



## Parallel Reporting under the CEDAW on Women and Land, Housing and Natural Resources

**Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** Committee considers State party reports in its sessions and addresses its findings and recommendations as *Concluding Observations*. NGOs either have the opportunity to file complaints in the form of individual communications on behalf of the individual, or as inquires against States which have recognized the competence of the Committee.

NGOs can contribute during the pre-sessions of the Committee by submitting written documents, such as Shadow Reports relating to the articles of CEDAW, or if a full Shadow Report is not available yet, they can submit a List of Issues.

NGO participation is possible during the full-sessions too. Before the session, Shadow Reports shall be submitted **at least two weeks prior to the beginning of the session**. [1]

Shadow and alternative reports:

- Definitions: the reports submitted by NGOs during the reporting process have different names. Shadow reports mean that the NGO reflects directly on the state report. When there is no state report or it is not available for the NGO, then the report submitted by the NGO is called an alternative report. Both shadow and alternative reports can be called parallel reports. [2]
- Importance of the NGO reports: Shadow reports are seen as an assistance in the Committees work because they help in monitoring the compliance of the states with the CEDAW and ICESCR. NGO reports may point out issues and problems not covered by the state report, and may also check whether the information included by the state in its report is valid. [3] Furthermore, NGO reports shed a light on the implementation of human rights in practice, they can be seen as important advocacy and empowerment tools and also they can raise public awareness about treaty obligations. [4]

## Parallel report template

In the parallel reports, NGOs have to reflect on the report submitted by the State Parties to the CEDAW committee. Through the examples of the right to land and, the steps are presented under Instructions that should be followed by the NGOs to analyze the compliance of states with the CEDAW.

### Right to land and housing

#### Article 14

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology an equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## Instructions

The instructions are divided into two parts. First, some questions are listed related to the respective rights that may give guidance on what should be included in the report, how the right can be approached. Second, three main steps are identified concerning how the NGOs can answer the above mentioned questions effectively.

### Right to land and housing

*Globally, women's land rights are becoming an area of increasing urgency and concern. In most societies, women have historically managed and fulfilled the responsibilities of domestic labor, family care, and nutritional security. As the definitions of these gender roles and the contexts surrounding them become more tenuous (generating both positive and negative impacts on women), the need for women to be able to secure land and property has become even more critical.*

*... [W]omen's land rights intersect with other problems...The interdependence of women's human rights highlights the importance of women being able to claim their rights to adequate housing and land, in order to lessen the threat of discrimination, different forms of violence, denial of political participation, and other violations of their economic human rights. [5]*

#### 1. Questions

- “What progress has the State made in securing women’s rights to land and property in your country since its last Periodic

Report to CEDAW? What positive or negative change has there been?

- Do women in your country have an equal right to access, use, control, own, enjoy, and dispose of land and property? Do women enjoy these rights in practice? What practical barriers do women face in this respect?
- Do women face discrimination or disadvantage in matters of inheritance?
- Do women in your country have an equal right to marital property at the end of a marriage or de facto relationship?
- Does your country have laws, policies or programs that may discriminate against women because men are seen as ‘heads of the household’?
- Do rural women in your country have equal access to productive resources including land? If your country is undergoing a program of agrarian reform or redistribution of land among groups of different ethnic origins, are the rights of women, regardless of marital status, to share in such redistributed land on equal terms with men observed?
- Are statistics available (from State or other sources) in relation to women’s rights to land and property (e.g.: % of women who own property, % of land farmed by women)?
- Has there been ‘land-grabbing’ by commercial entities in your country and have women been disadvantaged? Have women been involved in land negotiations or consultations or in relocation processes?” [6]
- “What percentage of the budget in the national development plan is geared towards the goals of implementation of economic, social and cultural rights, such as access to adequate housing?
- Has the State removed all bans that prohibit women migrant workers from securing independent housing?

- Has the State provided sex-disaggregated data on the rates of homelessness? • Is this information further broken down by race, ethnicity, disability, age, etc? • If housing is inadequate, especially among disadvantaged groups, what is the State doing to address this issue? • What is the rate of forced evictions? Does this affect particular groups, including women? What are the legal rights afforded to those who are evicted?
- Has the State instituted a national action plan to improve access to adequate housing? • Does this plan specifically address the needs of women? • Has the State taken specific and concrete measures to implement these rights? Do these measures address the unique and disparate impact on women?
- Has the State ensured in law and in practice that women have equal access to and are not discriminated against in the enjoyment of the right to housing?
- Have policies been instituted to increase the availability of affordable housing, especially for women and their children?
- Do social roles or cultural practices limit women’s access to housing?
- Has the State sought international assistance to ensure the right to housing?” [7]

## 2. Steps

### Step 1

- Clarify the content and the scope of the right
  - The Global Initiative for Economic, Social and Cultural Rights: Using CEDAW to Secure Women’s Land and Property Rights, A Practical Guide:

<http://globalinitiative-escr.org/wp-content/uploads/2014/03/CEDAW-Guide.pdf>

- OHCHR: Women and the Right to Adequate Housing: [http://www.ohchr.org/Documents/Publications/Women\\_Housing\\_HR.PUB.11.2.pdf](http://www.ohchr.org/Documents/Publications/Women_Housing_HR.PUB.11.2.pdf)

- Understand the CEDAW and the essential elements of the referred articles through the relevant CEDAW General Recommendations concerning women and the right to land and housing. (Use General Recommendations as a guide to the language of the CEDAW rights.)

*General and broad interpretation of the right to housing:*

- CEDAW General Recommendation No. 21: Equality in marriage and family relations (para 26) and (para 27) <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>
- CEDAW General Recommendation on Article 16 of the CEDAW (Dissolution of marriage (para 47), Property Rights after death (para 50, 53) [http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1_en.pdf)
- CEDAW General Recommendation No. 26 on women migrant worker (para. 26 a) [http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_2009\\_WP-1\\_R\\_7138\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_2009_WP-1_R_7138_E.pdf)
- CEDAW General recommendation No. 27 on older women and protection of their human rights (para. 12, 22, 32, 47, 48, 52) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/53/PDF/G1047253.pdf?OpenElement>

- CEDAW General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (para. 13)  
[http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_5832\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5832_E.pdf)
- CEDAW General recommendation No. 30 on women in conflict prevention, conflict and post-conflict (para. 51, 57-d, 63, and 65)  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en)
- CEDAW General recommendation No. 33 on women's access to justice (para. 43, 46, 52, 54 and 57)  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en)
- CEDAW General recommendation No. 34 (2016) on the rights of rural women (para. 5, 11, 12, 14, 15, 22, 23, 25, 36, 49, 54, 55, 56, 57, 58, 59, 61, 62, 77, 78, 79 and 95)  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/061/90/PDF/N1606190.pdf?OpenElement>
- How to use CEDAW as an advocacy tool  
<http://www.landcoalition.org/en/resources/how-use-cedaw-advocacy-tool-0>

- Other relevant international or regional instruments

For example:

- Workers' Housing Recommendation, 1961 (No. 115):  
[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R115](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R115)
  - Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995:  
<http://www1.umn.edu/humanrts/instree/e5dplw.htm>
  - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa:  
<http://www.achpr.org/instruments/women-protocol/>
  - European Social Charter:  
<http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007cf93>
  - Universal Declaration on Human Rights (Article 17):  
<http://www.un.org/en/universal-declaration-human-rights/>
  - Commission on Human Rights (2005): Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, Resolution E/CN.4/RES/2005/25  
<http://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx>
  - Commission on Human Rights (2004): Adequate housing as a component of the right to an adequate standard of living, Resolution E/CN.4/RES/2004/21  
<http://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx>
- Look at the annual reports of the Special Rapporteur on adequate housing:  
<http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

- Look at general reports on women's right to housing and land and other resources:
  - Realizing Women's rights to land:  
<http://www.ohchr.org/Documents/Publications/RealizingWomensRightstoLand.pdf>
  - ESCR-Net Resource page:  
<https://www.escr-net.org/resources/resource-page-womens-housing-and-land-rights>
  - International Women's Rights Action Watch, University of Minnesota—for information specific to the Parallel Reporting process and other useful links.  
<http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html#intro>
  - Alexandria Muhaji, CEDAW Parallel Reports-FIDA Kenya and related documents, Marriage Bill and Matrimonial Bill, Women's Inheritance Now (Sep. 9, 2011), <http://winafrica.org/2011/09/cedaw-Parallel-report-fida-kenya-and-related-documents-marriage-bill-and-matrimonial-property-bill/>
  - Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (2011): <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/175/76/PDF/G1117576.pdf?OpenElement>
  - Siraj Sait and Hilary Lim (2006): Land, Law and Islam: Property and Human Rights in the Muslim World, Chapter 4:  
<https://books.google.se/books?id=7fZEuiZGyZMC&pg=PA93&lpg=PA93&dq=Housing+rights+for+women+according+to+CEDAW&source=bl&ots=eCXXvFHD>

[R#v=onepage&q=Housing%20rights%20for%20women%20according%20to%20CEDAW&f=false](#)

- Find definitions for relevant words in focus, for example “adequacy”
- Elaborate the most important principles, which will be emphasized in the report

## Step 2

- Gather information about the country as reference points
- Check if the Special Rapporteur on adequate housing had a country visit there:  
<http://www.ohchr.org/EN/Issues/Housing/Pages/CountryVisits.aspx>
- Check previous shadow reports:  
[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/TBSearch.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx)
- Check the previous Concluding Observation by the CEDAW on your country:  
[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/TBSearch.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx)
- Check if the State has submitted a report
- Check national statistics and scholarly literature, including information on the status of access, exercise and enjoyment of this right by women
- Refer to national legislation (constitutions, laws, policies, internal monitoring, national human rights institutions, remedies etc) and implementation, concerning the right in focus,

highlighting successes and failures of the implementation or enforcement

- Refer to programmes and relevant NGO-s, for example:

<http://unhabitat.org/>

<http://www.iut.nu/index.htm>

<http://hlrn.org.in/>

<http://www.femnet.or.ke/>

<http://www.sarpn.org/>

<http://www.cladem.org/>

### Step 3

Prepare the report:

- include identification of the gaps (who is marginalized with respect to access to, use of and control over land)
- compare the NGO's findings to the state report (check the validity of the information provided by the state)
- suggestions/ recommendations/ specific protection measures

List of useful links, organizations, etc. for models:

- Netherlands Helsinki Committee: The Human Rights Alternative Reporting Cycle: Practical tricks and tips to strengthen the quality and impact of your human rights alternative reporting to the United Nations:  
<http://www.kpsrl.org/browse/download/t/the-human-rights-alternative-reporting-cycle-1>.
- Amnesty International: Holding Government to Account: A Guide to Shadow Reporting on Economic Social and Cultural Rights:

[http://www.ourvoiceourrights.ie/download/pdf/amnesty\\_a\\_guide\\_to\\_shadow\\_reporting\\_on\\_escr.pdf?issuysl=ignore](http://www.ourvoiceourrights.ie/download/pdf/amnesty_a_guide_to_shadow_reporting_on_escr.pdf?issuysl=ignore)

- ESCR-Net: Participation in ICESCR and CEDAW Reporting Processes: Guidelines for Writing on Women's Economic, Social and Cultural Rights in Shadow/Alternative Reports  
[https://docs.escr-net.org/usr\\_doc/CEDAW\\_CESCR\\_reporting\\_guidelines\\_FINAL\\_Oct\\_6\\_2010.pdf](https://docs.escr-net.org/usr_doc/CEDAW_CESCR_reporting_guidelines_FINAL_Oct_6_2010.pdf)
- Producing Shadow Reports to the CEDAW Committee: A Procedural Guide  
<http://www1.umn.edu/humanrts/iwraw/proceduralguide-08.html>

## Checklist

- Check if the title page includes title, author(s) or NGO name, State party name, and date of the Report
- Include a Table of contents
- Be concise, the Committee has a limited time to spend on reading the Report (*A shadow/ alternative report should be a maximum of 60 pages for the initial report and 40 pages for periodic reports.*[8])
- Include an appendix if necessary (abbreviations, list of organizations, authors of the report, relevant text such as law etc.)
- *Executive Summary: You must have an Executive Summary of your shadow/alternative report, as it assists the CEDAW/ ESCR Committees in understanding what is contained in the report and where they should read more carefully on specific issues. The Executive Summary would include a summary of the main critical points of the shadow/alternative report (listed according to the Articles of the treaty) and a summary of the recommendations with reference to the critical points of the shadow/alternative report and to the challenges encountered in the implementation of the Convention/Covenant. The Executive Summary should be organized by Articles of the Convention, in the same way the report is organized.* [9]
- *The best way to organize a shadow/alternative report is by the Articles of the ICESCR Convention, because the ESCR Committee reviews the government report Article-by- Article.* [10]
- Watch the language, make sure non-native speakers understand it too, and submit the report in English
- Check if conclusion and recommendations are concrete

## References

- [1] ESCR-Net (2010), *Participation in ICESCR and CEDAW Reporting Processes: Guidelines for Writing on Women's Economic, Social and Cultural Rights in Shadow/Alternative Reports* p. 72, available at [https://docs.escr-net.org/usr\\_doc/CEDAW\\_CESCR\\_reporting\\_guidelines\\_FINAL\\_Oct\\_6\\_2010.pdf](https://docs.escr-net.org/usr_doc/CEDAW_CESCR_reporting_guidelines_FINAL_Oct_6_2010.pdf) (accessed on 3 May 2016).
- [2] *ibid.* p. 11-12.
- [3] *ibid.* p. 12.
- [4] Amnesty International (2014). *Holding Government to Account: A Guide to Shadow Reporting on Economic Social and Cultural Rights*, p. 4 available at [http://www.ourvoiceourrights.ie/download/pdf/amnesty\\_a\\_guide\\_to\\_shadow\\_reporting\\_on\\_escr.pdf?issuusl=ignore](http://www.ourvoiceourrights.ie/download/pdf/amnesty_a_guide_to_shadow_reporting_on_escr.pdf?issuusl=ignore) (accessed on 15 May 2016).
- [5] ESCR-Net (2006). *Resource Page for Women's housing and Land Rights*, available at <https://www.escr-net.org/resources/resource-page-womens-housing-and-land-rights> (accessed on 20 May 2016).
- [6] The Global Initiative for Economic, Social and Cultural Rights (2014), *Using CEDAW to Secure Women's Land and Property Rights: A Practical Guide*, p. 20, available at <http://globalinitiative-escr.org/wp-content/uploads/2014/03/CEDAW-Guide.pdf> (accessed on 20 May 2016).
- [7] ESCR-Net (2010), *Participation in ICESCR and CEDAW Reporting Processes: Guidelines for Writing on Women's Economic, Social and Cultural Rights in Shadow/Alternative Reports* p. 21-71, available at [https://docs.escr-net.org/usr\\_doc/CEDAW\\_CESCR\\_reporting\\_guidelines\\_FINAL\\_Oct\\_6\\_2010.pdf](https://docs.escr-net.org/usr_doc/CEDAW_CESCR_reporting_guidelines_FINAL_Oct_6_2010.pdf) (accessed on 3 May 2016).
- [8] *ibid.* p. 17.
- [9] *ibid.* p. 19.
- [10] *ibid.* p. 54.