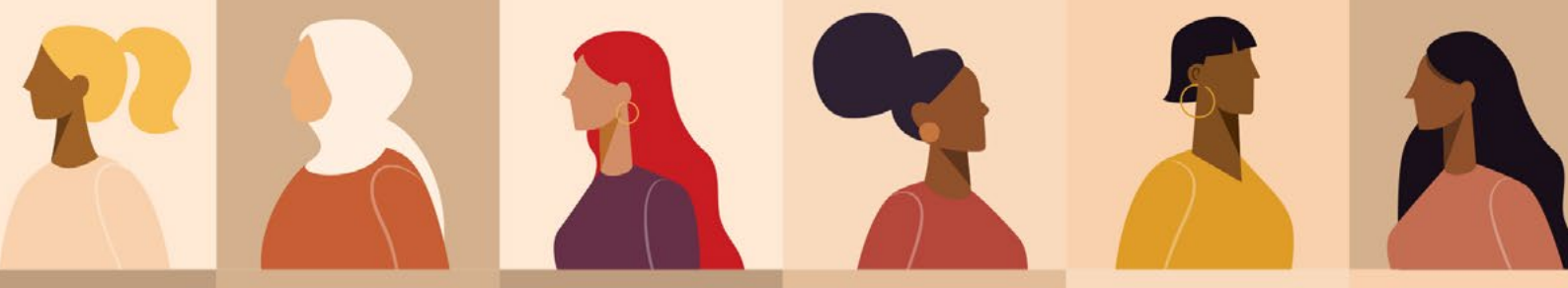


## TECHNICAL BRIEF

# A Guide for women who use drugs on engaging with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)





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## 1.0 INTRODUCTION

“Thanks to [CEDAW’s] recommendations, many existing problems are brought to the forefront and become visible. If earlier, it was possible for the state to “brush aside” and ignore the problems, the recommendations make it easier to influence the decision-makers...”

Irena Ermolaeva, Public Foundation Asteria, Kyrgyzstan<sup>1</sup>

The International Network of People who Use Drugs (INPUD) is a global peer-based organisation advocating for the health and rights of people who use drugs. An important part of this advocacy work is to increase community and civil society engagement with UN Human Rights mechanisms. In most countries, women and gender-diverse people who use drugs are often invisible and marginalised. Additionally, they are disproportionately affected by criminal laws and punitive legal frameworks that stigmatise people who use drugs.

The United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international human rights treaty established to monitor and defend the human rights of women, addressing discrimination against women.

This Technical Brief provides guidance on how women who use drugs in countries that have ratified CEDAW can effectively engage with the treaty body that monitors its implementation. CEDAW can be used by organisations, networks, and coalitions led by or representing women and gender-diverse people who use drugs to advocate for the protection of their rights, address human rights violations specific to these communities, and amplify the specific impacts of drug policies on women, gender-diverse, and gender non-conforming people who use drugs.

The Technical Brief provides an overview of CEDAW and outlines the procedures and steps on how activists can engage effectively with its processes. The Technical Brief highlights opportunities to use CEDAW processes outcomes to demand accountability in addressing human rights violations of women who use drugs.

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1. Engaging with the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) Guidance for Women who use drugs. INPUD Webinar 22 July 2022 [https://www.youtube.com/watch?v=ad5BK\\_Aa1ZA](https://www.youtube.com/watch?v=ad5BK_Aa1ZA)



## 2.0 WHAT IS CEDAW AND WHY IS IT IMPORTANT FOR PEOPLE WHO USE DRUGS?

### 2.1 Introducing CEDAW

The United Nations Convention on the Elimination of all forms of Discrimination against Women – or CEDAW – is an international treaty adopted by the United National General Assembly in 1979. CEDAW is one of nine core international Human Rights instruments that form the foundation for the global recognition and protection of human rights. Compared to other human rights mechanisms, CEDAW has a unique focus on protections related to gender-specific rights violations. The Office of the United National High Commissioner for Human Rights (OHCHR), on the other hand, is part of the United Nations Secretariat and is tasked with promoting and protecting all human rights established in the United Nations Charter and in international human rights laws and treaties.

One hundred and eighty-nine countries around the world have ratified CEDAW, and thus are bound to implement the articles in the Convention. As part of this, they are also required to report on how they have done so every four years. Countries that have ratified CEDAW are referred to as State Parties (and community and civil society organisations are referred to as non-State Parties). To implement CEDAW, State Parties may develop new policies and laws that promote and protect women's rights. They can also abolish, repeal, or modify laws, regulations, and practices that contravene the rights in CEDAW, as well as take other actions to identify and address inequalities and the impacts of discrimination. You can find out more about your country's engagement with CEDAW by going to the [OHCHR website](#), where you can search for documents and processes related to your country.

### 2.2 The CEDAW Monitoring Body

Article 18 in CEDAW allows for the establishment of a Treaty Monitoring body called the [Committee on the Elimination of Discrimination Against Women](#) (in this brief, we will refer to it as the Committee). As with other Treaty Monitoring Bodies established by International Human Rights Treaties, it is supported by the OHCHR.

The Committee's membership is made up of 23 experts<sup>2</sup> nominated by State Parties to the Convention. The Committee is responsible for monitoring the State Parties' progress in implementing the Convention. It receives reports from State Parties and then reviews these reports during review sessions. The Committee then issues [Concluding Observations](#) to the State which may include specific recommendations for actions it should take to fully implement CEDAW as a legally binding Treaty.

In addition to State reviews, the Committee occasionally makes recommendations on issues affecting women where it believes all States Parties should pay more attention to.

2. To find out more about how the CEDAW Committee is nominated and how you can participate: <https://www.iwraw-ap.org/wp-content/uploads/2020/03/CEDAW-Committee-Elections-Guide-2020.pdf>



These are called General Recommendations. So far, the Committee has issued 38 General Recommendations<sup>3</sup> on topics ranging from trafficking of women and girls, and women's right to education and access to justice.

### 2.3 CEDAW as an opportunity to address rights violations faced by women and gender-diverse people who use drugs

“...very often inside the country we cannot advance many issues. But there are other ways to do it through international organisations...”

Svitlana Moroz, Eurasian Women's Network on AIDS

Despite international recognition of the fundamental human rights of all, millions of women who use drugs around the world face routine and systematic rights violations. They are criminalised, stigmatised, and marginalised by political, legal, and health systems, and by society as a whole.

CEDAW is an important tool for networks and communities of women and gender-diverse people who use drugs because it goes further than other International Human Rights instruments by addressing women's rights more comprehensively. Furthermore, CEDAW is a legally binding Treaty – which means that States who have ratified it must implement it, and are held accountable for doing so.

CEDAW is focused on all forms of discrimination against women and girls, and recognises that inequality happens in both public and private life. It acknowledges that in striving for equality, States must take steps to ensure that marginalised or disadvantaged groups have equal access and opportunity measured by equal outcomes or results. In other words, it measures equality in real terms by looking at women's lives, beyond the existence of and wording in laws and policies. This is called substantive equality, and it recognises historical, economic, and other disadvantages that must be taken into account in order to ensure genuine equality.

Unlike the three United Nations Conventions<sup>4</sup> that deal with drug control which offer no safeguards for human rights, CEDAW can be used to seek protections and redress for rights violations. In countries where women and gender-diverse people who use drugs have limited access to policy-making spaces, CEDAW processes offer another pathway for drawing attention to issues faced, and for improving the laws, policies, and practices in their countries.

The following section highlights specific Articles in CEDAW that are relevant to women and gender-diverse people who use drugs, as well as examples of how networks and organisations of women who use drugs have used them and how you can use them when engaging with CEDAW.

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3. You can find all the Special Recommendations and supporting documents in the OHCHR data based here: <https://www.ohchr.org/en/treaty-bodies/cedaw/general-recommendations>

4. The Single Convention on Narcotic Drugs of 1954, as amended by the 1972 Protocol; the Convention on Psychotropic Substances of 1971; and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.



### Box 1: The Rights CEDAW can be used to address

CEDAW includes, but is not limited to, these types of rights violations experienced by women who use drugs:

- Violations of the right to equality and non-discrimination
- Violations of the right to health, including sexual and reproductive health and rights
- Violations of the right to equality in marriage and family life
- Violations of the right to be free from gender-based violence

Please see **Annex 1** for more information on these rights.

## 2.4 Key issues faced by women who use drugs that can be addressed through CEDAW

The CEDAW Committee has stressed the need to address intersecting forms of discrimination (such as those based on race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity) and has identified women who use drugs as a disadvantaged group that faces intersecting forms of discrimination<sup>5</sup>. This recognition offers an opportunity for activists and coalitions in countries that have ratified CEDAW to provide input and evidence in their Shadow Reports of the compounded discrimination that impacts the fundamental human rights of women and gender-diverse people who use drugs.

### Discrimination

In Article 1 of CEDAW, discrimination is defined as any exclusionary or restrictive treatment 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.” Article 2 (f), which says that States must take measures to introduce legislation, change or abolish laws, regulations, and practises that amount to discrimination against women. Around the world, women who use drugs are subject to criminalising and punitive restrictions and violations and are stigmatised and discriminated against by the criminal justice system.

Criminal laws and punitive drug policies disproportionately impact women. Additionally, drug related offences have resulted in an increase in the incarceration of women around the world, particularly women of colour<sup>6</sup> and economically marginalised women. In fact, a higher proportion of women than men are imprisoned for drug-related offences<sup>7</sup>. Women who use drugs are treated differently than men who use drugs and are disproportionately impacted by

5. CEDAW Concluding observations on the fourth periodic report of Kyrgyzstan (11 March 2015), at para. 33, <https://digitallibrary.un.org/record/791384?ln=en>

6. Punishment and Prejudice: Racial Disparities in the War on Drugs 2000, Amnesty International USA <https://www.ojp.gov/ncjrs/virtual-library/abstracts/punishment-and-prejudice-racial-disparities-war-drugs>

7. Were you Really Raped or Did you not get paid? A Needs assessment of women who use drugs in four cities in South Africa 2017, SANPUD and UNODC





drug policies. For instance, women who are prosecuted for low level non-violent drug crimes are more likely to be given longer sentences than men for the same 'offence'<sup>8</sup>.

### Reproductive and parental rights

Women who use drugs face significant limitations to their reproductive and parental rights. They face abuses such as the criminalisation of pregnancy, forced sterilisation, forced termination of pregnancy, and the removal of their parental rights. Women who use drugs have also been charged with foetal and child assault for simply becoming pregnant. Not only that, women who use drugs are viewed as unfit mothers, often with little or no evidence of neglect. As a result, many women delay or do not seek health care or report violence against them because of the fear that they will lose custody of their children<sup>9</sup>. These issues are compounded for women living with HIV, sex workers, migrant women and lesbian, bisexual, and trans women. In all cases, women should be given the same parental rights as men in all matters relating to their children, as outlined in Article 16 of the CEDAW.

In 2020, a submission to CEDAW by a coalition of women's community-led organisations representing women living with HIV and women who use drugs in Ukraine drew attention to the fact that women living with HIV were prohibited from adopting children<sup>10</sup>. As a result of the combined efforts of activists to draw attention to this injustice, the law was eventually ruled out as discriminatory by a Kyiv District Administrative Court in 2021 (more information about the submission can be viewed in Box 3).

Additionally, following a joint [submission](#) of the national harm reduction NGO 'Club Eney' and the Women and Harm Reduction International Network (WHRIN) for the 83rd CEDAW Session in 2022, the Committee [recommended](#) that Ukraine:

- Ensures that all women and girl victims of gender-based violence in the State Party have access to adequate shelters, legal assistance, free of charge, and if necessary, health care, especially mental health services, including [...] women who use drugs;
- Reduces unemployment among women, including through targeted measures by the State Employment Service and the Ministry for Development of Economy, Trade and Agriculture, with an emphasis on [...] women who use drugs; and
- Provides support to [...] mothers who use drugs and refrain from automatically depriving them of custody of their children.

8 Women Who Use Dugs around the world: Key Issues, Violations and Recommendations 2018. Miami Law Human Rights Clinic, Eurasian Harm Reduction Association and the Canadian HIV/AIDS Legal Network

<https://harmreductioneurasia.org/wp-content/uploads/2020/06/REPORT-WOMEN-WHO-USE-DRUGS-AROUND-THE-WORLD.pdf>

9 Women Who Use Dugs around the world: Key Issues, Violations and Recommendations 2018. Miami Law Human Rights Clinic, Eurasian Harm Reduction Association and the Canadian HIV/AIDS Legal Network

<https://harmreductioneurasia.org/wp-content/uploads/2020/06/REPORT-WOMEN-WHO-USE-DRUGS-AROUND-THE-WORLD.pdf>

10 Engaging with the Committee on the Elimination of Discrimination against Women (CEDAW). 2022, INPUD.

[https://www.youtube.com/watch?v=ad5BK\\_Aa1ZA](https://www.youtube.com/watch?v=ad5BK_Aa1ZA)



### Right to health

In many countries, access to harm reduction services tailored to women's needs is very limited. Even where these exist, the social stigma related to women's drug use is a barrier to access. CEDAW Article 12 (1) deals with the **right to health** and asks States to eliminate discrimination against women in health care to ensure equal access to healthcare services. The Committee's General Recommendation number 24 on Article 12 referred to HIV/AIDS, and asked States to remove all barriers to women's access to health care, and to allocate resources for HIV prevention (1999). The Committee has also expressed concern about access to gender-sensitive and evidence-based harm reduction services for women in its Concluding Remarks to Georgia (2014), Kazakhstan (2014) and Kyrgyzstan (2021).

### Violence

**Violence** is a significant issue for many women who use drugs, many of whom face multiple forms of violence ranging from sexual and gender-based violence by intimate partners, to harassment and abuse from police and other officials. Moreover, criminalisation exposes women to violence while they are incarcerated and leaves them more vulnerable to violence once released due to greater reliance on others for financial and other support. Access to shelters for women escaping violence is conditional to a negative test, or women with a history of drug use are explicitly refused access.

Women who use drugs are less likely to report violence against them for fear of being blamed or stigmatised. Article 6 (and other articles of the Convention) relates to violence against women and the sexual harassment and exploitation of women. Additionally, Article 2 asks States to adopt and implement measures to eradicate prejudice, stereotypes, and practices that are the root cause of gender-based violence. The Committee's Concluding Recommendations to Kyrgyzstan in 2021 made specific reference to women who use drugs, in recommending that the country's domestic violence law be revised and that perpetrators of gender-based violence be held accountable.<sup>11</sup>

The next section provides more practical information on how to engage with the CEDAW Committee.

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11. Women who Use Drugs in Kyrgyzstan: Experience of Writing and Working on a CEDAW Shadow Report, 2022, INPUD <https://inpud.net/wp-content/uploads/2022/06/Women-who-Use-Drugs-in-Kyrgyzstan-CEDAW-Case-Study.pdf>





## 3.0 HOW CAN WOMEN WHO USE DRUGS ENGAGE IN CEDAW PROCESSES?

One of the key ways that the Committee monitors CEDAW implementation is through the periodic review process, where States that have ratified the treaty must report to them at least once every four years on the measures they have taken and progress they have made.

Community-led organisations, networks, and coalitions can participate in the reporting cycle and review process at multiple points. Deciding where and when to participate will depend on the resources available to you, your capacity, and how much information is available on the issues of concern to you (see Section Four to help you plan).

There are many ways for community-led networks, organisations, and coalitions to get involved. The most significant one is to create and submit a Shadow Report on how women and gender-diverse people experience rights to the CEDAW Committee as part of the review process.

### 3.1 The CEDAW review process and reporting cycle

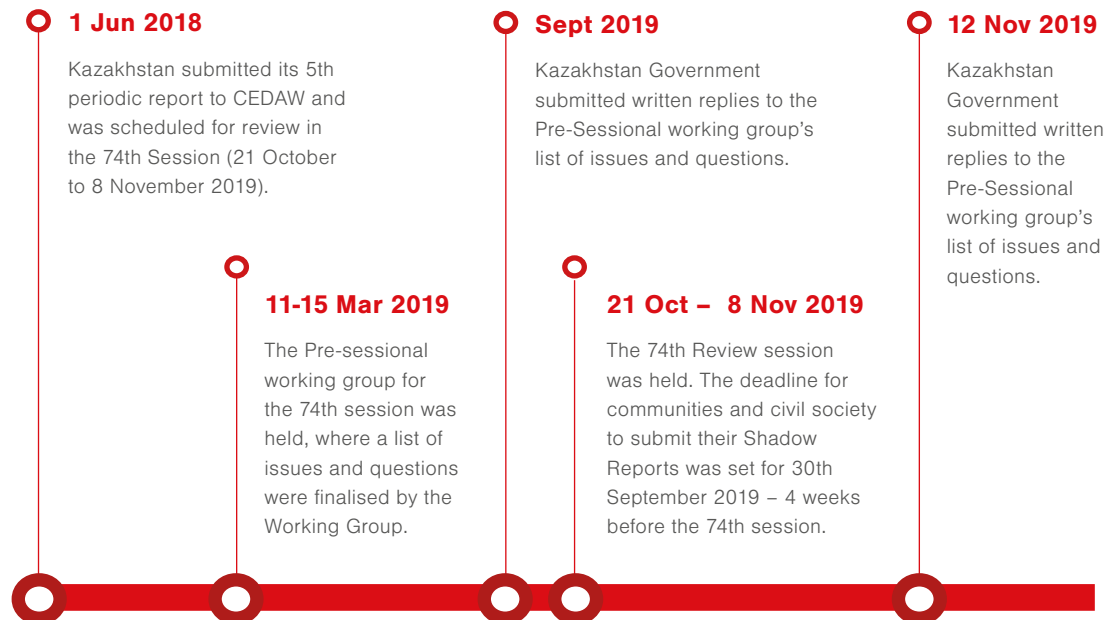
As CEDAW is primarily enforced through a reporting system, understanding the reporting mechanism is essential to knowing how to use it to hold your government accountable.

The main steps in the review process are:

1. Preparation of the State report which takes place nationally by governments in a four-year cycle.
2. Submission of the state report to the CEDAW Committee, which is then added to a schedule for review (reviews take place three times a year in February, July, and October – and usually take place in Geneva with participation from community and civil society, either online or in person).
3. A Pre-sessional Working Group meeting takes place two sessions (or eight months) before the State is scheduled for review. During the meeting, a list of issues and questions for the State under review are developed by the Working Group.
4. The State submits written replies to the list of issues of questions within three months. The replies are made public and can be accessed via [OHCHR page](#).
5. Four weeks before the Review Session, a deadline is set for communities and civil society to submit a Shadow Report.
6. The Periodic Review Session takes place over two weeks where the Committee and the State have a 'Constructive Dialogue';
7. The Committee then issues concluding observations and includes recommendations to the State.



### Example of CEDAW review process for Kazakhstan, 74th session, 2018



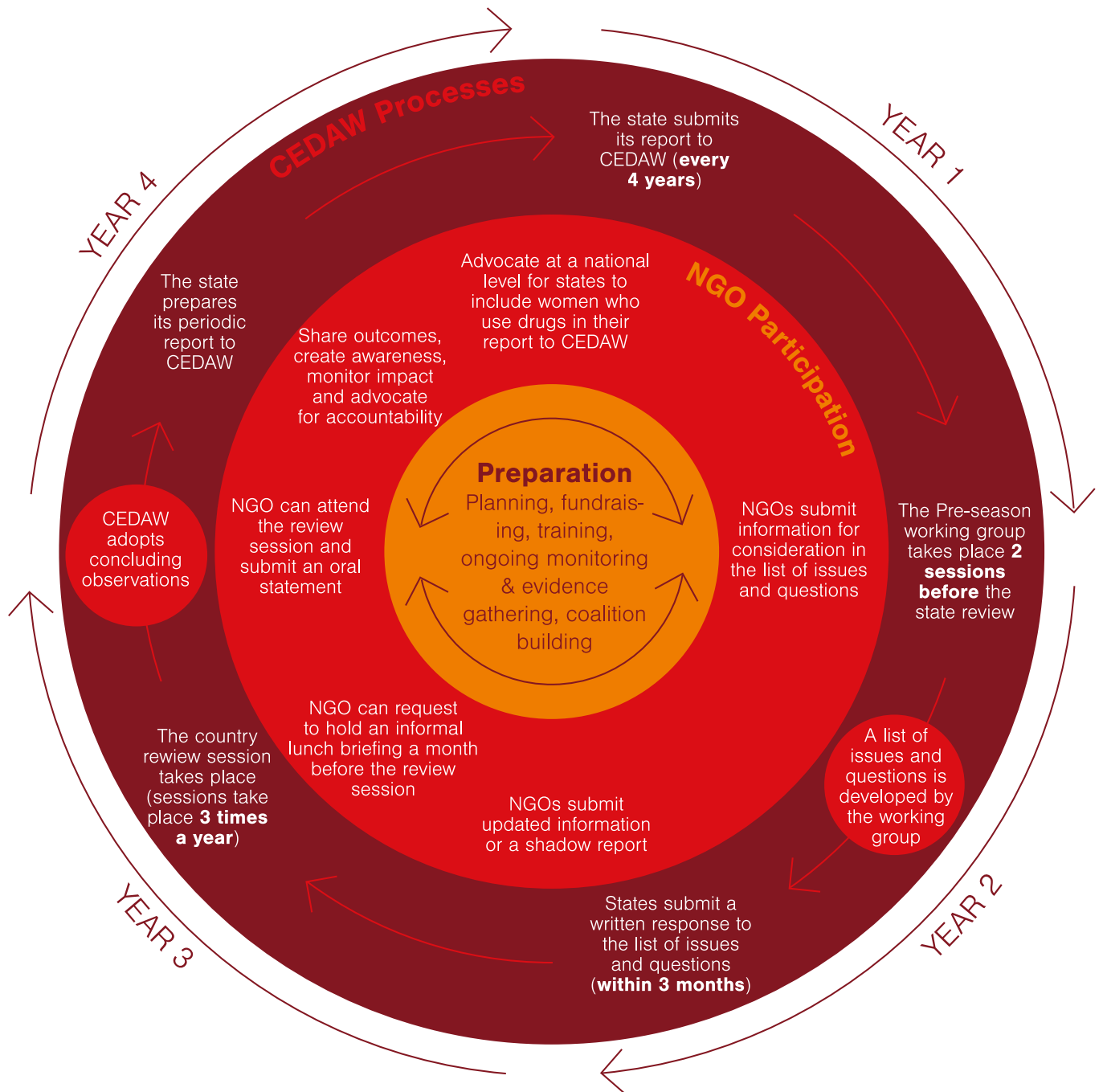
You can review the schedule for these sessions on the OHCHR Treaty Body database<sup>12</sup> or the IWRAP-AP website.<sup>13</sup>

12. The OHCHR Treaty Body data base has a searchable schedule of CEDAW sessions here [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW)

13. CEDAW on IWRAP-AP <https://cedaw.iwrap-ap.org/>



**Box 2: The Review Cycle and opportunities for civil society participation**





### 3.2 Presenting an alternative picture - submitting Shadow Report

At the national level, governments prepare their reports with input from various ministries and state institutions. While the CEDAW Committee does encourage States to involve civil society in order to ensure their reports are comprehensive and inclusive, this does not always happen. This is where community-led organisations and networks can intervene.

In this case, Shadow Reports are reports submitted by civil society that highlight information not provided in the States report.

Shadow Reports can be submitted to the Committee for consideration at the Pre-sessional working group and/or before the actual review session. If a government fails to submit a report on time, or the State report is unavailable, a civil society organisation or group can still submit its own report, but in this case, it will be called an 'alternative report'.

#### **Submitting a list of issues/Shadow Report at a Pre-sessional working Group**

Pre-sessional working group meetings are held two sessions (eight months) before the State Party is scheduled for its review. The Pre-sessional working group drafts a list of issues and questions which the State Party has to address in writing before its review. The list of issues and questions is important because it is how the Committee addresses gaps in the State report and prioritises issues for its review.

Community-led networks, organisations, and coalitions can present a list of issues or a Shadow Report at the Pre-sessional working group, and request that those specific questions be addressed by their State in their reports. Once the Committee has finalised the list of questions and issues, States should submit their answers before their review within three months. Community-led organisations, networks, and coalitions can then use these answers to submit a Shadow Report or any updated information to the Committee (more on Shadow Reports in the next section of this brief). Remember that the State's replies are made public, and you can access them via the [OHCHR page](#).

**Box 3: When do I submit my Shadow Report: Pre-sessional working group, review session or both?**

There are two opportunities to submit your Shadow Report: before the Pre-sessional Working Group, and four weeks ahead of the review session. Depending on when you begin your preparation and planning for CEDAW engagement, you can choose both or either one of the opportunities. You can find more information and tips on how to plan your engagement in next chapter.

Submitting information at the Pre-sessional Working Group meeting allows you to influence the list of issues and questions that your State has to address before the review session, which may be strategic. Once your State responds to these issues and questions, you will have four weeks before the actual session to update your report or prepare a more detailed Shadow Report.

For example, in Ukraine, a coalition of organisations representing HIV-Positive women and women who use drugs submitted a list of nine key questions to the Pre-Sessional Working Group for the 77th Session in October 2020. They urged the committee to demand their Government to address these questions in their report. On top of that, they had also provided supporting information on why these questions were important. The questions concerned measures their government had taken to reduce vulnerability of women living with HIV and women who use drugs to discrimination and violence in accordance with CEDAW Articles 2, 5, 12, and 16. As a result of these joint advocacy efforts, and with the support of UN Women, the Kyiv District Court issued a decision to allow people living with HIV to adopt children<sup>14</sup>. The Ministry of Health (MoH) also excluded HIV/AIDS from the list of diseases that preclude a person from being an adoptive parent.

Check the OHCHR calendar or the IWRAW-AP website to find out when your country will report to the Committee, as well as the dates of the Pre-Sessional Working Groups. Start early if you are new to the CEDAW engagement process. You will need time to identify a national consultant with relevant experience in human rights treaty bodies, gather evidence, and to write a Shadow Report. Remember that you have to submit your Shadow Report three months before the scheduled timeline for the working group meeting. Please see Section 3.3 for more information on how to engage with the Committee.

**What can be included in a Shadow Report?**

A Shadow Report can highlight new evidence which may not be included in the State's report. It can also address inaccuracies or issues that are left out of State reports and provide evidence of human rights violations and where the State doesn't fulfil its obligations. Evidence

14. The ninth periodic report of Ukraine on the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 2020 <https://digitallibrary.un.org/record/3958884>



of violations or state failures can take the form of testimonies, case studies, data, or other forms of evidence about the situation facing women and genderdiverse people, and how their rights are being violated. Organisations must link the evidence they have collected and their analysis of it to specific articles in the convention, and make recommendations on changes the State must make to meet its obligations.

**Box 4: Tips on Shadow Report writing and developing recommendations (adapted from [IWRAP](#))**

- **Start well in advance.** The entire process of developing a Shadow Report can take up to 6 months and must be submitted 4 weeks before your country is up for review, so you must plan your timeline accordingly.
- **Contact IWRAP.** Let IWRAP AP know your intention to submit a Shadow Report well ahead of time – they arrange online information sessions for civil society and collate civil society input (email [iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)).
- **Narrow your focus.** Make sure to identify and focus on one to three of the most pressing and CEDAW-relevant issues. This will ensure you are able to convey your points clearly within the limits you have and with sufficient evidence to support them.
- **Collaborate.** Working together with other advocacy groups is important because it can strengthen your Shadow Report through demonstrating broad consensus and solidarity.
- **Hire a consultant.** It is recommended that you hire an experienced consultant to write the final report. Ensure your consultant is well briefed and fully aware of the needs and considerations of your community.
- **Do a background research.** Background research should not only focus on previous states reports, but also current policy and legal frameworks within a country (especially if violations of woman who use drugs were not raised and/or addressed before).
- **Gather evidence.** Be sure to collect evidence relevant to your focus areas. As part of your efforts, you can conduct interviews, focus groups, consultative meetings, surveys, media monitoring, and literature reviews. Make sure each claim you make in your Shadow Report is backed by evidence. Be aware of the need to ensure the safety of those who contribute this information (you do not need to provide their full names or identifying details in your report).
- **Contextualise your recommendations.** Describe the country context and justify why a law, policy, or practice violates a human right or goes against a commitment, as well as the impact of that violation or failure. Even if it may seem repetitive, use the Articles of the Convention as a framework and reference your State's obligations (and where these appear in the Convention).
- **Keep the Shadow Report clear and brief.** Instead of including long explanations in the report, provide references and links to reports with more detail or evidence.





### Things to consider when writing your Shadow Reports:

- Your report must not be longer than 3,300 words if submitted by one organisation, and not longer than 6,600 words if being submitted by a coalition;
- The front page of your report must include the full name(s) of the submitting organisation(s); the State Party you are responding to, as well as the session your report applies to;
- You will need to indicate whether the submission can be posted on the CEDAW website for public information purposes; and
- Reports are sent electronically in Word format to the secretariat of CEDAW at this email address: [cedaw@ohchr.org](mailto:cedaw@ohchr.org). Copies can also be sent to the IRAW ([iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)), who help to coordinate civil society input to the Committee and who will offer advice on the process to participating organisations.

## 3.3 Opportunities to Engage with the Committee

### Oral statements at Public Informal Briefings

Organisations that submitted Shadow Reports may make oral statements to the Committee at the public informal meetings with organisations scheduled at each review session, as well as at the Pre-Sessional Working Group. Oral statements have to be very short. Each country is allowed under 10 minutes for this input as your country is not the only one under review. Hence you may only have 1.5 minutes to speak since the allocation is divided among all those speaking.

Organisations electing to make oral statements must nominate a person to speak. The names of the speakers must be submitted ahead of time to OHCHR and shared with IRAW AP, who support the coordination of oral statements. You should also bring printed copies of your statement for interpretation. (Names of speakers are registered by sending an email to: [cedaw@ohchr.org](mailto:cedaw@ohchr.org) and cc: [iwraw-ap@iwrawap.org](mailto:iwraw-ap@iwrawap.org)) with the name of the speaker, the name of the organisation, and the country.)

“Our informal coalition was given 5.5 minutes, and we agreed on 1.5 minutes for each community of women, adjusting the text of the speech to fit the time for the speaker. We chose the speaker by popular vote”

Asteria Public Foundation, Kyrgyzstan. CEDAW case study, INPUD

The Briefings are chaired by the Chairperson of the Committee and are closed meetings. This means State representatives are not included. Committee members may also ask questions to those making oral statements.

To get access to the venue where sessions are held, you must register online at least two weeks prior to the start of the [session](#)<sup>15</sup>.

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15. The UN Indico tool <https://indico.un.org/>



### 3.4 Follow up to the review process

Once the Committee issues its concluding observations very shortly after the Periodic Review Session, it is very important to plan follow-up activities and review the success of your intervention. The Committee's concluding observations provide an agenda for the State to work on over the next cycle, as well as an opportunity for community organisations and networks to create awareness and mobilise their communities to hold the State accountable.

#### Box 5: Suggested actions after the Review

- Publish, distribute, and share your Shadow Report, links to review recordings, and the Committee's Concluding Observations on social media.
- Hold community meetings to provide feedback to those who participated in information gathering, shared their stories or testimonies, or took part in focus groups and other research efforts.
- Evaluate your process, develop, and plan your next steps based on the lessons learned.
- Strengthen your coalition by holding briefings and scheduling meetings with strategic partners such as UN bodies, National Human Rights Institutions, and other allies. Demonstrating increasing and broad support for your recommendations is important for national advocacy and participation in the next cycle.

**Monitoring** how your state responds to the concluding observations and the recommendations made to them will be critical. When your State acts on these recommendations, it is important that you are ready to influence the process, and that your community is informed and ready to participate. You can use your Shadow Report and the Committee's concluding observations as a resource for legal advocacy in your country, using them as a basis for making legal submissions to national authorities and policy processes.

Organisations can submit a follow-up report to CEDAW two years after the review session to highlight outstanding issues or inaction by their government.

“Follow-up advocacy is a new but equally important and significant process. During the month after the session, the Committee prepares the Final Recommendations. The short-term recommendations play a primary role and as soon as recommendations are published on the website of the Office of the High Commissioner for Human Rights (OHCHR), it is necessary to start analysing them in relation to their problems, accurate translation and building a strategy for further advocacy.”

Asteria Public Foundation, Kyrgyzstan. CEDAW case study, INPUD



## 4. PLANNING YOUR ENGAGEMENT WITH THE CEDAW PROCESSES

“It was all so difficult, but the most important thing is that we did not hesitate to ask for help from a donor for resources to help us take part in the IRWAW<sup>16</sup> training.”

Irena Ermolaeva, Asteria Public Foundation, Kyrgyzstan.

As you have read, getting involved in the CEDAW process requires careful consideration because it can be a time-consuming and costly commitment. It may also require participating in or building coalitions and consensus in your country, as well gathering evidence and stories to demonstrate how the current laws and practices in your country discriminate against and violate the rights of women who use drugs, and how your country has failed to include the realities facing women who use drugs in its reports to the Committee.

This section offers some guidance on the steps to take to ensure your engagement is well thought through.

### **Step 1: Getting to know the basics**

Your first step should be to find out where your country is in its review process, as well as how your government has reported on its commitments to the CEDAW convention in the past. Reading previous reports from your State will help you to identify what information may have been provided to the Committee, and what is missing. You can also find out which other organisations, networks, and communities have taken part, allowing you to map who is involved and which issues have been highlighted. Once you have this information, identify any skills and knowledge gaps you might have; these will need to be filled before or while embarking on the process.

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16. The International Women's Rights Action Watch Asia Pacific ([IWRAP-AP](#)) is an NGO in Special Consultative status with the Economic and Social Council of the United Nations, that facilitates and monitors CEDAW implementation.



### Box 6: Where to get information on your State's reporting record and more:

- Online and searchable database of all reports submitted by your State, as well as Shadow Reports and information provided by civil society and human rights groups: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW).
- Watch previous public dialogues between State Parties and the Committee, including civil society participation: <https://media.un.org/en/webtv>
- CEDAW Special Recommendations and supporting documents: <https://www.ohchr.org/en/treaty-bodies/cedaw/general-recommendations>
- The treaties your State has ratified here: <https://indicators.ohchr.org>
- The list of CEDAW Committee members, their terms of office, and other information <https://cedaw.iwraw-ap.org/cedaw-election-results-2022/>
- Biographical information of the CEDAW Committee members <https://www.ohchr.org/en/treaty-bodies/cedaw/membership>
- Find out more about the dates of the CEDAW sessions:
  - IRRAW, CEDAW Portal: <https://cedaw.iwraw-ap.org/>
  - Schedule of sessions for CEDAW: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW)

### Step2: Building your capacity and securing funding

Access to training will be helpful to fully understand CEDAW, its processes, and how it fits into international human rights instruments. Training will also help you to plan your next steps. The International Women's Rights Action Watch Asia Pacific (IWRAP AP) is an NGO which supports the CEDAW Committee and OHCHR in facilitating the participation of women's groups and organisations in the CEDAW review process. You can notify IWRAP AP<sup>17</sup> of your intention to participate in the CEDAW process; they will arrange online information sessions or training to assist you in your preparation (email [iwraw-ap@iwraw-ap.org](mailto:iwraw-ap@iwraw-ap.org)).

Depending on the donor and your context, funding for your participation in CEDAW processes may need to come from multiple sources. For instance, to support skills building, you might approach a donor who supports organisational capacity building; and to support your activities to gather information, you could approach a donor who supports research or community engagement. You might also approach institutions and donors who offer technical support or skilled interns to help you. Among these are organisations and entities as: Women Fund Asia, friendly embassies such as the Swiss Embassy in your country, UN Women, and the OHCHR.

While this is not mandatory, funding for your ongoing engagement with CEDAW might need to include travelling to Geneva, where Pre-Sessional Working groups and Review sessions

17. IWRAP AP website <https://cedaw.iwraw-ap.org>



are held. You may need to also consider funding for collecting data, case studies, ongoing monitoring, and community engagement. Funding for technical support and consultants for evidence gathering and the development of Shadow Reports will be essential, as well as covering the costs of your advocacy throughout the review cycle.

#### **Box 7: Tips for your fundraising:**

- **Form coalitions.** Coalitions of organisations offer greater opportunities for funding as they can draw on existing funding, offer a greater range of existing donor relationships or open new funding opportunities that only larger coalitions have access to;
- **Engage in strategic partnerships.** By forming collaborations with organisations and institutions that have experience engaging in CEDAW processes, writing and submitting Shadow Reports, or doing research, you can increase donor confidence in your efforts as well as reduce expenses;
- **Ask the experts.** Organisations that have experience in CEDAW processes can be helpful in identifying donors and helping you structure your 'ask' or supporting you directly with training, technical support or other costs – including IWRAW AP. Networks like INPUD can help by linking you with organisations that have gone through the process and the institutions that provided support;

#### **Step 3: Planning your intervention**

Based on Step 1, your plan should consider where your country is in the review process in consultation with your community. It may include engaging with the Ministry leading the development of your State's report, or simply being aware of your government's reporting process. It might also mean joining an existing coalition or partnering with organisation that has experience in participating in the review process, or building your own coalition. To enable this, you will need to include planning for evidence gathering or research and getting technical assistance from someone with CEDAW experience. Lastly, your plan should include reporting back to your community after your interventions, as well as ongoing advocacy for your State to follow through their commitments.

#### **Step 4: Evidence gathering and research**

Your interventions will need to be based on evidence and the experiences of women who use drugs in your country. Your research and evidence gathering will need to highlight where your country is failing in its obligations and make concrete recommendations on how to improve the situation. Your research must cover laws, policies, and their implementation, and must highlight the experiences and viewpoints of women and gender-diverse people who use drugs. You will also need to consider the safety and privacy of those who share their experiences, and ensure that you can respond to issues that come up in the evidence gathering process.



### **Step 5: Presenting your views to the Committee**

You must be fully engaged in the process whether you present your input in a Shadow Report as part of another coalition, or on your own. In addition to submitting your Shadow Report, you may also be required to make an oral statement or participate in an NGO briefing in support of your findings. As such, you may have to make sensitive decisions, such as who will speak and what their focus will be. Having a mandate and support from your community to speak on their behalf will be essential, as well as good relationships and understandings with your coalition partners.

### **Step 6: Reporting back and following up**

Once you have made your interventions, you will need to report back to your community on the outcomes. Reporting back to communities helps to raise awareness about CEDAW itself while ensuring broad ongoing support for your interventions. You will need to follow up on any recommendations from the CEDAW Committee and advocate for further action from your government, taking their reports and responses to the Committee into account as you plan for the next review cycle. When you evaluate your interventions, you may identify further needs for training and budget items you will need to include in your fundraising. This means going back to Step 1 and Step 2 in your planning process.

“When preparing a [shadow] report, it is important to collect information from those who are implementing services on the ground and have regular communication with the community, as well as support women who use drugs themselves.”

Irena Ermolaeva, Asteria Public foundation, INPUD Webinar July 2022





## 5. ADDITIONAL SOURCES OF INFORMATION

*Women who Use Drugs in Kyrgyzstan: Experience of Writing and Working on a CEDAW Shadow Report* INPUD and Public Foundation Asteria, 2022 <https://inpud.net/women-who-use-drugs-in-kyrgyzstan-experience-of-writing-and-working-on-a-cedaw-shadow-report/>

*Engaging with the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) Guidance for Women who use drugs.* INPUD Webinar 22 July 2022 [https://www.youtube.com/watch?v=ad5BK\\_Aa1ZA](https://www.youtube.com/watch?v=ad5BK_Aa1ZA)

*NGO Reporting Guidelines on CEDAW & Rights of Women who Use Drugs* IWRAW Asia Pacific <https://www.iwraw-ap.org/wp-content/uploads/2018/07/NGO-Reporting-Guidelines-on-CEDAW-Rights-of-Women-who-Use-Drugs.pdf>

*Women Mobilizing for Change: Resisting State Violence from Repressive Drug Policies* Ruth Birgin1, Adrià Cots Fernández, Marie Nougier and Coletta Youngers. SAGE Violence Against Women 2022, Vol. 28(8) 1773–1787 Violence Against Women 2022

*The situation of women who use drugs in Indonesia - CEDAW Shadow Report* Prepared by INGO WHRIN and NGO AKSI for submission to the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) for 79th Session 2021. [http://fileserver.idpc.net/library/WHRIN-Aksi\\_Indonesia\\_Women.pdf](http://fileserver.idpc.net/library/WHRIN-Aksi_Indonesia_Women.pdf)

*Shadow Report of Civil Society Organizations on Discrimination and Violence against Women who use Drugs, Women Living with HIV, Sex Workers and women in prison in Kazakhstan* Prepared by NGOs: Kazakhstan Union of People Living with HIV, Public Foundation for Women Living with HIV in Kazakhstan, Public Foundation: Answer”, Public Association: My Home, Public Association: Amelia, and Public Charitable Foundation: Shapagat, 2018

*The How and Why of Shadow Reporting* AIDS Rights Alliance Southern Africa (ARASA) Namibia 2021. <https://arasa.info/wp-content/uploads/2021/12/shadow-report-tool-proof-1.pdf>

Reporting Guidelines Committee on the Elimination of Discrimination against Women <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>

*Shadow Report: An important tool for Advocacy* Sohini Paul Civil Society Academy Jul 2020 <https://www.civilsocietyacademy.org/post/shadow-report-an-important-tool-for-advocacy>

A Simple Guide to UN Treaty Bodies International Service for Human Rights 2015 [https://ishr.ch/wp-content/uploads/2021/07/ishr\\_simpleguide\\_eng\\_final\\_final\\_dec15.pdf](https://ishr.ch/wp-content/uploads/2021/07/ishr_simpleguide_eng_final_final_dec15.pdf)

*A RHRN Toolkit for reporting to CEDAW on Youth SRHR.* Right Here Right Now Rutgers and ARROW Utrecht (2020). [https://rutgers.international/wp-content/uploads/2021/11/CEDAW-toolkit\\_EN-4.pdf](https://rutgers.international/wp-content/uploads/2021/11/CEDAW-toolkit_EN-4.pdf)



## ANNEX 1 A SUMMARY OF CEDAW AND THE OBLIGATIONS OF STATE PARTIES

Articles 1 to 5 of CEDAW sets out general obligations on the part of States to address women's inequality and implement the Convention. Article 6 creates an obligation on behalf of State to address the trafficking of women and "exploitation of prostitution of women". Articles 7 to 16 set out a range of specific rights that women should enjoy without discrimination and that the State should guarantee, such as the right to work (Article 11), the right to participate in public and political life (Article 7), and the right to access health care (Article 12). Below is a summary of the Articles as they apply to rights of concern to women who use drugs.

Rights	What CEDAW says
Right to Equality and Non-Discrimination	<b>Articles 1–5</b> impose various general obligations on States to act to eliminate discrimination against women. These obligations include: creating gender equality provisions in national constitutions ( <b>Article 2</b> (a)), adopting laws against gender discrimination (Article 2 (b)), and removing all laws that might constitute discrimination against women (Articles 2 (g) and (f)). <b>Article 3</b> describes the general duty of States to take all appropriate measures to ensure the "full development and advancement of women" so they can exercise and enjoy all human rights and fundamental freedoms equally with men. <b>Article 2</b> of CEDAW states that States Parties condemn discrimination against women in all its forms and pursue by all appropriate means a policy of eliminating discrimination against women. <b>Article 5</b> deals with sex role stereotyping and prejudice.
Right to Health	<b>Article 12</b> of CEDAW states that State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. States Parties shall ensure to women appropriate services in connection with pregnancy, confinement, and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation. <b>CEDAW General recommendation 24</b> says: special attention should be given to the health needs of women belonging to vulnerable and disadvantaged groups, and that "it is discriminatory for a State Party to refuse to legally provide for the performance of certain reproductive health services for women. It says that States should prioritise the "prevention of unwanted pregnancy through family planning and sex education".



Rights	What CEDAW says
Right to equality in marriage and family life (campaign)	<p><b>Article 16</b> of CEDAW aims to eliminate discrimination against women in matters of marriage and family life. Under this article, States must ensure that women have: full rights to enter marriage; the right to choose a spouse; and the right to only enter marriage with full consent. Women must have the same rights and responsibilities during marriage and in the process of divorce. Article 16 provides a guarantee that women should be given the same parental rights as men in all matters relating to their children. It also guarantees women the right to freely choose an occupation (the same right is articulated in Article 11).</p>
Right to be Free from Gender-based Violence	<p>CEDAW General Recommendation No. 35, Paragraph. 15 says: “Women’s right to a life free from gender-based violence is indivisible from and interdependent on other human rights . . .” Paragraph 21 says: “Gender-based violence against women constitutes discrimination against women under article 1 and therefore engages all obligations under the Convention.” Paragraph 24(2)(b): “States Parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender based violence against women . . .”</p>



The International Network of People who Use Drugs (INPUD) is a global peer-based organisation that seeks to promote the health and defend the rights of people who use drugs. As an organisation, INPUD is focused on exposing and challenging stigma, discrimination, and the criminalisation of people who use drugs, and their impact on the drug-using community's health and rights. INPUD works to achieve its key aims and objectives through processes of empowerment and advocacy at the international level; and by supporting empowerment and advocacy at community, national, and regional levels. [www.inpud.net](http://www.inpud.net)

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