

Implementation

Policy Booklet

January 2017



**EVERY
WOMAN
TREATY**

The next step in ending violence
against women & girls.

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NOTE: Memos were written using Everywoman, Everywhere, our original name.

Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

**by the Expert Special
Committee on Governing
Bodies**

January 2017

1. Introduction

A. *Committee Members and Mandate*¹

The Governing Bodies Committee (GBC) is composed of the following independent experts: Francisco Rivera Juaristi (Chair – Puerto Rico); Ronagh McQuigg (Ireland); Stephanie Willman Bordat (Morocco); Laura Nyirinkindi (Uganda); Gulnara Mammadova (Azerbaijan); Shazia Choudhry (UK); Rhona Modesto San Pedro (Philippines); Millicent Bogert (USA); Natalie Eslick (Australia).

In determining the GBC's mandate, we took into account the ongoing debate about whether a UN VAW treaty will be conceived as its own stand-alone instrument or as a protocol to CEDAW. Aware that the outcome of this debate will likely be determinative of the treaty's monitoring mechanism, the GBC nevertheless decided that its mandate would be to suggest ideas and proposals to discuss with the drafting committee regarding the governing body or bodies that will monitor implementation of a stand-alone UN VAW treaty. Additionally, the GBC determined that its mandate at this stage does not include drafting and suggesting precise language to include in the treaty.

The GBC used the following three questions to guide its discussions about possible governing bodies that will monitor the implementation of an independent UN VAW treaty: What do we want to replicate from existing mechanisms? What pitfalls do we want to avoid? Where do we want to be forward-thinking?

B. *Scope of Research: Existing Relevant Governing Bodies and Mechanisms*

To fulfill its mandate, the GBC looked at the following existing governing bodies and monitoring mechanisms and drew lessons that will be analyzed in the next section of this memo:

1. UN Human Rights Treaty Bodies
2. Inter-American Human Rights System (Belém do Pará Convention)
3. Council of Europe (Istanbul Convention)
4. African HR System
5. Asian Mechanisms
6. MENA Mechanisms
7. OECD National Contact Points
8. Non-Human Rights Treaties and Monitoring Mechanisms
9. National Human Rights Monitoring Mechanisms

C. *Preliminary Considerations*

¹ See Annex 1 – Committee Member Bios.

A primary consideration for the GBC is the likely impact on monitoring mechanisms of having a protocol to CEDAW as opposed to a stand-alone treaty. A determination on this key matter will clarify whether a new monitoring/governing body will be created or whether the role of monitoring compliance with specific treaty terms will fall within the ambit of the CEDAW Committee. Upon consideration of this matter (see Annex 6 detailing pros and cons for all options considered by the committee), it is the GBC's view that a stand-alone treaty with its own independent monitoring body would be preferable. The recommendations detailed in the present memo stem from this point of view.

2. Summary of the Committee's Discussion of Treaty Content

The GBC had a series of larger committee discussions, a series of smaller memo drafting working sessions which included an extensive research process, and conducted two specific consultations for inputs to inform this committee's process and recommendations.

The committee discussions included:

- the pros and cons of the current relevant prevailing text/treaty language;
- thoughts on the effectiveness of current international/national monitoring bodies;
- lessons learned from existing monitoring bodies;
- the identification of language and practices for the Drafting Committee to consider;
- how to think creatively about new monitoring/enforcement possibilities;
- a critical examination of the regional VAW frameworks including the Istanbul Convention, Belém do Pará, Maputo Protocol, the ASEAN Framework, and the MENA Framework;
- the examination of the monitoring activities that the treaty bodies perform (consideration of State party reports and issuing concluding observations, interpretations of the treaty (general comments), carrying out inquiries, consideration of communications, petitions, etc.);
- a review and examination of the four types of non-human rights treaties and monitoring mechanisms: arms control, environmental, the NAAEC, and ILO conventions;
- a review and examination of the IAHR System/Disabilities/OECD conventions and guidelines;
- a review and examination of the UN Human Rights Treaty Bodies;
- a review of national human rights monitoring bodies/national action plans;
- feedback on the Draft Treaty Outline circulated in June and identification of key priority areas that the committee wants to address; and

- the development and execution of two sets of consultative questions on:
 - 1. pros and cons of convention vs. protocol with the chairs and memo drafters of all 15 committees, and
 - 2. individual communications consultation with members of this committee.

3. Critical Analysis of Existing Relevant Governing Bodies and Monitoring Mechanisms

UN Human Rights Treaty Bodies

Assuming that this endeavor will result in a new and stand-alone UN treaty on VAW, the GBC has considered how a governing body similar to other UN human rights treaty bodies (namely, a Committee composed of independent experts) could carry out its monitoring functions. The following sections contain a description of the lessons learned from this analysis, paying particular attention to the following treaty monitoring functions and activities: 1) State reporting; 2) general comments; 3) individual communications; 4) State communications; 5) interim measures; 6) inquiry procedures; 7) participation of specialized agencies; 8) conference of States Parties; and 9) national implementation and monitoring mechanisms.

1) State reporting – The GBC recommends adopting a state reporting mechanism similar to those described in Articles 35 and 36 of the Convention on the Rights of Persons with Disabilities (CRPD) and in Articles 73 and 74 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). Article 36.2 CRPD allows the treaty body to review state compliance with the treaty even when the State Party has not submitted the required report. Article 36.4 CRPD also requires States Parties to widely disseminate locally the State’s report and the Committee’s recommendations. The treaty should mention that the Committee has the authority to issue reporting guidelines. This reporting process should also be guided and informed by the 2012 report on treaty bodies drafted by the UN High Commissioner for Human Rights.²

2) General comments – Like any other UN human rights treaty body, the Committee should have the authority to interpret the provisions of the VAW treaty in the form of “general comments.”

3) Individual communications – The GBC is of the view that the governing body should be able to consider individual communications alleging violations of the rights set forth in the VAW treaty by State Parties. The GBC understands that there is some debate regarding such individual complaint mechanisms before UN treaty bodies, and therefore is inviting other stakeholders to discuss the following considerations: (a) whether a mechanism of individual communications is desirable, and if so (b) whether such a mechanism should be integrated into the text of the treaty or in an optional protocol.

² See Navya Pillay, *Strengthening the United Nations human rights treaty body system: A report by the United Nations High Commissioner for Human Rights* (2012), available at <http://www2.ohchr.org/english/bodies/HRTD/docs/HCREportTBStrengthening.pdf>.

The GBC's view is that an individual communications mechanism should be integrated into the text of the treaty itself, as opposed to being contained in an optional protocol. Although there is some degree of risk that the mandatory acceptance of an individual communications mechanism upon ratification may discourage some states from becoming parties to the treaty, this risk is outweighed by the benefits entailed as regards strengthening the enforcement procedures. A plausible alternative would be to allow States to opt out of this individual communications mechanism by submitting a declaration to that effect. In the event that an "opt out" option is favored, the treaty should still require States Parties to allow individuals to bring such claims locally, the States' reports should include information about these individual cases, and civil society should be invited to provide information about these cases to the Committee's attention.

4) State communications – Although no State has ever used such provisions, the GBC recommends that the treaty include language that allows for State Parties to complain to the relevant treaty body (Committee) about alleged violations of the treaty by another State Party.

5) Interim measures – The treaty should allow the Committee to adopt interim measures (essentially a stay of proceedings) in urgent cases to preserve a situation until the Committee can make a final decision on a given matter before it.

6) Inquiry procedures – The text of the treaty should allow the Committee to initiate inquiries (investigations) if it has received reliable information containing well-founded indications of serious or systematic violations of the conventions in a State party.³

7) Participation of specialized agencies – The treaty should allow the Committee to consult with and invite the participation of other UN specialized agencies through inter-agency reporting mechanisms.⁴

8) Conference of States Parties – The treaty should allow for States Parties to meet regularly in conference of States Parties to consider matters regarding the implementation of the treaty, assess strengths and weaknesses in implementation, share information and data, and facilitate technical assistance.

9) National implementation and monitoring mechanisms – The GBC recommends the adoption of language that requires States Parties to create or designate national entities in charge of implementing and monitoring compliance with the VAW treaty. The language from Article 33 of the CRPD is illustrative of the GBC's thoughts on this matter.

In addition, the GBC recommends that the treaty require States Parties to develop their own **action plans** to implement and monitor compliance with the treaty. The reporting mechanism

³ See Art. 20 CAT; Art. 8 CEDAW Opt. Prot.; Art. 6 CRPD Opt. Prot.; Art. 33 CED; Art. 11 ICESCR Opt. Prot., and Art. 13 CRC Opt. Prot. on communications procedure.

⁴ See, e.g., Art. 38 CRPD.

described above would complement these national monitoring mechanisms by providing some sort of external auditing of local implementation.

Inter-American Human Rights System (Belém do Pará Convention)

The Belém do Pará Convention is a stand-alone treaty within the Inter-American Human Rights System that focuses specifically on VAW.⁵ As such, the lessons learned from its monitoring mechanisms are highly valuable. In essence, the treaty requires States Parties to submit reports to the Inter-American Commission of Women. However, in 2004, states wanted to develop a follow-up mechanism to these reports and created MESECVI, which is a process composed of the following two bodies: (1) a Conference of States Parties (the political organ, made up of State representatives that meet periodically to discuss best practices and issue guidelines and resolutions), and (2) a Committee of Experts (which is more independent and receives reports and issues recommendations with the technical assistance of the Inter-American Commission of Women).⁶

The monitoring process of this Committee of Experts is similar to that of the UN Treaty Bodies discussed in the previous section of this memo, which the GBC viewed favorably. The GBC also favorably views the idea of incorporating into a VAW treaty something similar to the Belém do Pará Conference of States Parties (a political organ that meets periodically).

An important lesson learned from the Belém do Pará treaty is that a new VAW treaty should explicitly mention which violations would be justiciable under an individual communications mechanism. Belém do Pará limits justiciability to a single article of the convention and is unclear as to which governing body has jurisdiction to hear individual communications.

Council of Europe (Istanbul Convention)⁷

Under the Istanbul Convention,⁸ States Parties must submit an initial report based on a detailed questionnaire prepared by GREVIO. At the commencement of each subsequent monitoring round, GREVIO will choose the specific provisions of the Convention on which the evaluation

⁵ OAS, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará,” available at www.oas.org/juridico/english/treaties/a-61.html.

⁶ OAS, MESECVI, “Statute of the mechanism to follow up on the implementation of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women,” “Convention of Belém do Pará,” approved at the First Conference of States Parties held in Washington D.C. on October 26, 2004, available at <http://www.oas.org/en/mese cvi/docs/MESECVI-BasicDocuments-EN.doc>.

⁷ See Annex 2 for more information on monitoring mechanisms in the Istanbul Convention.

⁸ See generally the Istanbul Convention website <http://www.coe.int/en/web/istanbul-convention/home>. The full text of the Convention can be found at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c>. For discussion of the Istanbul Convention as a whole, see Gormley L., “The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: A consolidation of existing international law, or a significant progression?” (2014) *European Human Rights Law Review*, 606–617.

procedure will be based and will send out a questionnaire accordingly. This should allow the aspect of state compliance chosen for monitoring to be analyzed in greater detail than would otherwise be the case. Also, it may enable GREVIO to carry out its work in a more efficient manner and help to avoid the considerable backlogs in the examination of reports which have caused substantial problems for the UN human rights treaty bodies. The Istanbul Convention encompasses detailed information on what will be expected of States Parties in relation to the reporting procedure, which in itself is advantageous.

GREVIO must take due consideration of the existing information available from other regional and international bodies. This should help to ensure that the best possible use is made of any existing sources of information, in order to avoid unnecessary duplication of work. The involvement of civil society groups is also vital in terms of effectiveness.

Importantly the inquiry procedure has been incorporated into the main provisions of the Istanbul Convention and no reservations can be entered in respect of this aspect of the Convention.

Although it is not yet clear precisely how the Committee of the Parties (comprised of representatives of the States Parties) will operate, the existence of this body should help to ensure equal participation of all the States Parties as regards the monitoring procedures of the Convention; and strengthen cooperation between the States Parties themselves, and also between the States Parties and GREVIO. It is also provided that national parliaments shall be invited to participate in monitoring implementation, and States Parties must submit the reports of GREVIO to their national parliaments. These provisions have the advantage of emphasizing the important role of national parliaments in implementing human rights instruments, which, in many cases, requires legislative changes.

The capacity of GREVIO to adopt general recommendations is also important, due to the fact that, although these will not be legally binding, they should help to contribute to effective implementation by providing further guidance to States Parties.

The main problem with the monitoring procedures however is that there is no individual communications mechanism.

African Human Rights System

Although the GBC looked at the monitoring mechanisms within the African human rights system, it found that most if not all of its monitoring functions are similar or identical to others described in this memo and therefore will not be analyzed or described separately here. These mechanisms include a Commission and a Court that, similar to those in the Inter-American System, can hear individual violations of applicable international law. The region also has a Special Rapporteur on VAW that resembles the Special Procedures found in the UN System and in the Rapporteurships in the Inter-American System.

*Asian Human Rights Mechanisms*⁹

The ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Rights of Women and Children (ACWC), along with the Asia Pacific Forum of National Human Rights Institutions (APF), provide the most comprehensive dialogue around human rights in the region, though they are incomplete in member representation from all Asian countries. These organizations do not have a binding convention or court, or specific mandate to receive and investigate complaints of human rights violations.

AICHR drafted the Declaration of the Elimination of Violence Against Women and Elimination of Violence against Children in ASEAN in October 2013, which aims to integrate legislation, policies, and measures to prevent and eliminate VAW; strengthen, enact, and amend national legislations and mechanisms to eliminate VAW; enhance protection, services, etc., and to implement concluding observations from CEDAW; strengthen a holistic, multidisciplinary approach to promoting rights of women and a gender-sensitive approach to eliminating VAW; and strengthen partnerships with international, regional, and national bodies. ACWC's mandate includes encouraging ASEAN Member States to collect and analyze sex disaggregated data; undertake periodic reviews of national legislation, policies, and practices related to the rights of women and children; and facilitate the sharing of experiences and good practices between ASEAN Member States in order to improve implementation of CEDAW and CRC. Finally, APF provides advice and expertise to members, governments, and civil society on legislation to establish, re-establish, or strengthen NHRIs, international accreditation of NHRIs, and comparative analysis of legislative good practice, "best practice" models, or compliance with international standards for NHRIs set out in the Paris Principles by providing training programs, capacity assessments, specialized programs, and dialogues.

The GBC favors the collaborative nature of APF insofar as it facilitates equitable dialogue and sharing of expertise between a strong civil society, national human rights institutes, state member national governments, intergovernmental bodies, and UN agencies, thereby promoting and supporting the implementation of international treaty commitments in domestic policy, legislation, and practice.

*MENA Human Rights Mechanisms*¹⁰

The Committee appreciates the explicit recognition of women's equality and rights in the Cairo Declaration of Human Rights in Islam and the Arab Charter on Human Rights, and also the vulnerability of women and girls living under foreign occupation. The NHRIs have potential to protect the rights of women and girls in the MENA region, which will be realized with the support of regional consortiums such as the Arab Network of National Human Rights Institutions and the Asia Pacific Forum. The monitoring and advocacy currently done by the Alkarama Foundation is an excellent model for civil society organizations to promote and protect human rights.

⁹ See Annex 3 for more information on human rights monitoring mechanisms in Asia.

¹⁰ See Annex 4 for more information on human rights monitoring mechanisms in the MENA region.

OECD National Contact Points

The OECD and the International Coordinating Committee of National Human Rights Institutions concluded a Memorandum of Understanding to promote respect of the OECD's human rights guidelines for Multinational Enterprises. The GBC views such national implementation initiatives favorably and recommends that the treaty include text requiring States Parties to develop domestic mechanisms to ensure treaty compliance.

*Non-Human Rights Treaties and Monitoring Mechanisms*¹¹

There are many examples of non-human rights treaty monitoring bodies.¹² The Landmine Ban Treaty monitors state compliance through a system called Meeting of the Parties (MOP) and a five year Conference of the Parties (CSP). The main monitoring systems of the Montreal Ozone Protocol are through an implementation committee and a MOP that includes representation from NGO and UN agencies, annual state reports, and the setting of action plans and performance targets. The North American Agreement on Environmental Cooperation (NAAEC) permits individual and NGO submissions alleging state noncompliance to its Secretariat. The International Labour Organisation's monitoring procedure consists of state reports, collective and state party reporting.

The GBC views favorably Meeting of the Parties or Conference of the Parties similar to those of the Landmine Ban Treaty, the Montreal Ozone Protocol, and the ILO, particularly as these enable civil society involvement with political actors. The individual communications mechanism under NAAEC is something the GBC also favors, insofar as it allows individuals to allege individual violations by states.

National Human Rights Monitoring Mechanisms

NHRIs could be a useful ally in rallying at the national and regional level for an instrument on violence against women if they were convinced of its importance and utility. The disadvantage is that since they are embedded within the UN too, they could fall prey to politicization if the UN system and critical actors were to block any moves on a new VAW instrument.

¹¹ See Annex 5 for more information on non-human rights monitoring mechanisms.

¹² See generally, Barratt-Brown, Elizabeth P. "Building a monitoring and compliance regime under the Montreal protocol." *Yale J. Int'l L.* 16 (1991): 519; Exemptions, Essential-Use. "Montreal Protocol/MOP-24." *Environmental Policy and Law* 42.6 (2012): 324; International Campaign to Ban Land Mines website: <http://www.icbl.org/en-gb/home.aspx>; Landmine and Cluster Munition Monitor website: <http://www.the-monitor.org/en-gb/our-research/landmine-monitor.aspx>; ILO website: <http://www.ilo.org/global/lang-en/index.htm>; Montreal Protocol website: <http://ozone.unep.org/en/treaties-and-decisions/montreal-protocol-substances-deplete-ozone-layer>, and North American Agreement on Environmental Cooperation website: <http://www.cec.org/about-us/NAAEC>.

The NHRIs vary according to local contexts, with some having solid autonomy and others being more limited due to the state controlling resources and proscribing operational powers and mandates. However, the independence of the NHRIs in some despotic countries has been tested by non-compliance or indifference from executive sections to the mandate and decisions of the NHRIs.

Many NHRIs lack the aspect of addressing individual complaints of victims of human rights abuses or violations. This denies victims an important avenue for access to justice and weakens the mandate of the NHRI to protect and promote human rights.

Due to the breadth of the thematic issues that they handle, in many cases NHRIs are challenged by competing demands and in contexts where they are under-resourced both financially and materially, this presents significant capacity constraints. Many governments do not invest enough in building the capacities of the NHRIs, especially those that are reluctant to see effective governance institutions. There is a temptation and tendency to relegate women's rights and gender issues to institutions such as dedicated ministries or councils handling women's rights, leading to an isolationist and gender blind approach to addressing human rights.

Because members of NHRIs are drawn from their national communities and societies, there is a danger that they may reflect and reinforce stereotypes and attitudes of the dominant societies.

While there may be challenges with the autonomy and operationalization of NHRIs, it is encouraging that there are almost twice as many NHRIs which have been accredited with the A status as the other categories. This is indicative of a growing willingness by states to establish human rights institutions that will protect and promote the rights of citizens. The NHRIs also link up to critical UN structures and processes and form a useful entry point into the UN system. Working with NHRIs and civil society to protect women from violence and to lobby for the ratification of an enforceable instrument on VAW could have many benefits and it may be productive to explore meaningful engagement with NHRIs.

4. Recommendations

The GBC recommends adopting a treaty, rather than an optional protocol, that is supervised and monitored internationally by a committee of independent experts, and requires states to develop strong domestic implementation, enforcement, and monitoring mechanisms and action plans.

4.1 The international monitoring mechanisms should include:

- A state reporting mechanism. The committee should be given powers to issue reporting guidelines, and to publish its findings and state responses.
- The ability to interpret the provisions of the treaty in the form of general comments.
- A compulsory individual communications mechanism that does not require states to opt in (give consent) by ratifying a separate protocol or submitting a separate declaration.

- A state communications mechanism.
- The ability to adopt interim measures.
- A compulsory inquiry procedure to investigate alleged systematic violations.
- The participation of specialized UN agencies and bodies, as well as domestic and international civil society organizations.
- Clear guidelines on the justiciability of rights in the treaty.
- A separate political body comprised of representatives from the States Parties and civil society organizations, a purpose of which should be to contribute towards implementation and to share good practices.

4.2 The treaty should additionally include provisions that aim to ensure **proper implementation and monitoring**. The GBC recommends that this could be achieved by the following:

- A requirement for states to establish a domestic body to implement and ensure compliance. The GBC recommends that consideration should be given to empower this domestic body to hear individual communications.
- The treaty should mention that States Parties must ensure the monitoring mechanisms have adequate resources both domestically and internationally.
- The treaty should ensure that technical and expert support is provided upon request by States Parties. Any financial penalties for noncompliance can be used to fund this.
- States should be required to undertake national action plans and to consult with civil society groups that address VAW.
- The use of questionnaires as regards reporting should be adopted along the lines of GREVIO in the Istanbul Convention or the General Survey used by the ILO. This allows continued dialogue with the monitoring body to explore means of overcoming identified obstacles to implementation.

Supporting Documents:

- I. [Annex 1 - Committee Member Bios](#)
- II. [Annex 2 - Monitoring Mechanisms in the Istanbul Convention](#)
- III. [Annex 3 - HR Monitoring Mechanisms in Asia](#)
- IV. [Annex 4 - HR Monitoring Mechanisms in MENA region](#)
- V. [Annex 5 - Non-Human Rights International Monitoring Mechanisms](#)
- VI. [Annex 6 - Consultation on Treaty vs. Protocol](#)

I. Annex 1

Committee Member Bios:

(Chair) Francisco Rivera – Puerto Rico

Francisco J. Rivera Juaristi is a Human Rights Attorney from Puerto Rico who specializes in the Inter-American Human Rights System. Prior to joining the Santa Clara University School of Law (in California) as Founding Director of the law school's International Human Rights Clinic and as Co-Director of its Costa Rica and Geneva Summer Programs on Human Rights, Francisco was a Senior Staff Attorney at the Inter-American Court of Human Rights of the Organization of American States seated in Costa Rica, where he was also Director of that court's internship program. In the late 1990s, he also served as Executive Director of the Amnesty International Section in Puerto Rico. He has been a Consultant for a number of non-governmental organizations (NGOs), as well as for the United Nations Development Fund (UNDP), the International Labor Organization (ILO), and the Inter-American Institute of Human Rights (IHR). Francisco has worked on several cases and thematic hearings before the Inter-American Commission on Human Rights, has also submitted numerous amici curiae briefs before the Inter-American Court of Human Rights, and is also a stakeholder and shadow reports before the United Nations. He writes regularly for Corte IDH Blog on recent developments before the Inter-American Human Rights System.

(Memo Drafter) Ronagh McQuigg – Ireland

Ronagh did her PhD analysis on the effectiveness of international human rights law in relation to the issue of domestic violence. She then undertook professional training and qualified as a Solicitor in 2008. She joined the School of Law, Queen's University Belfast, as a Lecturer in 2009. One of her primary research interests lies in examining domestic violence through the lens of human rights law and she has published widely in this area, including a book entitled *International Human Rights Law and Domestic Violence* (Routledge, 2011).

(Memo Drafter) Vanessa Bettinson – UK

Vanessa Bettinson is Reader in Law at De Montfort University, a Fellow of the Royal Society of Arts, and Co-Founder of De Montfort University's Sexual Violence and Domestic Violence Research Network. As a Director and Trustee of women's charity New Dawn New Day and Leicester Women's Counselling Centre she is passionate about the empowerment of women and girls and combating all forms of violence against them. Vanessa's research focuses on legal and interdisciplinary approaches to domestic violence/abuse and she has organised several national/international conferences and events that enable stronger networks between practitioners, researchers, and students. Vanessa has published widely and is the Co-Editor of the book *Domestic Violence: Interdisciplinary Perspectives on Protection, Prevention and Intervention* (Palgrave, 2016).

(Memo Drafter) Laura Nyirinkindi – Uganda

Laura Nyirinkindi is a specialist in the area of Gender, Rule of Law, and Development. She has extensive experience of over 12 years working in the thematic area of gender mainstreaming, equality, and rights-based approaches to development. Laura has developed extensive reference materials and trained in over 12 developing countries through partnership with development partners in the area of gender and human rights-based approaches. Laura has strong research, training needs, analytical, presentation, and report-writing skills. She has undergone several courses on the use of highly participatory methodologies for trainers and

also trains potential trainers in the development and use of these skills. She has worked with several UN agencies in Africa and is well versed with the UN system and programmatic framework. Laura is the Director in Pro Initiatives Agency, a firm she founded, and has worked there from 1999 to date. She taught Regional and International Law at Kampala International University until December 2007. She has been the Chairperson of the Board of Directors, Uganda Association of Women Lawyers (FIDA-Uganda, 2010–2014) and sits on the Board of the Legal Aid Clinic of the Law Development Centre.

(Memo Drafter) Natalie Eslick – Australia

Natalie is a graduate of Australia’s Curtin University with a Master of Human Rights Degree with High Distinction focused on violence against women in the geographical area of Oceania. Her undergraduate degree was in Psychology. She was a volunteer team leader for Kiva for three years, responsible for up to 20 Spanish Translators spread all over the globe translating borrower’s stories into English for Kiva.org. As part of a team, in 2013 she completed the Oxfam Sydney Trail walker endurance event—trekking 100 km through tough Aussie bush in under 48 hours—raising \$7,250 for Oxfam. Natalie began working with the Harvard Kennedy School’s Carr Center for Human Rights Initiative on Violence Against Women in its inception in October 2013, undertaking program development and administration, and volunteer coordination roles. She was involved in the first research briefing at the Carr Center and first special event in NYC in March 2013. She continues her work with the Everywoman, Everywhere supporting all aspects of the organization’s programs, website, and communications, as well as undertaking research.

(Memo Drafter) Millicent Bogert – USA

Millicent joined Everywoman, Everywhere in 2014 as a member of the East/Central Asia working group while she was with MONFEMNET National Network in Mongolia. Prior to that, she worked for children’s rights in Malaysia, participating in the civil society reporting for the Convention on the Rights of the Child and the Universal Periodic Review. She also spent many years in city government as a Legislative Aide and Performance Auditor. Her strong interest in addressing VAW dates back to volunteering at the local women’s shelter while studying Anthropology at Stanford University. Now back in San Francisco after several years in Asia, she is very glad to bring all the pieces together as a member of the Everywoman, Everywhere team.

(Member) Stephanie Willman Bordat – Morocco

Stephanie is a Common Law and Civil Law-trained Attorney. As a Founding Partner at Mobilising for Rights Associates, she collaborates in the development, implementation, and evaluation of multifaceted women’s rights programs, including grassroots-level human and legal rights education, legal accompaniment, monitoring and documentation of the justice system, action research, strategic litigation, national law reform, and international advocacy. Stephanie has previously lived and worked on violence against women and family law issues with women’s rights NGOs in France, Spain, England, the Netherlands, Pakistan, India, Egypt, Jordan, Yemen, and Afghanistan. In the United States she worked as a Sex Worker Outreach Volunteer, Sexual Assault Crisis Counsellor, and Appellate Court Law Clerk. She speaks English, French, the Moroccan dialect of Arabic, and Spanish.

(Member) Gulnara Mammadova – Azerbaijan

Gulnara Mammadova-Ochguder is a Freelance Consultant specialized in gender and women's rights with a focus on organizational change and capacity building. Since 2008 she has worked to build networks of women's rights advocates and facilitate organizational, institutional, and policy change at NGO and governmental levels with support from organizations such as the European Union, World Bank, Global Fund for Women, Eurasia Foundation, Novib-Oxfam Netherlands, AWID, and local Azeri NGOs. Gulnara advocated for women in Azerbaijan and the CIS region through the UN Commission on the Status of Women and AWID forums, as well as the International Gender Policy Network. As Network Women's Program Coordinator, Gulnara helped establish the first Gender Informational Center, Center for Gender Research and Center of Empowering Education in Azerbaijan. Research conducted on reproductive health and rights was used to develop national legislation, and the capacity building and advocacy work on violence against women led to the Domestic Violence Law in Azerbaijan. Gulnara participated in the Central Asia and Caucasus regional program on elimination of violence against women, which supported production of films highlighting discrimination against women. One of these films, *Wishing for Seven Sons and One Daughter*, received several local and international awards and has been used to advocate for new state programs and legislation, spark public debates on women's rights issues, training for scholars and NGOs, and promote research by government bodies.

(Member) Shazia Choudhry – UK

Dr. Shazia Choudhry is Reader in Law at Queen Mary, University of London. She is also a qualified Solicitor and previously practised family law within the specialist legal aid sector at the beginning of her career. Her research interests lie in the fields of European and UK human rights law and in particular the interface of those fields with substantive areas of family law. Particular areas of interest include the impact of the Human Rights Act 1998 (HRA) and the European Convention on Human Rights (ECHR) on forced marriage and honour-based violence, violence against women as a human rights issue, and the effect of rights-based reasoning in the law relating to children. She has spoken and published widely on violence against women including two books, a monograph (with Herring) titled *European Human Rights and Family Law* (Hart, 2010) and (with Herring and Wallbank) *Rights, Gender and Family Law* (Routledge-Cavendish, 2009), a collection which explores the links between gender and rights in a detailed and comprehensive way. She was appointed Specialist Adviser to the Joint Parliamentary Committee on Human Rights Inquiry into Violence against Women 2014, is a member of the Crown Prosecution Service's Consultation Group on Violence against Women, and is an Expert Adviser for Women's Aid UK.

(Member) Rhona Modesto San Pedro – Philippines

Judge Rhona San Pedro is a Commercial Court and Family Court Judge from the Philippines. She is a Professorial Lecturer of the Philippine Judicial Academy and a member of its Commercial Law Department and Committee on Curriculum Review and has lectured extensively on various topics both in the Philippines and abroad. Her work in judicial education finds roots in her being a Fellow of the Commonwealth Judicial Education Institute in Canada. She has sat as a member of several committees on rules revision such as those on rules of

procedure for intellectual property rights cases, rules of civil procedure, and continuous trial. She was tapped by the USAID and American Bar Association to write a manual on corporate rehabilitation proceedings and on the highlights of the new rules of procedure for intellectual property rights cases. Currently, she is co-writing a book on human trafficking, with the US DOJ as sponsor. In the field of women's rights, aside from her work on trafficking, she has been invited by the UN-Women to lecture on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and on avoiding gender stereotyping in court decisions and by UN-AIDS to lecture on access to medicine. She has served at all four levels of the judiciary, previously working as Court Attorney in both the Court of Appeals and the Supreme Court and was a first level Court Judge for three years. She has been a Judicial Excellence Awardee and one of three Outstanding Judges for 2011.

II. Annex 2

From: Ronagh McQuigg
To: GBC memo drafting team
Date: June 2016
Re: Monitoring mechanisms in the Istanbul Convention

Istanbul Convention.

(a) Examples of current governing bodies and what they do.

The Istanbul Convention's monitoring body is the Group of experts on action against violence against women and domestic violence (GREVIO). The members of GREVIO are elected by the Committee of the Parties, which is comprised of representatives of the states parties. The main monitoring procedure is a reporting mechanism, along with an inquiry procedure.

(a) Types of mechanisms and processes used by governing bodies.

The primary monitoring process used by GREVIO is a reporting mechanism. States parties must submit an initial report based on a detailed questionnaire prepared by GREVIO. At the commencement of each subsequent monitoring round, GREVIO will choose the specific provisions of the Convention on which the evaluation procedure will be based and will send out a questionnaire accordingly. GREVIO may organise country visits if the information obtained from the reports is insufficient. GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights. GREVIO must also take due consideration of the existing information available from other regional and international bodies in areas falling within the scope of the Convention. There is an inquiry procedure which is broadly similar to that found in the Optional Protocol to CEDAW. In addition, GREVIO may adopt general recommendations on the implementation of the Convention.

(c) Concluding Comments - Pros & Cons of the various governing/monitoring bodies and mechanisms used.

As noted above, after the initial round of reporting, monitoring by GREVIO will focus on specific aspects of the compliance of states parties, instead of always examining the compliance of the state party with the whole of the Convention. This should allow the aspect of state compliance chosen for monitoring to be analysed in greater detail than would otherwise be the case. Also, it may enable GREVIO to carry out its work in a more efficient manner and help to avoid the considerable backlogs in the examination of reports which have caused substantial problems for the UN human rights treaty bodies. The Istanbul Convention encompasses detailed information on what will be expected of states parties in relation to the reporting procedure, which in itself is advantageous. Ensuring that GREVIO must take due consideration of the existing information available from other regional and international bodies should help to ensure that the best possible use is made of any existing sources of information, in order to avoid unnecessary duplication of work. The involvement of civil society groups is also vital in terms of effectiveness.

Although the inquiry procedure is broadly similar to that found in the Optional Protocol to CEDAW, importantly the inquiry procedure has been incorporated into the main provisions of the Istanbul Convention and no reservations can be entered in respect of this aspect of the Convention.

Although it is not yet clear precisely how the Committee of the Parties will operate, the existence of this body should help to ensure equal participation of all the states parties as regards the monitoring procedures of the Convention; and strengthen co-operation between the states parties themselves, and also between the states parties and GREVIO. It is also provided that national parliaments shall be invited to participate in monitoring implementation, and states parties must submit the reports of GREVIO to their national parliaments. These provisions have the advantage of emphasising the important role of national parliaments in implementing human rights instruments, which, in many cases, requires legislative changes.

The capacity of GREVIO to adopt general recommendations is also important, due to the fact that, although these will not be legally binding, they should help to contribute to effective implementation by providing further guidance to states parties.

The main problem with the monitoring procedures however is that there is no individual communications mechanism.

(d) Brief recommendations - Proposal of final ideas.

In my view, the monitoring procedures for a global treaty on violence against women should, as

with the Istanbul Convention, include a reporting mechanism and an inquiry procedure. The use of questionnaires as regards reporting would be advantageous for the reasons outlined above. As with GREVIO, provision should be made to ensure that the monitoring body takes into consideration any existing information available from other international and regional bodies, and the involvement of civil society groups is likewise essential. The inquiry procedure should not be optional for states parties. Similar to the Committee of the Parties, in addition to the independent treaty monitoring body, there should be a separate political body comprised of representatives from the states parties, a purpose of which should be to contribute towards implementation. The involvement of national parliaments would also be advantageous.

Unlike the Istanbul Convention however, a global treaty on violence against women should, in my view, encompass an individual communications mechanism. Such a mechanism should not be optional for states parties

Appendix.

Articles 66–70 of the Istanbul Convention. Chapter IX – Monitoring mechanism

Article 66 – Group of experts on action against violence against women and domestic violence

- 1 The Group of experts on action against violence against women and domestic violence (hereinafter referred to as “GREVIO”) shall monitor the implementation of this Convention by the Parties.
- 2 GREVIO shall be composed of a minimum of 10 members and a maximum 15 members, taking into account a gender and geographical balance as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.
- 3 The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of 5 additional members shall be held following the 25th ratification or accession.
- 4 The election of the members of GREVIO shall be based on the following principles:
 - a. they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;
 - b. no two members of GREVIO may be nationals of the same State;
 - c. they should represent the main legal systems;
 - d. they should represent relevant actors and agencies in the field of violence against women and domestic violence; and
 - e. they shall sit in their individual capacity and shall be independent and impartial in the

exercise of their functions, and shall be available to carry out their duties in an effective manner.

- 5 The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.
- 6 GREVIO shall adopt its own rules of procedure.
- 7 Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

Article 67 – Committee of the Parties

- 1 The Committee of the Parties shall be composed of the representatives of the Parties to the Convention.
- 2 The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.
- 3 The Committee of the Parties shall adopt its own rules of procedure.

Article 68 – Procedure

- 1 Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.
- 2 GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.
- 3 Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.
- 4 GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.
5. GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions

for the protection of human rights.

- 6 GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.
- 7 When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention.
- 8 GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.
- 9 GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.
- 10 GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.
- 11 On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.
- 12 Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting cooperation with that Party for the proper implementation of this Convention.
- 13 If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.

- 14 Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.
- 15 After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

Article 69 – General recommendations

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

Article 70 – Parliamentary involvement in monitoring

- 1 National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.
- 2 Parties shall submit the reports of GREVIO to their national parliaments.
- 3 The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

III. Annex 3

From: Natalie Eslick and Millicent Bogert
To: GBC memo drafting team
Date: July 2016
Re: HR Monitoring mechanisms in Asia

There are no Asia-wide instruments to promote and protect human rights, nor is there a single organization encompassing the entire Asia region focused solely on human rights. Human Rights protections are reliant on individual states. Indeed, governments of many Asian countries have historically viewed human rights as a Western imposition (and thinly veiled attempt to foster demand for democratization), valuing the individual over the community, the antithesis of Asian culture and national identity according to ‘Asian Values’ proponents.

The Association of Southeast Asian Nations (ASEAN) is an economic and geo-political organization of 10 southeast Asian countries focused on the promotion of economic growth, social progress and regional peace. It drafted the ASEAN Human Rights Declaration in 2012, which has been criticized for being essentially a regurgitation of the Universal Declaration of Human Rights¹ with an additional few articles devoted to women and children’s rights. ASEAN has made further inroads into the establishment of a human rights mechanism in the area,

through the development of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Rights of Women and Children (ACWC). However, both of these “have been instituted without a previous regional definition of rights”.²

Accordingly, ‘there is no explicit monitoring by the regional bodies of the situations in ASEAN countries, there is no explicit investigative power and process, there is no explicit on-site visit to appraise situations, there are no explicit procedures to accept complaints from victims and to offer related redress.’³ The Asia Pacific Forum of National Human Rights Instruments (APF) is “the closest that the Asia Pacific region has come to a regional arrangement or machinery for the promotion and protection of human rights”.⁴ The ASEAN Commissions along with the APF provide the most comprehensive dialogue around human rights in the region, though they are incomplete in member representation from all Asian countries. These organizations do not have a binding convention or court, or specific mandate to receive and investigate complaints of human rights violations.

¹ Attilio Pisanò, ‘Human Rights and Sovereignty in the ASEAN Path towards a Human Rights Declaration’, *Human Rights Review* (2014).

² Attilio Pisanò (2016) ‘Towards an ASEAN human rights mechanism: the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children’, *The International Journal of Human Rights*, 20:3, 321–342 (p. 330).

³ Muntarbhorn, *Unity in Connectivity*, 174 in n2 p337.

⁴ Cited in Andrea Durbach, Catherine Renshaw and Andrew Byrnes (2012) “A tongue but no teeth?: The emergence of a regional human rights mechanism in the Asia Pacific region”, *Sydney Law Review Vol 31:211 p.217* ASEAN Intergovernmental Commission on Human Rights (AICHR) <http://aichr.org/>.

Structure:

- Established in 2009, has 10 members: Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam, Brunei
- One representative per state serving three-year terms, selected by nomination
- Acts as a consultative body that cooperates with civil society organizations, NGOs, national human rights institutions, and the UN, with a focus on awareness raising and education

Purpose:

- “1.4. To promote human rights within the regional context, bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds, and taking into account the balance between rights and responsibilities;
- 1.5. To enhance regional cooperation with a view to complementing national and international efforts on the promotion and protection of human rights; and
- 1.6. To uphold human rights standards as prescribed by the Universal Declaration of

Human Rights, the Vienna Declaration and Programme of Action, and international human rights instruments to which ASEAN Member States are parties.”

- “6.8. The AICHR is the overarching human rights institution in ASEAN with overall responsibility for the promotion and protection of human rights in ASEAN.”

Drafted the Declaration on the Elimination of Violence Against Women and Elimination of Violence

Against Children in ASEAN in October 2013 which aims to

- Integrate legislation, policies and measures to prevent and eliminate VAW
- Strengthen, enact, and amend national legislations and mechanisms to eliminate VAW, enhance protection, services, etc., and to implement concluding obs from CEDAW
- Strengthen holistic, multidisciplinary approach to promoting rights of women and gender-sensitive approach to eliminating VAW
- Strengthen partnerships with international, regional, and national bodies

The Declaration is unique in the ASEAN context in its direct involvement of CSOs, but despite this “expresses only generic commitments and does not provide for any monitoring mechanism. Additionally, none of the main proposals made by Amnesty International in a special briefing dating back to May 2013, aimed at amending, supplementing or improving the draft ACWC declaration, have been incorporated into the final version of the text adopted by ASEAN.”⁵

AICHR Five-year Work Plans:

- 2010-2015: Only mentioned women and girls in the context of conflict and disasters and human trafficking
- 2016-2020: “Drafting a policy that will protect women and girls against violence” listed as action item #9, to be completed in 2016

Criticisms

- “The AICHR was not established by an agreement which set up a regional human rights system. Therefore, the AICHR activities aimed at promoting and protecting human rights will not be focused on compliance with a regional human rights system, but simply on compliance with the international human rights law...and the core human rights treaties ratified by ASEAN countries.”⁶
- Essentially an advisory body acting as a go between for ASEAN and the United Nations
- Lack of independent authority, but “never intended to be any independent watchdog... shall operate through consultation and consensus, with firm respect for the sovereign equality of all Member States.”⁷
- Lack of transparency and failure to consult with civil society organizations.
- Cannot accept complaints, communications or petitions from individuals, NGO’s or

states, and cannot make recommendations to ASEAN states. Has to submit an annual report at the ASEAN Foreign Ministers Meetings.⁸

- Expressive and ineffectual.
- “2.3. Recognition that the primary responsibility to promote and protect human rights and fundamental freedoms rests with each Member State.”

ASEAN Commission on the Rights of Women and Children (ACWC)

<http://humanrightsinasean.info/asean-commission-rights-women-and-children/about.html>

Established in 2010, ACWC is an intergovernmental commission comprising 20 representatives, two from each of the ASEAN ten member states (one representing women, one representing children).

- Note that these are not independent experts, but representatives of the state that appointed them, and “can discretionarily be replaced by their governments.”⁹

It is tasked with promoting and protecting the human rights and fundamental freedoms of women and children in ASEAN, via a normative framework represented by ratification of the Convention on the Elimination of Violence Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), which it is designed to functionally complement rather than duplicate. “The CRC and CEDAW are the legal framework of ACWC which is intended to operate without a regional ASEAN definition of women’s and children’s rights.”¹⁰

Mandate (from website):

- Promote the implementation of international and ASEAN instruments on the rights of women and children.
- Advocate on behalf of women and children, especially the most vulnerable and marginalized, and encourage ASEAN Member States to improve their situation.
- Promote public awareness and education about the rights of women and children in ASEAN, including through promoting research on the situation and well-being of women and children.
- Assist, upon request by ASEAN Member States, in fulfilling their international human rights reporting obligations on women and child rights.
- Encourage ASEAN Member States to collect and analyze sex disaggregated data, and undertake periodic reviews of national legislation, policies, and practices related to the rights of women and children.
- Facilitate the sharing of experiences and good practices between ASEAN Member States in order to improve implementation of CEDAW and CRC.
- Support the participation of ASEAN women and children in dialogue and consultation processes in ASEAN related to the promotion and protection of their rights.

Two specific functions:

1. Facilitate dialogue between international human rights instruments and ASEAN states on women and children's rights via supporting states with UN human rights monitoring committees and procedures, primarily
 - a. assistance in implementation of these mechanisms mandates
 - b. assistance in preparing periodic reports
2. Supporting the ASEAN states in their policies in the field of women's and children's rights by developing national policies, programmes and strategies for the promotion and the prevention of violations of these rights, capacity building, technical assistance, training, research and sharing of good practices.¹¹

The ACWC Work Plan (2012–2016)¹² confirms the body is “mostly aimed at promoting rather than at protecting women's and children's rights”.¹³ There is no further work plan listed on the website, nor analysis of the progress of the plan to date.

Working Group for an ASEAN Human Rights Mechanism <http://www.aseanhrmech.org/>.

Primary goal is to establish an intergovernmental human rights commission for ASEAN. It is a coalition of national working groups from ASEAN states which are composed of representatives of government institutions, parliamentary human rights committees, the academe, and NGOs. Working Group follows a step-by-step, constructive and consultative approach when it engages governments and other key players in the region.

Recommendations for a human rights mechanism:

- A declaration of principles
- A commission with monitoring, promotional, and recommendatory functions that may also receive complaints from states and/or individuals. It may cover all rights, or initially, be issue-specific where it focuses only on the rights of migrants or other vulnerable groups. Another option is having human rights commissions in all ASEAN countries. A mechanism can be born when they begin coordinating efforts.
- A court which could render binding decisions. Website does not appear to have been updated since 2014

Asia Pacific Forum of National Human Rights Institutions (APF)

<http://www.asiapacificforum.net/about/>.

APF “has had a significant role in the dissemination of international human rights principles and practice in the Asia Pacific... has evolved into a key agent of human rights promotion and

protection in the region.”¹⁴

The APF works deeply with civil society “The annual meeting of the APF, one of the largest regular human rights events in the region, brings together APF members and other NHRIs, United Nations agencies, national governments, NGOs and donors ‘in a cooperative setting to discuss and share expertise on the pressing human rights issues in the region.’”¹⁵

- Provides advice and expertise to members, governments, civil society on legislation to establish, re-establish or strengthen NHRIs, international accreditation of NHRIs and comparative analysis of legislative good practice, “best practice” models, or compliance with international standards for NHRIs set out in Paris Principles, by providing training programs, capacity assessments, specialized programs, and dialogues.
- Major goal: Promoting Gender Equality with a focus on GBV and harassment, in addition to poverty, discrimination, and unequal access to services and participation in community life, and guided by APF Gender Policy.
 - o As part of the APF Regional Action Plan on the Human Rights of Women and Girls, members agree to:
 - ! *“Monitor State party’s implementation of CEDAW and its Optional Protocol and engage in periodic examinations, reporting processes and development of general recommendations under the treaty...”*
 - ! *“Mainstream women’s and children’s issues in engagement with all Treaty Bodies and Special Procedure Mandate Holders to promote the human rights of women and girls and follow up the State’s implementation of recommendations relating to women and girl’s human rights”*
 - ! Engage with intergovernmental bodies including AICHR, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), League of Arab States, Pacific Island Forum Secretariat (PIFS), the South Asian Association for Regional Cooperation (SAARC) on issues relating to human rights of women and girls
 - ! Work with NGOs and other civil society organizations
 - ! “Encourage States to adopt and implement a national human rights action plan, which should mainstream and prioritize the rights of women...”
 - ! ***“Promote the implementation of international treaty commitments into domestic legislation, policy, and practice”***

⁵ See n2 p.336.

⁶ Ibid p.328.

⁷ Termsak Chalermphanupap, ‘Ten Facts about ASEAN Human Rights Cooperation’, 2010, p4, <https://www.asean.org/storage/images/archive/HLP-OtherDoc-1.pdf>.

⁸ See n2 p.329.

⁹ Ibid p.333.

¹⁰ Ibid p.330.

¹¹ Ibid p.332.

¹² ACWC Work Plan 2012–2016 and Terms of Reference (2013) ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) <http://humanrightsinasean.info/documents/3>.

¹³ Ibid p.336.

IV. Annex 4

From: Millicent Bogert
To: GBC memo drafting team
Date: July 2016
Re: HR monitoring mechanisms in MENA region

MENA Human Rights Frameworks

There is a highly politicized debate about human rights and Islam, and the frameworks reviewed below reflect both a regional history with colonialism and an ongoing dialogue about the role of religion. For some, human rights are universal in that they exist outside any particular condition or setting: every human being has a set of rights. For others, rights come from God, and the secularization of human rights is itself a cultural and religious imposition. What, for example, constitutes freedom of expression versus defamation of religion?

The MENA region includes 19 countries: Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen. In addition, the Gaza Strip and West Bank of Palestine are included by the Everywoman Everywhere Coalition.

Three human rights frameworks are applicable to the MENA region. However, it is important to note that none identify as specific to the MENA nations per se, which means that political divisions among nations in the region are reflected in the signatories to each framework. (Israel, for example, is not included.) All three were developed in what has been an ongoing response to the Universal Declaration of Human Rights, and, to some extent, additional treaties and protocols, including the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW).

The frameworks are reviewed below in chronological order.

1. Universal Islamic Declaration of Human Rights, (UIDHR) Adopted by the *Islamic Council of Europe* on 19 September 1981/21 Dhul Qaidah 1401.

Structure: Based on religious texts (the Qur'an and Sunnah), the UIDHR contains a Preamble and 23 Articles. The rights listed follow the basic human rights of secular instruments, but are framed within Shari'a law, and include criminal cases, marriage, inheritance, divorce, and economic activities, and supports freedom of religion based on traditional Islamic law.

Purpose: To acknowledge that human rights are an integral part of Islam and it is “obligatory on all Muslim governments and organs of society to implement them in letter and in spirit within the framework of that order.” The Universal Islamic Declaration of Human Rights was compiled by Muslim scholars, jurists and representatives of Islamic movements based in Europe.

Key language includes a statement that “person” refers to both men and women.

Critique: Perhaps because it was drafted by religious representatives and is somewhat abstract with regard to modern life, the UIDHR does not appear to have been applied widely as a human rights instrument for governing bodies or civil society advocates.

2. Cairo Declaration on Human Rights in Islam: (CDHRI) Passed by the Council of Foreign Ministers of the Organization of Islamic Conference (OIC) in 1990, and entered into force in 2008. Signed by all 57 member States of the OIC.

Structure: Understood to be a response to the Universal Declaration of Human Rights, and as such follows a similar structure (a Preamble and 25 Articles) and protects many of the same rights. The CDHRI “forbids discrimination; supports the preservation of human life, supports the protection of one’s honor, family, and property; and affirms the human right to education, medical and social care, and a clean environment.” (Kayaoğlu, 2012) Shari’a law is the sole authority.

Purpose: “Believing that fundamental rights and freedoms according to Islam are an integral part of the Islamic religion and that no one shall have the right as a matter of principle to abolish them either in whole or in part or to violate or ignore them in as much as they are binding divine commands,” the Cairo Declaration was intended as a guide for Member States in upholding human rights consistent with Islam.

Key language: Article 6 states that “A) Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform, and has her own civil entity and financial independence, and the right to retain her name and lineage. B) The husband is responsible for the support and welfare of the family.” Article 13 specifies that both men and women, without discrimination, be paid fair wages for their work. Article 3 protects non-combatants in situations of armed conflict, and Article 11 prohibits colonialism and supports the rights of colonized people to self-determination and freedom.

Critique: The CDHRI is considered by many human rights advocates to be more restrictive than the Universal Declaration of Human Rights in that it is based on a religious model. Freedoms of religion, speech and public participation are explicitly subordinate to Shari’a law. The religious model also leads to ambiguity, in that interpretations of the Quran and Shari’a differ.

3. Arab Charter on Human Rights (2004): Undertaken by the League of Arab States,

originally in 1994. The most recent revision was done in 2004 and entered into force in 2008. Of the 22 Arab States in the League, 17 States have signed the Charter: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, the United Arab Emirates, and Yemen.

Structure: Preamble and 53 Articles. Unlike UIDHR and CDHRI, the Charter includes an oversight body, the Arab Human Rights Committee, established in 2009, and a process for compliance. State reports are to be submitted every three years, which the Committee reviews and makes recommendations as deemed appropriate. “Shadow reports” may be submitted by other stakeholders. Among its other committees, the League of Arab States also has an Arab Women’s Committee.

Purpose: Reaffirmation of the Charter of the United Nations, the Universal Declaration of Human Rights and the provisions of the United Nations International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights and the Cairo Declaration on Human Rights in Islam.

Key language: Article 3: “Each State party to the present Charter undertakes to ensure to all individuals subject to its jurisdiction the right to enjoy the rights and freedoms set forth herein, without distinction on grounds of race, colour, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth or physical or mental disability.” Further, “Men and women are equal in respect of human dignity, rights and obligations within the framework of the positive discrimination established in favour of women by the Islamic Shariah, other divine laws and by applicable laws and legal instruments. Accordingly, each State party pledges to take all the requisite measures to guarantee equal opportunities and effective equality between men and women in the enjoyment of all the rights set out in this Charter.” Article 24 lists civil rights of the individual to participate in the political process of the State. Article 43 states that “Nothing in this Charter may be construed or interpreted as impairing the rights and freedoms protected by the domestic laws of the States parties or those set force in the international and regional human rights instruments which the states parties have adopted or ratified, including the rights of women, the rights of the child and the rights of persons belonging to minorities.”

Critique: The *Charter* has been criticized by Arab civil society as falling short of international human rights standards, and the Committee for its lack of transparency and engagement with non-governmental organizations. Particularly since the 2011 Arab uprisings, civil society organizations have sought to promote human rights in the Arab region through the LAS. (NGO Law Monitor: League of Arab States, 2016)

Additional Instruments for Protecting Human Rights

In most MENA countries there is no legal framework on violence against women, nor is there a uniform institutional design to deal with gender issues across the MENA region. And despite regional frameworks, “discrimination against women continues to grow, either legally, through the non-application of laws, or as a result of the social and economic crises currently experienced by these countries.” (MENA-OECD Governance Programme, 2014)

- Of the 19 MENA countries, all except Iran have ratified or acceded to CEDAW, albeit with reservations. Most CEDAW reservations by countries in MENA are to all or parts of Article 2 (obligation to review and change constitutions, laws and policies – eight countries), Article 9 (abolition of discriminatory customs and traditions and of gender stereotyping – 11 countries); Article 15 (legal capacity and choice of residence and domicile – six countries); Article 16 (equality in the family – 13 countries) and Article 29 (arbitration of disputes over the application of treaty provisions – 14 countries). The preferred rationale for many of the reservations is conflict with religious law. (Freeman, 2011)
- The 1995 Beijing Platform for Action increased momentum to focus on women’s status within the League of Arab States. In 2000 the League held the first Arab Women’s Summit, out of which grew the new Arab Women’s Organization. Two Declarations advancing women’s rights came out in 2004:
 - o The Tunis Declaration expanded women’s participation in the political, economic, social, cultural and educational fields and aimed to reinforce women’s rights and status by promoting the family.
 - o The Arab Women’s Beirut Declaration established a framework and outline for the empowerment of women from 2005-15, following the ten- year review of the Beijing Platform for Action. The Beirut Declaration called for member states to review, update and amend discriminatory legislation and establish mechanisms to foster women’s equality and political participation, including dedicated ministries, councils, bodies and commissions (Mura, 2014).

National Human Rights Institutions (NHRIs):

Twelve MENA countries have NHRIs, five of which have “A” status from the International Coordinating Committee of National Institutions for the Protecting and Promoting of Human Rights (ICC) indicating compliance with 1993 Paris Principles: Egypt, Jordan, Morocco, Qatar, and Palestine. States with “B” status are Algeria, Bahrain, Iraq, Libya, Oman and Tunisia. Iran’s NHRI has a “C” rating, and Lebanon and Yemen has initiated but not followed through with full implementation of an NHRI.

To successfully promote human rights, NHRIs must have independence and accountability, without which the population will not trust them. However, independence has depended on political will and, to some extent, the level of development of civil society within the country.

Independence can be measured by institutional independence (for example, none in the MENA region originate in a constitutional mandate), independence of appointments and functional independence through management and financing. Among different models in the MENA region, such as a single ombudsperson and consultative commissions, the most effective is a human rights commission that has independent authority beyond just making recommendations. An effective human rights commission is able to conduct individual investigations and seek enforcement, as in Jordan. Greater independence leads to greater accountability, as effective NHRIs are both transparent and discharge their duties. (Assaf, 2013).

Although NHRIs in the region vary, there has been a consistent lack of trust by members of the public, largely due to the personnel selection process in the context of authoritarian regimes. Appointments are made by executive government, rather than parliament, and criteria are not transparent. The ineffectiveness of the NHRIs in Tunisia and Egypt arguably contributed to those countries' revolutions through the NHRIs' failure to address human rights violations. (Siniora).

Although individual NHRIs in the MENA region operate at varying levels of effectiveness, there is potential for these entities to monitor their governments' actions on human rights and strengthen both the legislative frameworks and civil society engagement with human rights issues. There are key organizations helping build NHRI capacity in the region: the Arab Network of National Human Rights Institutions and the Asia Pacific Forum (to which four MENA states belong), which promote human rights by training and assisting NHRIs, as well as strengthening their coordination with international networks of other human rights institutions. In addition, the Alkarama Foundation advocates for human rights in the MENA region and includes Israel, which is unusual. Alkarama monitors individual cases, lobbies governments, submits reports in the Universal Periodic Review process, and evaluates NHRIs.

Conclusion

The three frameworks reviewed above contain explicit, substantive recognition of women's rights. In particular, the CDHRI language regarding women's right to retain her name and lineage is important, as is the protection for fair wages. The Arab Charter on Human Rights goes even farther, particularly in Article 3.

It should be noted, however, that as in many regions and individual States, women's access to their rights in the MENA region is determined as much by implementation and enforcement as by existing rights frameworks. Although the League of Arab States has taken significant steps toward expanding rights and opportunities for women, progress has been slowed by a lack of monitoring and enforcement mechanisms, limited funding, and failure of political will.

Strengthening these systems can help Arab women better access their human rights. (Mura, 2014).

The legal system in every country in the MENA region contains provisions which could be considered discriminatory against women from a human rights perspective... In nearly all of the countries examined, however, progress is stymied by the lack of democratic institutions, an independent judiciary, and freedoms of association and assembly.” (Freedom House, 2010).

Summary for Inclusion in GBC Memo:

The Committee appreciates the explicit recognition of women’s equality and rights in the Cairo Declaration of Human Rights in Islam and the Arab Charter on Human Rights, and also the vulnerability of women and girls living under foreign occupation. The NHRIs have potential to protect the rights of women and girls in the MENA region, which will be realized with the support of regional consortiums such as the Arab Network of National Human Rights Institutions and the Asia Pacific Forum. The monitoring and advocacy currently done by the Alkarama Foundation is an excellent model for civil society organizations to promote and protect human rights.

V. Annex 5

From: Vanessa Bettinson
To: GBC memo drafting team
Date: July 2016
Re: Non-human rights international monitoring mechanisms

Non-human rights international monitoring

Examples of current governing bodies and what they do.

There are many examples of non-human rights treaty monitoring bodies. The Landmine Ban Treaty monitors state compliance through a system called Meetings of state parties (MOP) and a five year Conference of State Parties (CSP). The main monitoring system of the Montreal Ozone Protocol is a MOP that includes representation from NGO and UN agencies; annual state reports and the setting of action plans and performance targets. The North American Agreement on Environmental Cooperation (NAAEC) permits individual and NGO submissions alleging state non-compliance to its Secretariat. The International Labour Organisation’s monitoring procedure consists of state reports, collective and state party reporting.

Types of mechanisms and processes used by governing bodies. Land Mine Ban Treaty

The primary monitoring mechanism adopted under the Land Mine Ban Treaty is fact-finding missions by technical experts that produce reports and present at Meetings of state parties (MOP). Non-state parties are invited to the MOP as observers, as are relevant international

organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations. The MOP will request compliance targets and ask the state to report back. There is a 5 year Conference of State Parties (CSP), which reviews the operation and status of the treaty. MOP and CSP are financed by the state parties and non-state parties participating in them.

Montreal Ozone Protocol (Ozone)

The central monitoring body under this Protocol is the Secretariat of the UN Environmental Programme which centralises data collection, monitoring and administration of a Multilateral Fund. The Fund is dedicated to the implementation of the Protocol. Compliance is reviewed by an Implementation Committee (IC). States are required to submit annual state reports to the Secretariat and may request technical support to implement treaty provisions. States must include NGO involvement in their work plans. The Secretariat can require the IC to review these reports. Complaints are received by other state parties to the Secretariat and reviewed by the IC. MOPs are held and attended by a Secretariat, related UN agencies, national government and non-governmental organisations. The MOP has a two stage process, a preparatory segment where issues are deliberated and decisions are prepared. The second stage is a high-level stage where decisions can be adopted. At the MOP matters of compliance are discussed and a plan of action with performance targets for states are set.

North American Agreement on Environmental Cooperation

A Commission for Environmental Cooperation with a council and secretariat to assist with implementation exists. Individuals or NGOs can file a submission to the secretariat alleging non-compliance and it may publish its findings and state response with the support of the Council. The secretariat independently develops reports with the assistance of technical experts. These reports require approval from the council prior to publication. Where states persistently fail to comply with monitoring requests, a monetary penalty can result that contributes to an environmental improvement fund.

International Labour Organisation

The ILO has three bodies: the International Labour Conference (ILC); Governing Body (GB) and International Labour Office (ILO). The ILC meets annually, serving as a legislative body. The GB is an executive council, meets three times a year, decides on ILO policy, the agenda of the ILC and elects the Director-General. The ILO is a permanent secretariat which acts as a focal point for the activities at the ILO and states can apply to it for technical assistance in respect of implementation. Its work is scrutinized by the GB and is led by a Director-General. Regional meetings of the ILO member states are held periodically to examine matters of special interest to the regions.

The implementation process includes a regular system of supervision with member state reports examined by the Committee of Experts and non-governmental representatives in the

ILO can make observations on them. The Committee publishes an in-depth annual General Survey on national law and practice on a subject chosen by the GB, which allows the Committee to identify obstacles to implementation.

A representations procedure permits associations of employers and workers to make a representation to the GB against any member state. A committee of the GB may be set up to examine the representation and the government's response, leading to a report with recommendations. Where the government's response is not considered satisfactory, the GB is entitled to publish the representation and the response. Where another member state makes a complaint against another to the ILC or the GB, the GB may form a Commission of Inquiry, to carry out a full investigation of the complaint. A Commission of Inquiry is the ILO's highest-level investigative procedure; it is generally set up when a member state is accused of committing persistent and serious violations.

Concluding Comments – Pros and Cons of the various governing/monitoring bodies and mechanisms used.

Landmine Ban Treaty – Inclusion of related organisations to MSP enables civil society involvement. Performance targets are clear, making it easier to assess whether they have been met. It is a drawback that several states have not signed the treaty as no reservations are permitted to it and it is questionable whether reduction of landmine use has occurred. The strong influence of one NGO over smaller charitable organisations is a concern.

Montreal Ozone protocol - Reporting rates are high as late submission by states means they lose eligibility for certain grace periods and funding assistance. This is a penalty for developing states, but less so for developed states. The express inclusion in the terms of the protocol for a fund dedicated to the implementation of the protocol is advantageous. It is a universally ratified protocol and no reservations are permitted. MOP enable informed discussion and have a clearly defined two-stage agenda which separates the deliberation process from the decision-making stage. States work with NGOs to put together work plans and performance targets.

NAAEC – Individual and NGO submission is designed to promote information sharing among the public, and is not a dispute resolution mechanism or a means to compel a State to take certain action.

ILO – Its dedicated tripartite system in all of its main bodies enables social dialogue between civil society and states to put the treaty provisions and recommendations into action. This is achieved by enabling civil society to have a voice in the form ILO policy should take and enabling them to comment on state reports. The ILC acts as a forum to place political pressure on non-compliant states. The inclusion of financial arrangements in the terms of constitution is important, as is the provision of technical assistance.

We recommend the following:

Brief Recommendations

A treaty, rather than optional protocol, with its own monitoring mechanism.

The **monitoring mechanism** should include several means to assist implementation of the treaty. These means we suggest should include:

- A state reporting mechanism and a compulsory inquiry procedure led by a Committee.
- An individual communications mechanism, with no reservations permitted.
- This Committee should be given powers to issue reporting guidelines, publish its findings and state responses.
- In its deliberations the Committee should liaise with domestic and international NGOs and related UN bodies.
- The justiciability of rights in the treaty must be crystal clear.
- We also recommend in addition to the independent treaty monitoring body, there should be a separate political body comprised of representatives from the states parties, a purpose of which should be to contribute towards implementation.

The treaty should include provisions that aim to ensure **quality and compliance via the state reporting** process. We recommend that this could be achieved by the following:

- A requirement for states to establish a domestic body to implement and ensure compliance. We recommend that consideration should be given to empower this domestic body to hear individual communications.
- The treaty should mention that States Parties must ensure the monitoring mechanisms have adequate resources both domestically and internationally.
- The treaty should ensure that technical and expert support is provided upon request by state parties. Any financial penalties for non-compliance can be used to fund this.
- States should be required to undertake national action plans
- The use of questionnaires as regards reporting should be adopted along the lines of GRIEVO in the Istanbul Convention or the General Survey used by the ILO. *(This would place an expectation on states to explain its measures taken in respect of a selected topic, even where it has made reservations in relation to the matter. This allows continued dialogue with the monitoring body to explore means of overcoming identified obstacles to implementation.)*

We recommend the **sharing good practice**. This may be achieved by the adoption of a Conference of State Parties.

- These conferences should include participation of state parties, civil society including victims and civil society groups (domestic and international).
- National Action Plans, difficulties to universal implementation of key issues, formulation of guidelines could be considered at the conference.
- We also recommend increased regional engagement to be promoted by treaty terms that require state parties to hold Committee meetings in headquarters of

- regional bodies.
- The treaty should explicitly require that members be independent.

Consultation from the Governing Bodies Committee’s memo drafting team regarding the monitoring consequences of a stand-alone treaty versus an optional protocol on violence against women.

The memo drafting team of the Governing Bodies Committee (GBC) would like members of this Committee to form a united opinion on this matter and therefore request members to consider the analysis and questions presented in this document.

Questions:

Do you think that an optional protocol to CEDAW is preferable to a stand-alone treaty with a separate monitoring body?

Should a new monitoring/governing body be created or should the role of monitoring compliance with specific treaty terms fall within the ambit of the CEDAW Committee?

Why a new treaty and implications for monitoring/ governing body?

As CEDAW focuses upon matters of discrimination it is a constricted instrument¹³ that in its infancy did not envisage broader application to areas of violence. The provisions it contains are expressed in ambiguous language and do not make reference to violence against women, with Article 6 an exception to this.¹⁴ Everywoman Everywhere coalition believes that violence against women is not adequately prevented or legally protected under U.N. treaty law, other than by ‘soft law’ in the form of the CEDAW Committee’s Recommendations beginning with General Recommendation 19. Another example of UN consideration of VAW is the appointment of a UN Special Rapporteur on VAW, its causes and consequences since 1994.

The difficulty with holding states accountable for their policies that either directly or indirectly condones practices that amount to VAW is that soft law is non-binding on states. To address this, binding treaty provisions are required. However, we are not yet clear on whether this should be achieved only with a new discrete stand-alone treaty or alternatively an optional protocol. As the Expert Subcommittee: Governing Bodies this is a particularly relevant question that needs an answer. A determination on this key matter will clarify whether a new monitoring/governing body will be created or whether the role of monitoring compliance with specific treaty terms will fall within the ambit of the CEDAW Committee.

Benefits of a new treaty and new treaty monitoring body

The third UN Special Rapporteur on Violence Against Women Rashida Manjoo called for a specific treaty on the issue of violence against women and girls, noting that there are significant

¹³ Hodson, Loveday. "Women’s rights and the periphery: CEDAW’s optional protocol." *European Journal of International Law* 25.2 (2014): 561-578.

¹⁴ Manjoo, Rashida, and Daniela Nadj. "'Bridging the Divide': An Interview with Professor Rashida Manjoo, UN Special Rapporteur on Violence Against Women." *Feminist Legal Studies* 23.3 (2015): 329-347.

normative gaps created by the non-binding nature of the existing women's human rights legal framework. One of the barriers she encountered towards the creation of a new treaty was the perception it would have negative implications for CEDAW. It is not entirely clear what these would be. It may be for example, an increase in the Committee's workload or a belief that such a change would negate some of the far reaching gains which CEDAW and its Committee have made in respect of generating obligations on states for non-state actors' behaviours, understanding discrimination broadly to incorporate violence (among others). For Manjoo a treaty specifying detailed provisions, with obligations upon states is essential to 'address the normative gap on a human rights issue that is widespread, pervasive, systemic, systematic, cutting across geographic/race/class boundaries, is resisted by people who should know better. The understanding of violence against women as a human rights violation in and of itself, thereby requiring specificity in international law is a notion that is foreign to some people.'¹⁵

A new treaty that stands on its own will be uninhibited by the limitations of CEDAW and equally a new monitoring body, separate from CEDAW will be free from the perceived drawbacks surrounding the Committee. This would allow the new treaty to proceed away from the dominance of political rhetoric and state centrality. It may be useful to reflect further on Manjoo's argument that, 'other human rights violations that are systemic and pervasive would not face a problem when discussions take place about a specific treaty. We need to acknowledge there is political reluctance to address women's human rights issues, including violence against women, through a legal lens of State responsibility and accountability, which would move it beyond the political rhetoric that we currently observe.'¹⁶

A new treaty would be able to restrict a state's ability to opt out of monitoring and compliance provisions, in a way that an Optional Protocol to CEDAW may not. This would assist with global implementation of new provisions. The value added by the Optional Protocol to CEDAW and its complaints' procedures that it introduced has led to greater participation of NGOs in the formation of the Committee's jurisprudence. This has led Reilly to suggest that the key role played by NGOs in the Committee case law underlies the Optional Protocol's 'potential not only as a redress route for particular individuals but also as a focus for wider mobilization around needed legal and policy reforms.'¹⁷ However, the cases that have come before the CEDAW Committee have been dominated by cases from Europe (although not exclusively). A new stand-alone treaty and separate monitoring system could reduce the focus on European women and be more inclusive, were it to successfully limit state reservations that hamper CEDAW.

Disadvantages of a new treaty and separate governing body

A new treaty that creates a separate system from the CEDAW Committee will overlap with the work of the Committee. Furthermore the capabilities and experiences of the Committee have continuously developed over time, engaging with women's rights that are on the periphery of international law and positively communicating with states about how to address an individual

¹⁵ See above at 343.

¹⁶ As above at 343.

¹⁷ N. Reilly. *Women's Human Rights: Seeking Gender Justice in a Globalizing Age* (2009) at 45.

woman's human rights, whilst expanding the dialogue concerning the wider women's population. Hodson refers to the periphery as matters of diversity and intersectionality, which other mainstream human rights bodies find difficult to connect with, remaining centric. The CEDAW Committee has therefore, been able to consider a wide range of issues that are relevant to all women and 'that have been largely overlooked by other international human rights tribunals.'¹⁸ In Hodson's view CEDAW must 'self-consciously ...travel to the periphery of rights and emphatically engage with marginal actors... Engaging more actively with the periphery would open CEDAW to the rich possibilities offered by women's rights and enable it to become a lioness with a roar that resonates.'¹⁹ An optional protocol could expand the Committee's mandate and give greater legitimacy to its jurisprudence and monitoring powers.

Whilst Manjoo favours a discrete new treaty, she does not reject an optional protocol as a suitable alternative.²⁰ However, what is apparent from her view is that a separate monitoring body is essential.²⁰ A disadvantage would be the cost of establishing a new monitoring body which could prevent states from ratifying a new treaty, making the optional protocol a more attractive prospect. McQuigg²¹ suggests that this concern may not be a deterrence to states, who have shown a willingness to ratify and sign treaties specifically dealing with violence against women in European and Inter-American Conventions.²² Clearly, any increase in CEDAW's workload to accommodate more detailed treaty provisions on violence against women would also involve further resources and financial commitments on states.

An optional protocol, which extends the CEDAW Committees' jurisdiction would enable the opportunity to amend or add to the existing enforcement mechanisms for women's human rights. This could include adding criteria governing penalties for state failure to comply with provisions.

A third way

Do you think there is a persuasive argument to support the creation of a detailed optional protocol that also creates a separate monitoring body from CEDAW Committee?

The GBC welcomes any comments on this very important issue. Please submit your comments directly to the GBC Char at no later than September 23, 2016.

Vanessa Bettinson, on behalf of the memo drafting team of the Governing Bodies

¹⁸ Hodson, Loveday. "Women's rights and the periphery: CEDAW's optional protocol." *European Journal of International Law* 25.2 (2014): 561-578, at 577.

¹⁹ See above at 578.

²⁰ Manjoo, Rashida, and Daniela Nadj. "'Bridging the Divide': An Interview with Professor Rashida Manjoo, UN Special Rapporteur on Violence Against Women." *Feminist Legal Studies* 23.3 (2015): 329-347, at 346.

²¹ <https://theconversation.com/why-the-world-needs-a-un-treaty-to-combat-violence-against-women-53582>.

²² Council of Europe Convention on preventing and combating violence against women and domestic violence; Inter- American Convention on the Prevention, Punishment and Eradication of Violence Against Women.

Recommendations for a Global Treaty on Violence Against Girls and Women of All Ages

**by the Expert Special
Committee on Implementation
Assessment**

January 2017

1. Introduction of Treaty Content

1.1 Introduction

This Expert Special Committee was convened and consulted to deliver recommendations on how the implementation of the proposed Global Treaty could be effectively assessed. Violence Against Girls and Women of all ages is a global problem impacting half of the world's population. This proposed treaty must be able to accommodate the different legal traditions and develop meaningful ways to assess implementation to ensure a measurable reduction in rates of violence against women, ultimately leading to the eradication of violence against women.

Effective implementation of the current human rights framework and the wide range of treaties and treaty bodies contained within it has been a sensitive subject of exploration and debate, particularly regarding continued human rights abuses that point to a lack of treaty implementation. Violence against women (VAW) is the most prevalent human rights violation in the world but effective implementation to produce a measurable reduction in rates of violence against women has been elusive for many state actors. Research conducted by the Initiative on VAW at the Carr Center, Harvard Kennedy School, points to a normative gap in the current global framework on VAW with major legal and implementation gaps present as well. This leads to the urgent need for the proposed treaty to contain effective measures of implementation assessment.

This committee was asked to recommend the essential mechanisms that could be incorporated into the treaty to assess its implementation to produce a measurable reduction in rates of violence against women and girls of all ages. However, the committee recognises that to achieve this goal, specific provisions must be made to guarantee the effective implementation of the obligations set out in the treaty.

1.2 Legal Framework

This committee examined several international instruments and considered the effectiveness of models of implementation and assessment tools of those instruments in different jurisdictions. Key mechanisms noted by the subcommittee included:

- Reporting mechanisms in the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).
- Monitoring mechanisms for the Convention on the Rights of Persons with Disabilities:
 - Art. 31 of which requires States Parties to collect statistical and research data which will enable the States Parties to formulate and implement policies that give effect to the Convention. The data can then be used to assess the implementation of the State Parties' obligations;
 - Art. 33 National implementation and monitoring;
 - Art. 34 Which includes a treaty specific committee—the Committee on the Rights of Persons with Disabilities;
 - Art. 35 Reports by State Parties; and

- o Art. 36 Consideration of reports.
- Individual complaint mechanisms to UN committees.
- Various legislative and regulatory frameworks,
 - o including the EU Directive model,
 - o treaties relating to arms control,
 - o environmental sustainability, and
 - o international trade.
- The United Nations Convention on Contracts for the International Sale of Goods (CISG) is the most commonly used convention in international trade.
 - o Since its inception in the 1980s, CISG has successfully harmonised and simplified international sale of goods transactions. This is evidenced by the fact that 85 countries, developed but also developing countries and countries in the North as well as the South, have ratified and are actively using the CISG.
 - o It has not only succeeded in shaping international trade law, but also impacted greatly upon domestic legislations. Several countries, such as China, Germany, Estonia, Japan, as well as most modern Eastern European sales laws have adopted principles and terms from the CISG.
- The Convention on Cybercrime of the Council of Europe is a binding international instrument on the issue of cybercrime.
 - o This Convention acts as a general standard of safeguards to be adhered to by the international community. It serves as a guideline for any country developing comprehensive national legislation against Cybercrime or as a framework for international cooperation between State Parties to this treaty.
- The United Nations Security Council Resolution 1325 (UNSCR 1325) Scorecard is a tool to evaluate how well the principles of UNSCR 1325 are implemented within the armed forces of NATO Allies and provides NATO and NATO member and partner states indications on how to improve implementation, standardization and interoperability amongst Allies.
 - o This template format is not suitable in a global treaty context but the three-focus approach in assessment and evaluation, education, and standardization across member states is useful for further consideration.

2. Summary of the Committee's Discussion of Treaty Content

- A. This committee discussed the use of general standards in an international instrument to influence States Parties' implementation of measures to address, prevent, and eliminate violence against girls and women.
- B. The committee aimed to balance firm standards and objectives for States implementation and assessment with the recognition that many States lack the capacity and/or resources to meet such standards, even if the political will was in place.
- C. Absolute standards represent a goal in the elimination of violence against girls and women, but the committee wants to enable States to show success along the way through improving their performance in achievable targets.
- D. A major advantage of a global agreement on a set of principles in relation to both rights and responsibilities is the duties it can impose on States.

E. The committee considered implementation and assessment mechanisms specifically able to address States' compliance regarding laws and legislation, as well as services and facilities such as shelters, training and education, medical programmes, training for the police and judiciary, and preventative strategies.

F. What could be reasonably expected from all states to have in place in terms of minimum standards and what could be achieved based on, for example, a State's GDP.

G. The committee also discussed the need to involve the private sector in the implementation. Members felt the current proposed treaty needs drafting in a way that will engage health and the private sector in a meaningful way and to provide clear definitions for any model laws to facilitate support and compliance in the areas of, for example, corporate responsibility.

3. Concluding Comments by the Committee on Treaty Content

"Unresolved, sensitive, potentially contentious issues"

The committee has had the benefit of considering the draft treaty text, however it is noted that these draft terms will evolve and develop throughout the multistage global consultation process. In the current draft format, the committee is not able to move forward with a more detailed development of recommendations on implementation assessment due to the very broad and general nature of the treaty language. The current draft treaty language is not appropriately prescriptive and requires much more development. The committee also sees the CISG as relevant to a treaty on VAW and urges further review and analysis.

4. Recommendations by the Committee on Treaty Content

4.1 Special Consultation Conducted to Identify Diverse and Inclusive Measures to Assess Treaty Implementation

To consult with and examine inclusive and diverse ways to conduct treaty implementation assessment, the committee contacted 44 members of the 14 other Expert Special Committees and received responses from 17 people, who represent 12 Expert Special Committees and all regions except Latin America/the Caribbean. The questions are listed below, with responses summarized (full results may be found in Annex 1).

The results of this special consultation have uncovered useful and meaningful ways and means of examining and developing effective measures for treaty implementation assessment to ensure a measurable reduction in rates of violence against women, ultimately leading to the eradication of violence against women.

1. What does your government and/or community use to understand the frequency of Violence Against Girls and Women?

- **For example, numbers of reported incidences, arrests, orders of protection, money spent on social programs and/or training programs, laws passed, etc.**

Violence Against Girls and Women of all ages is chronically underreported. The types, frequency, and utility of data collected on Violence Against Girls and Women of all ages varies enormously from country to country, but there is a general agreement that more and better data is needed.

- The majority of available statistics appear to be coming from the policing/justice/corrections sector, from the health and community sector (including hospitals and schools), and from NGO/civil society organizations/UN or financial partner organizations.
- There were several mentions of national bureaus of statistics playing a role in aggregating data from various sources, as well as the use of information from legal assistance programs.
- Media reports of incidents were also mentioned as an increasing source of statistics.
- The role of governmental Ministry for Women/Commission on the Status of Women in collecting and monitoring data as well as in filing complaints for victims was noted.
- The increasing influence of specific National Action Plans in those few countries where they have been established.
- Customary and religious practices as influencing factors in government contexts can dramatically skew available data.

2. How are Violence Against Girls and Women-related policies, practices, and/or outcomes measured in your country or community?

- **Are there methods that have been particularly successful or not?**
- **What works? What doesn't work?**
- Many countries lack coordination. Failure to collect and/or use data is a major problem. Laws and definitions are unclear or nonexistent, and impact is not measured.
- NGOs play an important role in disseminating statistical and data information and in collecting indicators and performance measurements for their programs.
- Submission of reports to UN agencies is seen as useful but have no influence over lack of monitoring.
- Survey limitations and inconsistencies only allow for partial representation and possible exclusion of whole demographics (such as disabled, indigenous, marginalised) and factors (political and economic climate, religious and socio-cultural barriers to acknowledgment of violence).
- Statistical data are not given the publicity necessary and their importance loses significance.
- Marginalized people continue to be marginalized, even in countries with relatively strong monitoring and evaluation practices.

3. From the perspective of your country, community, or the Expert Special Committee you're on, what are the three main obstacles to better measuring Violence Against Girls and Women?

- Lack of survivor/victim reporting as well as underreporting by agencies.
- Discrimination, stigma, and social norms (including religious).
- Lack of political will and/or resources to effectively implement.
- Lack of a clear definition of Violence Against Girls and Women and effective laws to address the same.
- Normalization of segregation of some demographics (e.g., disabled, indigenous, marginalized) and their exclusion from programs available to the wider populace.
- Insufficient, ineffective, incomplete, and unreliable comprehensive data collection and measurement frameworks.
- Lack of support systems for victims and training programs for justice/health systems.

4. International human rights conventions typically have an upward reporting process (upwards from country to UN).

- **What advantages/disadvantages do you see from a Violence Against Girls and Women treaty adopting this style of reporting?**
- Advantages: Accountability of States; allows for exchange between civil society and government; public nature of reporting allows for transparency and use by civil society; stimulate change within a country's legislation; most effective form of data gathering and reporting; provides a stage for NGOs and advocates voice.
- Disadvantages: Slow response of UN and subsequent action of state; state misreporting, distortion, and/or collusion with perpetration of Violence Against Girls and Women of all ages; state suppression of NGO/CSO voice; lack of sanctions; refusal to participate in assessment of implementation.

It was also noted that the expert monitoring system of the Council of Europe is potentially more effective and useful than the UN treaty bodies system.

5. How can we be more inclusive and creative in the way we measure the implementation and effectiveness of this Treaty?

- **Are there methods and approaches from local communities and traditions that could be incorporated?**
- Use community members and networks more. Use multiple/mixed methods dependent on indicators to collect and report information. Use of blind surveys/random samplings. Two-way accountability.

- Provide a reporting protocol on concrete items to each member state, with accessibility to NGOs/CSOs to monitor the same.
- More active collaborative NGO participation and recognition of NGOs as an important source.
- Meaningful inclusion in all aspects of development, implementation, monitoring, and evaluation of marginalized groups.
- Non-western analysis of community change (e.g., indigenous) parallel to conventional.

4.2 The draft treaty currently provides two mechanisms for implementation and monitoring the treaty: governing bodies and implementation assessment. The committee recommends the following measures to those mechanisms:

- **Committee on Violence Against Women:** the governing body is established as a committee with jurisdiction to hear individual complaints.
 - The Committee should report in a regular timeframe and make suggestions and general recommendations based on the examination of reports and information received by States Parties.
 - The Committee would be more effective if able to require compliance as well as hear complaints.
- **States Parties Reports:** an article in Part 5 must require States Parties to report on the implementation of the treaty, including specific national, regional, and local legislation enacted to address Violence Against Girls and Women.
 - These reports should be considered by the Committee and include information about service provision and preventative strategies, particularly as access to legal remedies may be limited in some jurisdictions.
- **Statistical and Data Collection:** Part 5 of the treaty mandates the collection of both statistics and raw data from States Parties. This information should be used as part of a multipart framework for assessing the degree to which States Parties' have met their treaty obligations, both in absolute and relative terms, including identifying and addressing the barriers faced by women and girls who experience violence.
- **National Action Plan:** the requirement of a National Action Plan should also incorporate the establishment of a focal point within government for matters relating to the implementation of the treaty. There should be a framework developed by States Parties to promote, protect, and monitor implementation of the treaty. A minimum standard platform could be established and countries could, for example, be measured on progress during a certain time period and/or measured against peer-group metrics. Commitment by States could be reflected in a framework which engages mechanisms of regulatory compliance. The civil society should be identified in this article as a key contributor to the monitoring process.
- **Development of an Information Infrastructure:** Given the reporting, data, and statistics-related mandates of the treaty, it is incumbent upon States Parties to establish the necessary infrastructure to gather and create reliable, valid data on violence against women and girls, as well as to create valid, replicable statistics from these data. It is

incumbent upon global civil society actors as well as wealthy and/or fully consolidated states to assist—both financially and with expertise—new and less wealthy states to create the kinds of information infrastructures necessary to comply with the treaty’s reporting requirements.

4.3 The committee submits that the treaty must have rigorous assessment provisions for States Parties. To provide clear assessment provisions within the treaty, specific regard should be had for:

- A clear definition of the meaning of “violence.”
- Create model laws that are simple to follow on prohibition of “violence” as defined and protection and reparation for survivors in all contexts.
- Court compliance through legislation that requires reference to the treaty in all decision-making on substantive law and procedural matters.
- Create regulatory compliance for public bodies and private enterprise, particularly in the context of training.
- Upwards reporting mechanisms with sanctions for individual or systemic failure.
- Impact measurement questionnaires and key performance indicators.
 - Drawing lessons from corporate governance, there is an example in Justice Victoria to measure their level of “Koori Inclusiveness” under the Closing the Gap Initiative which may be helpful to ensure cultural awareness.

4.4 The committee notes that Violence Against Girls and Women is chronically underreported in general, and that reporting is even less likely for those who are disabled, indigenous, or from other marginalized populations.

In addition, inadequate and/or insufficient data collection and reporting is a problem mentioned by all survey respondents for their issue areas and/or countries (see 2.1 and 2.2 above). The committee therefore recommends that the treaty:

- Build flexibility into data collection and reporting protocols to allow for multiple and mixed methods, such as blind surveys and random samplings, and create ways to use community members and networks to collect and report information.
- Include in the **National Action Plan** (referenced in 4.1 above) a reporting protocol on concrete items to each member state as part of the framework for implementation. A reporting protocol should provide guidelines for how to establish useful indicators, collect data, and collaborate with NGOs and CSOs for meaningful inclusion in all aspects of development, implementation, monitoring, and evaluation of marginalized groups.

4.5 The committee recognizes that the substantive content of the treaty will create a global position against Violence Against Girls and Women. As noted above, we suggest that the treaty be considerate of private sector involvement and corporate responsibility. Not merely because of the overlap in the contexts of human trafficking and slavery but also because health-based

responses may be effective in a corporate sphere, and engaging corporate enterprise can also contribute to helping girls and women escape violent situations.

Committee Member Bios:

(Chair) Amy Barrow – Hong Kong

Amy Barrow is Senior Lecturer in Macquarie Law School, Sydney. She was formerly Assistant Professor in the Faculty of Law at the Chinese University of Hong Kong (CUHK), where she was a founding member of the Centre for Rights and Justice (CRJ) as well as a member of the Gender Research Centre, Hong Kong Institute of Asia Pacific Studies. Amy is a Research Affiliate of the South East Asia Research Centre (SEARC) at City University of Hong Kong. Her research expertise includes UN Security Council Resolution 1325 and the development of norms on women, peace, and security; gender and the law; human rights; institutional mechanisms for the advancement of women, and socio-legal research methods. Amy has a keen interest in how international law filters down to the grassroots level and is used by multiple actors in society. Amy adopts an interdisciplinary approach and draws upon empirical research methods. She is a member of the WILPF Academic Network, a think tank that focuses on issues of gender, peace, and security as well as a member of the WILPF 1325 Working Group. Established in 1915, WILPF is one of the oldest women's peace organisations in the world and has ECOSOC status at the United Nations. Amy has represented WILPF at the Human Rights Council in Geneva and at the Commission on the Status of Women in New York.

(Memo Drafter) Petra Butler – New Zealand

Petra Butler is an Associate Professor at Victoria University of Wellington, New Zealand, and Co-Director of the Centre for Small States, Queen Mary College University of London. Her research focuses on (domestic and international) human rights and international commercial law with a particular emphasis on international commercial contracts. She has published extensively in both her research interests and regularly advises public and private clients in both areas. Recently she has started to find more and more synergies between her two research areas and has developed an expertise in business and human rights. Petra regularly holds visiting positions abroad and has taught, inter alia, at Northwestern Law School, Chicago; Universidad de Navarra, Pamplona; University of Melbourne; and the Chinese University of Political Science and Law, Beijing.

(Memo Drafter) Felicity Gerry QC – London, UK and Darwin, Australia

Felicity Gerry QC is an international QC with chambers in London, Leeds, and Australia. She was Legal Personality of the Year for 2016 and has been recognised in the *Legal 500* as “well respected for national and international appellate issues” and “fearless and independent minded” and in *Chambers and Partners* as “a vastly experienced advocate noted for her experience in serious sexual cases, homicides[,] and frauds.” She led the appeal that corrected the law on joint enterprise in the UK Supreme Court, described by the BBC as a “moment of genuine legal history” and had appeals on the same subject in Australia and Hong Kong. She works commercially and pro bono, including assisting on death penalty cases. Felicity is an Adjunct Fellow at the University of Western Sydney where she recently taught Independent

Study on terrorism, cybercrime, and sexual offending. She is also a Senior Lecturer in the School of Law at Charles Darwin University where she researches issues relating to women and law, technology and law, and reforming justice systems. She lectures on transnational law, criminal law, science and law, “law, justice, and the State,” and leads an Indigenous Justice and Exoneration Project. She was recently published in *Human Trafficking: Emerging Legal Issues and Applications*. She is Co-Author of *The Sexual Offences Handbook* (now in its second edition) and has a forthcoming chapter in the European Integration and Democracy series, devoted to transatlantic data privacy relations as a challenge for democracy. Her co-authored report on *Women in Prison: Is the Justice System Fit For Purpose?* was described as “the most important report since Corston.” She is on the Management Committee of The Advocate’s Gateway, which produces toolkits for advocacy with vulnerable people. She has a particular expertise in issues relating to vulnerable witnesses and suspects and recently provided her advocacy expertise to an MDAC project providing training to lawyers across all 28 member states of the EU on the rights of children with mental disabilities. Her chapter on vulnerable witnesses and parties in civil proceedings in *Addressing Vulnerability in Justice Systems* (published 2016) was described as “such a broadly comprehensive chapter on the subject of vulnerability within the legal system that it could stand as a practitioners’ potted guide in itself.”

(Memo Drafter) Natalie Wade – South Australia, Australia

Natalie Wade is a Lawyer in Adelaide, South Australia. Natalie has a Bachelor of Laws and Bachelor Commerce from the University of Adelaide and a Master of Laws (Legal Practice) from the Australian National University. As the Chairperson of Australian Lawyers for Human Rights’ Disability Rights Subcommittee, Natalie has comprehensive experience in examining and addressing human rights violations of all persons, including women and girls and particularly persons with disabilities. In that role, Natalie has worked specifically on projects in areas of aboriginal justice, refugees with disabilities, and the preservation of basic human rights such as education, housing, and access to justice. Natalie has published academic work in the *Alternative Law Journal* and *Precedent* on the rights of witnesses with communication disabilities to access justice in South Australian and Commonwealth courts. In addition to her professional experience, Natalie has a physical disability which brings a personal understanding to the human rights issues central to the Everywoman, Everywhere campaign.

(Member) Tevita Seruilumi – Fiji

My name is Tevita Cama Seruilumi. I am committed to human rights work and am particularly passionate about and committed to the work on ending violence against women and girls. I am very privileged and humbled to learn from and work with Women’s Rights Activists and counsellors who built my capacity, knowledge, and skill in this area of work for the past seven years. I worked for the Fiji Women’s Crisis Centre (FWCC) for four years as a legal officer. My role included supporting the work of counsellors who worked with survivors; community awareness, gender, and EAW training; and supporting the centre’s work on its male advocacy programme for women’s human rights. After FWCC, I worked for UN Women for one year and six months as an EAW Project Coordinator managing grants for organisations that were implementing projects in the region on VAW. I am currently a Senior Trainer at RRRT and the

focal point for gender and VAW where my role involves providing technical support to governments and CSO in the Pacific.

(Member) David Richards – Connecticut, USA

David Richards is an Associate Professor at the University of Connecticut, with appointments in both the Department of Political Science and the Human Rights Institute. He is the Co-Author (with Jill Haglund) of *Violence Against Women and the Law* (Routledge, 2015). This book examines the strength of laws addressing violence against women in 196 countries from 2007 to 2010. It analyzes why these laws exist in some places and not others, and why they are stronger or weaker in places where they do exist, as well as the ways in which these legal protections are related to economic, political, and social institutions, and how transnational society affects the presence and strength of these laws. Currently, David is writing a book on laws addressing the business of torture as well as conducting an empirical examination (with Jill Haglund) of the consequences of the normative gap in international law relating to violence against women and girls for a book edited by Rashida Manjoo and Jackie Jones. David was the Co-Founder of the CIRI Human Rights Data Project, which provided information on the level of government respect for 16 human rights in 202 countries from 1981 to 2011.

(Member) Dinah Adiko – Ghana

Dinah Adiko is currently the Technical Advisor on Gender at the Ministry of Gender, Children, and Social Protection of the Republic of Ghana. Part of her role at the Ministry includes the provision of technical guidance to the Ministry on the effective implementation and monitoring of all laws and policies that seek to reduce gender-based violence and promote gender equality in Ghana. She recommends and designs programs and projects that reduce the prevalence of gender-based violence in the country, alongside ensuring that Ghana's programs on GBV/DV are informed by international policies and best practices. Dinah also supports the government in the development of reports and presentations for both national and international fora. Additionally, she is also the Coordinator of the Government of Ghana Ending Child Marriage Campaign. Dinah currently serves on the Ghana Education Trust Fund (GETFUND) Board and is a member of the Domestic Violence Research Steering Committee at the Ministerial level in Ghana. Dinah has over 13 years' experience in development work, with a strong background in local governance and democratic development. She has internship experience with UNICEF at the United Nations Headquarters in New York, USA and with the Barnes Jewish Hospital, AWARE Program (women's human rights program) in Missouri, USA.

(Member) Claire Hammerton – Sydney, Australia

Claire Hammerton is a Human Rights Lawyer with expertise in violence against women, transitional justice, international criminal law, and children's rights. She is currently employed as International Programs Coordinator at the Federal Court of Australia and is on the National Executive Committee of Australian Lawyers for Human Rights specialising in women's rights. Prior to this, Claire worked for UN Women Nepal, focused on conflict-related sexual violence, and at UN Women headquarters in New York. For several years, she worked as Project Manager of the International Crimes Evidence Project, gathering evidence of the war crimes and crimes against humanity that occurred in Sri Lanka's civil war including crimes against women. Her work has included international advocacy before the UN Human Rights Council and the UN Child

Rights Committee. In 2015, the *Australian Financial Review* and Westpac named her one of Australia's "100 Women of Influence."

(Member) Karen Willis – New South Wales, Australia

Karen Willis is the Executive Officer of Rape & Domestic Violence Services Australia. Karen has worked in the field of violence against women for over 30 years. She is clear that it is every person's human right to live their life free of violence and that when violence occurs, it is every person's right to receive compassionate professional assistance in their recovery and full redress for the crime through the criminal justice system. Karen delivers the Sex and Ethics Program; this innovative training explores the ethical issues surrounding sexual practices. She also delivers the Responding with Compassion Program which targets those who, in the course of their employment, may have someone say to them "I have experienced sexual assault."

(Member) Joyce Hewett – Jamaica

Joyce Hewett is an Activist and champion for women's human rights and social justice. She has reached a large cross section of Jamaican society through media presentations, particularly newspaper articles, as well as appearances on radio and television, to delineate the variety of circumstances in which gender-based violence and abuse occurs and the damage it inflicts. The concept is to make the public more aware of the negative impact on emotional well-being, personal safety, human rights, and sustainable development.

Supporting Documents:

I. Brainstorming Session

II. General Process Notes

III. Process/Framework Rough Notes

IV Memo on Reports of the SR VAW

V. Initial Thoughts on Metrics

VI. Committee Consultation Spreadsheet

VII. Committee Consultation Themes

VIII. Research Notes

I. Brainstorming Session

Implementation:

- **Scope of Treaty**
 - Dependent on the permissible limits of public international law (e.g., whether independent standalone treaty, optional protocol to CEDAW).
 - Models to consider:
 - Inter-American Convention on VAW
<http://www.oas.org/juridico/english/treaties/a-61.html>

- Istanbul Convention
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c>
- **Governing bodies**
 - Treaty language specifying the type of domestic institution to support implementation.
 - Guidance within the treaty – striking the right balance and avoiding language that is too broad/vague or narrow/restrictive.
 - Role of national level machinery for the advancement of women or other equality bodies/human rights commissions?
- **Use of Metrics**
 - Cutting off bad storytelling, e.g., limitations in current metrics (UN Women law on VAW or no law).
 - Identify best practices in metrics, e.g., potential metrics to consider World Bank, OECD Sigi Index <http://www.genderindex.org/>.
 - Development of a matrix based on best practices.
- **Monitoring and Evaluation Processes**
 - Models to consider – Disability Convention (monitoring and evaluation mechanisms and their effectiveness) – how effective has implementation of the convention been in Ireland, Germany, New Zealand.
- **Stakeholders**
 - States, Ministries, Agencies, Private Corporations.
 - Accountability – Criminal liability for Private Corporations? (Fran, could you share your previous research on multilateral treaties and corruption?)

Implementation – Brainstorming Session
 Monday, February 1, 2016, 7 pm Boston time
 Tuesday, February 2, 2016, 8 am Hong Kong time

1) What does effective implementation look like?

For example, process of implementation bottom-up/top-down – UN, National Level – enactment of domestic legislation/policies, practical measures on the ground – training of frontline workers – budgeting to address VAW (what factors may affect implementation – social/political/cultural context – minimum targets implementation?)

2) Accountability of actors (who are the stakeholders? What role/responsibilities do they have?)

3) How do we measure implementation? (e.g., monitoring and evaluation processes, international level, national level, local level?)

4) Governing Body/Bodies - Who are they and who will they be?

II. General Process Notes

Active Documents

Some initial thoughts on Implementation Metrics (David Richards)

SRVAW reports memo (Amy Barrow)

Feedback Requested/Tasks in Process

Metrics

04 March: Members would be grateful for further input from David on how metrics may be used to measure implementation and best practices of such measurement. One challenge for the committee is considering implementation in the abstract. Further understanding of what the treaty would look like (perhaps from the drafting treaty if there is any feedback available) may help the group.

15 March: David, Vidya and myself will also have a meeting in the interim to discuss more about metrics, which we then hope to feed into the group. Subject list to help us structure our subsequent meetings.

Meeting Minutes/Correspondence from Chair

Notes from Tevita, June 7, 2016

Discussion on Implementation Assessment Mechanisms:

- Existing Treaty body mechanisms – what works? shortfalls? Lessons to be learnt for any treaty on VAW?

CEDAW

What works:

- Governments having a periodic political interest in addressing women's equality and VAW.
- International system of holding Pacific Island Governments accountable by CEDAW expert committee (Expert committee reiterate messages often advocated and lobbied strongly by women's groups. This consistency legitimizes the concerns of women's groups, whose voices are often undervalued by governments).
- Encourages governments to make swift changes on urgent areas that requires reporting within two years.
- Being a party to the Convention have allowed for amendments to legislation on addressing women's equality and VAW.
- Although the convention is silent of VAW (however with Recommendation 19), governments and civil society report on the situation on VAW.

Challenges:

- Countries are not able to meet reporting timelines.
- States reports are compiled by the Ministry/Department of Women (or by a consultant). Many sections on VAW lack understanding on gender; the dynamics of VAW; the cause of VAW as well as how governments' primary responsibility is to comprehensively address VAW.

- Lack of consistent political will to adequately allocate resources to address VAW. Apart from domestic violence legislation, Pacific Island governments lack consistent political will to ensure that responses to VAW are adequately resourced.
- The reporting process lies solely between government departments that compile the state reports and key women's groups working on the shadow report. Community advocates are detached from the process.

UPR

What works:

- Government timely reporting.
- Reporting state is being held to account by other governments in the HR Council.
- Governments are reporting on the situation on VAW and their efforts to address the issue.
- Member states provide peer support to fund and improve response to VAW.
- International accredited INGOs working with Pacific women's groups.

Challenges:

- Reports of VAW are not as comprehensive, given UPR requires governments to report on all human rights issues.
- The process is more political (compared to CEDAW) given that states are being reviewed by its peers. Allied states often congratulate countries for their report on the situation on VAW despite the realities on the ground.
- Similar to CEDAW, community advocates feel very distant from the process.
- Examples of any national or local level implementation assessment mechanisms on VAW – what can we learn for implementation assessment?
- There is no standalone existing implementation assessment on VAW in the Pacific.
- Evidence-based standards – best practices? Effective storytelling? Considering how well evidence-based standards work globally and across jurisdictions? What are the minimum standards that all states should aspire to? What is feasible in practice?

Consider in relation to:

- Laws/Legislation
- Infrastructure
- Service Provision
- For legislation – UN Handbook for Legislation on VAW.
- For response – Essential Services Package for Women and Girls Subject to Violence; Core Elements and Quality Guideline developed by UN Joint Program.
- Language of Implementation Assessment – what language will be persuasive to member states? What language may turn-off member states? Key Performance Indicators, Outcomes, National Action Plans.
- All the terms mentioned have been used in the Pacific.

15 March 2016

Dear All,

I hope this message finds you all well.

Please find attached some notes from the Implementation Committee Meeting on 3/4 March which give an overview of the issues discussed.

Tentatively, we have scheduled the **next meeting on 12th April (Boston time 7pm) and 13th April (Asia/Oceania time)**. Please could David, Fran, Petra and Ruby check whether this date is feasible for you?

I have asked one of my Law students, Ms. Christina See-Kay Ling to help to draft a memo on Rashida Manjoo's reports to the UN and I hope that this will be completed in advance of the meeting so that we can discuss further.

David, Vidya and myself will also have a meeting in the interim to discuss more about metrics, which we then hope to feed into the group.

In the notes, you will see that I have asked members to give a subject list to help us structure our subsequent meetings. Very grateful if you could reflect on what issues we need to consider further and where we should focus our energies, bearing in mind we are working towards drafting a memo on implementation. If you could forward me any thoughts, I will try to compile a subject list to circulate.

All the very best,
Amy

4 March 2016

1. Feedback from governing bodies committee:

Committee members have a broad range of experience with Africa focus, rapporteurship, Belfast/European Focus with Cedaw/Istanbul, Civil Society & Access Issues, Shadow reporting, The Americas/Inter-American System.

There seems to be some consensus that we should not establish a body within the CEDAW body such as an Optional Protocol. It could be problematic to place this treaty in the current treaty body framework. But it may be possible to create "chambers" within each treaty body.

We should highly emphasize the role of local treaty body systems. Unless there is strong implementation of the treaty in domestic law, implementation will be difficult.

We are currently compiling a list of mechanisms from human rights and non-human rights bodies. The homework for the members is to describe and provide some critical thinking on each mechanism.

2. Exploration of David's Memo:

Members would be grateful for further input from David on how metrics may be used to measure implementation and best practices of such measurement. One challenge for the committee is considering implementation in the abstract. Further understanding of what the treaty would look like (perhaps from the drafting treaty if there is any feedback available) may help the group.

Task:

David, Vidya and Amy will meet in the interim to discuss further about metrics for implementation and will feed back to the group on 28th March Boston time 8pm/Hong Kong 29th March 9am

Other Tasks:

3. Judge Rhona will be supporting the governing bodies committee with some research on the ASEAN Intergovernmental Commission on Human Rights and consider various ASEAN Declarations on VAW. Fran will provide guidance for this task via email.
4. Establishing the subject list for the Implementation Committee to be completed by end of March. What areas does the Implementation Committee need to focus on in its subsequent conversations? I'd be grateful if group members could help to compile their own individual subject list of issues that we need to consider in implementation and forward it on to me.
5. It is recommended that everyone review a few of Rashida's reports linked here:
Amy has arranged for a student research assistant, Ms. Christina See-Kay Ling to conduct a review of major reports by the Special Rapporteur on Violence against Women, Rashida Manjoo with a view to producing a summary memo which will be circulated to the group in advance of the next Implementation Committee meeting.
Thought it would be useful if Implementation Committee Members could also review the following reports.
 - a. [Rashida. Report 2015](#)
 - b. [Rashida.Report.2014](#)
 - c. [Rashida.Report 2013](#)
6. The group will reflect on what an Implementation Protocol could look like, what could it contain to be effective acknowledging the fact that Rashida's reports have repeatedly stated that member states are asking for an implementation protocol on VAW.
7. Next meeting tentative for April 12 (USA) Boston time 7pm/April 13 (Asia/Oceania).

Fran, David, Petra, Ruby – please confirm if this date could work for you.

04 February 2016

Implementation – Brainstorming Session

Scope of Treaty

Dependent on the permissible limits of public international law (e.g., whether independent standalone treaty, optional protocol to CEDAW).

Models to consider –

Inter-American Convention on VAW <http://www.oas.org/juridico/english/treaties/a-61.html>

Istanbul Convention

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c>

Governing bodies

Treaty language specifying the type of domestic institution to support implementation

Guidance within the treaty - Striking the right balance and avoiding language that is too broad/vague or narrow/restrictive.

Role of national level machinery for the advancement of women or other equality bodies/human rights commissions?

Use of Metrics

Cutting off bad storytelling, e.g., limitations in current metrics (UN Women law on VAW or no law)

Identify best practices in metrics, e.g., potential metrics to consider World Bank, OECD Sigi Index <http://www.genderindex.org/>

Development of a matrix based on best practices.

Monitoring and Evaluation Processes

Models to consider – Disability Convention (monitoring and evaluation mechanisms and their effectiveness) – how effective has implementation of the convention been in Ireland, Germany, New Zealand.

Stakeholders

States, Ministries, Agencies, Private Corporations

Accountability – Criminal liability for Private Corporations? (Fran, could you share your previous research on multilateral treaties and corruption)

III. Process/Framework Rough Notes

September 13, 2016

From: amybarrow

To: vidyasri; petra.butler; Felicity.Gerry

CC: millicentbogert; natalie_wade; caitlinoquinn

Subject: RE: Next meeting time

Date: Wed, 14 Sep 2016 03:23:42 +0000

Dear Felicity, Petra and Natalie,

We had a productive discussion about the drafting of the memo to date. I wanted to first provide some general feedback on our memo drafting to the group given by Vidya and Millicent and discussed today and our next steps as a group.

Feedback in general on our memo:

Our memo is drafted in a robust way which comes across as a rebuttal so the tone/language is quite distinct to other memos drafted so far (that must relate to our respective backgrounds in the law!). It would be useful if we could draw out the weaknesses that exist currently in the implementation of CEDAW and include this within the memo (Amy to draft paragraph). It would be helpful if we could refer to other rights-based treaties relating to minority rights given the overlap with the proposed VAW treaty (we have started to do this but at this stage but we may need to condense the language down). For the CISG, it would be helpful to understand further why this model is transferable to a VAW context and should be considered (neither Natalie or I work on this, so we really need your input Felicity and Petra about its relevance and why it may represent an alternative model to existing rights-based treaties in terms of garnering support for the VAW treaty). We need to reflect on whether we include this suggestion or focus only on the existing rights-based treaties. This is something we probably need to discuss more about when we next come together as a group, but we can also discuss via email in the meantime. Millicent is going to review our memo and reformat it according to the Everywoman Everywhere memo template, so for now we don't need to return to the draft and revise further. Once

Millicent has returned the memo to the group we can start to revise the content. In the meantime, it would be very helpful if via email we could try to work on our recommendations and discuss further.

Recommendations for discussion prior to next meeting:

Today we identified the following recommendations that should be included in the memo:

- Committee on Violence against Women (focusing on what role and responsibilities the Committee should have with regard to implementation)
- Individual Complaints Mechanism (focusing on how this mechanism will be implemented)
- Statistics and data collection (and consider how this may relate to implementation of the substantive rights contained within the treaty as well as service provision and infrastructure implementation). This recommendation may need to be broken down into both Implementation and Assessment.

Are there any other concrete recommendations that we should include specifically on implementation?

I hope this adequately summarises the discussion today Natalie - please do jump in and add anything that I may have missed.

Look forward to being in touch via email to discuss more about our recommendations.

Very best,

Amy

From: Vidya Sri

Sent: **Tuesday, September 13, 2016 8:57 AM**

To: Richards, David L.

Cc: Amy BARROW (Faculty of Law)

Subject: RE: Source to share

Thank you David, I've reviewed your email below and agree on all counts.

What could work for you during the week of 9/ 26?

vidya sri

On Sep 13, 2016 8:53 AM, "Richards, David L." wrote:

Thank you Amy, that's a terrific document that I had not seen, previously. There are a lot of issues at hand, but two strike me from the emails following Amy's initial communication. Both deal with my thought that the task of structuring the culture and capacity for implementation is as important as, or more so than, creating actual metrics. That is, no matter what metrics we'd contrive, if there's an oppositional culture to metrics in states, or a lack of capacity to collect data, then we will fail.

1. I look at a prescription such as "ensure the compilation of statistics and research" as an unfunded mandate laid by wealthier countries upon the rest. Over the years, we have seen the accrual of reporting requirements for states matched with with no meaningful financial assistance for systematic information collection. What we see, instead, is conference after conference about the importance of metrics. It's

clear, I think, that no matter what was deemed important, there wasn't the funding to improve national offices of statistics enough to collect such data in a reliable fashion. And so, we end up with decade old, highly incomplete data like this: <http://tonga.prism.spc.int/social> In the end, just as there is the need for lobbying/activism to get a treaty, there is going to need to be an equal push to get money to help countries monitor compliance. Philanthropists need to be involved. It shouldn't be too hard a sell, as the connection to action is immediate: no program for social benefit can be efficiently wielded without the ability to monitor implementation/outcomes.

2. This is related to #1, and that is the people who work in national statistics bureaus –especially directors—do not like data that are not counts (murders, money, # people in a place, age, etc.). These are the people who kept human rights out of the post-2015 MDG framework. They believe that because human rights data is an irredeemably subjective pursuit (in their mind), collecting such data on their own country will undermine their ability to stay in their position. There is real political fear there, in a lot of instances. There is a lack of understanding of non-count data methodology in almost all circumstances. So, if states are to be involved in monitoring implementation, these folks have to get on board somehow. This may be a place we want to talk to World Bank, who has a network of lawyers and judges in each country currently rating gender-related laws. Statistics directors aren't going to listen to me or any other Western academic, but they may listen to serious professionals from within their own society.

I'm going to be in the field doing research for a book from 9/30 to 10/16, so I can't be available for a meeting in that frame. I could definitely meet afterwards, and could probably do a date before that.

Best,

David

From: Amy BARROW (Faculty of Law)
Sent: Friday, September 09, 2016 4:22 AM
To: Vidya Sri; Richards, David L.
Subject: Source to share

Dear Vidya and David,

I'm not sure if either of you have seen this comparative analysis by the Council of Europe on the Istanbul Convention and CEDAW.

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168059aa28>

This analysis includes consideration of the language contained within CEDAW General Recommendation 19 and the Istanbul Convention on the collection of data (see p. 9 of doc) as well as an exhaustive list of obligations to prevent VAW contained within the Istanbul Convention. Presumably, these obligations may also influence the type of indicators used to measure state compliance with the Istanbul Convention. The Istanbul Convention specifically suggests data collection in relation to administrative and prevalence type. It would seem that prevalence is a core requirement that should be included in any treaty on VAW.

Of course it may not be easy to transplant this framework to a global treaty, where there is greater diversity of Member States in terms of political, social and cultural climates, but I thought it may be

helpful as a starting point to see what types of indicators may be used in some of the recently adopted regional treaties.

General Recommendation 19 - ensure the compilation of statistics and research

Istanbul Convention - Article 11 requires states parties to regularly collect disaggregated statistical data of both administrative and prevalence type, support research in the field of violence against women, and conduct regular population-based surveys.

I'll keep thinking with regard to your questions Vidya and come back with more ideas soon.

Very best,
Amy

Sept 13, 2016

Thank you Amy and Natalie for your review, analysis, and feedback to the draft, very helpful. yes, it would be good if Petra and Felicity could review at this stage for additional comments. I have also copied Millicent who is helping me to coordinate and support all the memo drafting as we are very busy working through the final stages of all the memos with all the committees currently. I know we were trying to connect for a conversation this week. I know Felicity is travelling currently.

Petra, Amy, Natalie is your Wednesday, Sep 14 possible?

Vidya

----- Forwarded message -----

From: **Amy BARROW (Faculty of Law)**

Date: Mon, Sep 12, 2016 at 2:05 AM

Subject: RE: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT

To: Natalie Wade

Cc: Vidya Sri, Petra Butler, Felicity Gerry

Dear Natalie and all,

Thanks for the draft, which I think is really useful as an initial framework of how the memo should come together.

Please see my comments attached – there are some separate comments and I've also replied directly in the existing comment box to some comments already made.

To summarise my thoughts – I agree with Natalie, could we omit the section which outlines about women's rights in international and regional laws as this may belong to other committee groups' memos on why we need a VAW treaty and try to focus more on demonstrating how the mechanisms/models we refer to could potentially be helpful to any VAW treaty (to give us more space to go into more detail as well). So the CISG model is useful because it harmonises laws and policies but how can we show that this type of model would be useful in a VAW context and of benefit to the states, and indeed in their best interests? Can we make these links clearer?

I like the idea of a regulatory compliance framework provided by Petra and this in some ways relates to minimum standards we can reasonably expect of member states, but by having this approach we acknowledge what we can reasonably expect of member states will be dependent on GDP.

I haven't circulated this to the wider group at this stage. Would it be useful for Felicity and then Petra revisit the memo first and we could try to clean up the memo before circulating it for feedback from the wider group? Vidya, not sure if you have any suggestions on timing/process?

Very best,
Amy

From: Natalie Wade
Sent: Sunday, September 11, 2016 12:41
To: Amy BARROW (Faculty of Law)
Cc: Vidya Sri; Petra Butler; Felicity Gerry
Subject: RE: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT

Dear Amy and all,

As promised, here are my further thoughts. I will hand over to others to put their views in given all of our different expertise but I would be keen to continue to provide input as others have had a chance to do so also.

I have not been very descriptive in the specific mechanisms I have recommend and this could benefit from being tightened up for the final draft. Depending on what others think of the mechanisms themselves, I am happy to add further detail if the group thinks it would add value to the memo.

Best,
Natalie

From: amybarrow
To: natalie_wade
CC: vidyasri; petra.butler; felicity.gerry
Subject: RE: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT
Date: Fri, 9 Sep 2016 05:18:37 +0000

Dear Natalie,
Great – thank you. I can pick it up on Monday.
All the best,
Amy

From: Natalie Wade
Sent: Friday, September 09, 2016 13:01
To: Amy BARROW (Faculty of Law)
Cc: Vidya Sri; Petra Butler; Felicity Gerry
Subject: Re: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT

Hi Amy,
Yes it perhaps would be more efficient. I have set aside some time this weekend to add some more substantive changes. I hope deliver that by Sunday evening.
Best,
Natalie

Sent from my iPhone

On 9 Sep 2016, at 2:28 pm, Amy BARROW (Faculty of Law) wrote:

Dear Natalie and all,

Thank you so much for this draft. Natalie - would it make sense for me to wait for your further input first before I add anything?

Very best,

Amy

From: Natalie Wade

Sent: Wednesday, September 07, 2016 19:05

To: Vidya Sri

Cc: Petra Butler; Felicity Gerry; Amy BARROW (Faculty of Law)

Subject: RE: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT

Dear Vidya and all,

Apologies again I am late in providing the changes. Thanks to Felicity (?) who made the original draft - it's great to have something to just kick off from!

Please see my comments and changes attached. I would like to make more but I am running short on time this evening. The further changes I would like to make are more to identify specific models/mechanisms and recommend them and go back through the draft treaty to identify any specific issues. I will endeavour to this over the coming weekend.

I hope this initial review is helpful.

Kind regards,

Natalie

Chairperson

Disability Rights Subcommittee

Australian Lawyers for Human Rights

From: vidyasri

Date: Wed, 31 Aug 2016 17:45:10 -0400

Subject: Fwd: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT

To: natalie_wade

CC: petra.butler; Felicity.Gerry; amybarrow

The next step with this draft as we discussed in our last meeting was to have Natalie give her feedback and comments.

Natalie can you please do this and then share with Amy for her revision and comments?

If we can achieve these two steps by Sep 13 - we could schedule a meeting to discuss?

I have copied the steps we discussed in our last meeting below for reference:

On Wed, Jul 27, 2016 at 9:15 PM, Vidya Sri wrote:

Dear Members,

Thank you for a very productive discussion today.

We are currently drafting section 1d of the attached final memo guide.

Next steps for the memo drafters as we discussed today:

(Thank you Felicity, Petra, and Natalie for your help with memo drafting.)

1. Felicity is developing a first draft on recommendations for Implementation Assessment based on today's discussion. She will share this draft with Petra around Friday, Aug 5.
2. Petra will input to this draft and then share with Natalie around Friday, Aug 12.
3. Natalie will input to this draft and then share with Amy around Friday, Aug 19.
4. Amy will input to this draft and share with the larger group prior to the next meeting on Wednesday, Aug 31
5. Next meeting is Wednesday, Aug 31 at 6:30 pm est (USA)/Thursday, Sep 1 (Europe/Asia/Oceania)

----- Forwarded message -----

From: Vidya Sri
Date: Mon, Aug 29, 2016 at 10:14 AM
Subject: Fwd: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT
To: Felicity Gerry, Petra Butler
Cc: "Amy BARROW (Faculty of Law)", Caitlin O'Quinn

thank you Felicity,

thank you Petra,

apologies for the delay in my response.

Yes, please have your discussion Petra if you can ask the former PM to keep your conversation off the record?

Since we are not formally engaging with state actors yet and we do not want to create any perceived unintentional bias in the drafting process.

By ensuring that your conversation is off the record and confidential we could capture his very meaningful insights without other repercussions.

How does this sound?

Warm Regards,

Vidya

----- Forwarded message -----

From: **Petra Butler**
Date: Sat, Aug 13, 2016 at 3:41 AM
Subject: Re: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT
To: Felicity Gerry
Cc: "Vidya Sri"

Dear Felicity and Vidya,

my comments attached. Felicity- fantastic draft- thanks for that. It is always so much easier to comment! And I love your CISG comments!

I think we need a good discussion.. Vidya- would it be ok if I discuss the implementation issue with Sir Geoffrey Palmer , former Prime Minister of New Zealand and someone with heaps of international experience? He might have some thoughts on what has worked really well or what could work really well?

All the best
Petra

From: Felicity Gerry
Sent: Thursday, August 4, 2016 6:15 PM
To: Petra Butler
Cc: Vidya Sri

Subject: EVERYWOMAN ASSESSMENT COMMITTEE MEMO FIRST DRAFT

Hi Petra

First draft attached....

I've not included sources as I thought I'd wait to see what remained at the end of our process.

Bit of a 'brain dump' but I think if we all do that we will come up with something workable.

I've tried to keep it simple and to use some examples from industry so we can come up with some kind of 'kite mark' system (taken from a paper I am doing on gender equality).

July 20 - Notes from Petra

Dear All,

Just in regard to New Zealand and the Disability Convention: NZ traditionally had a very vocal disability rights community. In addition, the Office for Disability Issues is tasked specifically to act as a think tank, clearing house, and to provide support/to facilitate. In regard to Art 33 the decision was made that the Human Rights Commission, the Ombudsman Office and the NZ Convention Coalition monitor the progress made under Art 33 of the Disability Convention. The Commission and the Ombudsman are established by statute and have roles and

responsibilities in relation to discrimination, human rights, access to information and public accountability. The Convention Coalition comprises eight DPOs (Blind Citizens New Zealand,

Balance New Zealand, Deaf Aotearoa New Zealand,

Deafblind (NZ) Incorporated, Disabled Persons Assembly

(New Zealand) Inc, Ngā Hau e Whā, Ngāti Kāpo o Aotearoa Inc, People First)

It assesses what progress and provides an important voice for disabled people.

The Government is not involved in the monitoring of the Convention.

The Government also has issued a Disability Action Plan which has been reviewed regularly. Disability groups and civil society have been actively involved in the framing of the Action Plan.

Statistics NZ keeps statistics on people with disabilities in NZ. Given that the Human Rights Commission is also the first port of call for any complaints in regard to disability discrimination and the Ombudsman Office also hears complaints (ie both organisation are on the coal face) it seems a very effective monitoring coalition.

From the information I could gather, the way NZ has implemented Art 33 of the Disability Convention works relatively well and has yielded some good results.

I hope that helps
Petra

May 24, 2016

Dear Implementation Assessment Committee members,

I hope this message finds you well. Today's meeting was cancelled due to the various commitments of members which made attending difficult. I didn't have chance to meet with some members yet, so I wanted to touch base with you all and say how much I am looking forward to working with the group.

Given we haven't met today and we are still in the process of rescheduling the meeting time, I thought it may be useful to start the conversation via email before our next discussion as it may help to facilitate the conversation Especially given that time for group meetings is limited.

Can I ask you to reflect on the questions below which were included in the agenda items? I'd welcome your feedback and ideas and I can try to consolidate all the replies and circulate so we have a foundation to work with for the next meeting. These questions are framed around pointers that I picked up on from listening to the last couple of recordings of meetings. They also in many ways relate to some of the issues that we discussed in the Implementation Committee previously about what effective implementation looks like. In our group we discussed about the importance of the role of the local, e.g., local treaty body systems and also the role of domestic law as well as the potential role of metrics for measuring implementation considering that metrics can either give effective or bad storytelling.

Very grateful for any feedback and thoughts you may have.

Discussion on Implementation Assessment Mechanisms:

- 1) Existing Treaty body mechanisms – what works? shortfalls? Lessons to be learnt for any treaty on VAW?
- 2) Examples of any national or local level implementation assessment mechanisms on VAW – what can we learn for implementation assessment?
- 3) Evidence-based standards – best practices? Effective storytelling? Considering how well evidence-based standards work globally and across jurisdictions? What are the minimum standards that all states should aspire to? What is feasible in practice? Consider in relation to:
 - a. Laws/Legislation
 - b. Infrastructure
 - c. Service Provision
- 4) Language of Implementation Assessment – what language will be persuasive to member states? What language may turn-off member states? Key Performance Indicators, Outcomes, National Action Plans.

I look forward to being in touch.

Very best,

Amy

April 26(Africa/Jamaica/USA)/April 27 (Oceania)

Karen: Evidence based standards, independent audit/review,

Claire: existing mechanisms that we have - are they appropriate? treaty bodies - current ones any good? can they be used or modified? National action plans, can they be used? Can they uphold standards? States must commit to certain courses of actions.

Felicity: key performance indicators (corporate approach), outcomes based measurements, we need agreements that could be flexible and agreeable to states. Roadmaps (a lot of good work in Europe).

Tevita: the only thing we have in the pacific is the cedaw, GR 19, and the UPR. the section on VAW is getting smaller and smaller because cedaw is saying we can use UPR.

April 12 Meeting Notes

- general notes and facts on committees and working groups etc - transition from carr center to Everywoman Everywhere coalition - international commission on violence against women and girls
- notes on finding memos and difference in research vs. advocacy and the host organizations
- review of process with documents and everything, what to do between meetings
- Implementation assessment committee wants to be able to have updates on where other committees are with their drafting of memos so they can tweak IA memo as needed
 - all committees will write memos in plain english to then be given to the drafting committee to change into treaty language
 - what is it that we want to assess? how do you assess it? what are the components we want to see? what are the reporting mechanisms we want to see?
- could be standalone convention or addition to existing framework
- should we try to understand what the situation is in every country in the world?
- Or should we come up with what we would consider best practice in this space, if everyone in the world did these things, we would make a dramatic improvement in rates of violence against women, in addition to response and help for those that are survivors and improving criminal justice response
 - also include things that are minimum standards for countries to have implemented - at the very least do these things
 - additionally ask countries to come up with a plan to show a) how they have minimum practice and b) how they plan to work towards best practice over a period of time
- Perhaps circulate the survey that was done with other committee members in terms of what they would want done in terms of implementation? (spreadsheet)
 - just to give a sense of what people are thinking
- have a moment to think and come back in a week and figure out more details in terms of how we want to go about things.

IV. Memo on Reports of the SR VAW

Everywoman, Everywhere Implementation Committee Memo on Reports of the Special

Rapporteur Rashida Manjoo

Christina Ling, LLB Candidate, Faculty of Law, The Chinese University of Hong Kong

International State obligations to eliminate violence against women and the due diligence standard

While some human rights treaties refer to the issue of violence against women and include an interpretation and/or basic guiding elements regarding the state responsibility to act with due diligence in preventing, investigating, responding to, and punishment violence against women, the Special Rapporteur consistently highlights that there exists a normative gap at the international level; the system lacks a legally binding instrument on violence against women to clearly address all forms of violence against women and states obligations to act with due diligence to eliminate violence against women.²³

CEDAW

The Special Rapporteur observes that there are no specific provisions in the Convention requiring States to respond to and eliminate all forms of violence against women, with the exception of Article 6, which calls on states to suppress trafficking and prostitution of women.²⁴ Other references to violence against women in the Convention are couched in broad terms. Article 2 stipulates state obligations pursue by all appropriate means and without delay a policy of eliminating discrimination against women.²⁵ General recommendation No. 19 (also falling under Article 6 of the Convention), defines violence against women and classifies it as discrimination on the grounds of sex within the meaning of the Convention. The Special Rapporteur thinks it “important to note that...developments [in the Optional Protocol to the Convention and subsequent jurisprudence]” do not explicitly articulate violence against women as a human rights violation in and of itself.”²⁶

The Special Rapporteur also highlights the adoption of General recommendation No. 30 by the CEDAW Committee, which provides guidance on states’ obligations regarding women in conflict situations.²⁷

In respect of the due diligence standard, General recommendation No. 12 highlights the obligation of states to protect women from violence in the family, workplace, or any other area

²³ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/26/38, 28 May 2014 at p. 18.

²⁴ Ibid. at p. 7.

²⁵ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/23/49, 14 May 2013 at p. 8.

²⁶ See note 1, A/HRC/26/38 at p. 7.

²⁷ See note 1, A/HRC/26/38 at p. 8.

of social life under Articles 2, 5, 11, 12, and 16 of the Convention.²⁸ The CEDAW Committee also reaffirmed the due diligence standard in 2007²⁹ through its consideration of two complaints which alleged the state's failure to investigate and prosecute acts of violence against women: *Hakan Goekce et al. v. Austria* and *Banu Akbak et al. v. Austria*. The Committee provided further guidance in its General recommendation No. 28 in 2010, which reframed the principle of state responsibility under the Convention as a legal obligation to respect, protect, and fulfill women's rights to nondiscrimination and equality.³⁰

Resolutions

In their resolutions on violence against women, several United Nations bodies have called upon states to exercise due diligence. States are broadly called upon to develop civil and criminal measures to address offender accountability, to ensure victim safety, and to provide redress and justice measures that victims can access effectively.

In her 2012 Report, the Special Rapporteur highlights General Assembly resolutions 61/143 of December 2006 and 63/155 of December 2008 with regard to the intensification of efforts to suppress violence against women.³¹ The resolutions urge Member States to adopt a more systematic, comprehensive, and multi-sectoral approach, supported by institutional mechanisms and financing, to ensure that all human rights and fundamental freedoms are respected and protected.

Another significant General Assembly resolution is 48/104, the Declaration of Elimination of Violence against Women; this calls upon states to condemn violence against women, develop sanctions in legislation to punish and redress wrongs caused to victims, provide access to justice and effective remedies, and ensure that secondary victimisation of women does not occur.³²

Between 1994 and 2005, the Commission on Human Rights adopted 12 resolutions on the integration of women's rights into the human rights mechanisms of the United Nations and the elimination of violence against women.^{33,34} These resolutions have not only articulated violence

²⁸ See note 3, A/HRC/23/49, at p. 8.

²⁹ Ibid.

³⁰ Ibid.

³¹ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/20/16, 23 May 2012, at p. 22.

³² Ibid.

³³ Ibid. at p. 8.

³⁴ For example, General Assembly Resolution adopted on the Intensification of efforts to eliminate all forms of violence against women, A/RES/64/137, 64th session (2009) General Assembly Intensification of efforts to eliminate all forms of violence against women, A/RES/65/187, 65th session (2010) and Human

against women as a human rights issue, but also emphasised the obligations of states to refrain from engaging in violence against women and to exercise due diligence in responding to such violence.

The due diligence standard in other human rights instruments

The responsibility of states and the due diligence standard in the prevention of, response to, and punishment of violence against women is enshrined in various other international human rights instruments. This includes:

- The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, General comment No. 2.³⁵ The Special Rapporteur notes that the Committee has so far only defined rape as torture, without addressing other forms of violence against women.³⁶
- The Declaration on the Elimination of Violence against Women incorporates state responsibility to act within a due diligence standard in Article 4(c), requiring states to “prevent, investigate[,] and, in accordance with national legislation, punish acts of violence against women”;³⁷ Article 4(d) also calls on states to provide adequate access to the mechanisms of justice.³⁸
- The Beijing Declaration and Platform for Action contains a list of due diligence steps to be taken by states.³⁹
- Security Council Resolution 1325 emphasises the responsibility of States to end impunity and hold responsible perpetrators of war crimes and other types of violence against women.⁴⁰

Regional State obligations to eliminate violence against women and the due diligence standard

The development of specific legally binding instruments at the regional level has strengthened the human rights frameworks in the African, Inter-American, and European rights systems. The Special Rapporteur focuses on these systems in her 2015 Report. Legally binding instruments emphasise enforcement mechanisms and the incorporation of state responsibility to act with due diligence as central components.

African context

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

Rights Council resolution Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention, A/HRC/RES/14/12, 23 June 2010.

³⁵ See note 1, A/HRC/26/38 at p. 8.

³⁶ Ibid.

³⁷ Ibid. at p. 9.

³⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/14/22, 23 April 2010 at p. 9.

³⁹ See note 1, A/HRC/26/38 at p. 9.

⁴⁰ Ibid.

(Maputo Protocol)

The Maputo Protocol, adopted in 2013, contains context-specific provisions on violence against women and enshrines the requirement of states to take positive action to ensure the enjoyment of equal rights by women. Article 4 gives a comprehensive outline of the legal and non-legal measures to be taken by states in addressing violence against women, such as enactment of specific legislation; the imposition of sanctions or punishment of violence; provision of resources and services; and the adoption of public education and awareness raising measures.

⁴¹ The Special Rapporteur notes that a seminal development is the inclusion of provisions on abortion in Article 14 of the Protocol.⁴²

The African Charter on the Rights and Welfare of the Child

The Charter refers to numerous forms of violence against girls and prohibits traditional practices and customs that are harmful to the child.⁴³

European context

Since the 1990s, the Council of Europe has adopted numerous measures, recommendations, indicators, reports, and other non-binding documents that set guidelines on achieving progress in addressing violence against women.⁴⁴ Some examples of measures taken include the adoption of recommendation 2002 (5) on the protection of women against violence; the establishment of the Task Force to Combat Violence against Women in 2005; and engagement in campaigns, conferences, and activities to raise awareness.⁴⁵

Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

The Istanbul Convention, adopted in 2014, is the second and most recent treaty adopted to specifically address violence against women.⁴⁶ Article 5 of the Convention stipulates the State obligations to refrain from acts of violence against women and exercise due diligence in relation to acts perpetrated by non-state actors.⁴⁷ The other articles define the range of measures that states are required to take in order to meet their obligations to prevent, protect, and prosecute violence against women; this includes data collection, prevention, protection, and support measures, as well as legislative, investigative, and prosecutorial measures, and the establishment of a monitoring mechanism to ensure state accountability.⁴⁸

⁴¹ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/29/27, 10 June 2015 at p. 6.

⁴² Ibid. at p. 7.

⁴³ Ibid.

⁴⁴ See note 19, A/HRC/29/27 at p. 10.

⁴⁵ Ibid.

⁴⁶ Ibid. at p. 9.

⁴⁷ See note 3, A/HRC/23/49 at p. 11.

⁴⁸ See note 19, A/HRC/29/27 at p. 10.

The European Court of Human Rights

The jurisprudence of the European Court of Human Rights has upheld the obligations stipulated in the Istanbul Convention in various cases concerning violence against women; these are positive obligations on states that necessitate them to investigate and prosecute cases of violence against women, provide access to justice to victims, and prevent violence by requiring authorities to take preventive measure.⁴⁹ The Court, however, does not typically refer to the term due diligence in respect of cases involving violence against women.⁵⁰

Inter-American Context

The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Convention of Belém Do Pará)

The Convention of Belém do Pará, adopted in 1994, is the most ratified instrument in the Inter-American System.⁵¹ It is also the first human rights instrument on violence against women which incorporates the due diligence standard; moreover, the standard is not only a negative duty but also a positive obligation to prevent, investigate, punish, and provide a remedy.⁵²

The Convention defines violence against women in Article 1 as “any act or conduct, based on gender, which causes death or physical, sexual[,] or psychological harm or suffering to women, whether in the public or the private sphere.” It provides in Article 7 that States Parties must act with due diligence to prevent, investigate, and impose penalties for violence against women, whether occurring in the public or private spheres and whether perpetrated by individuals or state agents. Article 9 of the Convention also mandates that states must take special account of the situation of risk to violence that certain groups of women can face by reason of their race, status as migrants, refugees, or displaced persons; similar consideration is to be given to women who are pregnant, disabled, facing unfavorable economic conditions, affected by an armed conflict, or deprived of their liberty (Art. 9).

A mechanism was established in 2004 to follow up on the implementation of the Convention of Belém do Pará and address concerns related to non-compliance, consisting of two components: the Conference of States Parties and the Committee of Experts.⁵³

The Inter-American Court of Human Rights

The Court was the first human rights body to hold that the American Convention on Human Rights requires states to exercise due diligence to prevent attacks on a person’s life, physical

⁴⁹ Ibid. at p. 13.

⁵⁰ Ibid.

⁵¹ Ibid. at p. 15.

⁵² See note 3, A/HRC/23/49 at p. 11.

⁵³ See note 19, A/HRC/29/27 at p. 15.

integrity, or liberty on its territory and punish perpetrators and to restore the right violated and provide compensation for damages resulting from the violation.^{54,55}

Measuring state accountability

The Special Rapporteur notes in the Addendum to her 2015 Report that there is an urgent need to address the accountability deficit in preventing and responding to violence against women. A global treaty will serve to overcome this by setting forth clear binding standards state obligations to prevent and act with due diligence when addressing violence against women.⁵⁶

Guidance for assessing state responsibility and the due diligence standard

In her 2013 Report, the Special Rapporteur references a list of proposed questions suggested by the first Special Rapporteur in 1999 to assess state responsibility in acting with due diligence to address violence against women.^{57,58} This includes asking whether: states have ratified all international human rights instruments; there is constitutional authority for equality of women; national legislation provides redress for victims of violence against women; there exist national policies or action plans to tackle the issue of violence against women; support services for victims are available; measures have been taken in education and awareness raising about violence against women; and whether there is sufficient data collection and analysis on violence against women.

The Special Rapporteur remarks in her 2012 Report Conclusions that a similar set of standards has been put forth by international and regional human rights systems in relation to gender-related killings.⁵⁹

In 2010, the United Nations Development Fund for Women (UN Women) produced the National Accountability Framework to End Violence Against Women and Girls as a tool to assist states in their efforts at monitoring laws, policies, and programmes. It includes a list of 10 questions that serve as a checklist of key elements for promoting national accountability to end violence against women.⁶⁰ This includes checks on addressing all forms of violence against women, data collection, adequate legislation, National Action Plans, sufficient resources, and a holistic multisectoral approach.

⁵⁴ See note 3, A/HRC/23/49 at p. 5.

⁵⁵ For cases and jurisprudence of the Court, see note 19, A/HRC/29/27 at pp. 16–18.

⁵⁶ Addendum to the Human Right Council Thematic report of the Special Rapporteur on Violence, its Causes and Consequences (A/HRC/29/27), A/HRC/29/27/Add.5, 12 June 2015 at p. 28.

⁵⁷ See note 3, A/HRC/23/49 at p. 6.

⁵⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 1995/85, E/CN.4/1999/68, 10 March 1999.

⁵⁹ See note 9, A/HRC/20/16 at p. 28.

⁶⁰ See note 3, A/HRC/23/49 at p. 10.

Models, metrics, and best practices

The Special Rapporteur gives few concrete examples of states' best practices in measuring accountability in her Reports, perhaps because most state models are not considered completely satisfactory or effective in carrying out their mandates. The Special Rapporteur frequently highlights the accountability deficit and reiterates the need to address it through fulfilling state obligations to prevent violence against women according to the due diligence standard.

The Special Rapporteur mentions in her 2015 Report that, in the European context, the Istanbul Convention provides for the establishment of a monitoring mechanism to ensure state accountability.⁶¹ However, there are no additional comments on the effectiveness of the mechanism.

In her 2013 Report, the Special Rapporteur mentions a possible assessment tool for state responsibility for combating violence against women. She remarks that an area in which the due diligence principle has been developed and applied to human rights violations is that of transnational corporations: In 2011, the Special Representative of the Secretary General presented to the Human Rights Council the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex), which articulate principles that clarify and expand on the state duty to protect and the corporate responsibility to respect.⁶²

The Guiding Principles consists of four elements to human rights due diligence concerning transnational corporations: (a) identification and assessment of actual or potential adverse human rights impacts; (b) appropriate actions being taken based on information from the assessment; (c) tracking the effectiveness of the response; and (d) effective communication with relevant stakeholders concerning the response. The Special Rapporteur thinks these four elements could serve as a useful assessment tool in the violence against women sphere, as states can examine whether their responses are meeting the due diligence standard of responsibility and, more importantly, whether they are effective in practice.⁶³

V. Initial Thoughts on Metrics

Discussion-Starting Thoughts on Implementation Metrics: Legal Guarantees

David L. Richards, University of Connecticut

Quantitative data are one way, among many others, to tell stories about the human rights practices of states. Twenty years of practice with my CIRI data also have taught me that many states will make policy changes when confronted by poor showings on human rights

⁶¹ See note 19, A/HRC/29/27 at p. 10.

⁶² See note 3, A/HRC/23/49. at p. 7.

⁶³ Ibid.

measures. Given the increasing usage of metrics in news media, policymaking, and advocacy, it is to our benefit to be proactive in the area of the development of quantitative indicators (or metrics/benchmarks/measures/etc.) to be used to tell stories of state implementation (or lack thereof) of our treaty. Below are some quick thoughts to start discussion about one type of metric that would be of great and initial importance: legal guarantees.

The violence-against-women treaty we are advocating (hereafter VAWT) will most certainly create an obligation on the part of states to enact a meaningful legal framework aimed at discouraging VAW and offering meaningful recourse to justice for those who are victims. Such an obligation would be similar, largely, to the expectations of CEDAW's Article 2 and so, therein lies a foundational lesson for us going forward with regards to what would be best practices for metrics of states' implementation of legal guarantees.

Recently, there has been a growth in the number of measurement schemes attempting to capture the degree to which states have been responsive:

- UNWomen <http://tinyurl.com/jqb6svs>
- WomanStats <http://www.womanstats.org/new/codebook/>
- OECD <http://www.genderindex.org/data#discriminatory-family-code>
- Richards and Haglund <https://www.routledge.com/products/9781612051475>
- World Bank <http://wbi.worldbank.org/data/exploretopics/protecting-women-from-violence>

These five measurement frameworks vary greatly in their substantive scope, methodology, and sourcing. None claims to be an exhaustive indicator set of the full range of ways in which states could implement their obligations under CEDAW's Article 2. The ways in which states—independently and through their UN voices—have reacted to these and other human rights metrics over the last several decades provide us the following baseline set of understandings, expectations, and goals.

1. The utility of a set of implementation metrics for the VAWT is that there exists benchmarks that can be used to authoritatively demonstrate and/or compare the progress of states in meeting treaty-related goals. Because these benchmarks are to be used to influence state behavior, it is imperative that they be acceptable to states.
2. States are extremely wary—often out-of-hand dismissive—of any metrics that do not originate out of their own national statistics bureaus or data bureaus they run through their roles in interstate organizations, no matter the source of these third-party data or the demonstrated reliability/validity of these data.
3. States will never accept judgment based on ordinal data. Ordinal data are those that measure things in scales ranging from poor-to-excellent, or least-to-most, or such. Despite reliability and validity checks of greater statistical substance than those typically done by national statistics bureaus on state-accepted data such as homicide statistics, states view third-party ordinal data as “completely subjective.”

With regards to legal guarantees, I think our ideal strategy would be to start with a small set of dichotomous (yes/no) indicators benchmarking state implementation of what our experts would agree are “core” elements of states’ legal obligations under the VAWT. To build an accepted set of indicators (which would be a useful set of indicators) it will be important to build trust with as many states as possible, and this will be easier with a smaller set of primary indicators than with a larger, exhaustive set. We will get nowhere, ultimately, if we adopt an attitude of “our data are good data, states will have to accept them.” If we can successfully partner on a small set of valid, reliable, and state-accepted metrics, then the possibility is open to pursue a broader measurement scheme over time. Another reason to start small is to make states look imperfect, not abysmal like an exhaustive scheme would do without doubt. If we make all states look abysmal out of the gate, they will recoil, reject any system of metrics, and we will lose any advocacy leverage that metrics provide.

One idea is to produce a questionnaire to be completed annually by each state’s national ministry of justice/law. This would be a series of yes/no questions about legal guarantees and features that our group has deemed core to state responsibility under the VAWT. The obvious danger is, of course, probable attempts by some states to lie on the questionnaire in order to look better than they should. A few solutions come to mind. First, perhaps we can partner with a few qualified attorneys in each state to verify the state responses. Or, we could ask the state to provide, along with the questionnaire, simple information to verify its answers—such as the location of relevant legal elements in a country’s code and an English-language translation of relevant statutes. I’ll stop here and hope there’s enough here to promote initial thought/debate/discussion of the issue.

VI. Committee Consultation Spreadsheet

Name	Country	Committee	What does your government and/or community use to understand the frequency of VAWG? For example, numbers of reported incidences, arrests, orders of protection, money spent on social programs and/or training programs, laws passed, etc. (17 responses)	How are VAWG-related policies, practices, and/or outcomes measured in your country or community? Are there methods that have been particularly successful or not? What works? What doesn’t work? (16 responses)	From the perspective of your country, community, or the Expert Special Committee you’re on, what are the three main obstacles to better measuring VAWG? (17 responses)	International human rights conventions typically have an upwards reporting process (upwards from country to UN). What advantages/disadvantages do you see from a VAWG treaty adopting this style of reporting? (16 responses)	How can we be more inclusive and creative in the way we measure the implementation and effectiveness of this Convention? Are there methods and approaches from local communities and traditions that could be incorporated? (16 responses)
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Halah Aldose ri	Saudi Arabia	Training	<p>The work on violence is fairly recent in Saudi Arabia. In 2016, a hotline was established by the Ministry of Labor and Social Development to receive & document reports of abuse (women and girls included but not exclusively). The protection from abuse law was enacted in 2013 that mandates reporting of all abuse cases, however there are problems in implementations. Prior to the hotline, several entities collected statistics on reports of abuse: hospitals, police stations, schools, shelters and quasi-human rights organizations; only some of them documented the reports by type of violence and gender. Saudi Arabia is an absolute monarchy and doesn't allow independent civil society organizations and allow only two governmental funded organizations to engage in human rights work: The National Society for Human Rights, which receives and documents violence reports and the National Commission for Human Rights, which receives reports without publishing the statistics. All entities report to social affairs, as the assigned authority to deal with cases per law. The Ministry of Justice reports on the number of cases received under the</p>		<p>1. Limitations of access to and availability of reliable and comprehensive data on violence (due to various collection methods, various entities involved, inconsistent protocols of dealing with reports). No national survey exists in my country; 2. Underreporting of cases, for reasons related to social stigma and fear of retaliation or an inefficient reporting system; some religious judges will punish victims as well as perpetrators in sexual assaults, especially if the women had an extramarital relationship with the man; women who are married cannot report any relationship with any offender that turned abusive because she may be sentenced for death. This makes the process of obtaining reliable and contextual information on VAWG difficult to obtain on a systematic or comprehensive way for effective measurement; and 3. Problematic definitions; for instance marital rape, coercion, and sexual harassment are not clearly stated</p>	<p>In countries like Saudi Arabia where no NGOs are allowed to register and where activists work solo, no possible reporting on those issues by individuals is possible. Most of the cases and details of violence are held by governmental authorities and access to reliable information for reporting is quite difficult across various sectors and receiving bodies. There is also the lack of ability to access survivors and interview them without the government's permission, which is difficult in most cases. Advantages are in the ability of advocates to have a representation and voice for their concerns in countries where civil and political representation and participation are limited.</p>	<p>1. Ensure transparency of data (aggregates) and stress the state on the collection of certain sets of information for each case; 2. Provide a reporting protocol for each member state on concrete items: For instance, prevalence of VAWG, documentation of cases, legal redress measures, service provisions for survivors, violence related injuries or femicide cases reported, evaluation of services or prevention programs, etc...(attaching a Jordanian surveillance sheet for your review, check the Annex); and 3. Allow NGOs and independent agents to explore the services using the same checklist or protocol and to meet with survivors and agents of different sectors.</p>
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			<p>“violence against women” category but not on the details of cases or decisions made by judges. Saudi Arabia does not have a penal code and judges use Islamic references and interpretation for a case-by-case review. Therefore, no information on the nature of violence or the outcomes of cases can be inferred.</p>		<p>in laws in definitive term, making measuring these acts of VAWG really difficult.</p>		
Gaby Razafi ndrako to	Madagascar	Trafficking	<p>Frequency of VAWG is rather high and not totally reported in the Malagasy society. The efforts deployed to fight against it are sometimes challenged by economic, social, or customary norms that often regulate women’s daily lives. The reports that state institutions can get come from civil societies or NGOs that run legal and counseling centers where women victims of violence turn for advice, but their proceedings sometimes cannot result in any legal cases because of lack of financial resources, even to get a medical certificate to certify injuries...In rural traditional communities women cannot have their say but have to abide by the traditional leaders or their husbands’ instructions...The only right women can have is to “leave the household” for a while and join their families, but there too they are advised to come back to their husbands...And women do not dare denounce</p>	<p>The reports the state institutions obtained are partially used to devise ways of fighting VBG, but the rate is still high in most parts of the country. The political and economic situation make it difficult to implement and measure the progress made. What is seen is that the state tries to raise awareness about VAWG on TV or during official events like the 16 days of activism, but a lot still remains to be do.</p>	<p>1. First, women’s lack of confidence to denounce; 2. The ignorance of humans’ fundamental rights; and 3. The nonexistence of an independent global sanctioning body that regulates and monitors all this, and that is recognized and respected at the national /international level.</p>	<p>The sources are primary, but there may be a risk of information distortion or incompleteness at every level of the reporting structures. How to make sure that the data obtained are true and genuine?</p>	<p>1. To set up a mixed reporting unit or structure perhaps (that is composed of international and national experts) to preserve objectivity and true data /information; 2. To set up a “shelter (for victims) where they can be “counted” and registered officially; and 3. To run implementation measuring periodically, not waiting for too long, and to do a mapping of the efforts made using indicators of course.</p>

			<p>their partners or speak out about the violence they suffer from...National statistics about VAWG are not systematically consolidated and compiled, they can be obtained partially from technical or financial partners who conduct surveys such as UNFPA or else...Regional and country annual barometers are used to give data about VBG in the sub-Saharan region, and they can be used by the government to understand VBG prevalence in each country member.</p>				
Virginia Muwaniga	Zimbabwe	TOV/Trafficking	<p>Number of reported incidences, arrests, applications for peace orders, femicide.</p>	<p>Policies usually have indicators of achievement and the quantitative aspects are easily measured that way. Annual barometers by Gender Links have helped to measure VAWG, among other issues. Collaborations among government, civil society, and law enforcement agents has also worked in ensuring research outputs that are informative and based on triangulation. What works is to incorporate indicators for use in measurement at policy design level and to publicise the policy so that people can use it. Measurement of qualitative aspects</p>	<p>1. Lack of nation-wide coverage due to resource constraints; 2. Poor design in some programmes/policies leaving out indicators; and 3. Lack of adequate tools to measure qualitative indicators.</p>	<p>Advantages are the collaboration in accountability from the ground up which informs the national, regional, and international. Disadvantage is lack of downward accountability for implementation, monitoring, and evaluation beyond adopting the instruments. People not being centred enough.</p>	<p>By ensuring a two-way social accountability model such that duty bearers also report back to people to motivate more involvement at the family, household, and community level.</p>

				are still a challenge, e.g., level of awareness and consciousness among people, level of real buy-in or sensitivity among cultural and other gatekeepers beyond what they say, and measuring whether more cases reported means an increase in incidence or just more awareness.			
Sopheap Ros	Cambodia	DV	<p>In Cambodia we have laws and policies. Neary Rattanak is a national gender mainstreaming policy. The mandate of the policy is based on the mandate of the government. During this time (2013–2018) is Neary Rattank IV.</p> <p>Besides that, the National Action Plan on VAW (NAPVAW) and the mandate of NAPVAW is based on the government mandate as well, so this duration is NAPVAW II (2013–2018). This policy is a key national strategy to deal with GBV and DV. The Cambodian National Council for Women (CNCW) is the highest council in Cambodia in which the Queen and Prime Minister are Honorary Chair and Honorary Deputy Chairperson. The Minister of the Ministry of Women’s Affairs (MoWA) is the executive body. The Secretariat of States of 27 Government Ministries in Cambodia is a member of CNCW. CNCW holds an annual</p>	As mentioned above there are policies, but they are very poorly practiced and have no effect because there is no budget allocation to support women victims. The patriarchal system is still very strong in Cambodian society, especially among the high officers and men. Corruption and law enforcement is very poor. Therefore, GBV in Cambodia nowadays is still existed very badly.	1. Real potential of the country to deal with this issue, especially the government; 2. Knowledge on the issue of GBV related to M&E tools on this issue must be considered; and 3. Equal partnership and collaboration between the government and civil society to work on this issue is needed.	The government feels comfortable with the current practice at any level in term of policy, treaty, or convention. They know they can sign any documents as required by the UN or any international Steering Committee/or committee, etc. They know very well that there will be nothing to pressure them, as they could claim that there is their boundary of decision within their power of their country. Therefore, who dare to speak against their mandate/power, those will be in the target groups for arresting, killings, etc. As this current issue is happening in Cambodia, the Human Rights and Women Rights Defenders are killed and put in prison. The government is using intimidation tactics to keep their power. So,	Cambodia adopted Good Governance policy and this policy is quite good if it is well-enforced. So, giving safe space for people’s expression is important to improve the challenges issues in Cambodia.

			meeting (in March) and the Minister of MoWA reports the progress on the situation of women on GBV and DV to the meeting. The Prime Minister presides over the meeting. Participants that are invited to the meeting are high government officers, donors, the UN, and some NGOs. Beside that, based on the DV law, MoWA plays the role of policing justice on the DV issue by filing complaints on behalf of the victims.			in 2013 they submitted a white report to the CEDAW Committee in Geneva and they claimed that the NGOs' report was the bad one.	
Simi Kamal	Pakistan	TOV	Media reports of incidents, which are then used by some advocacy NGOs to prepare annual reports and baseline surveys undertaken by particular programs and projects. Recently the National Commission on the Status of Women has prepared indicators and questions to be included in a proposed national survey, so we can actually get this data regularly and see trends. We also work with legislators to get bills presented in parliament and get laws passed. While money is spent on many programs by government and donor-funded initiatives, as well as philanthropic endeavors, I am not aware if this is aggregated anywhere. Recently the provincial commission on the status of women in one of Pakistan's four provinces has set up a unified database on women's rights, which	Only initiatives in program or project mode have monitoring and evaluation mechanisms that can tell results and impacts (number of women in shelters, services provided to them, results of legal aid, mediation, rehabilitation, etc). The larger part of the impacts (for example the impact of a particular law) are not measured, per se.	1. The scattered nature of interventions and the subsequent scattered nature of obtaining, storing, and using data; 2. Reluctance at the highest levels to include VAWG in regular data collection by the government; and 3. Making the shift from media reports to nonsensational serious data collection that respects the privacy and security of survivors and victims.	As long as we have the basis of data collection embedded in national surveys, this type of reporting would be possible and helpful.	Difficult to answer this here in a few lines. Different programs in Pakistan and across the globe have adopted different ways of doing this—from survivor testimonies to the study of court cases, to house-to-house surveys, all bringing out different aspects of the problem. I suggest we go for multiple sources and methods, depending on which part of the proposed treaty we address. There would have to be different approaches for different indicators. For example, prevention would have to be community-based using local cultural means of raising

			also records violence against women and actions taken for redress.				awareness, but identification and support to victims would have to come out of the cultural norms, since it is some of these same cultural norms that tolerate or even advocate violence against women. The state would have to take the lead in providing legal aid, shelter, and protection to survivors and prosecuting the perpetrators. NGOs and philanthropy can only go so far in providing shelter, counseling, and legal aid. The perpetrators have to be dealt with by the government and under strict legal provisions to ensure they don't get away.
Francisco Rivera	USA	GB				A few years ago, I asked question 4 to Sarah Cleveland, the current US member on the Human Rights Committee, who also used to work for the US State Department and helped draft these types of reports to the UN. She said that the UN reporting mechanism at the very least <i>forces the discussion of issues that would otherwise not be discussed within the Executive Branch</i> . Those discussions often lead to data gathering	For question 5, I will defer to what the Governing Bodies Committee suggested in terms of creative ways to implement the Convention domestically through National Human Rights Institutions and Action Plans.

						<p>that would otherwise not be done or at least not with a human rights lens. The data gathering often includes input from civil society groups who work on issues that would otherwise not be heard by the government. The information from civil society is often informed by the stories of direct victims of human rights violations. So, in a way, UN reporting allows for the exchange of information within each government and between governments and civil society and individuals in a way that would otherwise not occur. This process allows governments to identify gaps in laws and services and adopt policies to address those needs. The public nature of the reporting process also allows teachers, professors, and civil society to use the proceedings (the reports, but also the videos of the sessions) to educate the public about: 1. substantive issues; 2. governments' negative and positive obligations to address those issues; and 3. UN proceedings to bring those issues to the</p>	
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						<p>attention of the world. We can use the UN reporting mechanism to educate ourselves and our governments about how best to address important issues. We can also use this mechanism to submit shadow reports and share our own views about the issue, not just with the UN but (most importantly) with our governments. A sort of disadvantage of the UN reporting mechanism is that people expect too much from this process. Instead of focusing on how this process sheds light on human rights standards and violations, many focus on what the UN can or cannot do about those violations. The real focus of these UN reporting mechanisms should be on how they can assist us in engaging our governments and our communities in local conversations about important issues. The UN doesn't make domestic policy, but it can help us have the tools necessary to have that conversation domestically that leads to programs, policies, and priorities at home.</p>	
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Hauwa Shekar au	Nigeria	SSV	In Nigeria, one of our major problems is a general dearth of data. Even the law enforcement agencies that come into first contact with victims of VAW do not have adequate data on the frequency of VAWG. It is definitely a very herculean task trying to get correct and reliable data on VAWG that is comprehensive. I can safely say there is no such data available in Nigeria. The kind of data you find available are data collected by NGOs based on their operations in particular communities.	Nothing positive to share. The framework needed to measure these outcomes are lacking or not in place.	1. Lack of adequate framework for measuring VAWG; 2. Culture of silence fueled by stigma and negative social norms; and 3. Lack of political will on the part of the government to address VAWG.	Some of the Advantages are that: 1. It helps to hold state parties accountable to their commitments under the treaty; and 2. It affords the opportunity for the UN to follow progress made as well as document challenges with a view to providing solutions through Concluding Observations and General Comments. Some of the disadvantages are: 1. It does not afford an opportunity for a rapid response or intervention mechanism in cases of emergencies. In other words, it does not enable issues to be nipped in the bud because reporting is periodic; and 2. Where countries fail to report, not sure there is any sanction for such defaulting States Parties.	I think that there is a need to ensure that the UN is empowered to come into any country to investigate cases as may have been reported by individuals or CSOs. There is also a need to ensure that defaulting countries are adequately sanctioned for failing to meet their commitment under the treaty. Additionally, countries should be held accountable for very basic indicator benchmarks as a commitment under the treaty.
Katarzyna Sekowska Kozłowski	Poland	TOV/SSV	I think that this is foremost the number of cases reported to the police.	The most expanded is the procedure concerning domestic violence called the "Blue Card." This is a system of "registration" of people who are endangered by domestic violence by the police, social workers, doctors, teachers, etc. These entities are obliged to report incidents of domestic violence. If	1. Underreporting (shame and fear of victims, lack of knowledge, indifference of others); 2. Lack of a clear legal definition of what VAWG is and which types of violence/crimes it includes; and 3. Lack of political commitment (the present government of Poland stands openly against gender issues; it recognizes women's	The more specific the reporting would be, the better. I have observed that some state agents in Poland find the expert monitoring system of the Council of Europe much more effective and useful than the UN treaty bodies system (for instance, the monitoring system of European Social Charter is better assessed than the monitoring system of CESCER).	I think that the convention should promote participation of non-governmental organizations as important sources of information in measuring the process. It should also insist that a state gather specific gender data (for instance, the genders of victims and perpetrators) and make

				<p>somebody (a victim) is registered within the “Blue Card” system, particular state entities are obliged to undertake some activities to help this person. This system gives some numbers of victims of domestic violence but of course is not perfect. Firstly, there is a risk of underreporting (for instance some research shows that GPs are not very eager to report even if they suspect that their patients are victims of domestic violence because the procedure is too time-consuming). Secondly, there is a risk of abuse, for instance some perpetrators report themselves as victims.</p>	<p>rights as an “enemy” of family and traditional family roles).</p>	<p>Maybe we could use some experience of this system (for instance, countries report each time only on some selected issues, not on the realization of the whole treaty).</p>	<p>gender-sensitive assessments of this data.</p>
Truffy Maginnis	Australia	Disabilities/Inclusive	<p>In Australia there is a National Plan to Reduce Violence against Women and their Children now at the halfway point of the Plan 2010–2022. The Plan identifies that good data collection is key to understanding the prevalence and to combating the violence. The latest Plan reporting states: “A firm foundation has been laid with the establishment of ANROWS (Australian National Research Organisation for Women’s Safety), national surveys on the</p>	<p>From the National Plan to Reduce Violence against Women and their Children: “The National Survey on Community Attitudes towards Violence against Women provides information on community knowledge of, and attitudes towards, violence against women and identifies areas that need attention in the future. It was most recently conducted</p>	<p>1. The hiddenness of violence against women and girls with disabilities because many are “captured” by service systems; 2. Because of that captivity then for women or girls to report violence and abuse is a hugely risky thing as it may lead to a loss of support as retribution. A secondary aspect of this is that the violence has become so normalised it is not recognised as</p>	<p>A disadvantage I can see from the perspective of violence against women and girls with disabilities (VAWGWD) is the hiddenness and potential collusion of states in perpetrating violence against VAWGWD, so how does the UN get to know the full story?</p>	<p>I was very interested in the discussion in the Subcommittee on feedback from the indigenous working group about the effectiveness of non-Western ways of looking at how change comes about in their communities and how they rate those changes as good or unwelcome. Here in South Australia, Aboriginal communities gather information</p>

		<p>prevalence and experience of violence and community attitudes to violence, the establishment of the perpetrator research stream, and the development of the National Data Collection and Reporting Framework. ANROWS' inaugural set of research priorities (2014–2016) under the National Research Agenda to Reduce Violence against Women and their Children has resulted in 20 research projects being conducted. Some of these have already been completed and reports have been published on the ANROWS website, while others are still underway. The research contributes to the evidence base to inform policy and service responses and supports the development and rollout of evidence-based programs to improve long-term outcomes for women and their children. ANROWS is also progressing the Perpetrator Interventions Research Stream as a priority of the Second Action Plan. This research is building an authoritative information base from which we can improve the quality of perpetrator interventions and men's behaviour change programs within the context of the civil, criminal, and child protection systems. States and territories collect and report on</p>	<p>in 2013." From my perspective and interest in violence against women and girls with disabilities, this group has only recently been identified and paid attention to as having a much heightened risk of violence and abuse. Here there are significant community barriers to having this heightened risk acknowledged, never mind acted against, so we are in the earliest stages of having people/systems pay proper heedfulness to this issue.</p>	<p>such by women with disabilities; and 3. State entities may be implicated in the violence against women and girls with disabilities, may not acknowledge this as violence, and may use discriminatory justice responses to hide the prevalence by denying the legal capacity of women and girls with disabilities.</p>	<p>on stories of hope for Aboriginal children, families, and culture that take a powerful narrative approach to "measuring" positive change. I think these ways will be a powerful parallel way to report as well as the more conventional data analysis.</p>
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			<p>administrative data relating to the experience and perpetration of violence against women and their children. This data is collected through systems such as policing, justice, corrections, health and community, and legal assistance services. The National Data Collection and Reporting Framework, which was delivered by the Australian Bureau of Statistics in September 2014, will improve the capacity for linking the information held in each of these different systems. It will also enhance our ability to identify individual pathways of women and children who are experiencing violence, and of perpetrators across systems. Since then, work to implement the National Data Collection and Reporting Framework has continued and includes a number of data improvement projects, mostly in criminal justice systems. The Australian Government is funding the Personal Safety Survey and National Survey on Community Attitudes towards Violence against Women every four years.”</p>				
Jeann e Sarson	Canada	DV	<p>These are examples of some Canadian statistics: Every day, just over 230 Canadians are reported as victims of family violence. In 2014, 57,835 girls and women were victims of family</p>	<p>Statistics Canada also puts out various reports on family-related violence. For example, here is an example of Family-related</p>	<p>1. Lack of appropriate naming of a specific form of family violence, for example, Canada does not name or specifically have a law on non-state</p>	<p>If a legally binding treaty on VAWGs with its own Committee reporting process develops in the upward reporting process, States Parties are held to</p>	<p>Since my expertise is based on developing the evolving human rights knowledge and framework that women and girls suffer forms of</p>

		<p>violence, accounting for seven out of every 10 reported cases. Every four days a woman is killed by a family member. Population surveys tell us that a third of Canadians, that is nine million people, have reported experiencing abuse before they were 15 years old. About 760,000 Canadians reported experiencing unhealthy spousal conflict, abuse, or violence in the last five years. In 2014, indigenous people were murdered at a rate six times higher than non-indigenous Canadians, with indigenous women being three times more likely to report spousal abuse than non-indigenous women. Every day, eight seniors are victims of family violence. This information comes mainly from national police services, Justice Canada, population studies, and Status of Women; such crimes are tabulated by Statistics Canada. The above information comes from a just released report that sees abuse increasingly as a public health issue because of growing awareness that violence impacts on mental wellness but also on physical capabilities, stress, disabilities, and health problems both short- and long-term.</p>	<p>homicides against seniors: There were 160 family-related homicides against seniors (65 years and older) between 2000 and 2009, accounting for 4% of all solved homicides and 10% of all family-related homicides. The rate of family-related homicides against seniors has gradually declined over the past 30 years. In 2009, the rate of family-related homicide against seniors was 61% lower than in 1980. Senior women were most likely to be killed by their spouse (41%) or son (36%), while the majority of senior men were killed by their son (72%). Frustration, anger, and despair were the most common motivations for a family member killing a senior person, resulting in about one-third (33%) of all such homicides between 2000 and 2009. Another 26% of family-related homicides against seniors stemmed from an argument.</p>	<p>torture, which means it remains an invisible crime, and the persons who are so tortured are also invisibilized; 2. Lack of a specific law to address a specific form of family/domestic violence such as a law on non-state torture. Another example where Canada may not be naming a crime correctly or sufficiently is the making of “snuff” or killing videos and without properly naming the reality escapes social consciousness; and 3. Without social and legal recognition investigation skills present, thus protection, prevention, and for instance, non-state trauma informed care does not develop and such torturers are not held to account.</p>	<p>account internationally—in effect creating a global sociocultural human right goal. This dissolves the regional discrepancies that exist and starts to shape a global legal justice framework. It will eliminate the excuses that States Parties such as Canada now uses when they say that they can ignore UN Committee recommendations when from their perspective the recommendations are based on “soft law.” This is one of Canada’s main legal department’s excuses for not complying to, for example, the UN Committee against Torture recommendations that Canada include manifestations of violence against women that amounts to acts of torture perpetrated by non-state actors in its national law. Canada is not alone in holding this perspective; many countries have a discriminatory human rights and legal perspective when applying the human right that “no one shall be subjected to torture.”</p>	<p>violence that amounts to torture by non-state actors, this means ensuring that the this Convention needs to ensure it promotes the knowledge that state and non-state actors are held equally to account for any crime they commit including acts that amount to torture, acknowledging that torture by non-state actors can be more extensive than acts of state torturing. An example of this would be what the UN Special Rapporteurs have already defined as acts of non-state torture that is gendered: FCM, widow burning, and acid burning. This Convention needs to be written so as to allow for addressing gaps that will emerge in the future, that will address traditions, customs, religious practices, and commercial practices that create harms, that are life-threatening, that maintain the inequality and oppression of women and girls. There is global research now that tells us that how women and girls</p>
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							are treated will define how this planet will develop in positive ways.
Yolanda Munoz Gonzalez	Canada	Disabilities/Indigenous	<p>Statistics Canada is the government agency in charge of issuing the official data on this subject, in collaboration with Status of Women Canada. There are no up-to-date available data. The last study was published in 2013 under the title "Measuring violence against women: Statistical trends," which is available in the following link: http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.htm. This research reports that events of VAW has remained stable since 2011 and emphasizes that men perpetrated 83% of the crimes committed against women, including sexual assault, physical violence, harassment, and stalking. This research underlines that the police treated only 30% of the reported cases, and that most of the survivors were receiving support from local NGOs and shelters. (See: http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766/hl-fs-eng.htm.) Canada is a destination of human trafficking. The Criminal Code of Canada mentions that "...trafficking in persons occurs when someone recruits, transports, transfers, receives, holds,</p>	<p>The "Issue Brief: Sexual Violence Against Women in Canada" mentions that aboriginal women and women with disabilities are especially at risk of becoming targets of sexual abuse and that the cases remain underreported. The same can be said about lesbians, sex workers (sic), immigrants, and refugees. The paper emphasizes that underreporting is related to the way cases are reported: "An important reason why national and provincial sexual violence statistics do not capture the full extent of the pervasiveness of sexual violence is because the two primary national data sources—the General Social Survey (GSS) and the Uniform Crime Reporting survey (UCR)—are limited to "those acts that reach the criminal threshold" (Sinha, 2013:4) as outlined in the <i>Criminal Code of Canada</i> (CC). The CC uses the term "sexual assault" to refer "to all incidents of</p>	<p>1. I think that the main obstacle is the system that normalizes segregation of women with disabilities, either in long-term care institutions or in their own homes, due to the lack of public transportation, the harsh and long winter, and little opportunities of socialization and inclusion in education and the labour market. An isolated person who depends heavily on paid or unpaid care providers have very few chances to break a cycle of violence; 2. Women and girls with disabilities are systematically excluded from programs available for non-disabled women, or they are included only nominally (i.e., they are mentioned in policies but there are no concrete actions to tackle the situation); 3. The justice administration system, as mentioned above, only counts cases that make it to the court; 4. Police are ill-trained to deal</p>	<p>The main problem in Canada is that there is not a federal comprehensive "Canadians with Disabilities Act." Although the UN CRPD Committee has already mentioned this as part of the list of issues adopted in September 2016 in preparation for the first country review for Canada, the only consultation efforts that are being done are related to accessibility. There is no mention of Article 16, which specifically addresses violence and abuse against women and girls with disabilities.</p>	<p>The Convention covers the obligations of States Parties. Thus, it would be the obligation of States Parties to implement alternative ways of data collection. In the case of Canada, with its complex federal system and strong independence of each province, the task already requires some creativity, but the numbers remain just an estimate and lack of accurate data means less advocacy tools to improve the possibilities of women and girls with disabilities from escaping a situation of violence. In the case of Canada, we need legislative amendments to widen the scope of the offenses that can be counted as violence. We also need to have an ombudsman on the rights of people with disabilities and maybe hold conversations with the newly created Ministry of Disability and Sports to move</p>

		<p>conceals[,] or harbours a person, or exercises control, direction[,] or influence over the movements of a person for the purpose of exploiting them or facilitating their exploitation (Criminal Code of Canada 2015).” These crimes are generally underreported, although Stats Canada mentions that the cases treated doubled between 2013 and 2014. Also in this case, most offenders were men, while women were the subjects of trafficking. (See: http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14641-eng.htm.) Regarding policies, Status of Women Canada (the government agency in charge of promoting gender equality) mentions that: “Canada does not currently have a national action plan on violence against women and girls. Rather, the Government of Canada has tended to take a broad, gender-neutral approach to addressing violence, with the majority of its initiatives focused on family violence and all victims of crime. Many of these efforts fall under the longstanding, interdepartmental Family Violence Initiative (FVI), led by the Public Health Agency of Canada. The issue of violence against women and girls is a specific priority of Status of Women Canada. The Agency’s Women’s</p>	<p>unwanted sexual activity, including attacks and sexual touching” (Brennan & Taylor-Butts, 2008). This term includes indecent assault and rape, and emphasizes the physically violent nature of the offence rather than the sexual aspect (see below for elaboration) (Brennan & Taylor-Butts, 2008). There is also concern around Canada’s criminal justice response to the issue of sexual assault. Many scholars have documented the ways in which police investigations, arrests, and convictions of sexual assault are inconsistent and discriminatory towards women (DuBois, 2012; Kong, Johnson, Beattie, & Cardillo, 2003; Johnson, 2012). These charges may explain why fewer women are reporting sexual assault to the police than in the past, even though self-reported data suggests the prevalence of sexual violence has not decreased (DuBois, 2012). Some of the</p>	<p>with persons with disabilities in general and there are no programs to explain to them how to better deal with reporting of sexual abuse on women with disabilities; 5. In general terms, women with disabilities do not receive enough information on sexuality and informed consent. This is a huge barrier to break cycles of violence; 6. Lack of channels to promote independent living in the community is one of the main causes why women with disabilities cannot break cycles of violence; and 7. Discrimination, low expectations, and lack of credibility is the main cause why women in Canada do not denounce violence. In the case of women and girls with disabilities, this obstacle is exponentially bigger.</p>	<p>towards: a. Meaningful inclusion of women and girls with disabilities in current policies to measure and monitor results at the federal and provincial levels in relation to VAW; and b. A comprehensive Canadians with Disabilities Act that makes specific reference to the importance of preventing violence against women and girls with disabilities and establishes monitoring mechanisms and data collection systems. NGOs are crucial in this process, since they are the ones doing the government’s work. The past administration made significant cuts in women’s programmes, and we are hoping that PM Trudeau’s administration will implement actions harmonized with the content of the CRPD.</p>
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		<p>Program provides time-limited funding to organizations across Canada for projects aiming to address violence against women and girls. Recent calls for proposals have focused on preventing cyber and sexual violence and fostering partnerships to end violence against women and girls. Other relevant federal initiatives include the Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls, and Canada's National Action Plan to Combat Human Trafficking. Several jurisdictions have provincial plans that take a gender-based approach to addressing violence (e.g., Ontario, British Columbia, Quebec). Many other countries have also implemented national action plans to address violence against women and gender-based violence, with Australia's 12-year National Plan to Reduce Violence Against Women and their Children considered the most comprehensive." (See: http://www.swc-cfc.gc.ca/transition/tab_5-en.html.)</p>	<p>reasons women do not report sexual violence include fear of stigma and general distrust of the efficacy and neutrality of the Canadian judicial system (DuBois, 2012; Johnson, 2012). This may especially be the case for vulnerable women, including lesbian and bisexual women (Balsam & Szymanski, 2005; Wolf, Ly, Hobart, & Kernic, 2003); indoor and street-based sex workers (Benoit, McCarthy, & Jansson, 2015, 2015a; McCarthy, Benoit, & Jansson, 2014; Shannon & Csete, 2010; Shannon et al., 2009); as well as Aboriginal women (Browne & Fiske, 2001; Browne & Smye, 2002; Benoit, Carroll, & Chaudhry, 2003). (Source: Benoit, Cecilia, et al., "Issue Brief: Sexual Violence Against Women in Canada" Available in: http://www.swc-cfc.gc.ca/svawc-vcsfc/index-en.html. Last consulted on November 20 2016.) As noted above, the problem is that reporting is a painful process that oftentimes does not get justice for the person who</p>			
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				<p>denounces a crime, especially if the offenders are law enforcement officials. (See: "Aboriginal women 'feel anger' no charges laid against Val-d'Or officers." <i>The Globe and Mail</i>. Available in http://www.theglobeandmail.com/news/national/two-retired-quebec-police-officers-charged-after-val-dor-assault-investigations/article32928990/.) In the specific case of women and girls with disabilities, they are overrepresented in the estimates of the number of women who are abused. More specifically, women with intellectual disabilities were not allowed to act as witnesses in the course of the case of denouncing a sexual assault until 2012 (See: "Supreme Court of Canada rules that mentally disabled adults can give reliable court testimony" http://eugenicsarchive.ca/database/documents/525f74c4c6813a5469000017.) This means that all the available numbers do not count before that date and, still, their testimony rarely</p>			
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				<p>makes it to the Court and even to the shelters. Women and girls with disabilities have very little chances to receive support from government-funded organizations that provide support and shelter to non-disabled women. Women living in institutions are not protected at all and the extreme dependencies on their care providers (who are usually the main perpetrators of violence) remain unpunished.</p>			
<p>Khedija Arfaoui</p>	<p>Tunisia</p>	<p>SSV</p>	<p>Unlike the pre-Revolution period, now the media (newspapers, radios, TV channels) do report on VAW. So, somehow, the people at large are being sensitized to the issue and pay more attention to it, but that is not enough. As long as the mentalities have not changed, there will be wrongs and injustices. There are still people, and women are included, that believe that if a girl is raped, it is because she is not properly dressed, she was in the wrong, and therefore, inappropriate place. The danger is that this mentality exists in the minds of people who are believed to protect us and there have been cases when policemen rape a girl they found in a car with her fiancé. When taken to courts, the</p>	<p>Surveys are being made to give statistical data in order to show what is actually happening. How many are aware of their importance? It is hoped that with the media, most particularly TV and radio programs, an increasing number of people will end up at least thinking (cogitating!!!) about all of that information. My belief is that democracy will help. If democracy is in use, more people will be given the opportunity to listen, compare, and make up their mind on what is right and what is wrong. VAW is to be condemned, it is not anything</p>	<p>1. The deeply ingrained belief that a man is superior to a woman and that he is entitled to make use of violence; 2. Women are not often ready to report on the violence they are victims of; and 3. Women are legally treated as inferior to men, they are not granted the same privileges as men, they are not granted leadership positions.</p>	<p>Nationals live according to their national laws. These are constantly in need of improvements. It is the task of civil society and political parties to help and bring changes. When there are unjust laws, one can address the UN particularly when their country has ratified international conventions because they are stronger than national laws and therefore the UN can demand change. It would be advantageous to have a special international law that would be implemented by all signatory states.</p>	<p>The main problems are the lack of a strong and clear legislation on the one hand; on the other hand, societal values that are deeply connected to religion and culture are solidly ingrained. We know that mentalities can be changed. In Tunisia, we succeeded thanks to a visionary, enlightened man: Habib Bourguiba, who was our first president in 1956 in spite of some oppositions from the conservative set of Zeituna Mosque. With the wave of Islamism that had been creeping up and settling throughout the world, this old</p>

		<p>policemen said the girl was a prostitute and that they had found her in an indecent position. The media took their defense and many people said she deserved what happened to her for she did not have to be alone with her fiancé in a car. Thanks to the reactions of many women's organizations, the policemen finally were found guilty and they in prison for 15 years. The CREDIF (Center of Research, Studies, Documentation and Information about Women) undertook a national research with the support of the UN for equality of the sexes and women's autonomization (ONU Women) on the theme: "Violence based on gender in the public space in Tunisia." The study describes and quantifies the forms of violence in the public space. A day of reflection on the issue with a group of 30 people (researchers, representatives of civil society and public institutions). A qualitative survey by focus groups with 7 groups of different profiles (two groups of men and five groups of women) from the different regions of the country. Gender performance shows the socioeconomic power and privileges attributed to men as "natural" and "normal" and not as the result of social ambassador to the US:</p>	<p>that is religiously set, it is wrong and has to come to an end.</p>			<p>mentality is back that makes it legal and just to use violence against women. What Tunisian women activists have been doing throughout the past decades are do research and surveys showing the impact of this violence not on women only, but on the entire family. Children who grow up amidst violence are bound to be violent when they grow up. A clear example: According to the Qur'an, a woman inherits half of what a man does. We are making surveys known to Parliamentarians with statistics showing that this is a violence against women that has a bad impact on the entire family. Women are complaining of this injustice. We are showing that society has changed, that the family today is no longer the family of the Middle Ages. That women are working, they are paying taxes, exactly like men (so why should they inherit less than men?). According to Muslim belief, men provide for</p>
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			that attacking in Yemen is like beating your wife. For many Arabs, a man is entitled to beat his wife when she does not obey him!				their mothers and sisters. Reality shows it is (no longer, any way) not so. When a man marries, he seldom provide for his sisters (how many wives would accept that generosity?) In addition, there are so many women in charge of children that depriving them from a fair share of inheritance only increases pauperization and poverty.
Peg Hacskaylo	USA	DV /Prevention	There are a few ways in which data is gathered to determine the extent of VAWG in the US. While there are numerous research studies that aim to collect victim-specific data of one sort or another, there are a few ongoing efforts that collect information regularly to determine the incidence of VAWG. On a national level, the government gathers data through a survey of randomly selected participants known as the National Crime Victimization Survey. It's a random sampling of American citizens administered by the Bureau of Justice Statistics at the US Department of Justice that usually polls approximately 50,000 to 75,000 households to determine what crimes they have experienced. This is a common indicator of the incidence	There are a variety of ways in which performance is measured. Many programs report on the number of victims who achieve safety from violence, receive shelter, access the criminal justice system, and self-report greater feelings of safety, efficacy, ability to access resources, empowerment, and the like. For criminal-justice based programs, measures are typically related to whether and how effectively the violence incident was arrested and the perpetrator brought to justice. There is a lot of discussion about how many victims don't have access to the criminal	The primary obstacle to better measuring VAWG is its hidden nature and stigma—many victims do not access services for various reasons, so their victimization isn't captured in systems usage measures, and they may not report their victimization in random surveys. Also, many victims don't conform to conventional norms around help seeking, so they aren't counted in standard measures, such as use of criminal justice systems, shelter or counseling services, or other state-sanctioned programs, because they seek help in nontraditional venues, such as through religious centers, community	I haven't had involvement in this process, so I'm not the best person to speak to it. But I would think that the biggest disadvantage is that it relies on proactive reporting by the country responsible for remedying the problem—in other words, there is an interest in presenting the best possible picture of the country's status, rather than presenting the reality of the problem. This might be a disincentive to accurate reporting, as well as to accurate data collection.	The use of blind surveys (anonymous reporting), random sampling, and point-in-time counts are an effective means for getting a picture of the extent and breadth of VAWG. Do not depend only on usage statistics to demonstrate the extent of the problem as it will surely result in underreporting of the problem. Employ different resources—NGOs, Universities, and Systems-based entities—to gather the information and analyze it, in order to get the most reliable data and overall perspective. Examine community-based resources for help seeking, not just

		<p>of domestic and sexual violence in the country. Additionally, the FBI gathers data from reports made to criminal justice agencies throughout the year known as the Uniform Crime Reports that reflects the number of crimes, including domestic and sexual violence, that are reported to various policing agencies. The Bureau of Justice Statistics has also recently launched a new initiative to collect information about the usage of programs serving crime victims, through their new National Census of Victim Service Providers. Also, the Centers for Disease Control and Prevention gathers data on the incidence of domestic and sexual violence through their National Intimate Partner and Sexual Violence Survey. Additionally, there are also NGOs that conduct various surveys and statistics on their member programs service delivery to understand the incidence of VAWG. The National Network to End Domestic Violence conducts an annual census of domestic violence programs to determine usage of services at one point in time every year. Also, the Rape, Abuse, and Incest National Network, which has a national hotline for victims, collects data on</p>	<p>justice system and that, therefore, those statistics are an undercount of the actual incidence and not a full portrayal of the problem. At DASH (my organization) we measure the degree to which victims we serve report an increased sense of safety, self-determination, ability to achieve their personal goals, and disposition upon exit from our program into stable housing. We have tried not to promise changes that we couldn't achieve or that weren't driven by survivors themselves, such as "self-sufficiency," permanent housing, independent living, or complete recovery from abuse—we know that for many survivors, these kinds of promises aren't feasible in the space of a year or the duration of services, despite what some funders and other institutions may want to believe. So, we try to keep the outcomes based on what we think are practical but still indicators of progress. At a systems level, we focus on indicators such as the number</p>	<p>advocates, or extended family and friends. Finally, there may not be the necessary resources or expertise to measure VAWG in a way that ensures victims' confidentiality and effectively capture victims' situations over the long-term in order to understand the necessary programs and interventions that successfully help, which are expensive propositions.</p>	<p>institutionalized resources, in order to fully appreciate the extent of VAWG in regions and across countries.</p>
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			<p>the number of calls received annually, as does the National Domestic Violence Hotline. These are just a few of the efforts to ascertain the extent of the problem. On a state and local level, similar mechanisms are used to gather data, including gathering data on the number of victims served through shelter and other advocacy programs, information which is usually used to justify funding for such programs.</p>	<p>of survivors who remain safe over time, and the reduced cost of providing emergency assistance as victims find safety.</p>			
Marina Pisklakova-Parker	Russian Federation	TOV	<p>In Russia VAW is underreported and there are no reliable statistics because there is no law on DV and there is no definition of DV in the legislation, but last year police reported 1,000,000 complaints regarding "family violent conflicts" and only 50,000 prosecutions. In the absence of legislation and lack of state police, there are no funds allocated, no social and training programs.</p>	<p>I can speak about what does not work: implementation does not work without awareness and in the environment of strong conservative views regarding the roles of women and girls. States must take seriously all harmful cultural practices and gender stereotypes and have a policy on changing that.</p>	<p>1. Societal/cultural beliefs that prevent women from reporting and seeking protection; 2. Lack of a support system for survivors assisting them through the system of response to VAW; and 3. Lack of a strong political will to take the issues seriously.</p>	<p>Advantage: it can stimulate changes within a country's legislation. Disadvantage: takes a long time.</p>	<p>There is a status for NGOs within the UN system (ECOSOS) but it takes time for NGOs to get on the list. There is a need of a list like that for the Convention that could be developed from the beginning. Also the system of alternative reports works, but maybe needs to provide more influence for the NGO community (with CEDAW it could be difficult for NGOs that do not understand how to communicate with Committee members). Another mechanism could be through a Special Rapporteur on VAW.</p>

Violeta Momcilo	Serbia	VinC	<p>The Republic of Serbia has signed and ratified all international documents related to women's equality, protection, emancipation, and equity (<i>UN and Council of Europe documents</i>) and domestic legislations are in line with them. Currently there is a discussion in the national parliament for further improvement and changes of the criminal law act, in order to amplify women's protection from (family) violence. Taking into account existing legal framework and a new set of proposed laws, in theory, Serbia belongs to countries with a high degree of legal protection of women. The key problems are insufficient law enforcement, mild penalties for perpetrators, deficient training of police and prosecutors in relation to violence against women and girls, and, because of fear they will not be fully protected, just one-third of violence acts are reported. The assumption is that every second or third woman is the victim of some form of violence (it depends on categorization of violence). In 2015, the counseling office for the support of women victims of violence that covers an area of 50,000 population had 3,000 phone calls and 328 directly provided</p>	<p>There is no unique measurement mechanism in VAWG-related policies, practices, and outcomes. Most of the data related to VAWG are statistical facts from the bottom upwards, and main sources are reports from medical facilities, police reports, and court sources. The establishment of the Office of the Commissioner for Protection of Equality is a positive step and can/will lead to further improvements of the overall status of women, as well as strengthening the mechanism in their protection from violence. Numerous researches have been conducted by two academic institutions, UNDP, UNICEF, UN WOMEN, and other NGO actors, but the majority of their recommendations are not always used in the formulation of strategies for the elimination of VAWG and several are still subject of analysis. Recently adopted (January 2016) the <i>National Strategy for Gender Equality 2016–2020</i> and its <i>Action Plan for Period 2016–2018</i>, with</p>	<p>As a transitional, post-conflict country, with a high level of poverty (for European standards), Serbia is becoming a country where modernity is rapidly replacing the traditional roles of women (lenient, do not question the decision of the father/partner/husband, perform household responsibilities, etc.). Additionally, disturbance of pre-war/pre-crisis social values, accompanied by evident decline of the educational system has resulted in that today, the young generations have a higher rate of flexibility in regard to VAWG, they have less knowledge about different forms of VAWG, as well as about their rights as a victim of violence. This trend is more visible in the rural areas, however, due to the high transition of the rural population to the cities, this trend becomes more prevalent in urban areas. In order to establish the mechanism for measurement of VAWG there are several steps which are necessary to be identified: 1. Lack of clear definition of all</p>	<p>In my experience, this is reasonable, widely accepted, and probably the best approach. Additionally, in order to provide a unique reporting approach, we might consider further development of tools—for example GBVIMS (gender based violence information management system) or a similar platform, which can be an additional advantage for accurate, precise, time-specific, and recognizable reporting mechanism.</p>	<p>We need to have one unique, worldwide baseline study by countries, regions, and globally, prior to the presentation of our Convention. This will be our starting point for any further measurements in order to evaluate the effectiveness and influence of our Convention. How this will be done (time frame; resources for original research; or taking the existing data from each country), what indicators we need/want to include, how we will run research, and what will be our sample, are subjects we need to discuss in our regional committees. However, without this data, any real impact of our Convention will be hard to measure and/or difficult to prove and present.</p>
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			<p>assistance to the victims. There are 13 safe houses in the country, but all of them are in urban settings, unevenly distributed, inaccessible to most of the regions and the rural population, and only three of the facilities have 24/7 availability. Social programs are insufficient and underfunded by the government. There are numerous national and local NGOs with low influence on the government. Every few years there is a national campaign with TV spots, round tables, and other manifestations, but their real impact is not significant and their advocacy and power to change is low. Most of the NGOs' funds come from international donors, so in order to increase their own program activities, there is a lack of cooperation and coordination between them. The final result is the absence of synergy, and success and results are far below expected.</p>	<p>comprehensive SWAT analysis gives hope that Serbia will make progress related to the issues of VAWG. Their initial document is very promising, and some of the activities are visible, but it is too early to measure any of the expected results and to make conclusions.</p>	<p>forms of VAWG; 2. Insufficiently trained police and prosecutors and court officials; and 3. The number of reported cases is far lower than the actual number of violence (most cases are not reported due to the fear of stigma, questionable to the police and legal protection, and economic dependence on the perpetrator).</p>		
Valerie Khan	Pakistan	DV	<p>The government collects data from the gender crime cell (attached to the national police bureau) to collect registered cases of VAWG with police. An MIS for VAWG and GBV has been developed by the Punjab Commission on the Status of Women (PCSW) to collect and monitor data related to VAWG. NGOs such as the Sahil Aurat Foundation</p>	<p>The elements that I have mentioned above, relating to the measurement of VAWG have also been used to measure VAWG-related policies, practices, and/or outcomes. But several challenges must be mentioned: a) the Pakistan census has not been</p>	<p>a) Structural/institutional: mindset and absence of protection and support system for victims which impedes reporting in the first place; b) Lack of coordination, technical, human, and financial resources to maintain a database; and c) Lack of political will.</p>	<p>It is technical and often Ministries are ill-equipped to draft adequate reports: institutional donors are eager to place consultants rather than develop conditional capacity-building programs that would ensure retention/transmission of skills and knowledge. It is also</p>	<p>Well, I assume that engaging community members as part of being champions for peace, champions for justice, and reporting systems using ICT such as mobile phones, entering an alert linked to an online alarm which would generate action</p>

		<p>and Human Rights Commission of Pakistan collect data concerning VAWG through the press. To my knowledge the most comprehensive model of data collection in Pakistan for VAWG is the system developed by PCSW, which relies on entries in a database coupling several sources of info: stats from NGOs, stats from gender crime cells, media notifications, research, etc. On a specific form of VAWG, the most relevant data is probably the one with Acid Survivors Foundation Pakistan (dealing with acid and violence): ASF-P has developed the best MIS for acid-violence-related cases and shares its statistics with all entities mentioned above. It also uses the data to a) monitor the phenomenon of acid violence and conduct evidence-based advocacy and lobbying; and b) adjust its programmatic and operational strategy. The data is collected on a quarterly basis by the national gender crime cell from all provincial gender crime cells. PCSW enters data daily but develops annual reports and contacts NGOs or INGOs on an annual basis. The federal ministry of human rights also have to submit CEDAW reports every four years and to this effect, every four years, it liaises with the entities mentioned above to</p>	<p>conducted since 1998. Given the exponential demography of the country, ensuring that relevant policies and measures are taken is therefore difficult; b) a dearth of data impedes a real monitoring of VAWG; and c) the lack of a real national database for VAWG and weak interagency coordination, along with limited human, technical, and financial resources also limits a real monitoring. Initiatives like the Gender MIS of PCSW must be upscaled at a national level. Two examples of good practices are worth to be mentioned, though: 1) Samar Minallah, a famous Pakistani woman anthropologist and documentary filmmaker, has developed strong connections with community members, religious leaders, the police, and the media, which she uses as a referral network to get notified when cases of swara are reported (swara is a form of child marriage/trafficking in which a girl is "given" in marriage to a family as a</p>		<p>too often perceived as a compulsory anti-country exercise; prior to such reporting practices, a strong investment should be made WHICH INVOLVES LOCAL NGOs to make the government stakeholders aware of the dividend of human rights in general in the context of the society they live in. More focus should be made on social costing, budget analysis, etc.</p>	<p>from LEAs could be useful. There should be also a helpline where victims could anonymously report. Complaint boxes in schools, hospitals, or institutions are also useful, last but not least, developing multi-stakeholders referral networks with a green number for reporting cases is crucial. Lastly, using community committees in which victims could report and share their problems with a support group has also helped, especially if those support groups are linked with NGOs that later on link with relevant authorities.</p>
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		<p>obtain the data. Such exercise is also repeated for each periodic report (UPR). It is interesting to mention that the Acid Survivors Foundation has a wide referral network that has been developed since 2007, and it operates on a daily basis: cases of acid violence (and sometimes other forms of VAWG) are being referred to the organization through community members, VAWG survivors, media, parliamentarians, doctors, police officers, teachers, PCSW or NCSW, or provincial or national human rights organisations, or other NGOs, sometimes victims themselves contact the organisations, and ministries. Usually NGOs produce annual statistics. Some punctual monitoring exercises can take place when an issue seems more striking than another. But in general, there is a dearth of data, and VAWG is underreported which makes the fact of understanding the frequency of VAWG difficult.</p>	<p>compensation for a committed crime). She punctually produces documentaries to update all stakeholders about the process of eradicating swaras. In those documentaries she talks about the structural, institutional, and sociocultural elements; and 2) Acid Survivors Foundation regularly updates and disseminates position papers for updates on domestic violence and shares annual statistics with government representatives and media—often during 16 days of activism—and on February 12th (National Women’s Day) and on March 8th (stats from previous years) that describe the outcomes of laws, policies, and measures taken against acid violence. The national police bureau also requires ASF data annually, the Ministry of Human rights does it for its reports such as CEDAW. Those stats are important as it has enabled ASF to notify the progressive</p>			
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				decrease of acid attacks in Pakistan and the increase of the severity of the punishment and the increase in the number of cases being registered with the police and being prosecuted.			
Ghada Hammam	Egypt	TOV/DV	There is no accurate information regarding the frequency of VAWG, no Protection program, no laws to protect women passed yet.	No methodology to measure any results or outcomes except that the government submits the monitoring report to CEDAW and the shadow reports from CSOs, which always document cases rather to use specific mechanize for monitoring.	Inheritance, sexual harassment within the family (family member), domestic violence (wife abuse).		
Gladys Mbuya h Luku	Cameroon	Prevention/ Advocacy	Cameroon is not really good at keeping statistics, we have the Ministry of Women's empowerment and the family in Cameroon where most women who suffer any form of violence go and lodge complaints, this ministry has regional offices in all of the 10 regions of the country and each region is required to keep the records of the complaints they receive and send the same to the ministry at the close of the year for compilation into a single list so from their records I guess one can have an idea about the frequency of VAWG.		The reality is that not all victims of violence go there to file a complaint, about half of them go straight to police stations and lodge their complaints and some go to lawyers; to the best of my knowledge police stations do not keep any special register for such complaints and more often than not they do not cooperate with victims. So the data at the ministry can not reflect the real situation.		

VII. Committee Consultation Themes

1. What does your government and/or community use to understand the frequency of VAWG? For example, numbers of reported incidences, arrests, orders of protection, money spent on social programs and/or training programs, laws passed, etc.

Themes: Lack of victim reporting as well as underreporting by agencies. Discrimination, stigma, and social norms (including religious). Lack of political will and/or resources to effectively implement. Lack of a clear definition of VAWG and effective laws to address the same. Normalization of segregation of some demographics (e.g., disabled, indigenous) and their exclusion from programs available to the wider populace. Insufficient, ineffective, incomplete, and unreliable comprehensive data collection and measurement frameworks. Lack of support systems for victims and training programs for justice/health systems.

2. International human rights conventions typically have an upward reporting process (upwards from country to UN). What advantages/disadvantages do you see from a VAWG treaty adopting this style of reporting?

Themes: Advantages: Accountability of the state allows for exchange between civil society and government; public nature of reporting allows for transparency and use by civil society; stimulate change within a country's legislation; most effective form of data gathering and reporting; provides a stage for NGOs' and advocates' voices.

Disadvantages: Slow response of UN and subsequent action of state; state misreporting, distortion and/or collusion with perpetration of VAWG; state suppression of NGO/CSO voice; lack of sanctions.

It was also noted that the expert monitoring system of the Council of Europe is potentially much more effective and useful than the UN treaty bodies system.

3. How can we be more inclusive and creative in the way we measure the implementation and effectiveness of this Convention? Are there methods and approaches from local communities and traditions that could be incorporated?

Themes: Use community members and networks more. Use multiple/mixed methods dependent on indicators to collect and report information. Use of blind surveys/random samplings. Two-way accountability. Provide a reporting protocol on concrete items to each member state, with accessibility to NGOs/CSOs to monitor the same. More active collaborative NGO participation and recognition of NGOs as an important source. Meaningful inclusion in all aspects of development, implementation, monitoring, and evaluation of marginalized groups. Non-Western analysis of community change (e.g., indigenous) parallel to conventional.

VIII. Research Resources

- Abramsky, Tanya et al. 2014. "Findings from the SASA! Study: a cluster randomized controlled trial to assess the impact of a community mobilization intervention to prevent violence against women and reduce HIV risk in Kampala, Uganda." BMC Medicine 12 (122).
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- Bhuyan, A., A. Jorgensen, and S. Sharma. 2010. Taking the Pulse of Policy: The Policy Implementation Assessment Tool. Washington, DC: Futures Group, Health Policy Initiative, Task Order 1.
- CASA Forum et al. 2015. "Getting Serious About Change: the building blocks for effective primary prevention of men's violence against women in Victoria."
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- Gayflor, Vabah. The Liberia National Action Plan for the Implementation of United Nations Resolution 1325. Monrovia: Ministry of Gender and Development.
- Guidelines for producing Statistics on Violence against Women - UN Economic and Social Council
- Mujuzi, Jamil. 2014. "The Ugandan Domestic Violence Act: The Drafting History and Challenges to its Implementation." International Journal of Law, Policy and the Family 28(3): 257-273.
- Our Watch. 2014. "Reporting on Domestic Violence."
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- Pan American Health Organization. "Violencia Contra Las Mujeres."
- Partners for Prevention. 2012. "Ways Forward for Enhancing Prevention: reflections from regional level." Presented at the Expert Meeting: Prevention of Violence Against Women and Girls, Bangkok.
- Pathfinder International et al. 2013. Scaling up Gender-Based Violence Prevention and Response in Nairobi and Coast. Watertown: Pathfinder International.
- Sokbunthoeun, So, Kim Sedara, and Doung Viroth. 2013. .Exploring the Implementation of Policies to Address Violence Against Women in Cambodia. Bangkok: Partners for Prevention.
- UN Women. 2012. Handbook for National Action Plans on Violence Against Women.

- World Health Organization. 2006. Developing Policies to Prevent Injuries and Violence: guidelines for policy-makers and planners. Geneva: World Health Organization.
- World Health Organization/London School of Hygiene and Tropical Medicine. 2010. Preventing Intimate Partner and Sexual Violence Against Women: Taking Action and Generating Evidence. Geneva, World Health Organization.
- VAWG - A Compendium of Evaluation and Monitoring Indicators
- Roadmap for Implementing and Monitoring Policy and Advocacy Interventions

Also to review:

- UN Women References for Monitoring and Evaluation - page contains a huge list of resources.