power and access to support them in fighting abuse, was not enforced. Instead, the victim of abuse was arrested for “inciting” murder by leaving her abusive husband and fleeing to her family for help.

As a result of the physical abuse by her husband, and her subsequent imprisonment, Eteri had a miscarriage.

Questions to guide brainstorming:

1. Why were Eteri’s rights not protected in this situation? What could the government or authorities have done to prevent the above situation from happening?
2. How did issues of access, social power and empowerment impact/not impact the above case? Where did the social power rest in this scenario? What could have been done to better empower Eteri?
3. How/Did gender stereotypes play a role in the above scenario? If so, how?
4. Within this scenario, how do you understand women’s empowerment?
5. In your community/country, what are the characteristics which determine the level of women’s empowerment? In your community, how would the above case be dealt with?
6. What characteristics or features in the above case study – and within your community - perpetuate and protect the differences in social power which exist? Possible ideas are:
 - o Ideologies (beliefs, norms) constructed to justify such difference, e.g.
 - o Institutions and structures – marriage/family, education (including curriculum), economic, social and political structures, legislation/constitution and policies/programmes;

Session 3

(INTRODUCTORY LEVEL) -
CEDAW - Significance and Legal
Authority - 2 Hours and 30 Minutes



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Overall Objectives

- Understanding the background and the content of the CEDAW;
- Understanding the significance of CEDAW to national and local policies and programmes;
- Identifying opportunities and strategies for improving the implementation of the CEDAW at the national and local level;
- Finding and understanding links between CEDAW and 1325

Part 1 - CEDAW - Working for Equality of “Results” - 1 Hour and 45 Minutes

Objectives:

- This section provides participants with a general background on the CEDAW and the Convention’s national application.

Background Notes – 30 Minutes:

History of the Convention¹²:

- Note to Trainer – when giving the background lecture, questions may arise about how the larger UN System and international human rights in general. To get into a proper detailed discussion on these two related issues and how they link to the CEDAW would require considerably more time than allotted in the session. This level of detail is generally not needed for the work of most gender equality advocates. It is recommended that the Trainer instead gather the questions asked and either direct participants to the following sites - www.un.org; or www.unhchr.ch - or the Trainer could check these sites and provide participants with answers the following day.
- CEDAW, as a human rights convention, is a binding source of international law for those states that have become parties. It is binding at the national and local levels and throughout all branches of government – Executive, Parliament, Judiciary, etc.
- While previous international conventions addressed the issue of non-discrimination and equality, they did not approach the issue of “substantive equality” or an “equality of results”, or the underlying social power issues which ensured the continuation of inequality among men and women.
- To address this “gap”, in 1979, the UN General Assembly adopted the CEDAW and opened the treaty for ratification and accession.
- The CEDAW is one of the first international conventions to bridge the gap between civil and political and socio-economic rights, recognizing that all three play a role in determining the level of equality in society.
- Thus, the CEDAW recognizes that to ensure real equality, issues of power relations, socially constructed roles and traditions, and people’s perceptions, must be addressed.
- States are obligated to adhere to the principles of the CEDAW in both national and local level policy development and implementation;
- The backbone of the CEDAW is the first four articles of the Convention which deal with Discrimination (Article 1), Policy Measures (Article 2), Human Rights and Freedoms (Article 3) and Special Measures (Article 4).
- To date¹³, 185 countries have ratified CEDAW, which means that they are legally bound to the treaty. States that have signed the Convention but not yet ratified it pledge not to do anything that contradicts the principles of the CEDAW.

¹² For more details on the CEDAW, visit the Website of the UN Division for the Advancement of Women - www.un.org/daw/

¹³ As of November 2006. For the most updated information on state parties to the convention, please visit www.un.org/womenwatch/daw/cedaw/states.htm

- Many states have ratified the CEDAW with reservations to certain articles, which indicate the limit of their willingness to implement a part of the Convention. Reservations against the first four articles of the Convention call into serious question the state's commitment in implementing the Convention.
- CEDAW standards may become national law and directly applicable within the courts and processes of the country or they may be implemented through statute or regulations, depending on the status of international law in the national legal system. This status is often detailed in a country's constitution. However, it should be understood that once an international treaty is signed, national, provincial/regional and local governments and decision-makers are all bound by this commitment.
- Where CEDAW is directly applicable, the national and local administrative and judicial processes are obligated to enforce it and ensure compliance of national law. Where it is not directly applicable as national law, but has another status, CEDAW can be used to interpret and support national obligations, or it may be implemented through legislation, regulations or directives based on its provisions.
- States have the right to use any of these mechanisms for ensuring that national legislation complies with their international obligations.
- The CEDAW assesses the country's progress in women's rights protection, first of all not by what the state is doing (i.e. adoption of gender equality legislation, adoption of a National Plan of Action for the Advancement of Women) but, more importantly, what has been achieved as a result of such activity (i.e. the number of and results of Court rulings on cases of sex discrimination; the increase of women's participation in the labour market; increase in number of women managers; decreased number of early marriages, etc.) Thus, gender equality under the CEDAW is measured by "equality of results".
- In simple terms, the CEDAW works to close the gap between "de jure" (equality in the books/law) and "de facto" equality (real and actual equality).
- In compliance with the CEDAW, the state must:
 - Incorporate the principle of equality of men and women into the legislative system, to invalidate all discriminatory laws and adopt relevant laws prohibiting discrimination against women. This also requires mainstreaming of gender through all relevant government policies and programmes and draft legislation – at both the national and local level – i.e. PRS, Community development plans, rehabilitation and reconstruction plans, etc.
 - Establish tribunals (courts) and other public institutions ensuring efficient protection of women against discrimination; and
 - Ensure the elimination of all actions that discriminate women by individuals, organizations and enterprises.

General Recommendations:

- For many states, while it is clear what the CEDAW hopes to achieve, it is not clear in the Convention what steps/measures governments should take to make the CEDAW a living document.
- As such, the CEDAW Committee has developed a number of "General Recommendations" on certain topics covered by the Convention. The Recommendations provide additional explanation on state's obligations in certain areas (i.e. prevention of trafficking) and recommended actions/special measures which states can take to address certain gender equality issues.
- Recommendations are strong tools for gender equality advocates as they provide clear guidance on special steps/measures which governments should take to address the civil, political and socio-economic causes of discrimination and gender inequality.
- Some important General Recommendations (GR) are listed below (Note to Trainer – In Introductory Level Trainings, you may want to have a full list of the Recommendations and then highlight the ones which are particularly relevant to the decision-makers being trained. It may vary for each community and in the case of national decision-makers/parliamentarians, certain political/legislative events may help determine what Recommendations are most relevant:

- GR 19 - Gender-based violence against women
- GR 23 - Participation of women in public life (article 7)
- GR 25 - Temporary special measures (article 4.1)¹⁴

Exercise #1 – Procedure –The Convention – 30 Minutes:

- This exercise is to increase participants knowledge of the text of the CEDAW and under stand its meaning from a practical perspective.
- The Trainer should lead the group – in plenary – through the text of the Convention.
- Together, the plenary should identify two to three articles that are most relevant to their country/region/community.
- Discussion should be carried out on how/if these articles are being applied in their country/ community/region.
- Trainer should list the Articles on a Flip Chart and paste to the wall as the Trainer will need to refer to these in other sessions over the next day and half.

CEDAW and the Optional Protocol – 10 Minutes:

- The OP gives individuals citizens of states who have ratified the CEDAW access to present their cases of discrimination directly to the CEDAW Committee.
- In itself, this treaty does not create new substantive rights. What it does is allow women who have been denied access to their rights as enshrined in the CEDAW Convention at the national level to have their individual claims reviewed by a committee of independent experts that monitors compliance with the CEDAW Convention. For example:
 - In a rural town in Azerbaijan, a Mrs. S was admitted to the hospital for serious physical injuries. When being treated for her injuries, it was revealed that Mrs. S husband had beaten her. According to Mrs. S, when she refused to have sexual intercourse with her husband, stating that she was tired, he beat her and then raped her. The hospital referred the case to the local police, and a criminal case was opened against Mr. S for physical abuse – however the charge of spousal rape was ignored by the local law enforcement bodies. When questioned by women’s rights activists in the region, the law enforcement bodies responded saying that spousal rape is an internal family issue and not one which authorities can address. In their opinion, it was sufficient that the issue of physical abuse was brought before the courts. Without any domestic violence legislation in place which recognizes spousal rape as a crime, it is difficult for advocates to push the courts on the issue, although the CEDAW clearly supports this claim. Mrs. S. has since approached women’s organisations in Baku to assist her in bringing the case of spousal rape before the courts.
 - According to the procedures around the Optional Protocol, the women’s NGOs can assist Mrs. S. in coming before the CEDAW Committee herself, and presenting her case. OP Procedures allow for individual women or groups of women to directly submit to the Committee any claims of violations of rights protected under the CEDAW. In order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met, including that all avenues for redress had been exhausted at the national level, with national authorities. The Committee also has the right launch an inquiry procedure regarding the case brought before them, provided that certain criteria are met on the part of the claimant and that when ratifying the OP, the member state did not restrict the Committee’s inquiry procedures.¹⁵

¹⁴ Website of IWRAP Asia Pacific, www.iwraw-ap.org

¹⁵ For more information about the Optional Protocol, visit <http://www.un.org/womenwatch/daw/cedaw/rules/part3/part3E.html>

- From 192 UN Member states, only 83 have ratified the Optional Protocol.¹⁶
- In the Southern Caucasus, Azerbaijan (June 2001) and Georgia (July 2002) have ratified the OP.

Exercise #2 - Procedure – “CEDAW – Some Practical Applications” – 35 Minutes

- After finishing the above lecture and exercise on the text of the CEDAW, the discussion should shift to how the Convention can be used practically at the national and local level.
- The following exercise is in two parts:
 - First, the Trainer will have the participants – in plenary if size allows and if they have particularly weak knowledge – to go through the first Case Study “In the Courts” and answer the questions which follow (15 min);
 - After this, the Trainer should break the participants up into small working groups. They will each review the second Case Study “Employees’ Rights”. After reviewing the Case Study, each group should brainstorm on how/if the CEDAW could be used to address this case (20 min). If time allows, the trainer can bring the small groups back into plenary and discuss their findings.

Handout #4 – Concluding Comments – See Annex

¹⁶ As of November 2006. For the most updated information on state parties to the convention, please visit www.un.org/womenwatch/daw/cedaw/states.htm

The Convention has been used in countries through out the world to re-interpret laws which are ambiguous or, in their application, have been discriminatory towards women.

It should be noted that judges are not always willing to make judgments based on international treaties. In general terms, if a country has ratified the Convention, then the Courts have the authority to consider it either as part of national law or as an aid to interpreting national law. But the reality remains that many judges are unfamiliar and uncomfortable with the idea of doing so. To convince the courts to make use of the CEDAW, it is often useful to provide examples of how other countries have done so.¹⁷

For example, in 1992, a group of women’s NGOs brought a petition to the Supreme Court of India in “Vishaka v. State of Rajasthan”. Their petition was motivated by the gang rape of a social worker by her own colleagues in a village, and the failure of local officials to investigate. However, the problem the NGOs asked the court to address was much broader: there were no laws in India that prohibited sexual harassment in the workplace. Relying on provisions of the Indian constitution, on the CEDAW and the CEDAW Committee’s General Recommendation 19 on violence against women, the NGOs argued that the court should draft a law to compensate for the Indian Parliament’s inaction.

The legal question the court had to resolve was whether the State actually had an obligation to protect women from sexual harassment. The constitution prohibited discrimination on the basis of sex, and guaranteed just and humane conditions of work, but it did not refer explicitly to sexual harassment. The court decided in August, 1997, that CEDAW should be used to elaborate and give further meaning to these constitutional guarantees. Although the Convention was not directly part of the domestic law of India, international covenants can be used by the Indian courts to interpret laws. The court found that by ratifying CEDAW and by making official commitments at the Fourth World Conference for Women in Beijing, India had endorsed the international standard of women’s human rights. According to this standard, gender equality requires protection from sexual harassment.

The court drew up a set of guidelines and norms, including detailed requirements for processing sexual harassment complaints that will bind private and public employers until the Government passes suitable legislation. The definition of sexual harassment employed by these guidelines is a close paraphrase of the definition provided by the CEDAW Committee in General Recommendation 19.

The process through which the sexual harassment guidelines were drafted is worth noting. The Solicitor General gave official consent to the drafting of the national guidelines. They were developed in a series of hearings, as a collaborative effort between the women’s NGO lawyers, the solicitor general and the panel of Supreme Court judges who heard the case. This collaborative effort gives a good background for guaranteeing actual implementation.¹⁸

Questions for discussion:

1. If working in smaller groups, the Trainer should have each group select two to three of the following questions for discussion. The groups should not select the same questions:
2. Have there been similar cases in your community/country and how have they been resolved?
3. What special measures, if any, has your country taken to support real equality for women at the national and local level? (i.e. National Plans of Action; National Machineries for Women; Gender Focal Points; Sex-disaggregated statistics; Time use surveys; Gender Equality Legislation;)

¹⁷ UNIFEM “Bringing Equality home – Implementing the CEDAW” Edited by Ilana Landsberg-Lewis, 1998.

¹⁸ UNIFEM “Bringing Equality Home – Implementing the CEDAW”, Edited by Ilana Landsberg-Lewis, 1998.

4. Looking at the CEDAW (See Annex of Module), what do you think are the most relevant articles for women from your local community/region/country?
5. Have a discussion about the importance of Article 2, 5 and 7 in your country's context. Trainer should explain how these Articles have or have not been applied in the country.
6. How do you think you could use the CEDAW to support your work on gender equality? For the decision-makers in the group, what do you think are your office's/government's main obligations under the CEDAW?
7. What are the challenges that you/your office/your government face in improving implementation of the CEDAW?

Handout #6 - Exercise 2 - Part 2 - An Employee's Rights (20 Minutes)

Mrs. I, a qualified teacher and mother of a new born baby, recently accepted a post as physics teacher at a local high school in Ganja, Azerbaijan. There is very little access to acceptable day care in the rural parts of Azerbaijan and like most families in the country, Mrs. I's family could not afford a personal baby sitter. Therefore, Mrs. I had to arrange the teaching schedule with the school so that she could teach and take care of her baby on site at the same time.

According to school regulations, all teachers must attend a teacher's "assembly" each Saturday at 4pm. As she could not afford to have a baby sitter come in each Saturday afternoon, Mrs. I asked her mother-in-law to take care of the child. For the first couple of weeks, this worked quite well for all parties. The mother-in-law was also working full time and when she took care of the baby, she was missing her work and not getting paid. After a few weeks, the mother-in-law could no longer afford to take Saturday afternoons off from her own work. Having no means of finding care for her baby, Mrs. I had to inform school management that she could not regularly attend the teacher's "assembly" every Saturday.

Eventually, the school's Principle called Mrs. I into his office and said that he would dismiss her from the job if she did not regularly attend the teacher's "assembly" each Saturday. Mrs. I explained the situation to the Principle, explaining that she had no one to look after the baby and that her family could not afford to hire someone from outside to look after the child. The Principle responded that this was no excuse and that while certain conditions must be met for mothers in the work place, Mrs. I should not expect to be granted special privileges over other teachers - many of whom are parents and also must find child care while they are at the assemblies. The school principle informed Mrs. I that if she could not fulfill mandatory school rules - such as regular attendance at the teacher's assembly - than Mrs. I should look for employment elsewhere.

Questions for discussion

- According to the Articles of the CEDAW, were Mrs. I's rights violated? If so, how and which Articles are the most relevant to this case study?
- According to the CEDAW, what types of special measures could/should the school and government institute to address the problems outlined in the case study?
- What limitations does the Government face in trying to institute these special measures?
- Do women in your country/community/region face similar problems and how have these problems been dealt with by government?

Part 2 – Reporting and Implementation¹⁹ – 45 Minutes

Objectives:

- Purpose of this section is to raise understanding about the CEDAW Reporting process, obligations of governments to this procedure, and how the reporting procedure is a valuable way for government and civil society to raise awareness about gender issues and monitor overall implementation of the CEDAW.

Background – 20 Minutes

- By ratifying the CEDAW the state places itself under an obligation to be supervised by an independent international body, the CEDAW Committee, and to file a report on the implementation of its commitments under the Convention.
- Every State party must make an initial report on the status of women and discrimination in their country within one year after the treaty's entry into force and thereafter must submit regular reports every four years on their progress in fulfilling their obligations to the CEDAW Monitoring Committee.
- Based on a review of the report and answers to questions submitted to government representatives, the Committee makes Concluding Comments that highlight to states what actions need to be taken to increase their compliance with their obligations under CEDAW.
- For governments, the reporting procedure and criteria offers good guidelines to support national institutions in monitoring implementation of gender equality commitments (i.e. National Plans of Action, gender priorities within PRS/MDGs, CEDAW, gender priorities within community development plans).
- The Reporting process, usually coordinated by either Ministry of Foreign Affairs and/or the National Gender Equality machinery (i.e. State Committee for Women, National Council for Women, Ministry of Women's Issues, "women and children" desks within larger cabinet Ministries, etc.), provides advocates in government and parliament an excellent opportunity to push certain policy development agendas. For example, parliamentarians may use the CEDAW reporting process as a platform for advocating for adoption of "gender equality legislation".
- The "Concluding Comments" of the CEDAW Committee to the State provide advocates in government and civil society with internationally sanctioned platform for advocating for core changes to legislation, allocations of state budgets, adoption of special measures, etc.
- These Concluding Comments are made available to the public by the CEDAW Committee via the website of the UN Division for the Advancement of Women (www.un.org/daw)
- According to the CEDAW, the government is required to make public the Committee's Concluding Comments, ensuring that all branches of the government and civil society are made aware of these comments.
- Shadow Reporting – The Reporting procedure also provides a platform for the women's movement in the country. The CEDAW Committee now allows for the formal presentation of "Shadow Reports". The production of national level alternative or "shadow" CEDAW Reports provides civil society with an opportunity to review the implementation of CEDAW in their country and present their perspective to the CEDAW Committee. If done in a consultative, broad-based manner, the process of developing a "shadow" report can mobilize civil society and society around gender equality priorities in the country. The CEDAW Committee informally reviews shadow reports, and will often use the shadow reports to guide their questions to the government when reviewing the formal state CEDAW reports. Further, when

¹⁹ More time may be needed if participants have not reviewed the country's most recent (and reviewed by CEDAW) national CEDAW Report and CEDAW Committee's Concluding Comments prior to the training.

a country's national report is being reviewed by the Committee; NGOs are often granted a very brief period (5-10 minutes maximum) to formally present the results of their shadow report.

- Note to Trainers - Depending on interest and time, you may wish to refer to the Case Study on How Civil Society Can use the reporting process to advocate for gender, which can be found under Session 3 in the Intermediate Level Training.

Exercise #4 - Procedure – Concluding Comments - 25 Minutes

- After giving the above lecture, the Trainer should distribute the most recent “Concluding Comments” of that country's last report to the CEDAW, as well as the Concluding Comments from the other two countries in the Southern Caucasus.
- Note to Trainer: Ideally, prior to the training, the participants should be given the country's most recent report to the CEDAW Committee which has been reviewed by the Committee, as well the Committee's Concluding Comments. Considerable time is needed to review the report and Concluding Comments. If this session is the first time that the participants have to review both the report and the Concluding Comments, than the Trainer will need to allow for an additional 20 minutes for Exercise, so that participants may become more familiar with the documents.
- Have participants discuss those Comments specific to their country, and also those from the other two, for purposes of comparison. The Trainer should lead a discussion with the following questions:
 - Do you feel the information provided to the Committee resulted in accurate and relevant Concluding Comments?
 - To your knowledge, has the government formally presented the Concluding Comments?
 - What steps, if any, has your government (national and/or local) taken to address the Concluding Comments? What steps do you think could be taken?
 - What similarities do you see among the Southern Caucasus Countries when it comes to the core issues hindering the advancement of gender equality?

Session 3

(INTERMEDIATE LEVEL) -
CEDAW - Significance
and Legal Authority -
2 Hours and 15 Minutes



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Overall Objectives

- Understanding the significance of the CEDAW to the advancement of gender equality at the national level;
- Enhance practical analytical skills in understanding the national application of CEDAW and government obligations therein.
- Identify opportunities and strategies for improving the implementation of the CEDAW at the national and local level, with particular focus on gender justice and women's public participation;

Part 1 - CEDAW - Working For Equality of "Results" - 1 Hour and 30 Minutes

Objectives:

- This section provides participants with a general background on the CEDAW and the Convention's national application.

Note to trainer: For the more advanced groups, this should only be a "refresher" session. If the group is quite advanced, it is recommended to skip Exercise #1

Background Notes - 25 Minutes

History of the Convention²⁰:

- Note to Trainer - when giving the background lecture, questions may arise about how the larger UN System and international human rights in general. To get into a proper detailed discussion on these two related issues and how they link to the CEDAW would require considerably more time than allotted in the session. This level of detail is generally not needed for the work of most gender equality advocates. It is recommended that the Trainer instead gather the questions asked and either direct participants to the following sites - www.un.org; or www.unhchr.ch - or the Trainer could check these sites and provide participants with answers the following day.
- CEDAW, as a human rights convention, is a binding source of international law for those states that have become parties.
- While previous international conventions addressed the issue of non-discrimination and equality, they did not approach the issue of "substantive equality" or an "equality of results", or the underlying social power issues which ensured the continuation of inequality among men and women.
- To address this "gap", in 1979, the UN General Assembly adopted the CEDAW and opened the treaty for ratification and accession.
- The CEDAW is one of the first international conventions to bridge the gap between civil and political and socio-economic rights, recognizing that all three play a role in determining the level of equality in society.
- Thus, the CEDAW recognizes that to ensure real equality, issues of power relations, socially constructed roles and traditions, and people's perceptions, must be addressed.
- The backbone of the CEDAW is the first four articles of the Convention which deal with Discrimination (Article 1), Policy Measures (Article 2), Human Rights and Freedoms (Article 3) and Special Measures (Article 4).
- To date²¹, 185 countries have ratified CEDAW, which means that they are legally bound to the treaty. States that have signed the Convention but not yet ratified it pledge not to do anything that contradicts the principles of the CEDAW.
- Many states have ratified the CEDAW with reservations to certain articles, which indicate the limit of their willingness to implement a part of the Convention. Reservations against the first four articles of the Convention call into serious question the state's commitment in implementing the Convention.

²⁰ For more details on the CEDAW, visit the Website of the UN Division for the Advancement of Women - www.un.org/daw/

²¹ As of November 2006. For the most updated information on state parties to the convention, please visit www.un.org/womenwatch/daw/cedaw/states.htm

- CEDAW standards may become national law and directly applicable within the courts and processes of the country or they may be implemented through statute or regulations, depending on the status of international law in the national legal system. This status is often detailed in a country's constitution.
- Where CEDAW is directly applicable, the national administrative and judicial processes are obligated to enforce it and ensure compliance of national law. Where it is not directly applicable as national law, but has another status, CEDAW can be used to interpret and support national obligations, or it may be implemented through legislation, regulations or directives based on its provisions.
- States have the right to use any of these mechanisms for ensuring that national legislation complies with their international obligations.
- The CEDAW assesses the country's progress in women's rights protection, first of all not by what the state is doing (i.e. adoption of gender equality legislation) but, more importantly, what has been achieved as a result of such activity (i.e. the number of and results of Court rulings on cases of sex discrimination) Thus, gender equality under the CEDAW is measured by "equality of results".
- In simple terms, the CEDAW works to close the gap between "de jure" and "de facto" equality.
- In compliance with the CEDAW, the state must:
 - Incorporate the principle of equality of men and women into the legislative system, to invalidate all discriminatory laws and adopt relevant laws prohibiting discrimination against women.
 - Establish tribunals (courts) and other public institutions ensuring efficient protection of women against discrimination; and
 - Ensure the elimination of all actions that discriminate women by individuals, organizations and enterprises.

General Recommendations:

- For many states, while it is clear what the CEDAW hopes to achieve, it is not clear in the Convention what steps/measures governments should take to make the CEDAW a living document.
- As such, the CEDAW Committee has developed a number of "General Recommendations" on certain topics covered by the Convention. The Recommendations provide additional explanation on state's obligations in certain areas (i.e. prevention of trafficking) and recommended actions/special measures which states can take to address certain gender equality issues.
- Recommendations are strong tools for gender equality advocates as they provide clear guidance on special steps/measures which governments should take to address the civil, political and socio-economic causes of discrimination and gender inequality.
- Some important General Recommendations (GR) are listed below:
 - GR 19 - Gender-based violence against women
 - GR 23 - Participation of women in public life (article 7)
 - GR 25 - Temporary special measures (article 4.1)²²

Exercise #1 – Procedure –The Convention – 20 Minutes:

- This exercise is to increase participants knowledge of the text of the CEDAW and under stand its meaning from a practical perspective.
- If the participants are very familiar with the Convention, then it is recommended that the following exercise be carried out:
 - Break participants into two to three smaller groups;
 - Have each group review the Convention (taking no more than 15 minutes) and identify the two to three articles that are most relevant to their country/region/community.

²² Website of IRAW Asia Pacific, www.iwraw-ap.org

- Each group should then present to the plenary and Trainer will put priorities on the Flip Chart.
- The list of priorities should be placed on the wall as participants and trainer will need to refer to these in the other sessions over the next day and half.

CEDAW and The Optional Protocol (10 Minutes):

- The OP gives individuals citizens of states who have ratified the CEDAW access to present their cases of discrimination directly to the CEDAW Committee.
- In itself, this treaty does not create new substantive rights. What it does is allow women who have been denied access to their rights as enshrined in the CEDAW Convention at the national level to have their individual claims reviewed by a committee of independent experts that monitors compliance with the CEDAW Convention. For example:
 - In a rural town in Azerbaijan, a Mrs. S was admitted to the hospital for serious physical injuries. When being treated for her injuries, it was revealed that Mrs. S husband had beaten her. According to Mrs. S, when she refused to have sexual intercourse with her husband, stating that she was tired, he beat her and then raped her. The hospital referred the case to the local police, and a criminal case was opened against Mr. S for physical abuse – however the charge of spousal rape was ignored by the local law enforcement bodies. When questioned by women’s rights activists in the region, the law enforcement bodies responded saying that spousal rape is an internal family issue and not one which authorities can address. In their opinion, it was sufficient that the issue of physical abuse was brought before the courts. Without any domestic violence legislation in place which recognizes spousal rape as a crime, it is difficult for advocates to push the courts on the issue, although the CEDAW clearly supports this claim. Mrs. S. has since approached women’s organisations in Baku to assist her in bringing the case of spousal rape before the courts.
 - According to the procedures around the Optional Protocol, the women’s NGOs can assist Mrs. S. in coming before the CEDAW Committee herself, and presenting her case. OP Procedures allow for individual women or groups of women to directly submit to the Committee any claims of violations of rights protected under the CEDAW. In order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met, including that all avenues for redress had been exhausted at the national level, with national authorities. The Committee also has the right launch an inquiry procedure regarding the case brought before them, provided that certain criteria are met on the part of the claimant and that when ratifying the OP, the member state did not restrict the Committee’s inquiry procedures.²³
- From 192 UN Member states, only 83 have ratified the Optional Protocol.²⁴

Exercise #2 - Procedure – “ CEDAW – Some Practical Applications” – 35 Minutes

- After finishing the above lecture and exercise on the text of the CEDAW, the discussion should shift to how the Convention can be used practically at the national level.
- The following exercise is in two parts:
 - First, the Trainer will have the participants – in plenary if size allows – to go through the first Case Study “In the Courts” and answer the questions which follow (15 min);
 - After this, the Trainer should break the participants up into small working groups. They will each review the second Case Study “Employees’ Rights”. After reviewing the Case Study, each group should brainstorm on how/if the CEDAW could be used to address this case (20 min). If time allows, the trainer can bring the small groups back into plenary and discuss their findings.

²³ For more information about the Optional Protocol, visit <http://www.un.org/womenwatch/daw/cedaw/rules/part3/part3E.html>

²⁴ As of November 2006. For the most updated information on state parties to the convention, please visit www.un.org/womenwatch/daw/cedaw/states.htm

Handout # 6 - Exercise #2 - Part 1 - Case Study - In the Courts (15 Minutes):

The Convention has been used in countries through out the world to re-interpret laws which are ambiguous or, in their application, have been discriminatory towards women. It should be noted that judges are not always willing to make judgments based on international treaties. In general terms, if a country has ratified the Convention, then the Courts have the authority to consider it either as part of national law or as an aid to interpreting national law. But the reality remains that many judges are unfamiliar and uncomfortable with the idea of doing so. To convince the courts to make use of the CEDAW, it is often useful to provide examples of how other countries have done so.

For example, in 1992, a group of women's NGOs brought a petition to the Supreme Court of India in "Vishaka v. State of Rajasthan". Their petition was motivated by the gang rape of a social worker by her own colleagues in a village, and the failure of local officials to investigate. However, the problem the NGOs asked the court to address was much broader: there were no laws in India that prohibited sexual harassment in the workplace. Relying on provisions of the Indian constitution, on the CEDAW and the CEDAW Committee's General Recommendation 19 on violence against women, the NGOs argued that the court should draft a law to compensate for the Indian Parliament's inaction.

The legal question the court had to resolve was whether the State actually had an obligation to protect women from sexual harassment. The constitution prohibited discrimination on the basis of sex, and guaranteed just and humane conditions of work, but it did not refer explicitly to sexual harassment. The court decided in August 1997, that CEDAW should be used to elaborate and give further meaning to these constitutional guarantees. Although the Convention was not directly part of the domestic law of India, international covenants can be used by the Indian courts to interpret laws. The court found that by ratifying CEDAW and by making official commitments at the Fourth World Conference for Women in Beijing, India had endorsed the international standard of women's human rights. According to this standard, gender equality requires protection from sexual harassment.

The court drew up a set of guidelines and norms, including detailed requirements for processing sexual harassment complaints that will bind private and public employers until the Government passes suitable legislation. The definition of sexual harassment employed by these guidelines is a close paraphrase of the definition provided by the CEDAW Committee in General Recommendation 19.

The process through which the sexual harassment guidelines were drafted is worth noting. The Solicitor General gave official consent to the drafting of the national guidelines. They were developed in a series of hearings, as a collaborative effort between the women's NGO lawyers, the solicitor general and the panel of Supreme Court judges who heard the case. This collaborative effort gives a good background for guaranteeing actual implementation.²⁵

Questions for Plenary discussion:

- Have there been similar cases in your community/country where the CEDAW has been used as a foundation for a Court decision or the development of legislation/regulations?
- How have you or your organization used the CEDAW in their work?
- What special measures, if any, has your country taken to support implementation of CEDAW at the national and local level? (i.e. National Plans of Action; National Machineries for Women; Gender Focal Points; Sex-disaggregated statistics; Time use surveys; Gender Equality Legislation;) What are the challenges that your government faces in improving implementation of the CEDAW?

²⁵ UNIFEM, "Brining Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination Against Women", Edited by Ilana Landsberg-Lewis, 1998, p. 37.

Handout #7 - Exercise 2 – Part 2 – An Employee’s Rights (20 Minutes)

Mrs. I, a qualified teacher and mother of a new born baby, recently accepted a post as physics teacher at a local high school in Ganja, Azerbaijan. There is very little access to acceptable day care in the rural parts of Azerbaijan and like most families in the country, Mrs. I’s family could not afford a personal baby sitter. Therefore, Mrs. I had to arrange the teaching schedule with the school so that she could teach and take care of her baby on site at the same time.

According to school regulations, all teachers must attend a teacher’s “assembly” each Saturday at 4pm. As she could not afford to have a baby sitter come in each Saturday afternoon, Mrs. I asked her mother-in-law to take care of the child. For the first couple of weeks, this worked quite well for all parties. The mother-in-law was also working full time and when she took care of the baby, she was missing her work and not getting paid. After a few weeks, the mother-in-law could no longer afford to take Saturday afternoons off from her own work. Having no means of finding care for her baby, Mrs. I had to inform school management that she could not regularly attend the teacher’s “assembly” every Saturday.

Eventually, the school’s Principle called Mrs. I into his office and said that he would dismiss her from the job if she did not regularly attend the teacher’s “assembly” each Saturday. Mrs. I explained the situation to the Principle, explaining that she had no one to look after the baby and that her family could not afford to hire someone from outside to look after the child. The Principle responded that this was no excuse and that while certain conditions must be met for mothers in the work place, Mrs. I should not expect to be granted special privileges over other teachers – many of whom are parents and also must find child care while they are at the assemblies. The school principle informed Mrs. I that if she could not fulfill mandatory school rules – such as regular attendance at the teacher’s assembly – than Mrs. I should look for employment elsewhere.

Questions for discussion

- According to the Articles of the CEDAW, were Mrs. I’s rights violated? If so, how and which Articles are the most relevant to this case study?
- According to the CEDAW, what types of special measures could/should the school and government institute to address the problems outlined in the case study?
- What steps could Mrs. I and/or gender equality advocates take to address Mrs. I’s problems with the school?
- Do women in your country/community/region face similar problems and how have these problems been dealt with by government? What strategies have civil society used to address these issues and has CEDAW been used by advocates in this regards?

Part 2 – Reporting and Implementation – 45 Minutes²⁶

Objectives:

- Purpose of this section is to raise understanding about the CEDAW Reporting process and how it can be used by civil society to promote implementation and monitoring of the Convention.

Background Notes -15 Minutes

- By ratifying the CEDAW the state places itself under an obligation to be supervised by an independent international body, the CEDAW Committee and to file a report on the implementation of its commitments under the Convention.
- Every State party must make an initial report on the status of women and discrimination in their country within one year after the treaty's entry into force and thereafter must submit regular reports every four years on their progress in fulfilling their obligations to the CEDAW Monitoring Committee.
- Based on a review of the report and answers to questions submitted to government representatives, the Committee makes Concluding Comments that highlight to states what actions need to be taken to increase their compliance with their obligations under CEDAW.
- These Concluding Comments are made available to the public by the CEDAW Committee via the website of the UN Division for the Advancement of Women (www.un.org/daw)
- According to the CEDAW, the government is required to make public the Committee's Concluding Comments, ensuring that all branches of the government and civil society are made aware of these comments.
- Shadow Reporting – The production of national level alternative or “shadow” CEDAW Reports provides women's civil society with an opportunity to review the implementation of CEDAW in their country and present their perspective to the CEDAW Committee. If done in a consultative, broad-based manner, the process of developing a “shadow” report can mobilize civil society and society around gender equality priorities in the country. The CEDAW Committee informally reviews shadow reports, and will often use the shadow reports to guide their questions to the government when reviewing the formal state CEDAW reports. Further, when a country's national report is being reviewed by the Committee, NGOs are often granted a very brief period (5-10 minutes maximum) to formally present the results of their shadow report.

Exercise #3 – Procedure – 30 Minutes

- The Trainer should provide the above background seminar for Part 2, and use the case study to illustrate how civil society can use the Reporting procedures around the CEDAW;
- After the brief seminar, the Trainer should distribute the most recent “Concluding Comments” of that country's last report to the CEDAW, as well as the Concluding Comments from the other two countries in the Southern Caucasus.
- Note to Trainer: Ideally, prior to the training, the participants should be given the country's most recent report to the CEDAW Committee which has been reviewed by the Committee, as well as the Committee's Concluding Comments. Considerable time is needed to review the report and Concluding Comments. If this session is the first time that the participants have to review both the report and the Concluding Comments, then the Trainer will need to allow for an additional 20 minutes for Exercise 3, so that participants may become more familiar with the documents.
- Have participants discuss those Comments specific to their country, and also those from the other two, for purposes of comparison.

²⁶ More time may be needed if participants have not reviewed the country's most recent (and reviewed by CEDAW) national CEDAW Report and CEDAW Committee's Concluding Comments prior to the training.

Handout #8 - Case Study - Mobilising Awareness about Women's Rights

The CEDAW Reporting Procedure has created opportunities for the women's movement, and civil society, to advocate with government on the current gaps between the commitments made by the government, and the "equality of results" for women in their country.

For example, when the Croatian Government presented its second report to the CEDAW Committee in 1998, a Croatian women's NGO coalition, led by Be Active, Be Emancipated (B.a.B.e.) was also present with a shadow report. At the end of the session, the Government delegation promised the Committee that the results of the CEDAW meeting would be publicized in Croatia. However, after they returned, the Government remained silent.

The NGO collation contacted the Government, trying to arrange a joint press conference, public hearing or television appearance, but the Government declined to participate. The Coalition decided to mount its own publicity campaign -to keep the Government accountable, but also to help develop the public's understanding of the international women's human rights entitlements Croatia had endorsed. Newspaper articles on the convention and on the CEDAW Committee meeting were written by coalition members and published in the Croatian press. When the coalition obtained the CEDAW Committee's Concluding Comments on Croatia, they translated them and distributed copies to the press as well as to members of Parliament. Pressure began to build, as an article appeared in one of the country's leading news magazines, and opposition members of Parliament complained publicly that they had to wait to be informed of the CEDAW session by women's NGOs.

The Coalition then held a press conference, and this time the Government sent the head of its CEDAW delegation to attend. Press coverage of the conference was strong. As a result, in 1998, the Government moved forward on its promise to invite women's NGOs to attend the meetings of the State Commission for Equality.²⁷

Questions for Discussion:

- Do you feel the information provided to the Committee resulted in accurate and relevant Concluding Comments?
- To your knowledge, has the government formally presented the Concluding Comments? Has your organization been advocating around the core issues raised in the Concluding Comments?
- What similarities do you see among the Southern Caucasus Countries when it comes to the core issues hindering the advancement of gender equality?

²⁷ UNIFEM, "Bringing Equality Home: Implementing the Convention on the Elimination of All Forms of Discrimination Against Women", edited by Ilana Landsberg-Lewis, UNIFEM HQ, New York, New York, 1998, p.36.

Session 4

(INTRODUCTORY LEVEL) -
National legislative and
Mechanisms protecting women's
rights - 1 Hour and 20 Minutes



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Overall Objectives:

- Increased awareness about the role key policies and programmes (i.e. PRSPs, MDGs, etc.) and institutional mechanisms play in promoting or addressing inequality;
- Improved understanding of the types of laws and special measures states can use to address inequality and discrimination;
- Increase understanding about the role women can and should play in policy development and good governance;
- Identify opportunities within emerging policies and programmes at national and local level for incorporating the principles of CEDAW and UNSC resolution 1325;

Part 1 - National instruments of protecting women's rights - 35 Minutes

Objectives:

- To provide an overview of the mechanisms in government protecting women's rights and gender equality.

Background Notes - 10 Minutes

- Session 2 showed us why gender equality is an issue and how concepts around gender emerge, and what types of approaches can be used to ensure gender equality;
- In Session 3, through looking at what the CEDAW says about gender equality, and how this international convention can be used at the national level to improve the situation of women and men, we are looking at a means of how to achieve substantive equality – or an equality of results;
- Session 4 looks at the governance systems and legal frameworks in place which should support/protect gender equality; the important legal frameworks and policies which should be in place to ensure gender equality; and how women and gender equality advocates can work within the governing system to impact mechanisms and frameworks;
- CEDAW and UNSC resolution 1325 are two tools which governments must use when developing mechanisms/bodies which protect and promote gender equality; they are tools which governments should use when developing legal frameworks and socio-economic policies; and they are the tools which gender equality advocates should use to influence both mechanisms and frameworks, and tools which gender equality advocates should use to monitor the situation of women;
- In the Southern Caucasus, the following are the main mechanisms in place which are tasked with upholding gender equality (Note to trainer – this is not a comprehensive list of all possibilities, but a general summary of common gender equality bodies in the Southern Caucasus – it should be stressed that the Judiciary, Parliament, Ministries/Cabinet of Ministries, and local authorities all share responsibility in upholding and monitoring gender equality principles found in CEDAW and UNSC resolution 1325):
 - In Azerbaijan – State Committee for Women, Children and Family within the Cabinet of Ministries; In Armenia - Ministry of Labour and Social Issues; Council for Women and Culture under Prime Minister of RA; Recent Establishment of Gender Focal Points at the deputy minister level; In Georgia – Governmental Commission on Gender Equality, Parliamentary Council on Gender Equality;
- In general, the types of legislative frameworks and policies which are important for the protection and promotion of gender equality are (Note to trainer – this is not a comprehensive list of all possibilities, but a general summary of common legislation and policies/programmes):

- National Plans of Action/ Presidential decrees on gender equality;
- VAW legislation;
- Back to work legislation;
- Gender equality legislation;
- Anti-Trafficking legislation;
- Larger socio-economic policies and programmes which provide opportunities for upholding government commitments under CEDAW and UNSC resolution 1325 are :
 - PRSPs and Social Monitoring processes;
 - The International MDGs, national MDGs and the commitment the governments have made under these;
 - Social protection schemes;
 - Community Development Plans
 - Reconstruction and rehabilitation plans;
- Ultimately, CEDAW and UNSC resolution 1325 are tools which should be used to promote gender-sensitive institutional changes to ensure that government decisions about resource distribution, service delivery, and national security promote and protect gender equality.
- If this is achieved, only then – from the view point of those people working on international human rights and development - can you have “good governance”.
- From this perspective, “good governance” implies *democratic* governance meaning an agenda for participation, human rights, and social justice and includes: deepening democratic participation in public decision-making; building the representation and voice of socially excluded groups; building more transparent, responsive and accountable institutions - both state and private; building poor people’s capacity to claim rights; and facilitating equitable access to resources and services.

Exercise #1 - Procedure - Gender Equality Mechanisms – 25 Minutes

- After providing Background, the Trainer asks the participants if they have been involved in the above or briefed on the above before.
- If so, what was their experience on the effectiveness of the above? Have they seen any evidence of the above mechanisms/policies in their work/community?
- Next, the Trainer breaks the participants into working groups and distributes Handout #7 on gender equality mechanisms. Each working group is to review and answer the following questions:
 - What mechanisms are in place in their countries/communities? What are the gaps, challenges and successes? What can the state do to realistically address these gaps?
 - What recommendations are the most relevant for their country/community?
 - How do they or their offices interact with gender equality mechanisms – including focal points, reporting, trainings, etc?
 - How can government and NGOs work more closely on gender equality at the national and local level?

Over the years, and through repeated concluding comments, the CEDAW Committee has been clear that the power, placement, access to resources and outreach of the national governmental women's machineries clearly indicate the level of the government's commitment to realizing full gender equality. According to a recent assessment carried out by the Council of Europe as part of the Beijing +10 preparations, the following are essential conditions for the effective functioning of gender equality mechanisms/institutions:

I) Status, structure and location – institutional equality mechanisms should be located at the highest political level. This requirement should apply to, both the national coordinating unit, that should be placed at the highest level of government... as well as to units or focal points within ministries and other government departments or within regional and local structures.... Such location is a requirement for an enhanced political legitimacy and authority, not only to promote and pursue specific actions in critical areas, but especially to promote, monitor and co-ordinate the process of gender mainstreaming....

II) Mandate and functions – effective functioning of institutional mechanisms for equality requires a clear mandate and well-defined functions and responsibilities. These should clearly include the two basic lines of action generally recognised as essential, the so-called dual track approach to gender equality work: i) specific policies and actions, including positive action when appropriate, in critical areas for the advancement of women and for gender equality; ii) promotion, monitoring, co-ordination and evaluation of the process of gender mainstreaming into all policies and programs. In this framework, a non-exhaustive list of possible and necessary tasks for institutional mechanisms can be devised:

- a) Regular analysis and evaluation of the situation of women and men in all areas relevant for gender equality both in quantitative and qualitative terms.
- b) Proposal of anti-discrimination and equality legislation, where it does not exist, and systematic review of existing or pending legislation to ensure that gender aspects are taken into consideration...;
- c) Systematic analysis and monitoring of general policies and programmes from a gender perspective, both in their planning phase and in their implementation and evaluation;
- d) Proposal and implementation of specific projects for the elimination of gender-based discrimination and for the advancement of women, including positive action programmes to accelerate this process...
- e) Promotion and development of gender expertise and of gender training programmes addressed at top-level management in government.....and other relevant actors of social life;
- f) Promotion of women's studies and gender research in co-operation with the academic community and development of adequate methods, tools and instruments for gender analysis and gender mainstreaming;
- g) Regular dissemination of data and information, relevant studies and best practice models of gender mainstreaming;
- h) Co-operation with civil society organisations, namely women's and human rights NGOs...;
- i) Co-operation with the mass media to mobilise public opinion on gender equality issues...;
- j) Regular reporting on progress in the achievement of gender equality to the relevant bodies, at national and international level;
- k) Regular information to civil society on international agreements, international instruments and international developments in the area of women's rights and gender equality.

III) Resources – effective functioning of institutional mechanisms requires that adequate human and financial resources be granted to carry out their tasks. As for **human resources**, technical qualifications and expertise in gender equality matters are essential factors and should constitute

²⁸ Excerpts from Conference Paper - " Stocktaking Study of the Effective Functioning of National Mechanisms for Gender Equality in Council of Europe Member States", Paper prepared by Ms. Maria Regina Tavares Da Silva, Equality Division, Directorate General of Human Rights, CoE, Strasbourg, 30 November 2004 CDEG (2004) 19 <http://www.coe.int/equality>

a basic requirement for the selection of staff for the national machinery.... Skills required and to be developed and regularly updated.... As for **financial resources**, the truth is that no institutional mechanism can function effectively without adequate financial means to carry out its functions.

IV) Cooperation with NGOs - "Encourage collaboration, where appropriate, among Governments, NGOs, grass-roots organisations, traditional and community leaders for the promotion and protection of all human rights and fundamental freedoms of women and girls and the dignity and worth of the human person and equal rights for women and men".

Part 2 – Inserting women and gender issues into the democratic governance process – 45 Minutes

Objectives:

- Identifying entry points for women’s participation in democratic governance processes, and how CEDAW and UN SC resolution 1325 support this.

Background Notes – 10 Minutes²⁹

- **Where are women in public life and what is the power of the gender equality lobby both in government and civil society?** A first step in promoting gender-sensitive good governance is to analyse the existing political influence of advocates of gender equality. Three of the key arenas for advancing gender equality interests in public decision-making are:
 - **Civil society:** Where is the gender-equity lobby found in civil society? What is its power to mobilize resources and public concern to support its demands, its power to challenge gender-biased conceptions of women’s needs, roles, and rights? In other words, what is the strength and autonomy of the women’s movement? This will *influence the way issues are framed* for social and political debate. The strength of the women’s movement will be determined by the general political and cultural environment for associational activity.
 - **The political system:** The prospects that gender equality advocates can influence public debates will also be shaped by the way political competition is organised. What is the number and nature of parties, their ideologies and memberships. Variations in the electoral system affect the prospects of women candidates.
 - **The state:** The openness of state actors and bureaucracies to gender equality concerns will depend upon the commitment of the state to development and social equality (growth versus redistribution), the relative authority of executive / legislative / military / judicial / administrative powers, and the effectiveness of accountability institutions. These factors will also affect the state’s capacity to enforce gender-sensitive change in the culture, a core requirement in fulfilling commitments made under the CEDAW, and to ensure adequate implementation of UN SC resolution 1325.
- We should distinguish between three types of engagement and control: **access, presence, and influence:**
 - I) ‘**Access**’ involves opening arenas to women (or other socially excluded groups) for dialogue and information sharing with officials, and can vary in form from one-off consultative exercises (PRSPs; reconstruction programmes, etc.), on-going participatory efforts to monitor government services, citizens’ juries, even surveys. If access opportunities endow participants with real rights to information about official actions, power to pursue grievances, or issue dissenting accounts to public authorities, then a **more decisive and accountable form of participation is possible**.
 - II) **Presence** involves institutionalising women’s participation in decision-making (for instance, through quotas). Here the focus is on a **numeric presence** of women. Of great importance is the relationship between women in official positions and their constituencies, whether they are members and clients of a civil society association, voters supporting a politician, or the clients of a public service provider.

²⁹ Many of the points under the “Background” are derived from conclusions found in an internal UNIFEM Global Concept Note “Gender Equality and Governance” 2006. This paper was produced by Ms. Anne Marie Goetz, UNIFEM Governance Advisor.

III) **Influence** brings women's engagement with civil society, politics and the state to the point where access and presence is translated into a **tangible impact on policy-making, the ways laws work, and the delivery of services**. This can happen when accountability mechanisms incorporate gender equality concerns and preferences, by, for instance, engaging women in financial audits at local levels, or incorporating gender-sensitive client satisfaction measures into performance indicators for bureaucrats. This last stage is the point at which improved accountability to women may be achieved. Improved understanding of the types of laws and special measures states can use to address inequality and discrimination;

- The Trainer should, at this point, get participants to discuss the degree to access, presence and influence women have in their community and what are the impediments to these?
- The discussion should also focus on the mechanisms in place at local and national level which can support increased participation of women in decision-making:
 - Opportunities with political parties;
 - Opportunities with parliament;
 - Opportunities in linking Gender Focal Points;
 - National Women's Machinery?
 - Local Government structures

Exercise #2 – Procedure – 35 Minutes:

- For this exercise, the Trainer should identify gender priority issues for the country – i.e. an issue currently being debated in Parliament; an agenda/action being pushed by the Executive Branch of government; or a contentious case which has come before the courts. The Trainer should list these priorities on the Flip Chart with the CEDAW Priorities listed in the previous session. The Trainer then has the group identify the CEDAW Article which is relevant to this issue.
- Using the Handout #8 on “the decision-making process”, divide participants into small working groups. Taking the issue identified in the first step, instruct each group to outline potential advocacy activities to impact each stage of the policy/legislative/institutional/legal development.
- After completion of the exercise small groups present their findings to the plenary.

Protection of women's human rights and promotion of gender equality before the law is continuous work. As the law develops and standards keep changing, institutional structures permanently adapt themselves to these changes. It is not a process with clear-cut beginning and end, but rather a continuous cycle. For this reason design of legislation and policies which impact gender equality and their translation into "equality of results" demand attention to various stages of this cycle. Further, understanding of CEDAW and UNSCR 1325 and how these should influence the mandate of national mechanisms and the content of legislation and policies is crucial.

The following is a general breakdown of the stages of policy development. To illustrate these stages, an example is being given of work by government, civil society and UNIFEM to integrate gender into the Poverty Reduction Strategy (PRS) in Armenia, during the Strategies medium-term review process. Under a temporary government body - the Inter- Ministerial Working Group on Gender Equality (IMWG) - Recommendations have been developed on how to improve the PRS's work on gender. These recommendations are to be submitted in 2006/2007 to the PRS Working Group in Government for consideration and adoption.

Stages of Policy Development:

- 1) *Evaluation* – This includes an assessment conducted by governing body of the situation, looking at both qualitative and quantitative information, and ideally in consultation with civil society. Using a human rights-based approach – which involves both the duty bearers (government/legal authorities) and the rights-holders (citizens) – ideally, evaluation should be at the beginning of a policy/legislative process, and a system should be in place throughout the process to assess gender mainstreaming, application of gender commitments, and impact or "equality of results". Evaluation should, in principle, be participatory. Tools, such as qualitative and quantitative indicators, are needed to adequately evaluate. Also necessary is a system in place which has capacity and resources (human and financial) to evaluate (proper sex-disaggregated statistics; proper coordination between national and local authorities and among authorities at both levels, etc.): Through UNIFEM support, in Armenia the IMWG on Gender began a process of reviewing the PRS. Under the IMWG, experts from the "women for peace" network - Peace Coalition - and relevant government Ministries - came together to form an expert group. The Expert Group conducted a desk-top gender assessment of the existing PRS. Using assessments prepared by civil society which measure implementation of the CEDAW, Beijing Platform for Action and UNSC resolution 1325, as well as governmental data, the experts identified the sectors within the PRS which are priorities for advancing gender equality in Armenia - Education, Health, and Social Protection. The Expert Group then produced a draft analysis of gender issues under these sectors and developed draft recommendations on how to address these gender issues within the PRS.
- 2) *Development* – Based on results of initial evaluation and consultations with "rights-holders" - i.e. grassroots, civil society and academia -, as well as international expertise, government then proceeds with the process of developing legislation/policies and or programmes. These processes differ for each - i.e. different government bodies, courts and parliament are engaged in each process. These processes differ for each country, and at the local and national level: After the initial evaluation process was carried out, a process of sharing the draft recommendations with the "rights holders" (citizens) - grassroots, government and academia - began. With UNIFEM/UNDP support, the Expert Group presented the initial recommendations to a group of government experts in a one day workshop, getting their feedback on the analysis and if the draft recommendations were realistic given existing policy and resource limitations and/or capacities. Parallel to this process, the Ministry of Finance, with UNDP support, will launch Regional Town Hall meetings throughout Armenia. The purpose of these meetings is to review the existing PRS, its impact to date on the lives of average citizens, and get these citizens' feedback on if the Strategy is addressing their needs. Within this policy development process, and through UNIFEM support, the Peace Coalition will work to ensure the following: a) that grassroots women

are invited to and actively participate in the Regional Town Hall Meetings; b) that Coalition members will also participate as gender experts; and c) that through the Coalition's separate work with the governors' offices and local authorities in some regions to mainstream gender through community development plans, the draft Analysis and Recommendations prepared by the Expert Group will be shared with local authorities and their feedback received. This three-fold approach will help to ensure that national level gender priorities identified will align with local level needs and realities.

- 3) *Monitoring – Monitoring and Evaluation process and systems are very important for assessing integration of gender into the overall policy/legislation/programme implementation process. Key to the successful monitoring of gender mainstreaming is a functioning gender equality mechanism in government which is actively coordinating government bodies around gender and monitoring therein. Part of the monitoring process is the reporting to international bodies (CEDAW), development of monitoring tools (indicators and sex-disaggregated statistics), monitoring strategies and mechanisms (i.e. gender focal points, NGO consultations), networking with civil society to “shadow” monitor the government’s progress, etc:* Part of the task of the IMWG on Gender is to also ensure that qualitative and quantitative indicators are developed which support measurement of the draft recommendations re: gender and the PRS. This requires an analysis by the Expert Group on the existing social monitoring indicators which are used to assess PRS implementation and drafting indicators. These indicators must be aligned with existing national statistical capacities, and existing set indicators on gender – such as those used to measure implementation of the National Action Plan on Improving the Status of Women and Enhancing Their Role in Society in the Republic of Armenia (2004-2010)³⁰. The Expert Group will also review in detail the CEDAW and UNSC resolution 1325, the Millennium Development Goals and the Beijing Platform for Action and ensure that the qualitative indicators proposed support the implementation of these global commitments.
- 4) *Implementation and Enforcement – Again, this requires strong coordination and institutional mechanisms which can monitor, coordinate and ensure appropriate budgetary allocations:* As outlined in Handout #6, *Overview of Criteria for Effective Gender Equality Institutions in Government*, in order to effectively implement and monitor gender equality commitments, there must be an active, well-resourced, strongly mandated governmental mechanism on gender equality. To this end, four mechanisms have been instituted by the Government of Armenia in support of gender equality: I) Within the Ministry of Labour and Social Issues (MLSI), the *Department on Family, Women’s and Children’s Issues* is entrusted with the task of formulation and implementation of the State policies in these three areas; II) The post of a Deputy Minister within MLSI whose duties include, *inter alia*, coordination of work on women’s and gender issues, including the as supervision of the activities of the above-mentioned Department, coordination of activities of other Ministries and Agencies in that area, particularly concerning the implementation of the National Action Plan; III) Gender Focal Points: The responsibility for the **implementation** of the National Action Plan was placed on one of the Deputy Ministers in each Ministry and Agency (only in two instances – on Heads of Departments) and on Deputy Governor in each Region (*marz*). The responsibility for **reporting** on the work done re: the NAP and planned for an upcoming year was placed on Ministers.; IV) The *Women’s Council*, - “an advisory body operating on a pro bono basis”³¹ whose principal tasks are coordination of efforts aimed to solve problems of the country’s women and ensuring equality to women. In theory, the Council’s potential functions are manifold and they include, *inter alia*, proposing measures **aimed at formulating gender policies and at ensuring women’s representation at various levels of State power and decision-making**. While in theory, the status of the Council is high (since the latter is affiliated with the Prime Minister) and is therefore in a position to take measures to achieve the stated goals, this has not happened.³²

³⁰ Plan was adopted by the Armenian Government on 8 April 2004 and ratified by the Armenian President on 17 May 2004.

³¹ See *Charter of the Women’s Council affiliated with the Prime Minister of the Republic of Armenia* (Approved by the Minutes # 42-63 of the 27 February 2001 session of the Women’s Council affiliated with the Prime Minister of the Republic of Armenia).

³² Information taken from “Assessing Implementation of CEDAW and the Beijing Platform for Action”, produced through UNIFEM support by the Armenian Association of Women with University Education, 2006.

Despite these positive measures above, there is still no permanent functioning gender equality mechanism in government which meets the Council of Europe's criteria for an effective and efficient institutional machinery on gender which coordinate other government bodies on gender. While all of the above mechanisms are doing good work, none have the sufficient mandate or resources to allow for the proper monitoring and implementation of gender equality commitments. Through UNIFEM and UNDP support, so as to address the lack of a proper functioning national machinery, the MLSI recently convened a temporary body - the Inter-Ministerial Working Group on Gender Equality (IMWG). One of the core tasks of the IMWG is do review and approve proposed strategies and tools for improved monitoring, implementation and coordination around gender equality commitments. This includes agreements on the types of strategies, tools, and human and financial resources necessary for realizing the government's gender equality commitments.

Session 4

(INTERMEDIATE LEVEL) -
National legislative and
Mechanisms protecting women's
rights - 1 Hour and 30 Minutes



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Overall Objectives:

- Increased awareness about the role key policies and programmes and institutional mechanisms play in promoting or addressing inequality;
- Increase understanding about the role women can and should play in policy development and good governance;
- Improved understanding of the types of laws and special measures states can use to address inequality and discrimination;
- Identify opportunities within emerging policies and programmes at national and local level for incorporating the principles of CEDAW and UNSC resolution 1325;
- Determine areas where advocacy is required on the part of civil society;

Note to Trainer: Where possible, this session should be made nationally specific. To do so, the trainer should be prepared to talk about the country/community's government bodies/mechanisms which are relevant to gender equality, women's rights and human rights; Also, the Trainer should have a brief list of those legal frameworks and policies which support women's rights and/or those key socio-economic development policies which should include gender concerns, but which may not (i.e. Poverty Reduction Strategies, rehabilitation and reconstructions programmes; community development plans, etc.).

Part 1 - National Frameworks and mechanisms to protect women's rights - 45 Minutes

Objectives:

- To increase understanding about the mechanisms and systems in government which impact gender equality.

Background Notes³³ - 20 Minutes

- Session 2 showed us why gender equality is an issue and how concepts around gender emerge, and what types of approaches can be used to ensure gender equality;
- In Session 3, through looking at what the CEDAW says about gender equality, and how this international convention can be used at the national level to improve the situation of women and men, we are looking at a means of how to achieve substantive equality - or an equality of results;
- Session 4 looks at the governance systems and legal frameworks in place which should support/protect gender equality; the important legal frameworks and policies which should be in place to ensure gender equality; and how women and gender equality advocates can work within the governing system to impact mechanisms and frameworks;
- CEDAW and UNSC resolution 1325 are two tools which governments must use when developing mechanisms/bodies which protect and promote gender equality; they are tools which governments should use when developing legal frameworks and socio-economic policies; and they are the tools which gender equality advocates should use to influence both mechanisms and frameworks, and tools which gender equality advocates should use to monitor the situation of women;
- In the Southern Caucasus, the following are the main mechanisms in place which are tasked with upholding gender equality (Note to trainer - this is not a comprehensive list of all possibilities, but a general summary of common gender equality bodies in the Southern Caucasus - it should be stressed that the Judiciary, Parliament, Ministries/Cabinet of Ministries, and local authorities all share responsibility in upholding and monitoring gender equality principles found in CEDAW and UNSC resolution 1325):

³³ Many of the points under the "Background" dealing with good governance are derived from conclusions found in an internal UNIFEM Global Concept Note "Gender Equality and Governance" 2006. This paper was produced by Ms. Anne Marie Goetz, UNIFEM Governance Advisor.

- In Azerbaijan – State Committee for Women, Children and Family within the Cabinet of Ministries; In Armenia - Ministry of Labour and Social Issues; Council for Women and Culture under Prime Minister of RA; Recent Establishment of Gender Focal Points at the deputy minister level; In Georgia – Governmental Commission on Gender Equality, Parliamentary Council on Gender Equality;
- In general, the types of legislative frameworks and policies which are important for the protection and promotion of gender equality are (Note to trainer – this is not a comprehensive list of all possibilities, but a general summary of common legislation and policies/programmes):
 - National Plans of Action/ Presidential decrees on gender equality;
 - VAW legislation;
 - Back to work legislation;
 - Gender equality legislation;
 - Anti-Trafficking legislation;
- Larger socio-economic policies and programmes which provide opportunities for upholding government commitments under CEDAW and UNSC resolution 1325 are :
 - PRSPs and Social Monitoring processes;
 - The International MDGs, national MDGs and the commitment the governments have made under these;
 - Social protection schemes;
 - Community Development Plans
 - Reconstruction and rehabilitation plans;
- Ultimately, CEDAW and UNSC resolution 1325 are tools which should be used to promote gender-sensitive institutional changes to ensure that government decisions about resource distribution, service delivery, and national security promote and protect gender equality.
- If this is achieved, only then – from the view point of those people working on international human rights and development - can you have “good governance”.
- From this perspective, “good governance” implies *democratic* governance meaning an agenda for participation, human rights, and social justice and includes: deepening democratic participation in public decision-making; building the representation and voice of socially excluded groups; building more transparent, responsive and accountable institutions - both state and private; building poor people’s capacity to claim rights; and facilitating equitable access to resources and services.
- According to the United Kingdom’s Department for International Development, the three essential components for good governance are:
 - **State capability:** the extent to which leaders and the public administration can *get things done*;
 - **Responsiveness:** the extent to which public policies and institutions *respond to the needs of citizens* and uphold their rights;
 - **Accountability:** the ability of state checks and balances, civil society, the private sector, and individual citizens to *scrutinize public actions* (spending decisions, policy implementation), to *demand explanations*, and to *impose sanctions* for mistakes (for instance by voting leaders out of office).³⁴

³⁴ DFID Governance White Paper, 2006, 22.

- All three elements of good governance have a strong gender dimension, and the “how” if integrating this gender dimension into these elements is mapped out by the CEDAW – and in the case of post-conflict and reconstruction, the UNSC resolution 1325.
- **State capacity** to get things done is of enormous importance when it comes to implementing gender equality policies. The way gender equality policies often remain on the books means not necessarily that states have low capacity to support good governance, but that governments may not understand how to translate their obligations in CEDAW and UNSC resolution 1325, for example, into practice. Sometimes, the gender equality principles can also be seen as counter-cultural (going against community practices and beliefs, or against the mind-sets of authorities and government workers). Implementation capacity requires more than just a technical fix – it can require a level of commitment and political will and incentive;
- **Responsiveness**, the ability to take account of women’s aspirations and needs, requires that the state creates spaces for women to identify interests, and advance them socially, economically, and politically. Women’s participation in politics (as voters, politicians and political party members) is one way. Provision of public goods and services in a way that expands women’s opportunities and access in a way that recognizes differences between men and women but supports an “equality of opportunity and result” is another way. At the heart of this concept is the idea that women, as citizens, have “social power” and must authorise (through the vote or other participatory and representative processes) authorities to take certain actions.
- **Accountability** from a gender perspective requires that the decisions of public actors can be scrutinized by women citizens and civil society groups. But what are public actors to be held accountable *for*? This depends on what they are *authorized* to do. We know that women may engage in voting, party politics, and accountability exercises, without authorizing public sector actors to work towards gender equality; without scrutinizing the impact of public decisions on women’s rights or on their position in relation to men. Gender-sensitive accountability systems require therefore not just women’s engagement in accountability mechanisms such as elections, judicial review, parliamentary debates and committee work, media scrutiny and the like, but also, institutional reform to make gender equality one of the objectives of public action. The CEDAW, and its detailed “General Recommendations”, provide governments with clear guidelines on how to ensure that accountability mechanisms are upholding substantive equality.
- How do organizations such as UNIFEM try to integrate the gender component into **State capacity, Responsiveness, and Accountability**?
 - At the *macro* (policy) level: building the legal and policy framework for women’s rights -- for example, mainstreaming CEDAW and UNSC resolution 1325 in legislation, and ensuring quotas in national and local level governance mechanisms;
 - At the *meso* (institutional) level: transforming institutions and building the capacities of women networks and advocates to shape institutional policies – for example, gender training of government workers, developing and promoting sexual harassment policies, generating sex-disaggregated data, supporting gender-responsive budgeting, supporting women’s machineries, and women’s desks and focal points within mainstream ministries; and
 - At the *micro* (grassroots) level: strengthening women’s capacities to participate in and influence development and governance processes, and peace and justice initiatives – for example, supporting women’s leadership, women’s organizations, developing tools and processes to strengthen women’s advocacy and agency such as leadership training for locally elected women representatives, creating safe spaces for women’s peace networks to meet and strategize and supporting women’s mobilization to voice their demands in key legislative and policy processes.

- These three strategies which are used by organizations like UNIFEM, and local civil society, and national governments all uphold the principles found within CEDAW and UNSC resolution 1325. And often use these two tools to achieved state capacity, responsiveness and accountability;

Exercise #1 - Procedure - 25 Minutes:

- Note to Trainer: Many of the points regarding “good governance” may cause a fair amount of discussion and debate among participants. It is important that the trainer keep this discussion gender-focused and not let the conversation become focused on general governance issues.
- After providing Background, the trainer asks participants to share their experience of protecting women’s rights; to name the chain of command they had to apply to do so (legislative, executive, judicial bodies, etc.). The trainer should put the responses on a Flip Chart.
- Then, the trainer asks one of participants to read the final list out loud and makes additions.
- Next, the Trainer breaks the participants into working groups and distributes “Handout #9”.
- Each working group is to review and provide their understanding of the mechanisms at work in their respective communities/countries? How can the NGOs work more closely with the gender equality institutions at the national and local level; what are the gaps and challenges of the existing institutions at the national and local level?

Over the years, and through repeated concluding comments, the CEDAW Committee has been clear that the power, placement, access to resources and outreach of the national governmental women's machineries clearly indicate the level of the government's commitment to realizing full gender equality. According to a recent assessment carried out by the Council of Europe as part of the Beijing +10 preparations, the following are essential conditions for the effective functioning of gender equality mechanisms/institutions:

I) Status, structure and location – institutional equality mechanisms should be located at the highest political level. This requirement should apply to, both the national coordinating unit, that should be placed at the highest level of government... as well as to units or focal points within ministries and other government departments or within regional and local structures.... Such location is a requirement for an enhanced political legitimacy and authority, not only to promote and pursue specific actions in critical areas, but especially to promote, monitor and co-ordinate the process of gender mainstreaming....

II) Mandate and functions – effective functioning of institutional mechanisms for equality requires a clear mandate and well-defined functions and responsibilities. These should clearly include the two basic lines of action generally recognised as essential, the so-called dual track approach to gender equality work: i) specific policies and actions, including positive action when appropriate, in critical areas for the advancement of women and for gender equality; ii) promotion, monitoring, co-ordination and evaluation of the process of gender mainstreaming into all policies and programs. In this framework, a non-exhaustive list of possible and necessary tasks for institutional mechanisms can be devised:

- a) Regular analysis and evaluation of the situation of women and men in all areas relevant for gender equality both in quantitative and qualitative terms.
- b) Proposal of anti-discrimination and equality legislation, where it does not exist, and systematic review of existing or pending legislation to ensure that gender aspects are taken into consideration...;
- c) Systematic analysis and monitoring of general policies and programmes from a gender perspective, both in their planning phase and in their implementation and evaluation;
- d) Proposal and implementation of specific projects for the elimination of gender-based discrimination and for the advancement of women, including positive action programmes to accelerate this process...
- e) Promotion and development of gender expertise and of gender training programmes addressed at top-level management in government.....and other relevant actors of social life;
- f) Promotion of women's studies and gender research in co-operation with the academic community and development of adequate methods, tools and instruments for gender analysis and gender mainstreaming;
- g) Regular dissemination of data and information, relevant studies and best practice models of gender mainstreaming;
- h) Co-operation with civil society organisations, namely women's and human rights NGOs...;
- i) Co-operation with the mass media to mobilise public opinion on gender equality issues...;
- j) Regular reporting on progress in the achievement of gender equality to the relevant bodies, at national and international level;
- k) Regular information to civil society on international agreements, international instruments and international developments in the area of women's rights and gender equality.

III) Resources – effective functioning of institutional mechanisms requires that adequate human and financial resources be granted to carry out their tasks. As for **human resources**, technical qualifications and expertise in gender equality matters are essential factors and should constitute

³⁵ Excerpts from Conference Paper - " Stocktaking Study of the Effective Functioning of National Mechanisms for Gender Equality in Council of Europe Member States", Paper prepared by Ms. Maria Regina Tavares Da Silva, Equality Division, Directorate General of Human Rights, CoE, Strasbourg, 30 November 2004 CDEG (2004) 19 <http://www.coe.int/equality>

a basic requirement for the selection of staff for the national machinery.... Skills required and to be developed and regularly updated.... As for **financial resources**, the truth is that no institutional mechanism can function effectively without adequate financial means to carry out its functions.

IV) Cooperation with NGOs - "Encourage collaboration, where appropriate, among Governments, NGOs, grass-roots organisations, traditional and community leaders for the promotion and protection of all human rights and fundamental freedoms of women and girls and the dignity and worth of the human person and equal rights for women and men".

Part 2 – Inserting women and gender issues into the democratic governance process – 45 Minutes

Objectives:

- Identifying entry points for women’s participation in democratic governance processes, and how CEDAW and UN SC resolution 1325 support this.

Background Notes – 10 Minutes³⁶

- **Where are women in public life and what is the power of the gender equality lobby both in government and civil society?** A first step in promoting gender-sensitive good governance is to analyse the existing political influence of advocates of gender equality. Three of the key arenas for advancing gender equality interests in public decision-making are:
 - **Civil society:** Where is the gender-equity lobby found in civil society? What is its power to mobilize resources and public concern to support its demands, its power to challenge gender-biased conceptions of women’s needs, roles, and rights? In other words, what is the strength and autonomy of the women’s movement? This will *influence the way issues are framed* for social and political debate. The strength of the women’s movement will be determined by the general political and cultural environment for associational activity.
 - **The political system:** The prospects that gender equality advocates can influence public debates will also be shaped by the way political competition is organised. What is the number and nature of parties, their ideologies and memberships. Variations in the electoral system affect the prospects of women candidates.
 - **The state:** The openness of state actors and bureaucracies to gender equality concerns will depend upon the commitment of the state to development and social equality (growth versus redistribution), the relative authority of executive / legislative / military / judicial / administrative powers, and the effectiveness of accountability institutions. These factors will also affect the state’s capacity to enforce gender-sensitive change in the culture, a core requirement in fulfilling commitments made under the CEDAW, and to ensure adequate implementation of UN SC resolution 1325.
- We should distinguish between three types of engagement and control: **access, presence, and influence:**
 - I) ‘**Access**’ involves opening arenas to women (or other socially excluded groups) for dialogue and information sharing with officials, and can vary in form from one-off consultative exercises (PRSPs; reconstruction programmes, etc.), on-going participatory efforts to monitor government services, citizens’ juries, even surveys. If access opportunities endow participants with real rights to information about official actions, power to pursue grievances, or issue dissenting accounts to public authorities, then a **more decisive and accountable form of participation is possible.**
 - II) **Presence** involves institutionalising women’s participation in decision-making (for instance, through quotas). Here the focus is on a **numeric presence** of women. Of great importance is the relationship between women in official positions and their constituencies, whether that be the members and clients of a civil society association, voters supporting a politician, or the clients of a public service provider.
 - III) **Influence** brings women’s engagement with civil society, politics and the state to the point where access and presence is translated into a **tangible impact on policy-making, the ways laws work, and the delivery of services.** This can happen when accountability mechanisms incorporate gender equality concerns and preferences, by, for instance, engaging women in

³⁶ Many of the points under the “Background” are derived from conclusions found in an internal UNIFEM Global Concept Note “Gender Equality and Governance” 2006. This paper was produced by Ms. Anne Marie Goetz, UNIFEM Governance Advisor.

financial audits at local levels, or incorporating gender-sensitive client satisfaction measures into performance indicators for bureaucrats. This last stage is the point at which improved accountability to women may be achieved. Improved understanding of the types of laws and special measures states can use to address inequality and discrimination;

- The Trainer should, at this point, get participants to discuss the degree to access, presence and influence women have in their community and what are the impediments to these? What does CEDAW and UN SC resolution say about access, presence and influence?
- The discussion should also focus on the mechanisms in place at local and national level which can support increased participation of women in decision-making:
 - Opportunities with political parties;
 - Opportunities with parliament;
 - Opportunities in linking Gender Focal Points;
 - National Women's Machinery?
 - Local Government structures

Exercise #2 – Procedure – 35 Minutes:

- Referring to the above information regarding access, presence and influence, the trainer conducts a group discussion around a particular article of the CEDAW (Recommend Article 7) or para of UNSC resolution 1325 (that is most relevant depending on the conflict) and how this could have/should have been applied within mechanisms and legislation in your country's context?
- In this discussion, the Trainer should help the participants identify a gap in legislation in the governing system which has impacted the realization of gender equality in their community/country. (15 Minutes)
- The Trainer should then distribute Handout #10 - How policies/programmes are developed and implemented and review this with the plenary;
- The participants should then be broken up into smaller working groups. Each group should be responsible for discussing one of the "gaps" identified in the first step of this procedure. Using the Handout #10, each group should then identify the articles in the CEDAW and the para in UN SC resolution 1325 which support the creation of this legal framework or mechanism. Then, again using Handout #10, the group should develop a step by step process of where and how gender equality advocates in government and civil could develop the policy measure or legislation;
- The groups should then come together and briefly present in a Plenary session;

Tips:

This Session is crucial for participants, as it helps them identify and understand policy development processes and opportunities to identify these processes, as well as to identify existing national mechanisms and their efficiency. At the end of this Session the trainer should focus participants' attention on combined group resources to be utilized in future activities at the national level and if possible, at the regional level.

Handout #10 - How policies/programmes are developed and implemented- Mainstreaming Gender in the Poverty Reduction Strategy for Armenia

Protection of women's human rights and promotion of gender equality before the law is continuous work. As the law develops and standards keep changing, institutional structures permanently adapt themselves to these changes. It is not a process with clear-cut beginning and end, but rather a continuous cycle. For this reason design of legislation and policies which impact gender equality, and their translation into "equality of results" demand attention to various stages of this cycle. Further, understanding of CEDAW and UNSCR 1325 and how these should influence the mandate of national mechanisms and the content of legislation and policies is crucial.

The following is a general breakdown of the stages of policy development. To illustrate these stages, an example is being given of work by government, civil society and UNIFEM to integrate gender into the Poverty Reduction Strategy (PRS) in Armenia, during the Strategies medium-term review process. Under a temporary government body - the Inter- Ministerial Working Group on Gender Equality (IMWG) - Recommendations have been developed on how to improve the PRS's work on gender. These recommendations are to be submitted in 2006/2007 to the PRS Working Group in Government for consideration and adoption.

Stages of Policy Development:

- 5) *Evaluation* – This includes an assessment conducted by governing body of the situation, looking at both qualitative and quantitative information, and ideally in consultation with civil society. Using a human rights-based approach – which involves both the duty bearers (government/legal authorities) and the rights-holders (citizens) – ideally, evaluation should be at the beginning of a policy/legislative process, and a system should be in place throughout the process to assess gender mainstreaming, application of gender commitments, and impact or "equality of results". Evaluation should, in principle, be participatory. Tools, such as qualitative and quantitative indicators, are needed to adequately evaluate. Also necessary is a system in place which has capacity and resources (human and financial) to evaluate (proper sex-disaggregated statistics; proper coordination between national and local authorities, and among authorities at both levels, etc.): Through UNIFEM support, in Armenia the IMWG on Gender began a process of reviewing the PRS. Under the IMWG, experts from the "women for peace" network – Peace Coalition – and relevant government Ministries – came together to form an expert group. The Expert Group conducted a desk-top gender assessment of the existing PRS. Using assessments prepared by civil society which measure implementation of the CEDAW, Beijing Platform for Action and UNSC resolution 1325, as well as governmental data, the experts identified the sectors within the PRS which are priorities for advancing gender equality in Armenia - Education, Health, and Social Protection. The Expert Group then produced a draft analysis of gender issues under these sectors and developed draft recommendations on how to address these gender issues within the PRS.
- 6) *Development* – Based on results of initial evaluation and consultations with "rights-holders" – i.e. grassroots, civil society and academia -, as well as international expertise, government then proceeds with the process of developing legislation/policies and or programmes. This processes differ for each – i.e. different government bodies, courts and parliament are engaged in each process. These processes differ for each country, and at the local and national level: After the initial evaluation process was carried out, a process of sharing the draft recommendations with the "rights holders" (citizens)- grassroots, government and academia - began. With UNIFEM/UNDP support, the Expert Group presented the initial recommendations to a group of government experts in a one day workshop, getting their feedback on the analysis and if the draft recommendations were realistic given existing policy and resource limitations and/or capacities. Parallel to this process, the Ministry of Finance, with UNDP support, will launch Regional Town Hall meetings throughout Armenia. The purpose of these meetings are to review the existing PRS, its impact to date on the lives of average citizens, and get these citizens' feedback on if the Strategy is addressing their needs. Within this policy development process, and through UNIFEM support, the Peace Coalition will work to ensure the following: a) that grassroots women are invited to and actively participate in the Regional Town Hall Meetings; b) that Coalition

members will also participate as gender experts; and c) that through the Coalition's separate work with the governors' offices and local authorities in some regions to mainstream gender through community development plans, the draft Analysis and Recommendations prepared by the Expert Group will be shared with local authorities and their feedback received. This three-fold approach will help to ensure that national level gender priorities identified will align with local level needs and realities.

- 7) *Monitoring – Monitoring and Evaluation process and systems are very important for assessing integration of gender into the overall policy/legislation/programme implementation process. Key to the successful monitoring of gender mainstreaming is a functioning gender equality mechanism in government which is actively coordinating government bodies around gender and monitoring therein. Part of the monitoring process is the reporting to international bodies (CEDAW), development of monitoring tools (indicators and sex-disaggregated statistics), monitoring strategies and mechanisms (i.e. gender focal points, NGO consultations), networking with civil society to “shadow” monitor the government’s progress, etc:* Part of the task of the IMWG on Gender is to also ensure that qualitative and quantitative indicators are developed which support measurement of the draft recommendations re: gender and the PRS. This requires an analysis by the Expert Group on the existing social monitoring indicators which are used to assess PRS implementation and drafting indicators. These indicators must be aligned with existing national statistical capacities, and existing set indicators on gender – such as those used to measure implementation of the National Action Plan on Improving the Status of Women and Enhancing Their Role in Society in the Republic of Armenia (2004-2010)³⁷. The Expert Group will also review in detail the CEDAW and UNSC resolution 1325, the Millennium Development Goals and the Beijing Platform for Action and ensure that the qualitative indicators proposed support the implementation of these global commitments.
- 8) *Implementation and Enforcement – Again, this requires strong coordination and institutional mechanisms which can monitor, coordinate and ensure appropriate budgetary allocations:* As outlined in Handout #6, *Overview of Criteria for Effective Gender Equality Institutions in Government*, in order to effectively implement and monitor gender equality commitments, there must be an active, well-resourced, strongly mandated governmental mechanism on gender equality. To this end, four mechanisms have been instituted by the Government of Armenia in support of gender equality: I) Within the Ministry of Labour and Social Issues (MLSI), the *Department on Family, Women’s and Children’s Issues* is entrusted with the task of formulation and implementation of the State policies in these three areas; II) The post of a Deputy Minister within MLSI whose duties include, *inter alia*, coordination of work on women’s and gender issues, including the as supervision of the activities of the above-mentioned Department, coordination of activities of other Ministries and Agencies in that area, particularly concerning the implementation of the National Action Plan; III) Gender Focal Points: The responsibility for the **implementation** of the National Action Plan was placed on one of the Deputy Ministers in each Ministry and Agency (only in two instances – on Heads of Departments) and on Deputy Governor in each Region (*marz*). The responsibility for **reporting** on the work done re: the NAP and planned for an upcoming year was placed on Ministers.; IV) The *Women’s Council*, - “an advisory body operating on a pro bono basis”³⁸ whose principal tasks are coordination of efforts aimed to solve problems of the country’s women and ensuring equality to women. In theory, the Council’s potential functions are manifold and they include, *inter alia*, proposing measures **aimed at formulating gender policies and at ensuring women’s representation at various levels of State power and decision-making**. While in theory, the status of the Council is high (since the latter is affiliated with the Prime Minister) and is therefore in a position to take measures to achieve the stated goals, this has not happened.³⁹

³⁷ Plan was adopted by the Armenian Government on 8 April 2004 and ratified by the Armenian President on 17 May 2004.

³⁸ See *Charter of the Women’s Council affiliated with the Prime Minister of the Republic of Armenia* (Approved by the Minutes # 42-63 of the 27 February 2001 session of the Women’s Council affiliated with the Prime Minister of the Republic of Armenia).

³⁹ Information taken from “Assessing Implementation of CEDAW and the Beijing Platform for Action”, produced through UNIFEM support by the Armenian Association of Women with University Education, 2006.

Despite these positive measures above, there is still no permanent functioning gender equality mechanism in government which meets the Council of Europe's criteria for an effective and efficient institutional machinery on gender which coordinate other government bodies on gender. While all of the above mechanisms are doing good work, none have the sufficient mandate or resources to allow for the proper monitoring and implementation of gender equality commitments. Through UNIFEM and UNDP support, so as to address the lack of a proper functioning national machinery, the MLSI recently convened a temporary body – the Inter-Ministerial Working Group on Gender Equality (IMWG). One of the core tasks of the IMWG is do review and approve proposed strategies and tools for improved monitoring, implementation and coordination around gender equality commitments. This includes agreements on the types of strategies, tools, and human and financial resources necessary for realizing the government's gender equality commitments.

Session 5

(INTRODUCTORY LEVEL) -
UNSC resolution 1325 -
Significance and Legal
Authority - 1 Hour



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Trainers need to start Session with reviewing the previous day and reminding participants of the priority articles from CEDAW and the gaps in National Mech/Policy Development/Legal frameworks which they selected for their community/country/region.

Overall Objectives

- Increase understanding of the core principles of UNSC resolution 1325;
- Increased understanding of how UNSC resolution 1325 can be applied to national contexts;
- Identification of strategies and opportunities for using UNSC resolution 1325 to advance gender equality at the local and national level, with particular focus on gender justice and women's participation;

Part 1 - The road to UNSC resolution 1325 - 50 Minutes

Objectives:

- To introduce the content of UNSC resolution 1325 and the role civil society had in its development;

Background- 25 Minutes

- Trainer should start with a quick assessment of participants' level of knowledge about the UN and UNSC resolution 1325: Questions:
 - Do all understand the relevance of the Security Council as one of the pillars of the UN?
 - Do all understand the importance of a UNSC resolution?
 - Do all understand the difference between CEDAW and 1325?
- If there appears to be a strong understanding of the questions, then skip the slide show and overview of the UN pillars/structures and go directly to the first exercise, which is a "refresher" exercise.
- If not, then go through the slide show presentation "Women, war and peace II" [slides 1-21] explaining the road to UNSC resolution 1325 and other International norms in relation to women and war/peace like Rome Statute of ICC. Trainer's note: will be useful to explain in few words what the implications are of the Rome Statute. (International Criminal Court)
- The main idea is for learning about the importance the world community gives to women's involvement during war/peace processes. So is no need for participants to learn details of contents of presented materials.
- Trainer can skim through slides as there is a great deal of information which may overwhelm participants. Just important that participants understand the relevance and force of the Security Council resolution.
- Trainer should avoid discussions getting focused on specific UNSC resolutions that have or have not been enforced in the country, and should also move away from conversations about the "legal" force of UNSC resolutions, as this may be beyond the Trainer's area of expertise. If participants want more information about the Security Council or UN structure in general, it is recommended that after the training, they visit www.un.org;

- The essential point to make is that as member states of the UN, all states are obligated to uphold resolutions of the Security Council, and that the SC is the most powerful body in the United Nations and has mechanisms which can be used to enforce resolutions – i.e. sanctions, military force, peacekeeping/observer forces, etc.
- The Security Council resolutions have moral and political power. However, international conventions have direct legal power and application among ratifying countries.
- So, the CEDAW provides more direct legal weight to enforce the principles of UNSC resolution 1325 – the principles of this resolution are also contained within the legally binding articles of the CEDAW.
- The Resolution is a “sexier” tool in that, as a UNSC resolution, among the public and politicians, there may be a greater general understanding of the moral and political force of the Resolution, as opposed to the more complex knowledge required to understand how international law applies to national contexts.
- For UNSC resolution 1325, this is the first resolution which specifically targets the impact of conflict on women and the role women can and should play in peace, reconciliation and reconstruction.
- As per para 16 of the resolution, UNIFEM, in coordination with other UN agencies, conducted an “independent experts assessment” of women, war and peace in 2001.
- Important to distinguish the reporting process of the resolution from that of the CEDAW. Once a year, the Secretary General reports on the implementation of UNSC resolution 1325. UN agencies are generally given opportunities to provide inputs into this reporting process. The report is quite short but tries, where possible, to be country specific. Para 17 of the resolution, appeals for the integration of gender issues into all reports on all Security Council resolutions.
- NGO involvement in resolutions – the Arria Formula - When representing his country on the Security Council, Ambassador Arria of Venezuela, through inviting members to gather over coffee in the Delegates Lounge to hear the views of a Bosnian priest in 1993, created what has become known as the Arria Formula, an informal exchange between Security Council members and NGOs.
- The Arria Formula has been used more regularly since 1999 to provide expertise and testimony on thematic issues taken up by the Council, in particular on humanitarian issues, the Protection of Civilians in Armed Conflict, Children and Armed Conflict and more recently on Women, Peace and Security. The President of the Council does not chair Arria Formula meetings, which must take place outside the Council chamber and are strictly off-the-record and unofficial. Usually a UN agency or department works with the delegation chairing the meeting to approve the list of NGO speakers, and particularly to get clearance from Security Council members on the country situations they will speak about. In 2000, the Arria Formula evolved to allow other Member States to attend on the condition that they wrote to the President of the Council asking for permission to attend.⁴⁰
- On International Women’s Day in 2000, Ambassador Chowdhury of Bangladesh issued a Security Council Presidential Statement, which acknowledged for the first time the role of women in peace processes. Soon afterwards, and encouraged by Ambassador Chowdhury, the NGO Working Group on Women and International Peace and Security came together to push the Security Council to hold a thematic debate on the role of women in international peace and security.

⁴⁰ Extracts from “NGO perspectives: NGOs and the Security Council” by Felicity Hill, in “NGOs as Partners: Assessing the Impact, Recognising the Potential” 2002.

- After holding an Arria Formula meeting with NGOs and an open debate, the Council passed resolution 1325 on Women, Peace and Security on 31 October 2000. The Arria Formula meeting on 23 October 2000 prior to the open session of the Security Council on Women, Peace and Security gave representatives of women's NGOs from Sierra Leone, Guatemala, Somalia and Tanzania a chance to explain their work, demonstrate their competence and submit their recommendations on a large number of issues.⁴¹
- Thus, 1325 can be seen as a result of NGO consultation, in addition to strong lobbying on the part of UN member states and concerned UN agencies.

Exercise #1 – Procedure – 25 Minutes

- Trainer gives the above lecture;
- Divide the participants into small groups. Ask each group to read over the summary of UNSC resolution 1325 – Handout #9;
- Each group should then identify two to three areas in the Resolution which they feel are priorities for their community/country.
- In the plenary, the Trainer should have each group list these priorities. The Trainer should write these down on a Flip Chart and put on the wall with the priorities listed in Session 3 and Session 4 in Day 1 (which were reviewed at the start of Day 2).
- The groups should each then discuss the relevance of these para in 1325 and how/if they have been applied in their communities/countries, and if not, why? If so, what has worked and what has not?
- Trainer should encourage reflection on those points which relate to gender justice (rule of law, good governance) and women's political participation;
- Ask each group to present the findings of their discussions.
- Note to Trainer - Any discussions around a conflict which is specific to the country should be kept linked to the issues in UNSC resolution 1325. It is important that the Trainer ensure that the conversation not get stuck on political issues surrounding the conflict, UNSC, etc.

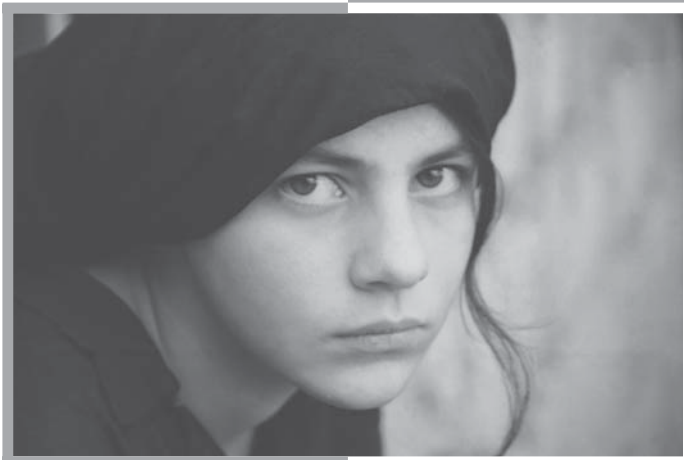
⁴¹ Extracts from "NGO perspectives: NGOs and the Security Council" by Felicity Hill, in "NGOs as Partners: Assessing the Impact, Recognising the Potential" 2002.

Summary of UN Security Council resolution 1325 On Women, Peace and Security. In the 18 point resolution, the Security Council:

- Urges member states to ensure increased representation of women at all decision-making levels.
- Encourages the Secretary General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes.
- Urges the Secretary General to appoint more women as special representatives and envoys.
- Urges the Secretary General to expand the role and contributions of women in UN field-based operations, including among military observers, civilian police, human rights and humanitarian personnel.
- Requests the Secretary General to provide training guidelines and materials on the protection, rights and particular needs of women.
- Urges member states to increase their voluntary financial, technical and logistical support for gender sensitive training efforts.
- Calls upon all parties in armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians.
- Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.
- Emphasizes the responsibilities of all states to put an end to impunity and to prosecute those responsible for genocide crimes, including those related to sexual and other forms of violence against women and girls.
- Calls upon all parties to armed conflict to respect the civilian and humanitarian characters of refugee camps and settlements with particular attention to women's and girls' special needs.
- Invites the Secretary General to carry out a study to be presented to the Security Council on the impact of armed conflict on women and girls, the role of women in peace-building, the gender dimensions of peace processes and conflict resolution, and progress on gender mainstreaming throughout peacekeeping missions.

Session 5

(INTERMEDIATE LEVEL) -
UNSC resolution 1325 -
Significance and Legal
Authority - 1 Hour



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Overall Objectives

- Increase understanding of the core principles of UNSC resolution 1325
- Increased understanding of how UNSC resolution 1325 can be applied to national contexts;
- Identification of strategies and opportunities for using UNSC resolution 1325 to advance gender equality at the local and national level, with particular focus on gender justice and women's participation;

The road to UNSC resolution 1325 – 55 Minutes

Objectives:

- To introduce the content of UNSC Resolution 1325 and the role civil society had in its development;

Background Notes – 20 Minutes

- Trainer should start session with a quick assessment of the group's knowledge about UNSC resolution 1325 by asking the following questions:
 - Do all understand the relevance of the Security Council as one of the pillars of the UN?
 - Do all understand how and why the UNSC resolution 1325 was adopted?
 - Do all understand the importance of a UNSC resolution?
 - Do all understand the difference between CEDAW and 1325?
- If there appears to be a strong understanding of the questions, then skip over the slide show and overview of the UN pillars/structures and go directly to the first exercise, which is a "refresher" exercise.
- If understanding is not as strong, please use Session 6 in the Introductory version of the Module.
- Trainer should avoid discussions getting focused on specific UNSC resolutions that have or have not been enforced, and should also move away from conversations about the "legal" force of UNSC resolutions, as this may be beyond the Trainer's area of expertise. If participants want more information about the Security Council or UN structure in general, it is recommended that after the training, they visit www.un.org
- The essential point to make is that as member states of the UN, all states are obligated to uphold resolutions of the Security Council, and that the SC is the most powerful body in the United Nations.
- The Security Council resolutions have moral and political power. However, international conventions have direct legal power and application among ratifying countries.
- So, the CEDAW provides the legal weight to enforce the principles of UNSC resolution 1325 – the principles of this resolution are also contained within the legally binding articles of the CEDAW.
- The Resolution is a "sexier" tool in that, as a product of the Security Council, among the public and politicians, there may be a greater general understanding of the moral and political force of the resolution, as opposed to the more complex knowledge required to understand how international conventions apply to national contexts.
- UNSC resolution 1325 is the first resolution which specifically targets the impact of conflict on women and the role women can and should play in peace, reconciliation and reconstruction.
- As per para 16 of the Resolution, UNIFEM, in coordination with other UN agencies, conducted an "independent experts assessment" of women, war and peace in 2001.

- Important to distinguish the reporting process of the Resolution from that of the CEDAW. Once a year, the Secretary General reports on the implementation of UNSC resolution 1325. UN agencies are generally given opportunities to provide inputs into this reporting process. The report is quite short but tries, where possible, to be country specific. However, Para 17 of the resolution, appeals for the integration of gender issues into all reports on all Security Council resolutions.
- NGO involvement in Resolutions – the Arria Formula - When representing his country on the Security Council, Ambassador Arria of Venezuela, through inviting members to gather over coffee in the Delegates Lounge to hear the views of a Bosnian priest in 1993, created what has become known as the Arria Formula, an informal exchange between Council members and NGOs.
- The Arria Formula has been used more regularly since 1999 to provide expertise and testimony on thematic issues taken up by the Council, in particular on humanitarian issues, the Protection of Civilians in Armed Conflict, Children and Armed Conflict and more recently on Women, Peace and Security.
- The President of the Council does not chair Arria Formula meetings, which must take place outside the Council chamber and are strictly off-the-record and unofficial. Usually a UN agency or department works with the delegation chairing the meeting to approve the list of NGO speakers, and particularly to get clearance from Security Council members on the country situations they will speak about.
- In 2000, the Arria Formula evolved to allow other Member States to attend on the condition that they wrote to the President of the Council asking for permission to attend⁴².
- On International Women’s Day in 2000 Ambassador Chowdhury of Bangladesh issued a Security Council Presidential Statement, which acknowledged for the first time the role of women in peace processes.
- Soon afterwards, and encouraged by Ambassador Chowdhury, the NGO Working Group on Women and International Peace and Security came together to push the Security Council to hold a thematic debate on the role of women in international peace and security. After holding an Arria Formula meeting with NGOs and an open debate, the Council passed resolution 1325 on Women, Peace and Security on 31 October 2000.
- The Arria Formula meeting on 23 October 2000 prior to the open session of the Security Council on Women, Peace and Security gave representatives of women’s NGOs from Sierra Leone, Guatemala, Somalia and Tanzania a chance to explain their work, demonstrate their competence and submit their recommendations on a large number of issues⁴³.
- Thus, 1325 can be seen as a result of NGO consultation, in addition to strong lobbying on the part of UN member states and concerned UN agencies.

Exercise #1 – Procedure – 35 Minutes

- Trainer gives the above lecture;
- Ask participants to read over the summary of UNSC resolution 1325 – Handout #11;
- Divide participants into small groups and have them review the Summary of 1325 below – ask each group to identify two to three areas in the Resolution which they feel are priorities for their community/country. In the plenary, the Trainer should have each group list these priorities. The Trainer should write these down on a Flip Chart and put on the wall with the priorities listed in Session 3 and Session 4 in Day 1 (which were reviewed at the start of Session 6).

⁴² Extracts from “NGO perspectives: NGOs and the Security Council” by Felicity Hill, in “NGOs as Partners: Assessing the Impact, Recognising the Potential” 2002.

⁴³ Extracts from “NGO perspectives: NGOs and the Security Council” by Felicity Hill, in “NGOs as Partners: Assessing the Impact, Recognising the Potential” 2002.

- The groups should each then discuss the relevance of these para in 1325 and how/if they have been applied in their communities/countries, and if not, why? If so, what has worked and what has not?
- Trainer should encourage reflection on those points which relate to gender justice (rule of law, good governance) and women's political participation;
- Ask each group to present the findings of their discussions.

Summary of UN Security Council resolution 1325 On Women, Peace and Security. In the 18 point resolution, the Security Council:

- Urges member states to ensure increased representation of women at all decision-making levels.
- Encourages the Secretary General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes.
- Urges the Secretary General to appoint more women as special representatives and envoys.
- Urges the Secretary General to expand the role and contributions of women in UN field-based operations, including among military observers, civilian police, human rights and humanitarian personnel.
- Requests the Secretary General to provide training guidelines and materials on the protection, rights and particular needs of women.
- Urges member states to increase their voluntary financial, technical and logistical support for gender sensitive training efforts.
- Calls upon all parties in armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians.
- Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.
- Emphasizes the responsibilities of all states to put an end to impunity and to prosecute those responsible for genocide crimes, including those related to sexual and other forms of violence against women and girls.
- Calls upon all parties to armed conflict to respect the civilian and humanitarian characters of refugee camps and settlements with particular attention to women's and girls' special needs.
- Invites the Secretary General to carry out a study to be presented to the Security Council on the impact of armed conflict on women and girls, the role of women in peace-building, the gender dimensions of peace processes and conflict resolution, and progress on gender mainstreaming throughout peacekeeping missions.

Session 6

(INTRODUCTORY LEVEL) - Part 1 -
Applying CEDAW and UNSC resolution
1325 in Local context - 2 ½ Hours
(If not doing Session 8 - If doing
session 8, then should be 1 ½ Hours)



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Note To Trainers: The final session of the day (“Session 8 – Creating an Agenda for Advocating Around Gender Justice and Participation on Post-Conflict”) may not be particularly relevant to the Introductory Level Training, particularly if there is a high level of decision-makers/government representatives among the participants. This is an assessment which the Trainers must make at the start of Day Two. If it is determined that Session 8 is un-necessary, then the Trainer should:

- Allow for longer discussions in plenary in Session 6 and Session 7;
- Allow for more time in the Role Play in Session 6 – this is particularly important if there is a mix of decision-makers and civil society/activists jointly participating, as the Role Play will be much more powerful for them.

Overall Objectives

- Review linkages between CEDAW and UNSC resolution 1325, with particular focus on those priorities identified in Day One;
- Exploring how CEDAW and UNSC resolution 1325 can jointly be applied to the national/local context.

UNSC resolution 1325 In-depth – 1 Hour and 15 Minutes (Unless doing Session 8 – then 45 Minutes)

Background Notes – 20 Minutes (if not doing Session 8)

- Give a mini-presentation on the application of CEDAW and UNSC resolution 1325 explaining how each tool reinforces the other, using below text. Separate the presentation by following subtopics:
 - Extending responsibility for gender equality to all actors;
 - Interpreting SC resolution 1325 with guidance from the CEDAW on how to achieve gender equality;
 - Applying the standards in the CEDAW and UNSC resolution 1325;
- SC resolution 1325 and CEDAW are standards that work to promote gender equality. Each tool can be used to expand the reach of the other, ultimately enhancing their use and impact.
- UNSC resolution 1325 can be used to enlarge the scope of CEDAW, making it relevant to all participants (including non-state actors – which are particularly relevant in situations of un-recognised/ de facto authorities) and all aspects of conflict and peace.
- At the same time, CEDAW can increase the impact of SC resolution 1325 by detailing the concrete strategies that need to be taken by governments and others to meet its requirements. In this way, these standards should be used together to broaden, strengthen and operationalize gender equality in the context of conflict, peace-building and post-conflict reconstruction.

Extending responsibility for gender equality to all actors

- The broad reach of SC resolution 1325 provides a critical tool to enlarge the scope of CEDAW’s obligations. As a human rights convention, CEDAW applies only to states, and narrowly to those states that are parties to the Convention. However, states engaged in conflict have sometimes not ratified CEDAW and non-state actors, such as un-recognised authorities/ de facto authorities and armed groups, are often directly responsible for the violations of women’s human rights.

- However, SC resolution 1325 demands that all actors engaged in every stage of conflict, peace negotiations and post-conflict reconstruction protect and respect women’s human rights and are responsible and accountable to the international law applicable to the rights of women and girls.
- Through SC resolution 1325, CEDAW can be applied to states that are not a party to CEDAW. Moreover, it reaches beyond governance bodies to all groups participating in the conflict, such as independent armed groups, militias and paramilitaries.
- SC resolution 1325 also specifically addresses the peacekeeping context and the role of the United Nations and the international community within this.
- By doing so, the Security Council raises the standards of gender equality and women’s human rights, broadens their application and makes them central to maintaining peace and security.

Interpreting SC resolution 1325 through CEDAW guidance on achieving gender equality

- While SC resolution 1325 provides a political framework and outlines specific goals for making women’s participation and a gender perspective relevant to all aspects of conflict prevention, management and resolution, it does not provide substantial normative or operational guidance to ensure that these goals are met.
- CEDAW can offer entry points, specific steps and guidance to meet these obligations.
- CEDAW explains what discrimination against women is and how to eliminate it. It defines the ways in which discrimination works to disadvantage women in all aspects of life, including within the peace and security context. It addresses the consequences of discrimination, such as violence against women that perpetuate their vulnerability.
- CEDAW challenges discriminatory perceptions of the value, roles and responsibilities attributed to men and women in society and the unequal exercise of power based on these relationships.
- For example, where SC resolution 1325 demands women’s increased participation, CEDAW sets out specific measures to overcome the cultural, structural and economic factors that impede the realization of this goal.
- As a result, implementing the measures required by CEDAW can result in the achievement of the goals outlined in SC resolution 1325.

Applying the standards

- The powerful impact of these standards lies in knowing how to apply them to the experiences of women in situations of conflict and post-conflict reconstruction in order to promote gender equality. For each of the stages involved in conflict management, resolution and transition, there is a direct link with the standards laid out in SC resolution 1325 and CEDAW as well as advice on ways to meet the standards, indicated by CEDAW and its Committee’s General Recommendations.”

Exercise #1 – Procedure – Group Work on CEDAW/1325 – 55 Minutes (If not doing Session 8).

- Depending on the capacity of the group, the Trainer can either divide the plenary into four separate working groups – each of whom deals with one of the handouts below – or instead, the Trainer can select one to two of the most relevant Handouts and break the groups down accordingly.

- The Groups have the following tasks:
 - The working groups should discuss the priorities identified in the previous sessions on CEDAW, National Mechanisms and UNSC resolution 1325, and discuss how UNSC resolution 1325 and CEDAW can be used together to advance these priority areas.
 - The working groups then should read the Handout assigned to their group and brainstorm within their group about how the issues outlined in the Handout are relevant and how they can be applied to their national/local/regional context.
 - Each working group must then prepare a presentation to:
 - a) Explain each topic in their own words to the plenary;
 - b) Prioritize 3-4 standards applicable for local context and explain the significance and feasibility of those standards.
 - c) What are the challenges governments face in applying the standards? How can these be overcome? How can these be applied at the local level?
 - d) Trainer should write down prioritized points on the flip chart for later activities. Ask the plenary to indicate what they agree with from the group discussions, and what they don't agree with.

Handout #10 - Information on women and conflict, and mechanisms for conflict prevention and enhanced protection

- Information and documentation on violence against women is critical for a number of reasons. Increased levels of such violence, including sexual violence and forced labour, may serve as indicators for early warning efforts. International humanitarian law (the Geneva Conventions and Protocols), which applies in times of international and internal armed conflict, legally binds states and armed groups to provide protection of women and girl children civilians.
- International human rights law, such as CEDAW, is also applicable during conflict (with some very narrow exceptions) and makes states responsible for the protection and promotion of individuals' human rights.
- The International Criminal Court has been established to try persons for genocide, crimes against humanity and war crimes, including those related to violence against women.
- Documentation of gender-based violence is necessary for ensuring accountability for violations of the humanitarian laws and gross violations of human rights, as well as for formulating effective protection and response measures.
- Women, children and the elderly make up the majority of populations fleeing from violence, ending up in displaced persons' camps that can harbour more dangers for women.
- Conflict impacts access to basic survival needs, and with men often more likely to be engaging in war, women are often left with increased burdens of ensuring the survival of themselves, their children and the elderly.
- The need to travel great distances for food, fuel and water often significantly impacts women's health and exposes them to further violence.
- While an unequal division of domestic labour is not unique to wartime, inequalities in the control and distribution of resources and aid can leave women and girls desperate to meet their needs and can thereby expose them to sexual exploitation and abuse in order to secure resources.
- Settlements and camps may lack security to protect women and girls from armed forces and exploitation by law enforcement or other authorities in host countries.
- Health services for displaced persons are often inadequate to address women's and girls' particular needs, such as during pregnancy and breastfeeding, or treatment for wounds, injuries and psychological damage resulting from their experiences of violence in war.

Applying the standards

- SC resolution 1325 demands that all parties to conflict respect fully international law applicable to the rights and protection of women and girls and that they take special measures to ensure women's and girls' protection from all forms of gender-based violence.
- Understood in its broadest sense, gender-based violence includes physical, sexual, psychological, economic or socio-cultural harm that is a result of gendered power inequities between men and women.
- CEDAW outlines ways to meet the commitments to protection and response to violence in SC resolution 1325.
- It provides insight into the types of measures needed to protect against and address violence against women, including trafficking and sexual exploitation.
- In order to be able to effectively combat and protect against violence, CEDAW mandates the documentation of incidences of all kinds of violence against women.

SC resolution 1325 calls upon all parties to armed conflict to:

- Respect fully international law applicable to the rights and protection of women and girls and bear in mind the relevant provisions of the Rome Statute of the International Criminal Court (Para. 9).
- Take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict (Para. 10).

CEDAW requires States parties to:

- Collect data on the extent, causes and effects of violence, and the effectiveness of measures to prevent and deal with violence (Gen. Rec. 19).
- Take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including legislation which incorporates penal sanctions, practical protective measures, such as shelters and counseling, and preventative measures (Gen. Rec. 19).
- Suppress all forms of traffic in women and exploitation of prostitution (Art. 6). (Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.)
- Conduct public awareness campaigns on attitudes, stereotypes and prejudices that perpetuate violence against women (Gen. Rec. 19).

Handout #11 - Displacement

- With regard to displacement, SC resolution 1325 stresses the protection of settlements and camps and consideration of the special needs of women and girls during displacement.
- CEDAW details the special needs of women in armed conflict and displacement in regard to their health and well-being and requires the provision of adequate services particular to women, including in connection to HIV/AIDS.

SC resolution 1325 calls upon all parties to armed conflict to:

- Respect the civilian and humanitarian character of refugee camps and settlements (Para. 10).
- Take into account the special needs of women and girls in refugee camp and settlements, including in their design (Para. 10).

CEDAW requires States parties to:

- Give special attention to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as refugee and internally displaced women, the girl child and older women, women in prostitution and women with physical and mental disabilities (Gen. Rec. 24).
- Provide adequate protection and health services, including trauma treatment and counseling, for women trapped in situations of armed conflict and women refugees (Gen. Rec. 24).
- Ensure appropriate services in connection with pregnancy, confinement and the post-natal period (Art. 12 (2)/Gen. Rec. 24).
- Ensure adequate nutrition during pregnancy and lactation (Art. 12 (2)/Gen. Rec. 24).
- Provide sexual health information, education and services to women and girls, including those who have been trafficked (Gen. Rec. 24).
- Pay special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in societies which make them especially vulnerable to HIV infection (Gen. Rec. 15).
- Disseminate information to increase awareness of the risk of HIV/AIDS, especially in women and children, and the effects on them (Gen. Rec. 15).

Handout #12 - Organizing for peace

- Organizing for peace can be a long, complex and difficult process. Women are often engaged in peace-building activities at the grassroots and community levels, reaching across ethnic and political divides to build mutual understanding and reconciliation and form shared goals for peace.
- Women often have particular insight into the consequences of conflict on families and communities, and knowledge about the steps needed to reconstruct these societal structures.
- They are, however, rarely involved in formal peace negotiations despite the burdens they carry during conflict, the suffering they endure and their personal interest in ensuring peace.
- Seats at the formal negotiating table are usually reserved for armed factions and governments, and even where women are members of these groups, they are under-represented in negotiations. Even at the international level, women remain underrepresented in peace negotiation delegations, including as envoys and facilitators.
- Ensuring enough seats for women to make an impact in the peace process has proven challenging as a result of gender discrimination and its consequences.
- The media often perpetuates negative stereotypes and traditional conceptions about women's capacities, highlighting their victimization rather than their capacity for unique contributions to bring about positive change.
- Peace negotiations are not merely about ending hostilities and disarmament; they also involve elements of planning for post-conflict reconstruction.
- As such, they present unique opportunities to effect the transformation of society and ensure that it is undertaken in a way that promotes women's equal enjoyment of benefits and improves the situation of women and their families.
- In order for women to fully participate in organizing for peace, they require support for early mobilization, skills and resources, space to coordinate and develop their agendas and access to decision-makers.

Applying the standards

- SC resolution 1325 calls for increased representation of women in decision-making in the institutions and mechanisms involved in resolution of conflict and the inclusion of measures that support local women's peace initiatives and indigenous processes.
- It commits the Security Council to consult with women's groups in conflict and post-conflict states. These recommendations are reinforced by obligations set out in CEDAW.
- Moreover, CEDAW details the specific measures that should be taken to reach these goals, in particular to ensure women's full involvement in political processes, such as peace negotiations, and in the formulation and implementation of policy, including during the resolution of conflict.
- CEDAW further addresses the underlying causes of women's disadvantage in accessing and effectively participating in peace processes and provides concrete strategies for overcoming obstacles to women's participation.

SC resolution 1325 includes provisions that:

- Call on States to increase representation of women in decision-making in the institutions and mechanism involved in resolution of conflict (Para. 1).
- Call on all actors involved to integrate measures that support local women's peace initiatives and indigenous processes for conflict resolution into peace negotiations (Para. 8(b)).

CEDAW requires that States party:

- Use special measures, such as quotas and reserved seats, to ensure at least a critical mass of 30-35% of women in political processes at national and international levels (Art. 7, 8/ Gen Rec. 23).
- Use measures, such as enhancing resources, special trainings and education, and other steps necessary to compensate for past discrimination and accelerate women's equality in practice (Art. 3,4(1), Gen. Rec. 5).
- Take measures to eliminate social and cultural patterns of conduct that disadvantage women (Art. 5(a)/Gen. Rec. 3).
- Initiate public education and information campaigns, including by mass media, targeted at stereotypes and prejudices that discourage women's involvement in politics and public life (Gen. Rec. 23/3).
- Consult with women groups on the development and implementation of all policy and programming (Art. 7(c)/ Gen. Rec. 23).

Handout #13 - Rehabilitation, reintegration and reconstruction

- As they emerge from conflict and large-scale destruction, societies face considerable challenges in laying the groundwork for transformation to peace time.
- Return and resettlement of displaced populations and the demobilization and reintegration of combatants have particular consequences for women. They often face complex forms of discrimination, based on gender as well as ethnicity, identification with armed groups or blame for sexual violence and forced pregnancies.
- Such discrimination leaves them marginalized by resettlement and related processes, such as land reallocation and resource distribution, and disarmament, demobilization and reintegration (DDR) processes.
- Successful DDR of former combatants, including collecting weapons, disbanding groups, ensuring services to fighters and assisting them in pursuing alternative livelihoods, is a critical aspect of consolidating peace.
- DDR processes often ignore women's roles within armed groups as combatants, supporters and dependents, be they involuntary or voluntary. The different experiences of women in conflict, as well as women's and men's different opportunities and capacities within post-conflict society, result in women and men having distinct needs in DDR processes.
- Where DDR fails to sufficiently address the psychosocial needs of male ex-combatants, demobilization can have severe consequences for women, including an increase in domestic violence and gender-based violence as traumatized and violence ex-combatants return to communities.
- Women often have particular insight into the needs of families and communities during reintegration and they require recognition of and support to their DDR-related activities, such as care giving for injured, traumatized, HIV-infected or underage combatants.
- Upon return or in reintegration, communities face a lack of services, fees for services, broken infrastructure and destroyed natural resources. Under these circumstances, women's domestic, care giving, subsistence and agricultural work burdens multiply, as they shoulder the responsibility for tilling land, water and fuel collection, cooking, making clothing and more.
- This increases their vulnerability to ill health and compromises their reproductive well-being, indicated by the high maternal mortality rates in these environments.
- In addition, provision of food, fuel and water often makes women more vulnerable to attack as they leave settlements and camps to procure basic services.
- Although all women are affected by lack of health and education services, water, electricity and transportation, certain groups of women, such as female-headed households, ex-combatants, returnees and IDPs, minorities and women with disabilities, are hit hardest.
- These factors also expose women as subsistence providers to their families to dangers of antipersonnel mines and violence and the consequences of lack of treatment and care.
- However, the restoration of basic services, particularly to rural and isolated communities, often takes a back seat to other types of socio-economic reconstruction priorities.

Applying the standards

- SC resolution 1325 calls for the incorporation of a gender perspective, including consideration of the special needs of women and girls, during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.

- In particular, it emphasizes this in the planning for DDR programmes and calls for women's participation in mechanisms developed as a part of peace agreements.
- The special needs of women in these contexts are described by CEDAW, which provides guidance on measures needed to meet the special needs of women and girls in reconstruction, particularly for rural women, in the areas of education, health and access to basic services and resources, and mandates women's participation in political processes used to address these.

SC resolution 1325 includes the following recommendations:

- All actors involved should take into account the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction (para. 8(a)).
- All actors involved should ensure women's participation in the implementation of the mechanisms of peace agreements (Para. 8(b)).
- Member States should increase women's participation in decision-making in the institutions and mechanisms of conflict resolution at the international, regional and national level (Para. 1).

CEDAW requires States parties to:

- Take into account the particular problems faced by rural women, including the significant roles which they play in the economic survival of their families (Art. 14 (1)).
- Eliminate discrimination against women to ensure equal rights between women and men in education (Art. 10) and in particular for rural women to obtain all types of training and education, formal and non-formal, including that relating to functional literacy (Art. 14).
- Ensure rural women enjoy adequate living conditions, especially in relation to housing, sanitation, electricity and water supply, and transport and communications (Art. 14(2)(h)).
- Provide rural women equal access to agricultural credit and loans, marketing facilities and technology (Art. 14(2)(g)).
- Eliminate discrimination against women in the field of health care, to ensure equal access to health care services, including those related to family planning and safe motherhood and emergency obstetrics (Art. 12).
- Ensure that rural women have access to adequate health care facilities, including information, counseling and services in family planning (Art. 14(2)(b)).
- Implement special measures to ensure that women with disabilities have equal access to health services (Gen. Rec. 18) and that services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity (Gen. Rec. 24).
- Incorporate a gender perspective in health care policy and engage in broad consultation with women's groups (Gen. Rec. 24).
- Ensure rural women's right to participate in the elaboration and implementation of development planning at all levels and in community activities (Art. 14(2) (a)(f)).
- Ensure women's right to participate in the formulation of government policy and its implementation (Art. 7(b)).

Women's Participation – Applying CEDAW and UNSC resolution 1325 - 1 Hour and 15 Minutes (Unless doing Session 8 – Then should be 45 Minutes)

Objectives:

- To illustrate the challenges women face in trying to penetrate a decision-making process, using CEDAW and UNSC resolution 1325.

Background Notes – 5 Minutes:

- A core principle of UNSC resolution 1325 is that women are not just victims of war, but that they should be/and are active players in bringing about a lasting and sustainable peace. Their voices must be heard for two reasons:
 - Women are full and equal citizens and therefore, should have equal access and participation in any peace-building/reconstruction processes; and
 - Due to the different gender roles and traditions, war and subsequent peace processes and reconstruction processes impact women and young girls differently.
- In order for any peace process to endure, or for a reconstruction and rehabilitation programme to have sufficient and long-term impact, women's voices, concerns and priorities must be included.
- UNSC resolution 1325 recognises the importance of women as political and community actors in ensuring sustainable and lasting peace in any conflict.
- Participants are to discuss how their NGOs have used UNSC resolution 1325 to advance women's participation in local and national decision-making? Are there opportunities to do so?

Exercise #2 – Procedure – Women in Peace Negotiations – A Role Play – 1 Hour and 10 Minutes

- The Trainer is to present the "Background" and then explain the proposed Role Play exercise;
 - A group of representatives (comprised only of men) of different political parties have gathered together to prepare a strategy for an upcoming peace negotiation.
 - This process started two years ago when political party leaders overcame rivalries and established a negotiation group from representatives from each of their parties. Together, the negotiation group worked out a plan and key points for upcoming peace negotiations.
- Then Trainer should divide the large group into three small groups - one representing the "Peace Negotiation Team" comprised of only "men"; one representing a group of "gender equality advocates", comprised largely of "women"; and the third are to be the "International Observers" who will observe the internal discussions and strategizing on the part of the first two groups, and will also observe the overall debate between the two groups. The "International Observers" will present their findings and observations at the end of the Exercise.
- The Trainer should then explain the objective of the exercise. The objective of this exercise is to put advocates from civil society into situations where he/she will have to a) convince the Peace Negotiation Team to advocate for a core gender equality issue relevant to conflict/post-conflict context; b) for the inclusion of gender equality advocates within the Peace Negotiation Team and c) agree to the agenda (what issues to be discussed) of the formal negotiations;
- Give secret notes (below) to each group and allow them 20 minutes to prepare for their upcoming meeting.

- Before beginning the internal group work, the participants are to decide if negotiations are “high level” or “middle level” negotiations and adjust their strategies/approaches accordingly.
- After the Role Play, have a discussion in plenary about the “Constraints” to women’s political participation. Discussion points to guide this discussion:
 - Ask participants to list the types of constraints to women’s participation. Come to the constraints listed below through group discussion.
 - Male negotiators may exclude women intentionally. In other cases, women do not participate in formal peace talks for unintentional reasons. In the Somali peace talks of 2003 for example, women’s groups simply did not have enough money to send representatives to the peace talks that continued over many months. The list below details both the intentional and unintentional exclusion of women from peace talks.
- **Political Constraints:**
 - Participants at peace talks may be composed only of the “warring parties” and women may be excluded from fighting or deliberately choose not to participate in the fighting.
 - In peace talks that do include civil society actors in addition to the warring parties, participants may be representatives of different civil society organizations. If women are not organized into women’s groups, they may be excluded because they are not chosen as representatives from civil society. Additionally, those members of civil society that are closely aligned with political parties may be selected to participate.
 - Women may not be organized into groups that can send representatives to the peace talks.
- **Cultural Constraints:**
 - Women may be confined to the home and prohibited from using or developing leadership capacity during times of war or peace. Women’s exclusion from peace talks may reflect on social norms that restrict women from all forms of political process.
 - Men may actively exclude women from peace talks because women are often stereotyped as “too emotional” and not able to think rationally.
 - Women’s involvement in politics is sometimes seen as a direct threat to culture and tradition.
 - Women’s involvement is thought to make women more vulnerable by exposing them to potentially dangerous situations.
 - While new roles may be accepted during crises, after the fighting is over and official peace processes begin, women may be encouraged to return to their traditional roles.
 - Women may be threatened because of their involvement in politics.
 - Women may lack the political experience to know how to become involved in official peace processes.
- **Economic Constraints:**
 - Women often lack the economic resources to mobilize themselves to participate in peace processes.
 - Women’s groups may not have the funding to send representatives to take part in the formal peace talks.
- **Questions to ask participants during “Constraints” Discussion:**
 - What are the challenges to increasing women’s voice at the peace table and in times of reconstruction?
 - What specific stereotypes or traditions in your country limit society’s understanding of the impact conflict has had on women and young girls in your country (emotional, physical, economic, social)?
 - What strategies have you or your organization used to advance women’s participation in decision-making; and to advance greater understanding of the impact of conflict and peace on women?

- What experiences from other countries do you think would be relevant to this national context?
- What entry points are there – through media, schools, youth, religious institutions, local governance and national government – for civil society to impact the peace and reconstruction processes in your country?
- Time breakdown of Exercise #2 – Role Play:
 - 10 Minutes for Trainer to explain the process of Role Play;
 - 20 Minutes should be allocated for preparation of each group in the Role Play;
 - 20 Minutes should be allocated for the negotiation process. Note to Trainer – it is important to limit this time strictly as will be easy to go over as discussion will get very lively and interesting. Important that participants realize they have very limited time;
 - 5 Minutes to be allocate to the “International Observers” so that they can present their findings and observations to the plenary;
 - 15 Minutes for a Plenary discussion afterwards about the “Constraints” gender equality advocates face in such situations.

Handout #14- "Secret notes for the "Gender Equality Advocates" group.

Your task is to persuade the "peace negotiation team" to advocate for some core gender equality/women's human rights issues within the peace negotiation process – these issues must be relevant to conflict/post-conflict context; and to negotiate for the inclusion of two gender equality advocates within the Peace Negotiation Team. Taking into account the level of the peace negotiation team, your task is to establish and maintain a positive relationship with Team during the upcoming meeting. Regardless of what they say, this positive relationship must be maintained to ensure continued access to the Team and to get a commitment from the Team that they will allow two women on the Team.

Handout #15 - Secret notes for the "Peace Negotiation Team"

It is a crisis situation and a resolution to the tensions needs to be reached as soon as possible. It took a while for the Team to come together, to analyze the situation, to prepare a strategy and come up with ideas which you believe is the best at this moment to resolve/prevent the conflict. The upcoming negotiations are important for your country since it is the first time that a consensus has been reached in country between different political parties over a common interest.

However, the priorities you are negotiation for do not address some key concerns among gender equality advocates, and further, there is no female representation in the Peace Negotiation Team, despite the active women's movement in your country. Additionally, the power struggle between parties represented in the Team make for a delicate situation which must constantly be monitored.

During the discussion with the "women" your task is to "attack" the group for hindering you in finishing the mission of negotiations.

Handout #16 – Secret Notes for International Observers

You are independent and impartial international observers sent in by Organisation X to monitor civil society's engagement in the Peace Negotiation process. You are tasked with observing the internal discussions of the "Peace Negotiation Team" and the "Gender Equality Advocates" group. In your observations, you should note the strategies each group discusses internally, and how/if they successfully apply these strategies in the actual negotiation. You should be noting both sides' capacity to identify core issues and strategic actions to take to fulfill their tasks and their ability to come together as a unified team. During the actual negotiations, you should take note to see how the internal discussions are integrated into the actual negotiations; what each party does correct/incorrectly when advocating/negotiating; and what each could have done better to achieve their stated goals, etc.

The International Observer group is allowed to see the "secret" notes of the other two groups.

Session 6

(INTERMEDIATE LEVEL) -
Part 1 - Applying CEDAW and
UNSC resolution 1325
in Local context - 2 Hours



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Overall Objectives

- Review the linkages between CEDAW and UNSCR 1325, with particular focus on national/local priorities already identified in earlier sessions;
- Exploring how CEDAW and UNSC resolution 1325 can jointly be applied to the local context.

UNSC Resolution 1325 In-depth – 45 Minutes

Objectives:

- To conduct an in-depth review of the linkages between CEDAW and UNSC resolution 1325.

Background Notes – 15 Minutes

- Important to pay attention to visualization throughout Part 1 and Part 2.
- Give a mini-presentation on the application of CEDAW and UNSCR 1325 explaining how each tool reinforces the other using below text. Separate the presentation by following subtopics:
 - Extending responsibility for gender equality to all actors;
 - Interpreting SC resolution 1325 through CEDAW guidance on how to achieve gender equality;
 - Applying the standards;
- SC resolution 1325 and CEDAW are standards that work to promote gender equality. Each tool can be used to expand the reach of the other, ultimately enhancing their use and impact. SC resolution 1325 can be used to enlarge the scope of CEDAW, making it relevant to all participants (including non-state actors – which is particularly relevant in situations of unrecognised/ de facto authorities) and all aspects of conflict and peace.
- At the same time, CEDAW can increase the impact of SC resolution 1325 by detailing the concrete strategies that need to be taken by governments and others to meet its requirements. In this way, these standards should be used together to broaden, strengthen and operationalize gender equality in the context of conflict, peace-building and post-conflict reconstruction.

Extending responsibility for gender equality to all actors:

- The broad reach of SC resolution 1325 provides a critical tool to enlarge the scope of CEDAW's obligations. As a human rights convention, CEDAW applies only to states, and narrowly to those states that are parties to the Convention. However, states engaged in conflict have sometimes not ratified CEDAW and non-state actors, such as unrecognised authorities/ de facto authorities and armed groups, are often directly responsible for the violations of women's human rights.
- However, SC resolution 1325 demands that all actors engaged in every stage of conflict, peace negotiations and post-conflict reconstruction protect and respect women's human rights and are responsible and accountable to the international law applicable to the rights of women and girls.
- Through SC resolution 1325, CEDAW can be applied to states that are not a party to CEDAW. Moreover, it reaches beyond governance bodies to all groups participating in the conflict, such as independent armed groups, militias and paramilitaries.
- SC resolution 1325 also specifically addresses the peacekeeping context and the role of the United Nations and the international community within this.
- By doing so, the Security Council raises the standards of gender equality and women's human rights, broadens their application and makes them central to maintaining peace and security.

Interpreting SC resolution 1325 through CEDAW guidance on achieving gender equality:

- While SC resolution 1325 provides a political framework and outlines specific goals for making women's participation and a gender perspective relevant to all aspects of conflict prevention, management and resolution, it does not provide substantial normative or operational guidance to ensure that these goals are met.
- CEDAW can offer entry points, specific steps and guidance to meet these obligations.
- CEDAW explains what discrimination against women is and how to eliminate it. It defines the ways in which discrimination works to disadvantage women in all aspects of life, including within the peace and security context. It addresses the consequences of discrimination, such as violence against women that perpetuate their vulnerability.

- CEDAW challenges discriminatory perceptions of the value, roles and responsibilities attributed to men and women in society and the unequal exercise of power based on these relationships.
- For example, where SC resolution 1325 demands women's increased participation, CEDAW sets out specific measures to overcome the cultural, structural and economic factors that impede the realization of this goal.
- As a result, implementing the measures required by CEDAW can result in the achievement of the goals outlined in SC resolution 1325.

Applying the standards:

- The powerful impact of these standards lies in knowing how to apply them to the experiences of women in situations of conflict and post-conflict reconstruction in order to promote gender equality.
- For each of the stages involved in conflict management, resolution and transition, there is a direct link with the standards laid out in SC resolution 1325 and CEDAW as well as advice on ways to meet the standards, indicated by CEDAW and its Committee's General Recommendations.

Exercise #1 – Procedure – 30 Minutes:

- In this exercise, the participants are going to review four issues covered in CEDAW and UNSC resolution: Information on women and conflict, and mechanisms for conflict prevention and enhanced protection; Displacement; Organizing for peace; Rehabilitation, reintegration and reconstruction
- If there are not enough participants to divide into 4 working groups, the Trainer should select two to three of the above issues and divide the group accordingly.
- So, the Trainer should present the "Background" section and then break participants into separate working groups. Each group will get one of the 4 handouts below: *Handout#12 - Information on women and conflict, and mechanisms for conflict prevention and enhanced protection; Handout#13 - Displacement; Handout#14 - Organizing for peace; Handout#15 - Rehabilitation, reintegration and reconstruction.*
- Participants in each working group should read their assigned Handout and brainstorm about the current and/or possible application of these principles of CEDAW and UNSC resolution in their own community/country/region.
- Each group should then prepare a presentation which::
 - Explains/summarises the Handout and topic to the Plenary;
 - Prioritizes 3-4 standards for their community/country/region and explains the significance and feasibility of applying those standards in their community/country/region.
 - Provide examples of actions which would support implementation at the community/national/regional level.

Handout#12 - Information on women and conflict, and mechanisms for conflict prevention and enhanced protection

- Information and documentation on violence against women is critical for a number of reasons. Increased levels of such violence, including sexual violence and forced labour, may serve as indicators for early warning efforts.
- International humanitarian law (the Geneva Conventions and Protocols), which applies in times of international and internal armed conflict, legally binds states and armed groups to provide protection of women and girl children civilians.
- International human rights law, such as CEDAW, is also applicable during conflict (with some very narrow exceptions) and makes states responsible for the protection and promotion of individuals' human rights.
- Women, children and the elderly make up the majority of populations fleeing from violence, ending up in displaced persons' camps that can harbour more dangers for women. Conflict impacts access to basic survival needs, and with men often more likely to be engaging in war, women are often left with increased burdens of ensuring the survival of themselves, their children and the elderly. The need to travel great distances for food, fuel and water often significantly impacts women's health and exposes them to further violence.
- While an unequal division of domestic labour is not unique to wartime, inequalities in the control and distribution of resources and aid can leave women and girls desperate to meet their needs and can thereby expose them to sexual exploitation and abuse in order to secure resources.
- Settlements and camps may lack security to protect women and girls from armed forces and exploitation by law enforcement or other authorities in host countries.
- Health services for displaced persons are often inadequate to address women's and girls' particular needs, such as during pregnancy and breastfeeding, or treatment for wounds, injuries and psychological damage resulting from their experiences of violence in war.

Applying the standards

- SC resolution 1325 demands that all parties to conflict respect fully international law applicable to the rights and protection of women and girls and that they take special measures to ensure women's and girls' protection from all forms of gender-based violence.
- Understood in its broadest sense, gender-based violence includes physical, sexual, psychological, economic or socio-cultural harm that is a result of gendered power inequities between men and women.
- CEDAW outlines ways to meet the commitments to protection and response to violence in SC resolution 1325. It provides insight into the types of measures needed to protect against and address violence against women, including trafficking and sexual exploitation.
- In order to be able to effectively combat and protect against violence, CEDAW mandates the documentation of incidences of all kinds of violence against women.

SC resolution 1325 calls upon all parties to armed conflict to:

- Respect fully international law applicable to the rights and protection of women and girls and bear in mind the relevant provisions of the Rome Statute of the International Criminal Court (Para. 9).
- Take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict (Para. 10).

CEDAW requires States parties to:

- Collect data on the extent, causes and effects of violence, and the effectiveness of measures to prevent and deal with violence (Gen. Rec. 19).
- Take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including legislation which incorporates penal sanctions, practical protective measures, such as shelters and counseling, and preventative measures (Gen. Rec. 19).

- Suppress all forms of traffic in women and exploitation of prostitution (Art. 6). (Wars, armed conflicts and the occupation of territories often lead to increased prostitution, trafficking in women and sexual assault of women, which require specific protective and punitive measures.)
- Conduct public awareness campaigns on attitudes, stereotypes and prejudices that perpetuate violence against women (Gen. Rec. 19).

Handout#13 - Displacement

- With regard to displacement, SC resolution 1325 stresses the protection of settlements and camps and consideration of the special needs of women and girls during displacement. CEDAW details the special needs of women in armed conflict and displacement in regard to their health and well-being and requires the provision of adequate services particular to women, including in connection to HIV/AIDS.

SC resolution 1325 calls upon all parties to armed conflict to:

- Respect the civilian and humanitarian character of refugee camps and settlements (Para. 10).
- Take into account the special needs of women and girls in refugee camp and settlements, including in their design (Para. 10).

CEDAW requires States parties to:

- Give special attention to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as refugee and internally displaced women, the girl child and older women, women in prostitution and women with physical and mental disabilities (Gen. Rec. 24).
- Provide adequate protection and health services, including trauma treatment and counseling, for women trapped in situations of armed conflict and women refugees (Gen. Rec. 24).
- Ensure appropriate services in connection with pregnancy, confinement and the post-natal period (Art. 12 (2)/Gen. Rec. 24).
- Ensure adequate nutrition during pregnancy and lactation (Art. 12 (2)/Gen. Rec. 24).
- Provide sexual health information, education and services to women and girls, including those who have been trafficked (Gen. Rec. 24).
- Pay special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in societies which make them especially vulnerable to HIV infection (Gen. Rec. 15).
- Disseminate information to increase awareness of the risk of HIV/AIDS, especially in women and children, and the effects on them (Gen. Rec. 15).

Handout#14 - Organizing for peace

- Organizing for peace can be a long, complex and difficult process. Women are often engaged in peace-building activities at the grassroots and community levels, reaching across ethnic and political divides to build mutual understanding and reconciliation and form shared goals for peace.
- Women often have particular insight into the consequences of conflict on families and communities, and knowledge about the steps needed to reconstruct these societal structures. They are, however, rarely involved in formal peace negotiations despite the burdens they carry during conflict, the suffering they endure and their personal interest in ensuring peace.
- Seats at the formal negotiating table are usually reserved for armed factions and governments, and even where women are members of these groups, they are under-represented in negotiations.
- Even at the international level, women remain underrepresented in peace negotiation delegations, including as envoys and facilitators. Ensuring enough seats for women to make an impact in the peace process has proven challenging as a result of gender discrimination and its consequences.
- The media often perpetuates negative stereotypes and traditional conceptions about women's capacities, highlighting their victimization rather than their capacity for unique contributions to bring about positive change.
- Peace negotiations are not merely about ending hostilities and disarmament; they also involve elements of planning for post-conflict reconstruction. As such, they present unique opportunities to effect the transformation of society and ensure that it is undertaken in a way that promotes women's equal enjoyment of benefits and improves the situation of women and their families.
- In order for women to fully participate in organizing for peace, they require support for early mobilization, skills and resources, space to coordinate and develop their agendas and access to decision-makers.

Applying the standards

- SC resolution 1325 calls for increased representation of women in decision-making in the institutions and mechanisms involved in resolution of conflict and the inclusion of measures that support local women's peace initiatives and indigenous processes.
- It commits the Security Council to consult with women's groups in conflict and post-conflict states. These recommendations are reinforced by obligations set out in CEDAW.
- Moreover, CEDAW details the specific measures that should be taken to reach these goals, in particular to ensure women's full involvement in political processes, such as peace negotiations, and in the formulation and implementation of policy, including during the resolution of conflict.
- CEDAW further addresses the underlying causes of women's disadvantage in accessing and effectively participating in peace processes and provides concrete strategies for overcoming obstacles to women's participation.

SC resolution 1325 includes provisions that:

- Call on States to increase representation of women in decision-making in the institutions and mechanism involved in resolution of conflict (Para. 1).
- Call on all actors involved to integrate measures that support local women's peace initiatives and indigenous processes for conflict resolution into peace negotiations (Para. 8(b)).

CEDAW requires that States party:

- Use special measures, such as quotas and reserved seats, to ensure at least a critical mass of 30-35% of women in political processes at national and international levels (Art. 7, 8/ Gen Rec. 23).
- Use measures, such as enhancing resources, special trainings and education, and other steps necessary to compensate for past discrimination and accelerate women's equality in practice (Art. 3,4(1), Gen. Rec. 5).

- Take measures to eliminate social and cultural patterns of conduct that disadvantage women (Art. 5(a)/Gen. Rec. 3).
- Initiate public education and information campaigns, including by mass media, targeted at stereotypes and prejudices that discourage women's involvement in politics and public life (Gen. Rec. 23/3).
- Consult with women groups on the development and implementation of all policy and programming (Art. 7(c)/ Gen. Rec. 23).

- As they emerge from conflict and large-scale destruction, societies face considerable challenges in laying the groundwork for transformation to peace time. Return and resettlement of displaced populations and the demobilization and reintegration of combatants have particular consequences for women.
- They often face complex forms of discrimination, based on gender as well as ethnicity, identification with armed groups or blame for sexual violence and forced pregnancies.
- Such discrimination leaves them marginalized by resettlement and related processes, such as land reallocation and resource distribution, and disarmament, demobilization and reintegration (DDR) processes.
- Successful DDR of former combatants, including collecting weapons, disbanding groups, ensuring services to fighters and assisting them in pursuing alternative livelihoods, is a critical aspect of consolidating peace. DDR processes often ignore women's roles within armed groups as combatants, supporters and dependents, be they involuntary or voluntary.
- The different experiences of women in conflict, as well as women's and men's different opportunities and capacities within post-conflict society, result in women and men having distinct needs in DDR processes. Where DDR fails to sufficiently address the psychosocial needs of male ex-combatants, demobilization can have severe consequences for women, including an increase in domestic violence and gender-based violence as traumatized and violence ex-combatants return to communities.
- Women often have particular insight into the needs of families and communities during reintegration and they require recognition of and support to their DDR-related activities, such as care giving for injured, traumatized, HIV-infected or underage combatants.
- Upon return or in reintegration, communities face a lack of services, fees for services, broken infrastructure and destroyed natural resources. Under these circumstances, women's domestic, care giving, subsistence and agricultural work burdens multiply, as they shoulder the responsibility for tilling land, water and fuel collection, cooking, making clothing and more.
- This increases their vulnerability to ill health and compromises their reproductive well-being, indicated by the high maternal mortality rates in these environments.
- In addition, provision of food, fuel and water often makes women more vulnerable to attack as they leave settlements and camps to procure basic services.
- Although all women are affected by lack of health and education services, water, electricity and transportation, certain groups of women, such as female-headed households, ex-combatants, returnees and IDPs, minorities and women with disabilities, are hit hardest.
- These factors also expose women as subsistence providers to their families to dangers of antipersonnel mines and violence and the consequences of lack of treatment and care. However, the restoration of basic services, particularly to rural and isolated communities, often takes a back seat to other types of socio-economic reconstruction priorities.

Applying the standards

- SC resolution 1325 calls for the incorporation of a gender perspective, including consideration of the special needs of women and girls, during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.
- In particular, it emphasizes this in the planning for DDR programmes and calls for women's participation in mechanisms developed as a part of peace agreements.
- The special needs of women in these contexts are described by CEDAW, which provides guidance on measures needed to meet the special needs of women and girls in reconstruction, particularly for rural women, in the areas of education, health and access to basic services and resources, and mandates women's participation in political processes used to address these.

SC resolution 1325 includes the following recommendations:

- All actors involved should take into account the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction (para. 8(a)).

- All actors involved should ensure women's participation in the implementation of the mechanisms of peace agreements (Para. 8(b)).
- Member States should increase women's participation in decision-making in the institutions and mechanisms of conflict resolution at the international, regional and national level (Para. 1).

CEDAW requires States parties to:

- Take into account the particular problems faced by rural women, including the significant roles which they play in the economic survival of their families (Art. 14 (1)).
- Eliminate discrimination against women to ensure equal rights between women and men in education (Art. 10) and in particular for rural women to obtain all types of training and education, formal and non-formal, including that relating to functional literacy (Art. 14).
- Ensure rural women enjoy adequate living conditions, especially in relation to housing, sanitation, electricity and water supply, and transport and communications (Art. 14(2)(h)).
- Provide rural women equal access to agricultural credit and loans, marketing facilities and technology (Art. 14(2)(g)).
- Eliminate discrimination against women in the field of health care, to ensure equal access to health care services, including those related to family planning and safe motherhood and emergency obstetrics (Art. 12).
- Ensure that rural women have access to adequate health care facilities, including information, counseling and services in family planning (Art. 14(2)(b)).
- Implement special measures to ensure that women with disabilities have equal access to health services (Gen. Rec. 18) and that services are sensitive to the needs of women with disabilities and are respectful of their human rights and dignity (Gen. Rec. 24).
- Incorporate a gender perspective in health care policy and engage in broad consultation with women's groups (Gen. Rec. 24).
- Ensure rural women's right to participate in the elaboration and implementation of development planning at all levels and in community activities (Art. 14(2) (a)(f)).
- Ensure women's right to participate in the formulation of government policy and its implementation (Art. 7(b)).

Women's Participation – Applying CEDAW and UNSC resolution 1325 – 1 Hour and 15 Minutes

Objectives:

- To illustrate the challenges women face in trying to penetrate a decision-making process, using CEDAW and UNSC resolution 1325.

Background Notes – 5 Minutes:

- A core principle of UNSCR 1325 is that women are not just victims of war, but that they should be/and are active players in bringing about a lasting and sustainable peace.
- Women's voices must be heard for two reasons:
 - Women are full and equal citizens and therefore, should have equal access and participation in any peace-building/reconstruction processes; and
 - Due to the different gender roles and traditions, war and subsequent peace processes and reconstruction processes impact women and young girls differently.
- In order for any peace process to endure, or for a reconstruction and rehabilitation programme to have sufficient and long-term impact, women's voices, concerns and priorities must be included.
- UNSC resolution 1325 and CEDAW recognise the importance of women as political and community actors in ensuring sustainable and lasting peace in any conflict.
- Participants are to discuss how their NGOs have used UNSCR 1325 to advance women's participation in local and national decision-making? Are there opportunities to do so?

Exercise #2 – Women in Peace Negotiations – A Role Play – 1 Hour and 10 Minutes

- The Trainer is to present the "Background" and then explain the proposed Role Play exercise;
 - A group of representatives (comprised only of men) of different political parties have gathered together to prepare a strategy for an upcoming peace negotiation.
 - This process started two years ago when political party leaders overcame rivalries and established a negotiation group from representatives from each of their parties. Together, the negotiation group worked out a plan and key points for upcoming peace negotiations.
- Then Trainer should divide the large group into three small groups - one representing the "Peace Negotiation Team" comprised of only "men"; one representing a group of "gender equality advocates", comprised largely of "women"; and the third are to be the "International Observers" who will observe the internal discussions and strategizing on the part of the first two groups, and will also observe the overall debate between the two groups. The "International Observers" will present their findings and observations at the end of the Exercise.
- The Trainer should then explain the objective of the exercise. The objective of this exercise is to put advocates from civil society into situations where he/she will have to a) convince the Peace Negotiation Team to advocate for a core gender equality issue relevant to conflict/post-conflict context; b) for the inclusion of gender equality advocates within the Peace Negotiation Team and c) agree to the agenda (what issues to be discussed) of the formal negotiations;
- Give secret notes (below) to each group and allow them 20 minutes to prepare for their upcoming meeting.
- Before beginning the internal group work, the participants are to decide if negotiations are "high level" or "middle level" negotiations and adjust their strategies/approaches accordingly.

- After the Role Play, have a discussion in plenary about the “Constraints” to women’s political participation. Discussion points to guide this discussion:
 - Ask participants to list the types of constraints to women’s participation. Come to the constraints listed below through group discussion.
 - Male negotiators may exclude women intentionally. In other cases, women do not participate in formal peace talks for unintentional reasons. In the Somali peace talks of 2003 for example, women’s groups simply did not have enough money to send representatives to the peace talks that continued over many months. The list below details both the intentional and unintentional exclusion of women from peace talks.

- Political Constraints:
 - Participants at peace talks may be composed only of the “warring parties” and women may be excluded from fighting or deliberately choose not to participate in the fighting.
 - In peace talks that do include civil society actors in addition to the warring parties, participants may be representatives of different civil society organizations. If women are not organized into women’s groups, they may be excluded because they are not chosen as representatives from civil society. Additionally, those members of civil society that are closely aligned with political parties may be selected to participate.
 - Women may not be organized into groups that can send representatives to the peace talks.

- Cultural Constraints:
 - Women may be confined to the home and prohibited from using or developing leadership capacity during times of war or peace. Women’s exclusion from peace talks may reflect on social norms that restrict women from all forms of political process.
 - Men may actively exclude women from peace talks because women are often stereotyped as “too emotional” and not able to think rationally.
 - Women’s involvement in politics is sometimes seen as a direct threat to culture and tradition.
 - Women’s involvement is thought to make women more vulnerable by exposing them to potentially dangerous situations.
 - While new roles may be accepted during crises, after the fighting is over and official peace processes begin, women may be encouraged to return to their traditional roles.
 - Women may be threatened because of their involvement in politics.
 - Women may lack the political experience to know how to become involved in official peace processes.

- Economic Constraints:
 - Women often lack the economic resources to mobilize themselves to participate in peace processes.
 - Women’s groups may not have the funding to send representatives to take part in the formal peace talks.

- Questions to ask participants during “Constraints” Discussion:
 - What are the challenges to increasing women’s voice at the peace table and in times of reconstruction?
 - What specific stereotypes or traditions in your country limit society’s understanding of the impact conflict has had on women and young girls in your country (emotional, physical, economic, social)?
 - What strategies have you or your organization used to advance women’s participation in decision-making; and to advance greater understanding of the impact of conflict and peace on women?
 - What experiences from other countries do you think would be relevant to this national context?

- What entry points are there – through media, schools, youth, religious institutions, local governance and national government – for civil society to impact the peace and reconstruction processes in your country?
- Time breakdown of Exercise #2 – Role Play:
 - 10 Minutes for Trainer to explain the process of Role Play;
 - 20 Minutes should be allocated for preparation of each group in the Role Play;
 - 20 Minutes should be allocated for the negotiation process. Note to Trainer – it is important to limit this time strictly as will be easy to go over as discussion will get very lively and interesting. Important that participants realize they have very limited time;
 - 5 Minutes to be allocate to the “International Observers” so that they can present their findings and observations to the plenary;
 - 15 Minutes for a Plenary discussion afterwards about the “Constraints” gender equality advocates face in such situations.

Handout #16- "Secret notes for the "Gender Equality Advocates" group.

Your task is to persuade the "peace negotiation team" to advocate for some core gender equality/women's human rights issues within the peace negotiation process – these issues must be relevant to conflict/post-conflict context; and to negotiate for the inclusion of two gender equality advocates within the Peace Negotiation Team. Taking into account the level of the peace negotiation team, your task is to establish and maintain a positive relationship with Team during the upcoming meeting. Regardless of what they say, this positive relationship must be maintained to ensure continued access to the Team and to get a commitment from the Team that they will allow two women on the Team.

Handout #17 - Secret notes for the "Peace Negotiation Team"

It is a crisis situation and a resolution to the tensions needs to be reached as soon as possible. It took a while for the Team to come together, to analyze the situation, to prepare a strategy and come up with ideas which you believe is the best at this moment to resolve/prevent the conflict. The upcoming negotiations are important for your country since it is the first time that a consensus has been reached in country between different political parties over a common interest.

However, the priorities you are negotiation for do not address some key concerns among gender equality advocates, and further, there is no female representation in the Peace Negotiation Team, despite the active women's movement in your country. Additionally, the power struggle between parties represented in the Team make for a delicate situation which must constantly be monitored.

During the discussion with the "women" your task is to "attack" the group for hindering you in finishing the mission of negotiations.

Handout #18 - Secret Notes for International Observers

You are independent and impartial international observers sent in by Organisation X to monitor civil society's engagement in the Peace Negotiation process. You are tasked with observing the internal discussions of the "Peace Negotiation Team" and the "Gender Equality Advocates" group. In your observations, you should note the strategies each group discusses internally, and how/if they successfully apply these strategies in the actual negotiation. You should be noting both sides' capacity to identify core issues and strategic actions to take to fulfill their tasks and their ability to come together as a unified team. During the actual negotiations, you should take note to see how the internal discussions are integrated into the actual negotiations; what each party does correct/incorrectly when advocating/negotiating; and what each could have done better to achieve their stated goals, etc.

The International Observer group is allowed to see the "secret" notes of the other two groups.

Session 7

(INTRODUCTORY LEVEL) -
Part 2 - Applying CEDAW and
UNSC resolution 1325 in Local
context -1 Hour and 35 Minutes
(If not doing Session 8)



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Overall Objectives

- Understanding how the articles in CEDAW and UNSC resolution 1325 apply to the following:
 - Women's participation in public and political life
 - Gender Justice and legislating equality

Exercise #1 – Procedure - 1Hour

- Divide the participants in the three small groups.
- Each working group should get a different handout (There are 2 – Post conflict political participation; and Justice and legislation equality)
- Participants in each small group should read handouts and brainstorm about the importance of the issue to their country; if it is a frozen conflict, how these issues are/can be/or are not relevant in a “frozen” conflict context;
- Each group will need to prepare a presentation which:
 - Explains/summarises the handout and topic and explains how this is/is not relevant to their country/region/community;
 - List the standards which are priorities for your country and explain if/how it is possible to apply these standards in the context of participants' community/country/region. Also, discuss what measures, if any, have been taken to address these standards already.
 - What can civil society and government do to address these standards?
- The trainer should write down the prioritized points on the flip chart for later activities. Ask the larger group to identify what points they do and don't agree with and place on flip chart.

Handout #17 - Post-conflict political participation

- One of the common features of post-conflict reconstruction is the implementation of new political processes, such as elections, the establishment of new or reconfigured governance structures and the strengthening of civil society participation in public life.
- Elections can provide women with the chance to express newly developed political clout or can pose a risk to advances made by women during conflict and its aftermath.
- There are considerable obstacles to women's exercise of political expression in post-conflict environments, stemming from restricted mobility, less access to information and education, limited time due to work burdens, cultural norms dictating men's control over women's decisions and/or coercion and intimidation of family members and communities.
- During conflict, women often gain valuable and relevant leadership and organizing skills, which can be translated into policy-making roles in the post-conflict period.
- Women's organizing and cooperation during conflict usually result in the proliferation of women's civil society organizations post conflict. However, women and men have differential access to resources, education, formal political parties (often based on armed groups from the conflict) and the media.
- As a result, women candidates face particular challenges when running for elected office as well as direct discrimination and even reprisals for stepping out of traditional gender roles, even if non-traditional behaviour became the norm during wartime.
- It is critical that electoral commissions, institutions, laws, observation missions and complaints mechanisms involve women as active participants in their formulation and implementation as well as take into account the obstacles for and special needs of women as constituents and candidates in the political process.
- Elections and formulation of new governments provide citizens with the opportunity to choose the leaders who will make critical financial and policy decisions that impact their prospects for peace, security and development.
- Decisions by newly formed governments concerning the allocation of resources, development planning and legal and social policy-making have a substantial impact on the situation of women and can have a disproportionate and negative effect on them if their needs, perspectives, experiences and disadvantages are not properly taken into account.
- In post-conflict environments, surmounting barriers to women's full participation in political processes and their direct involvement in all aspects of decision-making are of vital importance to ensuring the foundations for meaningful democracy and the just and effective development of society.

Applying the Standards

- SC resolution 1325 calls for increasing women's participation in decision-making at the national level and the incorporation of a gender perspective, including measures for the protection of and respect for women's human rights concerning the electoral process in the implementation of peace agreements.
- These commitments have far-reaching implications, which are addressed in CEDAW. CEDAW also details the numerous steps that are needed in the area of women's equal participation in political and public life in order to ensure their enjoyment of these rights in practice – at both the National and local level. It further specifies the mechanisms needed to ensure the incorporation of a gender perspective in all aspects of government policy and programming.

SC resolution 1325

- Incorporate a gender perspective, including measures for the protection of and respect for women's human rights concerning the electoral system in the implementation of peace agreements (Para. 8 (c)).
- Increase women's participation in decision-making in the institutions and mechanisms of conflict resolution at the national level (Para. 1).

CEDAW

- Guarantee women the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies (Art. 7(a)).
- Use temporary special measures (setting numerical goals or quotas and providing financial assistance, special recruitment schemes and training to women candidates) to ensure an increase to critical mass in women's participation (Gen. Rec. 23).
- Ensure women's right to participate in non-governmental organizations and associations concerned with public life, including through incentives to political parties to ensure women's participation in their structures (Art. 7(c)/Gen. Rec. 23).
- Ensure women's right to participate in the formulation of government policy and its implementation and to hold all forms of public office (Art. 7(b)), including through appointment of women, where in government control, to senior positions, including in traditionally male-dominated fields (Gen. Rec. 23).
- Establish or strengthen a national women's machinery, including institutions and procedures, to provide advice on the impact on women of government policies, monitor the situation of women and formulate policies and strategies to eliminate discrimination (Gen. Rec. 6).
- Place women's machinery at a high level of government and provide with adequate resources, commitment and authority (Gen. Rec. 6).
- Support gender mainstreaming throughout government departments (Gen. Rec. 6).

Handout #18 -- Justice and legislating equality

- Ensuring that those responsible for serious crimes during conflict are brought to justice and reestablishing the rule of law are critical to the success of societal transformation to peace.
- The development of a constitutional framework, accountability mechanisms for past violations and legal and justice reform can form aspects of peace agreements or be mandated by post-conflict reconstruction needs.
- Without security, reconstruction efforts can be severely hampered and women are limited in their ability to participate in public life. They often experience a rise in gender-based violence, particularly in the area of domestic and sexual violence.
- A post-conflict vacuum in the rule of law provides an opportunity for criminal networks to flourish, placing women at increased risk of sexual exploitation and trafficking because of high levels of vulnerability and poverty.
- Impunity for violations against women committed during conflict impacts the security of women in the post-conflict environment, particularly where their former abusers remain in their communities.
- Mechanisms established to ensure accountability, such as special courts, truth commissions, vetting processes and reparations mechanisms, need to equally target violations committed against women and develop procedures and special measures to ensure women's effective participation not only as victims and witnesses but also as judges, commissioners and legal and justice policy-makers.
- Impunity for gender-related crimes that continues post conflict is often the result of a failure of the applicable law to include crimes that constitute violence against women, failure of the legal system to investigate, prosecute and punish criminal conduct against women due to gender bias, and underreporting by women due to barriers in their access to justice.
- Without health services, shelters and support mechanisms, women take considerable risk of retribution in reporting violence against them to authorities, particularly in rural areas or isolated communities.
- The impact of legal inequality and discrimination against women reaches beyond security to have a negative impact on women's ability to ensure their own and their families' well-being and their personal empowerment in post-conflict environments.
- With higher mortality rates among young men during conflict, women are often solely responsible for subsistence activities and for agricultural production in addition to their considerable domestic and care-giving tasks.
- Restrictions on women's ownership of land, as well as legal capacity to enter contracts, severely limit their productivity and ability to leverage economic resources, such as credit and loans.
- In urban environments, financial needs motivate many women to seek employment outside the home, where they receive less pay and fewer benefits than men in the formal workforce or opportunities limited to informal work, void of labour protections.
- Enhanced work burdens combined with unequal gender distribution of household labour limit women's opportunities to engage in productive activities, such as education and political participation.

Applying the standards

- SC resolution 1325 calls for the implementation of measures that ensure protection of and respect for women's human rights as they relate to the constitution, the police and the judiciary.
- It reaffirms accountability for gross violations of women's human rights and calls on states to end impunity. The measures required by SC resolution 1325 as they relate to the constitution, judiciary and police are indicated by CEDAW.
- Measures that protect women, particularly as they relate to gender-based violence, as well as the multiple ways in which women must be afforded equality in the law, enforcement of non-discrimination and access to justice, are specifically tackled by CEDAW.
- In fact, CEDAW addresses the legal status of women in all areas, including nationality, family, education and health. Consequently, in the drafting of legislation in any area, CEDAW should be referred to and the measures required by its Articles should be incorporated.

SC resolution 1325

- Implement measures that ensure protection of and respect for women's human rights as they relate to the constitution, the police and the judiciary (Para. 8(c)).
- Ensure women's involvement in mechanisms developed as a part of peace agreements (Para. 8(b)).
- End impunity and prosecute those responsible for genocide, crimes against humanity and war crimes, including sexual and other violence against women and girls (Para. 11).

CEDAW

- Embody the principle of the equality of men and women in national constitutions or other appropriate legislation (Art. 2 (a)).
- Ensure protections against discrimination are effective and realized in practice through mechanisms that provide redress, including the ability to make complaints and receive remedies (Art. 2(c)).
- Enact laws, including penal sanctions, civil remedies and compensatory provisions, to protect women from all forms of violence (Gen. Rec. 19).
- Provide protective measures, such as refuges, specially trained health workers and rehabilitation and counseling for victims of violence and those at risk, including making services accessible for women in rural areas and isolated communities (Gen. Rec. 19).
- Take specific preventative and punitive measures to overcome trafficking and sexual exploitation (Gen. Rec. 19).
- Implement gender-sensitive training on violence against women for judicial and law enforcement officers and public officials (Gen. Rec. 19).
- Ensure women and men equality in all areas of economic and social life, including the same rights to bank loans and all forms of financial credit (Art. 13).
- Eliminate discrimination against women in the area of employment and provide the same opportunities, free choice of profession, benefits and conditions of service, vocational training and equal pay for work of equal value (Art. 11).

Note to Trainers for the Introductory Level: If you are not going to do Session 8, then continue on with the following activities, which are a summary of the key principles/learnings from that Session. If you are going to do Session 8, then you should skip over this section and go directly to the full Session 8.

Women's Participation – Brainstorming – 35 Minutes

Objectives:

- Purpose of this Exercise is to brainstorm as a group on strategies and challenges to addressing women's participation.

Exercise #2 – Procedure – 1 Hour:

- Trainer should lead a brainstorming session on increasing women's participation in peace and reconstruction processes. The main points to make in starting this exercise are:
 - After war or civil violence, formal peace talks aim to bring together important leaders of armed groups to negotiate a ceasefire and then create a political solution to the causes of the violence.
 - Women are often left out of formal peace talks. Since the leaders of armed groups are almost always men, it is predominantly male leaders who are negotiating the end to the wars and designing the post-war political leadership.
 - Some women who have tried to participate in peace talks have been discouraged, ridiculed, or completely blocked from participating.
 - Having women at the peace table provides an opportunity to make advancements on women's issues and rights. For women, the peace table becomes a platform for addressing social injustices against women.
 - The peace table involves intense bargaining and "deal making" that requires intuitive and practiced skills. These skills are important to both male and female negotiators.
- To prompt discussion, the Trainer should select one of the examples below of women's participation in peace-processes, and review with the Plenary, asking the following questions:
 - Have women in your community/country/region participated in formal peace talks? In track-two diplomacy? Resettlement and/or Reconstruction Processes? If so, how and what type of impact do you think this participation has had?
 - If they do/have participated in formal peace talks/ resettlement processes/ reconstruction processes, who do they represent? Are women's groups represented in these processes? If there are women there, do they legitimately represent women's interests or are they token representatives?
 - What are the opportunities in your community/country/region for increasing women's participation in decision-making?
 - What do you think would be the results of increased women's participation in peace and reconstruction processes?
 - How to ensure the inclusion of vulnerable groups, such as women IDPs and refugees into decision-making processes?

Women's participation in the Burundian peace process increased significantly when the organizers from the Mwalimu Nyere Foundation invited UNIFEM to brief the negotiating parties and facilitation team on how gender relates to peace accords. Experts from other countries who have made peace accords, such as Guatemala and South Africa, shared advice on how gender impacts land rights, governance, resettlement, refugee reintegration and other post-war programs. UNIFEM helped to convene the first All Party Burundi Women's Peace Conference where more than 50 Burundian women developed a common vision for peace and presented it to the facilitator, former President Nelson Mandela. Many of their recommendations, including punishment for sexual crimes against women, measures to increase women's security, and equal education for girls and boys, were included in the final peace accord. It demonstrated that women's participation in peace talks makes a significant difference.

Handout #20 - Assessing Women's Capacity for Participation in Peace Talks

Not all women are equally capable of participating in formal peace talks. In some situations, warlords have brought in their silent, obedient girlfriends to represent women during peace talks because they wanted to appear like they were including women, but they wanted to ensure that they would be able to control what women said and how they participated in peace talks.

Women who have shown the capacity for leadership over time and are respected as leaders by their communities are most capable of making an impact at peace negotiations. However, women who have been victimized during war or survived great hardships can give powerful testimonies to women's concerns and needs. These women also should have a voice in formal peace talks.

The Nairobi Peace Initiative-Africa (NPI-Africa) has helped women in Somalia, Sudan, the Democratic Republic of Congo and other African countries develop an agenda for their participation in formal peace talks. Before deciding to help women's groups, NPI-Africa makes an assessment of women's capacity for participation.

They look at the following factors to assess the women's power and capacity for participation:

- The history and development of women's organizations in the region.
- The perception of these women's groups and their leaders by the wider communities where they work.
- Their financial capacity to send representatives to peace talks.
- Their vision for what they would like to do at the peace talks and how they want to participate.
- Their "plan B" or their alternatives if they are not allowed or able to participate in formal peace talks. What are the women's best alternatives to participating in the peace talks? What will they do if they do not succeed in the negotiations or get only part of what they ask for?

Session 7

(INTERMEDIATE LEVEL) - Part 2 -
Applying CEDAW and
UNSC resolution 1325 in
Local context - 45 Minutes



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Overall Objectives

- Understanding how the articles in CEDAW and UNSCR 1325 apply to the following:
 - Women's participation in public and political life
 - Gender Justice

Exercise #1 - Procedure - 45 Minutes

- Divide the group into two working groups.
- Each working group should get a different Handout (there are 2 -Post-conflict political participation and; Justice and legislating equality).
- Participants in each small group should read handouts and brainstorm about the importance of the issue to their country; if it is a frozen conflict, how these issues are/can be/or are not relevant in a "frozen conflict" context.
- Each group will need to prepare a presentation which:
 - Explains/summarises the handout and topic and explains how this is/is not relevant to their community/country/region, and why;
 - List the standards which are priorities for your country and explain if/how it is possible to apply these standards in the context of their community/country/region. Also, discuss what measures, if any, have been taken to address these standards already.
 - What can civil society and government do to address these standards – and what strategies can civil society employ to push governments in this regards?

Tips

- Write down prioritized points on the flip chart for later activities. Ask the larger group to identify what points they do and don't agree with and place on flip chart.

Handout#19 - Post-conflict political participation

- One of the common features of post-conflict reconstruction is the implementation of new political processes, such as elections, the establishment of new or reconfigured governance structures and the strengthening of civil society participation in public life.
- Elections can provide women with the chance to express newly developed political clout or can pose a risk to advances made by women during conflict and its aftermath.
- There are considerable obstacles to women's exercise of political expression in post-conflict environments, stemming from restricted mobility, less access to information and education, limited time due to work burdens, cultural norms dictating men's control over women's decisions and/or coercion and intimidation of family members and communities.
- During conflict, women often gain valuable and relevant leadership and organizing skills, which can be translated into policy-making roles in the post-conflict period.
- Women's organizing and cooperation during conflict usually result in the proliferation of women's civil society organizations post conflict. However, women and men have differential access to resources, education, formal political parties (often based on armed groups from the conflict) and the media.
- As a result, women candidates face particular challenges when running for elected office as well as direct discrimination and even reprisals for stepping out of traditional gender roles, even if non-traditional behaviour became the norm during wartime.
- It is critical that electoral commissions, institutions, laws, observation missions and complaints mechanisms involve women as active participants in their formulation and implementation as well as take into account the obstacles for and special needs of women as constituents and candidates in the political process.
- Elections and formulation of new governments provide citizens with the opportunity to choose the leaders who will make critical financial and policy decisions that impact their prospects for peace, security and development.
- Decisions by newly formed governments concerning the allocation of resources, development planning and legal and social policy-making have a substantial impact on the situation of women and can have a disproportionate and negative effect on them if their needs, perspectives, experiences and disadvantages are not properly taken into account.
- In post-conflict environments, surmounting barriers to women's full participation in political processes and their direct involvement in all aspects of decision-making are of vital importance to ensuring the foundations for meaningful democracy and the just and effective development of society.

Applying the Standards

- SC resolution 1325 calls for increasing women's participation in decision-making at the national level and the incorporation of a gender perspective, including measures for the protection of and respect for women's human rights concerning the electoral process in the implementation of peace agreements.
- These commitments have far-reaching implications, which are addressed in CEDAW. CEDAW also details the numerous steps that are needed in the area of women's equal participation in political and public life in order to ensure their enjoyment of these rights in practice - AT BOTH THE NATIONAL AND LOCAL LEVEL. It further specifies the mechanisms needed to ensure the incorporation of a gender perspective in all aspects of government policy and programming.

SC resolution 1325

- Incorporate a gender perspective, including measures for the protection of and respect for women's human rights concerning the electoral system in the implementation of peace agreements (Para. 8 (c)).
- Increase women's participation in decision-making in the institutions and mechanisms of conflict resolution at the national level (Para. 1).

CEDAW

- Guarantee women the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies (Art. 7(a)).
- Use temporary special measures (setting numerical goals or quotas and providing financial assistance, special recruitment schemes and training to women candidates) to ensure an increase to critical mass in women's participation (Gen. Rec. 23).
- Ensure women's right to participate in non-governmental organizations and associations concerned with public life, including through incentives to political parties to ensure women's participation in their structures (Art. 7(c)/Gen. Rec. 23).
- Ensure women's right to participate in the formulation of government policy and its implementation and to hold all forms of public office (Art. 7(b)), including through appointment of women, where in government control, to senior positions, including in traditionally male-dominated fields (Gen. Rec. 23).
- Establish or strengthen a national women's machinery, including institutions and procedures, to provide advice on the impact on women of government policies, monitor the situation of women and formulate policies and strategies to eliminate discrimination (Gen. Rec. 6).
- Place women's machinery at a high level of government and provide with adequate resources, commitment and authority (Gen. Rec. 6).
- Support gender mainstreaming throughout government departments (Gen. Rec. 6).

Handout#20 - Justice and legislating equality

- Ensuring that those responsible for serious crimes during conflict are brought to justice and reestablishing the rule of law are critical to the success of societal transformation to peace.
- The development of a constitutional framework, accountability mechanisms for past violations and legal and justice reform can form aspects of peace agreements or be mandated by post-conflict reconstruction needs.
- Without security, reconstruction efforts can be severely hampered and women are limited in their ability to participate in public life. They often experience a rise in gender-based violence, particularly in the area of domestic and sexual violence.
- A post-conflict vacuum in the rule of law provides an opportunity for criminal networks to flourish, placing women at increased risk of sexual exploitation and trafficking because of high levels of vulnerability and poverty.
- Impunity for violations against women committed during conflict impacts the security of women in the post-conflict environment, particularly where their former abusers remain in their communities.
- Mechanisms established to ensure accountability, such as special courts, truth commissions, vetting processes and reparations mechanisms, need to equally target violations committed against women and develop procedures and special measures to ensure women's effective participation not only as victims and witnesses but also as judges, commissioners and legal and justice policy-makers.
- Impunity for gender-related crimes that continues post conflict is often the result of a failure of the applicable law to include crimes that constitute violence against women, failure of the legal system to investigate, prosecute and punish criminal conduct against women due to gender bias, and underreporting by women due to barriers in their access to justice.
- Without health services, shelters and support mechanisms, women take considerable risk of retribution in reporting violence against them to authorities, particularly in rural areas or isolated communities.
- The impact of legal inequality and discrimination against women reaches beyond security to have a negative impact on women's ability to ensure their own and their families' well-being and their personal empowerment in post-conflict environments.
- With higher mortality rates among young men during conflict, women are often solely responsible for subsistence activities and for agricultural production in addition to their considerable domestic and care-giving tasks.
- Restrictions on women's ownership of land, as well as legal capacity to enter contracts, severely limit their productivity and ability to leverage economic resources, such as credit and loans.
- In urban environments, financial needs motivate many women to seek employment outside the home, where they receive less pay and fewer benefits than men in the formal workforce or opportunities limited to informal work, void of labour protections.
- Enhanced work burdens combined with unequal gender distribution of household labour limit women's opportunities to engage in productive activities, such as education and political participation.

Applying the standards

- SC resolution 1325 calls for the implementation of measures that ensure protection of and respect for women's human rights as they relate to the constitution, the police and the judiciary.
- It reaffirms accountability for gross violations of women's human rights and calls on states to end impunity. The measures required by SC resolution 1325 as they relate to the constitution, judiciary and police are indicated by CEDAW.
- Measures that protect women, particularly as they relate to gender-based violence, as well as the multiple ways in which women must be afforded equality in the law, enforcement of non-discrimination and access to justice, are specifically tackled by CEDAW.
- In fact, CEDAW addresses the legal status of women in all areas, including nationality, family, education and health. Consequently, in the drafting of legislation in any area, CEDAW should be referred to and the measures required by its Articles should be incorporated.

SC resolution 1325

- Implement measures that ensure protection of and respect for women's human rights as they relate to the constitution, the police and the judiciary (Para. 8(c)).
- Ensure women's involvement in mechanisms developed as a part of peace agreements (Para. 8(b)).
- End impunity and prosecute those responsible for genocide, crimes against humanity and war crimes, including sexual and other violence against women and girls (Para. 11).

CEDAW

- Embody the principle of the equality of men and women in national constitutions or other appropriate legislation (Art. 2 (a)).
- Ensure protections against discrimination are effective and realized in practice through mechanisms that provide redress, including the ability to make complaints and receive remedies (Art. 2(c)).
- Enact laws, including penal sanctions, civil remedies and compensatory provisions, to protect women from all forms of violence (Gen. Rec. 19).
- Provide protective measures, such as refuges, specially trained health workers and rehabilitation and counseling for victims of violence and those at risk, including making services accessible for women in rural areas and isolated communities (Gen. Rec. 19).
- Take specific preventative and punitive measures to overcome trafficking and sexual exploitation (Gen. Rec. 19).
- Implement gender-sensitive training on violence against women for judicial and law enforcement officers and public officials (Gen. Rec. 19).
- Ensure women and men equality in all areas of economic and social life, including the same rights to bank loans and all forms of financial credit (Art. 13).
- Eliminate discrimination against women in the area of employment and provide the same opportunities, free choice of profession, benefits and conditions of service, vocational training and equal pay for work of equal value (Art. 11).

Women's Participation – Brainstorming – 35 Minutes

Objectives:

- Purpose of this Exercise is to brainstorm as a group on strategies and challenges to addressing women's participation.

Exercise #2 – Procedure – 1 Hour:

- Trainer should lead a brainstorming session on increasing women's participation in peace and reconstruction processes. The main points to make in starting this exercise are:
 - After war or civil violence, formal peace talks aim to bring together important leaders of armed groups to negotiate a ceasefire and then create a political solution to the causes of the violence.
 - Women are often left out of formal peace talks. Since the leaders of armed groups are almost always men, it is predominantly male leaders who are negotiating the end to the wars and designing the post-war political leadership.
 - Some women who have tried to participate in peace talks have been discouraged, ridiculed, or completely blocked from participating.
 - Having women at the peace table provides an opportunity to make advancements on women's issues and rights. For women, the peace table becomes a platform for addressing social injustices against women.
 - The peace table involves intense bargaining and "deal making" that requires intuitive and practiced skills. These skills are important to both male and female negotiators.
- To prompt discussion, the Trainer should select one of the examples below of women's participation in peace-processes, and review with the Plenary, asking the following questions:
 - Have women in your community/country/region participated in formal peace talks? In track-two diplomacy? Resettlement and/or Reconstruction Processes? If so, how and what type of impact do you think this participation has had?
 - If they do/have participated in formal peace talks/ resettlement processes/ reconstruction processes, who do they represent? Are women's groups represented in these processes? If there are women there, do they legitimately represent women's interests or are they token representatives?
 - What are the opportunities in your community/country/region for increasing women's participation in decision-making?
 - What do you think would be the results of increased women's participation in peace and reconstruction processes?
 - How to ensure the inclusion of vulnerable groups, such as women IDPs and refugees into decision-making processes?

Women's participation in the Burundian peace process increased significantly when the organizers from the Mwalimu Nyere Foundation invited UNIFEM to brief the negotiating parties and facilitation team on how gender relates to peace accords. Experts from other countries who have made peace accords, such as Guatemala and South Africa, shared advice on how gender impacts land rights, governance, resettlement, refugee reintegration and other post-war programs. UNIFEM helped to convene the first All Party Burundi Women's Peace Conference where more than 50 Burundian women developed a common vision for peace and presented it to the facilitator, former President Nelson Mandela. Many of their recommendations, including punishment for sexual crimes against women, measures to increase women's security, and equal education for girls and boys, were included in the final peace accord. It demonstrated that women's participation in peace talks makes a significant difference.⁴⁴

⁴⁴ "UNIFEM at Work Around the World on Security Council Resolution 1325". Women, Peace, and Security. UNIFEM p. 2.

Not all women are equally capable of participating in formal peace talks. In some situations, warlords have brought in their silent, obedient girlfriends to represent women during peace talks because they wanted to appear like they were including women, but they wanted to ensure that they would be able to control what women said and how they participated in peace talks.

Women who have shown the capacity for leadership over time and are respected as leaders by their communities are most capable of making an impact at peace negotiations. However, women who have been victimized during war or survived great hardships can give powerful testimonies to women's concerns and needs. These women also should have a voice in formal peace talks.

The Nairobi Peace Initiative-Africa (NPI-Africa) has helped women in Somalia, Sudan, the Democratic Republic of Congo and other African countries develop an agenda for their participation in formal peace talks. Before deciding to help women's groups, NPI-Africa makes an assessment of women's capacity for participation.

They look at the following factors to assess the women's power and capacity for participation:

- The history and development of women's organizations in the region.
- The perception of these women's groups and their leaders by the wider communities where they work.
- Their financial capacity to send representatives to peace talks.
- Their vision for what they would like to do at the peace talks and how they want to participate.
- Their "plan B" or their alternatives if they are not allowed or able to participate in formal peace talks. What are the women's best alternatives to participating in the peace talks? What will they do if they do not succeed in the negotiations or get only part of what they ask for?

⁴⁵ This example is based on the work of the John Katunga, Florence Mpayei, and Berewa Jommo of the Nairobi Peace Initiative-Africa, Rita Litwiller, and Lisa Schirch.

Session 8

(INTRODUCTORY AND INTERMEDIATE LEVEL)

Creating an Agenda for Advocating
Around Gender Justice and Participation in Post-Conflict - 2 Hours



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Overall Objectives

- To assist participants in strategically identifying gender equality priorities in peace and reconstruction processes and linking these to obligations under CEDAW and UNSC resolution 1325 (including PRSP and other relevant national policies identified in Day One under session on National Legislation);
- To brainstorm on advocacy strategies which civil society and decision makers can use in closing the gap between de jure and de facto gender equality in the context of post-conflict and peace.
- To identify possible advocacy opportunities and strategies which are relevant to the participants' country/region/community. If possible, to develop an "Advocacy Agenda" for participants to use in their communities.

Note to Trainer; The Trainer should allow for flexibility in the discussions under this session, as it is an opportunity for gender equality advocates to brainstorm on how to advocate for gender equality in their community/country/region.

Part 1 - Creating an Advocacy Agenda for Gender Equality in Times of Peace and Post-Conflict - 1 Hour

Objectives:

- Purpose of this session is for participants to develop a practical "Advocacy Agenda" to advance gender equality in a particular priority sector. A key strategy for doing so is increasing women's participation and gender justice (meaning legislation, rule of law, good governance);

Background Notes - 5 Minutes

- In this session, participants are to bring together the various lessons learned over the past two days on what are the key principles in CEDAW and 1325, how these intersect and can be applied in national processes;
- Based on the local/national gender equality priorities identified under the Sessions 3, 4 and 6, participants should agree on two to three gender equality priorities that they would like to advocate for and support implementation. The participants are then going to develop an "advocacy strategy/plan".
- But first, the Trainer should have a brief discussion on the fact that "women's participation" is a strategy and not a goal. To be strategic in advocating for gender equality, while it is important to push for increased participation of women in decision-making (in times of peace and post-conflict), it needs to be understood that increased participation of women in decision-making in all sectors is one means by which the realization of equality in that particular sector can be guaranteed.
- For example, if the priority is improving women's protection and income generation within the informal labour market, one of the measures to do so is to increase women's participation in local governance bodies, and local microfinance bodies, to begin dealing with the issues which keep women's labour in the "informal" sector.
- It is important that the Trainer keep the discussions "sector" specific.

Exercise #1 - Procedure - Advocacy Agenda - 55 Minutes

- The participants are to develop an Advocacy Agenda which is trying to achieve the gender priorities identified in the "Background" discussion above. One of these priorities may or may not deal with increasing women's role in peace processes.
- Conducted in Plenary, the Trainer will guide the development of the Advocacy Agenda.
- The following are the steps to use when developing the group's Advocacy Agenda:
 - Expectations and Hopes: What do women want to accomplish in the priority sectors?
 - Fears: What do women fear about increased participation as decision-makers in the priority sector?
 - Current Situation: What are women's experiences in this sector?

- How was the peace process/reconstruction process/resettlement process impacted women’s experience in this sector?
- Identifying Gaps: What are the gaps between women’s concerns and what is already happening in the policy arena (both in terms of peace processes and governmental programmes?)
- Goals: What are the specific goals women have to address existing problems?
- What specific articles/para in CEDAW and UNSCR 1325 address these issues?
- Women’s Responses: What are women already doing to address the problems they have identified? How should advocacy strategies differ when impacting the international arena, national level or local/community level? When to use CEDAW? When to use UNSC resolution 1325? And with which target audiences? Who are the different actors that should be involved?

Tips

This session must be as concrete as possible – it is important that this session highlight the practical uses of CEDAW and UNSC resolution 1325. Advocacy and capacity building strategies and lessons learned from participants or other countries should be applied here. It is equally important that the sectors selected be relevant to the community/nation.

Part 2 – Brainstorming – Women’s Participation in Peace Processes – Brainstorming – 30 Minutes

Objectives:

- As the last exercise of the training, the purpose of this is to brainstorm as a group on strategies and challenges to addressing women’s participation specifically in formal peace/resettlement/reconstruction talks.

Note to Trainer – This exercise may not be relevant in certain trainings, and therefore the Trainer should skip to Exercise 10 – Closing.

Exercise #2 - Procedure – 30 minutes

- Trainer should lead a brainstorming on increasing women’s participation in peace and reconstruction processes. The main points to make in starting this exercise are:
 - After war or civil violence, formal peace talks aim to bring together important leaders of armed groups to negotiate a ceasefire and then create a political solution to the causes of the violence. Women are often left out of formal peace talks. Since the leaders of armed groups are almost always men, it is predominantly male leaders who are negotiating the end to the wars and designing the post-war political leadership. Some women who have tried to participate in peace talks have been discouraged, ridiculed, or completely blocked from participating.
 - Having women at the peace table provides an opportunity to make advancements on women’s issues and rights. For women, the peace table becomes a platform for addressing social injustices against women.
 - The peace table involves intense bargaining and “deal making” that requires intuitive and practiced skills. These skills are important to both male and female negotiators.
- To prompt discussion, the Trainer should select one of the examples below of women’s participation in formal processes and review with the Plenary, asking the following questions:
 - a. Have women in your community/country/region participated in formal peace talks? In track-two diplomacy? Resettlement and/or Reconstruction Processes? If so, how and what type of impact do you think this participation has had?
 - b. If they do/have participated in formal peace talks/ resettlement processes/reconstruction processes, who do they represent? Are women’s groups represented in these processes? If there are women there, do they legitimately represent women’s interests or are they token representatives?

- c. What are the opportunities in your community/country/region for increasing women's participation in decision-making?
- d. What do you think would be the results of increased women's participation in peace and reconstruction processes?
- e. How to ensure the inclusion of vulnerable groups, such as women IDPs and refugees into decision-making processes?

Women in the Burundian Peace Talks

Women's participation in the Burundian peace process increased significantly when the organizers from the Mwalimu Nyere Foundation invited UNIFEM to brief the negotiating parties and facilitation team on how gender relates to peace accords. Experts from other countries who have made peace accords, such as Guatemala and South Africa, shared advice on how gender impacts land rights, governance, resettlement, refugee reintegration and other post-war programs. UNIFEM helped to convene the first All Party Burundi Women's Peace Conference where more than 50 Burundian women developed a common vision for peace and presented it to the facilitator, former President Nelson Mandela. Many of their recommendations, including punishment for sexual crimes against women, measures to increase women's security, and equal education for girls and boys, were included in the final peace accord. It demonstrated that women's participation in peace talks makes a significant difference.⁴⁶

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2. The perception of these women's groups and their leaders by the wider communities where they work.
3. Their financial capacity to send representatives to peace talks.
4. Their vision for what they would like to do at the peace talks and how they want to participate.
5. Their "plan B" or their alternatives if they are not allowed or able to participate in formal peace talks. What are the women's best alternatives to participating in the peace talks? What will they do if they do not succeed in the negotiations or get only part of what they ask for?

⁴⁷ This example is based on the work of the John Katunga, Florence Mpayei, and Berewa Jommo of the Nairobi Peace Initiative-Africa, Rita Litwiller, and Lisa Schirch.

Checkout and Evaluation - 20 Minutes

Ask participant to shortly answer what they feel or learnt during two days of training - what type of follow up activities do they intend? How will they be using this training?

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Annex 1 - CEDAW
Annex 2 - CEDAW - Optional Protocol
Annex 3 - CEDAW's Concluding
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Annex 4 - UNSCR 1325



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Annex 1

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

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INTRODUCTION

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men" (article 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination

and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health care or education. Society's obligation extends to offering social services, especially child-care facilities, that allow individuals to combine family responsibilities with work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory". (article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process (article 10.h) and to develop family codes that guarantee women's 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" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). And Article 10.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".

A year after ratification, and then every four years the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents

in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article I

For the purposes of the present Convention, the term “discrimination against women” shall mean 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.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

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, counseling 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.

PART IV

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.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

- (a) Within one year after the entry into force for the State concerned;
- (b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

Annex 2

Optional Protocol to the Convention on the Elimination of Discrimination against Women

Adopted by General Assembly resolution A/54/4 on 6 October 1999 and opened for signature on 10 December 1999, Human Rights Day, entry into force 22 December 2000

The States Parties to the present Protocol,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Also noting that the Universal Declaration of Human Rights Resolution 217 A (III). proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Recalling that the International Covenants on Human Rights Resolution 2200 A (XXI), annex. and other international human rights instruments prohibit discrimination on the basis of sex,

Also recalling the Convention on the Elimination of All Forms of Discrimination against Women⁴ ("the Convention"), in which the States Parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,

Have agreed as follows:

Article 1

A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Elimination of Discrimination against Women ("the Committee") to receive and consider communications submitted in accordance with article 2.

Article 2

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 3

Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

Article 4

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief.

2. The Committee shall declare a communication inadmissible where:

- (a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (b) It is incompatible with the provisions of the Convention;
- (c) It is manifestly ill-founded or not sufficiently substantiated;
- (d) It is an abuse of the right to submit a communication;
- (e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

Article 5

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 6

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.

2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

Article 7

1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications under the present Protocol.

3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

4. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.

5. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.

Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

Article 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

Article 10

1. Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.
2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

Article 11

A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

Article 12

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.

Article 13

Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.

Article 14

The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

Article 15

1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.
2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United

Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 16

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 17

No reservations to the present Protocol shall be permitted.

Article 18

1. Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

Article 19

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.

Article 20

The Secretary-General of the United Nations shall inform all States of:

(a) Signatures, ratifications and accessions under the present Protocol;

(b) The date of entry into force of the present Protocol and of any amendment under article 18;

(c) Any denunciation under article 19.

Article 21

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.

Annex 3

Concluding Observations of the Committee on the Elimination of Discrimination Against Women : Armenia. 12/08/97. A/52/38/Rev.1, PartII paras.35-68. (Concluding Observations/Comments)

Convention Abbreviation: CEDAW
Committee on the Elimination of
Discrimination against Women

Armenia

35. The Committee considered the initial report of Armenia (CEDAW/C/ARM/1 and Corr.1) at its 344th, 345th and 349th meetings, on 14 and 16 July 1997 (see CEDAW/C/SR.344, 345 and 349).

36. The representative of Armenia emphasized that, after the declaration of independence in 1991, Armenia had begun the implementation of economic and political reforms. The process of transition to a market economy had been affected by the blockade of the main transportation routes, a severe energy crisis and the damage inflicted by the devastating earthquake of 1988. Despite social and economic difficulties, the Government of Armenia attached great importance to the international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which it had acceded in 1993 without reservations. To secure the sufficient implementation of the Convention, the Government had started to carry out legal reforms aimed at adjusting existing legislation to international norms and standards specified in that instrument. The Fourth World Conference on Women had marked a turning point for women's rights in Armenia.

37. The representative noted that the initial report had been submitted to the Secretariat in 1995. The report had been prepared during the period of economic and political restructuring and the blockade on goods, services and energy imposed by Azerbaijan and Turkey and in a situation of continuing conflict between Nagorny Karabakh and Azerbaijan.

38. The report had been prepared in cooperation with the Ministry of Justice, the Ministry of Social Affairs, the Ministry of Health and appropriate commissions of the National Assembly. The corrigendum, dated 11 February 1997, replaced part of the original report and reflected changes resulting from the adoption of the Constitution in 1995, developments in the legal framework and actual conditions for Armenian women.

39. The representative informed the Committee that there was no special institution responsible for the protection of women's rights. The Ministry for Social Security and the Centre for Democracy and Human Rights were the main institutions currently responsible for women's issues in the country.

40. The representative of Armenia outlined the political, economic and legal situation in Armenia and its impact on the status of women. He stated that the new Constitution underlined the principle of equality of human rights of women and men. Legally, women enjoyed full guarantees against discrimination but the difficult socio-economic situation in the country had not always allowed their full implementation. That situation, which had resulted in a drastic decline in the standard of living, an increase in the unemployment rate and impoverishment, had affected women more than men. Hence, the Parliament had adopted in 1991 a resolution on urgent measures for the protection of women, maternity and childhood and the strengthening of the family, which granted supplementary rights to women and mothers, especially single mothers, in the areas of work and social security. A national programme of action had been launched, *inter alia*, to disseminate laws on protection of women's rights and to establish information and legal counselling services.

41. In Armenia, a majority of women had achieved a high level of education and often outnumbered men in the area of higher education. However, women accounted for a higher level of unemployment

than men and occupied few positions at all levels of decision-making. Women in the labour market were usually concentrated in traditional female occupations. In spite of the low representation of women in governmental positions, they were active in social and economic life. During recent years, more than 30 women's organizations had emerged in the country and covered a wide spectrum of issues, including the preparation of women for leadership roles in society and the protection of their rights.

42. With regard to women's reproductive health, the representative noted that women had the right to abortion until the fourteenth week of pregnancy. He stated, however, that in reality abortion was the primary method of birth control in Armenia and there was a lack of family planning services. The Government was taking measures to disseminate information about contraceptives and to improve their availability.

43. The representative indicated that the Government of Armenia was particularly concerned about the large number of refugees in the country, with women constituting the majority, and was implementing a wide set of measures aimed at their integration into social and economic life.

44. The representative concluded by stating that the Government of Armenia recognized that much remained to be done to achieve full equality between women and men. He assured the Committee of the willingness of the Government to continue to take all the necessary measures to implement the principles of the Convention.

Concluding comments of the Committee

Introduction

45. The Committee welcomed the presentation by the Government of Armenia and commended it on its ratification of the Convention without reservations so soon after independence in 1991 and on the timely submission of the initial report, which contained detailed information about the implementation of the Convention in accordance with the Committee's guidelines. It expressed its appreciation of the willingness of the representatives of Armenia to engage in an open, candid constructive dialogue with the Committee.

Positive aspects

46. The Committee commended the Government on its effort to carry out reform of its laws so as to align them with the standards of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women.

47. It noted with satisfaction the incorporation of the Convention in domestic law, and its precedence over conflicting national legislation. The Committee welcomed the fact that the Government had translated the Convention into Armenian and disseminated it widely.

48. The Committee acknowledged favourably the Government's intention to introduce a fundamental legal reform within the ongoing revision of the criminal code, in respect of violence against women and their sexual exploitation through prostitution and trafficking.

49. The Committee observed with satisfaction the exceptionally high level of literacy and education in Armenia, in particular among women.

50. The Committee commended the Government on its identification of four priority areas of concern in relation to women's health, and on its programme to establish a system of family planning services and to provide contraceptives to women free of charge.

Factors and difficulties affecting the implementation of the Convention

51. The Committee noted that the immediate effect of the competitive politics introduced as a result of democratization in Armenia had been adverse to the position of women. This was reflected in their dramatic loss of representation at all levels of decision-making.

52. The Committee also noted that the process of transition to a market economy appeared to have resulted in the economic marginalization of women, exacerbated by the economic toll of the 1988 earthquake, and the armed conflict around Nagorny Karabakh.

53. The Committee noted cultural stereotypes which overemphasized the traditional role of women as mothers in a protective and restrictive way.

Principal areas of concern

54. The Committee expressed and reiterated its gravest concern about the absence of a specific national machinery for the advancement of women and the elimination of discrimination against women.

55. The Committee was extremely concerned that the Government of Armenia had until now failed to acknowledge and address the matter of violence against women, which appeared to be a subject of taboo in Armenian society, although there were many indicators of it being as serious a problem as in other societies.

56. The Committee was also extremely concerned about the high rate of unemployment (over 60 per cent according to the report), the occupational segregation of women in low-paying sectors and the small number of women in positions at the senior management level.

57. The Committee expressed its concern about the fact that there were no policies and programmes in place to guarantee security and social benefits to women who worked in the informal sector.

58. The Committee also noted with concern the paternalistic restrictions imposed by the labour laws, which were aimed at protecting maternity and resulted in the legal limitation of women's employment opportunities and choices.

59. Similarly, the Committee was concerned about the Government's report of increasing prostitution, especially in relation to the limited economic options for women in Armenia. The Committee noted the lack of access of women engaging in prostitution to appropriate health services, including for the prevention and care of HIV/AIDS.

60. As to the subject of women's health, the Committee expressed its deep concern with regard to the Government's plan to consider proposals for privatization of the health system. The Committee emphasized the adverse effects for women and other vulnerable groups of privatization in the health area, even in highly developed countries.

Suggestions and recommendations

61. The Committee strongly urged the Government of Armenia to establish a national machinery for the advancement of women, fully staffed and resourced, so as to integrate the perspective of women's human rights and gender analysis into all ongoing policy-making and strategic development planning activities.

62. The Committee recommended that the Government take temporary special measures to create employment opportunities for women, including special credit and loan programmes for women entrepreneurs.

63. The Committee also recommended that temporary special measures be adopted to remedy the severe decrease in the political representation of women since independence, and to increase their participation in all areas of public life.

64. The Committee further recommended that the Government give due attention to the subject of violence against women, by encouraging a public discussion of its various forms, initiating appropriate legislation, training law enforcement officers, judges and health professionals, including adequate numbers of female personnel, to identify, manage and eliminate the manifestations of violence against women, and by guaranteeing that the necessary psycho-social and health services are available to victims of violence, with particular attention to internally displaced and refugee women.

65. The Committee strongly urged the Government to use the education system and the electronic media to combat the traditional stereotype of women “in the noble role of mother” and to raise awareness of the role of men in caring and their responsibility for parenting.

66. The Committee suggested that there was a strong need to collect information and sex disaggregated data in all areas, in particular as regards violence against women, prostitution and health.

67. The Committee suggested that in the planning and implementation of privatization policies and programmes the Government of Armenia should ensure that it fulfilled its social responsibilities and obligations under international human rights law so that its policies and programmes would not deprive women and other vulnerable groups of enjoyment of their human rights, especially in the area of health.

68. The Committee requested the Government to address the concerns included in the present comments in its next report, and to include information on the implementation of the Committee’s general recommendations, particularly general recommendation 19 on violence against women. It also requested the wide dissemination of these comments throughout Armenia.

*Concluding observations of the Committee on the Elimination of
Discrimination against Women : Azerbaijan. 14/05/98.
A/53/38, paras.37-79. (Concluding Observations/Comments)*

Convention Abbreviation: CEDAW
Committee on the Elimination of
Discrimination against Women

Azerbaijan

37. The Committee considered the initial report of Azerbaijan (CEDAW/C/AZE/1) at its 361st, 362nd and 367th meetings on 20 and 23 January 1998 (see CEDAW/C/SR.361, 362 and 367).

38. The representative of the Government informed the Committee that 20 January is the Azeri national day to commemorate the victims of totalitarianism. The adoption by the Supreme Soviet of the Azerbaijani Republic of the Declaration on the Restoration of the State Independence of the Azerbaijani Republic, on 30 August 1991, and the Constitutional Act of State Independence, on 18 October 1991, formed part of the outcome of the struggle for independence.

39. The implementation of socio-economic and political reforms commenced upon independence, but, according to the representative of the Government, the situation in the country has been affected by the socio-economic crisis and Armenia's armed aggression, which has had an impact on the whole population. In addition, 85 per cent of the population remains below the poverty line. There is also a large population of refugees and displaced persons, including women and children.

40. In spite of those difficulties, the Government attaches great importance to the implementation of international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which the Government had acceded without any reservations in June 1995. The Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and the follow-up implementation at the national level has also been important in the context of women's rights in Azerbaijan.

41. The initial report of Azerbaijan was prepared one year after its accession to the Convention during a period of economic difficulties, the occupation of 20 per cent of the territory of Azerbaijan and the existence of more than a million refugees and displaced persons. Those factors have had a negative effect on the implementation of the Convention.

42. The representative of Azerbaijan provided a comprehensive retrospective analysis of the changes in the situation of women in the country and paid tribute to the contributions of prominent women in that process.

43. A special State committee on women's issues has been established recently, and the Government is actively pursuing the policy of equal rights and equal opportunities. That approach forms the basis for interaction with non-governmental organizations.

44. The Committee was informed that the new Constitution, adopted in 1995, underscores the principle of equality of human rights of men and women. *De jure*, women enjoy full guarantees of human rights and freedom from discrimination. The difficult socio-economic situation, however, has resulted in a severe decline in the standard of living and an increase in the unemployment rate. This has resulted in widespread poverty among women and men. The high rates of infant and maternal mortality are also issues of great concern.

45. A large number of women in Azerbaijan have achieved a high level of education, and since 1996 the number of women seeking higher education has exceeded that of men. However, more women than men are unemployed, and there are fewer women than men at all levels of decision-making. Women constitute 12 per cent of all deputies in the Parliament and 20 per cent among managers in decision-making positions. Women in the labour market are usually concentrated in the fields of health care, social welfare, education and culture.

46. The Government of Azerbaijan is particularly concerned about the large number of refugees and displaced persons in the country, where women and children constitute the majority. Currently, the Government is implementing a wide set of measures aimed at the integration of refugee and displaced women into social and economic life.

47. The Government of Azerbaijan recognizes that much remains to be done in order to achieve full equality between women and men. In that regard, the Committee is assured of the willingness of the Government to continue to undertake all the necessary measures to implement the obligations of the Convention.

Concluding comments of the Committee

Introduction

48. The Committee expresses its appreciation to the Government of Azerbaijan for ratifying the Convention without reservations after the proclamation of its independence.

49. The Committee appreciates the submission of the report one year after ratification and welcomes the supplementary information given to it in an excellent oral presentation by a high-level delegation.

Factors and difficulties affecting the implementation of the Convention

50. The Committee recognizes that Azerbaijan is facing economic, social and political challenges as a result of its post-war condition, the high number of refugees and the transition to democracy and a market-oriented economy. In that connection, it notes that the State party is undergoing severe economic and social problems, which had a negative impact on the whole population, 85 per cent of which live below the poverty line. Such a situation affects women in particular, who constitute the majority of the population as well as the majority of refugees and displaced persons, and impedes full implementation of the Convention.

Positive aspects

51. The Committee expresses satisfaction at the fact that the Convention has been translated into Azeri and widely disseminated.

52. The Committee takes note of the willingness expressed by the State party's delegation to strengthen the national machinery for the advancement of women and to engage non-governmental organizations in the realization of the goals of the Platform for Action adopted by the Fourth World Conference on Women.

53. The Committee notes the high number of women involved in the professional and cultural life of the country and the relatively high percentage of women in the decision-making process.

54. The Committee welcomes information on the establishment, with the help of the United Nations Children's Fund (UNICEF), of six regional family-planning centres, which will provide a larger number of women and men with assistance in matters of reproductive health.

55. The Committee also welcomes information on the proposed establishment of a women's bank to provide loans and credits for small enterprises organized by women.

Areas of concern

56. The Committee is concerned by the fact that although the Constitution proclaims that men and women have equal rights and freedoms, there is no definition of discrimination in the Constitution or in the laws and no mechanisms to strengthen the prosecution of discriminatory practices against women.

57. The Committee is concerned that the Government of Azerbaijan has not yet put in place its plan for implementation of the Platform for Action.

58. The Committee is concerned that, although Azerbaijan is a secular State in which the provisions of the Convention should be relatively easy to implement, there is, as yet, insufficient governmental commitment to eliminating deeply rooted patriarchal attitudes and avoiding the danger of the insurgence of fundamentalist tendencies, which impedes the full implementation of the Convention, in particular the measures outlined in subparagraph (a) of article 5.

59. The Committee regrets that the role of national machinery has not yet been clearly identified so as to permit a consistent and comprehensive strategy for the full involvement of women in the development process of the country.

60. The Committee notes with concern discrepancies that still exist between *de jure* and *de facto* equality, particularly in the context of the implementation of articles 10 and 11 of the Convention, and the great number of highly educated women who are living below the poverty line.

61. The Committee is concerned by the fact that although women's rights, as set out in article 11 of the Convention, are guaranteed, there is a growing percentage of unemployment among women and that no measures have been introduced to address that situation.

62. The Committee expresses concern at the fact that paragraph 1 of article 4 of the Convention, which advocates the adoption of temporary special measures aimed at accelerating *de facto* equality between women and men, has not been used to eliminate the inequality between women and men, particularly in the context of the integration of women into politics and employment and with regard to assistance for displaced and refugee women.

63. The Committee is particularly worried about the high level of maternal, as well as infant mortality rates and the fact that there are insufficient resources for international emergency aid in that field.

64. The Committee is seriously concerned that insufficient efforts have been introduced to assess and combat violence against women, particularly in the light of the fact that socio-economic and physical hardships usually increase the incidence of violence, particularly in the domestic sphere.

65. The Committee expresses serious concern about the situation of women victims of prostitution and trafficking. The Committee is of the view that the content and the implementation of legislation to address those problems may be discriminatory and might not always respect the rights of victims or produce positive results. For example, the Committee notes that forced medical control of prostitutes, where such measures are not implemented with respect for clients, is discriminatory and might be counterproductive.

66. The Committee is alarmed by the widespread use of abortion as a basic means of family planning. It is also concerned about the general health situation of women, particularly in view of the spread of tuberculosis and other contagious diseases.

67. The Committee expresses concern regarding the situation of women in rural areas, in particular with regard to basic health protection and education, as well as social protection, as outlined in article 14 of the Convention.

68. While understanding the difficult economic situation and the difficulty of reaching durable solutions to the refugee problem, the Committee expresses its concern about the precarious material and psychological conditions of women refugees. It also notes that insufficient attention has been paid to refugee women, including through failure to seek the support of relevant international agencies.

Suggestions and recommendations

69. The Committee recommends that the Government take the steps necessary to ensure respect for, and the effective implementation of, the provisions contained in the Convention. In particular, it recommends that a definition of discrimination closely modelled on article 1 of the Convention be incorporated in the Constitution or relevant laws. It also recommends that the provisions of the Convention be reflected in legislation, in particular legislation concerning health, education and labour.

70. The Committee encourages the Government of Azerbaijan, through appropriate legislation, to identify the role of the national machinery for the advancement of women and to provide it with the necessary human and budgetary resources.

71. The Committee encourages the elaboration of a national plan of action for the implementation of the Platform for Action adopted in Beijing and suggests close cooperation with non-governmental organizations working in the field of human rights and other representatives of civil society to enhance gender awareness and to promote the campaign to combat traditional stereotypes regarding the roles of women and men.

72. The Committee recommends that appropriate institutions consider the utility and necessity of affirmative action, in particular to encourage greater participation of women in decision-making bodies.

73. The Committee further recommends the elaboration of adequate family-planning programmes, with the help of the United Nations Population Fund, so as to avoid the use of abortion as a means of family planning and thereby diminish the risks of maternal mortality resulting from unsafe abortions.

74. The Committee recommends that the Government review the legislation relating to the exploitation and trafficking of women so as to eliminate the discriminatory content of such legislation.

75. The Committee recommends that refugee and migrant women be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

76. The Committee recommends that the Government make efforts, and support those initiated by non-governmental organizations, to assess the extent and prevalence of all forms of violence against women in Azerbaijan and to introduce programmes and measures to combat this problem.

77. The Committee recommends that the provisions of the Convention be widely publicized among the general public and, in particular, among teachers, social workers, law enforcement officials, prison staff, medical personnel, judges, lawyers and members of other professions who are concerned with the implementation of the Convention.

78. The Committee recommends the introduction of human rights education, including the Convention, in schools and universities.

79. The Committee requests the wide dissemination in Azerbaijan of the present concluding comments in order to make the people of Azerbaijan, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

*Concluding comments of the Committee on the Elimination
of Discrimination against Women:
Committee on the Elimination of Discrimination against Women
Thirty-sixth session 7-25 August 2006*

Georgia

1. The Committee considered the combined second and third periodic report of Georgia (CEDAW/C/GEO/2-3) at its 747th and 748th meetings, on 15 August 2006 (see CEDAW/C/SR.747 and 748). The Committee's list of issues and questions is contained in CEDAW/C/GEO/Q/3, and Georgia's responses are contained in CEDAW/C/GEO/Q/3/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined second and third periodic report, which followed the Committee's guidelines for the preparation of reports, while regretting that it provided insufficient statistical data disaggregated by sex. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation, which elaborated on the recent developments in the implementation of the Convention in Georgia, and for the responses to the questions posed orally by the Committee.

3. The Committee expresses its appreciation to the State party for the constructive dialogue held between the delegation, which was headed by a member of the Parliament of Georgia, who is the Coordinator for the Gender Equality Advisory Council under the Speaker of the Parliament, and the members of the Committee. It notes that the delegation did not include any representatives from the relevant Government ministries or offices.

4. The Committee commends the State party for the accession, in August 2002, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as for the acceptance, in September 2005, of the amendment to article 20, paragraph 1, of the Convention.

Positive aspects

5. The Committee commends the State party on the elaboration of the State Concept for Gender Equality, which the Committee hopes will lead to concrete actions for the promotion of gender equality in Georgia. The Committee notes the intention of the State party to elaborate and adopt in the next six months the Gender Equality National Action Plan for the implementation of the State Concept for Gender Equality.

6. The Committee welcomes recent legislative initiatives and related activities aimed at addressing violence against women, including the adoption of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence of June 2006, and the Law on Combating Human Trafficking of April 2006, as well as the adoption of the National Action Plan against Human Trafficking and the establishment of the inter-agency commission for the coordination of activities against human trafficking and efficient implementation of the action plan.

7. The Committee welcomes the State party's continued collaboration with women's non-governmental organizations in the elaboration of plans and other activities aimed at eliminating discrimination against women and promoting gender equality. The Committee hopes such collaboration will continue and be enhanced in all areas, including in the elaboration of laws and in the assessment of plans and programmes.

Principal areas of concern and recommendations

8. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

9. The Committee regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and in their enjoyment of their human rights in regard to all areas covered by the Convention.

10. The Committee calls upon the State party to enhance its collection of data in all areas covered by the Convention, disaggregated by sex as well as by ethnicity, age and by urban and rural areas as applicable, so as to assess the actual situation of women and their enjoyment of their human rights, and to track trends over time. It also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and action plans and to evaluate progress achieved towards realization of women's de facto equality. It encourages the State party to use those data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include in its next report such statistical data and analysis.

11. The Committee is concerned that the State party lacks a comprehensive approach to policies and programmes aimed at achieving women's equality with men, addressing both direct and indirect discrimination against women.

12. The Committee recommends that the State party ensure a comprehensive approach to the implementation of the Convention, encompassing all policies and programmes devoted to achieving equality between women and men. Such efforts should be targeted at overcoming direct as well as indirect discrimination and at realizing women's substantive equality. The Committee recommends that gender mainstreaming as a strategy for achieving gender equality be introduced in all public institutions, policies and programmes, supported by gender training and the creation of a network of focal points in all sectoral Government ministries and offices. The Committee also recommends that the State party include specific time frames for the implementation of all policies and programmes aimed at achieving equality between women and men.

13. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves, as indicated by the absence of any court decisions that referred to the Convention.

14. The Committee calls on the State party to take additional measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges, ombudspersons and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy training campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of procedures and remedies for violations of their rights under the Convention.

15. While noting the creation of the Gender Equality Advisory Council under the Speaker of the Parliament and the Governmental Commission on Gender Equality, the Committee is concerned about

the absence of a permanent national machinery for the advancement of women that has sufficient visibility, decision-making power and financial and human resources and institutional sustainability to promote effectively the advancement of women and gender equality. It is also concerned that the existing mechanism may not have the resources and authority needed to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention.

16. The Committee urges the State party to put in place a permanent institutional mechanism that recognizes the specificity of discrimination against women and is exclusively responsible for the promotion of formal and substantive equality of women and men and for the monitoring of the practical realization of that principle. It calls upon the State party to endow such a mechanism at the highest political level with the necessary authority and human and financial resources. In that regard, the Committee refers to its general recommendation 6 and the guidance provided in the Beijing Platform for Action on national machinery for the advancement of women, in particular regarding the necessary conditions for the effective functioning of such machinery.

17. While noting the efforts of the State party to eliminate gender stereotypes from school textbooks at the primary school level, the Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Georgia, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. It is concerned that girls and women in secondary schools and universities continue to choose study areas traditionally seen as "female areas".

18. The Committee encourages the State party to continue its efforts to eliminate gender stereotyping, and to strengthen the mainstreaming of gender perspectives in curricula and textbooks. It also requests the State party to enhance the training of teaching staff in regard to gender equality issues. The Committee urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. It recommends that awareness raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It also urges the State party to encourage a public dialogue on the educational choices girls and women make and their subsequent opportunities and chances in the labour market.

19. While noting the adoption of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence, the Committee continues to be concerned about the prevalence of violence against women, including domestic violence, in Georgia. It is concerned about the lack of information and statistics on domestic violence, and that such violence may still be considered a private matter. It is also concerned that the implementation of aspects of the law on domestic violence, including those relating to the provision of shelters and rehabilitation centres for victims, has been postponed. The Committee notes that marital rape has not been included in any proposals for new legislation.

20. The Committee urges the State party to place high priority on the implementation of the Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Domestic Violence and to make it widely known to public officials and society at large, and also to complete and implement promptly the national action plan to combat domestic violence, which is under preparation. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal

provisions, and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research in its next periodic report. The Committee recommends that the State party enhance its action beyond domestic violence to all forms of violence against women, in the light of the Committee's general recommendation 19. The Committee also recommends that consideration be given to addressing the problem of marital rape.

21. While noting the legislative and other measures taken to combat human trafficking, including the Law on Combating Human Trafficking and the National Action Plan against Human Trafficking, the Committee remains concerned about the persistence of trafficking in women and girls in Georgia.

22. The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced and that the national action plan and other measures to combat human trafficking are fully implemented. The Committee urges the State party to consider ratifying the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which it signed in 2000. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking.

23. The Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in diplomacy, the executive bodies of the Government and local government, as well as in Parliament.

24. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, to accelerate women's full and equal participation in elected and appointed bodies, including at the international level. Such measures should include the establishment of benchmarks, numerical goals and timetables, as well as conducting training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels.

25. The Committee expresses concern that insufficient information was provided about women's de facto situation in the formal and informal labour markets. The Committee continues to be concerned about the occupational segregation between women and men in the labour market and the gap in their wages. The Committee is concerned about the negative impact on women of the new labour code, which liberalizes the regulation of employment in Georgia and does not include provisions on equal pay for work of equal value and against sexual harassment in the workplace.

26. The Committee calls upon the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women. The Committee urges the State party to intensify its efforts to ensure that all job creation programmes are gender-sensitive and to increase women's access to new technology. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. The Committee urges the State party again to introduce provisions on equal pay for work of equal value as well as to introduce provisions on sexual harassment, in

accordance with the Committee's general

recommendation 19. The Committee requests the State party to analyse the impact on women of the new labour code and make necessary amendments, and include in its next report information on such analysis and the action taken.

27. While acknowledging the difficulties encountered in the ongoing transition of the country to a market -based economy, the Committee is concerned about the feminization of poverty, particularly among rural women, elderly women, women - headed households and internally displaced women and girls. The Committee is concerned that the State party lacks targeted programmes to address the needs of such vulnerable groups of women.

28. **The Committee requests the State party to assess the impact of economic restructuring on women and mobilize adequate resources for that purpose. It requests the State party to ensure that all poverty alleviation programmes and strategies are gender-sensitive and take into account the needs of particularly vulnerable groups, including rural women, elderly women, women -headed households and internally displaced women and girls. The Committee urges the State party to increase women's access to bank loans and other forms of financial credit, in accordance with article 13 of the Convention. The Committee requests the State party to include in its next periodic report information on the measures taken to improve the economic situation of women, particularly those belonging to vulnerable groups.**

29. The Committee is concerned about the lack of information and data on women's health, including women's reproductive health, morbidity and mortality rates of women and their causes, and diseases that most affect women and girls, as well as a lack of information on women's access to health -care services. The Committee is concerned that the abortion rate remains high. It is also concerned that the State party lacks a comprehensive approach to eliminating discrimination against women in the area of health.

30. **The Committee recommends that a broad framework for health services in line with the Committee's general recommendation 24 on article 12, on women and health, be put in place, that adequate resources be mobilized for that purpose and that access to those services by women be monitored. The Committee requests the State party to include in its next report further information on women's health, including the rates and causes of morbidity and mortality of women, contraceptive prevalence rates , abortion rates and diseases affecting women and girls, including cancer, as well as information on women's access to health-care services, including family planning and services directed towards cancer prevention.**

31. The Committee is concerned about the lack of information on the situation of rural women and ethnic minority women in the areas covered by the Convention.

32. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women and ethnic minority women in all areas covered by the Convention. The Committee also requests the State party to include in its next report information on marriages in Georgia involving girls under 18, and on the prevalence of the abduction of women for purposes of marriage, particularly among ethnic minority women.**

33. **The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

34. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the**

achievement of the Millennium Development Goals , and requests the State party to include information thereon in its next periodic report.

35. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Georgia to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

36. The Committee requests the wide dissemination in Georgia of the present concluding comments in order to make the people of Georgia, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

37. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in November 2007, and its fifth periodic report, which is due in November 2011, in a combined report in 2011.

1 The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Annex 4

UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

Security Council Resolution 1325 was passed unanimously on 31 October 2000. (S/RES/1325)

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;

2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;
5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;
6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;
7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;
8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;
9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention Security Council - 5 - Press Release SC/6942 4213th Meeting (PM) 31 October 2000 on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;
11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;
12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;

13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;
14. Reaffirms its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;
16. Invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
17. Requests the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;
18. Decides to remain actively seized of the matter."

