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Introduction

Background

Monitoring the situation of women and the level of State compliance with its international commitments regarding women's human rights is an important means for ensuring the protection and promotion of women's human rights in society. The principal objective of monitoring women's human rights and gender equality is to reinforce the obligations of the State to respect, protect, and fulfill their rights. Effective monitoring involves well-planned and systematic investigation with a clear focus for the purposes of collecting and documenting information about the human rights practices of governments and reporting on their conduct and practices to guarantee transparency and responsibility by the State.

This workshop is designed to have participants gain practical skills in the area of monitoring women's human rights with a view to ensuring the effective implementation of the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) by the Republic of Kazakhstan.

Working through the steps of a systematic monitoring process, participants will plan a monitoring activity which their organizations can undertake subsequent to the training.

Goal

To increase the capacity of participating organizations to more effectively monitor State compliance with national and international standards for the protection and promotion of women's human rights and gender equality in the Republic of Kazakhstan.

Workshop Objective

- To establish a common perspective on the current situation of women's human rights and gender equality in Kazakhstan
- To develop skills in using a common monitoring framework for the effective monitoring of State compliance with CEDAW Committee recommendations stemming from the Kazakhstan's government two periodic reports to the Committee
- To determine appropriate strategies to enhance the effectiveness of the monitoring activities of participating organizations which are essential for furthering the protection and promotion of women's human rights and gender equality in Kazakhstan

Methodology and Approach

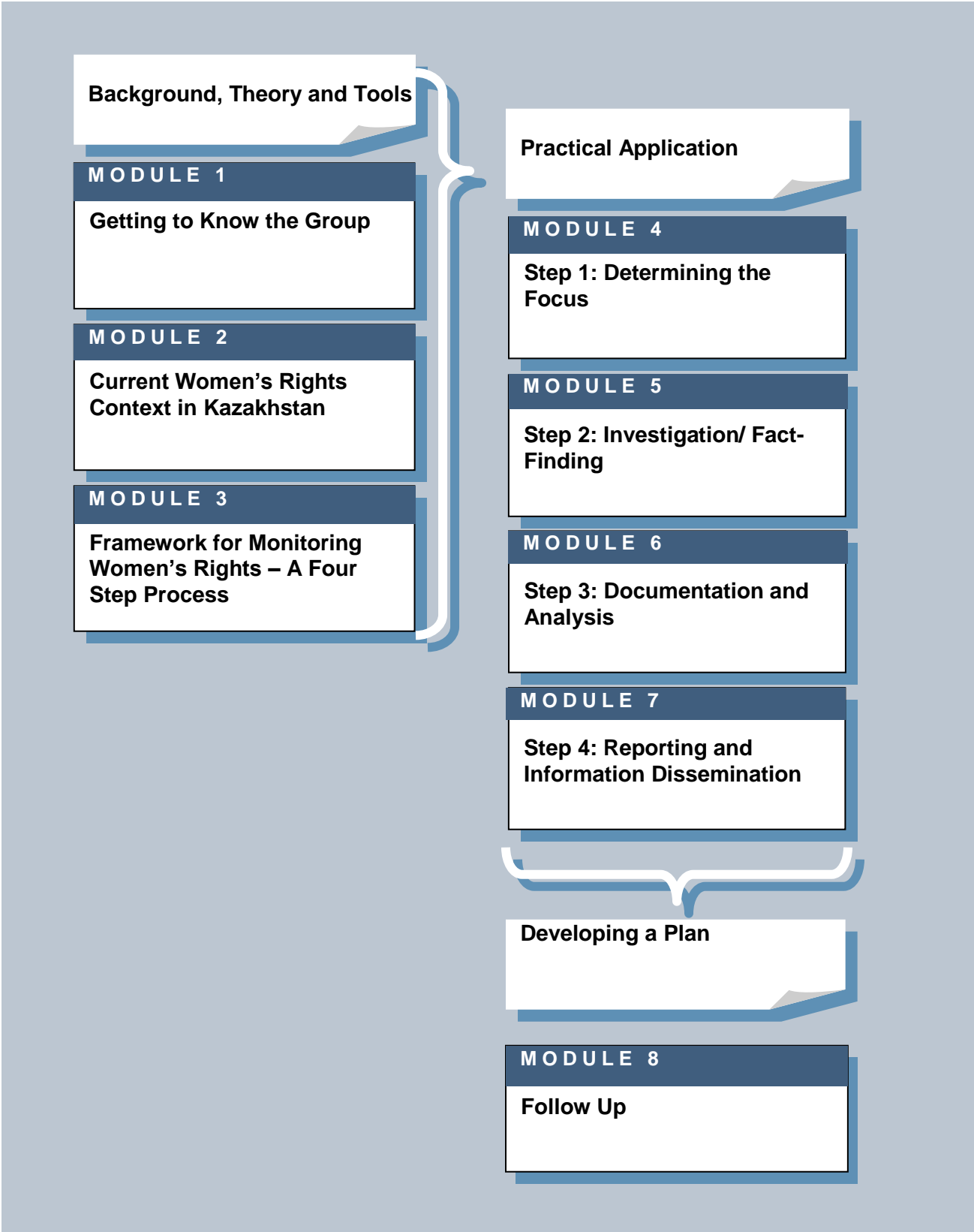
The curriculum design model of the workshop is based on principles of adult experiential learning. The underlying principle is that much of the content will come from the participants and that the workshop will serve as a framework for drawing out their experiences. Participants and facilitators commit themselves to engage in a process of mutual teaching and learning. The emphasis is on practical application and on the development of strategies for action. Continued reflection and evaluation are central to the learning process. There will be debriefing and evaluation sessions at the end of each day and recaps at the beginning of each day to establish the linkages between the Modules.

The facilitators are skilled in adult education methods, knowledgeable about human rights and women's human rights in particular and have experience working with diverse groups. Local and international experts will be invited as resource persons to give presentations and participate in discussions throughout the workshop.

Participants

The workshop participants will be a group of approximately 23 representatives of NGOs working for the protection and promotion of women's human rights and gender equality in urban and rural areas of Kazakhstan as well as a number of representatives of government structures whose jobs involve monitoring of women's rights. They will have basic knowledge/understanding of human rights concepts, standards and mechanisms, some experience in human rights monitoring and will be committed to carrying out future monitoring activities and the action-oriented approach to follow up.

Structure of the Manual



About the Organizers

Equitas – International Centre for Human Rights Education

Established in 1967 and formerly known as the Canadian Human Rights Foundation, Equitas - International Centre for Human Rights Education is a non-profit, non-governmental organization (NGO) engaged in human rights education (HRE) programs in Canada and around the world. Human rights education is the *raison d'être* of Equitas. In addition to the International Human Rights Training Program (IHRTP) in Canada, Equitas carries out human rights education programs in Asia (including Central Asia), Africa, the Middle East, Haiti and Central and Eastern Europe and Former Soviet Union.

Equitas' vision of human rights and understanding of education are reflected in how we carry out our work. We, at Equitas, believe that human rights education will succeed only when participants are engaged in all aspects of the learning process and are challenged to consider whether their values and attitudes truly reflect the underlying principles of human rights: universality, indivisibility, interdependence, equality, human dignity, respect, non-discrimination and social progress. Consequently, all of Equitas' human rights education activities and consultations, such as this one, make use of participatory methods and emphasize the necessity to engage all stakeholders in needs assessment, program design, delivery, evaluation and, just as importantly, in the planning of follow-up initiatives.

OSCE Centre in Astana

Established in July 1998 in Almaty and operational since January 1999, the OSCE Centre in Astana monitors political, economic, environmental and human rights developments and assists the government and civil society of Kazakhstan in implementing OSCE commitments. The Centre's main office is located in Astana; a Liaison Office is in Almaty. Within its human rights programme and in the sphere of gender issues, the Centre has assisted the government of Kazakhstan in developing a Strategy for Gender Equality and the National Action Plan on its implementation. The Centre has implemented projects for women leaders and their participation in politics, as well as on drafting a gender equality law, preventing domestic violence and fighting trafficking in human beings.

The OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (OSCE ODIHR)

Based in Warsaw, it is active throughout the OSCE area in the fields of election observation, democratic development, human rights, tolerance and non-discrimination, and rule of law. In accordance with its mandate, the ODIHR:

- Promotes democratic election processes through the in-depth observation of elections and conducts election assistance projects that enhance meaningful participatory democracy;
- Assists OSCE participating States in the implementation of their human dimension commitments by providing expertise and practical support in building up democratic institutions;
- Contributes to early warning and conflict prevention by monitoring the implementation of OSCE human dimension commitments by participating States; provides regular human-rights training for government authorities, civil society, and OSCE staff;
- Assists participating States with the implementation of international legal obligations and OSCE commitments on anti-terrorism in compliance with international human-rights standards;
- Assists participating States in implementing their commitments on tolerance and non-discrimination; supports efforts to respond to, and combat, hate crimes and incidents of racism, anti-Semitism, and other forms of

intolerance, including against Muslims; ■ Serves as the OSCE Contact Point for Roma and Sinti Issues; promotes the full integration of Roma and Sinti groups into the societies in which they live; ■ Organizes regular meetings that take stock of OSCE human dimension commitments and recommends follow-up; and ■ Develops policies and actions to ensure gender mainstreaming and implements activities designed to improve the situation of women in the OSCE region. In all its activities, the ODIHR reaches out to a network of partners active in related areas, including international and local non-governmental human-rights organizations, as well as international governmental organizations, in particular the United Nations Office of the High Commissioner for Human Rights and the Council of Europe. Ambassador Christian Strohal of Austria has been the Director of the ODIHR since March 2003

Acknowledgements

The Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Centre in Astana and Equitas – International Centre for Human Rights Education are indebted to all those who have dedicated their time and expertise to the preparation of this workshop manual. Our gratitude goes to our partners and friends who provided human resources, technical and other forms of assistance to develop, print and distribute this workshop manual.

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développement international

Canadian International
Development Agency



European Commission



Organization for Security and Cooperation in Europe – OSCE Centre in Astana



OSCE Office for Democratic Institutions and Human Rights

Workshop Schedule at a Glance

Opening Evening SUNDAY	Activities	Duration
Module 1	Getting to Know the Group	
Activity 1	Registration and Welcome by Workshop Organizers	30 min
Activity 2	Getting to Know Participants and Their Expectations and Resources	60 min
Activity 3	Overview of the Workshop and Establishing Ground Rules	30 min
	Module Evaluation	
	DINNER	
DAY 1 MONDAY		
	Recap of OE/Overview Day 1	15 min
Module 2	Current Women's Rights Context in Kazakhstan	
Activity 1	Defining Concepts and Examining Influences of Social Structures on Gender Roles	90 min
	BREAK	30 min
Activity 2	Women's Human Rights and Gender Equality in Kazakhstan – The Current Situation Part A	60 min
	LUNCH	90 min
Activity 2	Continued Parts B and C	60 min
	BREAK	30 min
Activity 3	Panel Presentation: Institutional Framework for Improving the Situation of Women's Human Rights and Gender Equality	90 min
Evening Session	Presentation on political participation of women, particularly in rural	75 min

Continued⇒

Schedule Continued

DAY 2 TUESDAY

	Recap of Day 1/Overview Day 2	30 min
Module 3	Framework for Monitoring Women's Rights – A Four-Step Process	
Activity 1	Presentation: A Framework for Monitoring: A Four-Step Process	90 min
	BREAK	30 min
Activity 2	Using a Systems Approach to Monitoring Women's Human Rights and Gender Equality	90 min
	LUNCH	90 min
Activity 3	The Monitoring Process - Step By Step	30 min
Activity 4	Your Organization's Capacity to Do Monitoring	30 min
	BREAK	15 min
Module 4	International and National Norms and Standards for the Protection and Promotion of Women's Rights	
Activity 1	Human Rights Principles and Women's Rights	90 min

DAY 3 WEDNESDAY

	Recap of Day 2/Overview of Day 3	30 min
Activity 2	International and National Standards and Mechanisms for the Protection and Promotion of Women's Human Rights and Gender Equality	90 min
	BREAK	30 min
Module 5	Monitoring - Steps 1 and 2	
Activity 1	Presentation – Basics of Investigation/Fact-Finding	60 min
	LUNCH	90 min
Activity 2	Step 1 - Identifying the Focus for Your Common Monitoring Initiative	90 min
	BREAK	15 min
Activity 3	Step 2 -Planning an Investigation Process	90 min
Activity 4	Practicing Interviewing Skills	90 min

Continued⇒

Schedule Continued

DAY 4 THURSDAY

	Recap of Day 3/Overview of Day 4	30 min
Module 6	Step 3: Documentation and Analysis	
Activity 1	Basic Principles of Documentation	90 min
	BREAK	30 min
Activity 2	Creating and Maintaining a System for Documentation	90 min
	LUNCH	90 min
	Module UNIFEM	2 hrs 30 min
	BREAK	30 min
	Resolution 1325 - Presentation	90 min

DAY 5 FRIDAY

	Recap of Day 3/Overview of Day 4	30 min
Module 7	Step 4: Reporting and Information Dissemination: Moving Towards Advocacy	
Activity 1	Presentation - From Monitoring to Reporting	90 min
	BREAK	30 min
Activity 2	Working in Networks and Coalitions	30 min
Activity 3	Next Steps	90 min
	LUNCH	90 min
Module 8	Summary and Evaluation	
Activity 1	Summary of the Workshop	30 min
Activity 2	Evaluation and Closing	45 min

Module 1

Getting to Know the Group

Activity 1	Registration and Welcome by Workshop Organizers (OSCE and Equitas)	30 min
Activity 2	Getting to Know Participants and Their Expectations and Resources	1 hr
Activity 3	Overview of the Workshop and Establishing Ground Rules	30 min

Overview

The first Module will serve to welcome participants and situate this workshop within the broader context of the ODHIR project “Strengthening Human Rights in Central Asia (Kazakhstan, Kyrgyzstan, and Tajikistan) with particular focus on the first project component “Monitoring and Reporting on Women’s Rights in Kazakhstan”. The workshop framework and methodology will also be shared with participants.

Total Time for Module: 2 hrs

Activity 1 Registration and Welcome by Workshop Organizers

Objectives

To formally open the workshop

Time

30 min

Description

Representatives from ODIHR-OSCE and Equitas will welcome the participants, facilitators, and resource persons to the workshop.

End of Activity □

Activity 2 Getting to Know Participants and Their Expectations and Resources

Objectives

To have participants get to know each other and begin to explore some of the main issues regarding women's human rights in Kazakhstan

To examine individual expectations and available resources in the group

Time

1 hr

Description

This activity is divided into two parts.

In **Part A**, the facilitator will invite participants to form groups to do a 'getting to know you' activity.

In **Part B**, you will examine your expectations and resources for the workshop.

40 min

Part A Introductions

The facilitator presents a number of areas of concern with respect to women's human rights in Kazakhstan written on large circles of paper and posts them in different places around the room:

- Lack of information on the situation of rural and elderly women
- Limited access to adequate health care for rural women
- Violence against women
- Trafficking in women and girls
- Underrepresentation of women in public and political life

Briefly reflect on the areas of concern posted and then go and stand by the one your organization is particularly focused on or planning to focus on in its work.

Introduce yourself (name, city/town, organization) to the other participants gathered around the same area of concern. Write this information on the crescent-shaped pieces of paper provided by the facilitator.

Take about 5 minutes to discuss among yourselves the kind of work your organizations are doing or planning to do in this particular area. (e.g., advocacy, monitoring, education and training)

Continued⇒

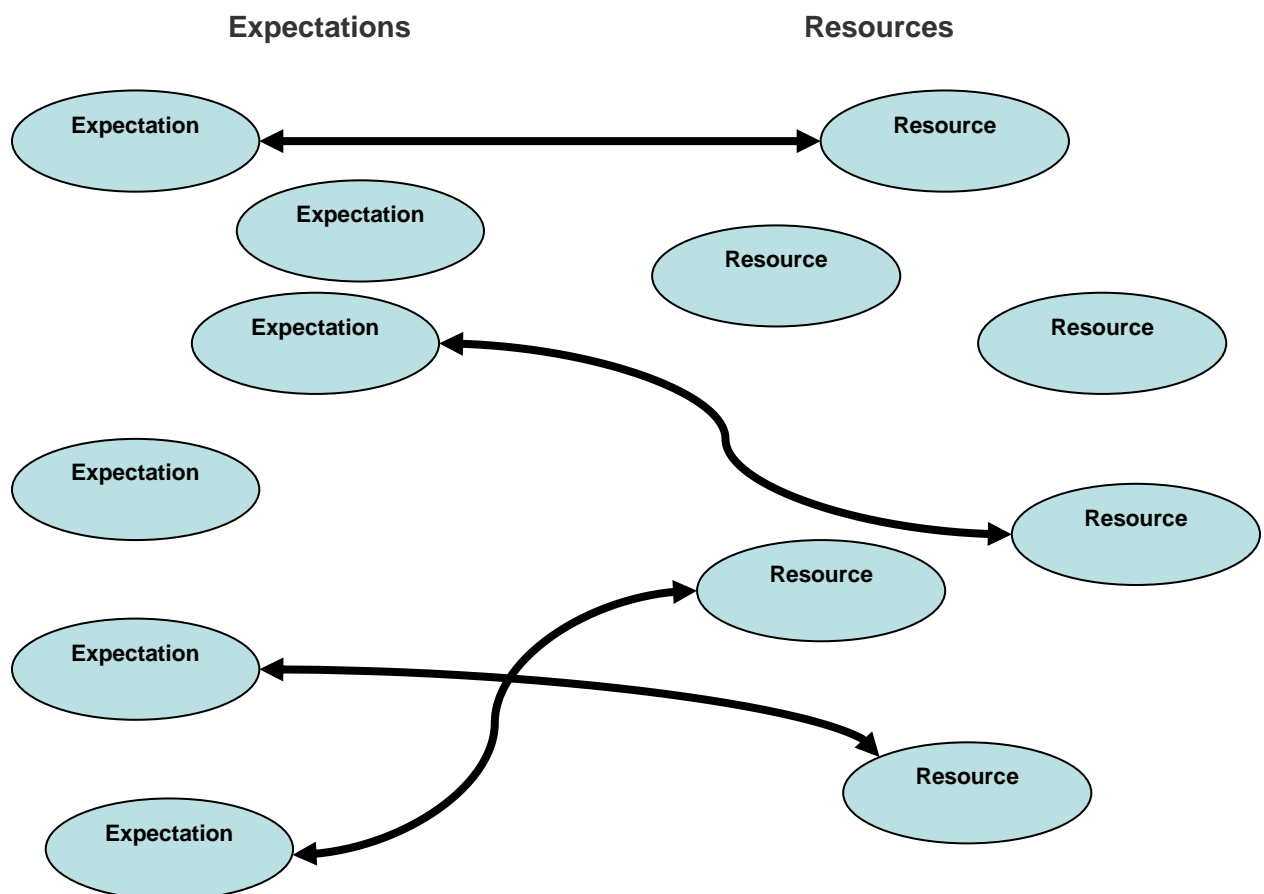
Activity 2 cont'd

The facilitator then has a volunteer from each group, in turn, introduce their group members and explain the work that their organizations are doing in this area. The volunteer posts the information about the group members written on the crescent-shaped pieces of paper around the issue in the circle.

20 min

Part B Expectations and Resources

The facilitator distributes 2 metacards of different colors (e.g. yellow and blue) to each participant and asks them to write **one** expectation on the yellow metacard and **one** resource on the blue metacard along with their name. The facilitator asks the participants to bring up the cards as they complete them and posts them on a flipchart, grouping similar expectations and resources. Once all the participants have submitted their metacards, the facilitator reviews expectations and resources named by participants, noting the commonalities and differences in expectations and resources available in the group. He/she then maps connections between the expectations and resources listed on flipchart paper.



End of Activity □

Activity 3 Overview of the Workshop and Establishing Ground Rules

Objectives

- To provide an overview of the workshop and the overall program
- To set ground rules for working effectively as a group

Time

30 min

Description

This activity is divided into two parts.

In **Part A**, the workshop organizers will provide an overview of the overall project and of the workshop.

In **Part B**, you will establish ground rules for working effectively as a group during the workshop.

15 min

Part A Overview of the Workshop

The workshop organizers provide an overview of the overall project and of the workshop, referring back to participants' expectations and resources expressed in Activity 2. The basic framework for the workshop is presented in Reference Sheet 1.

15 min

Part B Ground Rules

Together with your facilitator, develop a number of ground rules for working effectively as a group.

The facilitator writes them on flipchart and posts them in the room for the remainder of the workshop. It is important that all members of the group, including the facilitators, feel comfortable with the rules and commit to respecting them.

Continued⇒

Activity 3 continued

Ground Rules for Our Group

End of Activity ■

Module 2

The Current Women's Rights Context in Kazakhstan

Activity 1	Social Structures and Gender Roles	1 hr 30 min
Activity 2	Women's Human Rights and Gender Equality in Kazakhstan – The Current Situation	2 hrs
Activity 3	Panel Presentation: Institutional Framework for Improving the Situation of Women's Human Rights and Gender Equality	1 hr 30 min

Overview

The aim of this Module is to develop a common perspective among participants on the current context regarding women's rights and gender equality in Kazakhstan. This will include an overview of the key women's rights issues as well as State and civil society initiatives to address them.

Total Time for Module: 5 hrs

Activity 1 Social Structures and Gender Roles

Objectives

To reflect on your personal notions of women's human rights, gender roles and gender equality

To examine the influences of social structures on gender roles in Kazakhstan

Time

1 hr 50 min

Description

This activity is divided into four parts.

In **Part A**, you will reflect on your understanding of women's human rights, gender roles and gender equality.

In **Part B**, you will share your ideas with the group.

In **Part C**, you will work in small groups to examine gender roles in your society.

In **Part D**, you will present the results of your discussion to the larger group.

10 min

Part A Individual Work

Take a few moments to respond to the questions below. Write your ideas in the spaces provided.

What is your understanding of women's human rights?

How would you define gender roles?

What is your understanding of gender equality?

Continued⇒

Activity 1 continued**20 min****Part B Large Group Discussion**

Share your ideas with the group. A resource person will participate in the discussion. Some questions to consider are provided below.

- Do you think the general population in Kazakhstan is aware of/understands these concepts and incorporates them in their daily lives?
- How would you explain these concepts to traditional/religious groups of men and women?
- How would you explain them to a group of men and women in a rural community?

Additional information is provided in Reference Sheet 2.

30 min**Part C Small Group Work: Examining Gender Roles in Society****Introduction**

Gender is a socially constructed concept and the understanding of gender varies from culture to culture and changes over time. However, these changes can create challenges because gender-related norms, values and practices are entrenched in cultural and traditional practices.

Gender roles attributed to men and to women depend on a number of factors, including:

- What a particular society considers appropriate for men and women within that society in terms of their social roles and division of labour
- How power is used, who uses it, and how it is shared between men and women
- How race, class, religion, ethnicity, economic circumstances and age influence gender roles

Instructions

You will now examine how gender roles are defined in your society in order to better determine how human rights issues are experienced differently by men and women.

The facilitator divides participants into four small groups. If time is an issue, the facilitator can have two groups work **Participation and Decision-Making** and the other two groups work on **Division of Resources**.

Continued⇒

Activity 1 continued

Together with the members of your group answer the questions in Worksheet 1.

Refer to Reference Sheet 2 on Gender Equality and Gender Roles to help you.

Each group prepares to present the results of their discussion to the larger group in Part D.

35 min**Part D Group Presentations**

The large group reconvenes. Each small group reports on the results of their discussion (5 min. each). The facilitator and resource person synthesizes common elements and responds to the presentations.

Questions to consider:

- How do the gender roles identified in Part C relate to the way women's human rights are violated?
- Who influences the transformation of these gender roles in your society?
- How can the gender roles you identified change over time?

End of Activity □

Worksheet 1 Gender Roles in Society

Two key elements used to help identify gender roles in society are:

1. Participation and Decision Making
2. For Structures and Allocation of Resources (see next page)

You will use these two elements to examine societal influences on gender roles in Kazakhstan.

For **Participation and Decision Making**, examine how gender roles are defined in your society at different levels – national, community, and household.

- Who has power at these different levels?
- Who participates? Who makes decisions?

Examples are given for each level. Complete the part, “In my society” by answering how gender roles are defined in your society at that level.

Key element in identifying gender roles: Participation and Division of Resources	How are gender roles defined in your society?
<p>1) Participation and Decision Making: Representation and roles of women and men in positions of power in society:</p>	
<p>National, regional or district-level decision-making (e.g., government)</p>	<p>For example: Women are a minority in parliament and have little influence promoting women’s rights</p> <p>In my society:</p>
<p>Community-level decision-making</p>	<p>For example: Women have little representation in community-level decision-making process</p> <p>In my society:</p>
<p>Household-level decision-making</p>	<p>For example: Women bear the primary responsibility for <i>reproductive</i> roles, while men have remunerated <i>productive</i> roles and often control the financial situation of the family</p> <p>In my society:</p>

Continued⇒

Worksheet Continued

For **Structures and Allocation of Resources**, examine how gender roles are defined in your society with respect to how different types of resources are allocated, such as land ownership, access to justice, health services, and information (this is not an exhaustive list).

Who has power over these resources?

Examples are given for each type of resource. Complete the part, "In my society" by answering how gender roles are defined in your society for each resource.

Key element in identifying gender roles: Participation and Division of Resources	How are gender roles defined in your society?
2) Division of Resources: Ability to own assets, control over allocation of resources	
Access to Education	<p>For example: Young girls tend to select professional studies that are highly "feminized" such as pedagogic and medical fields avoiding studies leading to "male" professions such as aeronautical and transport engineering, or labour trades such as construction.</p> <p>In my society:</p>
Access to justice	<p>For example: domestic abuse and marital rape is not recognized as a human rights violation by the state and is culturally accepted</p> <p>In my society:</p>
Access to health services	<p>For example: Patriarchal systems deny women the right to make decisions about their sexuality and reproduction</p> <p>In my society:</p>
Access to daycare/kindergarden facilities	<p>For example: shortage of adequate daycare facilities deny women the right to work</p> <p>In my society:</p>

Reference Sheet 1 Women's Human Rights, Gender Roles and Equality

Women's human rights “declares, quite simply, that as human beings women have human rights... The incorporation of women's perspectives and lives into human rights standards and practice forces recognition of the dismal failure of countries worldwide to accord women the human dignity and respect that they deserve—simply as human beings. A women's human rights framework equips women with a way to define, analyze, and articulate their experiences of violence, degradation, and marginality. Finally, and very importantly, the idea of women's human rights provides a common framework for developing a vast array of visions and concrete strategies for change.”

“The **concept of women's human rights has opened the way** for women around the world to ask hard questions about the official inattention and general indifference to the widespread discrimination and violence that women experience everyday. Whether used in political lobbying, in legal cases, in grassroots mobilization, or in broad-based educational efforts, the idea of women's human rights has been a rallying point for women across many boundaries and has facilitated the creation of collaborative strategies for promoting and protecting the human rights of women.”

Source: Women's Human Rights: Introduction, by Charlotte Bunch and Samantha Frost (Published in Rutledge International Encyclopaedia of Women: Global Women's Issues and Knowledge, Rutledge, 2000.)

Source: <http://www.cwgl.rutgers.edu/globalcenter/whr.html>

Gender Roles and Gender Equality

The term '**gender**' is a fairly new word, only coined in the later part of the 20th Century. In a broad sense of **the term, gender means** socially and culturally constructed roles of men and women as well as relationships between men and women as shaped by a society at a specific time and place.

The **term sex implies** anatomic and physiological characteristics used to differentiate between men and women. They are used in relation to characteristics and modes of conduct that are the direct results of biological differences between men and women. The concepts of 'sex' and 'gender' are not interchangeable but rather complementary.

Gender is designed through certain systems of socialization, division of labour and accepted cultural norms, roles and stereotypes. Accepted gender roles determine to a certain extent emotional qualities, abilities, activities, and professions according to sex.

Accepted gender roles determine to a certain extent emotional qualities (encouraging some and giving negative assessment to others), abilities, activities, and professions according to sex. As such, gender roles do not imply the same things and vary significantly from community to community.

Continued⇒

Reference Sheet Continued

Over the last few decades the term “gender equality” as interpreted at the international level is increasingly guided by the right of both women and men to [maintain their] differences, special interests, experiences, knowledge, and values. As such, gender equality is regarded as the unequal or asymmetric status of the two genders in various fields of social life such as economy, politics, governance, etc. From a social standpoint this is called gender differentiation.

There is no universal formula for achieving gender equality or a fixed set of approaches to developing and implementing gender equal policies.

Gender equality progresses based on its historical, cultural and political background and current realities.

Achieving gender equality: in all fields of life is key to effectively addressing other social and economic issues; Is a multi-profile and multi-level goal that encompasses research, analysis, political will; Requires practice, planning and institutional development in all sectors, including economic development.

Source: UNDP, Gender Equality and the Status of Women in Kazakhstan, UNDP Kazakhstan, Almaty, 2005: p. 12 – 13

Activity 2 Women's Human Rights and Gender Equality in Kazakhstan – The Current Situation

Objective

To provide an overview of the current situation of women's human rights and gender equality in the country

Time

2 hrs 40 min

Description

This activity is divided into three parts.

In **Part A**, you will work in small groups to review the context of women's human rights in Kazakhstan.

In **Part B**, each small group will present the results of their work.

In **Part C**, the resource person will synthesize the information and lead a large group discussion.

50 min

Part A Small Group Work: The Current Context

Introduction

The Republic of Kazakhstan's international commitments with regard to women's human rights include ratification of the Convention on the Elimination of all Forms of Discrimination against Women in 1998 and of the Optional Protocol to the Convention in 2001. The government of Kazakhstan has also submitted two periodic reports which have been reviewed by the UN Committee on the Elimination of Discrimination against Women, CEDAW's monitoring body. Dates of the reports and reviews are outlined below.

First/Initial Periodic Report:

- Submitted: December 1999
- Reviewed: at 24th Session in January 2001
- Concluding Comments of the Committee: January 2001

Second Periodic Report:

- Submitted: March 2005
- Examined: at 37th Session in February 2007
- Concluding Comments by the Committee: February 2007

Continued⇒

Activity 2 continued**Next Periodic Report:**

In its concluding comments, the Committee requested that the State party respond to the concerns expressed by the Committee in its next periodic report. The Committee invited the State party to submit a combined report which will include the third and the fourth periodic reports. This combined report is due in September 2011.

These reports and other documents pertaining to CEDAW and its monitoring mechanism can be found at <http://www.un.org/womenwatch/daw/cedaw/37sess.htm>

Instructions

The facilitator divides participants into small groups of 5 by a random method.

In order to develop an overview of the current situation of women's rights in Kazakhstan:

- Begin by reviewing the summary of the CEDAW Committee's concluding comments and recommendations in response to the second periodic report of Kazakhstan (February 2007).
- Also review the list of some of the actions taken by the government of Kazakhstan to date, to respond to the CEDAW recommendations. See Reference Sheet 3.
- Then together with the members of your small group, answer the questions on **Worksheet 2**.

Prepare a 5-minute presentation using a flipchart version of the Worksheet and select a reporter to present the results of your discussion to the larger group.

40 min**Part B Group Presentations**

Each small group will present the results of their discussions in turn and then briefly answer questions from other participants.

60 min**Part C Large Group Discussion**

The facilitator has each group in turn present the results of their discussions with respect to **one** question. As each group presents the other groups are invited to add their ideas. The resource person synthesizes the information from the small group presentations and leads a discussion. She/He will also respond to questions from participants.

End of Activity □

Reference Sheet 2 Summary of the CEDAW Committee Concluding Comments and Recommendations (February 2007) and a List of Some Government Actions

Concluding comments of the CEDAW Committee– Kazakhstan, 2 Feb 2007	
Principal areas of concern identified:	Recommendations made:
<p>(9) Insufficient knowledge among stakeholders (i.e., including judges, lawyers and prosecutors, and women themselves) about provisions of CEDAW, the Optional Protocol and the general recommendations of the committee as indicated by the lack of court decisions referencing the Convention</p>	<p>(10) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Take more active measures to: disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations: - Implement education/training for the relevant stakeholders on all aspects of the Convention and Optional Protocol and how to use them. On content and procedures. - Undertake sustained awareness-raising and legal literacy campaigns targeting women, including rural women, NGOs working on women's issues to encourage and empower women to use available procedures and remedies for violations of their rights under the Convention.
<p>(11) Limited understanding in the State party of the concepts of formal and substantive equality and of the prohibition of direct and indirect discrimination against women contained in CEDAW.</p>	<p>(12) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Ensure the draft law on equal rights and equal opportunities contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination and extending to acts of discrimination by public and private actors and also calls on the State party to enact speedily the draft law. - Take measures to eliminate discrimination against women and ensure both de jure (formal) and de facto (substantive) equality between women and men - Raise awareness about the nature of indirect discrimination and CEDAW's concept of substantive equality among government officials, the judiciary and the general public - Ensure full application of the principles of CEDAW in laws, policies and programmes; - Monitor, through measurable indicators, the impact of such laws, policies and programmes - Evaluate progress achieved towards the practical realization of women's substantive equality with men.

Continued⇒

Reference Sheet continued

Concluding comments of the CEDAW Committee– Kazakhstan, 2 Feb 2007	
Principal areas of concern identified:	Recommendations made:
<p>13) Persistence of patriarchal attitudes and deep-rooted stereotypes regarding roles and responsibility of women and men in family, society, educational choices, their situation in the labour market and their low level of participation in political and public life.</p> <p>Persistent stereotypes in school textbooks.</p>	<p>(14) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Enhance training of teaching staff regarding gender equality issue - Revise educational textbooks to eliminate gender stereotypes - Disseminate information on CEDAW throughout all levels of educational system – including human rights education and gender-sensitive training to change existing stereotypical views and attitudes about women's and men's roles - Encourage diversification of educational choices of boys and girls. - Encourage public dialogue on educational choices of girls and women and subsequent opportunities in the labour market. - Conduct awareness-raising campaigns addressed to both men and women and encourage the media to project positive images of women in both the public and private spheres.
<p>15) Prevalence of violence against women and delays in the adoption of the draft law on domestic violence; lack of information about whether marital rape is criminalized and whether legislation prohibits sexual harassment</p>	<p>(16) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Enact speedy adoption of the draft law on domestic violence and to make it widely known to public officials and society at large <p>Ensure immediate access to means of redress and protection (i.e. Protection orders, safe shelters, legal aid, health professionals, judiciary, social workers etc) to all women victims domestic violence including rural women</p> <ul style="list-style-type: none"> - Ensure public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions, and are sensitized to all forms of violence against women and adequately respond to them. - Conduct research on prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research and of the impact of follow-up action in its next periodic report - Ensure criminalization of marital rape and legislation prohibiting sexual harassment.

Continued⇒

Reference Sheet continued

Concluding comments of the CEDAW Committee– Kazakhstan, 2 Feb 2007	
Principal areas of concern identified:	Recommendations made:
<p>(17) Persistence of Trafficking in Women and Girls despite measures taken by government to date (i.e., amendments to the Criminal Code and other laws; adoption of the 2006-08 government action plan to combat and prevent crimes linked to trafficking in persons; establishment of the Interdepartmental Commission for Suppressing the Unlawful Removal, Import or Traffic in Persons,</p>	<p>(18) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Ensure legislation on trafficking is fully enforced; action plan and other measures to combat human trafficking are fully implemented; and their impact regularly monitored and evaluated. - Collect and analyse data from police and international sources; prosecute and punish traffickers; ensure protection of the human rights of trafficked girls. - Address the root causes of trafficking by increasing efforts to improve the economic situation of women - Take measures for the rehabilitation and social integration of women and girls who are victims of trafficking - Provide in their next report, comprehensive information and data on trafficking in women and girls and on exploitation of prostitution, and on the measures taken to prevent and combat such activities, including their impact.
<p>(19) Lack of sufficient authority, decision-making power and financial and human resources of the National Commission on Family Affairs and Gender to effectively coordinate the government's work to promote gender equality and the full implementation of the Convention including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels</p>	<p>(20) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Further strengthen State machinery for the advancement of women, and provide it with the authority, decision-making power, and the necessary human and financial resources to work effectively for the promotion of gender equality and the enjoyment of women's rights. - Increase capacity for effective coordination and cooperation among the various gender equality and human rights mechanisms and within the society.

Continued⇒

Reference Sheet continued

Concluding comments of the CEDAW Committee– Kazakhstan, 2 Feb 2007	
Principal areas of concern identified:	Recommendations made:
<p>(21) Continuing underrepresentation of women in the public and political life and in decision making positions, including in Parliament, local representative bodies, the executive bodies of the Government and local government as well as in diplomacy.</p>	<p>(22) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Adopt and implement as soon as possible the proposal aimed at having at least 30 percent of women in political institutions and to take other sustained measures including temporary special measures in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendations 25 and 23, to accelerate women's full and equal participation in elected and appointed bodies, including at international level. - Include in measures undertaken: the establishing of benchmarks, numeric goals and timetables, conducting training programs on leadership and negotiation skills for current and future women leaders and regular monitoring of progress made and results achieved. - Undertake campaigns to raise awareness about the importance of women's participation in public, political and private life and at decision-making levels.
<p>(23) Occupational segregation and persistent wage gap between women and men in the labour market as well as high level of unemployment among women.</p> <p>Absence of legislation providing equal pay for work of equal value.</p> <p>Structure of social benefits and protective labour legislation which could create continued obstacles for the employment of women.</p>	<p>(24) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> -Strengthen efforts to eliminate occupational segregation both horizontal and vertical. -Adopt measures to narrow and close the wage gap between women and men for example by linking job evaluation schemes in the public sector with continued wage increases in sectors dominated by women. - Strengthen efforts to ensure women's access to vocational training - Introduce legislative provisions on equal pay for work of equal value - Continue to review the current structure of social benefits and the content of protective legislation and to revise them as necessary to reduce the barriers women face in the labour market; include results of this review and further measures taken in its next report. - Provide in their next report, detailed information including statistical data indicating trends over time about the situation of women in the area of employment in the public, private, formal and informal sectors and the impact of measures taken to realize equal opportunities for women.

Continued⇒

Reference Sheet continued

Concluding comments of the CEDAW Committee– Kazakhstan, 2 Feb 2007	
Principal areas of concern identified:	Recommendations made:
<p>(25) Limited access to adequate health-care services for women, particularly rural women. Concerns include:</p> <ul style="list-style-type: none"> - negative health implications for women using intrauterine devices which seem to be the predominant birth control method, without proper medical check-up and , that a comprehensive range of contraceptives is not widely available selection. - prevalence of teen pregnancies - the still high abortion rate which indicates that abortion may be used as a form of birth control) <p>(27) Lack of information on the situation of rural and elderly women</p>	<p>(26) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Take concrete measures to enhancer and monitor affordability and access to health-care services for women, including in rural areas in accordance to Art. 12 of the Convention and the Committee's general recommendation 24 on women and health - Strengthen measures aimed at the prevention of unwanted pregnancies, especially among teenagers. Such measures should include: the monitoring of any negative effects of the use of intrauterine devices, making a comprehensive range of contraceptives available more widely and without restrictions and increasing knowledge of family planning. - Include in its next report further information on women's health and on the impact of measures it has taken to improve women's health and access to health-care services including family planning. - Provide in its next report a comprehensive picture of the de facto situation of rural women and elderly women in all areas covered by the Convention, including pension benefits and reform.
<p>(29) Existence of marriages involving girls under 18, and of religious and traditional marriages which are not registered and can violate women's rights.</p>	<p>(30) CEDAW Committee requests the State party to:</p> <ul style="list-style-type: none"> - Implement fully the laws on marriage and family which set the age of marriage at 18 years for both women and men. - Adopt measures aimed at brining religious and traditional marriages in line with the Convention. - Include in its next report information on the measures taken in this regard.

Continued⇒

Reference Sheet continued

Concluding comments of the CEDAW Committee– Kazakhstan, 2 Feb 2007

Other recommendations of the CEDAW Committee are that the State party:

(31) Accept as soon as possible the amendment to article 20, paragraph 1 of the Convention concerning meeting time of the Committee.

(32) Utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforces the provisions of the Convention and include information on this in its next periodic report.

(33) Integrate of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and include information on this in its next periodic report.

(34) Consider ratifying the Convention on the Protection of Migrant Workers and Members of Their Families

(35) Disseminate widely in Kazakhstan the Concluding comments of the Committee on the Elimination of Discrimination against Women-Kazakhstan in order to make the people including government officials, politicians, NGOs, parliamentarians, and women's and human rights organizations aware of the steps that have been taken to ensure the equality of women and the further steps that are required.

Continue to disseminate widely, in particular to women's and human rights organizations the Convention, Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the outcome of the 23rd special session of the General Assembly, entitled: "Women 200: gender equality, development and peace for the twenty-first century".

(36) Respond to the concerns expressed in the present concluding comments in its next periodic report due September 2011.

Since its independence in 1991, Kazakhstan has developed a system of institutional mechanisms, policies and programs to promote and protect women's human rights and improve their status. Some examples of these actions are listed below:

1998, the Government established the National Commission on Family Affairs and Gender Policy under the President of Kazakhstan. The main purpose of the Commission is to protect and promote family interests and women's participation in political, economic, social and cultural life of Kazakhstan.

1999, the Government developed the Concept of National Policy for Improving the Status of Women in the Republic of Kazakhstan and approved the National Action Plan to carry it out

2003, Concept on Gender Policy was developed

Continued.../

Concluding comments of the CEDAW Committee– Kazakhstan, 2 Feb 2007

2003, Inter-Agency Commission on Combating Smuggling and Trafficking in Human Beings is established within the Ministry of Justice

2005, Strategy to Promote Gender Equality in the Republic of Kazakhstan from 2006 – 2016 was approved

2006, Action Plan 2006 – 2008 for the Implementation of the Strategy to Promote Gender Equality in the Republic of Kazakhstan from 2006 – 2016

The National Action Plan to Control and Prevent Human Trafficking for 2004 -2005

Inclusion of the Draft Law on Domestic Violence into 2007 Parliament Program of Legal Acts Development.

Worksheet 2 What is the Current Situation in Kazakhstan?

With your small group, answer the questions in the table below. Prepare a flipchart version of the Worksheet to present the results of your work in Part B of the activity.

GROUP _____

#	Questions	Answers
Q1	Of the areas of concern identified by the CEDAW Committee, which are the most relevant to your region? Why?	
Q2	Of the areas of concern identified by the CEDAW Committee, which are the most relevant to your work and the work of your organization? Why?	
Q3	What has your organization done, or is presently doing to address these areas of concern identified by the CEDAW Committee?	
Q4	Comment on the results/effectiveness of Government actions with regard to the protection and promotion of women's rights and gender equality in your region of the country or area of work.	

Activity 3 Panel Presentation: Institutional Framework for Improving the Situation of Women's Human Rights and Gender Equality in Kazakhstan

Objective

To examine the government of Kazakhstan's progress in fulfilling national and international obligations for the protection and promotion of women's human rights and gender equality with a particular focus on implementation of the CEDAW Committee Recommendations (February 2007)

Time

1 hr 30 min

Description

A panel of three resource persons will present the current situation of women's human rights and gender equality in Kazakhstan including existing national provisions and international human rights obligations. (60 minutes) The facilitator will introduce the topic and a representative of OSCE will introduce the panelists.

The panel of resource persons consists of a representative from each of the following sectors:

- The NGO sector
- International organization
- National government institution working on women's rights

The panelists will discuss the following from the perspective of their specific sector:

Existing national provisions and international obligations for the protection and promotion of women's human rights and gender equality in Kazakhstan

The government's record/progress in terms of implementation with a particular focus on the CEDAW Committee recommendations (February 2007).

They will address the potential effectiveness of government actions in the area of women's rights and gender equality. These include:

- The National Commission on Family and Gender Policy and its task to implement the Strategy of Gender Equality
- The adoption and implementation of the National Action Plan
- The status of the draft law on domestic abuse

Question and answer period. (30 min)

End of Activity □

Module 3

A Framework for Monitoring Women's Human Rights – A Four Step Process

Activity 1	What is Monitoring? –	1 hr 30 min
Activity 2	Using A Systems Approach to Monitoring Women's Human Rights and Gender Equality	1 hr 30 min
Activity 3	The Monitoring Process – Step by Step	30 min
Activity 4	Your Organization's Capacity to Do Monitoring	30 min

Overview

The aim of this Module is to have participants explore what a systematic approach to monitoring women's human rights and gender equality entails. Participants will be provided with a complete overview of a monitoring framework in this Module and will have the opportunity to work through the different steps of the framework during the rest of the workshop.

The main focus will be on monitoring State compliance with CEDAW Committee Recommendations stemming from Kazakhstan's 2nd periodic report (2005) to the CEDAW Committee.

Participants will also have the opportunity to share more in-depth information about their own monitoring initiatives and processes and draw some conclusions about their effectiveness.

Total Time for Module 4 hrs

Activity 1 What is Monitoring?

Objective

To review the purposes and basic principles of monitoring in the area of human rights

Time

1 hr 30 min

Description

Introduction

Transparency is one of the principal safeguards operating to protect human rights in the world today. Transparency is achieved by publicizing the status of human rights, making that knowledge available to local, national and international audiences, and thereby holding governments to account for their actions or inaction.

The awareness of violations or potential violations of women's human rights at the individual and collective level is an essential component in the process of social, cultural and legal change or transformation. The aim of monitoring activities in the area of women's rights is to improve the human rights situation of women by systematically tracking activities and actions of institutions, organizations or government bodies to check whether they are in compliance with local and international standards relevant to women's human rights.

Data collected by monitoring are the foundation for human rights reporting, and this reporting in turn is the vehicle that makes transparency possible. In addition to permitting public scrutiny of government actions, reporting also enables other important functions including formulating policy, evaluating progress, acknowledging problems, and sharing information. The skills involved in monitoring include not only the gathering of data itself, but also the ability to use the knowledge to improve respect for the human rights of women through education. Actions towards this aim include education through consciousness-raising

Instructions

This activity is divided into two parts.

In **Part A**, you will work in small groups to discuss your understanding of human rights monitoring. You will then share your understanding with the larger group.

In **Part B**, a resource person will do a presentation on monitoring in the area of women's human rights followed by a large group discussion.

Continued⇒

Activity 1 continued

45 min

Part A Small Group Work

Human rights monitoring involves systematically tracking activities and actions by institutions, organizations and government bodies to ensure compliance with human rights standards.

In order to gain an overview of the monitoring process, together with the members of your group discuss the questions below. (20 min)

- What are the purposes of monitoring in the area of human rights?
- Which organizations conduct human rights monitoring activities on national, regional, and international levels? Which organizations focus on monitoring women's rights?
- Your facilitator will then take up each of the questions. (25 min)

45 min

Part C Presentation

A resource person with practical experience in monitoring women's human rights and in particular government compliance with international standards will present do a presentation highlighting the purposes and principles. He/she will also provide examples relevant to Kazakhstan. (20 min) (See **Reference Sheet 4** for further details)

The resource person will then lead a question and answer session. (25 min)

End of Activity □

Reference Sheet 3 What is Monitoring?

Monitoring is the close observation of a certain situation or individual case to find out what is going on or what is going wrong.

What is human rights monitoring?

Human rights monitoring includes gathering information about incidents, observing events (elections, trials, demonstrations, etc.), visiting sites such as places of detention and refugee camps, discussions with Government authorities to obtain information and to pursue remedies and other immediate follow up. It includes research, first hand fact-gathering, documentation, analysis and reporting. In addition, monitoring has a temporal quality in that it generally takes place over an extended period of time.

Human rights monitoring is carried out to:

- See whether international human rights standards or norms are met in domestic (national) settings.
- Determine if and how domestic human rights standards are applied or met in reality.

What is the purpose of monitoring?

- The main purpose of monitoring is to provide a basis for action in a certain situation or case.
- Guzman and Verstappen identify two types of monitoring: situation monitoring and case monitoring. Under each kind, there can be various forms, as summarised below:

Situation monitoring	Case monitoring
<ul style="list-style-type: none"> ▪ Human rights violations ▪ Drafting and passing of legislation ▪ Implementation of laws and policies ▪ Establishment and progress of human rights institutions 	<ul style="list-style-type: none"> ▪ Legal process undergone by a case ▪ Relief and rehabilitation services provided to a client ▪ Other forms of intervention in a case

Situation monitoring focuses on a situation in general. Many human rights groups produce reports that describe and analyse the occurrence of violations in a country. Aside from documentation of events, a situation report may also include an assessment of the progress of a country in terms of relevant human rights legislation and the performance of human rights institutions.

Case monitoring is victim-focused and victim-oriented. Consistent work for or on behalf of a client, whether an individual victim or a group of victims, such as in pursuing justice or in providing medical attention, is called case monitoring. Following and documenting the developments in the case of a client is an essential and integral part of casework.

Continued⇒

Reference Sheet continued

In the case of women's human rights, monitoring helps build a picture of the human rights situation of women and aims to promote respect, protection and fulfillment of women's human rights and gender equality and encourage State parties to comply with international standards. This is achieved by systematically tracking activities and actions of institutions and government bodies to check whether they are in compliance with local and international standards protecting women's human rights.

Results of monitoring activities can be used to:

- Raise awareness of human rights problems,
- Develop knowledge of human rights standards
- Develop critical analysis of situations in human rights terms
- Strategize and implement appropriate responses to violations

Basic Principles of Monitoring

Source: UNHCHR, Professional Training Series no. 7, Publ: UN, NY and Geneva, 2001: 87 – 93

Monitoring should aim to reinforce State responsibility to protect human rights – not to replace this responsibility. There are a number of basic principles of monitoring that are essential for successful monitoring work.

The responsibility of those involved in monitoring work is not only to determine a focus, engage in fact-finding and investigation, documentation and reporting of information, but also to identify the problems, diagnose their causes, consider potential solutions and assist in problem solving activities provided actions are taken within their authority and competence.

The UN identifies 18 basic principles of monitoring that are essential to all steps of the monitoring process.

Monitoring is a method of improving the protection of human rights with the principal objective to reinforce State responsibility to protect human rights. When engaging in monitoring activities, the monitor can play a preventative role through their presence (i.e., When a government official or other responsible actors are monitored, they tend to become more careful about their conduct).

Basic Principles

Do No Harm: Monitors should make every effort to protect the witnesses/victims. They may not be in a position to guarantee the safety of all persons; however, every measure should be taken to maintain safety and well-being of the individuals.

Respect the Mandate: Monitors should make an effort to understand the mandate and learn how to apply and interpret it in the particular situations s/he will encounter. In evaluating the situation, the following questions are important to ask:

- What are the relevant terms of the mandate?
- What are the relevant international standards underlying and explicating the mandate?

Continued⇒

Reference Sheet continued

- How will the mandate be served by making a particular inquiry, by pursuing discussions with the authorities, or by taking any other course of action?
- What action authorized actions can be undertaken that respects the mandate?
- What are the ethical implications, if any, of that course of action?
- How will the action being considered be received by the Government?
- What potential harm could be caused by the action under consideration?

Know the Standards: Monitors need to be fully familiar with the international human rights standards which are relevant to their mandate and applicable to the country of operation. They provide a sound legal basis and legitimacy to the work in that they reflect the will (or the agreement) of the international community and define the legal obligations of the Government.

Exercise good Judgement: Rules cannot substitute for the good personal judgement and common sense. Exercise good judgement at all times and in all circumstances.

Seek Consultation: Wisdom comes from dealing with a difficult case, a case on the borderline of the mandate, or a case which could be doubtful; it is always wise to consult colleagues and networks involved in the monitoring work. Consultation with like-minded organizations helps to avoid duplication or potentially contradictory activities.

Respect the Authorities: The primary objective of monitoring work is to encourage the authorities to improve their behaviour. By respecting the proper channels of the authorities improvements can be achieved, encouraging changes to governmental policies and practices leading to the respect of women's human rights.

Credibility: Is crucial to successful monitoring. Make no promises which might prove unlikely to keep and follow through on any promises made. Individuals must trust the individuals, organizations involved in the monitoring process or they will not be as willing to cooperate and to produce reliable information.

Confidentiality: Respect of confidentiality is essential because any breach of this principle could have very serious consequences: (a) for the person interviewed and for the victim; (b) for the credibility and safety of the individuals and organizations engaging in the monitoring work; (c) for the level of confidence enjoyed in the monitoring process by the local population; and thus (d) for the effectiveness of the work.

Security: This basic principle refers both to the security of the individual monitors and organisations involved and of the persons who come in contact with him/her. Monitors should protect themselves by taking common-sense security measures, such as avoiding traveling alone, reducing risks of getting lost, and getting caught in cross-fire during an armed conflict.

Continued⇒

Reference Sheet continued

Always bear in mind the security of the people who provide information. They should obtain the consent of witnesses to interview and assure them about confidentiality. Security measures should also be put in place to protect the identity of informants, interviewees, witnesses, etc. The monitors should not offer unrealistic guarantees concerning the safety of a witness or other individual, should avoid raising false hopes, and should be sure that any undertakings (such as keeping in touch) to protect the victim or witness can be kept.

Understand the Region/Country: Know the history, people, culture, government structure, customs and language of the persons you are obtaining information from.

Need for persistence, accuracy and patience

Accuracy and Precision: A central goal of the monitor is to provide sound and precise information. The information produced will serve as the basis for immediate or future action with the local authorities, or the action of his/her superiors or action by others using the information, or by other UN bodies. The provision of sound and precise information requires thorough and well-documented reports. Always be sure to ask precise questions (e.g., not just whether a person was beaten, but how many times, with what weapon, to what parts of the body, with what consequences, by whom, etc.)

In written communication it is always essential to avoid lack of precision, rumours, and misunderstandings. Reports prepared by monitors should reflect thorough inquiries; should be promptly submitted; and should contain specific facts, careful analysis, and useful recommendations. Reports should avoid vague allusions and general descriptions. All conclusions should be based on detailed information included in the report.

Impartiality: Each task or interview should be approached with an attitude of impartiality with regard to the application of the mandate and the underlying international standards. Violations and/or abuses by all parties should be investigated with equal thoroughness.

Objectivity: When collecting and weighing information, objectively consider all the facts.

Sensitivity: When interviewing victims and witnesses, be sensitive to the suffering which an individual may have experienced, as well as to the need to take the necessary steps to protect the security of the individual -- at least by keeping in contact. Be particularly sensitive to the problems of re-traumatisation and vicarious victimization. In addition, be very careful about any conduct or words/phrases which might indicate that their concern for human rights is not impartial or that they are prejudiced.

Integrity: Treat all informants, interviewees, and co-workers with decency and respect. In addition, carry out the tasks assigned in an honest and honourable manner.

Professionalism: Approach each task with a professional manner. Be knowledgeable, diligent, competent, and fastidious about details.

Visibility: As a general rule, a visibly active monitoring presence on the ground can provide some degree of protection to the local population since potential violators do not want to be observed. Also, a highly visible monitoring presence can reassure individuals or groups who are potential victims. Further, a visible monitoring presence can help to inspire confidence in crucial post-conflict processes, such as elections, reconstruction, and development. Hence, effective monitoring means both seeing and being seen.

Activity 2 Using a Systematic Approach to Monitoring Women's Human Rights and Gender Equality

Objective

To examine a systematic approach to monitoring women's human rights and gender equality and its application in the context of their work

Time

1 hr 40 min

Description

This activity is divided into three parts.

In **Part A**, you will work in small groups to discuss the effectiveness of your organization's monitoring work.

In **Part B**, you will present the results of your discussion to the larger group.

In **Part C**, you will discuss the key elements of a systematic approach to implementing a monitoring initiative.

30 min

Part A Small Group Work: Organizations' Approaches

Introduction

In order for the members of your group to work effectively together on a common monitoring initiative, it is important for you to be aware of the capacity of each organization in the group to carry out monitoring activities. In this activity you will have the opportunity to share information about the capacity of your respective organizations to carry out monitoring in the particular area of concern your group has selected to address.

Instructions

The facilitator divides participants into small groups according to the **areas of concern** identified as the focus of their monitoring work during Activity 2 of Module 1:

- Lack of information on the situation of rural and elderly women
- Limited access to adequate health care for rural women
- Violence against women
- Trafficking in women and girls
- Underrepresentation of women in public and political life

Share your organization's approach to planning its monitoring work with the members of your group.

Record the main elements from your discussion to present to the larger group in **Part B** using **Worksheet 3**.

Continued⇒

Activity 2 continued**30 min****Part B Group Presentations and Discussion**

Report the result of your group discussion to the larger group. The facilitator will synthesize and comment on the information presented by the different groups highlighting the advantages and challenges of systematic planning.

40 min**Part C Presentation: A Systems Approach to Monitoring**

The facilitator begins by presenting a model of a systems approach to planning monitoring work. See Reference Sheet 5. The facilitator highlights the following points:

- Monitoring is one of a number of potential actions to address the current human rights situation in a particular country or community that can lead to desired socio-political change.
- Approaching monitoring in a systematic way as discussed in Parts A and B of this activity, increases its potential effectiveness.

A systems approach involves situating a monitoring activity within a broader context which includes:

- Your organization's monitoring work on a particular women's human rights issue/case
- Your organization's overall monitoring, advocacy and human rights work
- Monitoring work being done around the same issue, being carried out by other actors in your society (e.g., other NGOs, government institutions)
- Monitoring work on the same issue, being carried out by the broader international community
- The global women's human rights environment which may be favourable or limiting towards the advancement of a particular women's human rights issue

The facilitator then leads a large group discussion addressing the questions below:

- What do you see as the advantages of using this approach?
- How could a systems approach to monitoring help you in measuring the broader societal impact of your work in the area of women's rights?

End of Activity □

Worksheet 3 Approach to Planning Monitoring Work

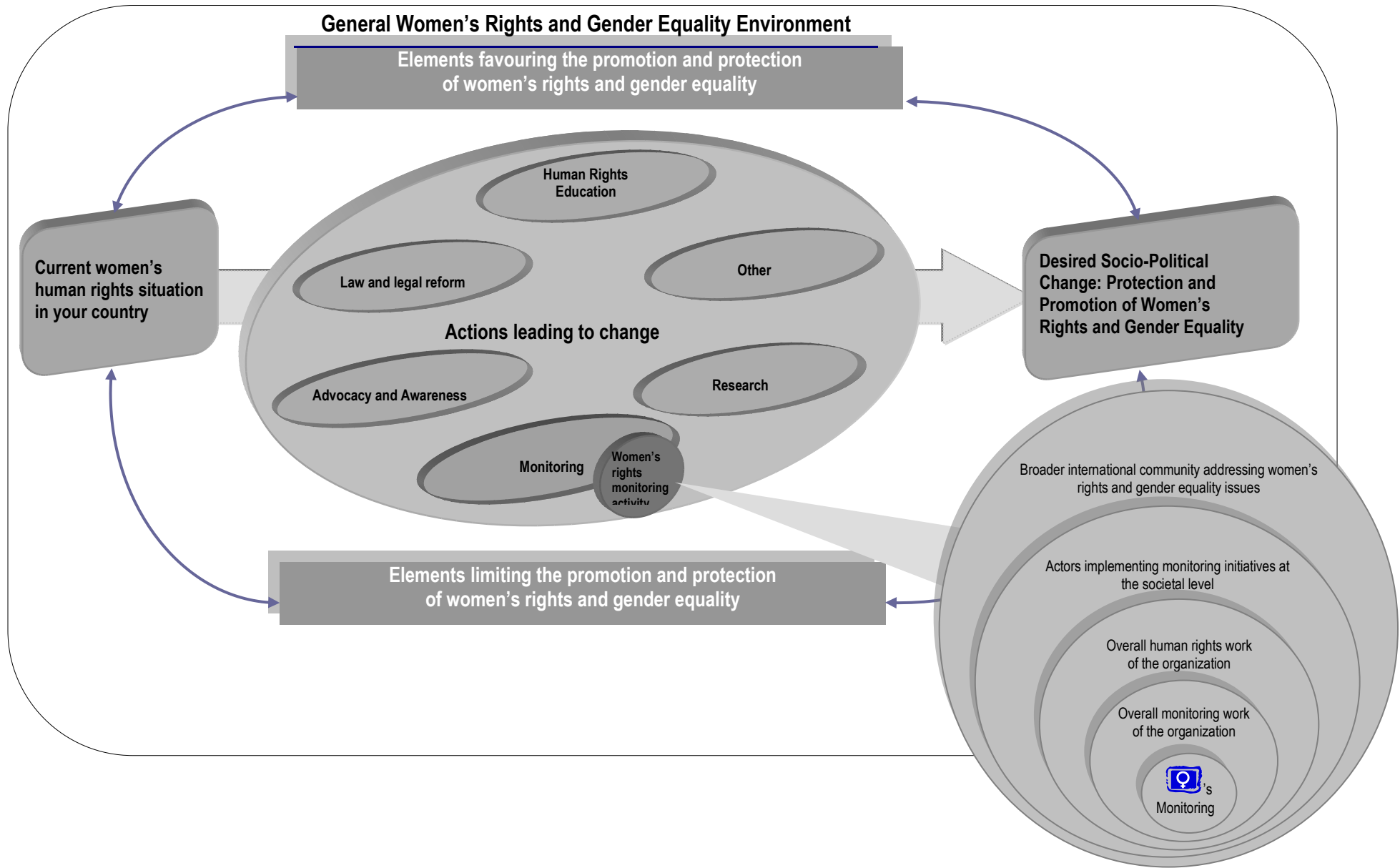
Questions	Your Approach
<p>1. Description of the monitoring work of your organization</p> <p>Does your organization focus primarily on monitoring women’s rights or does your organization also carry out monitoring activities in other areas of human rights? Please explain.</p> <p>Does your organization mainly do <i>situation monitoring</i> or <i>case monitoring</i> or both?</p>	
<p>2. Relationship between your organization’s monitoring work and its other human rights work</p> <p>Are they completely separate?</p> <p>Do they generally complement each other?</p> <p>Do they form part of a well-planned strategy?</p>	

Continued⇒

Worksheet continued

Questions	Your Approach
<p>3. How your organization decides what monitoring initiatives to undertake</p> <p>a) Who is involved in the decision making?</p> <p>b) Does your organization follow a pre-defined plan of activities?</p> <p>c) What internal factors do you consider? For example:</p> <ul style="list-style-type: none"> ▪ Does the activity fit with the mission of the organization? ▪ Is the activity in line with the principles and values of the organization? ▪ Is the activity within the scope of the organization's capacity both in terms of knowledge, and skills as well as human and/or financial resources? <p>d) What external factors do you consider? For example:</p> <ul style="list-style-type: none"> ▪ Are similar monitoring initiatives being carried out by other organizations? What is the existing local/ national/ regional capacity? ▪ What are the potential effects of the current local/ national/ regional context regarding women's human rights and gender equality for achieving the planned results? ▪ What is the potential impact of events on the broader global scale? ▪ Is evaluation and follow up an integral part of planning for every monitoring initiative your organization undertakes? 	

Reference Sheet 4 Human Rights Monitoring - A Systems Approach



Activity 3 The Monitoring Process – Step by Step

Objective

To identify the activities involved for each step of the monitoring process

Time

30 min

Description

This activity is divided into two parts.

In **Part A**, the facilitator leads a large group discussion on the four-step monitoring process.

In **Part B**, participants work in pairs to apply the process to a sample situation.

10 min

Part A Large Group Discussion

The facilitator prepares a flipchart version of the diagram on **Reference Sheet 5** leaving blank all the boxes below the steps. He/she explains that the diagram illustrates a four-step monitoring process and then leads a large group discussion trying to elicit from participants what is involved in each step. Some guiding questions are provided below.

- What activities are involved for each step and what are the results of these activities?
- What types of action should monitoring lead to?

20 min

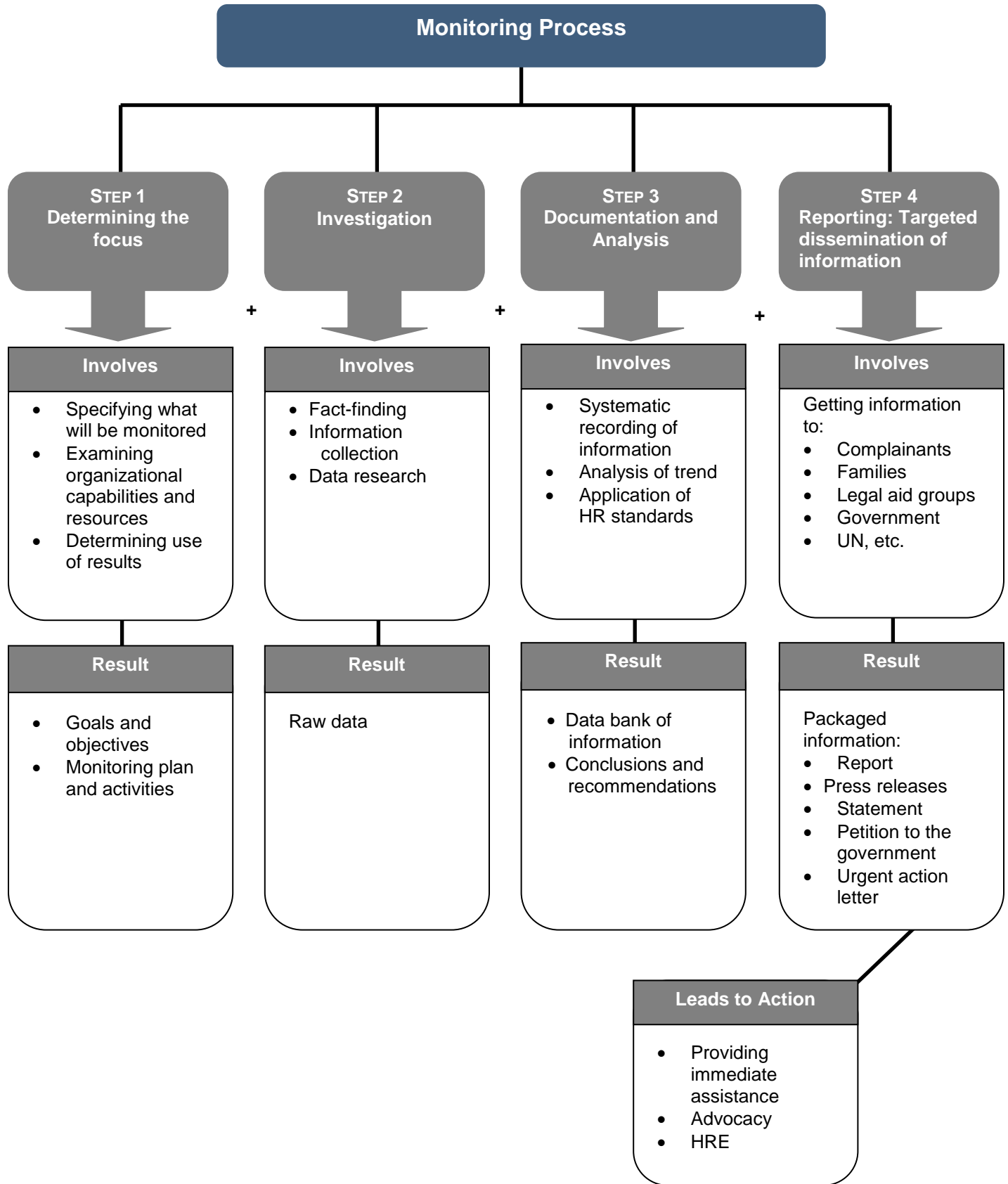
Part B Work in Pairs

The facilitator divides participants into pairs and has them apply the process to an example that he/she provides. Participants can use **Worksheet 4** to record the results of their discussion (10 min):

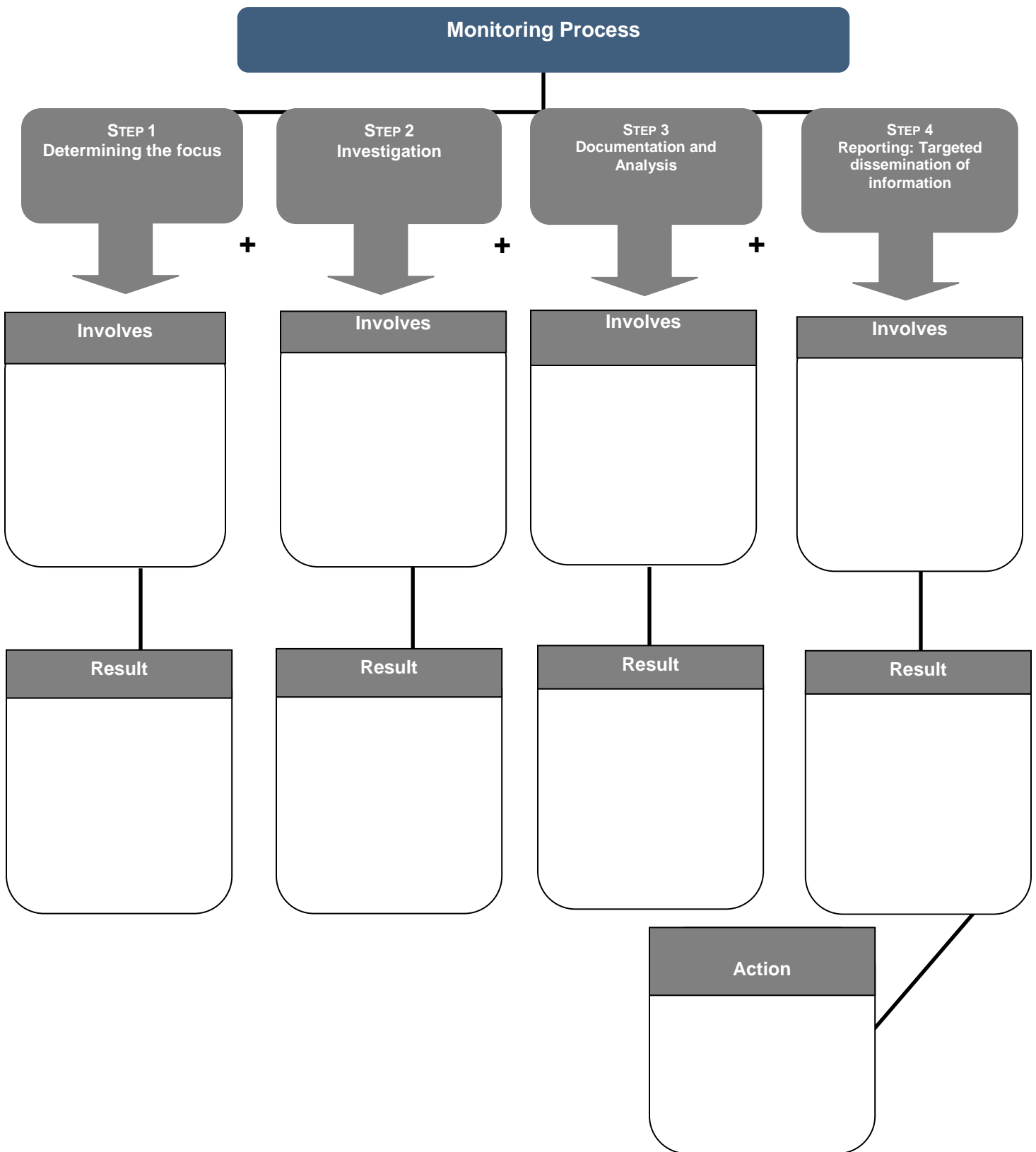
The facilitator takes up the answers as a large group. (10 min)

End of Activity □

Reference Sheet 5 Monitoring Process - What’s Involved



Worksheet 4 An Example Monitoring Process



Activity 4 Your Organization's Capacity to Engage in Monitoring Initiatives

Objective

To assess the capacity of participating organizations to carry out monitoring work

Time

60 min

Description

This activity is divided into two parts.

In **Part A**, you will work individually to identify your organization's strengths and challenges to engage in monitoring initiatives.

In **Part B**, your facilitator leads a large group discussion.

30 min

Part A Individual Work: Assessing the Capacity of Your Organization to Do Monitoring

Complete **Worksheet 5** by rating your organization's capacity to carry out the activities for each of step of the monitoring process and provide an explanation. Keep in mind the presentation from Activity 2 and use **Reference Sheet 7** to guide you.

30 min

Part B Large Group Discussion

Your facilitator provides you with sticky notes to build a picture of the group's capacity to engage in monitoring initiatives.

Using the sticky notes, indicate on the large flipchart version of the Worksheet how you rated your organization's capacity.

Your facilitator will summarize the information on the flipchart and lead a discussion.

Worksheet 5 Strengths and Challenges for Implementing Monitoring Initiatives

Rating Scale: (1=strong, 2=average, 3=weak, 4=not applicable)	Rate your organization's capacity for each Step	Explain your rating. List strengths and challenges of your organization in carrying out these activities.
<p>Step 1: Determining the Focus</p> <p>This involves:</p> <p>Selecting a focus; Assessing organizational capabilities and resources; identifying how results will be used</p>	1 2 3 4	
<p>Results</p> <p>(Goals and Objectives; Monitoring Plan and Activities)</p>	1 2 3 4	
<p>Step 2: Investigation/Fact Finding</p> <p>This involves:</p> <p>Information Collection;</p> <p>Data Research</p>	1 2 3 4	
<p>Results</p> <p>(Raw data)</p>	1 2 3 4	

Worksheet continued

Rating Scale: (1=strong, 2=average, 3=weak, 4=not applicable)	Rate your organization's capacity for each Step	Explain your rating. List strengths and challenges of your organization in carrying out these activities.
<p>Step 3: Documentation and Analysis</p> <p>This involves:</p> <p>Systematic recording of information; Analysis of trend; Application of Women's HR standards</p>	1 2 3 4	
<p>Results (Data bank of information; conclusions and recommendations)</p>	1 2 3 4	
<p>Step 4: Reporting</p> <p>This involves: Getting information to: Complainants, families, legal aid groups, government, international institutions (e.g., UN)</p>	1 2 3 4	
<p>Results (Packaged information such as reports, press releases, statements, petitions to government, urgent action letters)</p>	1 2 3 4	

Reference Sheet 6 The 4 Steps to the Monitoring Process

Steps	What is involved
Identifying the FOCUS of monitoring activities	<ul style="list-style-type: none"> • Mandate and capacity of the organization
INVESTIGATION	<ul style="list-style-type: none"> • Close Observation of the situation usually through constant or periodic examination or investigation • Collecting and receiving as much data as possible • Using specific tools and instruments • Using standards and norms as reference to determine what is wrong in a particular situation • Carrying out these activities over a long period of time
DOCUMENTATION & ANALYSIS	<ul style="list-style-type: none"> • Systematically recording results of an investigation or examination. • Analyzing the data.
REPORTING	<ul style="list-style-type: none"> • Producing a report about the situation which includes an assessment of the situation and provides a basis for future action • Planning the dissemination of the report. (Who? When? How?)



Guzman, M., & Verstappen, B. (2001). *What is Monitoring: Human Rights Monitoring and Documentation*. Versoix, Switzerland: Human Rights Information and Documentation Systems, International (HURIDOCs).

Module 4

International and National Norms and Standards for the Protection and Promotion of Women's Human Rights

Activity 1	Basic Concepts of Women's Human Rights and Gender Equality	1 hr 30 min
Activity 2	International and National Standards and Mechanisms for the Protection and Promotion of Women's Human Rights and Gender Equality	1 hr 30 min

Overview

Identifying and analyzing the relevant international and national/domestic human rights standards is essential in determining the focus and planning the conduct of monitoring activities.

In this Module participants will begin working with the monitoring framework presented in Module 3. They will examine and compare international and national human rights standards and mechanisms for the protection and promotion of women's human rights in Kazakhstan.

Total Time for Module: 3 hrs

Activity 1 Human Rights Principles and Women's Rights

Objective

To examine basic principles of human rights as they relate to women's human rights

Time

1 hr 40 min

Description

This activity is divided into two parts.

In **Part A**, you will work with a partner to reflect on some basic principles of human rights and how they relate to women's human rights and then share your ideas in a large group.

In **Part B**, the facilitator will lead a large group.

A resource person will provide comments and input in both Parts A and B.

35 min

Part A Pair Work

The facilitator divides participants into pairs.

Together with your partner complete the exercise described on **Worksheet 6**. You can use **Reference Sheet 7** to help you. (10 min)

The facilitator prepares a flipchart version of **Worksheet 6** and has the participants in turn share their ideas with the group. The resource person comments and expands on the information provided by participants, drawing on examples from his/her own experience (25 min)

55 min

Part B Large Group Discussion

The resource person will lead a large group discussion on the interpretations and applications of the concepts. Some suggested questions are provided below.

Questions to consider:

- Do you think the general population is aware of/understands and incorporates the principles of substantive equality in their daily lives?
- How would you explain these concepts to a group of men and women in a rural community? How would you explain them to your colleagues?
- How are the principles of interdependence, indivisibility and intersectionality important in the promotion and protection of women's human rights?

Worksheet 6 Basic Human Rights Principles and Women’s Rights

What is your understanding of each of the human rights principles listed below in the context of women’s human rights? Please write your ideas in the spaces provided.

Basic HR Principles	Your Understanding of the Principle in the Context of Women’s Rights
Discrimination	
Equality Formal Equality Substantive Equality	
Interdependence and Indivisibility	
Intersectionality (Multiple Discrimination)	

Reference Sheet 7 Basic Human Rights Principles and Women's Human Rights

Source: Equitas, The Economic, Social and Cultural Rights of Women: A Handbook for National Human Rights Institutions, Publ: Equitas – International Centre for Human Rights Education, United Nations Development Program and the British Council, Montreal, Canada, 2007: 47

Discrimination

Article 1 CEDAW

The term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

Sex discrimination, also called gender discrimination, occurs when a law, program or policy, or an act or a failure to act, has the effect or purpose of impairing or nullifying the recognition, exercise or enjoyment by women of their rights. In short, sex or gender discrimination is discrimination that occurs simply because a person is a woman or a girl child.

"... [d]iscrimination implies any act or conduct which denies to certain individuals equality of treatment with other individuals because they belong to a particular group in society. (Secretary-General of the United Nations, The main types and causes of discrimination, United Nations publication, Sales No. 49.XIV.3) Note: Any form of discrimination should always be seen as a violation as discrimination does not involve lack of resources, infrastructure"

Source: Thesaurus of Economic, social and Cultural Rights, <http://shr.aaas.org/thesaurus/>

"Sex" Discrimination" or "Gender" Discrimination?

The term "sex discrimination" is used in the international instruments, although general comments and academic literature suggest that the term "gender" better reflects the social and cultural aspects of discrimination against women. For example, the Montreal Principles state that:

"The terms 'gender' and 'sex' should both be understood as referring to the range of economic, social, cultural, historical, political and biological constructions of norms of behaviour that are considered appropriate for women and men. Implicit in such an understanding of "gender" or "sex" ... is that male and female norms have been constructed so as to privilege men and disadvantage women. "Gender" and "sex" discrimination can be used interchangeably, and both "gender inequality" and "sex inequality" are used to refer to the disadvantaged position of women."

Whichever term is used – whether sex or gender discrimination - we are referring in human rights terms to a concept broader than discrimination based on the biological differences between men and women.

Continued⇒

Reference Sheet continued

Instead, sex discrimination and gender discrimination should be understood as including the social constructions or roles that are ascribed to men and women as a result of social, economic, political, religious and cultural factors.¹ Examples of sex or gender discrimination are discrimination on the basis of a woman's:

- marital status, for example, if she experiences a distinction or exclusion because she is a wife, common law spouse, unmarried woman, divorced or widowed.
- family status or family responsibility
- pregnancy or reproductive capacity
- sexuality, and noting that sexual harassment of women and violence against women are forms of sex discrimination, with the latter also being a criminal offence in most countries."²

Equality

The concept of equality expresses the notion of respect for the inherent dignity of all human beings. As specified in Article 1 of the Universal Declaration of Human Rights, it is the basis of human rights: "All human beings are born free and equal in dignity and rights

The letter and spirit of CEDAW require the elimination of discrimination against women because this is necessary to ensure equality between men and women. There are different but interconnected concepts in the area of equality. One is called formal equality, and the other is called substantive equality.

Formal Equality

Formal Equality (sometimes called *de jure* equality) assumes that equality is achieved if a law or a policy treats men and women the same way, or in a neutral manner. Formal equality assumes women and men are similar (historically, economically, politically, etc.). Sometimes, formal equality is the minimum required to address women's inequality.

"Gender-neutral" laws and policies (i.e., those that do not distinguish between men and women) may appear to be equal.

On their face, they treat men and women the same way; however such rules can, nevertheless, still be discriminatory. For example, a general or neutral rule that allows an employer to give a job away if an employee is away for several months may be "neutral" in that it treats everyone the same, but it clearly discriminates against women because it fails to recognize the act that it is women who get pregnant, bear children and care for young children.

Continued⇒

1 Tenth Meeting of Persons Chairing Human Rights Treaty Bodies, Geneva, 14-18 September 1998. Integrating the gender perspective into the work of United Nations human rights treaty bodies. (1998) UN Doc HRI/MC/1998/6.

2 Montreal Principles, Principle 8.

Reference Sheet continued

Substantive Equality

“Substantive Equality is concerned with the effects or results of laws, policies and programs that are intended to deliver rights, or with gaps in laws and programs that perpetuate inequality between men and women. Substantive equality demands taking account of the differences between men and women.”

Interdependence, Indivisibility and Intersectionality of Rights

Source: Equitas, *The Economic, Social and Cultural Rights of Women: A Handbook for National Human Rights Institutions*, Publ: Equitas – International Centre for Human Rights Education, United Nations Development Program and the British Council, Montreal, Canada, 2007: 38-49

Interdependence and Indivisibility

All rights ...are interdependent and indivisible. This was affirmed during the 1993 World Conference on Human Rights. The indivisible and interdependent nature of all human rights means that ...rights apply to all individuals equally and without discrimination, that they create specific governmental obligations, and that they can and should be claimed.

As a corollary, human rights are interrelated and interdependent: therefore, no rights claims can infringe gender equality.

It is an error to see rights conflicts as requiring a particular or uniform set of outcomes: rather, equality is assessed on a case by case basis, having regard to the rights at stake, the real threats involved, and the overall importance of ensuring that nothing is interpreted so as to detract from or minimize gender equality.

Intersectionality (Multiple Discrimination)

Many women encounter distinct forms of discrimination due to the intersection of sex with such factors as: race, language, ethnicity, culture, religion, disability, or socio-economic class. Indigenous women, migrant women, displaced women, and non-national or refugee women experience distinct forms of discrimination because of the intersection of their sex and race, or their sex and citizenship status. Women may also confront particular forms of discrimination due to their age or occupation; family status, as single mothers or widows; health status, such as living with HIV/AIDS; sexuality, such as being lesbian; or because they are engaged in prostitution. Intersecting discrimination can determine the form or nature that discrimination takes, the circumstances in which it occurs, the consequences of the discrimination, and the availability of appropriate remedies.

This is called an “intersectional approach.” This helps to acknowledge and address the combination of various types of discrimination which, together, produce something unique and distinct from any one form of discrimination standing alone.

Activity 2 Presentation: International and National Standards and Mechanisms for the Protection and Promotion of Women's Human Rights and Gender Equality in Kazakhstan

Objective

To examine international and national standards and mechanisms for the protection and promotion of women's human rights and gender equality

Time

1 hr 30 min

Description

A resource person will give a presentation on international and national standards and mechanisms for protecting and promoting women's human rights in Kazakhstan. (45 min)

He/she will address the areas listed below making reference to the concepts discussed in Activity 1.

- standards for the protection and promotion of women's rights and gender equality in international instruments to which Kazakhstan is a State Party and compare these with national standards
- how international standards and mechanisms can be used to monitor the State's obligations to respect, protect and fulfil women's human rights. Particular attention will be given to CEDAW and its Optional Protocol, the CEDAW Committee, the Special Rapporteur on violence against women.

Question and Answer Session (45 min)

End of Activity □

Module 5

Monitoring – Steps 1 and 2

Activity 1	Presentation – Basics of Investigation/ Fact-Finding	1 hr
Activity 2	Step 1 - Identifying the Focus for Your Common Monitoring Initiative	1 hr 15 min
Activity 3	Step 2 -Planning an Investigation/Fact-Finding Process	1 hr 45 min
Activity 4	Practicing Interviewing Skills	1 hr 30 min

Overview

Monitoring government compliance with its international human rights treaty obligations in the area of women's human rights entails systematic investigation and documenting of gaps between the international standards and national legislation as well as government progress in the implementation of existing domestic standards. The most recent CEDAW Committee recommendations (February 2007) to the government of Kazakhstan outline these gaps as well as providing specific recommendations for addressing them.

The aim of this Module is to have participants determine the focus of their common monitoring initiative and design an investigation/fact-finding process.

Total Time for Module: 5.5 hrs

Activity 1 Presentation – Basics of Investigation/Fact-Finding**Objective**

To review the basic principles of investigation/fact finding and available tools

Time

1 hr 10 min

Description**Introduction**

In Module 2, we examined the principal areas of concern identified by the CEDAW Committee in their recommendations (February 2007) to the government of Kazakhstan. We then reviewed the relevant international and national standards for the protection and promotion of women's rights and gender equality in Kazakhstan and explored an overall framework for monitoring women's human rights.

Using this framework you will now determine a more precise focus for your common monitoring initiative and plan the collection of information, also referred to as investigation or fact finding.

Investigation/Fact finding is a crucial task when you want to provide clear, concise, reliable and focused information to the stakeholders and institutions working with your organization. The more accurate and useful the information on the implementation of the rights of women as contained in CEDAW by the State party, the greater the likelihood that it will have an impact on the work of the CEDAW Committee. This will in turn prompt the Committee members to ask the government concerned relevant and focused questions on the respect of the rights of women and girls and draw attention to issues of particular concern. Effective fact-finding or investigation and accurate information will prove invaluable in writing a report to be submitted to the Committee which is of major importance when working for the protection and promotion of women's human rights and in the design and elaboration of NGO plans of action on women and girls.

Instructions

This activity is divided into two parts.

In **Part A**, a resource person will give a presentation on the basic principles of investigation/fact-finding.

In **Part B**, the resource person will lead a large group discussion.

Continued⇒

Activity 1 continued

35 min

Part A Presentation: The Basics of Investigation/Fact-finding

A resource person with practical experience in women's human rights monitoring will give an overview of investigation/fact finding, and provide relevant examples from their own work. He/she will outline:

- Purposes and basic principles of investigation/fact-finding
- Information gathering process - methods and techniques
- Using standards and norms as reference to determine what is wrong in a particular situation
- Identifying benchmarks and indicators
- Collecting and receiving data
- Potential challenges and effective strategies

See **Reference Sheet 8** for further information.

35 min

Part B Question and Answer Session**End of Activity** □

Reference Sheet 8 Investigation/Fact-Finding

Investigation/fact-finding involves the collection of information to determine the truth as accurately and completely as possible concerning alleged human rights violations for the purpose of monitoring human rights practices of governments.

It is a crucial task when you want to submit credible and reliable information to national or international mechanisms and/or to international organizations. The more accurate and useful the information, the greater the likelihood that it will have an impact and result in necessary changes to remedy the situation.

Once a violation has been identified, the next step is to conduct an investigation in order to collect and document the 'evidence'. This is done by carrying out fact-finding activities and carefully recording the findings (i.e., documentation).

Objectives for conducting investigation/fact-finding in the area of women's human rights may include:

- To provide immediate assistance to women whose rights have been violated
- To educate and mobilize women to action on their own behalf
- To monitor and assess the implementation of the CEDAW, as well as other international human rights instruments
- For litigation of cases involving violations of women's rights and discrimination based on gender
- To undertake legislative advocacy and policy formation on the protection of the rights of women
- To make submissions to inter-governmental agencies

Guiding principles for human rights investigators/fact-finders

- Impartiality and accuracy

Investigation/fact-finding must be thorough, accurate and impartial. Ensure the credibility of information collected and disseminated by seeking direct evidence and higher level evidence. Assess the truth and reliability of the evidence gathered. Try to examine both the victim's and the violator's versions of the events.

- Using diverse sources of information

Locate and use as many sources of information as possible. Examine both the victim's (individual and communities) and the violators' versions of the events. Collect and evaluate all available evidence. This should include records; papers and studies produced by academic or research institutions; reports by or interviews with NGOs and individuals. Collect and evaluate ALL available evidence and assess the veracity and reliability of the evidence gathered.

Continued⇒

Reference Sheet continued

- Application of international human rights standards

Apply the relevant international human rights standards in CEDAW, ICCPR, ICESCR, ICERD, CRC, as well as constitutional rights guarantees to help identify and define what information to collect and to assess the information gathered.

- Respect for all parties involved

All efforts should be carried out within an atmosphere of utmost respect for all those concerned and particular respect for the victims and their families. Women's issues are often very sensitive and care should be taken in this regard.

Safeguard your credibility by seeking direct evidence and higher-level evidence.

Source: ICES & MRGI, Strengthening the Capacity of Minority and Indigenous People's to Advocate for the Implementation of International Standards, Regional Training Workshop and Associated Programme of Advocacy, ICES & MRGI, 2004

Information Gathering Process

Once the focus of an investigation has been determined the information gathering process begins. This involves a number of phases and dimensions.

- Developing contacts and establishing a presence in the community
- Collecting testimonials and complaints
- Pursuing an inquiry to verify information concerning a violation and also the response of the authorities, including the military, police, and the legal system as relevant

Methods

If it is established that a violation has occurred, different methods can be used to pursue the issue. These include:

- Conducting investigation/fact-finding in the field for a limited period of time by skilled fact-finders including staff members of an organization
- Placing trained field workers in an area for a longer period of time to collect and document information on violations
- Using a low-profile investigation/fact-finding delegation (mission) consisting of people from the local area
- Using a high-level delegation of well-known personalities in the country
- Using an international delegation (mission) composed mainly of foreign nationals
- Organizing non-governmental tribunals and commissions of inquiry
- Conducting research studies, including surveys for the purpose of collecting data on the relevant rights
- Verifying information mainly by checking their consistency with independent sources
- Analysing information and following up to encourage authorities to act diligently in responding to the problem, and reporting

Source: UNHCHR, Professional Training Series no. 7, Publ.: UN, NY and Geneva, 2001: 99

Continued⇒

Reference Sheet continued**Benchmarks**

For this purpose, benchmarks (or goals) are the basis on which the State party itself, as well as the UN Committees can effectively evaluate State actions to the extent to which progress is being made towards the realization of the obligations contained in the UN international instruments the State is party to.

It is important to set specific benchmarks or goals with respect to particular areas of concern related to women's human rights (e.g., reduction of women contracting HIV/AIDS, increase in the number of women in parliament, etc.). In many of these cases, global benchmarks are of limited use, whereas national or other more specific benchmarks can provide extremely valuable indication of progress.

Indicators

The enjoyment and guarantee of women's human rights and the level of compliance by the government with its obligations must be periodically monitored to assess progress in the realization of the rights indicated. The assessment often takes the form of qualitative and quantitative measurements, called indicators.

An **indicator** is 'evidence' that helps you to measure progress towards achieving results. An indicator is a means of measuring actual results against planned or expected results in terms of quality, quantity, and timeliness. Indicators must be directed to the result they are measuring.

A Suggested Fact-Finding Approach Step by Step

1. Define a Precise Focus.

- What is the scope of your investigation?
- What is prompting you to undertake the fact-finding?

Determine the Method(s) of fact-finding you wish to adopt. (See above for some ideas)

Determine which Human Rights Instruments you will use.

In addition to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, other human rights instrument you can use include:

- International Covenant on Civil and Political Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Rights of the Child

Establish Clear Criteria.

- What criteria will you use for determining the reliability of the information you gather?

Continued⇒

Reference Sheet continued

Identify the Sources of Information

- Who is/are the victim(s)?
- Who is/are the alleged violator(s)

Are they governmental or non-governmental?

If non-governmental, can the acts of the violators be directly or indirectly linked to government action or acquiescence?

- Who are the witnesses?

Those who saw the event?

Those who would know the background?

- Who can help identify additional sources of information?

Identify written and documentary evidence.

- What documentary evidence is available that can help your investigation/fact-finding?
- How do you know that the information is reliable?
- How will you cross-check the information you have gathered?

Conduct On-site Inspection.

- What should be done before visiting the site?
- What should be done during the on-site visit?
- What should be done after the visit?
- What can assist in the process of your investigation? (e.g., contacts, research)

Determine the level of proof required.

- What level of proof is sufficient to arrive at reasonably founded conclusions?
- What factors may impact on the establishment of the level of proof?

Corroboration.

- How will you crosscheck the information you have gathered?

Additional question to consider:

Once you have completed your fact-finding and prepared your report, where should you send it?

Source: Ravindran, D. J., Guzman, M., & Ignacio, B. (Eds.). Handbook on Investigation/fact-finding and Documentation of Human Rights Violations. Bangkok, Thailand: Asian Forum for Human Rights Development, 1994

Activity 2 Step 1 – Identifying the Focus for Your Common Monitoring Initiatives

Objective

To determine a focus for your common monitoring initiatives

Time

1 hr 30 min

Description

In this activity, you will begin to work on planning a common monitoring initiative.

This activity is divided into three parts.

In **Part A**, you will work in small groups to identify the focus of your monitoring initiative.

In **Part B**, a resource person will lead a discussion.

45 min

Part A Small Group Work: Identifying a Focus for Your Monitoring Initiative

The facilitator divides participants into small groups according to the **areas of concern** previously selected by them. These are:

- Lack of information on the situation of rural and elderly women
- Limited access to adequate health care for rural women
- Violence against women
- Trafficking in women and girls
- Underrepresentation of women in public and political life

Together with the members of your group, complete **Worksheet 7**, the first step in developing your monitoring initiative.

30 min

Part B Large Group Discussion

A resource person will ask each group to share the focus of their monitoring initiative and then ask the groups to consider the questions below.

- Who are the stakeholders involved? Do you have support from other organizations?

Continued⇒

Activity 2 continued

- How will you consult with or involve other stakeholders?
- What kind of resources will you need?
- What challenges exist when you plan activities as a network?
- Is there one strategy that can be adopted to address several issues? (e.g., lobbying the government to enforce the draft law on domestic abuse in accordance to their ratification of CEDAW.)
- What are the potential obstacles? Where are they coming from? What can be done to address them?

End of Activity □

Worksheet 7 Determining the Focus for Your Monitoring Initiative

It is important to consider the following aspects of your individual organizations' capacity and work when developing a common monitoring initiative with other organizations to ensure that it is realistic and can be achieved:

- The initiatives within the scope of your organizations' **mandates**
- Your organizations can possibly contribute either existing or potential **resources** (people, expertise, money, tools, etc.) towards the planning, implementation and evaluation of this monitoring initiative

Keep these in mind as you answer the questions below..

<p>Area of Concern:</p>
<p>1. Focus Given the combined expertise and capacity of the organizations in your group, what should be the "focus" of your group monitoring initiative?</p>
<p>2. Resources a) What resources do the organizations in your group currently have to carry out this type of work? b) What additional resources would your group need?</p>
<p>3. Kinds of Activities What kinds of monitoring activities do your organizations have the capacity to carry out? (e.g., activities related to investigation/fact-finding, documentation and/or reporting)</p>
<p>4. Purpose of Activities What is the purpose of the activities you selected?</p>

Continued⇒

Worksheet continued**5. Use of Results**

How do you intend on using the results of your common monitoring initiative? Please explain.

Who would the results of your common monitoring initiative would be useful for? Please explain.

Now that you have determined the capacity and experience of your organizations, please revisit **Question 1** to ensure that the focus you selected is the most appropriate.

Activity 3 Step 2 – Planning an Investigation Process

Objective

To develop a plan for your investigation process

Time

1 hr 30 min

Description

You will work in small groups according to the area of concern you previously selected and begin to develop an investigation plan for your monitoring initiative. Resource persons will be available to help you with this process.

Together with the members of your group, complete **Worksheet 9** according to the instructions provided below. To inform your work during this activity, refer back to the information from the Worksheets, Reference Sheets and Activities listed below.

- Worksheet 1, Activity 2 of Module 2.
- Activity 2 of Module 4
- Reference Sheet 8, Activity 1 of this Module
- Worksheet 7, Activity 2 of this Module.
- Review the text of CEDAW and the CEDAW Committee Recommendations provided in Appendix A.

Address the questions **Worksheet 8** to prepare a plan for the investigation process of your monitoring initiative.

You will have the opportunity to present the results of your discussion to the larger group later on in the workshop.

End of Activity □

Worksheet 8 Planning a Common Investigation/Fact-Finding Process

Area of Concern:	
<p>FOCUS of the investigation/fact finding of your common monitoring initiative (identified in Act. 2 of Mod.5)</p> <p>What is the precise scope of your investigation/fact-finding process?</p>	
<p>Purpose</p> <p>What is the purpose of the investigation/fact-finding mission?</p>	
<p>Mandate/Scope</p> <p>What is the mandate and scope of the investigation/fact-finding mission? (What is the mission tasked to do i.e., what are the terms of reference?)</p>	
<p>Methods</p> <p>Which are the most appropriate investigation/fact-finding methods and techniques given the area of concern and focus?</p>	
<p>Human Rights Instruments</p> <p>In addition to CEDAW, what other human rights instruments can you use given the area of concern and focus?</p>	

Continued⇒

Worksheet continued

<p>Clear Criteria</p> <p>What criteria will you use to for determining the reliability of the information you gather?</p>	
<p>Sources</p> <p>What are the possible sources of evidence/information? Who are the victims? Who are the witnesses?</p>	
<p>Written and Documentary Evidence</p> <p>What documentary evidence is available that can help your investigation/fact-finding?</p>	
<p>Level of Proof</p> <p>What level of proof is sufficient to arrive at reasonably founded conclusions?</p> <p>What factors may impact on the level of proof?</p>	
<p>Corroboration</p> <p>How will you crosscheck the information you have gathered?</p>	

Continued⇒

Worksheet continued

<p>Benchmarks and Indicators</p> <p>What benchmarks and indicators will you use to monitor changes in this area of concern of women's human rights?³</p> <p>How will you establish these benchmarks and indicators?</p>	
<p>Problems</p> <p>What problems can be expected in carrying out the investigation/fact-finding process and what are the possible ways of addressing these problems? (i.e., if the information gathered is NOT sufficient, what will need to be done?)</p>	
<p>Ethical Considerations</p> <p>What ethical considerations should be noted in conducting the mission?</p>	

³ FOR EXAMPLE: If the *area of concern* is *limited access to health care*, and **women with HIV/AIDS** is identified as the **focus** for a monitoring initiative, an indicator would be the number of incidences of pregnant women with HIV/AIDS. If the *area of concern* is *violence against women*, and **women rape victims** is identified as the **focus** for a monitoring initiative, an indicator would be the number of reported rapes among every 1000 females in the vicinity being monitored.

Activity 4 Practicing Interviewing Skills

Objectives

- To practice skills and techniques for interviewing
- To assess good practices for conducting interviews during an investigation

Time

1 hr 30 min

Description

Introduction

Interviewing is the most common method of collecting information about alleged human rights abuses. In addition, oral evidence is often necessary to supplement written information

In this activity, you will discuss techniques used for preparing, initiating and conducting an interview. You will also have the opportunity to practice and experience preparing for, and conducting an interview as a part of the investigation/fact-finding component of the monitoring process.

Instructions

This activity is divided into three parts.

In **Part A**, the facilitator will present the structure of an interview and some basic techniques.

In **Part B**, you will work in small groups to prepare a fact-finding interview.

In **Part C**, you will role play the interview for the larger group followed by a large group debriefing.

20 min

Part A Presentation: Interview Structure and Techniques

A resource person/facilitator presents the three phases of the interview process and some basic techniques for. (10 min)

Pre-interview

Interview

Post-Interview

Please see **Reference Sheet 9** for further details.

Continued⇒

Activity 4 continued**40 min****Part B Preparing the Interview**

The facilitator divides participants into groups of three, explains the procedure and goes over the case with the groups. He/she will assign one interview to each group.

Together with the members of your group you will prepare each phase of the interview process. See the Reference Sheet for details of each phase of the interview process.

You will then prepare to role play the interview for the larger group in Part C. Select your roles. See below.

Use the reference sheet from the previous activity as well as the information about interviewing presented in **Reference Sheet 10** of this activity to prepare your interview.

Case Summary (for full text see Reference Sheet 9)

Katya is a young woman of 17 years old originally from the area of Semey in north eastern Kazakhstan. After being arrested by the police for prostitution, Katya was forced to have sex with a police officer in exchange for her release. She is currently safe and living in a women's shelter in Astana.

30 min**Part C Role Play Large Group Debriefing**

The facilitator has each group role play the interview assigned to them. (No more than 5 minutes. Then the other groups can comment and ask questions)

The facilitator then leads a large group debriefing. He/she invites you to discuss your observations to identify the characteristics of:

- WHAT makes an interview successful?
- WHAT would improve the way the interview is conducted?

Reference Sheet 9 Case Study

Background on the case of Katya:

Katya, is a young girl from a rural area near the town of Semey bordering with Siberia. She is the eldest girl of a family of eight children, five boys and three girls. Her family lives in poverty, unable to send their children to school. Her father decided to marry her off at the age of 14, thinking that she would be better taken care of by her new husband. Her new husband was physically and emotionally abusive towards her and he has denied her any opportunity to work outside of the home and refuses to provide her with an adequate household allowance. They are living far from her family's home, so when Katya tried to get help from the authorities they never responded effectively and the abuse continued.

At the age of 16, Katya realized that she was pregnant. Living in a rural community, Katya has limited access to health care facilities, so when she experienced complications with her pregnancy it resulted in a miscarriage.

Currently, at the age of 17, Katya has run away from her husband because of the constant violence she is experiencing. Being uneducated and without money, Katya is prostituting herself on the streets of Astana to survive. Recently, she was arrested and sexually harassed by a police officer who agreed to let her go after blackmailing her to have sex with him. Finally, she has ended up in a women's shelter and is being assisted by a local women's NGO.

The women's shelter where Katya is staying is a member of coalition of women's organizations assisting in the information gathering stage of a monitoring initiative spearheaded by an NGO in the City of Astana. This process is contributing to the writing of the Alternate Report, which will be submitted to the UN CEDAW Committee for review at their next session.

Roles:

Interview 1 – Victim: Katya

Interviewer: NGO worker in the City of Astana currently monitoring the situation of women's health and reproductive rights in Kazakhstan's rural areas.

Observer: Assisting with the monitoring work of the NGO worker and also working with the UN researching women's poverty in Kazakhstan.

Interview 2 – Perpetrator: Police Officer

Interviewer: NGO worker in the City of Astana currently monitoring the situation of women's health and reproductive rights in Kazakhstan's rural areas.

Observer: Assisting with the monitoring work of the NGO worker and also working with the UN researching women's poverty in Kazakhstan.

Interview 3 – Witness: Case worker at the women's shelter

Interviewer: NGO worker in the City of Astana currently monitoring the situation of women's health and reproductive rights in Kazakhstan's rural areas.

Observer: Assisting with the monitoring work of the NGO worker and also working with the UN researching women's poverty in Kazakhstan.

Reference Sheet 10 Basic Concepts and Techniques for Conducting Interviews

Sources:

UNHCHR, Professional Training Series no. 7, Training Manual for Human Rights Monitoring, Publ: United Nations, New York and Geneva, 2001: 109-120

Ravindran, D. J., Guzman, M., & Ignacio, B. (Eds.). *Handbook on Fact-finding and Investigation and Documentation of Human Rights Violations*. Bangkok, Thailand: Asian Forum for Human Rights Development, 1994: 31 - 35

1. Pre-Interview Preparations

a. Identifying individuals for Interviewing

- Often individuals identify themselves by stepping forward, however it is also common for **witnesses and victims** to feel it is useless or dangerous to identify themselves, in particular, victims of sexual abuses or other forms of violence against women; therefore, it is important to **remain pro-active** in determining who to interview.
- Maintaining consistent communications and periodic meetings with NGOs and community-based organizations (CBOs) ensure better access with reliable witnesses/victims of human rights abuses. Clinics and treatment centres are also good sources of contact within a community.
- Being prepared allows you to be ready to leave your office quickly when you receive information from persons that consider themselves to be a victim of a violation.
- Measures which should be taken to protect witnesses throughout the process– from arranging the interviews to following up with the witnesses/victims. Some steps to take include:
 - Actions undertaken should not focus unnecessary attention on the witness
 - Conduct the interview in a place with minimum surveillance
 - Never refer to statements made by one witness while conducting an interview with another one
 - Always consider if special considerations to security should be taken with the witness
 - Develop methods for maintaining contact with the witness after the interview takes place
 - Clarify with the witness that the persons conducting the interviews cannot insure their safety
 - Keep all records of information in a secure location

Who will conduct the interview?

Who is the best person to conduct the interview?

It is best that the person conducting the interview is familiar with the cultural values and attitudes of the witness/victim. In addition, special characteristics should be taken into consideration, for example, a female interviewer might be preferable to a female victim of violence. Consideration should be taken when an interpreter is necessary. It is easier for a witness/victim to be candid in front of fewer people.

How many interviewers will be necessary?

It is generally recommended that there be at least 2 interviewers. One person can ask questions and maintain eye contact with the witness/victim, while the other person discreetly records the information.

Continued⇒

Reference Sheet continued

b. Using an Interpreter

What language will the interview be conducted in? Do you need an interpreter?

If an interpreter is required, ensure that they are not invasive, establish ground rules, ask that they relay exactly the questions being posed to the witness/victim and that they are able to ensure confidentiality both for the witness/victims safety and their own as well.

c. Preparatory Research

Who are you interviewing? Do any particular characteristics need to be accommodated? How can you provide the most safety?

Individual interviews are preferred over group interviews. Efforts should be made to speak with the witness/victim privately. Outline the interview by examining the information available prior to conducting oral interviews. This helps to prepare questions or a checklist of 'who, what, when, how, why and where' ensuring the facts are clear and the questions are relevant.

It is helpful to have a conversation with the witness/victim either in person or over the telephone prior to the time of the interview to get a 'feel' for their level of comfort and openness and to agree upon a set of guidelines for the interview.

d. Location and Privacy

Where will the interview take place?

When selecting a location for the interview, it is important to keep in mind the safety of the witness/victim. It should be a place of minimal public access; easily accessible for the witness/victim to get to and from with a 'good' atmosphere and minimal distractions.

e. Recording the Interview

What considerations should be taken when using available technology?

To use all forms of audio and visual technology that record the witness/victims answers during an interview require permission by the witness/victim.

Tape recording – can present security concerns; should never be hidden; should never be associated with the name of a witness/victim; and requires a certain level of trust by the witness/victim and therefore should not be introduced until after a certain level of credibility is established by the interviewer.

Still or Video Cameras – is a very high security risk; should never reveal the witnesses'/victims' identity; can be useful to show proof of abuses; can be used for self-protection by a witness/victim fearful of being killed or abducted.

Video cameras can be used most effectively to document events such as demonstrations or similar public events; however it is still a very high security risk.

Continued⇒

Reference Sheet continued

2. The Interview**a. Initiating the communication**

Before asking questions during the interview, the interviewer should initiate the communication by:

- Introducing himself/herself and the interpreter to the witness/victim
- Collecting basic information about the witness/victim's identity
- Explaining the mandate of their organization
- Establishing the purpose of the interview
- Discussing the ground rules for the interview
- Discussing how the witness/victim may be protected after the interview
- Explaining the different steps the information will go through and how the information may potentially be used
- Explaining that the information will be kept in confidence and how the confidential nature of the information will be preserved
- Asking for permission to use any recording devices, even note taking, as it will help the witness/victim to be less intimidated during the interview

b. Establishing a rapport with the witness/victim

- It is important that the interviewer remains open-minded and leaves any preconceived notions of the case out of the interview. Establishing a rapport of trust and showing appropriate courtesy are important and will help to obtain the most accurate and open information from the witness/victim.
- Interviews are not conducted out of curiosity but for the important purpose of gathering facts and basic information. Try to maintain an appropriate balance between showing sensitivity and emotion and professionalism in obtaining basic information required.
- Keep all recording devices as discreet as possible during the interview.
- Avoid dominating the conversation; practice listening skills and remember that non-verbal communication needs to be sensitive. Take the lead from the witness/victim and allow for moments of silence.
- Do not promise any rewards or results for the interview. Explain that the testimony will be helpful to other victims of the same human rights abuses. Do not give the impression that their testimony is the most important one to the fact-finding process. It is best to explain possible follow-up actions that may take place as a result of the investigation.

c. Formulating Questions

- Begin by letting the witness/victim tell their story without the narration going too far off track. A simple checklist consisting of, "Who", "What", "When" and "Why" can be helpful to for maintaining focus.
- Begin with non-controversial and non-sensitive questions and move towards more sensitive issues. Do not try to push the witness. If a topic is too sensitive change the subject and return to it later.
- Use open-ended questions rather than many specific questions in the style of cross-examination.

Continued⇒

Reference Sheet continued

- Avoid asking leading questions. For example it is best to ask “how were you abused?” as opposed to “were you abused?”
- Avoid using the names of other witnesses/victims during the interview
- When a witness/victim names a location, ask for specific facts about this location. (I.e., how many kilometres is it from location A by walking, driving, etc.?)
- Be very careful not to communicate through body language, facial expressions or other means that you do not believe what the witness is saying.
- If you believe that the narrative is inconsistent, do not show distrust. Try to ask the same questions in different ways to help the individual see the facts from different perspectives and to assess the reliability of the whole story.

d. Concluding the interview and keeping in contact

- Ask the witness/victim if she/he has any questions, thoughts or additional information.
- Ensure that you have the right information to contact the witness/victim again if necessary; establish a mechanism for maintaining contact.
- If necessary, schedule a follow up meeting.
- Create a basic information sheet to fill out at the end of each interview including the time and date of the interview, the location, duration, name and other basic identifying information about the witness such as sex, age, ethnicity, religion, political affiliations, etc).

3. Post-Interview**a. Reconstructing the interview**

- Following the interview as soon as possible, prepare notes on the interview
- Make a list of other witnesses/victims suggested during the interview
- If more than one interviewer was present, cross check notes taken
- If during the interview the witness/victim referred to a place or object, look for that place or object for purposes of corroboration.
- Begin preliminary preparations for your report by cross checking facts with other evidence available

Module 6

Step 3 – Documentation and Analysis

Activity 1	Basic Principles of Documentation	1 hr 30 min
Activity 2	Creating and Maintaining a Documentation System	1 hr 30 min

Overview

Documentation is an essential step in the monitoring process which involves systematically recording the information gathered during investigation/fact-finding and organizing the information collected so that it can be easily retrieved and disseminated. The purpose and intended users of the information gathered will help determine what to document and how it should be presented.

The aim of Module 6 is to provide an overview of the documentation process, including guiding principles and appropriate tools for information processing, analysis storage and retrieval. The focus will be on documentation in the area of women's rights and gender equality for the purpose of ensuring government compliance with its human rights obligations.

Total Time for Module: 3 hrs

Activity 1 Basic Principles of Documentation

Objective

To review basic principles of documentation and the purpose of documentation of human rights violations

Time

1 hr 30 min

Description

This is a divided into three parts.

In **Part A**, you will participate in a game.

In **Part B**, your facilitator will lead a large group discussion **Part A**.

In **Part C**, A resource person will give brief presentation on documentation followed by a question and answer session.

30 min

Part A Documentation Game

This game simulates a fact-finding and documentation situation. (adapted from Ravindran, 1996).

Your facilitator asks two volunteers to step outside the meeting room and wait until they are called back. They should **not** be able to see the proceedings in the room.

The facilitator then asks the participants remaining in the room to place as many small articles as possible in the center of the room such as pens, books, notebooks, wallets or other personal objects. At least 25 articles should be spread out in the center of the room. (5 min)

The facilitator asks one of the two volunteers standing outside to come back into the room. Before he or she enters, the facilitator tells this volunteer that he/she has three (3) minutes to carefully observe the articles in the center of the floor; however he/she will not be allowed to take notes.

After the three minutes, the volunteer is asked to leave the room again. The facilitator enforces the time limit strictly and also makes sure that nothing is noted down during and after the observation. (5 min)

Continued⇒

Activity 1 continued

The second volunteer is then called in and asked to observe the articles placed in the center of the room. This volunteer can take notes but the time limit remains the same. After the three minutes, this volunteer is asked to leave the room again. (5 min)

The facilitator then covers the articles placed in the center of the room and calls both volunteers back into the room to name the articles: the first volunteer from memory, the second from his or her notes. The facilitator lists on flipchart the items named by the first volunteer. (5 min)

The volunteers are asked to compare their interpretations of the items and on that basis identify the importance of documentation. (5 min)

At this stage, the facilitator asks all participants to categorize the articles and note them down on paper. When the participants have finished this exercise, they will discuss, in Part B, the difference between recording by relying on memory, recording by taking notes, and finally recording by categorizing.

15 min**Part B Large Group Discussion**

The facilitator has the participants address the questions for discussion below:

- What were the differences between information collected from memory, with a notepad, and with a categorization scheme?
- When documenting information, what kind of information is necessary? Do you have to collect all the data?

45 min**Part C Presentation – Documentation in the Area of Women’s Rights and Gender Equality**

A resource person with practical experience in documentation in the area of women’s rights and gender equality will provide an overview of a documentation process. The focus of the presentation will be on documentation in this area with the aim of ensuring government compliance with its national and international obligations in this regard.

The presentation will include:

- What documentation involves (elements, goal, process)
- Information sources
- Access to information
- Quality of Information

The resource person will begin by having a number of participants share their experience with documentation and will then proceed with the presentation. (35 min)

Refer to **Reference Sheet 11** for the basics of documentation.

The presentation will be followed by a Question and Answer session. (20 min)

Reference Sheet 11 Basics of Documentation

What Documentation Involves

Documentation is the process of systematically:

- **Recording** the information gathered during an investigation or fact-finding
- **Analyzing** and **organizing** the information collected
- **Storing** the information for easy retrieval and dissemination

Source: What is Documentation, Manuel Guzman and Bert Verstappen, HURIDOCs, 2001

Goal of documenting

- The primary goal of documenting allegations of human rights violations is to create an accurate, reliable and precise record of events and preserve this record for future use.

Source: Giffard, C. The Torture Reporting Handbook: How to document and respond to allegations of torture within the international system for the protection of human rights. Web site: <http://www.essex.ac.uk/torturehandbook/index.htm>.

The documentation process

Guzman identifies two main kinds of documentation:

- **Library-type documentation:** involves the collection of documents.
- **Investigation-related documentation:** involves recording information about on-going or recent events.

The whole process of documentation consists of several phases, from determining what to collect to how to provide user services. The phases are similar for both library-type of documentation and investigation-related documentation, except for some additional activities in the case of the latter.

The **library-type** of documentation includes the following phases:

- Determining what to collect and how
- Acquiring materials
- Organising materials
- Providing user services

Continued⇒

Reference Sheet continued

In **investigation-related documentation**, there is the additional element of acquiring information on the events being investigated, such as through fact-finding and investigation missions, and organising the gathered information.

Investigation-related documentation includes the following phases:

- Determining what to collect and how
- Acquiring event information and materials
- Organizing event information and materials
- Providing user services

Source: What is Documentation, Manuel Guzman and Bert Verstappen, HURIDOCS, 2001

Information Sources

Where to get information

Sources of information can be **people or documents**. In the case of people, the information may be held in their minds and not yet written down, which is why information-gathering activities such as surveys and interviews are conducted.

In cases involving human rights violations, it is necessary to discover if the source has direct knowledge of the event being investigated. Sources with direct knowledge, also referred to as **sources of first-hand information**, are the **victims, perpetrators and witnesses**. The information they hold is very important in the prosecution of cases, as it is given paramount evidentiary weight compared to so-called hearsay evidence, or information relayed to somebody who was not present in the event.

The **documents** that contain the information as given in the language of the original source are called primary documents. Many of these documents are produced during or right after an information-gathering activity. Some may be artefacts that are discovered during research or investigation. They could be **affidavits, transcripts of actual conversations, letters, hand-drawn maps, manuscripts or other actual original documents**.

Primary documents are often found in legal organisations, highly specialized **research centres, archives, museums or investigative human rights organisations**. Primary documents serve as the **foundation of information**. These documents are often very valuable and care must be taken with their preservation. Some primary documents may be entered as evidence, so they are held in courts and not by the monitoring organisations, in which case copies or descriptions of such must be obtained.

Continued⇒

Reference Sheet continued

Secondary documents refer to those produced based on primary documents. The account of a journalist published in a **newspaper**, or the resulting work of a researcher, is a secondary document. **Books and articles** are the most common example of secondary documents. They generally translate the primary documents into a form that readers can understand, present an argument or describe something from a particular viewpoint. Most library collections are composed largely of secondary documents.

Tertiary documents are those that contain information derived from primary and secondary documents and which serve to help locate them. Examples of tertiary documents are **bibliographies, guides, indices, abstracts, directories, lists and catalogue records**.

Source: What is Documentation, Manuel Guzman and Bert Verstappen, HURIDOCs, 2001

Quality of information

The quality of information necessary in relation to a particular allegation depends on the purpose for which it is to be used. For example, judicial procedures, whether domestic or international, usually require a high standard of proof. By contrast, reporting procedures may be able to act with little or no supporting documentation or fewer details. You should aim to obtain the best information possible under the circumstances - this does not mean that you must always reach the highest standard before submitting information, but it does mean that you should do your best to put together a strong allegation using all the information available to you.

Factors that contribute to the quality of your information

The source of the information: Where was the information obtained? Directly from the victim, from the victim's family or friends, from a witness present at the scene of the incident, from someone who heard it from someone else, from a media report. The further away from the victim or incident you get, the less dependable the information is likely to be.

The level of detail: Is the allegation very detailed? Are there unexplained gaps in the account? Do you only know the very bare facts? The more detail you can obtain, the better, because it helps others to understand what happened.

The absence or presence of contradictions: Is the account consistent throughout? Are there contradictions in the account or elements that do not make sense? Good information should be consistent, or at least try to provide a reason for any inconsistencies - for example, if a victim or witness has made two statements that contradict each other, it may be that this is a result of intimidation. Minor inconsistencies are common and may not affect the overall quality of the information, but major inconsistencies should prompt you to seek further verification of the information.

The absence or presence of elements that support (corroborate) or disprove the allegation: Are there witness statements that confirm the victim's account? Is there a medical certificate or autopsy report that confirms the victim's injuries? The more supporting documentation you can provide, the more likely it is that the allegation will be found credible.

Continued⇒

Reference Sheet continued

The extent to which the information demonstrates a pattern: Is the allegation one of many alleging similar facts? Is it the only one of its kind that has ever been received in a particular area? Where there is evidence of a commonplace practice, there may be a higher presumption that the information is true.

The age of the information: Is the information very recent? Does it relate to facts that occurred several years previously? The fresher your information, the easier it is to investigate or verify the facts alleged.

Source: Giffard, C., The Torture Reporting Handbook: How to document and respond to allegations of torture within the international system for the protection of human rights. Web site: <http://www.essex.ac.uk/torturehandbook/index.htm>.

Activity 2 Creating and Maintaining a Documentation System

Objective

To outline the steps for the creation and maintenance of a simple documentation system for monitoring women's human rights

Time

1 hr 45 min

Description

This activity is divided into three parts.

In **Part A**, a resource person will give a presentation on documentation systems.

In **Part B**, you will work in small groups according to your area of concern.

In **Part C**, you will share the results of your work and a resource person will comment.

25 min

Part A Lead-in Exercise to the Presentation

The facilitator provides participants with a couple of metacards.

On the metacards, write down the type of documentation system your organization currently uses for its monitoring work.

Post your metacards on the flipchart titled Documentation Systems in Use by Participating Organizations.

A resource person will outline the steps and tools and techniques for the creation and maintenance of a simple documentation system making reference to the information provided by the participants in Part A.

Some of the elements, tools and techniques that will be discussed include:

- Data and information
- The information system (paper-based or electronic)

Continued⇒

Activity 2 continued

- Document types
- Basics of a database (creating a database, standardized data entry, controlled vocabularies)
- Information retrieval tools and techniques

50 min**Part B Small Group Work**

The facilitator divides participants into small groups according to their selected area of concern.

Together with the members of your group, complete **Worksheet 9**, the third step in developing your common monitoring initiative.

20 min**Part C Large Group Discussion**

The resource person asks you to share the results of your small group discussion in Part B and he/she provides comments and feedback. The resource person will also speak briefly about analysis of information gathered and documented.

End of Activity □

Worksheet 9 Step 3 -Determining an Appropriate Documentation System

Discuss the types of documentation systems that might be most effective for your common monitoring initiative. Outline the possible challenges connected with each type as well as strategies to address the challenges. Keep in mind the resources that will be needed.

Determine what type of documentation system would be most appropriate for your common monitoring initiative.

Area of Concern:		
Focus:		
Type of Documentation System	Challenges to Using this Type of System	Strategies for Addressing the Challenges

Most appropriate documentation system for our group monitoring initiative:

Presentations

1. Gender Budgeting Activities by UNIFEM

Resource persons from the UNIFEM office in Kazakhstan will lead activities focusing on Gender Responsive Budgeting.

Total Time for Module: 2 hrs 30 min

2. Resolution 1325: UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 ON WOMEN, PEACE AND SECURITY

A resource person will provide an overview of Resolution 1325 in a presentation. She will then lead a discussion and answer questions.

Total Time for Module: 1 hrs 30 min

Module 7

Step 4 – Reporting and Information Dissemination: Moving Towards Advocacy

Activity 1	From Monitoring to Reporting	1 hr 30 min
Activity 2	Working in Networks and Coalitions	30 min
Activity 3	Next Steps	1 hr 30 min

Overview

Thorough investigation and documentation are essential to achieving the main purposes of monitoring which include: exposing human rights abuses, seeking State accountability, securing remedies and planning effective advocacy strategies. The success of these actions, however, rest on the appropriate packaging and dissemination of the information gathered through the other steps of the monitoring process.

Total Time for Module: 3 hrs 30 min

Activity 1 From Monitoring to Reporting

Objectives

To examine different ways of packaging and disseminating information gathered through a monitoring process and their effectiveness in meeting the objective of the monitoring activity

To review the process for reporting to the CEDAW Committee

To assess the advantages and disadvantages of other types of information dissemination strategies leading to advocacy

Time

1 hr 30 min

Description

This activity is divided into four parts.

In **Part A**, the facilitator will lead a large group discussion on reporting and information dissemination.

In **Part B**, a resource person will give a presentation on the CEDAW Committee reporting process.

In **Part C**, you will work in small groups according to your area of concern to assess different means for disseminating information you will gather through your monitoring initiative.

In **Part D**, you will share the results of your work from Part C and a resource person will comment.

30 min

Part A Large Group Discussion

The facilitator has participants name different ways of packaging and disseminating information gathered from monitoring activities. As participants give their ideas, the facilitator lists them on flipchart. (5 min)

The facilitator will then go through the list and asks participants about their experience with the different items listed.

Continued⇒

Activity 1 continued**35 min****Part B Presentation: CEDAW Reporting Mechanism**

A resource person will present a concise overview of the CEDAW reporting and review process, which will include:

- Role and composition of the Committee
- How State parties report to the Committee
- Consideration of State party reports
- Concluding observations, general comments and recommendations of the Committee
- Types and format of information submitted by NGOs

The resource person will provide some examples of successful information dissemination strategies leading to advocacy of women's human rights in Kazakhstan, making reference to the ideas presented by participants in Part A.

The resource person will also speak briefly about the CEDAW Optional Protocol.

See **Reference Sheet 12** for further information.

20 min**Part C Small Group Work**

The facilitator divides participants into small groups according to their selected areas of concern to continue developing a plan for their common monitoring initiative.

Together with the members of your group, complete **Worksheet 10**, the fourth step in developing your common monitoring initiative.

20 min**Part D Large Group Discussion**

The resource person asks you to share the results of your discussion in Part D and he/she provides comments and feedback.

Worksheet 10 Step 4 - Reporting and Information Dissemination

In addition to reporting to the UN mechanisms, NGOs can use the information gathered through their monitoring work to engage in other types of advocacy work.

Discuss the types of reporting and information dissemination activities that might be most effective for your common monitoring initiative and list them in the chart. Draw on the experience of your organizations. Identify the potential advantages and disadvantages connected with each type of reporting and dissemination activity. Keep in mind the resources that will be needed.

Area of Concern:		
FOCUS of:		
Types of Reporting and Information Dissemination	Advantages	Disadvantages
Reporting to the CEDAW Committee		
Submitting an Individual Complaint (under the Optional Protocol)		
Reporting to the SR-VAW		
Press releases		

Continued⇒

Worksheet continued

Types of Reporting and Information Dissemination	Advantages	Disadvantages
Letter writing		
Campaigns		
Media awareness		
Education		
What other types of advocacy work would benefit from the information gathered from your common monitoring initiative?		

Reference Sheet 12 NGOs and the Reporting Process to the CEDAW Committee

SOURCE: IWRAW Asia Pacific is an independent, non-profit, NGO in Special consultative status with the Economic and Social Council of the United Nations.

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The Reporting Process

Under article 18 of the CEDAW Convention, a States party is obligated to present a report to the CEDAW Committee one year after ratification and every four years thereafter on the legislative, administrative and other measures that they have to take to implement their obligations under this treaty. This monitoring mechanism emphasises:

- The State's accountability for ensuring that its citizens enjoy guaranteed rights and that it is responsible for violations of those rights.
- The importance of thorough investigation of overt and covert violations.

The monitoring mechanism provides:

- A process and forum where governments are required to answer to their responsibilities
- A forum whereby groups within countries can monitor the progress of their governments and question this progress, as often opportunities to do so are not readily available through local processes.

Each States party is invited to send a delegation to engage in a constructive dialogue with the CEDAW Committee on the report that it has submitted.

The CEDAW Committee will receive Shadow Reports from NGOs which provide additional information on the implementation of the CEDAW Convention in their country. The CEDAW Committee can use information in this report to develop questions for the State party during their constructive dialogue. Following this dialogue, the CEDAW Committee adopts its Concluding Comments, which identify positive aspects, factors and difficulties affecting the implementation of the CEDAW Convention, principal areas of concern and recommendations. These Concluding Comments should be distributed widely by the States party in its country. The Concluding Comments are a useful source of information in discerning how CEDAW understands obligations under a particular article, and what the State should do to implement the CEDAW Convention.

At the review, one CEDAW Committee member is appointed as the rapporteur for the country. She briefs the Committee on the issues pertaining to the country, leads the review and drafts the Concluding Comments.

NGOs and CEDAW

The CEDAW Convention legitimises women's claims for rights, and women can be transformed from being passive beneficiaries to active claimants. [CEDAW] creates the space for women's agency.

Continued⇒

Reference Sheet continued

The CEDAW Convention is largely dependent on the political will of governments. This political will can be created through a strong and highly conscious constituency, not only among women and women's groups but within government bureaucracy as well. The urgent need is to raise awareness and develop skills at various levels in relation to the CEDAW Convention among women, government functionaries, lawyers and members of the judicial system.

At the ground level, advocacy for the application of the norms of the CEDAW Convention has to be linked to the international mandate of equality and non-discrimination.

This linkage also requires the establishment of a relationship between women's groups and the CEDAW Committee that monitors States parties' compliance with their obligations under the CEDAW Convention. Women's interaction with the CEDAW Committee can help integrate their perspectives into the interpretation of the convention's articles. This in turn will increase the CEDAW Convention's scope for domestic application and contribute to the development of women's rights jurisprudence within the UN system. Women can thus transform the CEDAW Convention into a truly living instrument and be critical actors in establishing norms and in the setting of standards for women's rights.

The participation of women from all regions and in all their diversity in the setting of international norms is also critical because of the need for universal minimum standards of human rights. This is so especially in the light of rising fundamentalism in our countries.

There is a need to engage in the process of evolving core set of universal norms and standards for women's rights. Otherwise, rights for women will be subject to changing ideologies and shifting socio-economic and political contexts. [It is vital that women engage in such standard setting...]

What NGOs Can Do

NGOs can play a crucial role in:

- Alerting States to their obligations
- Collaborating with States on their programmes where NGOs are better placed to forge links with communities and households
- Developing alternative models to State models of intervention
- Monitoring State activities and their impact
- Serving as a facilitating link with communities and individuals, and feed information to and from State institutions to citizens

NGOs become particularly vital centres of advocacy around women's interests and rights given State resistance to implementing change.

NGOs offer a viable organizational alternative, particularly where they may be smaller in size, and located within communities.

Continued⇒

Reference Sheet continued

NGOs, particularly where staffed or influenced strongly by feminist agendas, can play a particularly effective role in addressing issues of women's rights and empowerment at local levels, and feeding insights from the field into national and international advocacy.

NGO interventions and advocacy in relation to specific processes of the CEDAW Convention can have several spin-off effects.

At the international level, NGO involvement in the CEDAW Convention reporting process can help to feed important information to other bodies of the UN and ultimately influence international processes, policies and programmes.

At the national level, NGOs working together can have a great influence through important aspects of State action:

- Emphasise collaborative work in expanding ideas and activism around rights
- Create greater media awareness
- Ensure that state interventions are being monitored and assessed for effectiveness
- Publicise State reports and the concluding comments of the CEDAW Committee to a wider national audience

At the local level, discussions around concepts and practice of women's rights can provide a very sound basis for influencing policy and creating spaces for change.

The following are specific ways in which NGOs can participate in the CEDAW process:

- Reporting by States parties
- Formulation of General Recommendations
- Composition of the CEDAW Committee

Participating in the Reporting Process

Governments of countries that have ratified the CEDAW Convention are obliged to submit periodic progress reports to the CEDAW Committee. NGOs can also submit their own reports to the committee to enable its preparations and strengthen its capacity to draw accountability from governments. CEDAW members are glad to use any information that they can get that can help them to assess the information they are receiving from States parties reports.

NGOs can ensure that they are representing the voices of women who may not be visible to the bureaucrats who write States party reports. In particular, they can critically engage with the reporting and monitoring process by providing:

- Data (especially those collected through micro-studies)
- Information on the real situation of women
- Information on impact and progress made
- Gaps in policies and their realization

Continued⇒

Reference Sheet continued

Reports on State action may also help to reveal why women's rights commitments often remain de jure commitments rather than representing de facto change. It enables NGOs to identify areas for intervention where the state may not be able to intervene effectively, and where NGOs may provide support services to create enabling conditions for women's rights to be achieved.

Such alternative reports help experts within CEDAW to raise certain controversial issues that may not at all be presented in the official report, or to check on the validity or veracity of government reports, given the alternative information provided them by NGOs.

NGOs can also create a lobby presence during the CEDAW session wherein the government renders its oral presentation. The presence of NGOs creates pressure on the reporting state party to be prudent in what it reports to CEDAW. Aside from this, NGOs can also lobby for the inclusion of crucial issues in the concluding comments that will be drafted by CEDAW. Concluding comments, among others, include suggestions by the Committee on measures that states parties should undertake.

States have a tendency to send local UN representatives to the CEDAW sessions, who are often not in a position to respond with authority to the issues raised by the Committee. NGO observers are permitted to be present at CEDAW and feed information back to their networks at home about commitments made by their representative and, at the same time, domestic pressure may help to ensure that appropriate officials are sent to attend the meeting.

For a diagrammatic overview of the CEDAW reporting/review process, including the points in which NGOs are able to participate see the chart on the following page.

Pros and cons of using the CEDAW Optional Protocol 4

Another important consideration when engaging in Reporting is deciding which mechanism is most appropriate. The following questions serve as guidelines to decide whether or not the procedures of the OP-CEDAW should be used in a particular circumstance.

National-level

- Can a positive international precedent be used to give 'momentum' to related women's human rights claims and demands taking place at the national level?
- What would the consequences be of the CEDAW Committee finding any of the alleged violations to be illegitimate or not well-founded?
- Can the findings and recommendations of the CEDAW Committee be used to strengthen advocacy efforts taking place at the national level?
- Are human rights organizations and institutions at the national level willing to support the author(s) of the communication or inquiry? Are there any allies? If not, why?

Continued⇒

⁴ This section is based on the work of Professors Anne Bayefsky, Catherine Mackinnon and Andrew Byrnes See Anne Bayefsky, *How to Complain to the UN Human Rights Treaty System*, Chapter IX, Transnational Publishers (2002), and the "Report of the Workshop on Using the Optional Protocol to CEDAW", Lawyers' Alliance for Women-Equality Now (2001).

Reference Sheet continued

- How would the State, the media and the general public perceive strong recommendations of the Committee in favour of the victims? How would ‘public opinion’ add or take away from potential success?
- Are there likely to be additional political or legal barriers to implementation of recommendations aimed at tackling particular issues?
- Would the State’s resistance to implementing the views of the Committee affect the further implementation of the CEDAW Convention at the national level? Would the State be hesitant to continue engaging in a periodic dialogue with the Committee?

International-level

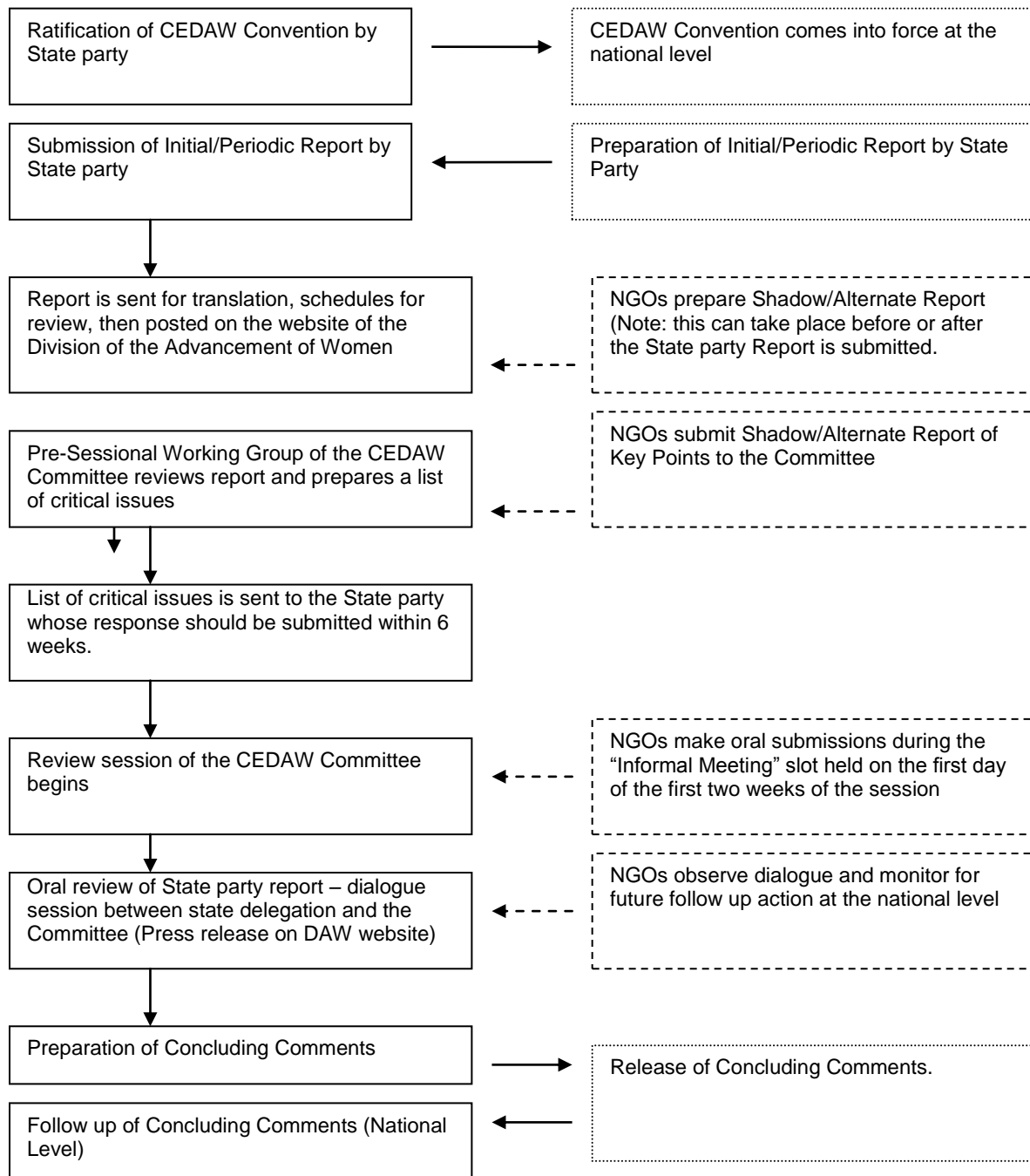
- How will successful implementation of recommendations stemming from the OP-CEDAW procedures strengthen the work of the CEDAW Committee? Conversely, how will the CEDAW Committee be affected by lack of implementation of its recommendations?
- How will the communication or inquiry contribute to developing further expertise of the CEDAW Committee on a particular issue? How will the case fit into larger advocacy strategies of women’s groups regionally and internationally?

Continued⇒

Reference Sheet continued

The Flowchart below illustrates the different stages involved in the CEDAW Reporting/Review process. They include both official (state-related) and non-official (NGO) processes.

CEDAW Reporting/Review Process



Source: Iwraw Asia Pacific Nov 2005 ©

Activity 2 Working in Networks and Coalitions

Objective

To examine the advantages and disadvantages of working in networks and coalitions

Time

30 min

Description

Together with the facilitator review the definitions below.

Then brainstorm what the advantages and disadvantages of participating in networks and coalitions to address women’s human rights issues. Provide examples of how the existing networks or coalitions you belong to help you in your women’s human rights work. Use **Worksheet 11** to record the answers provided by the group.

Definitions

Network: A group of individuals, groups or institutions that exchange information and/or services. The emphasis in networking is on exchange.

Coalition: An alliance of organisations for joint action. Like networks, coalitions can exchange information and services, but the emphasis is on action. Coalitions are basically networks that go one step further in providing for action.

See **Reference Sheet 13** for further information.

End of Activity □

Worksheet 11 Why Work in Networks and Coalitions?

Advantages	Disadvantages

Reference Sheet 13 Networks and Coalitions

Advantages of Participating in Networks/Coalitions

Member organizations are able to:

- Speak with a stronger voice/increasing the pressure and possibly leading to greater impact.
- Increase the pool of information, experience, sharing of best practices and contacts.
- Benefit from the expertise and resources of other members, and thereby expand the scope of activities and influence.
- Establish linkages with groups that do not necessarily do the same work as their organisation but can support their advocacy campaign.
- Better coordinate human rights efforts and divide the work more equitably within the human rights community
- Avoid duplication of efforts.
- Immediately respond to emerging crisis because a coordinating framework is already in place.
- Gain broader geographic representation and the possibility of a larger constituency.
- Benefit from collective security.
- Facilitate fundraising.

Disadvantages of participating in Networks/Coalitions

- Can actually drain individual groups' resources, rather than augment them.
- Environmental factors beyond the control of coalition members can also derail the effort to act as a collective.
- Geographic, cultural or language barriers sometimes require that an inordinate amount of time be spent on communications.
- Credibility of a member group could suffer if other members lack credibility.
- The decision-making process could become more difficult which can weaken the influence of the coalition.
- Loss of autonomy.
- Competition between coalition members.
- Tensions can emerge over control of financial affairs.

Source: The Fund for Peace. (1994). A Handbook on Establishing and Sustaining Human Rights Organizations

Activity 3 Next Steps

Objective

To prepare a complete plan for your common monitoring initiative and examine ways that you will continue to work on the initiative

Time

1 hr 30 min

Description

You will work in small groups according to the area of concern to prepare a complete plan for your common monitoring initiative by bringing together all the work you have done over the course of the workshop.

A format is provided on **Worksheet 12** to guide you through the process.

Refer back to the Worksheets from the previous days, review the information and transfer it onto **Worksheet 12**, making any necessary changes. (45 min)

You will then discuss ways you can continue to develop and implement the monitoring activity and share your ideas with the larger group. (45 min)

Worksheet 12 Plan for Your Common Monitoring Initiative

Together with the members of your group, develop a complete plan for your common monitoring initiative by bringing together all the work you have done over the last 5 days. Refer back to the worksheets from the previous days. Review the information and transfer it onto this Worksheet making any necessary changes. Questions have been provided to guide you in this process.

Main Steps	Questions You Need To Answer	Plan for Your Common Monitoring Initiative
<p>Step 1 – Identifying a Focus for Your Common Monitoring Initiative Refer back to: (Worksheet 7 of Activity 2 Module 5)</p>	<p>What is the focus of your common monitoring initiative? What resources do you have to carry out the monitoring work? Which activities does your organization have the capacity to do?</p>	
<p>Step 2 – Investigation/Fact-Finding Refer back to: (Worksheet 8 of Activity 3 Module 5)</p>	<p>What is the purpose and scope of your investigation/fact-finding work? List some of the indicators? What are some of the ethical considerations to keep in mind?</p>	

Continued⇒

MODULE 7

Worksheet continued

Main Steps	Questions You Need To Answer	Plan for Your Common Monitoring Initiative
<p>Step 3: Documentation</p> <p>Refer back to: Your notes from your discussion in Activity 2 Module 6)</p>	<p>Which system of documentation was determined the most effective for your common monitoring work? Why?</p>	
<p>Step 4: Reporting and Dissemination</p> <p>Refer back to: (Worksheet 10 of Activity 2 of Module 7)</p>	<p>List the types of reporting and dissemination considered the most advantageous for your common monitoring work. Why?</p>	

Module 8

Summary and Evaluation

Activity 1	Workshop Summary	30 min
Activity 2	Evaluation and Closing	45 min

Overview

The aim of this Module is to have participants explore how their monitoring work can contribute to State compliance with CEDAW Committee recommendations as well as to the longer term goal of advancing the women's rights agenda in Kazakhstan.

Total Time for Module: 1 hr 15 min

Activity 1 Workshop Summary

Objective

To provide an summary of the workshop

Time

30 min

Description

The facilitator summarizes the work developed during this workshop and leads a discussion on how they can contribute to enhancing State compliance with CEDAW Committee recommendations.

End of Activity □

Activity 2 General Evaluation and Closing

Objective

To evaluate and close the overall workshop

Time

45 min

Description

The facilitator provides you with a general evaluation questionnaire.

Please complete the questionnaire and return it to the facilitator. (30 min)

She then leads a brief exercise to close the workshop. (15 min)

End of Activity ■