

# **INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH**



## **PRODUCING NGO SHADOW REPORTS TO CEDAW: A PROCEDURAL GUIDE**

*Revised in June 2003*

### **INTRODUCTION: CEDAW AND NGO REPORTING**

The Convention on the Elimination of All Forms of Discrimination Against Women (the CEDAW Convention) is a powerful instrument for articulating, advocating, and monitoring women's human rights. NGOs have a very important role in making the Convention an instrument of women's empowerment, through advocacy and monitoring their government's implementation of the treaty. Because the Convention's enforcement mechanism is based on a reporting system, it is imperative that NGOs understand and use the reporting mechanism to maintain government accountability both inside the country and at the United Nations.

These procedural and format guidelines are designed to assist NGOs in producing shadow reports for the CEDAW Committee to use in evaluating government efforts to meet the obligations of the CEDAW Convention. They are a companion to the IWRAW/Commonwealth Secretariat manual on reporting under the CEDAW Convention, *Assessing the Status of Women*, available from IWRAW.

### **TIMELINE FOR NGO ACTIVITY**

<b><i>EVENT AT THE UN</i></b>	<b><i>NGO ACTION</i></b>	<b><i>WHEN</i></b>
Ratification of CEDAW by a State Party	1.establish contact with the UN Division for the Advancement of Women (DAW) in New York 2.monitor the preparation of initial State Party report or: 3.participate in the preparation of the initial State party report in the country	*Immediately
Submission of State Party report to CEDAW	1.obtain a copy of the government report from Foreign Ministry 2.submit relevant information to the DAW (will be kept in special country files)	*Immediately
CEDAW Review Schedule Established (usually approximately one year in advance) Schedules can be found on the DAW website at: <a href="http://www.un.org/womenwatch/daw/cedaw">http://www.un.org/womenwatch/daw/cedaw</a>	1. organize an NGO coalition and set deadlines for the completion of a shadow report 2. prepare a list of issues and write shadow report	*Immediately
Pre-Sessional Working Group Meeting <b>(NOT FOR INITIAL REPORTS, ONLY FOR SECOND AND SUBSEQUENT REPORTS)</b>	1.send a shadow report or compiled materials to the Pre-Sessional Working Group 2.make an oral presentation to the Pre-Sessional Working Group	*At least 2 weeks prior to the Pre-Sessional Meeting  *First morning of the Pre – Sessional Working Group meeting
Prior to the Session at which the State Party is reviewed	1. send a shadow report to CEDAW members and to DAW	*Committee strongly prefers at least 3 months before the session, but some experts will consider reports received closer to the session. Reports received at the opening of session are not guaranteed attention.
CEDAW session at which the State Party is reviewed	1.make an oral presentation at the meeting 2.approach CEDAW members during the session to clarify issues and lobby 3.attend the official presentation of the government and “constructive dialogue” of the Committee with the government	*On the 2 <sup>nd</sup> day of the session (usually Tuesday afternoon) *During the session  *On the scheduled day of the review
Following the Review and issuance of Concluding Comments by CEDAW	1.report to other NGOs, media, etc. in country on the government review 2.disseminate the Concluding Comments 3.submit information to the DAW on the implementation of Concluding Comments	*Immediately  *As soon as possible  *As soon as possible

**Reporting and review requirement.** States parties (countries that have ratified the CEDAW Convention) are required to submit an initial report on the status of women within one year of ratification. Thereafter they are required to submit a periodic report every four years on progress made in removing obstacles to equality since the prior report. Because of the reporting backlog, States parties are encouraged to present consolidated reports (second and third together, for example).

**Review schedules.** The CEDAW Committee meets each year in two sessions of three weeks each (January/February and June/July), at the UN headquarters in New York. Reports are considered roughly in the order in which they were submitted, with some variations to provide geographical balance and a balance of initial and periodic reports in each session. Countries are invited to be reviewed according to a list drawn up by the Committee at each session for future sessions. Governments do not have to accept the invitation to be reviewed in a particular session, and the Committee includes a number of “reserve” countries to be invited if any on the initial list decline. Therefore the list tends to remain tentative until two or three months prior to the session. Although many States parties’ reports are overdue, the Committee has a small backlog of reports to be reviewed because of the number of States parties. Countries are not placed in the queue for review until their report is submitted. NGOs can expect that country reports may not be reviewed until, on average, two years after submission.

**NGO reporting.** Governments’ assessments of their efforts to comply with the Convention frequently are incomplete and tend to minimize problems and maximize accomplishments. Recognizing this, the CEDAW Committee asks governments whether they have involved NGOs in preparing the government report. The Committee has invited direct NGO input, in the form of independent or “shadow” reports and informal presentations, to bring women’s real concerns to national and international attention.

NGOs that have worked with the government to prepare the official report may find that the government report as submitted may not include their concerns. The CEDAW Committee recognizes that even where the NGOs have been consulted in preparation of the official report, the final version may omit their point of view. Therefore, it is important for NGOs to submit their own materials to complete the record.

**Pre-sessional working group (Second and subsequent country reports).** After each session, a working group of several Committee members remains in New York for a week to prepare for the next Committee session. This “pre-sessional” working group discusses State party periodic reports scheduled for review at the next session with each group member serving as a “country rapporteur” for one of the reports. The country rapporteur is responsible for preparing a list of issues concerning the particular report. The list of issues is then sent to the State party, which is required to provide written replies in advance of the session at which its report is scheduled for review.

***NGO contribution at this stage of the process is essential as it is the best opportunity to ensure that issues of concern to NGOs find their way into the list of issues and will be the focus of the dialogue between the Committee and the State party. To participate at this stage, NGOs should submit written information (ideally the full shadow report) directly to the country rapporteur***

*and/or to the Division for the Advancement of Women in advance of the pre-session group meetings.*

## **ORGANIZING THE SHADOW REPORT**

**Obtaining the government report.** The government report is the basis of the CEDAW review. Reports are prepared by the relevant Ministries. Upon completion, the Ministry of Foreign Affairs submits the report to the UN. If the current report is available, the NGO report can be organized as a commentary on it. Try to obtain both the previous and current official reports from the Foreign Ministry. However, NGOs may choose to provide information on selected articles or just one article.

State parties' reports should be available from the Foreign Ministry. Some governments fail to distribute the report within the country, despite the Committee's recommendation that they do so. The government report is a public document and should be available to all citizens once it is submitted to the UN. If this is not the case, a note of the failure of the government to distribute the reports should be made in the shadow report.

Government reports are available from the UN for public distribution after they are translated into all six official UN languages (Arabic, Chinese, English, French, Russian, Spanish). Frequently the reports may not be available from the UN until fairly close to the beginning of the CEDAW session, so it is important to request the report first from the government. If the report cannot be obtained within the country, check the DAW web site and the United Nations High Commissioner for Human Rights (UNHCHR) web site (see Annex), where most reports are posted prior to the session, or contact IWRAW or DAW directly for information on the status of particular country reports.

**Coordinating the contributors.** It is entirely possible for a single organization to prepare a helpful shadow report. However, many NGOs have chosen to collaborate with other national and international NGOs in preparing reports. Collaboration can enhance the impact of the report on the government, as it can demonstrate a consensus voice and existence of broad constituencies in favor of positions taken in the report. Coordination also helps the Committee use NGO information effectively, as the experts cannot be expected to give adequate attention to multiple reports, especially if they arrive in the last few days before the session. If submitting a report in alliance with other NGOs, it is important to budget time for coordination, identifying the strengths of each participating NGO, the tasks, resource- and cost- sharing, how to make final editorial decisions, etc.

**Organizing the report for maximum impact.** The following suggestions are based on 10 years experience in submitting NGO information to CEDAW and other UN human rights committees:

1. Organize the information according to articles of the CEDAW Convention, not by issue. If an issue concerns more than one article, choose the article that is most on point for a full discussion. Indicate briefly the other articles that may cover the issue.

2. Limit the report to no more than 30 pages. Not all the experts will be equally interested in each country and bear in mind that the language you use (English, Spanish, French preferred) may not be the reader's first language. *Regardless of length, provide a table of contents and executive summary.*
3. The executive summary should include specific language that the Committee could use in asking questions and drafting concluding observations. An executive summary should be no more than three pages (a very long report may require up to five pages of summary). The summary is essential to draw adequate attention to particular issues.
4. Describe the problems, the evidence, and the specific suggestions for change. Indicate who in the government is in position to make the suggested change. Indicate the role of civil society, but do not eliminate government responsibility.
5. Prioritize issues. The Committee will not be able to focus adequate attention on more than a few issues. It is important to decide, at some point in the process, the most important issues to the NGO community.
6. Include analysis of reservations and accounts of NGO efforts relating to their withdrawal.
7. Include some background information about the country or region.

**Organizing the content.** It may seem difficult to organize the report according to articles of the CEDAW Convention rather than according to the issues that most concern NGOs. However, organizing by article indicates knowledge of the treaty and respect for the Committee's time. One useful approach is to identify the issues, discuss and prioritize them, and then consider which articles of the CEDAW Convention apply. For each issue, it is important to provide examples or evidence of how the issue affects residents of the country and make specific recommendations for addressing the problem.

1) *Identify concerns and the applicable articles of the CEDAW Convention.* This will be based on experience and knowledge. Organizations or coalitions may identify a series of issues and determine priorities at a later date.

2) *Gather documentation and evidence to illustrate the issue.* This is important to make the case for both the necessity and the possibility of change.

Documentation can include statistics, legal cases, testimony of individuals, news clips, academic research, provisions of national and local laws and regulations. Statistics are most useful if disaggregated by age, marital status, class, ethnicity, and circumstances such as migrant status, as well as by sex, if possible. Case histories and testimony should be complete, including enough detail and contextual information to indicate the impact of particular actions or inaction by the government.

3) *Identify major obstacles and recommend approaches to removing them.* Consider the practical approaches to solving the problem. Which actors should be involved? Who needs to be trained or made aware of the Convention and national laws and regulations regarding women:

judges, police, prosecutors, women's advocates, school administrators, teachers, etc? Keep in mind how local women can be involved in monitoring the process.

Recommendations for action should be concrete, suggesting specific action. Language from the CEDAW General Recommendations or prior Concluding Observations of the Committee may be helpful. Questions that remain open from consideration of prior reports—stated in the Concluding Observations or, for reviews prior to 1994, in the Committee's summary of the review—should be addressed. Specificity is important; for example, "government should protect women from domestic violence," is not sufficiently precise. It would be more helpful to propose:

"government should a) collect accurate data on the incidence of domestic violence against women (on the national level, local level, etc.); b) increase the allocation of resources to women's shelters by 50%; c) train the police to insure that they offer battered women timely assistance."

4) *Reference to implementation of the Beijing Platform for Action* is now required by Committee guidelines.

5) *Reservations*. If your government has entered reservations to the Convention, it is important to suggest the changes that would allow for withdrawal. This could include analyzing the reservations in light of the current law and state of society to suggest narrowing the reservations to reflect the actual circumstances of society, or suggesting changing in law and policy that would lead to withdrawal. Reservations are supposed to be made with an eye to eventually withdrawing them as the law and culture change to better allow for meeting Convention obligations. They are not supposed to indicate a total refusal to change.

**Special attention to context and analysis.** This is important because the CEDAW Committee experts may not have a great deal of information about the country. Even if the government report provides general information, the Committee will want to relate that information specifically to women's situation.

Context also will be important for appropriate evaluation of a particular situation. For example, if an employment law includes remedies available only through an administrative system, such as the Ministry of Labor or a local authority, it is important to analyze the general attitude of that authority. If the court system generally has not been sympathetic to women's claims, it is important to note how judges are selected and trained and address the obstacles and opportunities for changing that system.

With the practicalities in mind, the report should be focused carefully and provide a framework for developing very specific points for lobbying. While your report may be ultimately intended for a large audience, including government officials and the public, it should be planned for effectiveness with the Committee. As an audience the Committee has particular requirements:

- The Committee experts read the shadow report to obtain specific information that can help them evaluate the government report.

- The Committee experts cannot be familiar with the political and economic background of every country. They may need contextual information to understand the issues.
- The Committee experts always have a limited amount of time and want to receive information about the most pressing issues in a concise format.

## **SUGGESTED FORMAT FOR SHADOW REPORTS**

To provide the essential information and guidance to the reader, the report should include:

1. Title page including title, author(s) and date of the report;
2. Executive summary (see below);
3. Table of contents;
4. Introduction that gives more information about the production of the report;
5. The main body, organized by Convention article, including recommended actions;
6. Concluding remarks;
7. Appendix (if necessary: can include text of important laws, lists of references or participants in report preparation, media clips, etc.)

**Executive Summary.** An executive summary is a very brief presentation of information that allows busy readers to almost *instantly* get a clear idea of the main points in the shadow report. A good executive summary saves time for the reader and helps determine which part of the shadow report is of most interest. It is imperative for use by CEDAW members whose first language is not the language in which the report is written.

An executive summary is usually no more than three pages long (if the body of the report is over twenty pages, the executive summary can be somewhat longer). Information must be concise, accurate, and carefully selected from the full report. It should include:

- the main points of the report;
- the evidence/data included to support the main points;
- recommendations for government action to address the key issues, in language the Committee can use in its concluding observations.

The executive summary usually is the most difficult part of the report to produce. It should state clearly where in the shadow report the reader can find more details about a particular point if she wishes to know more. Some suggestions:

- All the information about one article of the Convention should be possible to summarize in one paragraph. If you cannot do so, it probably means that the information in the discussion does not have a clear focus and may have to be reorganized.
- Every important paragraph can be reduced to one sentence.
- Not every sentence or paragraph needs to be represented in the executive summary.

### **Useful Materials**

1) *The CEDAW Convention and the General Recommendations.* As of the beginning of 2003 there are 24 general recommendations to the CEDAW Convention. General Recommendations are adopted by the CEDAW Committee to give guidance to governments as to the details of specific issues the Committee wishes to see addressed in reports. General Recommendation Nos. 19 through 24 are quite detailed, but even the earlier ones include important instructions. Copies of the General Recommendations can be obtained from the United Nations, in hard copy or from the treaty Web sites (see addresses at end of this document), or from IWRAW. They also are included as an Annex to the reporting manual, *Assessing the Status of Women*.

2) *CEDAW Concluding Observations.* The official reports of the CEDAW sessions include questions asked of the States parties in prior reviews. Since 1994, the Committee has issued Concluding Observations on each country, highlighting shortcomings, accomplishments, and recommended action to further implement the Convention. Copies of the CEDAW reports, and in particular the Concluding Observations, should be available from the UNHCHR web site (see Annex). If they are not, contact IWRAW or the UN Division for the Advancement of Women. The Division also publishes the Concluding Observations on its Web site (see Annex).

3) *Assessing the Status of Women: A Guide to Reporting Under the Convention on the Elimination of All Forms of Discrimination Against Women (Revised in 2000).* This manual is published by IWRAW and the Commonwealth Secretariat. Its main purpose is to assist individuals and organizations to assess the status of women and to evaluate the implementation of the CEDAW Convention. It provides commentary on each article as well as a number of questions on implementation of each article. The Annexes include the text of the CEDAW Convention, guidelines for preparation of government reports, General Recommendations adopted by the CEDAW Committee, and the Declaration on the Elimination of Violence Against Women. Available in English, Chinese, French, Spanish, Russian and Arabic; contact IWRAW.

4) *Samples of NGO shadow reports* can be obtained directly from NGOs or, in some cases, from IWRAW. IWRAW maintains a list of NGO reports that have been submitted to the Committee and can provide addresses.

## **WORKING WITH THE CEDAW COMMITTEE**

The CEDAW Committee consists of twenty-three independent experts, elected by the States parties to the Convention. The membership represents a geographical distribution as well as an attempt to include experts from different political and legal systems. Because they are by the terms of the CEDAW treaty “independent,” the members serve in their individual capacity and do not take formal instructions from their government as to their approach to consideration of the reports. However, bear in mind that they must be nominated for the position by their government, so they are likely to be prominent and their views acceptable to the government. This independence also allows for a certain flexibility in organizing their working procedures and in working with NGOs.

At each of the two CEDAW sessions, approximately 8-10 reports of State parties are reviewed. For each country, the Committee members listen to a presentation by a government



representative and ask questions. For periodic reports, as noted earlier, questions are prepared in advance of the session by a pre-session working group and conveyed to the country's UN mission for written answer prior to its appearance before the Committee. In the review session, the country representative introduces the report, presenting comments and information pertaining to the preliminary list of issues posed by the pre-session working group. The Committee members ask follow-up questions and engage the State party representatives in a constructive dialogue.

At the conclusion of the session, the Committee adopts Concluding Observations on the country, including both commendable progress and recommendations for improvement concerning women's advancement. These Concluding Observations are the crucial product for NGO action, as it is a public statement given to the government that specifies further action required to live up to its obligations under CEDAW. ***Thus, it is important that NGO shadow reports highlight the major priorities that can be readily reflected in the Concluding Observations.***

The country rapporteur (for both initial and periodic reports) is responsible for reading all the background material provided by the UN (and NGOs) on a given country and presenting his or her analysis of that information to the Committee during its deliberations. The country rapporteur usually is assigned to write the Concluding Observations on that country. NOTE that a member from a country under review, according to the Committee's rules, is not permitted to participate in the review of his or her country.

**Access to the UN building.** In order to attend any UN meetings, NGO representatives need to obtain a pass issued to the individual, for the session, at the pass office across from the UN Headquarters. In order to receive the pass, they will need to be placed on a list of persons authorized to obtain a UN pass and present an identity document, such as passport. NGOs can request accreditation from the Division for the Advancement of Women in advance of the session or should contact IWRAW for further information.

**NGO input at the CEDAW session.** As noted in the Timeline for NGO Activity table on page 2, there are several stages at which NGOs may approach the Committee members. The process is relatively open, and at least some of the members are very willing to work directly with NGO materials.

- The pre-session working group is a crucial moment for NGOs to have input because this is when a list of issues for the review of periodic reports is given to State parties. The pre-session working group meets at the end of the session prior to the one at which a given government will be reviewed (for January/February session, for example, the pre-session will be held after the close of the June/July session the year before). If NGOs can be present in New York at that time, they may make an oral presentation to Committee members at the beginning of the pre-session. It is useful to submit a written report to the members of the pre-session working group.
- Most of the CEDAW members want to have written shadow reports to enable them to ask useful questions. They should be sent by e-mail attachment or courier to at least a few members, including the Chairperson and the country rapporteur, prior to the session. All of the members should receive a copy of the shadow report at the opening of the session. Some

experts will accept submission by e-mail attachment, as will DAW, but hard copy should be delivered as well, as a backup.

- The Committee holds one meeting during the first week of each CEDAW session (on the first Monday or Tuesday afternoon) to hear country-specific information directly from NGOs. This is an opportunity to make your points to a number of the experts at once. Simultaneous interpretation in Arabic, Chinese, English, French, Spanish, and Russian is provided.
- Many of the CEDAW experts are readily approachable individually before and after the working sessions to talk informally about the issues that concern NGOs. Some will be willing to have a full-length meeting before a working session or at midday. Most will be approachable to at least have a few words. ***BE PREPARED for these meetings by having your specific points of concern ready to be conveyed in a few words and on a single sheet of paper.***

#### **ADDENDUM: CEDAW GUIDELINES FOR GOVERNMENT REPORTS**

CEDAW has adopted guidelines for the form and content of initial and periodic reports to assist State Parties in the preparation of reports and to ensure that reports are presented in a manner that allows CEDAW and State Parties to obtain a complete picture of Convention implementation. CEDAW has issued two guidelines, one for initial report, the other for second and subsequent reports.

Initial reports should be in two parts. Part I should clearly describe the country in all its aspects. It is to provide general information on the land and people of the State, its general political structure, general legal framework concerning the protection of human rights, and a description of efforts made to promote awareness among the public and the relevant authorities regarding the content of rights. Part II should provide specific information in relation to each provision of the Women's Convention. The following issues should be addressed with particular attention:

- a) The constitutional, legislative and administrative provisions or other measures in force;
- b) Progress that has been made, including the programs and institutions that have been established since the entry into force of the CEDAW Convention;
- c) Any other progress made in the fulfillment of each right;
- d) The gaps between women's legal status and their status in fact;
- e) Any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition or in any other manner on the enjoyment of each right.

The Committee's guidelines for second and subsequent reports indicate that they should focus on progress and new problems that have occurred since the submission of the preceding report. Particular attention should be paid to the following issues:

- a) If the government report lists laws adopted in recent years with the purpose of eliminating discrimination, does it discuss realities of and remedies for noncompliance?
- c) Are enough data disaggregated by sex?

- d) Does the government report deal with the CEDAW comment on the preceding report? If so, is it adequate?
- e) Has the government made serious efforts to implement the Convention since the submission of the preceding report?
- f) If the government has entered reservations, does the government report address the reservations? Do the reasons for reservations still hold?

## **ANNEX**

### **UN DIVISION FOR THE ADVANCEMENT OF WOMEN:**

Two United Nations Plaza, Room DC2-1236  
New York, NY 10017 USA  
Tel: (212) 963-3153  
Fax: (212) 963-3463.  
Web site: <http://www.un.org/womenwatch/daw>

### **IWRAW:**

Humphrey Institute of Public Affairs  
University of Minnesota  
301-19th Avenue South, Minneapolis MN 55455 USA  
Tel: (612) 625-5557  
Fax: (612) 624-0068  
E-mail: [iwraw@hhh.umn.edu](mailto:iwraw@hhh.umn.edu)  
Web site: <http://www.igc.org/iwraw>

### **CEDAW WEB SITE:**

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

### **UNHCHR WEBSITE CONTAINING TREATY DATABASE**

<http://www.unhchr.ch> (click on DOCUMENTS; click on TREATY BODIES DATABASE and follow search options)

### **UNIVERSITY OF MINNESOTA HUMAN RIGHTS LIBRARY**

<http://www.umn.edu/humanrts>