



A HANDBOOK ON THE CEDAW

Realizing Indigenous Women's Rights

REALIZING INDIGENOUS
WOMEN'S RIGHTS:
A HANDBOOK ON THE
CEDAW

**Realizing Indigenous Women's Rights:
A Handbook on the CEDAW**

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Introduction

Indigenous women the world over experience particular forms of discrimination because of their multiple identities, discrimination against them as indigenous peoples and discrimination of a different form against their gender. The struggle for the recognition of collective ownership of land, territories and resources—a primary concern of indigenous peoples—has been criticized by some as placing greater importance on collective rather than individual rights, resulting in further marginalization for individual women. However, this criticism reveals also an inability in some commentators to comprehend the collective contexts in which individual rights are experienced or enjoyed and a general bias against the recognition of the importance of collective rights.

Indigenous women are leaders in both the global women's and indigenous movements, and acknowledge the need to address violence in the name of tradition and domestic violence. Living the experience of multiplicity, indigenous women assert individual human rights and collective rights to self-determination, land, territories and resources at the same time. Collective rights, tightly intertwined with the survival and identities of indigenous peoples, are complimentary conditions that enable the enjoyment of individual rights. The assertion of collective rights, therefore, is a strategic approach to the realization and fulfillment of indigenous women's rights.

Discrimination and the violence that ensues from it is not a new experience among indigenous peoples, and certainly not for indigenous women. During colonization and in the building of nation states the particularities of indigenous identity and culture have often been negatively emphasized to facilitate a single "national identity."

Milestones have been achieved in the development of human rights instruments and standards that are designed to address these issues, including a particular treaty instrument for women, and an instrument and multiple human rights bodies setting standards for indigenous peoples. However, much of these have yet to be translated and made real in the lived experiences of the people on the ground. The challenge for us is to translate these documents and instruments, to take the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to test it in the context of indigenous women; to take the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and use it to inform and educate our governments, treaty bodies and other standard setting bodies. Instruments such as CEDAW, which contain no reference to indigenous women, must be interpreted in conformity with the UNDRIP to enable the lives of people impacted by multiple forms of discrimination to have avenues available to them where multiple instruments and bodies can work together to address their concerns.

To contribute to the process of continuing to raise awareness, and to improve access to and use of the instruments available to us, we offer this handbook to indigenous women, particularly in the Asian region whose experiences we have attempted to reflect in this publication.

This handbook is an introduction to the human rights of indigenous women. As an introductory handbook, it does not provide exhaustive information on the various human rights bodies available to indigenous women, but provides some detail on the CEDAW as the only instrument specifically for women. It also provides a brief overview of the other available human rights mechanisms. Further readings and study of the specific human rights instruments, their scope and limitations are recommended towards a more holistic understanding and stronger base to claim rights for indigenous women.

The book is divided into four chapters. Chapter 1 provides a brief overview of the particular situations of indigenous women in Asia, including the particularities of violence they are experiencing with the prevailing and existing conditions in indigenous communities and territories. Chapter 2 deals with the principles of human rights

and the international human rights instruments providing for the rights of women. It focuses on the CEDAW as a specific instrument for protecting the rights of women. Chapter 3 presents the different mechanisms and possible options that indigenous women may take to seek redress for discrimination or violence. It provides specific information and tools that have been developed in aid of asserting human rights based on the mechanisms and procedures provided for under the CEDAW and other international human rights instruments. The final section, Chapter 4, provides a selection of previous jurisprudence from CEDAW that may assist in making arguments for future submissions to that body, or to national and other international legal instruments.

This handbook was not a lonely project and we had much help. We would like to thank the International Women's Rights Action Watch Asia Pacific (IWRAP-AP) for their careful comments and feedback to this guide. We would also like to thank the indigenous women who have brought their issues to the attention of CEDAW in the past, their experiences have informed the guidance provided here. It is also worth noting Ellen-Rose Kambel's *A Guide to Indigenous Women's Rights under the Convention on the Elimination of All Forms of Discrimination Against Women*, first and second editions, as important resources for this handbook.

Most of all, we would like to thank all the members of the Asian Indigenous Women's Network (AIWN) for sharing their experiences and situations in their own countries, many of which we have included in this handbook. From our different engagements with different indigenous women's organizations in the region, there has been a recurrent articulation of the need to strengthen the capacities of women towards a better understanding, assertion and access of human rights.

Eleanor Dictaan-Bang-oa and Helen Tugendhat
May 2013





CHAPTER 1

The Situation of Indigenous Women in Asia

Indigenous peoples are usually identified as groups of people who are descendants of the original inhabitants of a defined territory, bound by distinct cultural as well as social, economic and political systems and institutions, and a desire to retain their distinctive identities apart from the mainstream. Indigenous identity is often tied to a collective relationship to lands and resources, a relationship which is central to ensuring the physical well-being of present and future generations as well as providing the resources that enable their social, cultural and spiritual lives. For indigenous peoples, self-identification is the basic principle in claiming and asserting indigenous identity.

The estimates for indigenous peoples' numbers around the world vary widely depending on source, but an extensive review of existing national and global datasets concluded that between 450 and 560 million people around the world.¹ In Asia, estimates of the number of indigenous persons range from 150-250 million.

Indigenous peoples are referred to by many different terms. Depending on a country's laws, policies and history, indigenous peoples may be called "tribals," "tribal people," "hill tribes," "natives," "ethnic minorities," "minority nationalities," or "adivasis," among many other terms. Indigenous peoples in Asia generally reject the use of the term "ethnic minorities," pointing out it refers primarily to groups like the Chinese in Indonesia, or the Cambodians in Thailand—not to peoples existing without their own state

¹ Sophie Chao, *Forest Peoples: Numbers across the world* (United Kingdom: Forest Peoples Programme, 2012), 16, http://www.forestpeoples.org/sites/fpp/files/publication/2012/05/forest-peoples-numbers-across-world-final_0.pdf.



boundaries. Increasingly in Asia, indigenous peoples are beginning to assert their identities as “indigenous,” particularly in the international arena, even when use of the term may be dangerous at a local or national level.²

At the time of publication, the term “indigenous peoples” is still not formally used and recognized in the national legislation and policies of most Asian states, with the exception of the Philippines and Japan. For purposes of this handbook, we use the terms *indigenous*

² International Work Group on Indigenous Affairs (IWGIA) and the Asian Indigenous Peoples’ Pact Foundation (AIPP), *The Concept of Indigenous Peoples in Asia: A Resource Book*, ed. Christian Erni (Chiang Mai, 2008).

peoples and/or indigenous women to include those officially labeled as “ethnic minorities” or other government-nominated terms, without prejudice to those who do not want to identify themselves as such.

As in other parts of the world, indigenous women in Asia experience multiple forms of discrimination because of their indigenous identity, because of their gender and often also because of poverty. As indigenous peoples, they suffer from the same discrimination and oppression as indigenous men. Their rights as members of indigenous peoples are often not legally recognized. They can be displaced from their ancestral territories, and the resources vital to their survival and culture are often threatened with degradation and destruction.



In addition, as indigenous women, they endure other forms of discrimination that emanate from prevailing gender biases in wider society and, at times, from traditional practices such as endogamy and inequitable inheritance traditions. In cases where there is conflict and war, women are often additionally victimized through the use of rape and sexual harassment as tools of war or to suppress peoples' resistance.

For both indigenous women and men, a core problem is the *non-recognition* by the state of their specific rights, and in some countries even of their existence as peoples. National laws and policies in most Asian countries do not acknowledge indigenous

peoples' rights to their traditional lands, territories and resources as well as their customary laws on land ownership and tenure. As a result, their lands are expropriated for extractive industries, government programs, and other economic development projects.

The non-recognition of the status of indigenous women and their rights makes them more vulnerable to further oppression from the individual, personal and domestic level to the collective aspects of economic, political and socio-cultural life of indigenous communities. Rapid social, cultural and economic changes brought about by policies of assimilation or by the forces of globalization can place women's roles as the transmitters and holders of traditional knowledge under great strain and threaten the wider cultural security of the people as a whole.

Violence Against Indigenous Women

General Recommendation 19 of the CEDAW Committee defines violence against women (VAW) as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."³ Violence against women occurs within families, within communities and also includes violence sanctioned by or stemming from the acts or omissions of the state. Violence against women reflects unequal power relations, the insistence within some societies on controlling women's sexuality, and the role forced on women in protecting family "honor." VAW is usually seen as physical violence, but it is also important that its other forms are recognized and are not neglected. VAW includes acts which may result in "psychological harm to women," among other acts or omissions. Endemic inequalities and discrimination against women as manifest in socio-political, cultural and economic systems is a form of violence against women due to the psychological and the very real physical harms that can result.

³ CEDAW, General Recommendation No. 19 (11th Session, 1992), available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>.

Violence against indigenous women (VAIW as distinct from VAW more generally) includes for our purposes here violence, which is enacted against the collective rights of indigenous women or violence which disproportionately affects indigenous women due to their status as indigenous persons. Violence against the collective rights of indigenous peoples causes psychological harm to both men and women within those communities, and the fact of being indigenous can in many countries increase the threats of violence against women. As noted by the International Indigenous Women's Forum (known by its Spanish acronym FIMI), VAIW and more broadly gender-based violence against indigenous persons is "shaped not only by gender discrimination within Indigenous and non-Indigenous arenas, but by a context of ongoing colonization and militarism; racism and social exclusion; and poverty-inducing economic and 'development' policies."⁴

Aside from the basic human rights and freedoms impaired, violence against indigenous women undermines and violates their rights to adequate standards of living. These rights involve the entitlements to individual and collective ownership of land and resources; education; maintenance and enjoyment of culture and language free from discrimination; access to ancestral lands and lands relied upon for subsistence; right to decide their own patterns of development and the right to autonomy over indigenous affairs. An understanding of VAW among indigenous women in their particular contexts is imperative in any effort to address it.

As mentioned above, discrimination against indigenous women and the violence that results from it can be traced in part to histories of "discovery" and colonization, histories in which indigenous peoples are regarded as "backward," "uncivilized" or somehow "other." Colonial powers imposed different value systems and ideas through different avenues, including religion, education and assimilation policies, which eroded the nature of indigenous subsistence economies and cultures. They promoted norms and values that favored the ruling class. The eventual creation of nation-states under a notion of "homogeneity" further undermined diversity and lessened respect for cultural difference.

⁴ Foro Internacional de Mujeres Indígenas (FIMI)/International Indigenous Women's Forum (IIWF), *Mairin Iwanka Raya: Indigenous Women Stand Against Violence: A Companion Report to the UN Secretary-General's Study on VAW* (USA: FIMI/IIWF, 2006), 6.

There is conflict also between the rights and interests of indigenous peoples, and government insistence on the priority of the economic interest of the state. In the Philippines, the first country in Asia to recognize indigenous peoples' rights through the enactment of a law called the Indigenous Peoples Rights Act of 1997, the government's economic agenda continues to take precedence over promotion of indigenous rights. An example is the displacement of indigenous communities in Compostela Valley and Davao Oriental provinces, which host four of the government's 10 priority mining projects in the region. More than 330 Mansaka-Mandaya families were reportedly displaced from their homes and farms in 2008 due to military operations. They were followed by around 150 Mandaya and Matigsalog families who evacuated to town centers. The military operations, as reportedly admitted by a top military officer, were part of the activities of the Investment Defense Force (IDF). The IDF is a special police and military unit set up by the government in February 2008 to protect power, plantation and mineral assets in the rural areas. This is in addition to an already existing special paramilitary group (Citizens Armed Force Geographical Unit) tasked to provide security for private companies.⁵

Violence against any individual member of indigenous communities is tantamount to violating the whole family and community. The socio-cultural fabric of the community, reinforced by indigenous spirituality, is a vital force and process in the healing both of the survivor and the community.

Land and Resources

Indigenous women experience the loss of land and displacement in particular ways. For indigenous peoples, ancestral land is the material basis that provides food and health security and cultural survival. In many indigenous communities women are the main food producers, knowledge holders, healers and keepers of the culture. When lands are lost, women lose their self-reliance in food production. They lose their knowledge in natural resource

⁵ Kalumaran, *Resisting Development Aggression in Mindanao, Philippines: Militarization, Armed Conflict and Indigenous Women* (2008).

management, biodiversity and medicinal plants. This means indigenous women and their communities as a whole are deprived of their medicinal resources and cannot perform their healing duties and rituals.

Further, indigenous women cannot perform their role in keeping and transferring traditional knowledge to their children as this knowledge is embedded in their land and resources. Dependent on the land to fulfill their reproductive and nurturing roles, indigenous women and their families thus become vulnerable to hunger, malnutrition, ill health and cultural alienation.

Displacement entails not only physical but economic and social dislocation. Indigenous women lose their traditional livelihoods and occupations and are forced to look for other ways to earn a living. In some communities, changes in livelihoods resulting from displacement or from various development programs and projects set up in their communities may bring some positive aspects. New activities and resources become available, such as in Peninsular Malaysia where the Semai women of today live a relatively easier life. They are less likely to go out to gather forest vegetables because these can now be readily purchased, and they do not have to walk far distances to collect water or firewood. Water is piped to the houses and gas stoves are now more affordable for people in the communities.⁶

However, the overall impact of resettlement and loss of livelihood resources has been much more detrimental for indigenous women. They have to find alternative means and sources of livelihood and it becomes more difficult to do their traditional activities like handicraft making and food preparation. Often they end up poorer.

When they lose their traditional occupations, the burden of work doubles for

Box 1: Impact of oil palm plantations to the traditional livelihoods of indigenous women

In Tandung village in East Kalimantan, Indonesia, for example, the loss of the doyo, a traditionally protected plant species, to oil palm plantations resulted in the increasing dependence of women on their husbands. The doyo, symbolic of women, is planted, processed and woven by women as



indigenous women as they seek new livelihood opportunities and continue to be responsible for housework, child bearing and rearing. They are no longer self-reliant traditional producers of food and are forced to accept wage employment to respond to basic needs. They can also be subjected to increased sexual violence, harassment and abuse as wage workers.

part of their traditional occupations. The entry of oil palm plantation in their village in 1986 discouraged the intercropping of this species as women were offered cash income as palm fruit pickers. In 1994, the palm oil company stopped hiring workers. Many women found themselves without income and alternative livelihoods.⁷

All these impacts negate the human rights and fundamental freedoms of indigenous women. Displacement from their lands and territories, which are at the core of their existence as human beings and as peoples, is an outright violation of their right to life.

Extractive Industries and Development Projects

One of the main ways in which indigenous peoples are displaced is through the action of the hundreds of extractive industries and development projects found in Asia on the lands and using the resources of indigenous peoples. Entry into ancestral territories is facilitated by globalization and by expansionist economic policies of governments. Sometimes referred to as “development aggression,” such projects include logging, mining, oil and other energy projects (dams, gas, geothermal plants), large industrial plantations (rubber, pineapple, oil palm, bananas, sugar cane, etc.), protected area systems and conservation areas, export processing industrial zones and tourism zones.

⁶ Colin Nicholas. et al., *Orang Asli Women and the Forest* (Subang Jaya, Malaysia: Center for Orang Asli Concerns, 2003), 92.

⁷ Story of Ibu Fatmawati during a follow up activity on CEDAW Monitoring and Reporting in Bogor, Indonesia, December 2008.

In the Philippines, for instance, the majority of existing mining⁸ and dam projects are located on ancestral lands.⁹ Industries and economic projects like these limit access to traditionally used resources or degrade the natural resources, which indigenous peoples rely on for their survival. The environment can be subjected to adverse ecological impacts, and the non-material resources of indigenous peoples can be threatened through biopiracy of genetic resources and improper use or theft of traditional knowledge.¹⁰ At a minimum, such impacts weaken livelihoods, making indigenous peoples poorer and more dependent on the market economy. More seriously they can result in expulsion from ones' own lands and resources, being severed from the very ties to land that define ones' identity.

In India, too, the majority of development-related displacement occurs in areas where indigenous peoples are concentrated. Some 40-50 percent of those displaced by development projects are tribal peoples, wildly disproportionate to their relative population size, accounting for only eight percent of the nation's one billion people.¹¹ More displacements are foreseen. Some 168 hydroelectric dams are being proposed and another 24 are currently under construction in indigenous areas where hundreds of tribal insurgent groups are fighting for their identities and survival.¹² On top of these, the

⁸ Sixteen of 23 priority mining projects are in indigenous peoples' ancestral domains as reported by the UK fact finding team launched in the House of Commons on January 25, 2007, <http://www.envirosecurity.org/sustainability/presentations/Wicks.pdf>.

⁹ Joji Cariño, *The World Commission on Dams: A Review of Hydroelectric Projects and the Impact on Indigenous Peoples and Ethnic Minorities*, CSQ Issue, Fall 1999, <http://www.culturalsurvivor.org/publications/cultural-survival-quarterly/brazil/world-commission-projects->.

¹⁰ Emerging and established standards such as the Akwe: Kon Guidelines and the Nagoya Protocol are international efforts to address these very real local issues, but require political will and financing to achieve. Sadly such commitment is lacking for many Asian governments.

¹¹ Sarah C. Aird, "China's Three Gorges: The Impact of Dam Construction on Emerging Human Rights." *Human Rights Brief*, Vol. 8 Issue 2 (2001), <http://www.wcl.american.edu/hrbrief/08/2damconst.cfm>.

¹² For details of the expansion plans for India, see the *National Hydro Power Development, National Hydro-power Corporation of India, a government enterprise*, <http://www.nhpcindia.com/writereaddata/English/PDF/hydro-policy.pdf>.

central government's "Look East" policy is opening up the North East to big infrastructure development including the construction of trans-boundary trade routes.¹³

In many cases, eviction is accompanied by force and violence by state or private security forces. These are also used to put down local resistance to development projects or when indigenous women and men stay to defend their lands.

In Indonesia, the Moronene people have been evicted many times since 1997 when their lands were marked for a conservation forest. They have been threatened, intimidated, jailed, deprived of their agricultural fields and harvests, and had their houses burned. The same threat is faced by the Wana people if the government's plan to turn 225,000 hectares of their ancestral homeland into the Morowali conservation area pushes through.¹⁴ Loss of land intensifies poverty and cultural erosion. In Taiwan, many indigenous persons earn their living as workers in the hotels and other tourism establishments that were set up in their territories, while others have migrated to the city to look for work. The people who chose to stay in the villages live mainly for tourism where they maintain their clothes, dances and their culture as showcases for tourists. Identification as indigenous is falling in Taiwan as the government's main program is aimed at their assimilation into mainstream society.¹⁵

¹³ Thongkhohal Haokip, *Third Concept- An International Journal of Ideas*, Vol. 24, No. 291, May 2011, pp. 7-11, http://www.freewebs.com/roberthaokip/articles/India%27s_Look_East_Policy.pdf.

¹⁴ AMAN, *Indigenous Women in Indonesia*, In *Celebrating Diversity, Heightening Solidarity. Proceedings of the 2nd Asian Indigenous Women's Conference*. March 4-8, 2004 Baguio City, Philippines (Baguio City: Tebtebba Foundation), 113.

¹⁵ Asian Indigenous Women's Network (AIWN), *Conference Highlights*, In *Celebrating Diversity, Heightening Solidarity*. Proceedings of the 2nd Asian Indigenous Women's Conference. March 4-8, 2004 Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 32.

Transmigration and Forced Migration

Transmigration programs are initiatives intended to encourage members of majority ethnic groups to settle in indigenous areas. Such migration, when done on a large scale, can cause them to become the dominant population in the specific area, effectively reducing the indigenous inhabitants to a minority with serious impacts on the political authority and role of the original peoples.

Bangladesh's policy of transmigration and Islamization in the Chittagong Hill Tracts (CHT) has disproportionately lessened the numbers of the Jummas in exactly this manner. Some of their productive lands had already been submerged by the Kaptai Dam in 1960. In 2004, government-sponsored Islamic Bengali settlers reportedly composed more than 60 percent of the CHT population, compared to only two percent in 1947.¹⁶

North East India's proximity to Bangladesh has also resulted in Bengali influx into the Northeastern states in search of better economic opportunities. Bengalis today dominate the states of Tripura and Assam. In Tripura, the indigenous peoples had been reduced to 31 percent of the total population in 1991 from 95 percent in 1931.¹⁷ In 1991, the Muslim population in Assam increased to 6,373,204, which is 30 percent growth of Muslim population after 1951. With that growth rate from 1951 to 1991, the Muslim population in Assam would have increased to 33 percent by 2005.¹⁸

¹⁶ Internal Displacement Monitoring Centre and Norwegian Refugee Council, *Bangladesh: Indigenous peoples and religious minorities still affected by displacement*, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/CABABAE35881480EC12575F5005058C5/\\$file/Bangladesh+July+2009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/CABABAE35881480EC12575F5005058C5/$file/Bangladesh+July+2009.pdf) (16 July 2009).

¹⁷ Dr. Khomdon Singh Lisam, *Inner Line Permit System in Manipur- lessons to learn from other countries and states and what we need to do*, <http://kanglaonline.com/2012/04/inner-line-permit-system-in-manipur-lessons-to-learn-from-other-countries-and-states-and-what-we-need-to-do/>.

¹⁸ R. Upadhyay, *Politics of Infiltration - A Threat to Socio-cultural Identity of Assam?* Paper No. 1557. 29.09. 2005, <http://www.assam.org/news/how-bangladeshi-muslims-wiped-assamese-out-their-own-land>.

In Vietnam, the government brought down some ethnic minorities from their mountain villages to areas where they could have easier access to basic services. But the resettlement also aimed to make them give up their traditional slash-and-burn farming methods for sedentary agriculture. This opened their lands to large-scale migration by ethnic majority Kinh and the establishment of state-owned plantations in their areas. This spawned land conflicts between the indigenous groups and Kinh migrants and was partly the reason for ethnic unrest in Vietnam's Central Highlands in 2001 and 2004.¹⁹

Being made a minority in ones' own lands is a phenomenon which threatens the survival of indigenous peoples. It lessens access to resources and services as well as diminishing the resources they depend on for food and healthcare. The demographic changes facilitate their assimilation, as it weakens territorial and cultural integrity and preservation. Transmigration also fuels ethnic conflict, which makes it more difficult to struggle for identity recognition. The multidimensional conflict that arises is usually downplayed by the state and development agencies in pursuit of political and economic interests and to justify militarization.

In other countries, indigenous women and men are removed from their lands and relocated to other areas under resettlement programs. Resettlement breaks up communities, as it tends to dilute social and political solidarity. Governments have promoted this as an affirmative action for indigenous peoples, but it has often been used to advance other programs that proved more harmful than beneficial to them.

Militarization

Militarization, frequently accompanied by state impunity, is also the root cause of many forms of human rights violations. Acts of violence by the military have been legitimized by declarations of state of emergency and implementation of laws in so-called

¹⁹ Human Rights Watch, *No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnam's Central Highlands*, <http://www.unhcr.org/refworld/topic,463af2212,469f2f9a2,44c766aa4,0.html> (14 June 2006).

“disturbed areas.”²⁰ In Burma, according to the Internal Displacement Monitoring Centre, there are 50,000 people displaced in Kachin state and northern part of Shan State in 2011. There were also estimated 400,000 people experiencing humanitarian crisis in the states of Shan, Kayah, Kayin and Mon.²¹ This does not include the hundreds of others who cross the borders to Thailand, Malaysia, India and Bangladesh.

The extent of displacement of indigenous women and men due to militarization is usually underestimated and is not fully known, as displacement tends to happen in remote areas. Displacement happens within the boundaries of the nation-state as well as across state boundaries, often accompanied by violations of refugees' human rights, such as those occurring in Burma, Vietnam, Laos and Cambodia. In the last three cited countries, there are ethnic minorities fleeing from religious persecution and state impunity and seeking refuge in jungles or crossing borders to neighboring countries.



²⁰ UN Information Officer, *Militarization of Indigenous Areas a Growing Threat, Permanent Forum Told*, (HR/4601, 23 May 2002), <http://www.un.org/rights/indigenous/hr4601.doc.htm>.

²¹ Internal Displacement Monitoring Centre, *MYANMAR: Peace talks may bring end to conflict and displacement closer*, <http://www.internal-displacement.org/8025708F004CE90B/%28httpCountries%29/59F29664D5E69CEF802570A7004BC9A0?OpenDocument>.

Table 1: Number of Internally Displaced Peoples in Some Asian Countries²²

| Country and/or State | Number of IDPs (rounded) | Comments | Causes of Displacement |
|---|---|--|--|
| Bangladesh | | Official government information for the year 2000 says that 128,364 families were internally displaced. This corresponds to 667,493 individuals. | Deliberate policy or practice of arbitrary displacement, generalized violence, human rights violations |
| Rangamati | 35,595 (tribal families) | | |
| Khagrachari | 46,570 (tribal families) | | |
| Bandarban | 8,043 (tribal families) | | |
| India | | Armed conflict, deliberate policy or practice of arbitrary displacement, generalized violence, human rights violations | |
| Western Assam | More than 46,000 Adivasis, Bodos and Muslims in the 1990s | | |
| Manipur (floating islands on Loktak Lake) | More than 3,000 | | Lake dwellers forcibly evicted by the authorities in November 2011 |
| Chhattisgarh and Andhra Pradesh | 40,000 Adivasis | | Staying as IDPs in the two states |
| West Bengal | 8,000 Adivasis | | Living in displacement |
| Chhattisgarh | More than 100,000 | | |

²² Recent available and estimate figures on IDPs displaced by conflict in selected countries in Asia. The figures provided in the table are the latest compiled by Internal Displacement Monitoring Centre (IDMC) at <http://www.internal-displacement.org/8025708F004CE90B/%28httpPages%29/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000> and <http://www.internal-displacement.org/publications/global-overview-quick-facts-2011.pdf>.

| | | | |
|---|--|---|---|
| Indonesia | Up to 170,000 | | Armed conflict, policy or practice of arbitrary displacement, generalized violence, human rights violations |
| Lao People's Democratic Republic | Undetermined | There was little independent access to an estimated 7,700 Hmong repatriated from Thailand and resettled in government-controlled camps since 2006. | Development induced displacement; conflict |
| Myanmar | More than 125,000 in Rakhine State, 75,000 in Kachin and Northern Shan states ²³ and 250,000 in southeast Myanmar. ²⁴ | Combination of UN figure and other figures. | Armed conflict, deliberate policy or practice of arbitrary displacement, human rights violations |
| Nepal | Undetermined, however, UN Resident and Humanitarian Coordinator, January 2011, puts it at 50,000. Nepal IDP Working Group, 2009, estimates it at 70,000. | There are no reliable estimates on the number of people displaced by conflict. In 2009, international agencies estimated that up to 70,000 people were still displaced by | Armed conflict, generalized violence, human rights violations |

²³ UN OCHA, 31 December 2012, pp. 2, 3.

²⁴ Internal Displacement Monitoring Centre interview, February 2013.

| | | | |
|--------------------|--|--|--|
| | | the 1996-2006 conflict. This figure does not include peoples displaced in Terai where thousands have fled their homes since 2007-2008. | |
| Philippines | At least 1,200. Protection Cluster, December 2012, gives an estimate of 7,000. | Includes people in government-recognized camps and relocation sites, displaced by armed conflict, clan violence and crime in 2012; but not IDPs living with hosts or people whose return or settlement elsewhere has not been sustainable. | Armed conflict, deliberate policy or practice of arbitrary displacement, generalized violence, human rights violations |

Militarization and state impunity occur not only in areas of armed conflict but where state or private forces try to protect economic interests or to quell resistance. Indigenous individuals have sacrificed their lives in their fight to protect their lands, territories and resources.

Militarization also leads to family and community disintegration. In the Philippines where it is a major issue for indigenous women, part of the government's militarization strategy is to recruit paramilitary or private army/security groups from local residents and indigenous peoples as a form of employment. This is possible through the government's counter-insurgency program under the National Internal Security Plan Application on the Indigenous Peoples Sector (NISP-IP), which arms Lumad civilians for combat and military operations seen as targeting their fellow indigenous peoples.

This divides the community and erodes the social bonds and ethnic solidarity.²⁵

Militarization is usually imposed in the guise of protecting peace and order, using terms like “anti-insurgency,” “peace-keeping,” or “anti-terrorism.” Often, however, militarization occurs in aid of political power and economic interest. Many indigenous peoples’ areas under militarization have been subjected to military abuses and the use of VAIW as a tool of war in putting down peoples’ resistance.

Deployment of the military in indigenous communities for various reasons does not only bring with it fear, displacement, sexually-transmitted diseases, violence against women and children, forced labor upon the community but also the exhaustion and destruction of the natural resources in indigenous lands.

Box 2: A story of injustice

In Kalinga Nagar, Orissa, India, three women, a 12-year old boy, and eight men from the Munda tribe were shot dead by police forces in a protest action against the proposed six million Tata Steel plant in Jaipur district on January 2, 2006. The Munda community allege that the government-owned Industrial Development Corporation has been acquiring adivasi lands through force if their very low offers are not accepted. The area has been promoted by the government as an industrial zone. Tata Steel is one of the 13 major steel plants to locate in the area where 1,200 chrome plants are reportedly already in operation. Until recently, no action had still been undertaken by the state government on the peoples’ demand for justice for the 12 victims and on resolving the conflict. Violators are yet to be prosecuted and reform of existing legal framework is still to be enacted by the Parliament.²⁶

²⁵ KALUMARAN, *Philippines: On the 5th Year on the UN Declaration on IP Rights: Lumad Rights are Trampled on, Killings Continue*, http://indigenouspeoplesissues.com/index.php?option=com_content&view=article&id=12295:philippines-on-the-5th-year-of-the-un-declaration-on-ip-rights-lumad-rights-are-trampled-on-killings-continue&catid=32&itemid=65 (15 September 2011).

Rape and Sexual Harassment as Tools of War

Militarization and armed conflict are stark realities in many Asian countries, and rape and sexual harassment have been used as tools of war. Scores of indigenous women have been killed, jailed, intimidated, abused and raped by military and paramilitary forces in countries like Bangladesh, Philippines, India, Burma and Nepal. The following cases show the violence and grave rights violations committed against indigenous women in militarized areas in various countries in Asia.

Box 3: A case of military abuse against an indigenous woman

On December 2007, in Sarangani province in Mindanao, in the Philippines, a certain indigenous woman was raped by an element of the 66th Infantry Battalion. The parents complained the incident to the barangay/village captain who is also a relative of the victim. They brought the case to the commanding officer of the perpetrator who promised to take action. Instead of punishing the rapist, the commanding officer through their indigenous cohorts worked for an amicable settlement. They used a noted tribal leader associated with the 1002nd Brigade, which is the unit superior to the 66th IB. The tribal leader forcibly convinced the parents and relatives of the victim for an amicable settlement. For fear, they accepted the settlement. The military paid the victim P5,000 (US\$120) and one sack of rice.

Because molestation to women is considered a great dishonor and to be paid is shameful to their clan, they sent the victim to General Santos City to avoid humiliation.²⁷

²⁶ Amnesty International. Public Statement. AI Index: ASA 20/001/2012. 1 January 2012, *India: Authorities must ensure justice for victims of Kalinagangar shootings six years ago*, <http://www.amnesty.org/en/library/asset/ASA20/001/2012/en/f2736735-91ea-4594-b20e-039fd06ae2a9/asa200012012en.pdf>.

²⁷ Narrated by Lorna Mora, an indigenous woman leader in Mindanao. The name of the victim is not disclosed to protect her identity.

Box 4: Stories of human rights violations against indigenous women in militarized areas

In Chittagong Hill Tracts, Bangladesh, indigenous Jumma women were raped by the military to humiliate and weaken the resistance of the Jumma people in their call for self-determination during the armed struggle waged by the PCJSS. Not much has changed after the 1997 Peace Accord between the PCJSS and the state.

Instead of demilitarizing the area, the state continuously pours its armed forces in the region in aid of its transmigration program in the guise of 'Operation Uttoran' (Upliftment), which allows military intrusion into the general civilian administration, and the 'Shantakaran' (pacification) program, which legitimizes their role in expanding and establishing settler cluster villages.

In the post-Accord period, 16 women, among them four teenagers, were reportedly raped while 19 others were physically tortured by military elements.²⁸ In 2006 alone, 11 cases of rape on Jumma women were reported in Khagrachari district by military-backed Bengali settlers. Two of the victims died due to the incident. The families' call for justice has been hampered by police and military inaction and fear of medical experts to provide honest medico-legal statements.

In India, the Armed Forces Special Powers Act justifies state impunity that involves attacks on women in its efforts to quell tribal resistance. Rape and sexual violence by military elements against indigenous women suspected of supporting tribal insurgency groups is not a new phenomenon. Abuses by warring tribal armed groups have also been reported. In Manipur, more than 20 women and girls were reportedly raped by tribal militants in January 2006 in Tipaimukh.²⁹

In Burma, indigenous women's organizations under the banner of the Women's League of Burma, report countless human and gender rights violations by the state's military arm. In its first report on the Burmese military's atrocities, the Karen Women's Organization documented 125 cases of sexual violence committed by elements of the military from 1988 to 2004 in Karen State alone. Of these, 50 percent were reportedly committed by military officers, 40 percent were gang rapes and in 28 percent of the cases, the victims were killed.³⁰

Social Exclusion and Poverty

Indigenous women's roles in biological and social production and reproduction, including keeping cultural integrity and passing on culture, in food and health security are affected when they lose their self-esteem and confidence through VAIW. As their identities and self confidence erode, their capacities to stand up to protect their individual and collective rights are undermined. This is galvanized further when indigenous women lose their lands, territories and resources around which their daily lives revolve.



²⁸ PCJSS, *Situationer on the Indigenous women in Bangladesh*, In *Celebrating Diversity, Heightening Solidarity*. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 122.

²⁹ Sandipani Dash, *Manipur: Another year in strife*, <http://zolengthe.net/2009/01/12/manipur-another-year-in-strife/> (12 January 2009).

³⁰ Karen Women's Organization, *Shattering Silences: Karen women Speak out about the Burmese Military Regime's use of Rape as a Strategy of War in Karen State*, April 2004, http://burmalibrary.org/docs/Shattering_Silences.htm.

The non-recognition of indigenous peoples' rights also leads to social exclusion and poverty. This is reflected in poor health conditions and low educational levels among indigenous women across Asia. A lack of public social services, especially health clinics and school facilities, is common in indigenous communities. In countries where indigenous peoples are sometimes denied citizenship such as in Thailand, they cannot access social services at all. This is true for the thousands of Burmese ethnic groups in Thailand whose "stateless" status also deprives them of education, health and employment services in both countries of origin and refuge.³¹ This situation denies indigenous women the right to adequate standards of living and to a life of dignity.

Lack of social services is compounded by other factors, such as remote and interior locations of indigenous communities, inability of government agencies to reach them and security problems in these areas. The commonly small national health budgets in many Asian countries contribute to the problem. These adversely affect the health conditions of indigenous women, and their ability to perform their productive and reproductive roles as well as emerging ones brought on by social, economic and political changes. Reproductive healthcare, in particular, rarely reaches indigenous communities in interior or rural areas. Most indigenous women are unable to practice birth spacing, which strains the resources of poor families and leads to poor health for both mothers and children. Among Palaung villagers in northern Shan State in Burma, the under-5 mortality rate was a high 28.5 percent and malnutrition rate, 31.2 percent in 2004.³²

Furthermore, the Palaung people have poor access to healthcare, especially those living in remote hill areas. Only about one in every 10 villages has a clinic. Patients have to pay for all medicines, which are sold at a higher price than in the towns. As a result, villagers mostly rely on traditional healers who have no formal medical training. There are no reproductive health services

³¹ "When Citizenship is Denied to Indigenous Children: The Hill Tribes of Southeast Asia," <http://topics.developmentgateway.org/indigenous/highlights/viewHighlights> (12 November 2004).

³² Palaung Women's Organization, *Poisoned Flowers: The impacts of spiraling drug addiction of Palaung women in Burma*, 2006, <http://www.womenofburma.org/Report/PoisonedFlowers.pdf>.

in rural Palaung areas. Most women give birth at home, without assistance from trained midwives. Despite the fact that books and pamphlets about reproductive health produced by United Nations Children's Fund (UNICEF) are available in towns, these have not been distributed in rural Palaung areas. Few Palaung women know about family planning or have access to contraception. This leads some women to resort to unsafe abortion practices, which involve having traditional birth attendants massage their wombs or insert small sticks in their uterus.³³

Other factors are now also undermining the health of indigenous women. Pollution and environmental degradation from industries and development projects in their communities are causing health problems, which affect their roles in providing food and health security. Potable water sources are contaminated by chemical farm inputs from agricultural estates such as in Thailand. Effluents from mining activities result in water pollution, fish kill and unproductive agricultural lands as in the Philippines. Changes in the economic system in indigenous territories, such as the shift to cash crop production and high yielding varieties, have destroyed traditional varieties of food and medicinal plants and organisms. And the race for patenting threatens to remove their ownership of traditional medicinal sources and knowledge. All these have led to hunger, malnutrition and diseases.

In Malaysia, it was found that protein intake by indigenous peoples has declined in logging areas due to the loss of wild meat sources over three decades of logging. The change was startling, from an average of 54 kg per head annual consumption before logging activities, dropping to a mere two kg per head annually after logging commenced.³⁴ Similarly, fish stocks diminished as 59 percent of the Sarawak river was affected by erosion and polluted by run-off diesel oil from logging activities in 2000. In the Penan areas, streams and rivers are reportedly already damaged.³⁵

³³ Ibid.

³⁴ Suzima Siping, *Indigenous Women and Biodiversity in Sarawak, Malaysia*, In *Celebrating Diversity, Heightening Solidarity*. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 157-158.

³⁵ Ibid.

In Kodwari village of Mirzapur District in Uttar Pradesh, India, the Chamar tribe faces extreme conditions due to lack of food and inhuman living conditions. The environment has been seriously degraded due to activities such as massive granite quarrying which has led to an acute shortage of water. The people cannot access the health care system or education, and seeking food assistance from local administrators has been consistently unsuccessful.³⁶

The sphere of education vividly reflects the social exclusion and discrimination encountered by indigenous women. Because of a prevailing preference for boys to be educated, indigenous women and girls generally have a lower educational attainment than their male counterparts. For instance, it is the indigenous girls among the Palaung in the Shan State of Burma who will drop out from school and help support the brother's education.³⁷ In the Philippines, at the same time that there is a bias for

Box 5: Education statistics among indigenous women and girls in Asia

In Vietnam, the male literacy rate among the indigenous groups is 53.5 percent compared to 46 percent for women, and illiteracy rate is 37.6 percent and 79 percent, respectively.³⁸

Among the Orang Asli women in Malaysia, 56.6 percent have not undergone any formal schooling; only 33.8 percent reached the primary level; 8.9 percent reached the secondary level and 0.6 percent reached the tertiary level compared to 46.3 percent, 41.7 percent, respectively among the male Orang Asli population as of 1991.³⁹

³⁶ Asian Human Rights Commission, *INDIA: Villagers exploited by employment in slave-like conditions due to lack of food and terrible living conditions*, <http://www.humanrights.asia/news/hunger-alerts/HA-23-2005> (15 September 2005).

³⁷ *Ibid.*, Palaung Women's Organization, 2006.

³⁸ Vietnam Women's Union, *National report on Ethnic Women in Vietnam*, In *Celebrating Diversity Heightening Solidarity*. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 67.

³⁹ _____, *The Case of Indigenous Women in Malaysia*. In *Celebrating Diversity, Heightening Solidarity*. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 133.

male education in some areas, there is also the issue of lack of access to educational services due to the poor resources of indigenous families. Many indigenous peoples cannot afford the expenses for school uniforms, pencils and papers and other necessary learning materials.⁴⁰ Schools and other educational facilities are often located in towns and urban centers far from indigenous villages. These two causes can reinforce each other as in financially constrained families, the boys are chosen over the girls to take up an education.

Further, the quality of mainstream education available to indigenous women is often not sensitive to their needs or undermines their cultural integrity. In Thailand, the national educational system, designed for the modern Thai society, poses a threat to indigenous identity. The educational system employed by school administrators is similar to what is being followed in cities, which does not adapt to the seasonal changes that the indigenous peoples are used to. This affects the transmission of traditional knowledge, which the younger generation consider as backward, old-fashioned and something not to be proud of.⁴¹ Malaysia's system, too, has been found too rigid and alienating, resulting in high drop-out rates among indigenous children.⁴²

The demand for bilingual and intercultural education, which integrates the perspectives, knowledge and learning systems of indigenous peoples as well as promotes their cultures and indigenous identities, has yet to be addressed by most governments. In the Philippines, the Department of Education has started to implement mother tongue-based multilingual education, which is considered one measure to improve quality of and access to education of ethnic and linguistic groups at the same time promoting cultural diversity.⁴³

⁴⁰ Highlighted in the presentation of Eleanor Dictaan-Bang-oa during the Research and Education on Indigenous Peoples: An Assessment and Planning Workshop, December 10-12, 2003, Makati City, Philippines.

⁴¹ The Human Rights Council of Australia, *The Hill Tribes of Northern Thailand: Development in Conflict with Human Rights- Report of a Visit in September 1996*, <http://www.hrca.org.au/wp-content/uploads/2008/05/the-hill-tribes-of-northern-thailand.pdf>.

⁴² *Ibid.*, *The Case of Indigenous Women in Malaysia*, 132.

⁴³ UNESCO Bangkok, *The Philippines institutionalizes mother tongue-based multilingual education*, <http://www.unescobkk.org/education/efa/efanews/news-details/article/the-philippines-institutionalizes-mother-tongue-based-multilingual-education/> (8 August 2009).

In other countries, education responds more to the needs of the labor market than to the development needs of the people. In the Philippines where the government is keen to export labor, retrained Filipino overseas domestic workers are being retrained and prepared to become “super maids.” Many indigenous women are included in the increasing number of Filipinos who are leaving to look for better employment opportunities overseas. The absence of women from their families, however, has great social costs.

Violence in the Name of Tradition

Indigenous women recognize and are responding to the existence of gender-based discrimination and violence within their own societies. Some have succeeded in getting rid of some of these traditional practices in their communities, such as bride price and dowry system. But there are still others that need to be addressed.

Patriarchal elements of culture or tradition can deny women the exercise, realization and enjoyment of their rights. While there is recognition of violence resulting from tradition, it is important to distinguish between culture and practices. Culture is not itself gender-biased and is dynamic. It is the interpretation and reinterpretation of culture

Box 6: Protectionism and marginalization in patriarchy

Among the Palaung in Burma, it is expected that the husband takes care of his wife and family. Thus, only men inherit property and as head of the family are given the privilege to decide on all matters regarding the property. In time of death, all family properties go to the son. Where there are no male children, these go to the nearest male relative of the husband (usually the brothers). In divorce cases, the woman is not entitled to anything, even custody of her children.⁴⁴

Among the Dayak Agabak and Tidung communities in East Kalimantan, Indonesia, although women are in the forefront of agricultural production, they are not at liberty to market their

⁴⁴ Ibid., Palaung Women's Organization, 2006.



through tradition and/or practices where gender discrimination occurs. These are often expressed and strengthened through different means and other interacting factors, such as belief systems, emerging ideologies and prevailing norms.

*crops. The husbands are the ones who sell the crops and, therefore, control the income. Women cannot market their own products because of the notion that they will be selling themselves.*⁴⁵

Indigenous women regard their struggles for their rights as women as integral to their communities' collective struggles for identity and self-determination.

Labor Discrimination

Health, education, employment and poverty are interlinked. Indigenous women are proportionally more likely to be illiterate or unable to afford higher education, and thus lack better economic



⁴⁵ AMAN, Indigenous Women in Indonesia, In Celebrating Diversity, Heightening Solidarity. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 106.

Box 7: Labor statistics on indigenous women

In Bangladesh, the Garo women, 80 percent of whom are reportedly literate, are considered of the lowest grade in the labor sector, especially in Dhaka where most migrate to find employment. Around 50 percent are engaged in the service sector, 30 percent in day labor, and 20 percent in farm work, while only an exceptional few are taken in for middle or high level positions.⁴⁶

In Thailand, the average daily wage for highland men is around 130.00 Baht (US\$3.25) and women only 100.00 Baht (\$2.50). These women laborers are usually migrants from the hill villages in search of work in the urban areas.⁴⁷

In Cambodia, there is a 33 percent income disparity based on gender. Among illiterate workers in the 15-29 age bracket, men earn 75 percent more than women in wages.⁴⁸

opportunities. These factors push them to migrate to urban centers and overseas, legally or illegally, to look for work. They usually end up with menial and low paying jobs in factories, construction, sales and even the sex trade. And in most employment they find, they are generally paid lower than the men.

⁴⁶ Oishwarja Chakma, Situationer on Indigenous Women in Bangladesh, In Celebrating Diversity, Heightening Solidarity. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines, (Baguio City: Tebtebba Foundation, 2005), 88.

⁴⁷ CONTO, Indigenous Women and Globalization in Thailand, In Celebrating Diversity, Heightening Solidarity. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 198.

⁴⁸ Cambodian NGO Committee on CEDAW, Shadow Report to the CEDAW, (28 Oct. 2005).

⁴⁹ For a detailed discussion of the situation in Nepal, see *Violence Against Indigenous Women in Nepal: A national submission into the 57th Session of the Commission on the Status of Women (CSW) on the priority theme of 'the elimination and prevention of all forms of violence against women and girls'*, National Indigenous Women's Federation (NIWF), Lawyers' Association for Human Rights of Nepalese Indigenous (LAHURNIP), National Coalition Against Racial Discrimination (NCARD), Forest Peoples Programme, 3 December, 2012. Available at <http://www.forestpeoples.org/sites/fpp/files/publication/2012/12/csw-submission-final.pdf>.

Trafficking and Prostitution

To improve their families' economic conditions, indigenous women seek work or are lured by assurances of employment in cities and urban areas. But many fall victims of labor, sex trafficking and prostitution.

In Nepal, Indonesia, and Bangladesh, many indigenous women and girls leave their villages for promised jobs in countries like Bombay, Malaysia and the Middle East.⁴⁹ But many like those from the Philippines come home with stories of sexual harassment, violence, slavery, poor working and living conditions, and apathy, which they have to endure just to earn a living.

Sex trafficking of indigenous women, which is abetted by the tourism industry, is also rising like in Nepal, Thailand and Mongolia, among others.⁵⁰ In Mongolia, indigenous women are reportedly brought to the country's commercial centers and foreign countries for sexual exploitation.⁵¹ The status of statelessness of most refugees from these countries and of ethnic minorities in Thailand makes them very good targets for trafficking and exploitation not only as sex workers, but also as beggars, domestic helpers and even child soldiers.

This situation imperils the health of indigenous women. HIV incidence has already been observed among them, such as in Chiang Mai, northern Thailand where 70-90 percent of indigenous women working as commercial sex workers are reportedly HIV positive.⁵² Organizations in Manipur in North East India note a similar increasing incidence of HIV/AIDS among indigenous women along the trade routes.⁵³

⁵⁰ Victoria Tauli-Corpuz, *Keynote Address: Heightening the Empowerment and Solidarity of Indigenous Women*, In *Celebrating Diversity, Heightening Solidarity*. Proceedings of the 2nd Asian Indigenous Women's Conference, March 4-8, 2004, Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005), 18.

⁵¹ AIWN Notes during the "Study Session on Indigenous Women and CEDAW" November 23-26, 2005 Baguio City, Philippines.

⁵² *Ibid.*, CONTO, 195.

⁵³ See for more details: Chitra Ahanthem, *HIV/AIDS in Manipur: The need to focus on women*, <http://infochangeindia.org/public-health/analysis/hiv/aids-in-manipur-the-need-to-focus-on-women.html> (August 2003).





CHAPTER 2

Human Rights of Women

General Human Rights Principles

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. Human rights provide equality and fairness in developing one's potential as a human being and a life with dignity. This means a life free from fear, harassment, violence or discrimination.

Human rights enshrined in international human rights covenants are broadly classified as political and civil or economic, social and cultural. Rights that put restraints on the powers of the State in relation to its actions affecting individuals and their liberty or autonomy are *civil rights*. *Political rights* guarantee freedoms, without unreasonable restrictions, of a person to participate in the various governmental processes in the State's structures. Covering different domains and requiring wide array of investments from the State, *economic, social and cultural rights* ensure individuals to have a "dignified and appropriate lifestyle."

The concept of human rights revolves around the following principles:

Universality and Inalienability. All individuals are entitled to human rights by virtue of their being born as human beings. Human rights are the same for all people everywhere—male and female, young and old, rich and poor, regardless of our background, where we live, what we think or what we believe. Rights are also inalienable,

they cannot be transferred, given away or taken away by the State except by due process of law.

Indivisibility and Interdependence. All rights are of equal value and cannot be separated nor positioned in hierarchical order. Disregard or violation of one right affects other rights. Fulfillment of a right means the fulfillment of other rights.

The Universal Declaration on Human Rights (UDHR) led to the elaboration of two further instruments, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. This divide reflects to some degree those rights which are essentially freedoms (the so-called negative rights, of freedom of speech, freedom of association, freedom from torture) and those which require positive realization (the so-called positive rights requiring positive action, provision of education, provision of health services, provision of land titles). However, the divide is far from clear cut and in many cases the realization of one Covenant is indivisible from the realization of the other.

Equality and Non-discrimination. All human rights are equal to everyone and everywhere without discrimination based on sex, race, language, political association and opinions, geographic location and others.

Violations of economic, social and cultural rights, such as failure to protect the land rights of indigenous peoples, denying education



rights, and unequal provision of health care, are often linked with violation of the political and civil rights of indigenous peoples, including the right to self-determination. No human rights can be realized in isolation from other rights. The full enjoyment of the right to freedom of expression, for example, requires concerted efforts to realize the right to education, or the right to life requires steps to reduce infant mortality, epidemics and malnutrition.

How are Human Rights Protected?

Human Rights Treaties

The most fundamental human rights are described in the Universal Declaration of Human Rights. They are further elaborated in different international conventions and treaties under the United Nations (see Chapter 3). Conventions and treaties are binding agreements. Once a government ratifies a convention, it is obligated to promote, respect, protect and fulfill its provisions. This is put into effect primarily through national laws and programmes.

When a convention (a type of treaty) is opened for ratification, a body is established to oversee the implementation of that convention. This is called the “treaty monitoring body” and each of the key international human rights conventions have these bodies, often referred to as Committees. Countries which have ratified a given treaty are responsible, among other things, for reporting back to the treaty monitoring body regularly to report on how the implementation of the treaty is progressing. Treaty monitoring bodies are also one source of jurisprudence, or legal reasoning that can be used to apply the convention in other settings, including in national, regional and international courts.

Human Rights Standards

Together with conventions and treaties are declarations which recognize the inherent rights of humans in a similar way to binding

treaties. However, as statements of aspiration, declarations are not formally binding and have no treaty monitoring bodies to review implementation. Declarations are often broader in their scope than conventions and treaties and are not as easily translated into specific laws or other concrete acts. They can be viewed as guidance for the implementation of rights contained in treaties. They can also function as a focused re-statement of existing law and legal standards, as in the case of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), a declaration that collects the rights contained in a variety of international human rights instruments to provide effective and targeted guidance as to existing standards for indigenous peoples. UNDRIP also calls for clear implementation of its provisions through the development of legal and institutional regimes to enable realization of the principles that it proclaims. UNDRIP was adopted by the General Assembly in 2007 with only four States voting against its passage, all of which have now rescinded their no votes, leaving the Declaration as a powerful statement of international consensus.

UNDRIP also provides a framework by which indigenous women can interpret and apply to themselves the provisions of CEDAW. Other declarations particular to women in general include the Declaration on the Elimination of Discrimination Against Women and the Declaration on the Elimination of Violence Against Women.



The Universal Declaration on Human Rights is also formally a non-binding instrument; however, like UNDRIP it holds immense persuasive power as a statement of consensus in the international community, and acts to provide detail to the “fundamental freedoms” and “human rights” mentioned in the United Nations Charter, which is a binding document on all UN member states.

Jurisprudence and General Recommendations

Jurisprudence and judicial decisions provide interpretations of human rights law and emerge from the decisions of national, international and regional courts. National level decisions are not authoritative for other countries although they may be referred to and incorporated by other national courts. International jurisprudence can also be developed through the decisions and observations of treaty bodies, released as “Concluding Observations” (aimed at a particular state) or “General Recommendations,” and the decisions of the various “Optional Protocols” that exist adjunct to some of the international conventions. While not as authoritative as court decisions, treaty monitoring bodies provide rich and detailed guidance to courts on how to interpret the requirements of the treaties themselves.

General Recommendations are issued by treaty monitoring bodies specifically for this purpose, to provide a greater understanding of and interpretation of human rights based on evolving standards and contexts and with emphasis on current human rights issues. The Committee that oversees the implementation of CEDAW Committee has issued 28 general recommendations (GR). Two of these, GR24 on women and

Box 1: The wide influence of national courts

A landmark in international jurisprudence for indigenous peoples is the Mateo Cariño doctrine being used today by indigenous peoples to argue the validity of their claims of native title over their lands and territories. Recognition of native titles stem in part from the decision rendered by Chief Justice Oliver Wendell Holmes on the case Mateo Cariño vs. Insular Government of the Philippine Islands, 212, U.S 449 (1909), filed by Mateo Cariño, an Ibaloi in the Philippines, with the United States Supreme Court.

health and GR27 on older women, specifically mention indigenous women. Other important general recommendations that may be of significance to indigenous women are GR No. 19, which elaborates the concept of violence against women, GR22 on women's status in the family and property rights, GR23 on the participation of women in decision making, and GR28 on the core obligations of States when implementing CEDAW.

Basic Human Rights for Women

CEDAW is the only human rights instrument specific to the rights of women. This, however, does not mean that women's rights are limited to those provided for by CEDAW. All the rights provided for under international treaties and conventions apply equally to men and women. Some of the basic human rights and fundamental freedoms of all individuals are:

- *The right to life*
- *The right to equality*
- *The right to liberty and security of person*
- *The right to equal protection under the law*
- *The right to be free from all forms of discrimination*
- *The right to the highest standard attainable of physical and mental health*
- *The right to just and favorable conditions of work*
- *The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment*
- *The right to work*
- *The right to an education*
- *The right to an adequate standard of living*
- *The right to social security*

Further elaboration of these rights with respect to women are found in the different human rights instruments and standards, including CEDAW and other related processes for the promotion and protection of women's human rights.

International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW is the only international treaty that comprehensively and specifically addresses women's rights.¹ Some of its key aims are to eliminate discrimination against women, including the continuing effects of past discrimination, achieve equality for women in law and in practice, abolish negative gender stereotypes and thereby improve the position of women.

¹ The Committee on the Elimination of Racial Discrimination (CERD) oversees the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and has issued a General Recommendation recognizing the gender related dimensions of racial discrimination, GR XXV. However, CEDAW remains the only treaty explicitly concerned with the rights of women to substantive equality.

² The guideline is available at www2.ohchr.org/english/issues/indigenous/docs/guidelines.pfd.

Box 2: Gender equality

As noted by the United Nations Development Group Guidelines on Indigenous Peoples,² which aim to help the UN system to integrate indigenous peoples' issues, gender equality is a basic principle in the respect and promotion of indigenous women's rights:

'Gender equality: Programmes should work towards gender equality, indigenous women's empowerment and the protection of indigenous women's human rights. This implies taking into account indigenous women's perspectives, needs, opportunities and challenges while developing, implementing, monitoring and evaluating policies and programmes.

'A gender equality perspective centers on understanding the causes and consequences of gender discrimination and the unequal power relations between men and women in a specific context, whether rooted in prevailing social attitudes and customary practices or discriminatory laws and policies, among other factors. Compounded forms of



What are the core concepts and principles in CEDAW?

Substantive Equality. It refers to real equality in treatment, access, opportunity and results from the enjoyment of rights for men and women whether by law (*de jure*) or in fact (*de facto*). This requires guarantees under constitutions or laws and defining and implementing appropriate measures to promote women's actual enjoyment of the benefits of their rights under such laws.

Towards this end, the Convention requires State 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).

Temporary Special Measures and Special Measures. These are affirmative actions taken by governments to achieve real equality for women. **Temporary special measures** are corrective measures meant to overcome the effects of past discrimination but its implementation is lifted once the disadvantage is removed through more permanent measures. In relation to this, the Convention obligates the State to implement extra legal measures, such as separate programme or policies, for women to overcome their disadvantages in contrast to men.

In addition, **special measures**, as provided in Article 4, paragraph 2, are of permanent nature which is for "the provision of general conditions or the adoption of general social policies to improve the situation of women and girls, including for instance measures to protect maternity, or women's reproductive rights."³

discrimination need to be taken into account based on age, race, ethnicity, educational and income level, residence, religion, marital, HIV or other status. These factors serve as critical inputs to inform what the best programme strategies are for working towards gender equality and to protect indigenous women's human rights. In essence, applying a gender equality perspective implies looking at ways to change gender relations by questioning and responding to the underlying values and factors for unequal status and treatment.'

³ UN Women CEDAW SEAP.

Box 3: Education as a Temporary Special Measure

One possible temporary special measure is capacity building, in terms of education and information, which are vital to make indigenous women at par with the rest of society. Some government initiatives in this direction include provision of scholarships to indigenous students. Information about such programs, however, rarely reaches the villages and the opportunities are usually taken advantage of by those who are more informed.

Education in this regard does not only refer to formal schooling but also to alternative forms to serve the particular situations of adult women. Trainings and workshops should be based on the actual needs and specific contexts of indigenous women.

In relation to the education of indigenous girls who are prevented from going to school to discharge household and farm chores, the government can put a temporary special measure of offering incentives to parents to allow their girl children to enter school. This measure can be removed once the other rights of all indigenous peoples are met.

Prohibition of Discrimination. Discrimination against women is defined as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the 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 1). This includes all forms of discrimination whether by law, policy, program or practice, whether direct or indirect, which may be committed by public actors/state, private entities or individuals.

This is generally consistent with the definitions found in other human rights instruments, with one important distinction. If we look at the definition of racial discrimination provided by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social,

cultural or any other field of public life,” we can see the significant difference of the extension of discrimination to private life. This means that discrimination and violence against women can no longer be treated as a private family matter where governments and authorities cannot interfere.

Indigenous Women’s Rights

The intersection of gender with other factors gives rise to the particular forms of discrimination that indigenous women experience. These factors include race, ethnicity, culture, language, religion, and socio-economic class. They also encounter distinct discrimination because of their age, occupation, family status, sexuality or health situation. The specific nature of discrimination that results from such inter-sectionality requires specific measures to address the ways in which women are differently affected to ensure that they are able to fully exercise and enjoy their rights.⁴

Governments that are party to international human rights laws have taken steps to address discrimination to comply with their obligations including the recognition of diversity in indigenous identities and culture. The UN Development Group Guidelines on Indigenous Peoples observe that governments are revising their laws and implementing special measures to prevent discrimination and provide more opportunities to indigenous peoples. These have taken the form of educational grants, consultative mechanisms, reserved seats in parliaments, as well as special programs that target specific groups such as indigenous women and youth.

However, as the same guidelines point out, the reforms have not fully succeeded in eliminating the “legacy of historical discrimination against indigenous peoples and against indigenous women based on their gender.” Great disparities still persist in all spheres of life between the indigenous population and the rest of society. A particular concern is the low participation of indigenous peoples in public life and their low representation in decision making bodies of the state and its higher levels of administration.

⁴ *Montreal Principles on Women’s Economic, Social and Cultural Rights*, <http://www.unhcr.org/refworld/pdfid/46f1462e0.pdf>.

What are the particular rights guaranteed by CEDAW and how do indigenous women view these?

All areas of women's rights provided for by CEDAW are important for indigenous women. However, it is also important to note that the Convention text contains no specific reference to indigenous women. It also does not address their particular issues of human rights and freedoms, including collective rights, rights to development and environment, and others, as explicitly articulated in the Beijing Declaration of Indigenous Women and the Baguio Declaration of the 2nd Asian Indigenous Women's Conference, and as protected in the UN Declaration on the Rights of Indigenous Peoples.

Despite the lack of direct reference to indigenous women, the Committee that oversees the Convention has recently shown more attention to indigenous women's issues in its reports and general recommendations. This includes a new focus on "multiple forms of



discrimination,” a recognition that gender discrimination is more complex when combined with other forms of discrimination working simultaneously. It remains important, however, for indigenous women to strengthening indigenous women’s perspectives in the work of CEDAW and in conjunction with other human rights instruments and standards, including by insisting that the Convention is applied in concert with the UNDRIP when being applied to the situation of indigenous women.

Certain provisions of the Convention are potentially more useful for indigenous women. In particular, Article 14 on the rights of women in rural areas has a number of protections which relate to issues facing indigenous women, including that 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 this Convention to women in rural areas” (Art 14(1)). This specific attention to the concerns of women in rural areas overlaps in places with the concerns often raised by indigenous women. Specifically, Article 14 emphasizes the right of rural women “to participate in the elaboration and implementation of development planning at all levels” and equal access to State-provided services of education, health and training.

Provisions such as these in CEDAW are potentially of use for indigenous women, but there are also provisions that have caused concern in the past. Again referring to Article 14(2), CEDAW emphasizes the right to equal treatment for women in land and agrarian reform and in land resettlement schemes. The potential ramifications on indigenous peoples from land reform schemes are significant, and appropriate protections for indigenous women from such threats is not equal treatment, but acknowledgment of specific interests and rights. During the “Celebrating Diversity, Heightening Solidarity” Conference held in 2004, indigenous women reviewed the provisions of CEDAW and noted specific concerns and areas for reflection, summarized below.⁵

⁵ Asian Indigenous Women’s Network (AIWN), *Celebrating Diversity, Heightening Solidarity*. Proceedings of the 2nd Asian Indigenous Women’s Conference. March 4-8, 2004 Baguio City, Philippines (Baguio City: Tebtebba Foundation, 2005).

| Articles | CEDAW Provisions | Concerns Raised by Indigenous Women |
|--------------|---|---|
| Articles 1-2 | <p>Discrimination ...“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, civil or any other field.”</p> | <p>Indigenous women are oppressed because of race/ethnicity, gender and class simultaneously and they must be addressed together.</p> <p>State’s political and economic interests generally prevail over political will to effect its obligations on non-discrimination.</p> |
| Article 4 | <p>Temporary Special Measures</p> <ul style="list-style-type: none"> • special measures brought in on a temporary basis to help realize equality between men and women shall not be considered discrimination • measures to protect maternity shall not be considered discrimination | <p>Temporary special measures should include opportunities for appropriate and sustained training and development or provision of spaces for indigenous women to build their capacities towards full and effective participation.</p> |
| Articles 7-8 | <p>Political, Public Life and International Representation</p> <ul style="list-style-type: none"> • right to vote and to hold public office • right to participate in government policy decision making and implementation • right to participate in NGOs and civil society groups • right to represent the State and participate in international organizations | <ul style="list-style-type: none"> • Participation in political and public life is limited due to the double burden of women and the lack of capacities to engage. • Participation in political and public life must also be promoted and supported through indigenous peoples’ own self-selected representatives, institutions or processes. • The concept of free, prior and informed consent is an essential element in participation or non-participation that adheres to the right to self-determination of indigenous peoples. These applies to all areas of decision making from personal (i.e., health care) to public matters (i.e., development) and requires full and effective information as basis for sound decisions. |

| Articles | CEDAW Provisions | Concerns Raised by Indigenous Women |
|------------|---|---|
| Article 9 | <p>Nationality</p> <ul style="list-style-type: none"> • equal rights to acquire, change or retain nationality regardless of marriage to a foreigner • equal rights in determining nationality of children | <p>The misconception of indigenous peoples right to self-determination as tantamount to secession impedes the official recognition by states of the existence of and diversity of identities of indigenous peoples within states/nations.</p> |
| Article 10 | <p>Education</p> <ul style="list-style-type: none"> • right to equal opportunity in all levels of education • access to the same facilities, equipments, teachers, examinations, scholarships and grants available to men • removal of stereotypes through education and revision of learning/teaching materials • participation in sports and cultural activities • information and advice on family planning | <ul style="list-style-type: none"> • Access and availability even of basic education is a problem among indigenous women due to several factors, including geographical isolation and inability of government services to reach them, poverty, conflict and security issues, and preference for boys. • The sensitivity and capacity of the mainstream education system needs strengthening to be able to promote indigenous identities and culture. • Indigenous learning systems should be promoted. |
| Article 11 | <p>Employment</p> <ul style="list-style-type: none"> • right to work in any field of one's interest • same employment opportunities • equal pay for work of equal value • equal treatment at workplace and equal evaluation criteria • health and safety protection including from harmful work during pregnancy • not to be dismissed/terminated on grounds of pregnancy or marital status • maternity leave with pay without prejudice to seniority or benefits • social services to support the combination of family and work responsibilities | <ul style="list-style-type: none"> • Economic security is not just based on cash income and employment. For most indigenous women, economic security means retaining their land as a basic livelihood source and that this same land will feed their grandchildren in the future. • The destruction of/dislocation from ancestral lands and territories therefore disenfranchises them and the future generation of their right to life and livelihood. • In the areas of formal economy, indigenous women often lack the basic preconditions for employment such as formal and high education requirements. |

| Articles | CEDAW Provisions | Concerns Raised by Indigenous Women |
|------------|--|---|
| Article 6 | <p>Trafficking, Exploitation and Prostitution</p> <ul style="list-style-type: none"> the state should take appropriate measures, including legislation, "to suppress all forms of traffic in women and exploitation of prostitution of women" | <p>CEDAW only speaks of "suppressing" all forms of traffic and exploitation of prostitution of women. Indigenous women call for governments and intergovernmental organizations to eliminate and address the root causes of trafficking, prostitution and other forms of exploitation of women, including poverty, social marginalization and lack of state political willingness to proactively address these issues. For indigenous women, poverty is a function of their displacement from their lands and territories and their exclusion from development initiatives.</p> |
| Article 12 | <p>Healthcare and Family Planning</p> <ul style="list-style-type: none"> equal access to health care services including family planning appropriate services on pregnancy and childbirth adequate nutrition during pregnancy and breastfeeding | <p>Health (physical, mental and psychological) is a state of overall well-being, which is linked to the conditions of one's total environment. Discrimination and the denial or violation of rights in indigenous communities does not provide an enabling environment for indigenous women's health. Indigenous women's traditional knowledge on medicinal plants is eroding due to displacement, environmental degradation and bio-piracy. This deprives indigenous women and their communities of their medicinal resources.</p> <p>Among indigenous societies, the community is a vital element in the healing process. Among indigenous women who are victims of violence for example, family/community support are essential in recovery and reintegration.</p> |

| Articles | CEDAW Provisions | Concerns Raised by Indigenous Women |
|------------|--|---|
| Article 13 | <p>Economic and social benefits</p> <ul style="list-style-type: none"> • right to social security i.e., retirement, sickness, unemployment, invalidity, old age family benefits • right to bank loans and other forms of credit • participation in recreational activities and all aspects of cultural life | <p>The full development of indigenous women in terms of economic/social/cultural life and security is dependent on the recognition of their basic rights to their territories, resources and self-determination. Part of social security is the family. The disintegration of the family due to displacement and/or conflict creates new and additional challenges for indigenous women as they attempt to negotiate new environments without or with impaired support from the family.</p> |
| Article 14 | <p>Rural women</p> <ul style="list-style-type: none"> • recognition of role and contributions of rural women • right to adequate living conditions, participation in development planning and community activities, health care, direct social benefits, training and education, establishment of membership in self-help groups • access to production resources i.e., credit, technology, marketing facilities • equal treatment in land, agrarian reform and land settlement schemes | <p>Indigenous women are equally discriminated against because of their ethnic identities whether in the rural or urban setting:</p> <ul style="list-style-type: none"> • Individual ownership rights do not address poverty of indigenous women; in fact they may undermine indigenous strategies/systems of livelihoods and identity and alienate collective domains, facilitating faster loss of indigenous territories; • Land for indigenous women refers not only to the physical soil but includes the resources below and above it and those that enable it to be productive, i.e., water source. Thus, the compartmentalized notion of land in agrarian reform and land settlement schemes does not capture the kind of security that ancestral lands and territories provide women. • Adequate living conditions may well mean the basic security indigenous women derive from their lands and communities. |

| Articles | CEDAW Provisions | Concerns Raised by Indigenous Women |
|------------|--|---|
| Article 15 | <p>Equality before the law</p> <ul style="list-style-type: none"> • equality before the law and courts • equal rights to conclude contracts and administer property • states to nullify contracts and other private instruments that curb women's legal rights • freedom of movement • right to choose place of residence and domicile | <p>Legal recognition as a woman equal in law to men does not fully address the legal quandary facing indigenous women. As long as their peoples are not recognized, discrimination against indigenous women will prevail.</p> |
| Article 16 | <p>Marriage and family relations</p> <ul style="list-style-type: none"> • right to enter into marriage only with full consent • freedom to choose a spouse • equal rights and responsibilities during marriage and its dissolution • right to determine number and spacing of children • access to information education and means to make family planning choices • equal rights and responsibilities regarding guardianship or adoption of children • equal rights in ownership, management and disposal of property • nullification of child marriages • minimum age for marriage | <p>There should be recognition of indigenous institutions and rites on marriage and family, respecting cultural diversity in rituals within the context of human rights guarantees.</p> |

| Articles | CEDAW Provisions | Concerns Raised by Indigenous Women |
|-------------------------------|--|---|
| <p>Violence Against Women</p> | <p>Right to be free from all forms of violence, whether physical, sexual, emotional, mental or economic GR 12 and 19</p> | <p>Indigenous women use the terminology “violence in the name of tradition” instead of “harmful traditional practices” to emphasize the equal need to respect as well as be critical of culture, which is a product of historical experiences in peoples’ search for meaning and as part of the context where violence against women (may) occur. Abuse or violence cannot be justified simply by culture or tradition. Other areas not covered under CEDAW but are part of violence experienced by indigenous women is environmental and spiritual violence from development aggression.</p> |

How can CEDAW Help?

The practical steps of using the mechanisms of CEDAW are explained in full detail in Chapter 3. However, it is important before deciding whether to use CEDAW, to think first about the long-term goals and reasons that you have for wanting to use CEDAW, to see whether CEDAW is the right instrument. It is also important to know where the strengths of CEDAW are and reflect on what use it might have for you and your community and people.

Prevention and elimination of discrimination against women

The first great strength of CEDAW is that it addresses discrimination against women, a real problem, and is the only international instrument that exists that does this. Indeed, the pervasiveness of discrimination against women despite guarantees of general human rights protection under international treaties was one of the reasons for the adoption of CEDAW in 1979. It was recognized that the specific protection of CEDAW was needed to deal with gender discrimination and to promote substantive equality for women. However, it contains no reference to indigenous women and a similar lack of reference is evident in State reports provided to the Committee. The Committee has been generally reluctant to focus on the rights of indigenous women specifically, although this is changing and there is a growing body of jurisprudence (decisions) of the Committee looking at the interests of indigenous women (see Chapter 4).

Platform for lobby and advocacy

Whether indigenous women engage with CEDAW or not, the Convention has been put into effect, and State Parties are bound to enforce it. It is important for indigenous women to be critical and to make their positions known and perspectives understood and respected in this process. Unless they make themselves visible and heard in its processes and mechanisms, there is the possibility the

Convention may be interpreted in a manner that may undermine, instead of strengthen, the human rights of indigenous women.

A case in point is the 1997 CEDAW Committee recommendation to the government of Australia to “ensure women’s equal access to individual ownership of native land.”⁶ Indigenous peoples and women see this as a threat in their struggle for the recognition of their collective land rights, because it is only in this way that they can preserve and develop their indigenous identity and ensure their survival as a community.⁷ It is important for indigenous women to engage in a dialogue with CEDAW and other related UN bodies to counter such views on women’s land rights and stress the social, economic, cultural and spiritual value that collective land holds for indigenous peoples.⁸

Holding governments accountable to indigenous women

Like all other human rights instruments, indigenous women can invoke the provisions of CEDAW to call on government responsibility in seeking redress for any discrimination or violation of their rights. The Convention is continuously interpreted and reinterpreted based on prevailing conditions. Where before there was no mention at all of indigenous women, the Committee has now, for instance, taken a seemingly structured and consistent approach to their concerns as reflected in its 2003 report recommendations and concluding comments. Indigenous women, therefore, can use the CEDAW to assert their rights as women within the framework of the UNDRIP. They can utilize its procedures and engage the Committee to influence State Parties.⁹

⁶ Committee on the Elimination of Discrimination against Women, *Concluding Observations: Australia*, U.N. Doc. A/52/38/Rev.1, Para 405 in Part II paras. 365-408 (1997), http://www1.umn.edu/humanrts/cedaw/cedaw-australia_52_38.htm.

⁷ Ellen-Rose Kambel, *A Guide to Indigenous Women’s Rights under the Convention on the Elimination of All Forms of Discrimination Against Women*, 2nd Edition (UK: Forest Peoples Program, 2012), 11, <http://www.forestpeoples.org/sites/fpp/files/publication/2012/10/cedaw-guide-english.pdf>.

⁸ Ibid.

⁹ Ibid.

The participation of indigenous women in Thailand in the making of a shadow report to the Committee in 2005 brought to light their problems of obtaining citizenship status. Aside from the complexity of the process, hill tribes women recount facing discrimination simply because they cannot speak the national language, sexual harassment and bribery among others. The Committee in its concluding comments recommended for the State of Thailand to “facilitate and accelerate the process for obtaining citizenship by hill tribes women, including addressing any corrupt practices by public officials responsible for determining the citizenship of applicants.”¹⁰

Point of Unity and Consolidation for Indigenous Women's Organizations

Aside from providing a platform for information, discussion and analysis, the use of CEDAW can also be a way for indigenous women and their organizations to create strategic action in advancing their struggles for recognition of their rights and freedoms. In Thailand, it is already strengthening women's resolve to organize themselves. As expressed by a woman leader, “during discussions with my sisters in the village, knowledge of the rights of women provided by the CEDAW has given us a sense of strength to challenge our situations.”

One area for strategic action by indigenous women is combating violence in their families and communities, building on their existing capacities and mechanisms. Among the Naga of North East India and traditional Bontoc society in the Philippines, women are regarded as the peace brokers between warring groups. Among the latter, they have extended this role to interventions in local governance through the imposition of curfew hours in two towns in the effort to curb drinking that has negatively impacted on the community, especially the youth. To ensure this, women themselves formed small brigades to patrol the village at night.

Thus, while some patriarchal elements in cultures impede women's realization of their rights, there are also existing cultural

¹⁰ Committee on the Elimination of Discrimination against Women, *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Thailand*, (CEDAW/C/THA/CO/5, 3 Feb. 2006), http://www.nhrc.or.th/2012/wb/img_contentpage_attachment/42_file_name_1975.pdf.

provisions that support it. In East Kalimantan, Indonesia for example, maternal mortality is regarded as a family sin. This reflects the inability of the family, especially the husband, to fulfill their roles as a unit of supporting individuals. Such traditional practices can provide a starting point for indigenous women's organizations to strengthen and promote the positive aspects of culture while challenging the negative.

Indigenous women's organizations can also reinforce and develop their traditional roles and sustainable use and management of land and resources. This will not only demonstrate their capacities to fulfill the accompanying obligations to their rights and thus serve as their contribution in the development of human rights. Such an action can also strengthen their positions in the Conventions on Biological Diversity and on Climate Change and other arenas of discourse.

Internal Reflection

CEDAW can also be an instrument for indigenous women and their communities to review and assess gender relations towards more equality within their own communities and societies. Among the Chakma people of the Chittagong Hill Tracts in Bangladesh, for example, the Convention can be a reference in the current discussions on reforming customary inheritance laws in the Chakma Circle, according to Raja Devasish Roy, Chakma Circle king.





CHAPTER 3

Using CEDAW and Other Human Rights Mechanisms

Human rights are inherent and inalienable. However, they remain abstract if they are not claimed and exercised by the rights holders. Indigenous women need to know what their rights are and how to claim and assert these. The UN system provides a number of ways in which the rights protected in international law can be claimed and where people can gain assessment of whether their State is failing to protect them properly. Two different types of human rights bodies exist: *charter-based bodies* and *treaty-based bodies*. Charter bodies were created by the UN Charter (or subsequent General Assembly resolutions) and treaty bodies are established to oversee specific treaties and conventions when they come into force. The treaty-based bodies all require periodic reporting from the governments that have ratified the given treaty and this reporting schedule also contains space for indigenous organizations and non government organizations to submit information.

Human Rights Bodies in the UN System

Charter-based Human Rights bodies

- *Human Rights Council*
- *Universal Periodic Review*
- *Commission on Human Rights (replaced by the Human Rights Council)*

Treaty-based bodies

There are 10 human rights treaty bodies that monitor implementation of the nine core international human rights treaties:

- *Human Rights Committee (CCPR)*
- *Committee on Economic, Social and Cultural Rights (CESCR)*
- *Committee on the Elimination of Racial Discrimination (CERD)*
- *Committee on the Elimination of Discrimination against Women (CEDAW)*
- *Committee against Torture (CAT)*
- *Subcommittee on Prevention of Torture (SPT)*
- *Committee on the Rights of the Child (CRC)*
- *Committee on Migrant Workers (CMW)*
- *Committee on the Rights of Persons with Disabilities (CRPD)*
- *Committee on Enforced Disappearance (CED)*

Source: UN Office of the High Commissioner for Human Rights (OHCHR) <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

Indigenous women can use both the charter bodies and the treaty bodies to raise their concerns and pressure governments to account for the neglect or violation of their human rights and freedoms. We will review here broadly the various mechanisms available, beginning with CEDAW where we will spend the most time. It is our belief that the limitations of CEDAW in relation to the concerns of indigenous women discussed earlier in this guide should not be a deterrent in the use of this treaty to assert indigenous women's rights and freedoms, particularly when used together with other human rights bodies.

It is also important to remember that the use of these mechanisms cannot be the final answer to indigenous women's human rights concerns and issues. As will be discussed in greater detail, there are a number of reasons why these mechanisms and procedures cannot provide full answer to the concerns of indigenous women. These mechanisms are not always easy to access and there are procedures to follow as well as admissibility requirements to be considered. Bringing cases to these mechanisms requires resources that may be beyond the capacities of indigenous women's organizations. Collaborative efforts between indigenous women's and human rights organizations/institutions are therefore often necessary to pursue and follow up efforts to engage these mechanisms.

These mechanisms also do not have the mandate to punish the perpetrators of violence and discrimination. These procedures can recommend States take certain actions, but we have to be vigilant to monitor and assert the adoption and implementation of recommendations by State Parties. Nonetheless, the fact that indigenous women's concerns and issues are brought up to these mechanisms puts the State Party in the light of international monitoring, a situation that many States dislike. Decisions and recommendations from these human rights mechanisms also carry significant moral and political force and can be used successfully at the national level to push for real change.

International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

There are a number of ways in which indigenous peoples' organizations can engage the Committee that oversees CEDAW. If your country has ratified CEDAW, then you can communicate with the Committee directly when they consider reviewing your country. If your government has ratified the Optional Protocol (OP) as well, then you can communicate with the Committee at any point through the communications procedure or inquiry procedure. We will cover all of these in detail. If your government has not ratified either CEDAW or the OP, then you can still lobby for General Recommendations and

Box 1: What treaties have my government ratified?

You can check which international treaties your government has ratified at this website:

<http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

You can find your country in the list provided and you will find a full list of what treaties that country has ratified and when the ratification occurred. This will also let you know what Optional Protocols your country has signed.

provide information related to areas in which the Committee is developing General Recommendations.

State Reporting to the Convention

During the process of State Reporting and consideration of the State Report by the Committee, there are a number of ways that indigenous peoples' organizations and NGOs can influence the process.

The Committee requires that all State Parties to the Convention provide the Committee with a report detailing what the government is doing to implement the provisions of the Convention within a year of ratifying the Convention. Thereafter, the State Party must report at least once every four years or when otherwise requested by the Committee. In practice, State Parties are often late with their reports and may, when the delay becomes lengthy, submit "combined reports" covering two or more reporting periods.

When reporting, the State will generally address the previous recommendations that the Committee has provided to them, the text of the Convention itself (each article, one by one) and also the General Recommendations issued by the Committee. The report is submitted to the Committee for consideration well in advance of the Session, usually at least six months or two Sessions in advance.

Pre-session Meeting

After reports are submitted, the Committee convenes a meeting, either prior to or directly after a formal Session, to consider in advance the newly received reports—this is referred to as the *pre-session meeting*. The pre-session meeting meets for a week and will review all the reports that will be considered at the next Session. At this stage, the Committee may—and usually does—provide the State with a list of issues or questions that they feel has not been answered. Civil society can suggest questions or point out areas that are missing in the State report and tell the Committee about them.

If you are working on a shadow/alternative report, you can extract these issues and send the information in bullet point form to the Committee for this pre-session meeting. It is your opportunity to get the government to address issues that they may be trying to avoid, so focus on the most important issues that are contained in your report. If you already have an Executive Summary for your report, you can send this or the report itself. Even if the existing shadow report is in draft form it can be sent for the pre-session as it is not a formal submission. The final report can be produced in time for the Committee review itself.

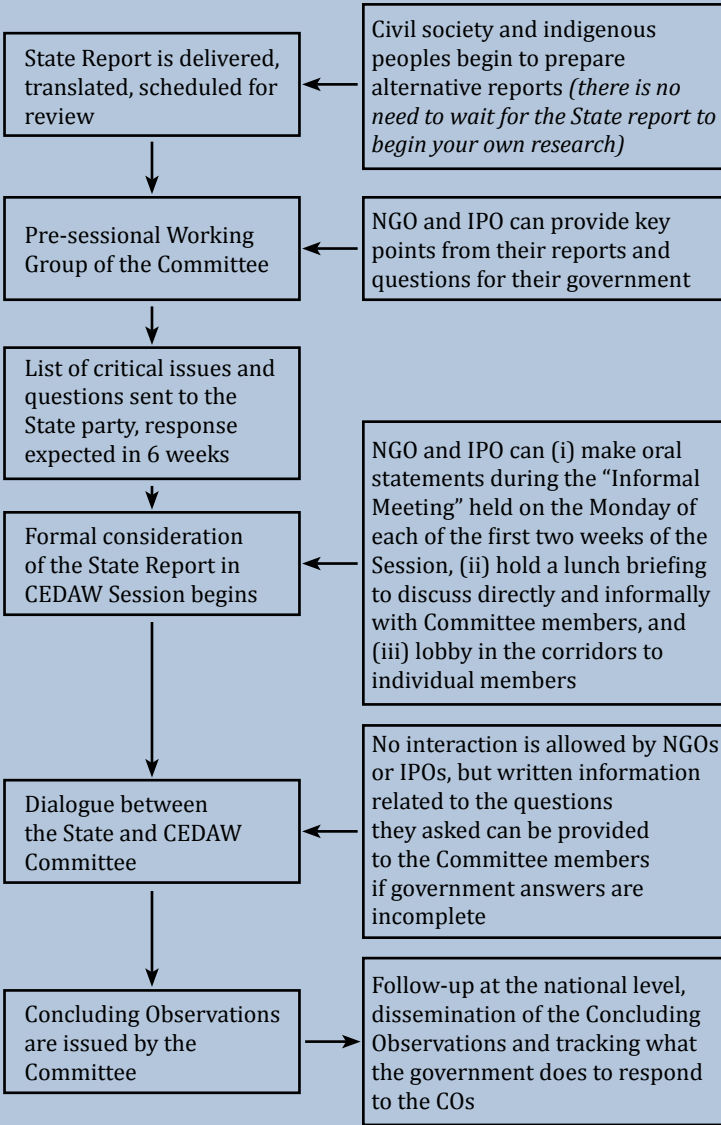
When a State does not report

If a State report is not submitted on time (meaning within the four year period), then the Committee may either consider the situation in the country without the State Report in front of it or delay consideration of the country in question for a further session and send a reminder notice to the government. It is usual practice for the consideration of the country to be delayed, however, if the State report is significantly overdue and civil society has provided reports detailing their concerns about the Convention, the Committee may review the situation in the country anyway and issue Concluding Observations without having a State Report in front of them.

The Shadow or Alternative Report

The most common and often most effective method of communicating with the Committee is by writing a shadow or alternative report. This is a report which is written by anyone in civil society and submitted to the Committee when the State is reporting, or supposed to be reporting, to the Committee. The purpose of these reports is to provide information to the Committee that may be lacking in the official government reports, and to request the expertise of the Committee in coming up with recommendations for how violations of the Convention can be stopped. A shadow/alternative report can take a number of different approaches, and the guidance that we provide here is general in nature. All reports

Box 2: NGOs and Indigenous Peoples' Organizations: Ways to interact with the Committee



This diagram is adapted from materials published by International Women's Rights and Action Watch-Asia Pacific in 2005.



should be tailored to express the specific problems of any given people.

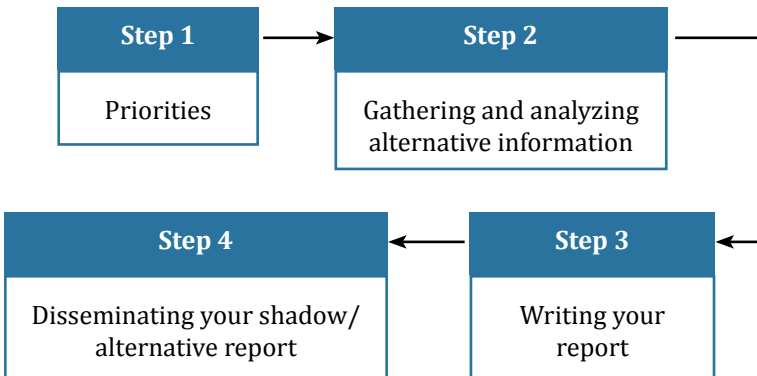
Indigenous women can use a shadow or alternative report to communicate the voices of indigenous women to the Committee, voices which may not be heard by the government in its preparation of its own report. Indigenous women can also provide information about their own experiences and circumstances which cannot be accurately presented by others. This may include information about the real situation of indigenous women with respect to access to justice or education, concerns that indigenous women have about inadequacies or gaps in existing laws and policies, or in the implementation of them, and about the obstacles that indigenous women face in trying to achieve their human rights.

How to build an alternative or shadow report

Discuss widely among yourselves and within communities in which you work. Does the effort involved in writing the report balance with the likely outcome? It is important at this stage to discuss:

- What are the main problems facing your communities?
- Do the problems facing your communities relate to the human rights protected by CEDAW?
- What do you expect to get from the Committee?
- What changes should your government make to ensure that indigenous women are not disproportionately impacted by gender discrimination?

If you decide to proceed, there are detailed guidelines provided by the International Women’s Rights and Action Watch Asia Pacific (IWRAP AP), and details of how to access these guidelines is provided at the end of this Chapter. We provide here an outline of the key steps we recommend in deciding whether and how to use CEDAW. The following outlines are taken from IWRAP Asia Pacific’s Shadow report Guidelines (http://www.iwraw-ap.org/using_cedaw/sr_guidelines.htm) and have been amended by FPP/AIWN to suit the context of indigenous women.



STEP 1: PRIORITIES

If you decide to go forward with the report, it is worth talking to women's organizations in your country to find out if other organizations will be reporting into the Committee at the same time.

Discuss at length with your members, staff and communities what the priority issues are for your people. What are the main significant concerns that face indigenous women in your country? Are some of these concerns going to be covered in other reports that are being prepared for the Committee? Do you have information and evidence about these concerns that you could use to build a report? What are the issues that face indigenous women at the community level? Are there issues regarding participation in politics, or with access to health care, education, justice?

The initial identification of priorities for your report should reflect the experiences that indigenous women face in your country. Later in the process, these issues will be compared to the rights protected by the Committee and by other human rights instruments, but the first important step is that they accurately reflect the issues that indigenous women in your country identify as the most important issues to them.

Remember it is also possible to contribute to a report being prepared by other groups. This means that it would take less funds and less time because you would be sharing the requirements with other organizations. However, it will also mean that the issues you want to raise will be mixed in with all the other issues that women in your country face, and may not be easy to see or understand for the Committee.

STEP 2: GATHERING AND ANALYZING ALTERNATIVE INFORMATION

If it is agreed that a report will be prepared for the Committee and a draft list of priorities is identified, then the process of building up or putting together the information that you want to present to the Committee begins.

Alternative information for consideration by the Committee can be provided in various ways. Some women's groups have preferred to submit a comprehensive report on women's status at the national level, the result of a coordinated effort among several NGOs. However, for some marginalized groups of women, reporting separately on specific issues may be the only way to gain an effective voice.

As you begin to plan your research and collecting information, please consider the following:

Read CEDAW and try to gain a better understanding of the rights it protects. Find the Concluding Observations that the Committee released last time your government was reviewed—is there anything in there that could be useful to you? Read the General Recommendations that the Committee has released before.

It is often hard to find official data sources to demonstrate the issues that you want to present, so start collecting reports that might be useful as soon as you can. Start collecting the last census data and other government sources that are useful. Approaching UN agencies that are active in your country can be a very useful way to find reports and data on the human rights situation in the country. Approach other indigenous organizations to ask what reports and information they have found useful for demonstrating human rights concerns.

Bring examples of the actual national laws that are enforceable in your country that you object to with you—if there are discriminatory laws in your country, bring the texts with you and texts of any key court decisions that reflect on the government's willingness (or lack of) to protect indigenous women's rights.

STEP 3: WRITING YOUR REPORT

*The purpose of the shadow/alternative report is to provide the Committee with information about the situation of indigenous women and their rights **as protected by CEDAW**. This means that the information provided must link to the rights listed in CEDAW. For instance, if one of the key issues identified by women in your communities and people is education, then the issues raised should be linked to Article 10 of CEDAW, which is on the right to education. This is true of all issues that you would like to bring up to the Committee, you will need to figure out which of the Articles of the Convention best suits the issues that you would like to raise.*

In your descriptions of the issues that you want to raise, include both descriptions of the problem—why indigenous women are not able to access or enjoy their rights in a certain area—and also the recommendations you have for your government to act to fix these problems. Phrase these recommendations as a detailed request directly to your government.

If your government has submitted a report to the Committee, then you should also critically assess the information provided by the government—what is missing? What is presented in a misleading manner? What needs more information?

The Committee will consider the situation in your country based on the reports submitted to it, so if the report by your government is misleading or incorrect, then it is only by sending in a report to challenge the official government line that you will be able to get the Committee to understand the situations you are facing.

How should the report be organized?

As described, the information provided to the Committee should be linked to the Articles of the Convention, so the easiest way to organize a shadow/alternative report is according to these Articles. However, not all Articles of the Convention are relevant for reporting—Articles 17-30 are about the procedures of the Committee and the administration of the Convention, and will probably not concern you. Articles 1-6 cover the specific rights protected by the Convention

Box 3: An Example of A Recommendation to a Government

16. Undertake a thorough review of national laws, potentially through the establishment of a National Commission on Indigenous Peoples tasked with this, with a view to identifying and rectifying all provisions that directly or indirectly permit discrimination on the basis of caste and multiple forms of discrimination against women from certain groups. Such law reform, at a minimum, must include legislation denying indigenous land tenure and restricting traditional livelihoods (paragraphs 12 [land laws] and 47 [livelihoods]).

The Rights of Indigenous Women in Nepal, Shadow Report for the combined 4th and 5th Periodic Reports of Nepal CEDAW/c/NPL/4-5: p. 12.

and are the Articles that you can respond to in your report. It is not necessary to comment on all Articles; you can select the ones that are most relevant to you and respond only to them or address all of them, depending on how much time and resources you have available to you.

The most important aspect of the information you are providing in your report is the experiences of your communities and peoples—this is the information that cannot be accurately provided by anyone else. In presenting the information, it is worth looking at a number of sources of jurisprudence (legal decisions) to see if the violations you are describing have been considered before, by the Committee itself or by others. Therefore for each of your examples, and your responses to each Article, should consider the following sources of information:

1. **CEDAW:** the articles that are specifically related to the issues you want to raise.
2. **State Party Report:** the report your government has sent in, if there is one. This is available on the CEDAW website, hosted by OHCHR.
3. **Previous Concluding Observations of the Committee:** either about your country or about issues similar to the ones you are raising in different countries (see Chapter 4 for a detailed assessment of prior CEDAW COs related to indigenous women).
4. **General Recommendations:** The General Recommendations contain the latest interpretation of the normative standards in CEDAW. You should look to the General Recommendations in consonance with the Articles, for example, Article I2 on Health with General Recommendation XXIV, and/or to clarify and expand on issues which are not specifically covered in the Convention, e.g., General Recommendation XIX on Violence Against Women. There are currently 25 General Recommendations.

5. **Reports of other UN Human Rights Mechanisms, including those mechanisms that are mandated to work on the rights of indigenous peoples, including Concluding Observations of other UN Treaty Bodies:** In the event your country has reported to other treaty bodies, the relevant portions of those Concluding Comments which relate to women's rights should also be referred to.
6. **Summary Records:** The Summary Records capture the dialogue between the government and the Committee at the review and will contain information which is not reflected in the Concluding Comments. They provide an accurate and official record of the dialogue and will help guide your analysis. The Summary Records is also very useful for advocacy to get the government to honor its commitments and to raise awareness of the views of the Committee.

Executive Summary: You should have an Executive Summary of your shadow/alternative report, as it assists the Committee members in understanding what is contained in the report and where they should read more carefully on specific issues. The Executive Summary could include:

- A summary of the main critical points of the shadow/alternative report;
- A summary of the recommendations to the critical points above and to the challenges encountered in the implementation of CEDAW.

Make the report reader friendly by having a table of contents and page numbers. The report should be in English for the Committee because the UN will not translate it if it is provided in any other language and the majority of the Committee work in English.

STEP 4: DISSEMINATING YOUR SHADOW/ ALTERNATIVE REPORT

There are a number of points at which NGOs can intervene in the CEDAW review process and contribute information on issues concerning women in their country. The first is during a CEDAW pre-session, and second at the actual CEDAW session that government reports are presented and reviewed. In addition, NGOs can also share their draft or final reports with other NGOs or government agencies or officials within their countries as an advocacy, public education or capacity building tool, or send their reports to committees for other human rights treaties their States have ratified.

CEDAW Session

The first step in attending the formal consideration of the State Report is to submit in advance your shadow or alternative report. This can be submitted directly to the secretariat at:

For Geneva session in January/February and October:

CEDAW Secretariat, OHCHR

Palais Wilson
8 - 14 Avenue de la Paix
CH-1211 Geneva 10
Switzerland

Mailing address
UNOG-OHCHR
CH-1211 Geneva 10



Reports can also be submitted through IWRAP Asia Pacific, an NGO that has been designated by the Committee as a conduit through which shadow/alternative reports are distributed to the Committee prior to the Session. IWRAP AP can, if a report is provided in sufficient time, potentially provide advice on the report itself, and should be contacted early to ensure coordination with other organizations who may be reporting from the same country as you. Their contact details are:



Box 4: Interacting with the Committee

Direct Lobbying: *The most useful opportunity for interacting with the Committee members is often on a one-to-one basis, when there is an opportunity to talk to them, for example, as they enter or leave the session meetings or during coffee and lunch breaks. For this purpose, it is a good idea to print out a list of the committee members and have an idea of which ones you intend to talk to.*

Informal Dialogue: *This is a half-day session held on Monday for the countries which are to be considered during that week. The Committee members provide an opportunity to civil society representatives to make public statements to the Committee as a whole, and may well ask specific follow up questions about issues they are interested in following up with the State.*

Lunch Briefing: *This is a voluntary option for civil society representatives to hold a briefing the day before a State Party is to be considered. Committee members are invited to attend, and provided with lunch by the civil society organizers. The briefing can be organized however the organizers want. It is a good idea to provide some information and then provide the Committee members with time to ask detailed questions. Written answers can be provided afterwards if some questions cannot be answered immediately.*

There are three sessions of the Committee every year, two held in Geneva and one in New York. Each session lasts for three weeks, the first two weeks are open and involve consideration of State Party Reports, while the third week is a closed writing session.

During the consideration of the State Report, civil society will not be allowed to speak. The State Report is discussed between the Committee members and the government delegation. However, it is possible for civil society members to listen, and to provide written clarification afterwards to Committee members when questions are not accurately or fully answered by government delegates.

CEDAW also has a follow-up procedure. Under this procedure the Committee can choose one or two priority issues and request a follow-up report from the government in a shorter time period, usually two years. In lobbying Committee members, it is useful to think which priority issues you would like them to focus on, and make that clear to them.

Box 5: When is my country being reviewed?

You can check easily by visiting the website maintained by the Office of the High Commissioner for Human Rights (OHCHR), covering all the treaty bodies. Here you can see the countries being reviewed at the next session, and for 2-3 sessions after that. If your country is not listed as being reviewed in the next few years, then check backwards to see when it was last reviewed. It will be due to be reviewed again 4 years after its last review date.

<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

Choose the treaty body you are interested in (such as CEDAW) and select "Sessions" to see the list of countries up for review.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women

The Optional Protocol is a separate treaty open to those countries which have ratified the parent treaty of CEDAW. It entered into force on the 6th of October 1999. The OP provides two avenues for redress of violation of CEDAW by State Parties. The first is the main avenue detailed by the OP, the complaints or communications procedure. The second is initiated by the Committee, and is detailed in Article 8 and 9 of the OP, a broader-based inquiry procedure.

The Communications Procedure

In cases where individual women or groups of individuals have had their rights—as protected by CEDAW—violated, if their government has ratified the Optional Protocol then they can submit a complaint to the Committee detailing the violation and asking for the Committee's attention in giving advice to the government on how to address the violation. Such a complaint is called a

“communication” and there are some important restrictions on submitting a communication:

- *First, and most importantly, the government concerned must have ratified both CEDAW and the OP*
- *The communication must provide details of a violation of a right that is protected by CEDAW specifically*
- *The communication must be able to demonstrate that the complaining person has used the domestic remedies available and failed to get redress. This means that the complaining person has either used the court system but the outcome did not provide redress or tried to use the court system or judiciary to gain a solution to the violation that they are suffering, and that the domestic system is either ineffective, unavailable to them for some reason or unreasonably prolonged*
- *The communication must be in the name of the complaining person (not anonymous) although you can request the Committee to keep the name confidential*
- *Submitted in one of the six UN languages*

When the complaint arrives with the Committee, the first step is the Committee checking that all the criteria for a complaint have been met. If the Committee decides that the complaint is admissible, then consideration of the merits of the case begins. At any point on the procedure the Committee may ask the State to implement *interim measures*, which are requested when the Committee feels there is a danger of irreparable damage or harm to the victim.

The Committee will forward the complaint to the State Party in question and ask for written responses within six months. The Committee may also seek out information from other actors, UN agencies, NGOs, individuals or others. At the end of the consideration, the Committee will issue its views on the complaint and associated recommendations (if necessary) to the State Party. The Committee will then follow up implementation of the recommendations at the subsequent Session. Usually a complaint is treated confidentially while it is still under consideration, although the Committee may chose to make it public at any time.

The Inquiry Procedure

Under this procedure, also linked to ratification of the Optional Protocol, the Committee has the authority to decide whether there is an indication that grave and systematic violations of the Convention are taking place within a certain state. If this is the determination of the Committee, then it will ask the State Party in question to communicate with the Committee on the issues being raised and may request additional information from governments, NGOs and individuals. The Committee will try to secure the cooperation of the State Party but can undertake an inquiry without such cooperation. The inquiry may also include a visit to the state where hearings may be held, but the prior consent of the state party must be obtained for such a visit. It is possible for States to refuse to recognize the competency of the Committee to conduct inquiries under this procedure while still ratifying the OP in general, so it is worth checking whether a given State has not objected to this procedure.

After completing the inquiry, the Committee will transmit its findings, comments and recommendations to the State Party. The State is then required to respond within six months to the findings of the Committee. The State may also be asked to include the steps they have taken in response to the inquiry procedure, in their periodic reports to the Committee. Apart from the (summary of) findings published in the Committee's annual report, the inquiry procedure is confidential.

The results of this information gathering process will be reviewed by the Committee, which will then adopt findings about whether a violation has occurred and comments identifying actions to be taken by the State Party if a violation has occurred. A summary of the Committee's activities and its findings will be published, and the State Party must respond with "observations" within six months.

Special Procedures

“Special procedures” is the general name given to the mechanisms established by the Human Rights Council to address either specific country situations or thematic issues (such as violence against women, right to food, and many others). The Special Procedures are a way for the Council to be constantly engaged on an issue of concern throughout the year, and all Special Procedures submit regular reports into the Council.

Although the Human Rights Council can establish Special Procedures in any form, they are commonly either an individual, called a *special rapporteur* or *representative* or an *independent expert*, or a group of individuals, called a *working group*, and are mandated to follow a particular thematic issue, or the situation in a particular country.

An individual who serves as a special rapporteur, representative, independent expert or member of a working group is appointed by the Human Rights Council. The Special Procedures mandate holders are independent, are not paid, and serve in a personal capacity for a maximum of six years. The Human Rights Council requests the Office of the High Commissioner for Human Rights (OHCHR) to provide these mechanisms with personnel and logistical assistance to aid them in the discharge of their mandates. You will notice that the contact details for all the Special Procedures discussed here are through the OHCHR.

Although the mandates given to Special Procedure mechanisms vary, they are usually to examine, monitor, advice, and publicly report on human rights situations in specific countries or territories, known as country mandates, or on major phenomena of human rights violations worldwide, known as thematic mandates. Various activities can be undertaken by Special Procedures, including conducting studies, providing advice on technical cooperation, responding to individual complaints, and engaging in general promotional activities. Importantly, the special procedures are open for submissions at all times, there is no set schedule for review, so issues of interest can be raised with them at any time.

In carrying out their mandates, Special Rapporteurs and other mandate holders undertake country *missions* (sometimes referred

to as fact-finding missions) and report back to the Human Rights Council annually. These missions take place at the request of the relevant Special Procedure or at the invitation of the country concerned, and can usually only take place with the permission of the country concerned. Many countries have extended standing invitations to all thematic special procedures of the Commission. You can request that a Special Rapporteur makes a country visit to your country to look at the violations you are concerned about, but they will only be able to come if your government agrees, or has issued a standing invitation.



Of particular interest to indigenous women, Special Rapporteurs have been appointed on Violence Against Women, its Causes and Consequences (UNSRVAW), on trafficking in persons, especially in women and children (UNSR TIP), on the Rights of Indigenous Peoples (UNSRIP), and a working group on discrimination against women in law and practice (WGD AW). There are further mandate holders who may also be of interest, such as the Special Rapporteur on the Right to Food, and a full list of all special procedures is provided at the end of this section. We will address UNSRIP in the section on human rights mechanisms for indigenous peoples, and here focus on the mechanisms designed for use by women generally.

Communicating with Special Rapporteurs: General Guidelines

Special Rapporteurs occupy powerful positions, reporting into the Human Rights Council (the highest human rights body in the UN system) and with the authority to issue recommendations directly to governments and other bodies. However, the choice of which Special Rapporteur to use is one that should be considered carefully. Each mandate holder has their own, individual approach to the issues that they are expert on, and it is worth reviewing the recommendations or reports that a particular expert has already released to see if you feel they would make useful recommendations for your own situation.

It is also possible to submit your information to more than one Special Rapporteur at the same time. For instance, if the issue that you would like to raise involves violence against women and discrimination on the basis of indigenous identity, then you may wish to write at the same time to BOTH of those Special Rapporteurs.

When deciding whether to use the Special Procedures, you should consider what they are able to address (their mandate), what they are able to do (also in their mandate), and what you would like to get from them. As part of making your assessment about which Special Rapporteurs to approach, you should also read the materials that the current mandate holder has issued so you can judge whether they are likely to be useful to you.

When communicating with the Special Rapporteurs, you do not have to use a specific format; you can simply write a letter to them outlining your concerns, and your requests from them.

What information should you include in your communication to the Special Rapporteurs?

It is important to provide a summary of the main factual points of the issue or case that you want to raise. You can request that the Special Rapporteur does not release your name when communicating with your government if you think you might be in danger of reprisals.

You should provide as much detail as you can, sending as attachments relevant reports of the situation, if there are any. If your government has ratified human rights treaties, you could refer to the specific provisions of the treaties you believe have been violated.

If your submission is in regard to a law, practice or policy, which affects women in general or women in a specific group, explain how other women are affected or describe the group. A consistent pattern in individual cases can be used to demonstrate a general failure to prevent and respond to private abuses.

If you submit information about violations committed by private individuals or groups (rather than government officials), include any information which might indicate that the government failed to exercise due diligence to prevent, investigate, punish, and ensure compensation for the violations. For example, information on:

- whether or not there is a law which addresses the violation;
- any defects in existing laws such as inadequate remedies or definitions of rights;
- the refusal or failure by authorities to register or investigate your case and other similar cases;
- the failure by the authorities to prosecute your case and other similar cases;
- patterns of gender discrimination in the prosecution or sentencing of cases;
- statistics and other data concerning the prevalence of the type of violation described in the submission.

Please bring to the attention of the Special Rapporteur any information which becomes available after you have submitted information about a case. For example, if your human rights concern has been adequately addressed or a final outcome has been determined in an investigation or trial, or an action which was planned or threatened has been carried out.

What the SRs can do

There are three main responses that are generally open to the Special Rapporteurs, although the detail of what a given SR can do should always be checked in their particular mandate.

Urgent Appeals: Urgent transmissions may be sent by the Special Rapporteur to concerned governments when reliable and credible information is received concerning cases “where the alleged violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner by the procedure under letters of allegation.” When transmitting urgent actions, the Special Rapporteur appeals to the governments concerned to ensure effective protection of those under threat or at risk of violence.

Allegation Letters: For those communications that do not require urgent action but relate to violations that already occurred and/or to general patterns of violations—including the legal framework and its application as regards violence against women—the Special Rapporteurs may send allegation letters requiring governments to clarify the substance of the allegations received.

Request for Country Visits: It is possible to request that any of the Special Rapporteurs conduct a country visit to examine the situation in your country and provide more detailed recommendations to your government and to the Human Rights Council about the situation there.

Each Special Procedure has its own communication address (usually email) and are all facilitated by the Office of the High Commissioner for Human Rights.

The Special Rapporteur on Violence against Women, its Causes and Consequences

The Special Rapporteur on VAW is mandated to seek and receive information on violence against women from governments, treaty bodies, specialized agencies, other Special Rapporteurs responsible for various human rights questions and intergovernmental and non governmental organizations, including women’s organizations, and to respond effectively to such information. He/she may also undertake country visits on request, as described in the general guidance below.

The mandate of the Special Rapporteur allows the Rapporteur to act on behalf of individual complainants by sending urgent appeals and allegation letters to countries against which reports alleging the perpetration violence against women have been received. Complaints can concern one or more individuals or may convey information relating to a general prevailing situation condoning and/or perpetrating violence against women. However, the mandate restricts the Rapporteur to act only in cases where the violence is directed against women, *because they are women*, and he/she cannot act on general violence. The definition of violence against women used by the Special Rapporteur is taken from the United Nations Declaration on the Elimination of Violence against Women.

Box 6: Definition of violence against women

'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'

United Nations Declaration on the Elimination of Violence against Women, adopted by the General Assembly in its resolution 48/104 on December 1993

**United Nations Special
Rapporteur on Violence
against Women
(UNSRVAW)**

vaw@ohchr.org

The Special Rapporteur on Trafficking in Persons, Especially in Women and Children

The SRTIP has a mandate to take action on violations committed against trafficked persons and on situations in which there has been a failure to protect their human rights and to formulate recommendations to prevent and or combat trafficking and protect the human rights of its victims in specific countries and/or regions. The SR may organize country visits to explore a situation or to assist them in formulating recommendations, as described in general guidance below.

As with all Special Rapporteurs, communication from civil society is essential in bringing their attention to particular issues, either specific instances of violation of the rights included in the SR mandate, or to general situations that are causing the human rights to be violated on a broader scale.



Working Group on Discrimination Against Women in Law and Practice

The youngest of the human rights bodies working on the rights of women is the Working Group on Discrimination Against Women in Law and Practice (WGDAW), established in 2011. This Working Group is another special procedure, reporting into the Human Rights

Council, and will initially have a three-year mandate (although this may be extended).

The Working Group has a mandate to identify, promote and exchange views on best practices related to the elimination of laws that discriminate against women and civil society, including indigenous women, are invited to participate in identifying good practices. The Working Group can also make specific recommendations for legislative reform and laws, and for reforms in the implementation of existing laws intended to eliminate discrimination against women. WGDAW will coordinate closely with the Commission on the Status of Women, UN Women and CEDAW to avoid duplicating their work.

Communication to the WGDAW can be sent through:



Other Mechanism for Women

UN Women

The UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, was established in July 2010 with the merger of four UN bodies focused on women's empowerment and gender equality. For greater impact, the following institutions merged into one body—Division for the Advancement of Women (DAW), International Research and Training Institute for the Advancement of Women (INSTRAW), Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), and United Nations Development Fund for Women (UNIFEM).

The main roles of UN Women are:

- To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms;
- To help Member States to implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society;
- To hold the UN system accountable for its own commitments on gender equality, including regular monitoring of system-wide progress.

In addition, the UN Women works for the:

- elimination of discrimination against women and girls;
- empowerment of women; and
- achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security.

UN Women acts on three aspects. One is supporting international political negotiations to formulate globally agreed standards for gender equality. It also leads, promotes and coordinates efforts to advance the full realization of women's rights and opportunities. Another is it works with government and non-governmental partners to help them put in place the policies, laws, services and resources that women require to move towards equality.

Currently, the UN Women is deliberating with the UN Permanent Forum on Indigenous Issues concerning the situation of indigenous women.



Mechanisms for Indigenous Peoples

United Nations Permanent Forum on Indigenous Issues

What is the UN Permanent Forum on Indigenous Issues?

The Permanent Forum is an advisory body to the Economic and Social Council (ECOSOC) with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health, and human rights. The Permanent Forum can provide expert advice and recommendations on indigenous issues to ECOSOC, as well as to programmes, funds and agencies of the United Nations, through ECOSOC. The Forum can also raise awareness and promote the integration and coordination of activities related to indigenous issues within the UN system and prepare and disseminate information on indigenous issues.

The UNPFII annual sessions are open to indigenous peoples' participation. Indigenous women and their organizations can

participate in these sessions to highlight their situations and concerns under the six mandated issues of the UNPFII. The UNPFII also adopts special themes for each session. In its 3rd session in May 2004, the Forum dealt on Indigenous Women as a special theme where it “encouraged relevant United Nations bodies to integrate the human rights of indigenous women into their programmes and policies, including through compiling and integrating disaggregated data on indigenous women’s issues in their annual reports.”

To facilitate the work of the UNPFII, there is the Inter-Agency Support Group (IASG), which is a mechanism of coordination between UN agencies, established to support and promote the mandate of the UN Permanent Forum on Indigenous Issues within the United Nations system. Its mandate was later expanded to include support indigenous related mandates throughout the inter-governmental system. It allows the UN system and other intergovernmental organizations to analyze recommendations made by the Forum with a view to facilitating comprehensive and coordinated responses to the UNPFII. Currently (2011) the IASG is composed of 31 members, among which is UN Women.

What has the Permanent Forum said about the situation of indigenous women?

Every session of the UNPFII culminates in a report of the Session, which provides a series of recommendations related to the mandate of the Forum. Every report includes a section on indigenous women where recommendations specific to the situation of indigenous women are collected. In this way, the Forum has addressed almost every aspect of the lives and experiences of indigenous women and a wealth of recommendations to States and to the UN system are available. These are compiled on the website and adopted every session, available

Box 7: UNPFII Gender Briefing Notes

Briefing Note 1: Gender and Indigenous Peoples

Briefing Note 2: Gender and Indigenous Peoples' Economic and Social Development

Briefing Note 3: Gender and Indigenous Peoples' Education



online at: http://www.un.org/esa/socdev/unpfii/en/women_pubs.html.

More information on indigenous women in UNPFII available at: <http://www.un.org/esa/socdev/unpfii/en/women.html>

Briefing Note 4: Gender and Indigenous Peoples' Culture

Briefing Note 5: Gender and Indigenous Peoples' Environment

Briefing Note 6: Gender and Indigenous Peoples' Human Rights

http://www.un.org/esa/socdev/unpfii/en/women_pubs.html#recs

Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

The Expert Mechanism on the Rights of Indigenous Peoples (hereinafter, “the Expert Mechanism”), was established in 2007 by a resolution of the Human Rights Council in order to provide thematic expertise on the rights of indigenous peoples in the manner and form requested by the Council. The Human Rights Council appoints five experts to serve on the Expert Mechanism and gives strong regard to experts of indigenous origin. The experts serve for a three-year period and may be re-elected for one additional period.

The Expert Mechanism focuses mainly on studies and research-based advice, as requested by the Council, and may also suggest proposals to the Council for its consideration and approval, within the scope of its work as set out by the Council. Although the Expert Mechanism cannot adopt resolutions or decisions, it has had some flexibility in determining its own methods of work.

To date the work of the Expert Mechanism has focused on producing expert reports on chosen themes. The first of these reports was on indigenous peoples and the right to education, and this was followed by a report on indigenous peoples and the right to participate in decision making. In addition to these reports, the Expert Mechanism can convene workshops on chosen issues of concern.

Further information about the past and present work of the Mechanism can be found at: <http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx>

Attending a session of the Expert Mechanism

Meetings of the Expert Mechanism are open to a wide range of participants, mainly as observers to the meeting proceedings. Listed entities who can participate on request are States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, National Human Rights Institutions and other relevant national bodies, academics and experts on indigenous issues and non governmental organizations in consultative status with the Economic and Social Council. This is a standard list of observers to human rights mechanisms.

Participation in the deliberations of the Expert Mechanism is further extended to include indigenous peoples' organizations and non governmental organizations. Anyone interested in attending should review the theme of the session and the work of the Expert Mechanism. Details on submitting an application to attend can be found at the link provided above.

Participation in the meetings of the Expert Mechanism can be supported by the UN Voluntary Fund for Indigenous Peoples, and interested persons can apply directly to that fund.



The Special Rapporteur on the Fundamental Rights and Freedoms of Indigenous Peoples

There is also a Special Rapporteur specifically mandated to address the rights and freedoms of indigenous peoples. The SR has been given a wide mandate by the Human Rights Council, and the various office holders have used this mandate to address the concerns of indigenous peoples around the globe. We will spend a bit more time on this SR as the office holder of this mandate is often the most effective person to contact with regards to the rights of indigenous peoples, including rights violations affecting women.

The mandate of the SR on the rights of indigenous peoples includes examining ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous peoples and to identify, exchange and promote best practices. This includes gathering (or requesting) information from any source he/she deems appropriate, including governments, indigenous peoples and their communities and organizations. He/she also has the mandate to formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the rights of indigenous peoples, and has done so on many occasions in the past.

In carrying out these different activities, the Special Rapporteur is also requested to work “in close cooperation with the Permanent Forum on Indigenous Issues and to participate in its annual session”; “to develop a regular cooperative dialogue with all relevant actors”; to pay a “special attention to the situation of indigenous children and women”; to consider “relevant recommendations of the world conferences and treaty bodies on matters regarding his/her mandate.”

In addition, the resolution establishing the Expert Mechanism on the Rights of Indigenous Peoples of the Human Rights Council requests the Special Rapporteur to attend and to contribute to its annual meeting.

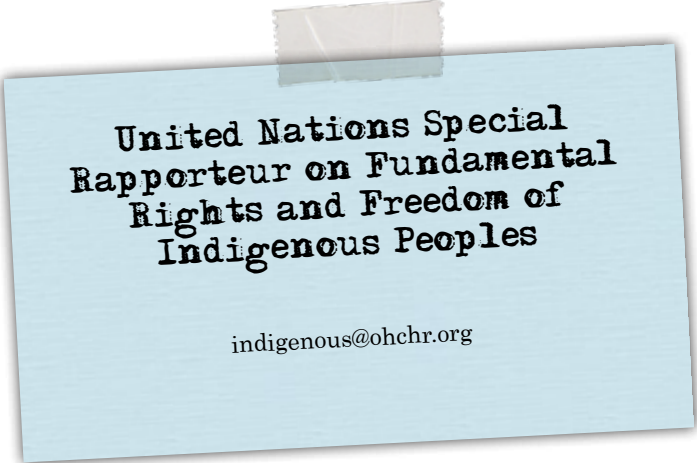
The Special Rapporteur conducts his/her work in many ways, most formally through the Annual Reports that he/she is requested to provide to the Human Rights Council, covering all the activities carried out in the past year. These Annual Reports also

contain as addendums all the country reports, special studies and communications released by the Special Rapporteur.

The Special Rapporteur can also conduct Country Visits, if the government of the country issues a formal invitation for him/her to come.

During these visits, the Special Rapporteur meets with national authorities, including members of the judiciary and of legislative bodies; UN and other international agencies; civil society and non governmental organizations. Meeting with indigenous peoples and organizations is also a key element of the Special Rapporteur's visits. These visits represent a good opportunity for indigenous peoples and NGOs to meet with the SR and discuss issues of concern.

Finally, in all his thematic and country visit reports, the Special Rapporteur includes recommendations that he considers important for the advancement of the promotion and protection of indigenous peoples' rights. Although mainly addressed to governments, some are also addressed to United Nations agencies and programmes, indigenous peoples' organizations and civil society and academic institutions.



**United Nations Special
Rapporteur on Fundamental
Rights and Freedom of
Indigenous Peoples**

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Other Human Rights Mechanisms

Other treaty bodies and processes through the UN Human Rights Council are also available for further promotion, protection and fulfillment of human rights and freedoms of indigenous women, as well as platforms through which their perspectives and positions on the effective realization of these are forwarded. A brief summary of the latest mechanisms is provided below. More information on these may be found in the website of the UN Office of the High Commissioner for Human Rights: <http://www.ohchr.org>.



The Committee on the Elimination of Racial Discrimination

One important human rights treaty for indigenous women/peoples and non-indigenous ethnic minorities is the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).¹ A particularly significant document that comes from

¹ Fergus Mackay, A Guide to Indigenous Peoples' Rights under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 2002. Available at <http://www.forestpeoples.org/sites/fpp/files/publication/2010/10/cerdguidedec02eng.pdf>.

the implementation and application of the treaty is General Recommendation No. 25 on the gender dimensions of racial discrimination. This recognizes the specific impact of some forms of racial discrimination on women and acknowledges the need for a closer examination of the relationships between gender and racial discrimination. It further encouraged data disaggregation by gender and ethnicity as basis for identifying remedies.

The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of ICERD by its State Parties (the treaty body). The methods for addressing the Committee are similar to those described here for addressing the Committee (State reports examination and alternative reports, participation in the session, lunch time briefings), with an additional avenue available to address urgent and extreme cases of racial discrimination, the Urgent Action Procedure. Particularly relevant for indigenous peoples is the recognition by CERD that the removal of indigenous peoples from their traditional lands and resources is one of the trigger conditions for use of the Urgent Action Procedure. Further references are provided in the “further reading” guide for more information.

CERD has also released a large number of concluding observations and recommendations, which are specifically relevant to indigenous peoples and to indigenous women. Chapter 4 of this guide provides a detailed list of these recommendations, which can be very useful in supporting arguments that you may be making to other treaty monitoring bodies also.

The Universal Periodic Review

The Universal Periodic Review (UPR) is a unique process, which involves a review of the human rights records of all 192 UN Member States every four years. The UPR is a significant innovation of the UN Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.

The UPR was established when the Human Rights Council was created on 15 March 2006 by the UN General Assembly in resolution 60/251. This mandated the Council to “undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States.” On 18 June 2007, one year after its first meeting, members of the new Council agreed to its institution-building package (A/HRC/RES/5/1) providing a road map guiding the future work of the Council. One of the key elements of this package was the new Universal Periodic Review.

Commission on the Status of Women²

The Commission on the Status of Women (CSW) was established in 1946. Its task is to make recommendations and report to the UN Economic and Social Council (ECOSOC) on women’s rights. Since the Fourth World Conference on Women in 1995, CSW’s mandate also includes integrating a follow up process to the Conference into its programme and reviewing the critical areas of concern formulated in the Beijing Platform of Action.



² Excerpt from Ellen-Rose Kambel, *A Guide to Indigenous Women’s Rights under the Convention on the Elimination of All Forms of Discrimination Against Women*, 2nd Edition (UK: Forest Peoples Program, 2012), 34-36.

The CSW has a communications procedure that allows it to receive information from a range of actors about discrimination against women. This avenue is open for civil society actors to send information in, although the Commission does not judge the merits of communications and cannot address specifically individual cases of violations.

The Commission considers communications and issues general conclusions at the end of each Session, which can be of great use to indigenous women, as in 2001, when the working group of the CSW noted with concern:

*...the continued discrimination against indigenous groups, in particular women and children. It also noted with concern the increasing number of cases of systematic attacks on indigenous communities, including arbitrary killings, detention, torture, rape, forced sterilization and forced disappearances.*³

The session in 2001, already cited above, was very useful to indigenous women as it addressed the convergence of gender and racial discrimination. The Committee organized an expert meeting and adopted agreed conclusions on gender and all forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance. Racism experienced by indigenous women was mentioned both during the expert meeting and in the agreed conclusions. For example, during the expert meeting it was pointed out:

*...that in parts of the developing world, the majority of the female population experienced racial and ethnic discrimination, and that the situation of **indigenous women and girls** and those belonging to well-established national and ethnic minorities should also be taken into account. Special consideration and efforts should be made*

³ CSW Report on its 45th session (2001), UN Doc E/2001/27-E/CN.6/2001/14. In 2002, the Working Group also noted the inhumane treatment, sexual harassment and torture of women in custody, including indigenous women (CSW Report on its 46th session, 2002, UN Doc E/2002/27-E/CN.6/2002/13).

to view these women not as victims but as actors in efforts to combat racism... [emphasis added]

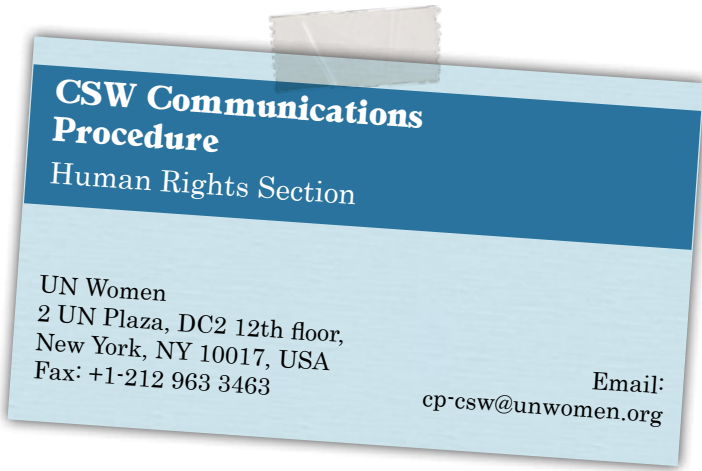
And that:

*in particular migrant and **indigenous women** needed to be educated about their rights in order that they could be assured access to redress against all forms of discrimination in all spheres of public and private life.” [emphasis added]⁴*

In its agreed conclusions the CSW called on governments, the United Nations and civil society to adopt an integrated, holistic approach to address multiple forms of discrimination against women and girls, in particular racism, racial discrimination, xenophobia and related intolerance; which among others, would ensure:

the full and equal opportunity for the sustained participation and representation of indigenous women and girls and women and girls, as appropriate, from culturally diverse backgrounds in all relevant decision-making processes, and to [t]ake measures, as appropriate, to promote and strengthen policies and programmes for indigenous women with their full participation and respect for their cultural diversity, to combat discrimination based on gender and race, to ensure their full enjoyment of all human rights.

⁴See the summary of the expert meeting in the CSW Report on its 45th session (2001), UN Doc E/2001/27-E/CN.6/2001/14, Annex II.



National Machineries

Most of the State Parties to CEDAW have set up national machineries for women as part of their strategies for national implementation of the treaty, for example, the Philippine Commission on Women. These can also be venues to call attention to the neglect of or abuse of the rights and freedoms of indigenous women at the national level and to lobby for appropriate and effective temporary special measures as well as redress or remedies where needed.

Aside from these are the National Human Rights Institutions (NHRI). In Asia-Pacific many countries have now set up National Human Rights Institutions, although they are referred to by different names in different countries. The current (2011) list of NHRI's in Asia Pacific is:

| | |
|--------------------------|---|
| Afghanistan | Afghan Independent Human Rights Commission |
| Australia | Human Rights and Equal Opportunity Commission |
| Fiji | Fiji Human Rights Commission |
| Hong Kong SAR, China | Equal Opportunities Commission |
| India | National Human Rights Commission |
| Indonesia | National Commission for Human Rights |
| Islamic Republic of Iran | Islamic Human Rights Commission |

| | |
|-------------------|---|
| Jordan | National Centre for Human Rights |
| Malaysia | Human Rights Commission of Malaysia (SUHAKAM) |
| Maldives | Human Rights Commission of the Maldives |
| Mongolia | National Human Rights Commission of Mongolia |
| Nepal | National Human Rights Commission of Nepal |
| New Zealand | Human Rights Commission |
| Philippines | Commission on Human Rights |
| Republic of Korea | National Human Rights Commission |
| Sri Lanka | The Human Rights Commission of Sri Lanka |
| Thailand | The National Human Rights Commission of Thailand |
| Timor Leste | Office of the Provedor for Human Rights and Justice |

Source: <http://nhri.ohchr.org/EN/Pages/default.aspx>.

Depending on the way in which your own National Human Rights Commission works—and if there is one—you may be able to contribute to their reporting into human rights treaty bodies as well as gain their attention and support for human rights issues in your country.

Annex 1: 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 1

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, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

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 fulfilment 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 II: Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

The General Assembly,

Reaffirming the Vienna Declaration and Programme of Action and the Beijing Declaration and Platform for Action,

Recalling that the Beijing Platform for Action, pursuant to the Vienna Declaration and Programme of Action, supported the process initiated by the Commission on the Status of Women with a view to elaborating a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that could enter into force as soon as possible on a right-to-petition procedure,

Noting that the Beijing Platform for Action also called on all States that have not yet ratified or acceded to the Convention to do so as soon as possible so that universal ratification of the Convention can be achieved by the year 2000,

1. *Adopts and opens for signature, ratification and accession* the Optional Protocol to the Convention, the text of which is annexed to the present resolution;
2. *Calls upon* all States that have signed, ratified or acceded to the Convention to sign and ratify or to accede to the Protocol as soon as possible;
3. *Stresses* that States parties to the Protocol should undertake to respect the rights and procedures provided by the Protocol and cooperate with the Committee on the Elimination of Discrimination against Women at all stages of its proceedings under the Protocol;
4. *Stresses* also that in the fulfilment of its mandate as well as its functions under the Protocol, the Committee should continue to be guided by the principles of non-selectivity, impartiality and objectivity;
5. *Requests* the Committee to hold meetings to exercise its functions under the Protocol after its entry into force, in addition to its meetings held

under article 20 of the Convention; the duration of such meetings shall be determined and, if necessary, reviewed by a meeting of the States parties to the Protocol, subject to the approval of the General Assembly;

6. *Requests* the Secretary-General to provide the staff and facilities necessary for the effective performance of the functions of the Committee under the Protocol after its entry into force;

7. *Also requests* the Secretary-General to include information on the status of the Protocol in her or his regular reports submitted to the General Assembly on the status of the Convention.

*28th plenary meeting
6 October 1999*

ANNEX II

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

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 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 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 III: Special Procedure mandates of the Human Rights Council

Current as of March 2013. Updated information, names of mandate holders and contact information can be obtained at: <http://www2.ohchr.org/english/bodies/chr/special/index.htm>

- Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
- Working Group on people of African descent
- Working Group on Arbitrary Detention
- Independent Expert on situation of human rights in Burundi
- Special Rapporteur on the situation of human rights in Cambodia
- Special Rapporteur on the sale of children, child prostitution and child pornography
- Independent Expert in the field of cultural rights
- Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
- Working Group on the issue of discrimination against women in law and in practice
- Special Rapporteur on the right to education

- Working Group on enforced or involuntary disappearances
- Special Rapporteur on extrajudicial, summary or arbitrary executions
- Independent expert on the question of human rights and extreme poverty
- Special Rapporteur on the right to food
- Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Special Rapporteur on the rights to freedom of peaceful assembly and of association
- Special Rapporteur on freedom of religion or belief
- Independent Expert on the situation of human rights in Haiti
- Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
- Special Rapporteur on the situation on human rights defenders
- Special Rapporteur on the independence of judges and lawyers
- Special Rapporteur on the rights of indigenous peoples
- Special Rapporteur on the human rights of internally displaced persons
- Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
- Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination
- Special Rapporteur on the human rights of migrants
- Independent Expert on minority issues
- Special Rapporteur on the situation of human rights in Myanmar
- Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
- Special Rapporteur on contemporary forms of slavery, including its causes and consequences
- Independent expert on human rights and international solidarity
- Independent Expert on the situation of human rights in Somalia
- Independent Expert on the situation of human rights in the Sudan
- Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
- Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

- Special Rapporteur on trafficking in persons, especially women and children
- Working Group on the issue of human rights and transnational corporations and other business enterprises
- Special Rapporteur on the human right to safe drinking water and sanitation
- Special Rapporteur on violence against women, its causes and consequences
- Working Group on the issue of discrimination against women in law and in practice

Annex IV: Guidelines for Writing Shadow/Alternative Report

These guidelines have been produced by IWRAW-AP and are copyrighted to them.

ARTICLES 1-5

Articles 1-5 are general in nature and set out the underlying principles of the CEDAW Convention: Equality, Non-Discrimination and State Obligation. Below we have set out a series of questions for each article. Note these are not meant to be an exhaustive list. Note also that you are not meant to answer each question specifically, but rather use them as a way to prompt information related to the specific article.

Article 1: Definition of discrimination

1. Has the definition of discrimination as given in Article 1 of the CEDAW Convention been incorporated into the Constitution or laws of your country?
2. Do the laws also address both direct and indirect (or unintended) discrimination?

Article 2: Policy measures to be undertaken to eliminate discrimination

1. Has the government taken action legally for the CEDAW Convention to be incorporated into domestic laws?
2. Is the CEDAW Convention applicable in the courts?
 - Have any of the provisions of the CEDAW Convention been directly invoked in domestic courts to gain equal rights for women? Is there any case law?

- Are lawyers and advocates able to directly cite the CEDAW Convention in court?
 - Do judges refer to the CEDAW Convention or international human rights principles in their decisions?
3. Are there national laws that conflict with the CEDAW Convention?
 - Where there is a conflict between national laws and the CEDAW Convention, which one takes precedence?
 - Has a comprehensive review of discriminatory legislation been done and a plan developed for legal reform.
 4. Has any legislation been enacted as a means of incorporating the CEDAW Convention into domestic law and to make discriminatory acts in the public and private actors actionable? Such legislation could take the form of an Equal Opportunities Act, Gender Equality Act or Anti-Sex Discrimination Act.
 - Are adequate sanctions in place for discrimination against women by the public and private actors?
 - What steps have been taken by the government to ensure that women are informed about their rights?
 - What legal remedies are available to women who have been discriminated against or have had their rights violated?
 - Are the remedies available to women whose perpetrators are from the public or private sector?
 5. Are legal mechanisms in place to draw compliance from all sectors of government at all levels, vertically and horizontally, especially within a federated system and where there is devolution of powers?
 6. What measures, if any, has the government undertaken to ensure the practical realization of the principles of equality and non-discrimination?
 - Does the government monitor the effect of the laws protecting women's rights on women and whether laws are enforced and or implemented and take appropriate action?
 - Is there a process for monitoring discriminatory practices?
 7. Are there competent and sensitized tribunals to hear cases on discrimination and inequality and are there procedures for women to claim their right to equality and non discrimination?
 - Do specific institutions exist and are procedures laid out for women to be able to make complaints such as Office of the Ombudsman or special tribunals?
 - If these institutions and procedures are in place, how effective are they in addressing the violations and providing the remedies? Is there data on cases brought by women to these institutions?

8. Have all relevant government officers in all sectors as well as the judiciary and relevant legal personnel and parliamentarians been trained to carry out their obligations under the CEDAW Convention?

Article 3: Guarantee of basic human rights and fundamental freedoms

1. What legislation has the State enacted to ensure women's equality in all fields (political, social, economic and cultural fields)?
2. Has the government created national machineries which address the development of women, create equal opportunities for women, and ensure women's equal access to those opportunities and equal results? e.g., Ministry of Women or Office of Gender Equality?
 - What are the competence and mandate of these machineries? Do they have authority to coordinate, resources and competence to play a catalytical role with other sectors? Can these machineries be more effective? How?
 - Has an intersectoral monitoring mechanism been established to monitor compliance with the obligations under the CEDAW Convention?
 - What is the level of coordination with other institutional machineries?
3. Have the national development plans in your country addressed women's development and advancement on a scale that is representative of the population or women?
 - In the national development plans (including poverty eradication strategies), has the government incorporated macro-economic and social policies that will ensure women's access and enjoyment to overall economic and social development based on the principles and framework of the Convention? How is women's rights mainstreamed in all sectors? Are Action Plans for Women integrated into the national development plans or do they run parallel to the national development plans.
 - What percentage of the budget in the national development plans is geared towards the goals for the development and advancement of women?
 - Do the national development plans include specific provisions for specific groups of women in your country including rural women, indigenous women, disabled women, migrant women, minority women, refugee women and marginalized women in your country?
 - Are there any monitoring systems in place to evaluate the

- implementation of the national development plans in relation to women's development?
- Are there mechanisms in place to address the shortfall of the national development plans implementation especially in relation to women's development?
4. How are the women in your country affected by the World Trade Organization (WTO) or other bilateral or multilateral trade agreements?
 - Have there been any assessments made on the impact of these agreements on the rights of women in your country?
 5. Are there human rights action plans in your country and do they address the human rights of women.
 6. Are there adequate data to assess progress made in the implementation of the CEDAW Convention, such as data disaggregated by sex, ethnicity and other relevant variables?
 - Is information or data collected to identify obstacles to the achievement of de facto rights for women and to assess the effects of laws and policies on women?
 - Does the government make data available and use the data to formulate policies?
 7. Is there a plan for implementation of the CEDAW Convention that sets out benchmarks for progress?
 8. Has the government involved NGOs in planning any of the above?
 9. Does the government/State Party report mention specific commitments and institutional arrangements for implementation of the Beijing Platform for Action that includes accountability to NGOs?
 10. What are your recommendations for government action under each of the issues or problems you have identified?

Article 4: Temporary special measures to achieve equality

(refer also to General Recommendation 25)

1. Has the government instituted any temporary special measures to improve specific situations of women in your country that would bring them closer to experiencing equality with men, i.e. the implementation of affirmative action policies in education, employment, political decision making?
2. Are the temporary special measures limited to the public sector or are they also extended to be applicable in the private sector as well?
3. Are there temporary special measures that address specific groups of women such as rural women, indigenous women, disabled

women, migrant women, minority women, girl children or other marginalized women in your country?

4. Are there mechanisms in place to monitor the implementation of temporary special measures and to measure their progress in accelerating de facto equality for women?

Article 5: Sex roles and stereotyping

1. What has the government done to overcome negative perceptions of women and stereotyping of women's roles within the family and the society?
 - What policies or programmes is the government implementing to change prevailing mind sets among the population?
 - How have gender equality campaigns addressed the issue of stereotyping of women and men and the roles that they play within the family and society?
2. What actions has the government taken to eliminate harmful traditional practices?

Initiatives to raise awareness on harmful traditional practices are critical but not sufficient to change harmful cultural and religious practices. Has the government taken steps to put in place relevant laws to eliminate these harmful practices?

Guidelines for Writing Shadow/Alternative Report, Articles 6-16

- Articles 6 – 16: are very specific in nature, as seen below:
- Article 6: Trafficking and Prostitution
- Article 7: Political and Public Life (*refer also to General Recommendation 23*)
- Article 8: Participation at the International Level
- Article 9: Nationality
- Article 10: Equality in Education
- Article 11: Employment
- Article 12: Healthcare and Family Planning (*refer also to General Recommendation 24*)
- Article 13: Economic and Social Benefits
- Article 14: Rural Women
- Article 15: Equality before the Law
- Article 16: Marriage and Family Life (*refer also to General Recommendation 21*)

A series of questions can be asked for each of these articles, focusing on the specific issues covered in each article. The same set of questions can be used for each article. Note once again that you are not meant to answer

each of these questions specifically, but rather use them to prompt the type of data and information you bring out for each article.

Article 15: Equality before the law

Note that article 15 is not about everything related to the law. For instance, discriminatory provisions, practices related to the law, and biases in the implementation of the law should be covered in Article 2. The emphasis in article 15 specifically relates to the legal capacity of a woman (e.g., her ability to enter into a contract, to move about freely, etc.) and her equal access to the law. Some questions you can think about when reporting on this article are:

1. Do women have full equality with men in all civil and business matters, i.e., is the legal persona of women equal to that of men?
 - Are women able to enter into contracts, receive loans, own/buy/sell and administer their and their children's property, travel freely, apply for a passport. etc., on their own, without the consent of their husbands, fathers, or other male guardians?
 - Are women recognized as legal adults in the law? Are they deemed to have equal capacity to that of men? With respect to their interactions before the law, are they treated as independent adults before the law, or as dependents?
2. Are women treated as equals at all stages of procedure in courts and tribunals? Can they bring cases on their own and serve equally with men as lawyers, judges and witnesses? Are women able to use the laws and remedies available on an equal basis with men?
3. What steps has the State taken to ensure that women and men are equal before the law and are equally able to exercise their legal capacity?
4. Are women able to choose where they live and their domicile, and do women have full equality in their ability to move around the country and outside of the country?

ARTICLES 6-16

1. What is the status of women in your country under the article concerned according to the issues and rights raised in the CEDAW article concerned? Are there violations of women's rights as well under this article and what are they? Which categories of women are most affected? Provide data disaggregated by sex and other variables if possible. If there is no data, indicate this as a gap in state action.

2. What are the obstacles or contributing factors preventing women from enjoying the rights provided for in the article concerned? (immediate, historical, systemic, etc.)
3. What is the effect on women when they are denied rights under the article concerned? This should surface the interrelatedness of rights.
4. Has the government acknowledged these issues/low status of women in their report to CEDAW? If so, how has it presented these issues/problems and are you in agreement in relation to:
 - Prevalence and magnitude of the situation;
 - Contributing factors.
5. What does the government say should be done to address the problems and what does it say it is already doing? What is your analysis of this with regard to:
 - Appropriateness of what the government says should be done?
 - Effectiveness of government action. Are there statistics or evidence of the scale or effectiveness of government action? Does the government monitor its own actions?
6. If in your opinion the government's actions are not effective, what are the contributory factors?
 - Have the relevant actors been identified?
 - Is there an allocation of adequate resources?
 - Are there laws or policies that are adequate and are these enforced/implemented?
 - Are there institutional arrangements to facilitate the action?
 - Are relevant personnel being trained?
 - Is there a public awareness programme?
 - Is there a plan for support services if needed?
7. For countries presenting periodic reports, what action has the government taken to follow up on the Concluding Observations made by the CEDAW Committee in relation to this right at the previous State Party report review?
8. What are your recommendations for government action under each of the issue(s) or problems(s) that have been identified?
9. For each article, include information on how girl children experience these issues and rights, particularly in relation to education, health (including infanticide, nutrition, adolescent health, HIV/AIDs and access to health care), violence and sexual abuse, child labour, street children, girls held in detention centers, teenage pregnancy, etc. [Note: If such information is included, the report or selected chapters of the report can easily be submitted to the Committee on the Rights of the Child.]

General Recommendation 19: Violence Against Women

We strongly advise that NGOs prepare a separate section on violence against women, and refer to General Recommendation 19 in writing this section.

Also relevant are GR12 and GR21.

1. What are the various forms of violence faced by women (including but not limited to domestic violence, sexual harassment at work or schools, harmful traditional practices such as female circumcision, sexual violence in conflict situations, etc.)
 - What is the extent of this gender-based violence? Provide statistical data on the incidence of violence of all kinds against women, as well as on the different groups of women (migrant women, rural women, etc.) who are the victims/survivors of violence.
2. What legislation is in force to protect women against these forms of violence?
 - How effective are these laws in addressing the forms of violence faced by women and in providing remedies to women?
 - Are women accessing these laws? Is there data on women accessing these laws?
 - What are the obstacles to women accessing the law and how can these obstacles be addressed?
 - What remedies are available to women under these laws and how appropriate/effective are they?
3. What other preventive and protective measures have been adopted by the government to eradicate violence against women (such as training and awareness raising to modify gender-based stereotypes and socio-cultural patterns of behavior that that legitimize, exacerbate or tolerate violence against women)? How effective are these measures?
4. What kind of infrastructure and support services is available for women who are victims/survivors of aggression or abuses? Are women able to access these services? What are the obstacles for access and use of these services and how can these obstacles be addressed?

Other issues

1. Has the government integrated the strategies, objectives and activities recommended under the Beijing Platform for Action under the relevant articles of the Convention?

2. If there are reservations to the Convention, what plans does the State have to remove them?
3. Has the Optional Protocol to CEDAW been ratified in your country? If not, what are the reasons?

Annex V: Further Reading

- UNIFEM CEDAW-SEAP, Women's Feature Service Philippines, Inc., *A Primer on the Convention of Elimination of All Forms of Discrimination Against Women*, UNIFEM CEDAW-SEAP.
- Conda, Eleanor, *Presentation on CEDAW*, CEDAW Study session for AIWN, Baguio City, 2005.
- United Nations, *United Nations Development Group Guidelines on Indigenous Peoples' Issues*, February 2008, <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>.
- Ellen-Rose Kambel, *A Guide to Indigenous Women's Rights under the Convention on the Elimination of All Forms of Discrimination Against Women*, 2nd ed., (United Kingdom: Forest Peoples Program, 8 June 2012).
- Foro Internacional Mujeres Indigenas, *Mairin Iwanka Raya: Indigenous Women Stand Against Violence (A Companion Report to the United Nations Secretary-General's Study on Violence Against Women)* (USA: FIMI/IIWF, 2006), <http://www.un.org/esa/socdev/unpfii/documents/vaiwreport06.pdf>.



CHAPTER 4

Compilation: General Recommendations and Concluding Observations Relevant to the Rights of Indigenous Women

**Adopted by the Committee on the Elimination of
Discrimination Against Women (CEDAW) 1993-2012**

Last Update: September 2012

A. General Comments

1. General Recommendation No. 16: Unpaid women workers in rural and urban family enterprises

The Committee on the Elimination of Discrimination against Women, Bearing in mind articles 2 (c) and 11 (c), (d) and (e) of the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation No. 9 (eighth session, 1989) on statistical data concerning the situation of women,

Taking into consideration that a high percentage of women in the States parties work without payment, social security and social benefits in enterprises owned usually by a male member of the family,

Noting that the reports presented to the Committee on the Elimination of Discrimination against Women generally do not refer to the problem of unpaid women workers of family enterprises,

Affirming that unpaid work constitutes a form of women's exploitation that is contrary to the Convention,

Recommends that States parties:

- (a) Include in their reports to the Committee information on the legal and social situation of unpaid women working in family enterprises;
- (b) Collect statistical data on women who work without payment, social security and social benefits in enterprises owned by a family member, and include these data in their report to the Committee;

(c) Take the necessary steps to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member.

2. General Recommendation No. 19: Violence against women

6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.

7. Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. [...].

21. Rural women are at risk of gender-based violence because traditional attitudes regarding the subordinate role of women that persist in many rural communities. Girls from rural communities are at special risk of violence and sexual exploitation when they leave the rural community to seek employment in towns.

3. General recommendation No. 24: Article 12 of the Convention (women and health)

6. While biological differences between women and men may lead to differences in health status, there are societal factors that are determinative of the health status of women and men and can vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women

with physical or mental disabilities.

4. General Recommendation No. 27 on older women and protection of their human rights

13. The discrimination experienced by older women is often multidimensional, with the age factor compounding other forms of discrimination based on gender, ethnic origin, disability, poverty levels, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds. Older women who are members of minority, ethnic or indigenous groups, internally displaced or stateless often experience a disproportionate degree of discrimination.

5. General Recommendation No. 28: Article 2 of the Convention (on the core obligations of States parties)

18. Intersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25.

B. Concluding Observations

1. ARGENTINA

Argentina: CEDAW/C/ARG/CO/6, 16 August 2010

15. The Committee is concerned that, while women's access to justice is provided for by legislation, their ability in practice to exercise that right and to bring cases of discrimination before the courts is limited by such factors as lack of information about their rights, language barriers, particularly for indigenous women, and other structural difficulties in accessing the courts. The Committee is also concerned about gender stereotyping by the justice system and its lack of knowledge on discrimination on the grounds of sex and gender as well as on violence against women.

16. The Committee requests that the State party take all appropriate measures to remove impediments women may face in gaining access to justice and to put in place measures to ensure women's access to justice. It specifically recommends that the State party enhance women's awareness of their rights, inter alia in rural areas and among the most disadvantaged groups, including indigenous communities, through legal literacy programmes and legal assistance so that they can gain knowledge of available legal remedies for discrimination and abuse and claim all their rights under the Convention. It further urges the State party to ensure that the judiciary, including judges, lawyers, prosecutors and public defenders, is familiar with the rights of women and the obligations of the State party under the Convention. The Committee also encourages the State party to provide training on gender awareness to all members of the justice system, including law enforcement agencies, and to monitor the results of such efforts.

41. While acknowledging efforts aimed at decentralizing and providing training opportunities, relatively extensive health care and substantial credit loans, including to rural families, the Committee remains concerned about the situation of rural women, particularly older women and indigenous women, in view of their extreme poverty, marginalization and frequent lack of access to health care,

education, credit facilities and community services.

42. The Committee urges the State party to continue to pay special attention to the needs of rural women, including older women and indigenous women, ensuring that they participate in decision making processes and have full access to education, health services and credit facilities.

Argentina: A/57/38, Part III, 16 August 2002

356. The Committee is concerned at the situation of women resulting from the growing increase in poverty, and extreme poverty, which has spread to more than half the population, and which can have a disproportionately heavy impact on the female population. Of special concern are women heads of household who are living in poverty and unemployed, with dependent children, and women from rural areas, indigenous populations and the most vulnerable sectors of the population.

357. The Committee recommends that the State party should pay special, ongoing attention to the situation of women and should take the necessary measures to prevent women, especially those from rural areas, indigenous populations and the most vulnerable sectors of the population, from bearing the heaviest burden of the crisis. It also requests the State party to ensure that the Programme for unemployed heads of household with children under 18 or disabled children includes a gender perspective in order that the few resources that are available for social allowances may be distributed without discrimination.

2. AUSTRALIA

Australia: CEDAW/C/AUL/CO/7, 30 July 2010

2. The Committee expresses its appreciation to the State party for its combined sixth and seventh periodic report, which was well structured and followed the Committee guidelines for the preparation of reports. The Committee appreciates that, in response to its previous concerns about insufficient disaggregated data, the

State party provided information on the steps taken to improve the collection of data by the Office for Women and the development of indicators on gender equality, including data for indigenous people, people with disabilities and people from lower socio-economic and rural and remote backgrounds. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group, its oral presentation and the further clarifications to the questions posed orally by the Committee.

4. The Committee notes with appreciation that the report was prepared through a participatory process involving government institutions, non-governmental organizations and extensive community consultations at the State and Territory levels. It further notes with satisfaction that specific consultations were also held with women with disabilities, indigenous women, migrant and refugee women and women from remote or rural communities in response to the expressed concerns of the Committee about the lack of information on these groups of women in previous reports. It commends the State party for providing financial support to various non-governmental and civil society organizations to assist them in preparing alternative reports for the Committee.

12. The Committee welcomes Australia's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, and commends the Australian Parliament's motion of apology to Australia's indigenous peoples for the laws and policies of successive governments that have inflicted profound grief, suffering and loss. The Committee also welcomes the nomination and election of the first Australian indigenous woman as a member of the Permanent Forum on Indigenous Issues.

13. The Committee welcomes the State party's commitment to work with indigenous communities to "close the gap" with regard to the disadvantaged situation of Australia's indigenous peoples and the forums created to allow indigenous people's voices to be heard, including an independent Indigenous Steering Committee and the National Congress of Australia's First Peoples—with gender-balanced representation—and the continuing support for the National Aboriginal and Torres Straits Islander Women's Gathering.

26. The Committee notes with concern that, despite a large

number of policies and programmes adopted by the State party to address underrepresentation of certain vulnerable groups of women, including indigenous women, women with disabilities, migrant women, women from culturally and linguistically diverse backgrounds and women from remote or rural communities, there has been slow progress in ensuring their equal participation in leadership and decision making positions, in public and political life and their equal access to education, employment and health. The Committee continues to be concerned that the State party does not favor adoption of temporary special measures in the form of compulsory targets and quotas to address the underrepresentation of women in decision making bodies, in political and public life and the persistent inequality of their access to education, employment opportunities and health-care services.

27. The Committee reiterates its recommendation in its previous concluding observations (CEDAW/C/AUL/CO/5, para. 17) that the State party fully utilize the Sex Discrimination Act and consider the adoption of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to increase further the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, including indigenous women and women from ethnic minorities.

36. The Committee notes that a number of well-resourced initiatives have been undertaken to eliminate discrimination against girls and women at all levels in the education system. The Committee is, however, concerned that information, as provided, does not always allow for a full understanding of ways in which multiple forms of discrimination impact outcomes for specific groups such as indigenous women and girls. The Committee is also concerned with segregation of fields of study in higher education and vocational training, which ultimately results in occupational sex segregation of the labor market.

38. The Committee is concerned about the labor force, which continues to be segregated by gender; the persistence of the pay gap with women working full time earning 18 percent less than their male counterparts; the caring responsibilities, which continue to affect women's labor force participation and the limited access

to job opportunities for women with disabilities and indigenous women. The Committee also notes that, despite the provisions in the Sex Discrimination Act, sexual harassment continues to be a serious problem in the workplace. The Committee welcomes the first paid parental leave scheme, which will come into operation on 1 January 2011, but notes that it does not include superannuation, which impacts on the major gender gap in retirement savings and economic security between older women and men, that the leave is of limited duration (18 weeks), and that compensation is limited to an amount equal to the federal minimum wage and subject to other conditions.

40. The Committee notes with concern that, despite strengthened efforts to address the issue since the last report, socio-economic indicators consistently show that the Aboriginal and Torres Straits Islander communities continue to be among the most disadvantaged among Australians, with indigenous women being particularly disadvantaged. The Committee is concerned that indigenous women and girls face the highest levels of violence, especially at home where indigenous women are 35 times as likely to be hospitalized as a result of family violence-related assaults as non-indigenous females. The Committee also continues to be concerned that indigenous women have fewer opportunities and more restricted access to quality education, health care and legal aid services.

41. The Committee reiterates its previous recommendation that the State party adopt and implement targeted measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to improve indigenous women's enjoyment of their human rights in all sectors, taking into account their linguistic and cultural interests. It urges the State party to implement specific strategies within the national plan to address violence against Aboriginal and Torres Straits Islander women, including funding culturally appropriate indigenous women's legal services in urban, rural and remote areas of Australia. It recommends that the State party pay particular attention to ensuring access to quality education, including post-graduate education, vocational training, adequate health and social services, legal literacy and access to justice.

Australia: CEDAW/C/AUL/CO/5, 3 February 2006

16. While noting that the Sex Discrimination Act allows for the adoption of special measures to ensure equality of opportunity or in order to meet the special needs of women, the Committee is concerned that the State party does not support the adoption of targets or quotas to promote greater participation of women, particularly indigenous women and women belonging to ethnic minorities, in decision making bodies.

17. The Committee recommends that the State party fully utilize the Sex Discrimination Act and consider the adoption of quotas and targets, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to further increase the number of women in political and public life and to ensure that the representation of women in political and public bodies reflect the full diversity of the population, particularly indigenous women and women belonging to ethnic minorities.

18. While noting the efforts of the State party to address violence against women at all levels of authority, the Committee remains concerned about the continuing prevalence of violence against women, as well as by the low rates of reporting, prosecutions and convictions in sexual assault cases. It is concerned that laws that protect victims of violence and require perpetrators of domestic violence to leave the family home are not regularly enforced. It is also concerned about the high levels of violence against women, particularly domestic violence, in indigenous, refugee and migrant communities.

19. The Committee calls on the State party to take steps to fully and consistently implement and enforce laws on violence against women and to ensure that all women victims of violence, including indigenous, refugee and migrant women, are able to benefit from the legislative framework and support systems in place. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished. It requests that adequate statistics be collected in a consistent manner. It requests that the State party provide information in its next report on the number of cases of violence reported to the police and other relevant authorities, and on the number of convictions. It further recommends that public officials, especially law enforcement officials, the judiciary,

health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee calls upon the State party to create public awareness of violence against women as an infringement of women's human rights that has grave social and financial costs for the whole community.

30. The Committee is concerned about the ongoing inequalities suffered by Aboriginal and Torres Strait Islander women, whose enjoyment of human rights remains unsatisfactory in many areas, particularly with regard to employment, education, health and political participation. The Committee is particularly concerned about the lower life expectancy among indigenous women. It is also concerned about the disproportionately large number of indigenous women in prisons.

31. The Committee recommends that the State party adopt and implement targeted measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, to improve indigenous women's enjoyment of their human rights in all sectors, taking into account their linguistic and cultural interests. It recommends that the State party increase indigenous women's access and awareness of the availability of targeted social services in all sectors. It further recommends that the State party take steps to increase indigenous women's legal literacy and improve their access to remedies for claims of discrimination. The Committee urges the State party to examine the reasons for the high rate of incarceration of indigenous women and take steps to address its root causes. It calls on the State party to continue to review and monitor the fulfillment of the provisions of the Convention in respect of indigenous women in all sectors and provide in its next report specific and analytical information and disaggregated data on these issues.

Australia: A/52/38/Rev.1, Part II, 12 August 1997

390. The Committee was aware that Aboriginal and Torres Strait Islander women continued to face discrimination and disadvantages in terms of access to rights, opportunities and resources.

394. [...] It noted the absence of data concerning violence against Aboriginal and Torres Strait Islander women and assessment of

programmes directed at reducing such violence.

397. The Committee was concerned at the continuing adverse situation of Aboriginal and Torres Strait Islander women. Major causes of concern included a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence, including domestic violence, and high unemployment rates. Their situation, as well as that of migrant women, was further compromised by an apparent rise in racism and xenophobia.

404. The Committee encouraged the Government to collect statistical data on the participation of Aboriginal and Torres Strait Islander women in the workforce, in decision making, in politics and administration, and in the judiciary with a view to enhancing programmes that would benefit them. It suggested that the Government might include representatives of those communities when it presented its next report to the Committee.

405. The Committee recommended that, in the light of the *Mabo* and *Wik* judgements of the High Court, the Government should develop the necessary legislative and policy measures to ensure women's equal access to individual ownership of native land.

Australia: A/50/38, 31 May 1995

597. The Committee expresses its concern about indigenous women, migrant women and particularly women from aboriginal groups and Torres Strait Island who are the most disadvantaged people in Australian society. The Government has been frank in its information to the Committee about these women. However, the status of these women is significantly different from other women living in Australia. Violence, life expectancy, unemployment and the health situation among aboriginal women are remaining problems.

598. The Committee urges that in the next report the Government provide more specific data concerning aboriginal women and about remaining obstacles that impede their progress to full equality.

599. The Committee also asks for information about improvements for the aboriginal women after the court decision *Mabo and Others v. The State of Queensland*. Will that decision permit aboriginal women to receive redistributed land on an equal basis with aboriginal men?

3. BANGLADESH

Bangladesh: CEDAW/C/BGD/CO/7, 22 March 2011

37. The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as Dalit women, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.

38. The Committee recommends that the State party:

[...] Collect disaggregated data on the situation of disadvantaged groups of women facing multiple forms of discrimination and adopt proactive measures, including temporary special measures, to eliminate such discrimination and protect them from violence and abuse;

4. BELIZE

Belize: CEDAW/C/BLZ/CO/4, 10 August 2007

15. The Committee is concerned that the widespread poverty among women—the poverty rate stands at 33.5 percent—is among the causes of the violation of women’s rights and discrimination against them, particularly in the rural areas and among Mayan women. It is concerned that there has been no evaluation of several multimillion-dollar projects designed to combat poverty in the rural areas since 1996. The Committee is concerned at the large number of women who are heads of household and who are particularly vulnerable to poverty.

16. The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at poverty alleviation and sustainable development. The Committee

also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women. The Committee recommends that the State party put in place evaluation and monitoring mechanisms to assess the impact of its poverty reduction strategies on women, including those in the rural areas, and provide information in its next report. It calls on the State party to pay special attention, and provide targeted support, to women heads of household in all its poverty-eradication efforts, including in the rural areas and among Mayan women.

5. BOLIVIA

Bolivia: CEDAW/C/BOL/CO/4, 8 April 2008

11. The Committee is concerned at the persistence of high levels of poverty and social exclusion among Bolivian women, particularly among women living in rural areas, indigenous women, older women and women with disabilities, and their insufficient access to land, housing and basic social services. The Committee notes that the free market economy without a social dimension, which has contributed to the increase in poverty, may have a greater impact on the poverty situation of women. The poverty conditions of women are reflected in their high illiteracy rates, low school enrollment and completion rates, poor access to health care, including sexual and reproductive health, leading to high rates of maternal mortality, and lack of access to land, housing, income-generating training opportunities and basic social services.

13. The Committee urges the State party to ensure that all poverty eradication policies and programmes integrate a gender perspective and explicitly address the structural nature and various dimensions of poverty faced by women, in particular women living in rural areas, indigenous women, older women and women with disabilities. It recommends that the State party strengthen its efforts to implement nationwide effective educational programmes in the areas of functional literacy, skills and income-generating training, including the provision of microfinance schemes, as a means of poverty

alleviation, and adopt measures to ensure women's equal access to land, housing, healthcare and basic social services.

18. While noting the State Party's efforts, the Committee is concerned that there is still a considerable number of women, particularly indigenous women in rural areas, older women and women with disabilities, who do not have identity documents and can therefore have neither access to public institutions nor to the relevant social services and benefits.

19. The Committee calls on the State party to continue to expedite and facilitate the process of registration of women, particularly indigenous women in rural areas, older women and women with disabilities, and issue birth certificates and the relevant identity documents. The Committee urges the State party to establish concrete goals and timetables for this process and provide information on the progress achieved in its next report.

22. While congratulating the State party for its recognition of cultural diversity and the differences and specificities of indigenous communities in legislation, the Committee is concerned that the emphasis placed on such specificities might detract from compliance with the provisions of the Convention relating to non-discrimination and formal and substantive equality between men and women. The Committee is particularly concerned that, while the recognition of community justice by the State party might make it easier for the indigenous and rural people to have access to justice, it might operate to perpetuate stereotypes and prejudices that discriminate against women and violate the human rights enshrined in the Convention.

23. The Committee urges the State party to ensure that indigenous concepts and practices are in conformity with the legal framework of the Convention and to create the conditions for a wide intercultural dialogue that would respect diversity while guaranteeing full compliance with the principles, values and international norms for the protection of human rights, including women's rights.

32. While noting the State party's efforts to reduce illiteracy and improve boys' and girls' access to education and ensure that they remain in school, for example, through the "Juancito Pinto" scholarship or the "Yo sí puedo" ("Yes I Can") Literacy Programme, the Committee is concerned at the low level of education of rural and indigenous women and girls, who continue to be at a serious

disadvantage in terms of access to and quality of education, as well as the number of years they attend school, basically owing to the lack of infrastructure, distance, the risk of violence, the cost of transport and language.

33. The Committee urges the State party to adopt all necessary measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures, with a view to reducing girls' illiteracy and school dropout rates, particularly in rural and indigenous areas, and to provide an education, whether formal or informal, and in the relevant languages, to these women and girls.

43. The Committee recommends that the State party integrate a gender perspective into its national health policy in line with general recommendation 24 and improve access to health services to the most vulnerable groups of women, in particular rural and indigenous women. [...]

6. BRAZIL

Brazil: CEDAW/C/BRA/CO/7, 23 March 2012

16. The Committee acknowledges that the State party has adopted temporary special measures aimed largely at achieving equality among its population, such as quotas based on race and ethnicity to increase the number of Afro-descendent and indigenous students enrolled in higher education programmes, for example those related to science and technology. Even though women might benefit from these measures, the Committee is concerned about the lack of specific assessment of their impact on women to evaluate how effectively these measures have contributed to the acceleration of the substantive equality of women. It is further concerned at the apparent inefficiency in the use of temporary special measures targeting different groups of women.

17. The Committee recommends that the State party take further steps to expand the understanding of the concept of temporary special measures and the use of these measures, in accordance

with article 4 (1) of the Convention and general recommendation 25 (2004), as part of necessary strategy towards the achievement of women's substantive equality, in particular for women with disabilities, Afrodescendent, indigenous and rural women, in fields such as political participation, health, education and employment.

23. The Committee calls upon the State party to:

(b) Adopt and implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), in order to accelerate women's full and equal participation in public and political life, in particular with respect to disadvantaged groups of women, such as Afro-descendent and indigenous women, and women with disabilities;

26. The Committee notes the establishment, in 2008, of the Commission for Equal Opportunities on the basis of Gender, Race, and Ethnic origin and for Persons with Disabilities and to Combat Discrimination by the Ministry of Labour and Employment. However, it notes with concern that despite the increased participation of women in the labor market, the achievement of equality between men and women in the field of employment remains challenge in the State party. It is concerned that the wage gap between men and women fluctuates between 17% and 40% depending on the race, ethnicity and education of women. It is also concerned that stereotypes related to gender and race contribute to the segregation of Afro-descendent and indigenous women into lower quality jobs. It is further concerned at the lack of information regarding measures to protect women from sexual harassment in the workplace as well as about the persistence of the exploitation of women and children as domestic workers.

32. The Committee expresses its concern about the significant increase in the number of women and girls in prison in the State party. It takes note that large proportion of them have been imprisoned for committing drug trafficking-related offenses, in particular for having transported drugs (as "mules") at the request of their partners. The Committee is further concerned at the precarious conditions and overcrowding of some detention facilities; the difficulties faced by women prisoners with access to justice, including the lack of interpretation services for indigenous women; the increasing reports

of sexual violence in the prisons; and the lack of adequate health facilities and services for female inmates, in particular pregnant women.

33. The Committee urges the State party to:

[...]Take measures to reduce the number of women in conflict with the law, including through targeted prevention programmes aimed at addressing the causes of women's criminality;

(b) Address the situation of women and girls in detention through the development of comprehensive gender-sensitive policies, strategies and programmes aimed at facilitating their access to justice and ensuring compliance with their fair trial guarantees, in particular for indigenous women; and providing educational, rehabilitative and resettlement programmes for women and girls; and

(c) Improve the conditions of women's detention facilities in accordance with international standards, to solve the problems of overcrowding in the prisons, guarantee separate accommodation for men and women inmates; and ensure the provision of adequate health facilities and services, in particular for pregnant women.

Brazil: CEDAW/C/BRA/CO/6, 10 August 2007

11. The Committee is concerned about the persistent gap between the de jure and de facto equality of women and men, particularly among the most vulnerable sectors of society, such as women of African descent and indigenous women, and other marginalized groups, which is exacerbated by regional, economic and social disparities.

12. The Committee encourages the State party to enhance its efforts to close the gap between de jure and de facto equality of women and men by ensuring full implementation of laws, plans and policies and through regular, effective monitoring and impact assessment, especially in regard to the most disadvantaged groups of women. It recommends that the State party ensure that those charged with responsibility for implementation of such laws and policies at all levels are fully aware of their obligations.

35. The Committee is concerned at the lack of sufficient data about women of African descent, indigenous women and other

vulnerable and marginalized groups, who often suffer from multiple forms of discrimination. The Committee notes that this lack of sufficient information and statistics has prevented it from forming a comprehensive picture of the de facto situation of these women in all areas covered by the Convention and the impact of governmental policies and programmes aimed at eliminating discrimination against them.

36. The Committee requests the State party to enhance collection of data disaggregated by sex, race and age, where appropriate, in all areas covered by the Convention and to include adequate statistical data and analysis, disaggregated by sex, race and age, and by urban and rural areas, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention. It also recommends that the State party regularly conduct impact assessments of its legislation, policies, plans and programmes to ensure that measures taken lead to the desired goals, and that it inform the Committee about the results achieved in the implementation of the Convention in its next report.

Brazil: A/58/38, 7 July 2003

110. The Committee is concerned about the impact of poverty on Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women and about their disadvantaged position with respect to access to education, health, basic sanitation, employment, information and justice.

111. The Committee urges the State party to ensure that its poverty eradication measures give priority attention to Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women through adequately funded programmes and policies addressing their specific needs.

114. The Committee is concerned about reports that indigenous women are being sexually abused by military units and prospectors (gold miners) on indigenous lands. The Committee notes that the Government is considering developing a code of conduct to regulate the presence of the armed forces on indigenous lands.

115. The Committee calls upon the State party to take necessary measures to raise awareness of the situation of indigenous women and girls and ensure that sexual violence against them is prosecuted and punished as a grave crime. It also urges the State party to adopt preventive measures, including swift disciplinary inquiries and human rights education programmes for the armed forces and law enforcement personnel.

134 The Committee requests the State party to respond in its next periodic report, due in 2005, to the issues covered in the present concluding comments. It also requests the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race and ethnicity, and to report on the results of programmes and policies, planned and undertaken, in its next periodic report to the Committee.

7. CANADA

Canada: CEDAW/C/CAN/CO/7, 7 November 2008

13. The Committee notes that federal funds to support social assistance are provided to provinces and territories through the Canada Social Transfer (CST) and welcomes information indicating that the CST budget increased in the past year and will continue to increase in future. Nevertheless, the Committee is concerned at the fact that decisions on expenditure of funds from the CST are completely at the discretion of the provinces and territories and that there is no federal accountability mechanism to ensure minimum standards across the country for the provision of funding to social assistance programmes for women. The Committee is also concerned at reports of cuts in social assistance schemes in many provinces and at the resulting negative impact on the rights of vulnerable groups of women, such as single mothers, aboriginal women, Afro-Canadian women, immigrant women, elderly women and disabled women, who rely on social assistance for an adequate standard of living.

14. The Committee calls upon the State party to establish minimum standards for the provision of funding to social assistance programmes, applicable at the federal, provincial and territorial levels, and a monitoring mechanism to ensure the accountability

of provincial and territorial governments for the use of such funds so as to ensure that funding decisions meet the needs of the most vulnerable groups of women and do not result in discrimination against women. The Committee also calls upon the State party to carry out an impact assessment of social programmes related to women's rights.

17. The Committee is concerned that the Convention has not been fully incorporated into domestic law and that discriminatory legislation still exists. In particular, the Committee is concerned at the fact that the Indian Act continues to discriminate between descendants of Indian women who married non-Indian men and descendants of Indian men who married non-Indian women with respect to their equal right to transmit Indian status to their children and grandchildren. It is also concerned that section 67 of the Canadian Human Rights Act, although repealed, still provides clauses stating that the Indian Act should be applied in a manner that gives due regard to First Nations legal traditions and customary laws, balancing individual rights and collective rights.

18. The Committee recommends that the State party ensure the full incorporation of all substantive provisions of the Convention into domestic law. The Committee recommends that the State party take immediate action to amend the Indian Act to eliminate the continuing discrimination against women with respect to the transmission of Indian status, and in particular to ensure that aboriginal women enjoy the same rights as men to transmit status to children and grandchildren, regardless of whether they have married out or of the sex of their aboriginal ancestors. It also recommends that the State party find measures to ensure that section 67 of the Canadian Human Rights Act is interpreted and applied in a way that provides full protection for aboriginal women against discrimination and full redress for any human rights violations.

19. The Committee is concerned that the division of matrimonial property in case of divorce does not apply to aboriginal women living on reserves, owing to the application of the Indian Act, which does not address the issue of matrimonial property. The Committee regrets that Bill C-47, aimed at addressing property rights on reserves, is no longer under discussion following the dissolution of Parliament.

20. The Committee urges the State party to ensure the speedy passage through Parliament and entry into force of legislation addressing the discriminatory provisions of the matrimonial property rights of aboriginal women living on reserves.

25. Although noting the State party's indication that the restructuring of Status of Women Canada (SWC) involved only the closure of administrative offices and that funds had been reallocated to programmes for women, the Committee expresses concern that this has resulted in the closure of a number of the body's regional offices and has consequently made access to the services provided by SWC more difficult for women, in particular in remote and rural areas.

26. The Committee urges the State party to carry out an assessment as to whether or not the closure of SWC offices has had a negative impact on the implementation of the Convention and on access to services by women, in particular aboriginal and rural women. If that is the case, the Committee urges the State party to take all necessary measures to remedy the situation.

29. The Committee welcomes initiatives at the federal, provincial and territorial levels to address violence against women, in particular domestic violence, and initiatives such as the Sisters in Spirit Initiative and the Aboriginal People's Programme, which specifically address violence against aboriginal women, as well as the participation of men in the process of combating violence against women, as demonstrated by the White Ribbon Campaign. [...]

30. The Committee recommends that the State party continue to give priority attention to combating violence against women, in accordance with general recommendation 19, on violence against women. The Committee also recommends that the State party enact legislation specifically addressing domestic violence against women, making it a criminal offense and ensuring that women who are victims of domestic violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished, and that it put in place "primary aggressor" policies. The Committee further recommends that adequate shelters and appropriate support services be provided in all jurisdictions for women and adolescent girls who are victims of violence, and that the shelter and services needs of aboriginal women, women with disabilities, immigrants, refugees and trafficked women and rural

and northern women be addressed. The State party is also urged to implement legislation requiring that domestic violence convictions be taken into account in child custody or visitation decisions.

31. Although the Committee notes that a working group has been established to review the situation relating to missing and murdered women in the State party and those at risk in that context, it remains concerned that hundreds of cases involving aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.

32. The Committee urges the State party to examine the reasons for the failure to investigate the cases of missing or murdered aboriginal women and to take the necessary steps to remedy the deficiencies in the system. The Committee calls upon the State party to urgently carry out thorough investigations of the cases of aboriginal women who have gone missing or been murdered in recent decades. It also urges the State party to carry out an analysis of those cases in order to determine whether there is a racialized pattern to the disappearances and take measures to address the problem if that is the case.

35. While welcoming the high number of women judges on the Canadian Supreme Court and other levels of the judiciary at the federal, provincial and territorial levels, and noting that efforts have been made at the federal, provincial and territorial levels to increase the number of women in public office, including through the provision of support to women who are underrepresented, such as immigrants, aboriginal women and seniors, the Committee notes with regret that the level of political participation by women remains low.

36. The Committee urges 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 recommendation 25, to accelerate an increase in the representation of women in elected and appointed bodies in all areas of public life, with a particular focus on high-level posts in the foreign civil service.

39. While the Committee notes that the minimum wage rate has increased in a number of provinces and territories, it remains gravely concerned at the fact that poverty is widespread among women, in

particular aboriginal women, minority women and single mothers. While noting that the Government of Canada provides support for families through the Universal Child Care Plan, which includes the Universal Child Care Benefit and support for childcare spaces, the Committee remains concerned at lack of affordable quality childcare spaces. The Committee notes with interest the State party's indication that federal spending on housing has never been higher, but regrets the absence of a national housing strategy and expresses concern at the current severe housing shortage, in particular in aboriginal communities, and at the high costs of rent and the impact thereof on women. The Committee is particularly concerned at the impact of the lack of affordable childcare and affordable housing on low-income women with families.

40. The Committee urges the State party to step up its efforts to provide a sufficient number of affordable childcare spaces and affordable and adequate housing options, including in aboriginal communities, with priority being given to low-income women, who are particularly disadvantaged in those areas. The Committee also recommends that the State party carry out a cost-benefit analysis to assess the impact of current living standards, housing and childcare situations on the economic empowerment of women and present the findings in its next report to the Committee. Such an analysis should have a special focus on low-income women, taking into account the amount of social assistance they receive from the State compared with the actual cost of living, including housing and childcare.

41. The Committee welcomes the Women's Health Indicators initiative, aimed at promoting the inclusion of gender and diversity perspectives in health reporting, the 2005 federal initiative to address HIV/AIDS, the establishment of the Aboriginal Women's Health and Healing Research Group in 2003 and the First Nations and Inuit Home and Community Care Programme. The Committee is concerned, however, that the aboriginal population is particularly affected by HIV/AIDS, which has a greater impact on women. It is also concerned about the situation of elderly women, who are often disadvantaged with regard to care for age-specific health problems.

42. The Committee encourages the State party to carefully monitor the delivery of health services in order that it may respond in a gender-sensitive and age-sensitive manner to all health concerns

of women, and in this regard it invites the State party to utilize the Committee's general recommendation 24 as a framework for action to ensure that a gender perspective is integrated into all health policies and programmes. The Committee also recommends that the State party include information in its next report to the Committee on any projects and activities undertaken under the Women's Health Indicators initiative.

43. The Committee is concerned at the fact that aboriginal women and women of various ethnic and minority communities continue to suffer from multiple forms of discrimination, particularly in terms of access to employment, housing, education and health care. The Committee notes the existence of a number of programmes, policies and activities aimed at addressing discriminatory treatment of aboriginal women. Nevertheless, it notes with regret that aboriginal women in Canada continue to live in impoverished conditions, which include high rates of poverty, poor health, inadequate housing, lack of access to clean water, low school-completion rates and high rates of violence. They are underrepresented in all areas of the labor market, in particular in senior or decision making positions, have higher rates of unemployment and face a greater pay gap in terms of their hourly earnings compared with men. The Committee also notes with concern that women from ethnic and minority communities are also exposed to a high level of violence and are significantly underrepresented in political and public life.

44. Recalling its previous recommendations of 2003, the Committee encourages the State party to take measures, including temporary special measures in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to eliminate de jure and de facto discrimination against aboriginal, ethnic and minority women, both in society at large and in their communities, in particular with respect to the remaining discriminatory legal provisions and equal enjoyment of their human rights to education, employment and physical and psychological well-being. It also recommends that the State party develop a specific and integrated plan for addressing the particular conditions affecting aboriginal women, both on and off reserves, and of ethnic and minority women, including poverty, poor health, inadequate housing, low school-completion rates, low employment rates, low income and high rates of violence, and that it take effective and proactive

measures, including awareness-raising programmes, to sensitize aboriginal, ethnic and minority communities about women's human rights and to combat patriarchal attitudes and practices and the stereotyping of roles. The Committee also urges the State party to ensure that aboriginal, ethnic and minority women are empowered, through encouragement, mentoring opportunities and funding, to participate in the necessary governance and legislative processes that address issues impeding their legal and substantive equality.

45. While welcoming the efforts of child and family services to place greater emphasis on prevention services, the Committee remains concerned at the fact that a disproportionately high number of aboriginal children, including girls, are being taken into State custody.

46. The Committee recommends that the State party take all necessary measures to address the issue of the separation of aboriginal children from their parents. In this regard, the State party should give particular attention to contributing factors such as poverty, lack of housing, violence and drug abuse.

Canada: A/58/38, 23 January 2003

357. While appreciating the federal Government's various anti-poverty measures, the Committee is concerned about the high percentage of women living in poverty, in particular elderly women living alone, female lone parents, aboriginal women, older women, women of color, immigrant women and women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.

361. While appreciating the federal Government's efforts to combat discrimination against aboriginal women, including the pending amendment to the Canadian Human Rights Act, and to achieve substantive equality for them, the Committee is seriously concerned about the persistent systematic discrimination faced by aboriginal women in all aspects of their lives. The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying

occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence. The Committee is further concerned that the First Nations Governance Act currently under discussion does not address remaining discriminatory legal provisions under other Acts, including matrimonial property rights, status and band membership questions which are incompatible with the Convention.

362. The Committee urges the State party to accelerate its efforts to eliminate de jure and de facto discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It urges the State party to take effective and proactive measures, including awareness-raising programmes, to sensitize aboriginal communities about women's human rights and to combat patriarchal attitudes, practices and stereotyping of roles. It also recommends to the State party to ensure that aboriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality. It also requests the State party to provide comprehensive information on the situation of aboriginal women in its next report.

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurships may not lead to aboriginal women's economic independence.

378. The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.

Canada: A/52/38/Rev.1, 12 January 1997

333. The Committee was concerned that programmes directed at aboriginal women might have discriminatory effects.

341. A comprehensive picture of the situation of aboriginal women

should be provided, including their educational situation, their position in the labor force and a description and evaluation of past and present federal and provincial programmes for aboriginal women. Programmes directed at aboriginal women should be monitored for possible discriminatory effects. The plight of aboriginal women in prison is of urgent concern.

8. CHILE

Chile: A/54/38, 9 July 99

232. The Committee requests the Government to include in its next report data on progress in the situation of rural and indigenous women, especially as regards their health, employment and educational status.

9. COLOMBIA

Columbia: CEDAW/C/COL/CO/6, 2 February 2007

22. While noting the steps taken by the State party to enhance women's health, including sexual and reproductive health, such as the establishment of the Sexual and Reproductive Health Policy and decision C-355 of May 2006 of the Constitutional Court, which decriminalized abortion in cases where the pregnancy represents a risk to the life or health of the mother, in cases of serious malformation of the foetus or in cases of rape, the Committee expresses its concern about the high rate of maternal mortality, especially among poor, rural and indigenous and afrodescendent women.

23. [...] The Committee recommends that the State party give priority attention to the situation of adolescents and rural, indigenous and afrodescendent women, and that it provide appropriate sex education with special attention to the prevention of pregnancies and sexually transmitted diseases, including as part of the regular education curriculum.

26. While recognizing the efforts made to increase the representation of women in public administration at the national and local levels, including through the Quota Act, the Committee is concerned about the under representation of women, including indigenous and afrodescendent women, in elected bodies at all levels, and in particular about the recent decline in women's representation in Parliament and in the Judiciary.

27. The Committee calls upon the State party to expand its efforts towards achieving women's full and equal participation in all areas, and in particular in elected bodies and in the Judiciary. In this regard, the Committee encourages further use of temporary special measures to accelerate the advancement of women, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23. Particular efforts should be made to increase the number of indigenous and afrodescendent women in political and public life and in decision making positions in all fields. It encourages the State party to enhance efforts to provide leadership training programmes for women, including indigenous and afrodescendent women, in order to strengthen their roles in leadership and decision making positions in society. It encourages the State party to monitor progress made and results achieved.

10. CONGO

Congo: CEDAW/C/COG/CO/6, 1 March 2012

41. While welcoming the adoption of the law of 25 February 2011 prohibiting traffic and sexual exploitation of indigenous children and women, the Committee is concerned that indigenous women and girls are extremely vulnerable to sexual violence. It is further concerned about reports of discrimination against indigenous women by health workers. The Committee is also concerned that the State party did not provide adequate information on this issue.

42. The Committee recommends that the State party:

[...] Take, without delay, concrete actions to protect indigenous women and girls from all forms of violence, establish mechanisms for redress and rehabilitation and take steps to investigate, prosecute

and punish all perpetrators of violence against them;

(b) Pay special attention to the needs of indigenous women and girls to ensure that they have access, without discrimination, to health, education, clean water, sanitation services and employment; and

(c) Provide information in the next periodic report on efforts undertaken in this regard and results achieved.

11. COOK ISLANDS

Cook Islands: CEDAW/C/COK/CO/1, 10 August 2007

14. While noting efforts undertaken to raise awareness of the Convention throughout the Cook Islands, including in partnership with non-governmental organizations, the Committee is concerned about women's lack of knowledge of their rights and their lack of access to justice and ability to obtain redress in the courts, including because of costs and the availability of legal aid only for those unable to defend themselves in criminal prosecutions. The Committee notes that non-governmental organizations provide some free legal assistance to women.

15. The Committee encourages the Cook Islands to widely disseminate and raise awareness about the Convention and other legislation in both English and Cook Islands Maori, in particular the meaning and scope of direct and indirect discrimination, and formal and substantive equality of women. The Committee invites the Cook Islands to enhance women's awareness of their rights through legal literacy programmes and to expand legal assistance to women wishing to bring claims of discrimination or enforce their rights to equality. The Committee calls upon the Cook Islands to ensure that gender sensitivity and women's rights be made an integral part of the education and training of law enforcement and judicial officers, including judges, lawyers and prosecutors, so as to establish firmly in the country a legal culture supportive of women's equality and non-discrimination.

12. COSTA RICA

Costa Rica: EDAW/C/CRI/CO/5-6, 2 August 2011

24. [...] It is further concerned at the lack of temporary special measures in place aimed at ensuring the participation in political and public life of disadvantaged groups of women, such as women with disabilities, indigenous women and women of African descent.

25. The Committee recommends that the State party:

(b) Adopt, wherever necessary, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), in order to accelerate women's full and equal participation in public and political life, in particular with respect to disadvantaged groups of women, such as women with disabilities, indigenous women and women of African descent.

38. While acknowledging initiatives such as the celebration of the first forum of indigenous women in 2007 aimed at improving the status of indigenous women, the Committee notes with concern that indigenous women continue to have limited opportunities and restricted access to quality education, health care and legal aid services. The Committee is further concerned about the limited information provided by the delegation regarding measures to improve the status of women of African descent in the State party.

39. The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous women and women of African descent in all spheres of life. It calls upon the State party to ensure that both groups of women have full access to education, health services and credit facilities and can fully participate in decision making processes. It requests the State party to include in its next periodic report information and data on the situation of indigenous women and women of African descent and on the impact of measures taken to overcome multiple discrimination against them.

Costa Rica: CEDAW/C/CRI/CO/5-6, 29 July 2011

24. The Committee notes with satisfaction the amendment of the Electoral Code (2009) which changed the system of quotas for women's participation in political life to a system based on gender parity (50 percent women and 50 percent men). However, the Committee is concerned that the amendment only applies to posts elected under the system of proportional representation (National Assembly seats) and not to those elected under the majority system (Executive posts), where most of the key decision making posts are located. It is further concerned at the lack of temporary special measures in place aimed at ensuring the participation in political and public life of disadvantaged groups of women, such as women with disabilities, indigenous and afro descendant.

25. The Committee recommends the State party to: [...]

(b) Adopt, wherever necessary, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), in order to accelerate women's full and equal participation in public and political life, in particular with respect to disadvantaged groups of women, such as women with disabilities, indigenous and afro descendants.

38. While acknowledging initiatives, such as the celebration of the first Forum of indigenous women (2007) aimed at improving the status of indigenous women, the Committee notes with concern that indigenous women continue to have limited opportunities and restricted access to quality education, health care and legal aid services. The Committee is further concerned about the limited information provided by the delegation regarding measures to improve the status of afro-descendant women in the State party.

39. The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous and afro-descendant women in all spheres of life. It calls upon the State party to ensure that both groups of women have full access to education, health services and credit facilities and can fully participate in decision making processes. It requests the State party to include information and data on the situation of indigenous and afro-descendant women and on the impact of measures taken to overcome multiple discrimination against them in its next periodic report.

Costa Rica: A/58/38, 9 July 2003

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity, and requests it to include in its next report information on the results of activities aimed at neutralizing the negative effects of free-trade agreements on female employment and the quality of life of women, as indicated by the State party. The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.

67. The Committee requests the State party to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.

13. DENMARK

Denmark: CEDAW/C/DEN/CO/7, 7 August 2009

2. The Committee commends the State party for the submission of its seventh periodic report, which followed the Committee's

former guidelines for the preparation of periodic reports and took into account its previous concluding observations. The Committee also 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 and responses to the questions posed by the Committee. The Committee regrets, however, that information in the report about the situation of women in the Faroe Islands and Greenland is still too limited.

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental human rights and women's organizations to the preparation of the State party's report but regrets that it has not received information regarding the Faroe Islands and Greenland.

10. The Committee recalls the State party's obligation systematically and continuously to implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges 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 upon the Governments of Denmark, the Faroe Islands and Greenland to submit the present concluding observations to all relevant ministries, to the Parliament and the judiciary, so as to ensure their full implementation.

13. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party, including the Faroe Islands and Greenland, to encourage its Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

14. While recognizing that some of the State party's domestic laws reflect the articles enshrined in the Convention, the Committee is concerned at the decision taken by the State party not to incorporate the Convention into its domestic legal order. It also reiterates the

concerns expressed in its previous concluding observations that the Convention's provisions and rights have not been fully incorporated in the Faroe Islands and Greenland. Furthermore, given the special status of the self-governing and autonomous territories of the Faroe Islands and Greenland, the Committee considers that the incorporation of the Convention into the Constitution or other appropriate legislation would provide full protection to all citizens under the Danish Realm. The Committee notes that under Home Rule legislation the Danish Parliament has delegated legislative and executive powers to the authorities of the Faroe Islands and Greenland. It underlines, however, that the State party bears the primary responsibility of ensuring the full implementation of the Convention within the Danish Realm and dividing responsibilities with self-governing and autonomous territories in that regard. In addition, while noting the existence of gender equality machineries and regulations in Denmark, the Faroe Islands and Greenland, the Committee is concerned that there is inadequate effective coordination of the application of the Convention in all Territories of the State party and of reporting as required under article 18 of the Convention.

15. The Committee calls on the State party to reconsider its decision not to incorporate the Convention into its domestic legal order, with a view to ensuring that all rights protected under the Convention are given full effect in domestic law. It recalls the State party's obligation, as stated in article 2 (a) of the Convention, to embody the principle of the equality of men and women in its national Constitution or other appropriate legislation. The Committee recommends that the State party ensure that full implementation of the Convention is achieved throughout the State party's entire territory, including the Faroe Islands and Greenland. It also requests that an efficient division of responsibilities and reporting under the Convention is guaranteed through the establishment of effective coordination and reporting mechanisms.

16. The Committee takes note of the efforts made by the State party to increase the visibility of the Convention and the Optional Protocol, but remains concerned that the Convention and its Protocol have not received a high degree of visibility and importance, and are therefore not regularly used as the central legal basis for measures, including legislation, aimed at the elimination of discrimination

against women and the promotion of gender equality in the State party, including in the Faroe Islands and Greenland. The Committee is further concerned that the provisions of the Convention have been used only once in a court case, which may indicate a lack of awareness of the Convention among the judiciary and the legal profession.

17. The Committee calls upon the State party, including the Faroe Islands and Greenland, to place greater emphasis, in their efforts to eliminate discrimination against women, on the Convention as a central legally binding women's human rights instrument. It also calls upon the State party to take proactive measures to enhance awareness of the Convention and its Optional Protocol at all levels, in particular among the judiciary and the legal profession, political parties, Parliament and Government officials, including law enforcement officials, as well as the general public, in order to strengthen the use of the Convention in the development and implementation of its legislation, policies and programmes aimed at the practical realization of the principle of equality between women and men. The Committee encourages the State party to systematically promote knowledge and understanding of the Convention and its Optional Protocol, as well as the Committee's general recommendations and the views adopted on individual communications and enquiries, and to ensure that they are made an integral part of educational curricula, including legal education and the training of the judiciary.

19. The Committee calls upon the State party to establish a dedicated coordination mechanism and to introduce at all levels—ministerial, regional and municipal—effective monitoring and accountability mechanisms for the implementation of the gender mainstreaming strategy, as well as to include sanctions for non-compliance in such mechanisms. The Committee also recommends that the State party apply the gender impact assessment of all new bills in order to ensure that implementation of laws does not have an adverse impact on achieving de facto gender equality. The Committee recommends that the Governments of the Faroe Islands and Greenland also envisage the adoption of a gender mainstreaming strategy.

21. The Committee recommends that the State party, including the Faroe Islands and Greenland, take concrete measures, including temporary special measures in accordance with article 4, paragraph

1, of the Convention and general recommendation No. 25 to accelerate the practical realization of women's de facto equality with men.

23. [...] The State party therefore urges the State party to adopt appropriate temporary special measures in order to increase the number of women in politics, in particular at the regional and local levels, in the State party, including the Faroe Islands and Greenland.

14. DOMINICA

Dominica: CEDAW/C/DMA/CO/7, 26 January 2009

8. The Committee also noticed some lack of conceptual clarity on issues contained in the Convention, such as the definition of temporary special measures, some concepts related, inter alia, to education, health and violence against women, and urges the State party to update its understanding of the concepts as elaborated in the Committee's general recommendations, in particular, general recommendations 5, 12, 19, 21 and 23 to 25. The Committee requests the State party to include in its report statistical and detailed information, disaggregated by sex and other variables, such as rural and urban areas, on all the substantive provisions contained in the Convention. The Committee also requests the State party to provide information on the situation of indigenous Carib women as well as other vulnerable groups.

15. ECUADOR

Ecuador: CEDAW/C/ECU/CO/7, 7 November 2008

12. The Committee recognizes the important role played by CONAMU in advancing gender equality and women's rights in Ecuador. The Committee further welcomes efforts at creating institutional and legal equal opportunity mechanisms at local level and within some ministries. The Committee, however, remains concerned that the functional structure, composition, legal basis, powers and resources of CONAMU do not allow it to direct a genuine and cross-cutting

integration of a gender perspective into the overall structure of the State and into public policies.

13. While noting with satisfaction that the new Constitution provides for the existence of a specific mechanism to promote gender equality—the Council for Equality—the Committee recommends that the Council be functionally integrated in the Government structure and be given the necessary mandate and legal authority, through specific secondary legislation, to mainstream gender and women's rights in all policies and structures of the State party. It also recommends that the Council be provided with an adequate budget to perform its activities in an effective manner. In addition, the Committee recommends an adequate representation of indigenous women and of women of African descent in the Council.

18. The Committee is concerned about the persistence of high levels of poverty and social exclusion of Ecuadorean women, especially indigenous women and women of African descent, and about obstacles to their access to basic social rights. [...]

19. The Committee urges the State party to ensure that economic and social policies and public investment take into specific account the situation of women. It recommends that the nation's system of social indicators be strengthened and allow for disaggregated data on the situation of indigenous women and women of African descent, in particular in rural areas, and that this information in turn inform relevant policies. [...]

22. [...] The Committee is equally concerned at reports according to which indigenous women and women of African descent may be particularly vulnerable to trafficking and sexual exploitation.

24. The Committee is concerned about the situation of indigenous women and women of African descent. It notes that the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (see A/HRC/4/32/Add.2) and the Committee on the Elimination of Racial Discrimination (CERD/C/ECU/CO/19) have concluded that indigenous women continue to experience double discrimination, based on their sex and ethnic origin, and violence, which constitute an obstacle to their de facto enjoyment of their human rights and full participation in all spheres of life. The Committee is concerned that indigenous women and women of African descent are disproportionately affected by poverty,

have lower level of access to higher education, higher school drop-out rates, higher rates of maternal mortality and early pregnancies, higher rates of unemployment and underemployment, lower wages and a lower level of participation in public life than the rest of the population of Ecuador.

25. The Committee encourages the State party to adopt, in the context of its policies and programmes, concrete, targeted and time-bound measures, with evaluation criteria, to accelerate the improvement of conditions of indigenous women and women of African descent in all spheres of life. It calls upon the State party to ensure that indigenous women and women of African descent have full access to education and health services and can fully participate in decision making processes. It requests the State party to include information and data, including trends over time, on the situation of indigenous women and women of African descent and on the impact of measures taken to overcome multiple discrimination against them in its next periodic report.

30. The Committee, while welcoming efforts by the Ministry of Education and Culture to eliminate illiteracy, including through programmes such as “Yes, I can,” notes with concern the high level of illiteracy among rural women speaking indigenous languages. Notwithstanding the State party’s efforts to achieve equality between men and women in formal education and the progress made in this direction, the Committee remains concerned about high drop-out rates among women and girls, especially indigenous girls, and discrepancies between men and women in access to higher education. The Committee also notes with concern that higher education choices continue to reflect stereotypical notions of appropriate fields of study for women.

31. The Committee encourages the State party to strengthen its efforts to eradicate illiteracy, in particular among rural women speaking indigenous languages. It also urges the State party to take measures, including studies, to address the root causes of school dropouts, including poverty and factors related to gender discrimination and stereotypical gender roles, and to promote women’s access to higher education, including through scholarship funds. The Committee further encourages the State party to strengthen efforts to promote the inclusion of women in non-traditional careers. The Committee requests the State party to provide, in its next report, information

on budget allocations for public education compared with other sectors. It also requests information on levels of access to school, permanence and grade disaggregated by sex and ethnic group.

36. The Committee is concerned at cases of gender discrimination in the workplace, including dismissals related to maternity, and at discriminatory labor practices against women, especially indigenous and migrant women and those of African descent.

37. The Committee urges the State party to undertake legislative and administrative measures to prevent sex-based discrimination in the workplace including by making public all cases in which there were convictions. The Committee further urges the State party to take further measures to educate the general public about the value of women in the workplace. The Committee recommends that the State party ratify Convention No. 183 of the International Labour Organization concerning the revision of the Maternity Protection Convention (No. 103).

38. The Committee remains concerned at the high rate of pregnancy among teenage and young women, particularly in rural areas. The Committee is also concerned at the high incidence of maternal mortality. The Committee notes with concern that the second leading cause of maternal mortality is abortion and is concerned that the magnitude of unsafe abortion in the country and its effects on maternal mortality are under recorded and unknown. The Committee welcomes the enactment of the Free Maternity Care Act and the establishment of committees of users to monitor its implementation. However, the Committee is concerned at the lack of resources for the full implementation of the Act, especially in rural areas.

39. The Committee recommends that the State party strengthen measures to address teenage pregnancy, especially among indigenous girls and those of African descent, including the allocation of adequate and targeted resources to the Plan for the Prevention of Teenage Pregnancy and programmes to assist teenage boys and girls during pregnancy. [...]

40. The Committee is concerned at the increasing number of women contracting HIV/AIDS and at the lack of information on the incidence of HIV/AIDS among indigenous women and women of African

descent. The Committee is also concerned at the low percentage of women screened for early detection of uterine, cervical or breast cancer.

41. The Committee recommends that the State party assess the incidence of HIV/AIDS in indigenous women and women of African descent, as well as migrants and refugee women. It further urges the State party to strengthen the preventive approach to HIV/AIDS and to uterine, cervical and breast cancer. The Committee further invites the State party to include in its next report further information, especially trends over time and addressing the life cycle of women, on women's general and reproductive health, including rates and causes of morbidity and mortality of women in comparison with men; contraceptive prevalence rates; spacing of children; diseases affecting women and girls, in particular various forms of cancer; and the efforts of the State to improve women's access to health-care services, including family planning and services directed towards cancer prevention and treatment. The Committee recommends that the State party strengthen the role of local governments and promote an intercultural perspective in the provision of health-care services.

42. The Committee welcomes the Political Participation Act and notes with appreciation that for the first time since its enactment it was fully implemented during the elections for the Constituent Assembly in 2007. The Committee further welcomes progress in the representation of women in all spheres of public life. However, the Committee remains concerned at the persistence of structural, political, cultural and socio-economic obstacles to the participation of women, especially indigenous women and women of African descent, in many spheres of public life.

43. The Committee urges the State party to ensure consistent application of legislation aimed at ensuring the participation of women in public life and to take other measures in this direction, especially targeting indigenous women and women of African descent. The Committee encourages the State party to take temporary special measures in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25. The Committee invites the State party to provide comprehensive data concerning the participation of women in all spheres of public life in the next periodic report.

Ecuador: A/58/38, 11 July 2003

304. The Committee urges the State party to strengthen the regulatory and normative role of the National Council for Women by adopting a law institutionalizing and regulating its activities and giving it a more active role in monitoring the enforcement of standards to promote gender equality, and to allocate to it the financial resources necessary for its operation and the exercise of its functions. Furthermore, the Committee encourages the State party to appoint a director to head the National Council for Women. The Committee encourages the State party to ensure the participation of civil society in the Council and to promote the participation of movements of indigenous women and women of African descent.

307. The Committee is concerned at the high levels of poverty and extreme poverty among women, and notes in particular the situation of rural and indigenous women. Despite the existence of isolated anti-poverty plans, the Committee is concerned at the lack of a general and comprehensive poverty eradication policy specifically targeting rural and indigenous women.

308. The Committee urges the State party to develop a general poverty eradication policy incorporating a gender perspective and focusing particularly on rural and indigenous women.

329. While acknowledging efforts made by the State party to establish gender-disaggregated indicators, the Committee notes that the reports submitted contain an insufficient amount of gender-disaggregated data and insufficient information concerning rural and indigenous women.

330. The Committee recommends a broader and more exhaustive compilation of gender-disaggregated data and urges the State party to include in its next report statistics indicating the status of programmes and their impact on the country's female population, in particular rural and indigenous women.

16. EL SALVADOR

El Salvador: CEDAW/C/SLV/CO/7, 7 November 2008

11. While noting with appreciation that according to Article 144 of the Constitution, international treaties concluded by El Salvador with other States or with international organizations constitute laws of the Republic on entry into force and can be directly invoked in national courts, the Committee is concerned at the limited awareness, including among legal professionals, of the provisions of the Convention, as shown by the limited case law where these have been used. The Committee is also concerned at the limited awareness of women of their rights, in particular vulnerable groups of women, namely rural and indigenous women, migrant women, domestic workers and women working in the “maquiladora” industry (assembly plants).

12. The Committee recommends that educational programmes on the Convention, including its Optional Protocol and case law, as well as programmes on women’s rights be introduced, in particular for all legal professionals, including judges, lawyers, prosecutors and law enforcement personnel, and for the public at large. It further urges the State party to take special measures, including comprehensive legal literacy programmes to enhance women’s awareness of their rights, aimed at vulnerable groups of women in particular, so that they may be able to exercise those rights.

17. The Committee regrets that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention or information on the impact and results of measures taken to achieve equality between women and men.

18. The Committee calls upon the State party to put in place a comprehensive system of data collection, including measurable indicators to assess trends in the situation of women and progress towards women’s de facto equality over time. It invites the State party to seek international assistance, as necessary, for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas,

indicating the impact of measures taken and the results achieved in order to illustrate more comprehensively the situation of women in several areas, in particular with respect to the issue of violence. The Committee invites the State party to give special attention to the collection of data in respect of the most vulnerable groups of women, including rural and indigenous women, migrant women, domestic workers and women working in the maquila industry.

37. While welcoming the State party's initiatives and social programmes aimed at empowering women living in extreme poverty, the Committee is concerned at the persistence of high levels of poverty and social exclusion of Salvadoran women, especially rural, indigenous and migrant women, as well as at obstacles in their access to basic social rights.

38. The Committee urges the State party to strengthen initiatives aimed at encouraging women's economic empowerment, such as the Solidarity Network Programme (Programa Red Solidaria), keeping in mind the specific situation of different groups of women. The Committee also encourages the State party to establish mechanisms to monitor regularly the impact of social and economic policies on women.

El Salvador: A/58/38, 23 January 2003

261. The Committee is concerned at the high level of poverty among women, especially rural and indigenous women.

262. The Committee urges the State party to develop a poverty eradication strategy that gives priority attention to rural and indigenous women through the allocation of budgetary resources, and to take appropriate measures to inform itself about their situation with a view to formulating effective specific programmes and policies to improve their socio-economic situation and ensure that they receive the services and support they need.

263. Although the overall illiteracy rate has declined, the Committee is concerned that the problem persists, especially in rural areas. It is also concerned at the high drop-out rates among girls, especially in rural and indigenous areas.

264. The Committee recommends that efforts to address this problem should be intensified, through sustainable plans and

programmes, particularly in rural and indigenous areas.

275. The Committee observes a lack of gender-disaggregated data in the reports, as well as insufficient information on indigenous women.

276. The Committee recommends the comprehensive and exhaustive compilation of sex-disaggregated data and urges the State party to include relevant statistics that show the evolution and impact of programmes on the country's female population, particularly indigenous women, and to include the data in its next periodic report.

17. ETHIOPIA

Ethiopia: CEDAW/C/ETH/CO/6-7, 27 July 2011

8. The Committee welcomes the measures taken by the State party to promote women's and girls' access to education, in particular in rural and pastoralist areas, such as:

(a) The introduction of girls' scholarship programmes and the supply to girls of education materials and uniforms, with the support of NGOs;

(b) The introduction of girl-friendly schools as well as the construction of separate latrines for girls and boys in schools;

(c) Providing incentives to parents in pastoralist areas who send their daughters to school; and

(d) Training and taking affirmative action to raise the share of female teachers in primary and secondary schools to 50 percent and to increase the number of female college and university instructors.

20. The Committee notes the State party's efforts to combat violence against women, including FGM and sexual and domestic violence, e.g., by revising its Criminal Code, establishing special investigation and prosecution units and victim-friendly benches in the federal court system, and providing some legal aid and assistance to women and children victims of violence. However, while noting that FGM is declining among younger women and in urban areas, the Committee notes with concern that FGM remains highly prevalent in rural and

pastoralist areas (with the highest rates in the Afar (91.6 percent) and Somali (79 percent) Regions) and that the penalties for FGM stipulated in Articles 561-563, 567 and 569-570 of the Criminal Code (2005) are too lenient. [...]

30. The Committee welcomes the measures taken by the State party to increase women's and girls' access to all levels of education, such as affirmative action, awareness raising, support to disadvantaged girls, and incentives for parents to send their daughters to school, in particular in rural and pastoralist areas. However, it remains concerned about:

(a) Regional disparities and low enrollment rates of women and/or girls in primary education in rural and pastoralist areas and in secondary and higher education, as well as in traditionally male dominated fields of technical and vocational education;

(b) The high drop-out and low retention and completion rates of girls, in particular at the primary level, which seriously impact enrollment at the secondary level;

(c) The limited access of poor girls, girls in pastoralist areas, and girls with disabilities to education due to economic and socio-cultural barriers such as indirect costs of schooling, unfavorable attitudes by male students and teaching staff, verbal and physical abuse and harassment, and long distances to schools; and

(d) The low female literacy rate (38 percent in 2004), especially in rural areas.

31. The Committee calls on the State party to continue taking measures to address regional disparities and ensure equal access of girls and women to all levels of education such as measures to:

(a) Ensure enrollment, retention and completion of women and girls at all levels of education, especially in rural and pastoralist areas, including by making primary education compulsory and taking affirmative action such as further training and recruitment of female teachers and quota for female university students and; [...]

(d) Strengthen support services, including scholarships, transport and tutorial support, for disadvantaged girls such as poor girls, girls

in pastoralist areas and girls with disabilities, as well as incentives and subsidies for their families. [...]

37. The Committee recommends that the State party: [...]

(c) Ensure that land lease contracts with foreign companies do not result in forced evictions and internal displacement, nor increased food insecurity and poverty, of local populations, including women and girls, and that such contracts stipulate that the company concerned and/or the State party must provide the affected communities, including pastoralist communities, with adequate compensation and alternative land; [...]

38. The Committee is concerned about the lack of disaggregated data on the situation of women who are reportedly among the most vulnerable and neglected groups of women in the State party and typically face multiple forms of discrimination, such as older women, women with disabilities, pastoralist women, and refugee and internally displaced women.

39. The Committee recommends that the State party:

(a) Collect disaggregated data on the situation of women facing multiple forms of discrimination, such as older women, women with disabilities, pastoralist women, and refugee and internally displaced women, and include such information in its next periodic report; [...]

18. FIJI

Fiji: A/57/38 (Part I), 7 May 2002

48. The Committee is concerned that the Social Justice Act and the “Blue Print,” which propose affirmative action for the indigenous Fijian population, do not integrate a gender perspective.

49. The Committee recommends that the Social Justice Act and the “Blue Print” be evaluated for their impact on both ethnicity and gender, to ensure respect for gender equality, and human rights in Fiji’s multicultural plural society. The Committee urges the State party to introduce an effective monitoring mechanism to ensure that these programmes conform with fundamental rights guaranteed by the Constitution and the Convention’s concept of temporary special

measures, and contributes to the elimination of discrimination against all Fijian women.

19. FINLAND

Finland: CEDAW/C/FIN/CO/6, 18 July 2008

191. While acknowledging the increased supportive measures for Sami women regarding social and health services and the implementation programme drawn up by municipalities together with the Sami council, the Committee is concerned that Sami women continue to face multiple discrimination, including difficulty in accessing adequate health care due to lack of doctors in the Northern part of Finland. The Committee notes in particular the absence of gender perspective in Sami politics and the inadequate political representation of Sami women both in their communities and at the national level.

192. The Committee calls upon the State party to ensure that Sami women are provided with adequate social and health services, including reproductive health services. The Committee requests the State party to ensure that gender perspectives are mainstreamed in all policies and programmes regarding Sami people. It encourages the State party to develop measures to eliminate all forms of discrimination and violence against Sami women, including engaging proactively with the Sami community and drawing up plans to increase women's representation in both their communities and in Finnish society at large.

Finland: A/56/38, 2 February 2001

305. The Committee expresses its concern at the continuing discrimination against immigrant and minority women living in Finland, particularly Roma and Sami women, who suffer from double discrimination, based on both their sex and ethnic background.

20. GABON

Gabon: CEDAW/C/GAB/CC/2-5, 15 February 2005

38. The Committee is concerned about the situation of rural women, particularly in view of their geographic isolation and lack of access to adequate nutrition and sanitation, health care, education and income-generating opportunities. This situation leads to multiple forms of discrimination against rural women. The Committee is also concerned about the absence of statistical information related to rural and indigenous women.

39. The Committee urges the State party to implement, on a priority basis, measures to ensure that rural women have full access to adequate nutrition and sanitation, health-care services, education and income-generating opportunities. The Committee invites the State party, as necessary, to seek the assistance from relevant specialized agencies of the United Nations to improve the standard of living of rural women.

21. GUATEMALA

Guatemala: CEDAW/C/GUA/CO/7, 10 February 2009

3. The Committee commends the State party for its high-level delegation headed by the Minister of the Presidential Secretariat for Women, and composed of representatives of the Supreme Court, the Institute of Public Criminal Defense, the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women, the Presidential Human Rights Commission, the Office for the Defense of Indigenous Women's Rights, the Guatemala Beijing Committee and Guatemala's Permanent Mission in Geneva. The Committee appreciates the open and constructive dialogue that took place between its members and the delegation.

6. The Committee also welcomes the reinforcement of the Presidential Secretariat for Women, the Office for the Defense of Indigenous Women's Rights and the National Coordinating Office for

the Prevention of Domestic Violence and Violence against Women, by providing these institutions with additional human and financial resources.

11. While noting with appreciation that international treaties prevail over domestic laws and can be directly invoked in national courts, the Committee remains concerned that a prohibition of all forms of discrimination against women in line with articles 1 and 2 b of the Convention, including sanctions for such documentation, has not yet been adopted. [...] The Committee is also concerned at the lack of awareness of women, in particular rural and indigenous women, domestic workers and women working in the maquiladora industry and agro-industrial companies, of their rights.

12. The Committee recommends that the State party prohibit discrimination against women in line with articles 1 and 2 b of the Convention, including sanctions, in relevant national legislation. [...] It further urges the State party to take proactive measures, including comprehensive legal literacy programmes to enhance women's awareness of their rights. These measures should be adapted and take into account the illiteracy and the multilingual character of the population, and should also target all vulnerable groups of women, so that they may know and be able to exercise their rights.

17. While acknowledging the important work undertaken by the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women to eradicate domestic violence and violence against women, as well as the work of the Office for the Defense of Indigenous Women's Rights to protect and promote the rights of indigenous women, and the key role of the Presidential Secretariat for Women as the highest national machinery for the advancement of women and the executive branch's leading organ for the promotion of public policies for gender equity and equality, the Committee is concerned about weak coordination of the work of these different bodies, as well as the possible overlap in their work.

18. The Committee recommends that the State party strengthen the existing machinery for gender equality by providing it with adequate visibility, power and human and financial resources at all levels, in order to increase its effectiveness, and enhance its capacity to coordinate and monitor actions at the national and local levels for the advancement of women and the promotion of gender equality.

27. While welcoming the introduction of free education and the efforts made to encourage bilingual and multicultural education, the Committee is concerned at the significant level of illiteracy among indigenous and rural women, the difficulties of accessibility of schools, and the poor quality of education, in particular in rural areas. The Committee is also concerned at the lack of information provided by the State party on vocational education and training for girls and women in professions traditionally occupied by men.

28. The Committee calls on the State party to continue to take proactive measures to reduce the illiteracy rate among indigenous women and to continue to provide education, both formal and informal, to all women and girls, especially in rural areas. The Committee recommends that the State party accelerate the process of training bilingual teachers and the extension of bilingual education to all indigenous communities.

33. The Committee recognizes the efforts made by the State party to initiate and support community projects which promote women's economic empowerment, but remains concerned at the effects and the sustainability of these programmes, the persistence of high levels of poverty and social exclusion of women, especially in rural areas. The Committee is also concerned about issues relating to access to land for women in general and in particular women belonging to indigenous communities, who can be displaced as a result of new economic development plans.

34. The Committee recommends that the State party to ensure that economic and social policies and public investment take into specific account the situation of women and monitor the impact resulting from these programmes. The Committee urges the State party to strengthen initiatives aimed at encouraging women's economic sustainable empowerment, in particular promote women's access to land and to credits.

41. While welcoming various initiatives by the State party to improve the status of indigenous women, the Committee is concerned about the precarious situation of indigenous women and the lack of information provided by the State party on Maya, Xinca and Garifuna women, who experience multiple and intersectoral discrimination, based on their sex, ethnic origin and social status.

42. The Committee encourages the State party to adopt concrete,

targeted and timebound measures, with evaluation criteria, to accelerate the improvement of conditions of indigenous women in all spheres of life. It calls upon the State party to ensure that Maya, Xinca and Garifuna women have full access to land, education and health services and can fully participate in decision making processes.

Guatemala: CEDAW/C/GUA/CO/6, 2 June 2006

3. The Committee commends the State party for its high-level delegation headed by the Minister of the Presidential Secretariat for Women, which included the Minister of Education and representatives from the Ministries of Health and Social Assistance, Planning and Programming, the legislature, and the Defender of Indigenous Women, contributing to the quality of the constructive dialogue that was held between the delegation and the members of the Committee.

4. The Committee welcomes the efforts of the State party to achieve greater coordination among the various institutions for the advancement of women, including the Presidential Secretariat for Women, the National Office for Women's Affairs, the Indigenous Women's Defense Unit and the First Lady's Social Work Secretariat.

25 The Committee is concerned about the prevalence of domestic violence against women, the lack of effective access to justice for women, particularly indigenous women, who also face language barriers, and the lack of social awareness about and condemnation of violence against women and girls in the country.

27. While noting the efforts to amend the Act on Elections and Political Parties to impose a quota of 44 percent for women's participation, the Committee remains concerned about the under representation of women, in particular indigenous women, in political and public positions at all levels. The Committee is also concerned about the persistence and pervasiveness of patriarchal attitudes and deep rooted stereotypes regarding the roles and responsibilities of women and men in the family and society, which constitute a significant impediment to the participation of women in decision making at all levels and a root cause of women's disadvantaged position in all spheres of life.

28. The Committee calls upon the State party to accelerate amending of the Act on Elections and Political Parties and strengthen the use of temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women, in particular indigenous women, in political and public life and in decision making positions. It suggests that the State party implement leadership training programmes aimed at women to help them participate in leadership and decision making positions in society. The State party is urged to carry out awareness-raising campaigns aimed at women and men to help ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large and enhance women's political empowerment.

31. The Committee observes with concern the possible adverse impact that the free trade agreements may have on the living and working conditions of Guatemalan women.

32. The Committee suggests that the State party undertake a study to determine the impact of the free trade agreements on the socio-economic conditions of women and to consider the adoption of compensatory measures that take into consideration women's human rights.

35. Noting that the majority of the Guatemalan population are indigenous peoples, the Committee expresses concern about the situation of indigenous women, who lack enjoyment of their human rights and are vulnerable to multiple forms of discrimination. It is also concerned about the absence of statistical information related to the situation of indigenous women.

36. The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous women in all spheres of life. It calls upon the State party to ensure that indigenous women have full access to bilingual education, health services and credit facilities and can fully participate in decision making processes. It requests the State party to include information and data on the situation of indigenous women and on the impact of measures taken to overcome the multiple discrimination against them in its next periodic report.

Guatemala: A/57/38 (Part III), 12 August 2002

188. While the Committee welcomes the development by the National Office for Women's Affairs of a methodology for eliminating sexual stereotypes in teaching materials and school textbooks, and the creation of a multisectoral commission for the application of the methodology, it expresses concern at the persistence of stereotypes concerning the role of women in the family and society. It notes that those stereotypes are particularly strong within the indigenous population. The Committee is also concerned that, notwithstanding the various efforts being made to achieve equality between women and men through legislative reform, the execution of gender-sensitive programmes, the training of officials and the creation of national machineries, the persistence of such stereotypes will impede the advancement of women in Guatemala, in particular among indigenous women, and the enjoyment of their human rights.

189. The Committee urges the State party to make the raising of awareness among the general public of the rights of women a priority in its strategy for the advancement of women by building upon existing media campaigns and introducing new awareness-raising and education campaigns on various women's human rights issues. Such campaigns must target men as well as women at all levels of society in particular among the indigenous population.

198. The Committee notes with concern the persistence of illiteracy among certain groups of women in Guatemala, particularly among the indigenous population.

199. The Committee calls on the State party to enhance its efforts to combat illiteracy, especially in the rural areas and among indigenous people, and to develop more programmes to address illiteracy among adult women.

Guatemala: A/49/38, 12 April 1994

81. In short, the members of the Committee commented that women did not appear to be a priority for the Government, that there was far-reaching legal discrimination, and that there was no information on initiatives to combat discrimination resulting from highly stereotyped cultural patterns or on the actual situation of

women among indigenous ethnic groups. In general, they regarded the report as inadequate in the light of the recommendations made by the Committee in that connection. They expressed the view that the very wording of the report was sometimes discriminatory; that showed that the Government needed to review and adjust its approach so as to improve the situation of Guatemalan women.

22. GUYANA

Guyana: CEDAW/C/GUY/CO/3-6, 22 July 2005

34. In the light of its general recommendation 19, the Committee urges the State party to accord priority attention to the effective enforcement and monitoring of legislation on domestic violence to ensure that all women who are victims of violence, including Amerindian women and those living in rural and hinterland areas, have access to immediate means of redress and protection, including protection orders, legal aid and shelters in sufficient numbers. The Committee calls on the State party to provide adequate funding for such protection and support measures. The Committee requests the State party to strengthen its efforts to train the police and ensure that public officials, especially law enforcement officials, the judiciary, healthcare providers and social workers, are fully sensitized to all forms of violence against women and adequately equipped to support victims of such violence. The Committee also calls on the State party to take measures, through the media and public education programmes, towards changing social, cultural and traditional attitudes that remain permissive of all forms of violence against women, including sexual violence against young girls. The Committee requests that the State party provide in its next report comprehensive information, including statistical information, on all forms of violence against women and measures to prevent and eradicate

36. 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, and that access by women, especially Amerindian women and other women living in rural and hinterland areas, be monitored. It also recommends that

the State party provide information on women's access to health services in its next periodic report.

39. While noting that women are disproportionately affected by poverty and the existence of a National Development Strategy and a Poverty Reduction Strategy Paper, the Committee is disappointed that these policies insufficiently address the gender dimensions of poverty, nor do they target women specifically, notwithstanding the participation of women's groups in consultations for their preparation. The Committee is especially concerned about the consequences of this omission for Amerindian women and women living in rural and hinterland areas.

40. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development strategies and in particular those aimed at poverty alleviation and sustainable development. It encourages the State party to include programmes that target vulnerable groups of women, such as Amerindian women and poor women living in rural and hinterland areas. The Committee invites the State party to strengthen these policies so as to enhance compliance with the Convention, especially article 14 on rural women. It encourages the State party to place emphasis on implementation of the Convention and women's human rights in all development cooperation programmes with international organizations and bilateral donors. It also recommends that the State party channel resources available through the Highly Indebted Poor Countries (HIPC) initiative towards the empowerment of women especially Amerindian women and women in rural and hinterland areas. It also requests the State party to provide in its next periodic report data on how women have benefited from the implementation of the Poverty Reduction Strategy paper.

Guyana: A/56/38, paras.145-184, 31 July 2001

158. The Committee welcomes the appointment of a young woman of Amerindian descent to a ministerial office, for the first time in the history of Guyana, assigned with the portfolio of Amerindian Affairs.

175. The Committee encourages the Government to give full attention to the needs of rural women and Amerindian women and to ensure that they benefit from policies and programmes in all areas, in particular access to decision making, health, education

and social services. The Committee requests that the Government provide detailed information in that regard in its next periodic report.

23. HONDURAS

Honduras: CEDAW/C/HON/CO/6, 10 August 2007

12. While appreciating the establishment of the Office of the Special Prosecutor for Women, the Committee is concerned that women's ability to bring cases of discrimination before the courts is limited by factors such as poverty, lack of assistance in pursuing their rights, lack of information about their rights and attitudes of law enforcement and judicial officials that create obstacles for women seeking access to justice.

13. The Committee recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural and indigenous women and women of African descent, on gender equality be undertaken to encourage and empower women to use available procedures and remedies relating to violations of their rights under the Convention. The Committee urges the State party to provide legal aid services for women, including rural and indigenous women and women of African descent, and to remove all impediments women may face in gaining access to justice, including costs related to filing and pursuing court cases and lengthy delays in legal proceedings. The Committee further urges the State party to make women aware of their right to file complaints against government officials who fail to apply the relevant laws for the benefit of women and to monitor the outcome of such complaints. The Committee encourages the State party to seek assistance from the international community in order to implement measures that will strengthen women's access to justice. The Committee requests the State party to provide information about women's access to justice, including the legal aid provided, in its next periodic report.

31. The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women,

disaggregated by sex, age, ethnicity and rural and urban areas, indicating the impact of measures taken and the results achieved in the practical realization of women's substantive equality.

24. INDIA

India: CEDAW/C/IND/CO/3, 2 February 2007

14. The Committee regrets that the report does not provide sufficient statistical data, disaggregated by sex, caste, minority status and ethnicity, on the practical realization of equality between women and men in all areas covered by the Convention and does not provide information on the impact of, and results achieved by, various legal and policy measures described in the report.

15. The Committee requests the State party to set benchmarks and to include adequate, appropriate and comparative statistical data and analysis, disaggregated by sex, caste, minority status and ethnicity, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention and trends over time in the practical realization of equality between women and men. In particular, it calls upon the State party to review and monitor the fulfillment of the provisions of the Convention in respect of scheduled caste, scheduled tribe, backward class and minority women in all sectors. [...]

18. While noting that poor women are entitled to receive free legal aid under the Legal Services Authority Act and that the National Legal Service Authority aims to enhance legal literacy for women and provide access to justice, the Committee is concerned about the quality and scope of the free legal services provided and the access of women in rural and tribal areas to such services.

19. The Committee urges the State party to provide free legal services to poor and marginalized women in rural and tribal areas in addition to urban areas and to monitor the quality and impact of such services in regard to ensuring women's access to justice. It requests the State party to provide information about access of women, including scheduled caste, scheduled tribe, backward class and minority women, to free legal services and the scope and

effectiveness of such services in its next periodic report.

21. The Committee calls upon the State party to develop, in consultation with women's groups, a coordinated and comprehensive plan to combat all forms of violence against women taking a life cycle approach. It urges the State party to take steps in partnership with states and union territories to fully and consistently implement and enforce the Domestic Violence Act and to ensure that all women victims of domestic violence, including scheduled caste, scheduled tribe, backward class and minority women, are able to benefit from the legislative framework and support systems in place and that perpetrators are effectively prosecuted under the Penal Code and adequately punished. [...]

32. While appreciating the additional data provided by the State party during its dialogue with the Committee, which indicates improvements in enrollment rates of women in primary education, and while commending the State party's future plans of focusing efforts on education of marginalized sections of the population, the Committee is concerned about the continuing disparities in the educational status of scheduled caste, scheduled tribe and Muslim women and the limited access of these groups of women to higher education.

33. The Committee recommends that the State party provide, in its next periodic report, comparable data disaggregated by sex, caste, minority status and ethnicity, on the enrollment and retention rates of girls and women at all levels of education, and trends over time. Given the particularly disadvantaged situation of Muslim women and girls, the Committee requests the State party to provide information in its next periodic report about the action taken on the recommendations of the Sachar Committee with regard to the education of Muslim women and girls. It urges the State party to increase efforts to enable scheduled caste, scheduled tribe and Muslim women to access higher education. [...]

46. The Committee expresses grave concern about the displacement of tribal women owing to the implementation of megaprojects and the influence of global economic trends. While the Committee appreciates the need for economic growth, it is concerned that the human rights of vulnerable groups such as tribal populations may be adversely affected by large-scale economic projects.

47. The Committee urges the State party to study the impact of megaprojects on tribal and rural women and to institute safeguards against their displacement and violation of their human rights. It also urges the State party to ensure that surplus land given to displaced rural and tribal women is cultivable. Moreover, the Committee recommends that efforts be made to ensure that tribal and rural women have individual rights to inherit and own land and property.

India: A/55/38, 1 February 2000

74. The Committee is concerned with the continuing discrimination, including violence, suffered by women of the Dalit community, despite the passage of the Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act of 1989.

75. The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the devadasi system. It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report.

25. JAPAN

Japan: CEDAW/C/JPN/CO/6, 7 August 2009

51. The Committee regrets the lack of information and statistical data about the situation of minority women in the State party, who suffer from multiple discrimination based on gender and ethnic origin, both in society at large and within their communities. The Committee further regrets the absence of any proactive measures, including a policy framework for each minority group, to promote the rights of minority women.

52. The Committee urges the State party to take effective measures, including the establishment of a policy framework and the adoption of temporary special measures, to eliminate discrimination against

minority women. To this end, the Committee urges the State party to appoint minority women representatives to decision making bodies. The Committee reiterates its previous request (A/58/38, para. 366) that the State party include information on the situation of minority women in Japan, especially with regard to education, employment, health, social welfare and exposure to violence, in its next periodic report. In this context, the Committee calls upon the State party to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women.

26. LAOS

Laos: CEDAW/C/LAO/CC/1-5, 15 February 2005

21. While noting that 80 percent of the population lives in rural areas, the Committee is deeply concerned about the pervasive poverty and underdevelopment of women, especially in rural and ethnic minority communities. The Committee is also concerned that ethnic minority women, without having any alternative sources of income, depend on production of opium poppies for their livelihood. While welcoming the reinvestigation into the matter of land titling, the Committee is concerned that the current reinvestigation and the re-issuance of land titles are limited to nine provinces. The Committee is also concerned that while rural women carry out more than half of total agricultural production in every field, the additional workloads of housework and child-rearing also fall primarily on the shoulders of women. The Committee is very concerned that rural women are not fully represented in important decision making regarding development programmes, nor on the village council.

22. The Committee urges the State party to accelerate its plan to eradicate poverty among women, especially rural and ethnic minority women, by more actively seeking international assistance and at the same time by applying gender perspectives in all development programmes and fully integrating women into decision making on those programmes, as well as in their implementation processes. The Committee also urges the State party to step up its efforts to provide ethnic minority women who depend on opium poppy

production with alternative and sustainable means of livelihood. The Committee recommends that the reinvestigation and re-registration of land titles be carried out in all provinces, with the expected result of eradicating discrimination against women, and requests the State party to provide detailed information about the results achieved in its next report. The Committee also recommends that the State party take measures to ease the double burden of women, including by providing new technologies for women farmers and educating men regarding the sharing of family responsibilities. The Committee strongly recommends that the State party ensure the full and equal representation of rural women on the various committees at the village level.

27. MALAYSIA

Malaysia: CEDAW/C/MYS/CO/2, 31 May 2006

29. [...] the Committee is concerned that the report did not provide information about the position of women from various ethnic groups in all areas covered by the Convention. In addition, the Committee regrets that the information provided on rural women was out of date and did not present a current picture of the situation of rural women.

30. The Committee urges the State party to include in its next report, data disaggregated by sex and ethnicity in all areas covered by the Convention and current sex-disaggregated data and information on the de facto position of rural women in all sectors.

28. MEXICO

Mexico: CEDAW/C/MEX/CO/6, 25 August 2006

20. The Committee is concerned that neither the report nor the constructive dialogue provided a clear picture of the extent to which gender perspectives have effectively been mainstreamed in all national policies, including the National Development Plan 2001-2006 and the Plan Contigo, aimed at eradicating poverty.

The Committee is also concerned about the lack of clarity about the linkages between these plans and the National Programme for Equality of Opportunities and Non-Discrimination against Women. The Committee regrets that insufficient information was provided about the gender-specific impact on women of macroeconomic policies, in particular about the effects of regional trade agreements such as the Puebla Panama Plan and the North American Free Trade Agreement.

21. The Committee urges the State party to put in place an effective strategy for mainstreaming gender perspectives into all national plans and to strengthen the linkages between the national plans for development and poverty eradication and the National Programme for Equality of Opportunities and Non-Discrimination against Women with a view to ensuring the effective implementation of all the provisions of the Convention. The Committee requests the State party to include information about the effects of macroeconomic policies, including the regional trade agreements, on women, particularly on women living in rural areas and employed in agricultural activities, in its next periodic report.

32. The Committee remains concerned about the level of maternal mortality rates, particularly those of indigenous women, which are a consequence of the insufficient coverage of, and access to, health services, including sexual and reproductive health care. [...]

34. While welcoming the establishment of the National Commission for the Development of Indigenous Peoples, the Committee is concerned about the higher levels of poverty and illiteracy and multiple forms of discrimination experienced by indigenous and rural women. The Committee is concerned about the large disparities between them and women in urban areas and from non-indigenous groups in access to basic social services, including education and health, and participation in decision making processes.

35. The Committee urges the State party to ensure that all poverty eradication policies and programmes explicitly address the structural nature and various dimensions of poverty and discrimination that indigenous and rural women face. It recommends that the State party use temporary special measures to address the disparities that indigenous and rural women face with regard to access to basic social services, including education and health, and participation in decision making processes. The Committee requests the State party

to include in its next periodic report comprehensive information on the measures taken and their impact, accompanied by data disaggregated by urban and rural areas, by states and by indigenous populations.

Mexico: A/57/38 (Part III), 6 August 2002

433. The Committee is concerned that while the State party has implemented poverty reduction strategies, poverty constitutes a serious obstacle to enjoyment of rights by women, who make up the majority of the most vulnerable sectors, especially in rural and indigenous areas.

434. The Committee calls on the State party to give priority to women in its poverty eradication strategy, with special attention to women in rural and indigenous areas; in this context, measures and specific programmes should be adopted to ensure that women fully enjoy their rights on an equal footing in the areas of education, employment and health, with special emphasis on joint work with non-governmental organizations and on women's participation not only as beneficiaries, but also as agents of change in the development process.

Mexico: A/53/38, 14 May 1998

372. The Committee notes that the Mexican Government's report and its replies to the Committee's questions offer valuable, comprehensive information on the various programmes implemented and planned by the Government of Mexico. The Committee considers the specific information provided on the situation of indigenous women in Chiapas to be extremely important.

389. The Committee expresses its concern with regard to the discrimination faced by indigenous women, where the health, education and employment indicators are below the national average. It also expresses concern about the situation of rural women living in poverty and in extreme poverty.

390. The Committee expresses concern with regard to the situation of indigenous women and children, particularly in the state of Chiapas since, in conflict zones where the police or armed forces are

operating, women are often the innocent victims of violence.

403. The Committee recommends that the Mexican Government continue its efforts to reduce poverty among rural women, particularly indigenous women, and to work together with non-governmental organizations, making special efforts to promote education, employment and health programmes conducive to the integration of women into the development process, both as beneficiaries and as protagonists. In view of the relatively high growth levels of the Mexican economy that have been mentioned, the Committee would welcome a more equitable redistribution of wealth among the population.

425. The Committee recommends that the Government of Mexico pay special attention to safeguarding the human rights of women, including indigenous women and women in conflict zones, especially where police and armed forces are operating.

29. MYANMAR

Myanmar: CEDAW/C/MMR/CO/3, 07 November 2008

2. [...] the Committee regrets that the information provided in the report in many aspects was too general and lacked the disaggregated data pertaining to, inter alia, the various ethnic groups, as requested in the previous concluding observations, necessary to permit the Committee to evaluate the specific situation of women. [...]

10. [...] Furthermore, the Committee is concerned that legislation and customary laws that discriminate against women and are incompatible with the Convention remain in force in Myanmar, in particular with regard to discrimination on the grounds of ethnicity and within the ethnic groups.

24. The Committee expresses its deep concern at the high prevalence of sexual and other forms of violence, including rape, perpetrated by members of the armed forces against rural ethnic women, including Shan, Mon, Karen, Palaung and Chin women. The Committee is also concerned at the apparent impunity of the perpetrators of such violence — although a few cases have been prosecuted — and at reports of threats against and intimidation and punishment

of the victims. The Committee regrets the lack of information on mechanisms and remedies available to victims of sexual violence as well as measures to bring perpetrators to justice.

25. The Committee urges the State party to take immediate steps to put an end to those violations, to prosecute and punish the perpetrators, including military personnel, and to carry out human rights education and gender sensitization training for all law-enforcement and military personnel. The Committee urges the State party to document cases of rape and sexual assault, including all complaints filed, investigations, prosecutions and convictions. Such information, especially when it involves military and senior officials, would facilitate a better understanding of the situation. The State party should take due account of Security Council resolutions 1325 (2000) on women and peace and security and 1820 (2008) on sexual violence in armed conflict and is encouraged to put in place an action plan for the full implementation of those resolutions, taking into account article 2, article 4, paragraph 1, articles 5, 7 and 8 of the Convention. The Committee requests the State party to include information on the steps taken to eliminate sexual violence, including the results achieved, in the next periodic report.

30. The Committee regrets the limited information provided on the entitlements to acquire Myanmar citizenship under the 1982 citizenship law, including with respect to women acquiring citizenship based on their marital status and passing citizenship to their children born outside the country, as well as children with non-national fathers.

31. The Committee calls upon the State party to review the 1982 citizenship law and repeal or amend it, as appropriate, in order to bring it fully into compliance with article 9 of the Convention. It also calls on the State party to provide more information on Myanmar citizenship rights, including on birth certificates of children born in Myanmar, in particular children of ethnic groups, in its next periodic report.

30. NEPAL

Nepal: CEDAW/C/NPL/CO/4-5, 11 August 2011

23. The Committee welcomes the 33 percent representation of women in the Constituent Assembly. However, it is deeply concerned about the extremely low representation of women, in particular Dalit and indigenous women, in high-level decision making positions, public service, the judiciary and the diplomatic service; in the National Human Rights Commission; and at the local level.

24. The Committee recommends that:

[...]The quota system for women's representation in the Constituent Assembly be increased in the future Parliament;

(b) The State party fully utilize the Committee's general recommendation No. 23 and adopt temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, in order to accelerate the full and equal participation of women in public and political life. To this end, the Committee recommends that the State party:

(i) Establish concrete goals and timetables in order to accelerate the increase in the representation of women, including Dalit and indigenous women, in elected and appointed bodies in all areas of public life from the local level, including the Village Development Committee, to the national and diplomatic levels;

(ii) Implement awareness raising activities on the importance of the participation of women in decision making for society as whole, and develop targeted training and mentoring programmes for women candidates and women elected to public office, and programmes on leadership and negotiation skills for current and future women leaders.

27. While welcoming the overall increase in gender parity in primary and secondary education, the Committee is concerned about the minimal increase in female enrollment, the extremely high drop-out rate for girls, the urban/rural disparities in access to education and illiteracy rates, and the low literacy rate for female adults. The Committee is further concerned about the extremely low number of female teachers at all levels of education.

28. The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as human right and as the basis for the empowerment of women. To this end, it urges the State party to:

[...] Strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas and to provide access to education to girls with disabilities through the improvement of infrastructures and the provision of support systems, with special attention to girls from Dalit, indigenous and other disadvantaged groups;

29. While welcoming the prohibition of so-called bonded labor, the Committee is concerned about reports that this practice still exists among the indigenous Tharu community. It is further concerned about the high rate of child labor, particularly among girls between the ages of 8 and 14; the high proportion of women in the informal sector; and the widespread prevalence of sexual harassment in the workplace. The Committee notes with concern that the draft law on sexual harassment has been pending before Parliament since 2009.

30. The Committee recommends that the State party ensure equal opportunities for women in the labor market, in accordance with article 11 of the Convention. To this end, it recommends that the State party:

[...] Strengthen its efforts to eradicate bonded labor and child labor and ensure effective implementation of the International Labour Organization (ILO) Convention concerning the Abolition of Forced Labour (Convention No. 105);

(b) Regulate the informal sector to ensure that women in this sector are not exploited;

(c) Align the draft law on sexual harassment in the workplace with the Committee's general recommendation No. 19, enact it without delay and ensure its effective implementation;

(d) Develop confidential and safe system of filing complaints, facilitate access to justice for victims of sexual harassment and conduct awareness raising campaigns targeting working women in particular, to break the culture of silence surrounding sexual harassment;

(e) Consider ratifying the ILO Convention concerning Decent Work for Domestic Workers (Convention No. 189).

39. The Committee is deeply concerned about the multiple forms of discrimination against disadvantaged groups of women such as Dalit and indigenous women, widows and women with disabilities.

40. The Committee urges the State party to prioritize combating multiple forms of discrimination against women from various disadvantaged groups through the collection of data on the situation of these women and the adoption of legal provisions and comprehensive programmes, including public education and awareness-raising campaigns involving the mass media and community and religious leaders.

Nepal: CEDAW/C/NPL/CO/4-5, 29 July 2011

23. The Committee welcomes the 33 percent representation of women in the Constituent Assembly. However, the Committee is deeply concerned about the very low representation of women, in particular Dalit and indigenous women, in high-level decision making positions, the public service, the judiciary and the diplomatic service, in the National Human Rights Commission and at the local level.

24. The Committee recommends that:

(a) The quota system for women representation in the Constituent Assembly is increased in the future Parliament; and

(b) The State party fully utilize the Committee's general recommendation No. 23 and adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, in order to accelerate the full and equal participation of women in public and political life. To this end, the Committee recommends that the State party:

(i) Establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Dalit and indigenous women, in elected and appointed bodies in all areas of public life from local level, including at the Village Development Committee level, to national and diplomatic levels; and

(ii) Implement awareness raising activities on the importance of the participation of women in decision making for society as a whole, and develop targeted training and mentoring programmes

for women candidates and women elected to public office, as well as programmes on leadership and negotiation skills for current and future women leaders.

28. The Committee urges the State party to enhance its compliance with article 10 of the Convention and to raise awareness of the importance of education as a human right and as the basis for the empowerment of women. To this end, it urges the State party to:

(a) Strengthen its efforts to achieve universal provision of quality education for girls at each level of the education system in urban, rural and remote areas, provide access to education to girls with disabilities through improvement of infrastructures and provision of support systems, with special attention to girls from Dalit, Indigenous and other disadvantaged groups; [...]

29. While welcoming the prohibition of so called bonded labor, the Committee is concerned about reports that such practice still exists among the indigenous group of Tharu people. The Committee is further concerned about the high rate of child labor, with a particularly high level of girls of 8-14 of age exposed to it; the high proportion of women in the informal sector, and the widespread prevalence of sexual harassment in the workplace. The Committee notes with concern that the draft law on sexual harassment has been pending before Parliament since 2009.

39. The Committee is deeply concerned about the multiple forms of discrimination against disadvantaged groups of women such as Dalit and indigenous women, widows and women with disabilities.

31. NEW ZEALAND

New Zealand: CEDAW/C/NZL/CO/6, 10 August 2007

24. While appreciating the steps taken by the State party, such as the establishment of the Taskforce for Action on Violence within Families and the 2006 report on violence within families, the Committee is concerned about the continued prevalence of violence against women, particularly Maori, Pacific and minority women, and the low rates of prosecution and convictions for crimes of violence against women. The Committee also remains concerned that analysis on

issues relating to violence against women remains inadequate for the purposes of identifying the causes of violence against women, monitoring trends and evaluating the appropriateness and impact of policy and law enforcement efforts. The Committee also expresses concern that the number of protective orders granted to women is declining.

25. The Committee calls upon the State party to consistently implement and enforce the Programme of Action on Violence within Families and to revise its Domestic Violence Act of 1995 in order to protect all women victims of violence, including Maori, Pacific, Asian, immigrant, migrant and refugee women, and women with disabilities. It calls upon the State party to ensure that all violence against women is effectively prosecuted and adequately punished in line with the Committee's general recommendation 19. The Committee recommends that training be enhanced for the judiciary, public officials, law enforcement personnel and health-service providers in order to ensure that they can adequately respond to it. It calls on the State party to ensure that adequate data is collected on all forms of violence against women and urges the State party to conduct research on the prevalence, causes and consequences of violence against all groups of women to serve as the basis for comprehensive and targeted intervention. In particular, it encourages the State party to study the reasons for the decline in the issuance of protective orders and to consider putting in place additional protective measures for women, such as enabling the police to issue protective orders. It invites the State party to include information on the results of such measures in its next periodic report.

30. While welcoming the recent ascension of women to the highest constitutional positions in New Zealand, the Committee is concerned that the number of women in local government and political decision making positions is actually declining, and that women remain underrepresented in local government, district health boards, statutory boards and the judiciary. The Committee is also concerned that Maori, Pacific, Asian and other minority women are underrepresented at most levels of public and political life.

31. The Committee requests the State party to take concrete action and establish goals and time frames to increase the number of women in decision making positions at the local level, in civil service, political parties, district health boards, statutory boards and the

judiciary. It also urges the State party to implement measures to increase the participation of Maori, Pacific and minority women in political decision making positions at all levels, including temporary special measures in accordance with the Committee's general recommendation 25.

34. The Committee is concerned about the disadvantaged situation of women, including Maori, Pacific and minority women, and the discrimination faced by women in employment, especially in the private sector where fewer equality provisions apply. In particular, the Committee is concerned about the increasing wage gap between women and men, the high levels of occupational segregation, the concentration of women in low-wage occupations and the very low rate of women's participation in management and decision making positions in the private sector.

35. The Committee requests the State party to take all appropriate measures, including temporary special measures and the strengthening of equality mechanisms, to address women's disadvantaged situation in the labor market, including the situation of Maori, Pacific and minority women. It recommends that efforts be intensified to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. It calls upon the State party to monitor the impact of measures taken and results achieved in both the public and private sectors and to report thereon in its next periodic report.

36. While the Committee welcomes the measures taken by the State party to support women's participation in the labor force, the Committee is concerned that the rates of participation for mothers of young children and single mothers remain below the average for States members of the Organization for Economic Cooperation and Development. The Committee also expresses concern that seasonal and temporary workers remain ineligible for paid parental leave. The Committee is also concerned about the low rate of participation of men in paid parental leave programmes and about the barriers to access to childcare and parental leave policies faced by rural women, as well as Maori, Pacific and other minority women.

37. The Committee requests that the State party act expeditiously to amend eligibility criteria to ensure that seasonal and temporary workers are eligible for paid parental leave. It also urges the State

party to undertake further measures to increase the participation rate of mothers of young children and single mothers in the labor force by strengthening parental leave programmes for men and encouraging men to share child-rearing responsibilities with women. The Committee further requests that the State party analyze and assess the barriers that rural and Maori, Pacific and minority women face in accessing childcare and parental leave, and implement measures to reduce these barriers and increase their access to such services.

New Zealand: A/58/38, 14 July 2003

397. The Committee welcomes the State party's efforts in implementing the "Treaty of Waitangi," which aim to "strengthen national identity and uphold the principles of the Treaty of Waitangi." It also commends the State party for the adoption of the New Zealand Public Health and Disability Act, 2000, which includes a section on the Treaty, intended to achieve the Act's objectives for the health of Maori women.

423. While recognizing the State party's efforts to address the needs of Maori and Pacific women and girls through the "Reducing Inequalities" programme, the Committee is concerned that the situation of Maori and Pacific women and girls remains unsatisfactory in many areas, particularly with regard to employment, political participation, decision making positions in the public and private sector, the judiciary and tertiary education and economic independence. The Committee is also concerned about Maori and Pacific women and girls' unfavorable health situation, including their limited access to health care and their high mortality rate as well as the high incidence of domestic violence and of arranged marriages. The Committee is also concerned that the Human Rights Act, 1993, does not explicitly cover non-discrimination on the basis of language and the cultural field, which are of particular relevance to Maori and Pacific women.

424. The Committee urges the State party to continue to implement the "Treaty of Waitangi" and to monitor the impact of measures taken through the "Reducing Inequalities" programme on Maori and Pacific women and girls, in particular in the social, economic and political areas and in criminal justice. It also recommends that the

State party implement targeted measures to respond to the needs of Maori and Pacific women and girls, and to continue to invest in Maori and Pacific women and girls, taking into account their linguistic and cultural interests.

New Zealand: A/53/38/Rev.1, 9 July 1998

260. The Committee commends the Government's sensitivity to the situation of Māori women, and its efforts to overcome obstacles to Māori women's achievement of equality.

278. The Committee recommends that the Government reconsider the content of the De Facto Relationships (Property) Bill with a view to bringing it in line with the Matrimonial Property Amendment Bill, especially since de facto relationships are more common among the Māori population and are growing among the population in general.

279. The Committee is concerned that the situation of Māori women remained unsatisfactory in many areas, including in respect to the high percentage of Māori girls leaving school early, higher-than-average teenage pregnancy rates, the continuing low number of Māori women in tertiary education, their employment situation, their absence from the judiciary and political decision making, their health situation and access to health services and higher-than-average incidences of domestic violence.

280. The Committee urges the Government to continue its efforts to implement fully the Treaty of Waitangi, with particular emphasis on achieving equality for Māori women in all areas covered by the Convention.

281. The Committee urges the Government to translate, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women into the Māori language, and to distribute it widely in Māori communities, so as to increase New Zealand women's awareness of their rights.

32. NICARAGUA

Nicaragua: CEDAW/C/NIC/CO/6, 2 February 2007

17. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the State party, especially among poor, rural, indigenous and Afro-descendent women. [...]

19. While noting steps taken to combat violence against women and girls and to enhance women's access to justice, the Committee remains concerned about the prevalence of all forms of violence against women and girls, and the lack of social awareness about and condemnation of such violence in the country. The Committee notes with concern the lack of enforcement of laws and prosecution and punishment of perpetrators, and women's lack of access to justice in cases of violence, especially women and girls from poor and rural areas, as well as indigenous and Afro-descendent women. [...]

20. [...] It urges the State party to ensure that all women victims of violence, including poor, rural, indigenous and Afro-descendent women, have access to immediate means of redress, protection, support and legal aid. [...]

31. The Committee is concerned about the situation of indigenous and Afrodescendent women and the multiple forms of discrimination they face, which limit their de facto enjoyment of their human rights and full participation in all spheres of life.

32. The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous women and women of African descent in all spheres of life. It calls upon the State party to ensure that indigenous women and women of African descent have full access to appropriate education and health services and can fully participate in decision making processes. It requests the State party to include information and data and trends over time on the situation of indigenous women and women of African descent and on the impact of measures taken to overcome multiple discrimination against them in its next periodic report.

Nicaragua: A/56/38, 31 July 2001

314. The Committee expresses concern about the lack of information in the reports on the migration of women and girls, women working in the maquiladora factories and free trade zones, older women and minority and indigenous women, prostitution, and trafficking of women and girls.

315. The Committee requests the Government to provide in its next report information on [...] indigenous women, especially as regards their health, employment and educational status [...].

33. NORWAY

Norway: CEDAW/C/NOR/CO/8, 9 March 2012

31. While acknowledging the increased supportive measures for Sami women regarding social and health services, the Committee is concerned that Sami women continue to face multiple discrimination, including difficulty in accessing adequate health care due also to the unavailability of adequate services for the Sami women living outside the defined Sami area. [...]

32. The Committee calls upon the State party to:

[...] Ensure that all Sami women are provided with adequate social and health services, including mental health services;

(b) Ensure that gender perspectives are mainstreamed in all policies and programmes regarding the Sami people; [...]

34. PANAMA

Panama: CEDAW/C/PAN/CO/7, 5 February 2010

2. The Committee expresses its appreciation to the State party for its combined fourth, fifth, sixth and seventh periodic report, which followed the Committee's previous guidelines for the preparation of reports but it regrets that the report did not refer

to the previous concluding observations or the Committee's general recommendations. It also regrets the absence of sufficient statistical data disaggregated by sex on the situation of women, in particular Afro-descendant and indigenous women, with respect to all areas covered by the Convention. The Committee appreciates the frankness of the report in assessing challenges to the implementation of the Convention. It regrets, however, that the absence of regular reports during the period under consideration made it more difficult to monitor progress towards the achievement of gender equality.

15. The Committee calls upon the State party to undertake all necessary measures to ensure that the provisions of the Convention are sufficiently known and applied by all branches of Government and the judiciary as a framework for all laws, court decisions and policies on gender equality and the advancement of women. It recommends that the State party raise awareness of the Convention among women themselves, particularly rural and indigenous women. [...] It further recommends that the State party take all appropriate measures to make the provisions of the Convention and the Optional Protocol part of the educational system, at all levels and available in the different indigenous languages, so that they are accessible to all women and girls.

34. The Committee, while welcoming efforts by the State party to eliminate illiteracy, including through campaigns such as "Muévete por Panamá," notes with concern the high level of illiteracy among rural women speaking indigenous languages. The Committee also notes with concern that higher education choices continue to reflect stereotypical notions of appropriate fields of study for women.

35. The Committee encourages the State party to strengthen its efforts to eradicate illiteracy, in particular among rural women speaking indigenous languages, taking into account the plurality of languages in the country. It also urges the State party to take measures and carry out studies with a view to addressing the root causes of gender discrimination and stereotypical gender roles in the field of education, and encourages the State party to strengthen its efforts to promote the inclusion of women in non-traditional careers.

42. The Committee notes with concern the high rate of maternal mortality in the State party, caused mainly by the lack of provision

of appropriate medical care, in particular to rural and indigenous women and adolescents girls. The Committee is further concerned that, owing to difficulties in enforcing existing legislation in the State party, many women are unable to obtain a legal abortion and are therefore forced to resort to an illegal abortion. The Committee is also concerned at the lack of programmes that include measures to raise victims' awareness of the importance of seeking medical treatment after a sexual assault and reporting the incident.

43. The Committee urges the State party to improve access to health services for all women and in particular for the most vulnerable groups of women, such as indigenous, Afro- and Asian-descendant women. It also urges the State party to adopt without delay effective measures to resolve the problem of the high rate of maternal mortality by guaranteeing adequate prenatal, childbirth, and post-natal care and ensuring access to health-care facilities and medical assistance provided by trained workers in all parts of the country, particularly in rural areas. The Committee urges the State party to adopt regulations aimed at enforcing existing legislation on women's right to abortion and to give women access to high-quality services for the treatment of complications resulting from unsafe abortions. It invites the Ministry of Health to undertake a thorough investigation or study of unsafe abortions and their impact on women's health, in particular those resulting in maternal mortality, which will serve as the basis for legislative and policy action. It also urges the State party to facilitate a national dialogue on women's right to reproductive health, including on the consequences of restrictive abortion laws. It further recommends that the State party establish programmes that include measures aimed at raising victims' awareness of the importance of seeking medical treatment after an assault and reporting the incident.

44. The Committee regrets the lack of information available on the issue of HIV/AIDS, as well as on the apparent feminization of the disease in the State party, particularly among rural and indigenous women and girls.

46. While welcoming the State party's initiatives and social programmes aimed at empowering women living in extreme poverty, the Committee is concerned at the persistence of high levels of poverty and the social exclusion of women in Panama, especially rural and indigenous women, as well as obstacles preventing them

from enjoying basic rights.

47. The Committee urges the State party to strengthen initiatives aimed at encouraging women's economic empowerment, keeping in mind the specific situations of different groups of women. The Committee also encourages the State party to establish mechanisms to monitor regularly the impact of social and economic policies on women.

53. The Committee recommends that the State party step up its efforts to establish a comprehensive and unified system of sex-disaggregated information in all areas covered by the Convention. The Committee also recommends that the State party include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of measures taken and results achieved in order to illustrate more comprehensively the situation of women in several areas, in particular with respect to the issue of violence. The Committee invites the State party to give special attention to the collection of data in respect of the most vulnerable groups of women, including rural and indigenous women, migrant women and domestic workers, particularly girls.

Panama: A/53/38/Rev.1, 2 July 1998

199. The Committee is concerned that 53 percent of the female population is illiterate, the majority of these being indigenous women. It also expresses concern at the persistence of gender stereotypes, which results in a large number of adolescent girls terminating their education at an early age to marry or to undertake domestic work.

200. The Committee recommends that, as a matter of urgency, the Government of Panama should mount an aggressive educational campaign designed to ensure that all Panamanian girls and women have a full education and to reduce sharply the number of adolescent girls leaving school early to work in unskilled employment or to marry.

35. PARAGUAY

Paraguay: CEDAW/C/PRY/CO/6, 8 November 2011

12. The Committee is concerned that, despite the prohibition contained in article 48 of the Constitution, the State party's legislation does not provide definition of discrimination in accordance with article 1 of the Convention. The Committee is further concerned that, despite the preparation of draft laws on equality and against all forms of discrimination against women, endorsed by ministerial entities, several commissions of the legislative branch and civil society, these drafts have not been approved by the legislature. The lack of comprehensive law disproportionately affects disadvantaged groups of women, including indigenous and rural women, lesbians and transsexuals, who are particularly vulnerable to discrimination. The Committee is further concerned at the persistence of discriminatory provisions in the legislation which denotes need to further harmonize domestic legislation with international instruments ratified by the State party.

13. The Committee reiterates its recommendation to the State party to take effective steps to prohibit discrimination against women in line with article 1 of the Convention through the adoption of appropriate national legislation, such as the drafting of comprehensive law on discrimination that awaits the approval of parliament. The Committee also recommends that the State party review its domestic legislation in order to harmonize it with the Convention.

26. [...]The Committee is further concerned about the gap with regard to the education of indigenous girls.

27. The Committee recommends the State party to:

(d) Step up its efforts towards implementing equal education opportunities for indigenous girls.

32. The Committee welcomes the efforts by the State party to implement action to improve institutional services for rural women, such as the drafting of the Specific Policy for Rural Women (Política Específica para Mujeres Rurales). However, the Committee remains concerned about the disadvantaged position of women in rural

areas, who are most affected by poverty, challenges in access to health and social services and lack of access to land, not due to legal impediments, but to traditional practices and cultural patterns,

which are stronger in rural areas and indigenous communities. The Committee is further concerned that, despite the measures implemented to regulate the use of agro-toxic products, their misuse in agriculture can negatively impact on the health of rural women.

33. The Committee recommends the State party to:

[...] Implement specific policies with view to advancing the realization of women's rights, including through effective temporary special measures to accelerate the achievement of substantive equality;

(b) Strengthen its efforts to implement comprehensive nationwide health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as means of poverty alleviation; and

(c) Undertake comprehensive study on the probable negative causes of the misuse of agro-toxic products in agriculture in order to implement the necessary measures to eradicate their impact on the health of women and their children.

34. The Committee welcomes the efforts by the State party to improve the living conditions of indigenous women, including monolingual Guaraní women. However, the Committee reiterates its concern about the persistence of illiteracy, low school enrollment rates, poor access to health care and significant levels of poverty. The Committee is deeply concerned about the high levels of vulnerability in relation to the right to adequate food and to safe drinking water, especially in the Chaco region, which has been repeatedly affected by droughts. The Committee is also concerned about indigenous women's wages, which are usually below the national average.

35. The Committee recommends the State party to:

[...] Adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) to accelerate the realization of the rights of indigenous women;

(b) Ensure that indigenous women have easy access to schools and health services, in an affordable manner – both physically and financially – with bilingual services, which take into account the

special needs of women from monolingual indigenous communities; and

(c) Strengthen its efforts to realize the right to adequate food and water in consultative and participatory manner, involving indigenous women in order to achieve culturally adequate outcomes.

Paraguay: CEDAW/C/PAR/CC/3-5, 15 February 2005

36. The Committee is concerned about the poor conditions of indigenous women, including monolingual Guaraní women, reflected in their high illiteracy rates, which surpass the national average, low school enrollment rates, poor access to health care and significant levels of poverty that lead them to migrate to urban centers where they are even more vulnerable to suffer from multiple forms of discrimination.

37. The Committee urges the State party to ensure that all policies and programmes explicitly address the high illiteracy rates and the needs of indigenous women, including monolingual Guaraní women, and to actively seek their participation in the formulation and implementation of sectoral policies and programmes. It recommends that the State party strengthen its efforts to implement bilingual educational programmes at all levels of education and to ensure indigenous women's access to education and health care. The Committee also encourages the State party to adopt temporary special measures in accordance with article 4, paragraph 1, of the convention and the Committee's general recommendation 25, on temporary special measures, to accelerate such access for indigenous women. The Committee recommends that the State party strengthen its programmes of dissemination, education and training on the Convention and its Optional Protocol for indigenous women, including monolingual Guaraní women.

38. The Committee urges the State party to establish a mechanism to monitor and evaluate the implementation and impact of the current plans and policies aimed at realizing equality for women and to take such corrective action as may be necessary if they are found to be inadequate to achieve their intended goals. The Committee invites the State party to include in its next report an evaluation, including statistics, on the impact on women, including indigenous

women, monolingual Guaraní women and women from rural areas, of the actions, measures, policies and studies undertaken to achieve de facto equality between women and men.

Paraguay: A/51/38, 9 May 1996

124. The Committee acknowledged the State party's initiatives to provide bilingual education but expressed its concern at the inadequacy of those initiatives, which posed a major obstacle to women's access to social and economic opportunities, since a large percentage of the female population spoke only Guaraní, the predominant aboriginal language. The high illiteracy and drop-out rates were considered major impediments to the advancement of women.

133. The Committee recommended the wide dissemination of the Convention, primarily among women, and in particular among rural and indigenous people.

36. PERU

Peru: CEDAW/C/PER/CO/6, 2 February 2007

32. The Committee notes with concern the large number of women, particularly indigenous and rural women, who do not have any documentation registering their births and consequently cannot claim nationality and social benefits in the State party.

33. The Committee encourages the State party to expedite and facilitate the process of registration of women without documentation and issue birth certificates and identity documents. The Committee urges the State party to establish concrete goals and timetables for these women to be able to document their nationality, particularly in the rural areas, and provide information on the progress achieved in its next report.

36. The Committee is concerned about the situation of rural, indigenous and minority women which is characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services. The Committee is concerned

that widespread poverty and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against rural, indigenous and minority women. The Committee is further concerned about racism and multiple forms of discrimination against Afro-Peruvian women.

37. The Committee urges the State party to pay special attention to the needs of rural, indigenous and minority women, ensuring that they participate in decision making processes and have full access to justice, education, health services and credit facilities. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes, including with international organizations and bilateral donors, so as to address the socio-economic causes of discrimination against rural, indigenous and minority women through all available sources of support. The Committee encourages the State party to take more effective measures to eliminate discrimination against Afro-Peruvian women and to strengthen its efforts to combat and eliminate racism against women and girls in Peru.

Peru: A/57/38 (Part III), 15 August 2002

484. The Committee notes with concern that, in the period covered by the report, mention is made of numerous cases of sterilization of women without prior informed consent, using psychological violence or the promise of financial incentives, thus affecting women's right to decide the number and spacing of their children. The Committee is also concerned that, although the Deputy Defender for Women's Rights and other organs have condemned these practices, those responsible have not been punished.

485. The Committee recommends that all necessary measures should be taken to continue to provide the service of surgical sterilization so as to give women the right of free choice as regards their reproductive health, after they have been duly informed of the medical details and consequences of the operation and have given their consent. The Committee also recommends that a recurrence of these incidents should be avoided in the future. It further recommends that efforts should be continued to bring before the courts the persons responsible for this violation of the right to health.

494. Although the Committee recognizes that the State party is taking action in the Amazon region, through the National Institute for Family Well-Being, primarily for children and adolescents living in situations of risk or abandonment, it is concerned that there are no specific programmes for indigenous women.

495. The Committee recommends that the State party should strengthen the current programme and set up specific programmes for indigenous women in order to improve their economic, social and family situation and develop their economic skills, and to promote respect for their rights on an equal footing with men.

Peru: A/53/38/Rev.1, 8 July 1998

310. One of the main obstacles to full implementation of the Convention is poverty, which affects 44 percent of Peruvian women. The situation is worsening, with 18 percent of women living in extreme poverty. [...] Notwithstanding the national strategy for poverty alleviation introduced by the Government, the feminization of poverty is a reality in the country, and is worsening in rural areas and indigenous settlements, as well as in areas declared emergency zones. [...]

327. [...] Moreover, the Committee is deeply disturbed by the instances of sexual violence against rural and indigenous women and the high rate of sexual abuse of teenagers and girls in emergency zones.

329. The Committee emphasizes the vital importance of education in improving the situation of women. It notes with concern that drop-out rates among girls are very high, particularly in poor urban areas and in rural and indigenous areas.

330. The Committee recommends that programmes be undertaken to curb and reverse that trend and, where such programmes exist, it recommends that they should be made more systematic.

341. The Committee expresses concern at the lack of information and lack of access to adequate contraception among poor women in urban and rural areas, indigenous women and teenage girls.

342. The Committee recommends the establishment of family planning programmes that emphasize sex education, use of

adequate contraception and responsible use of sterilization services where necessary, with the patient's express authorization and after the consequences of such procedure had been fully explained.

Peru: A/50/38, 31 May 1995

438. The Committee raised concern about reports of rape, gang rape and custodial rape which had been documented by human rights organizations, especially those occurring in the "emergency zones" and affecting indigenous and peasant women.

37. THE PHILIPPINES

The Philippines: CEDAW/C/PHI/CO/6, 25 August 2006

5. The Committee notes with appreciation the adoption of laws which contribute to the enhanced implementation of the Convention. They include the Anti-Trafficking in Persons Act of 2003, the Anti-Violence against Women and Their Children Act of 2004, the Family Courts Act of 1997, the Rape Victims Assistance Act of 1998, the Indigenous People's Rights Act of 1997 and the Social Reform and Poverty Alleviation Act of 1997.

23. While acknowledging that the President, five Supreme Court justices, 17 appellate court justices and two justices in the Court of Tax Appeals in the Philippines are women, the Committee is concerned about the low level of participation of women in elected and public bodies.

24. The Committee calls upon the State party to establish concrete goals and timetables and to take sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to accelerate women's equal participation in political and public life and ensure that the representation of women in political and public bodies reflects the full diversity of the population, particularly indigenous women and Muslim women. [...]

29. The Committee expresses its concern about the precarious situation of rural and indigenous women, as well as the Muslim women

in the autonomous region of Muslim Mindanao, who lack access to adequate health services, education, clean water and sanitation services and credit facilities. The Committee is also concerned about women's limited access to justice in cases of violence, especially in the conflict zones, and the lack of sanctions against the perpetrators of such violence. The Committee is furthermore concerned that the practice of early marriage is persistent among Muslim women.

30. The Committee calls upon the State party to pay special attention to the needs of rural women, indigenous women and Muslim women living in the autonomous region of Muslim Mindanao, ensuring that they have access to health care, social security, education, clean water and sanitation services, fertile land, income-generation opportunities and participation in decision making processes. The Committee recommends that the State party ensure women's access to justice through the provision of legal aid and take steps to prosecute the perpetrators of violence against them. It also encourages the State party to provide increased educational opportunities to Muslim girls to discourage early marriages. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural, indigenous and Muslim women, and on the impact of measures taken and results achieved with policies and programmes implemented for these groups of women.

38. SURINAME

Suriname: CEDAW/C/SUR/CO/3, 2 February 2007

25. While noting the increase in the representation of women in the National Assembly, from 17.6 percent in 2000 to 25 percent in 2005, the Committee is concerned about the continuing under representation of women in public and political life and in decision making positions, including in the National Assembly, the Government, diplomatic services and regional and local/municipal bodies.

26. 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 23 and 25 to accelerate women's full and equal participation in elected and appointed bodies, including at the international level. Such measures should extend to indigenous and other racial minority women and include: establishing benchmarks, numerical goals and timetables; conducting training programmes on leadership and negotiation skills for current and future women leaders; and regular monitoring of progress made and results achieved. 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 for society as a whole.

27. The Committee continues to be concerned about discrimination against women in the field of employment and, in particular, with regard to the non-availability of paid maternity leave in the private sector, especially for women working in small businesses. The Committee is also concerned about childcare facilities, which lack regulation of any sort. It is concerned about the occupational segregation between women and men in the labor market and the persistent wage gap, as well as the high level of unemployment among women.

28. The Committee reiterates its recommendation that the State party ensure that all women workers have working conditions equal to those of men, including freedom from sexual harassment and social security benefits and provision for paid maternity leave for all working women, including those working in small businesses. [...]. It also recommends that efforts be strengthened to ensure access by women, including indigenous and other racial minority women, to vocational training. [...]

31. The Committee reiterates its concern about the precarious situation of rural women and women in the interior, in particular indigenous Amerindian and Maroon women, who lack access to adequate health services, education, clean water and sanitation services and to credit and other facilities and infrastructure.

32. The Committee reiterates its recommendation that the State party give full attention to the needs of rural women and women in the interior, particularly Amerindian and Maroon women, and ensure that they have access to health care, education, social security, clean water and sanitation services, fertile land, income-generating opportunities and participation in decision making

processes. It requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women in all areas covered by the Convention and on the impact of measures taken and results achieved in the implementation of policies and programmes that are targeted to enhancing the situation of these women.

Suriname: A/57/38 (Part II), 13 June 2002

65. The Committee is concerned about the situation of rural women, in particular the indigenous Amerindians and the Maroons, in the coastal plain and in the interior of Suriname, who are disadvantaged by poor infrastructure, limited markets, obstacles in availability and accessibility of agricultural land and agricultural credit, low literacy rates, ignorance of existing regulations, lack of services and environmental pollution. It notes with concern the serious absence of specific policies in all these areas, including on family planning and preventing the spread of sexually transmitted diseases, including HIV. The Committee is also concerned that women's work in rural areas is not considered productive labor and that they are hardly represented at all in local government bodies. The Committee is also concerned about the absence of detailed information on the situation of older women in rural areas.

66. The Committee urges the State party to give full attention to the needs of rural women, including older women, particularly Amerindian and Maroon women, to ensure that they benefit from policies and programmes in all areas, in particular access to health, education, social services and decision making. The Committee requests the State party to provide detailed information in this regard in its next periodic report.

39. SWEDEN

Sweden: CEDAW/C/SWE/CO/7, 8 April 2008

38. While noting the measures taken with the aim of enhancing integration of immigrant, refugee and minority women into the Swedish society and of including the women in the labor market,

the Committee continues to be concerned about their human rights situation and the fact that they continue to suffer from multiple forms of discrimination. The Committee notes that the 2007 action plan on violence recognizes women of immigrant or foreign origin as a particularly vulnerable group requiring special protection, but remains concerned at the violence and discrimination on the grounds of sex that they face in their own communities. The Committee is also concerned about a 2007 regulation demanding that a foreign national be accompanied by a close relative when obtaining identification documents, which may negatively affect abused foreign women, but notes the statement by the delegation that this regulation will be reviewed. While noting the appointment of a Delegation for Roma Issues, the Committee continues to be concerned at the remaining forms of discrimination experienced by Saami and Roma women in various contexts.

39. The Committee urges the State party to intensify its efforts to eliminate discrimination against immigrant, refugee and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against those women, both within their communities and in society at large, to combat violence against them, and to increase their awareness of the availability of social services and legal remedies as well as to familiarize them with their rights to gender equality and non-discrimination. The Committee also urges the State party to take effective measures to integrate them into the Swedish labor market. The Committee further urges the State party to review the 2007 regulation on identification documents. In addition, the Committee calls upon the State party to conduct regular and comprehensive studies on discrimination against immigrant, refugee and minority women, to collect statistics on their situation in employment, education and health and on all forms of violence that they may experience, and to submit such information in its next periodic report.

Sweden: A/56/38, 31 July 2001

356. Taking note of the efforts of the Government to combat discrimination, the Committee expresses concern about the continuing discrimination against immigrant, refugee and minority women in Sweden, including in education and employment, and at

the gender-based discrimination and violence that they face in their own communities. The Committee also expresses concern about discrimination against Sami and Roma women.

40. THAILAND

Thailand: CEDAW/C/THA/CO/5, 3 February 2006

33. The Committee is concerned about the situation of rural and hill tribe women, particularly in view of their lack of access to adequate nutrition, sanitation, healthcare services, education and income-generating activities.

34. The Committee requests the State party to address the needs of rural and hill tribe women in an urgent and comprehensive manner and to implement measures to ensure that rural and hill tribe women have full access to adequate nutrition, sanitation, health-care services, education and income-generating activities.

37. While welcoming the efforts made by the State party in granting Thai citizenship to 80 percent of the hill tribe people and approving it for 140,000 displaced persons, the Committee remains concerned about the complexity of the procedure for obtaining citizenship by hill tribe women. It is also concerned that many refugee women do not enjoy legal status in the country.

38. The Committee urges the State party to adopt measures that will facilitate and accelerate the process for obtaining citizenship by hill tribe women, including by addressing any corrupt practices by public officials responsible for determining the citizenship of applicants. It also calls on the State party to take steps that will ensure that refugee women can obtain legal status.

Thailand: A/54/38, 2 February 1999

239. The Committee expresses concern about hill-tribe women and girls, whose rights may not be effectively protected by national laws.

240. The Committee recommends the introduction of legislation and other measures to protect effectively the rights of hill-tribe women and girls.

41. UGANDA

Uganda: CEDAW/C/UGA/CO/7, 22 October 2010

39. Despite the existence of the State party's National Development Plan (2010/11-2014/15) and the reduction of poverty from 56 percent to 31 percent in 2006, including as a result of the former Poverty Eradication Action Plan, the Committee expresses its concern at the fact that 31 percent of the Ugandan population still lives below the poverty line, the majority of whom are women. The Committee is also concerned that female-headed households are more disproportionately represented among the chronically poor and households moving into poverty. The Committee is further concerned that, according to research studies, women experience severe constraints, including limited access to the key factors of production, such as land, capital and micro finance facilities, as well as several legal and administrative obstacles that constrain their level of entrepreneurship. The Committee also notes with concern the particularly marginalized situation of the Batwa women.

40. The Committee urges the State Party to continue to intensify the implementation of gender-sensitive poverty reduction and development programmes in rural and urban areas and to pay particular attention to the Batwa women in the development of such programmes. The Committee also reiterates its recommendation that the State party continue to develop targeted policies and support services for women aimed at alleviating and reducing poverty.

42. VENEZUELA

Venezuela: CEDAW/C/VEN/CO/6, 31 January 2006

8. The Committee commends the State party for the nationwide implementation of education, literacy, health and economic programmes, which will have a positive impact on the status of women, particularly indigenous women and women of African descent.

16. The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes, which also benefit women, and temporary special measures under article 4, paragraph 1, of the Convention, which are necessary to accelerate the achievement of de facto equality for women in various areas, as clarified by the Committee in general recommendation No. 25. It also encourages the State party to strengthen the application of temporary special measures to accelerate de facto equality between women and men. The Committee urges the State party, in particular, to take such measures to accelerate the achievement of de facto equality of indigenous women and women of African descent in the fields of education, employment, health and public and political life.

18. The Committee urges the State party to establish effective monitoring mechanisms, through inter-institutional involvement at all levels, in order to systematically assess the implementation and impact on the status of women of gender equality policies and national programmes in all regions and to strengthen the interaction with non-governmental organizations in this process. Based on such assessments, the Committee invites the State party to undertake corrective measures whenever necessary. The Committee recommends that the State party develop, adopt and implement, at the national level, a comprehensive and coordinated plan of action to ensure gender mainstreaming at all levels and in all areas. The Committee requests that the State party provide, in its next report, statistical data and analysis, disaggregated by sex, on the impact of its programmes and policies on women and men in urban and rural areas and on indigenous groups and groups of African descent.

24. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; and awareness-raising campaigns directed at both women and men, designed, whenever possible, with the involvement of the media and civil society, including non-governmental organizations, to address stereotypes regarding the roles of women and men with a view to combating discrimination against women, in particular against indigenous women and women of African descent. The Committee

also calls upon the State party to periodically review the measures taken, especially their impact, to identify shortcomings, to adjust and improve those measures accordingly and to report thereon to the Committee in its next report.

26. The Committee urges the State party to take immediate effective measures to eliminate any obstacles that may be encountered by women victims of violence in obtaining precautionary measures against perpetrators of violence and to ensure that such measures remain easily accessible to them. The Committee underscores the need for the State party to place high priority on the comprehensive implementation and evaluation of the Violence against Women and the Family Law and to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that perpetrators of violence against women are prosecuted and adequately punished. It encourages the State party to enhance effective access to legal aid for women from all regions, including indigenous women and women of African descent. [...]

32. The Committee recommends that the State party pay special attention to the effective implementation and monitoring of the national plan of action on sexual and reproductive health. The State party should place higher priority on the provision of family planning services, including information on contraceptives and their wide and easy availability in all regions of the country, as well as the provision of sex education, addressing both young women and men. The Committee urges the State party to ensure effective access of women to such information and to sexual and reproductive health services, particularly to young women, women from rural areas, indigenous women and women of African descent. [...]

Milestones have been achieved in the development of human rights instruments and standards, including a particular treaty instrument for women. But these have yet to be translated and made real in the lived experiences of indigenous peoples on the ground—to take the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to test it in the context of indigenous women; to take the United Nations Declaration on the Rights of Indigenous Peoples and use it to inform and educate governments, treaty bodies and other standard setting bodies.



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