

## **WOMEN'S NGOs COALITION ON CEDAW AND WOMEN'S ACCESS TO JUSTICE<sup>1</sup>**

### **2nd Strategic Meeting of Project Partners Report**

29 – 30 November 2011, Warsaw, Poland

#### **ACRONYMS**

A5, A12 etc. – ordinal numbers of specific Articles in the Convention on the Elimination of all Forms of Discrimination Against Women

CEDAW – Convention on the Elimination of all Forms of Discrimination Against Women

CEDAW Committee – Committee on the Elimination of Discrimination Against Women

EC – European Commission

EU – European Union

GPs – General Practitioners

NGOs – Non Governmental Organizations

OP CEDAW – Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women

OSI – Open Society Institute

UNDP – United Nations Development Programme

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<sup>1</sup> The Project *Women's NGOs Coalition on CEDAW and Women's Access to Justice* is coordinated by KARAT Coalition with financial support of Oxfam Novib.

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## 1. INTRODUCTION

The 2nd Strategic Meeting of the Project Partners involved in the Project *Women's NGOs Coalition on CEDAW and Women's Access to Justice* took place on 29-30 November 2011 in Warsaw, Poland. The project is being coordinated by KARAT Coalition and financed by Oxfam Novib. The three year project is being implemented in Azerbaijan, Kyrgyzstan, Tajikistan and Uzbekistan. The meeting was organized by Warsaw-based KARAT Secretariat.

## 2. PARTICIPATION

The Strategic Meeting was attended by project partners and KARAT Coalition representatives. Five members of International KARAT Board joined as an observers the second day of the meeting (30.11). Participation in the Meeting constituted an excellent opportunity for the Board member to receive first-hand information about the project and provided good entry point for evaluation of KARAT's Programme for years 2009-2012. The next day after the Strategic Meeting (1 December) project partners took part in International Board Meeting, where they presented project outcomes and their reflections on 3 years cooperation with KARAT.

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### 3. OBJECTIVES OF THE MEETING

The objectives of the meeting identified by the KARAT team were as follows:

- sharing the findings and conclusions of the research on access to justice in the project countries
- elaborating a set of recommendations for joint advocacy at the international level
- defining the scope and timetable of advocacy at UN level in the context of providing input to the CEDAW Committee's General Recommendation on access to justice
- sharing information on the CEDAW events organised at the national level
- setting the rules for further cooperation, including responsibilities, timetable, and guidelines for reporting.

### 4. OVERVIEW OF THE AGENDA

The Agenda of the two day 2nd Strategic Meeting included:

- Introductory Session
- Feedback on the Project implementation sessions focused on:
  - Activities and the country context
  - Research on Barriers to women's access to justice in the Project Partners' countries
- Elaborating the regional recommendations on women's access to justice
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- General recommendation of the CEDAW Committee on women's access to justice – update on the preparatory process
- Participation in the CEDAW Session – discussing the alternative
  - Planning activities
  - Developing advocacy tool
- Advocacy at national level
- Planning further project activities & responsibilities
- Exploring ideas for future cooperation

- Discussing events planned for the following day

The detailed agenda is attached below (ANNEX 1).

## **5. INTRODUCTORY SESSION**

### **Welcome and introduction**

Participants were welcomed by Aleksandra (Ola) Solik (Project Manager). Project Partners from Azerbaijan, Tajikistan and Uzbekistan participated in the OP CEDAW Project funded by Oxfam Novib and coordinated by KARAT since 2008, while the Forum of Women's NGOs of Kyrgyzstan since 2010-2011.

### **Presentation of the objectives and agenda of the Strategic Meeting**

Ola presented the objectives and agenda of the two day Strategic Meeting. She announced the first day as the day of the countries' presentations, to allow the participants to present the project activities taken during the past year, including the methodology and outcomes of their research on women's access to justice for the selected critical types of women's rights violations. The activities of the second day focused on: elaborating the regional recommendations aimed at improving women's access to justice, exploring the opportunities for advocacy at the UN level in the context of the coming CEDAW and CSW sessions; sharing experience and ideas for effective advocacy at the national level; discussing further project activities, including the timeframe shaping directions for the future.

Kinga invited the participants to the KARAT International Board meeting that would take place on 1<sup>st</sup> of December. She emphasized the importance of obtaining feedback and directions for the future from the participants of the Project.

The main objective of the Board would be to evaluate KARAT's multi-year 2009-2012 programme (three main programs are distinguished: women's rights, economic and social justice, gender and development) and to initiate the preparations of the new programme that will be developed within next 6 months.

The participants shortly introduced themselves to the rapporteur.

### **Participants' expectations**

Participants were asked to share their expectations of the Meeting. The following expectations were expressed:

- to share experiences and reflections,
- to share information about the last activities in the organizations,
- to inform of the present political climate in the countries,
- to develop common recommendations aimed at improving women's access to justice in the region.

## 6. SESSION 1, 2 and 3: FEEDBACK ON THE PROJECT IMPLEMENTATION

The sessions were being facilitated by Ola Solik.

### a) part I: Activities and the country context (Session 1)

#### Azerbaijan

**Activities.** The activities taken in Azerbaijan by Gender Association “Symmetry” covered the theme of violence against women, legal system, and women's health. Three seminars were carried out, dedicated to the NGOs workers working directly with women.

**Results.** 38 NGOs’ representatives took part in 3 two-day trainings organised in different regions of Azerbaijan. The events aimed at: raising awareness of CEDAW and its Optional Protocol as well as their role in protecting women’s rights, presenting the tools for monitoring the implementation of Convention, including the role of the shadow reports and Concluding Observations; exploring the advocacy strategies. There were 8 focus thematic groups: one of them was held with the participation of the victims of women’s rights violation.

The NGOs representatives were provided with tools that would allow them to work directly with specified people and places. The participants of the workshops will use the knowledge gained in their further work, including developing the strategies and tools for organizations working for women’s rights. Some issues were investigated in great detail (e.g. during discussions with doctors on women’s health issues the participants came to the very comprehensive conclusions). The project gave an opportunity to establish a basis for elaborating on women’s access to justice in the future, giving plentiful feedback.

**Country context.** Although the country ratified OP CEDAW and also adopted the law on gender equality in reality there are no effective mechanisms and no offices responsible for executing the law. There are a lot of minorities in the country The country regions are large, causing technical difficulties in exercising the law. There are many NGOs helping these minorities but they don't have tools that would allow them to work with these communities efficiently.

#### Kyrgyzstan

**Activities.** 6 trainings were conducted by Kyrgyz Women’s NGOs in Kyrgyzstan among following target groups: employees of judicial institutions (including prosecutors), lawyers cooperating with NGOs, activists and local authorities. The trainings focused on protection of women from gender based violence. The participants improved their knowledge and understanding of international and national legal tools protecting women’s rights, of CEDAW Convention principles and of OP CEDAW mechanism, and on role of NGOs.

**Results.** 24 law enforcement officers, including prosecutors, 36 members of local authorities and decision makers and 31 women’s rights activists and NGOs’ lawyers were provided with information on CEDAW, OP CEDAW and women’s rights standards. The trainings resulted in increased gender sensitivity among the participants, a better understanding of women’s issues, and establishing grounds for better cooperation in the future. Following conclusions

were drawn: education on the CEDAW Convention and other international laws on women's rights should be intensified; the national plan of action for women should be implemented in Kyrgyzstan.

**Challenges.** Resistance from many prosecutors participating in the trainings to bring women's issues and CEDAW into their work agenda; problems with involving victims of bride kidnapping and some women's NGOs in the research on women's access to justice.

## Poland

**Activities.** Poland was supposed to submit a combined periodic report for 2002-2010 to CEDAW Committee by September 2010. The pressure on the government was being exerted by the Coalition of NGOs coordinated by KARAT to submit the report but so far no success has been achieved. In contrary to the State's report, the NGOs' alternative report is almost ready.

Recommendations included in the alternative report and identified by the Coalition of NGOs as of highest priority are the following:

1. implementation of parity system (there was quota system implemented in Poland, but the results of the implementation are not significant for the situation)
2. liberalization of a restrictive anti-abortion law – the new law on family planning and reproductive rights has been drafted already by the civic initiative "YES for women"
3. implementation of a gender sensitive antidiscrimination law
4. adoption of the national plan for action for the advancement of women (there is no such a plan since 2005 in Poland).

**Country context.** Recently there was a change in political climate in Poland owing to elections in October. Although the election was won by the same political party that had been in power earlier and has been not at all supportive to women's rights issues, a new progressive political party, claiming for women's rights and secular state, achieved quite good results of 40 seats in the parliament. Among its members there are 3 persons with NGOs background, including Wanda Nowicka, who for past 20 years was the leader of the Federation for Women and Family Planning, organization lobbying for decriminalization of abortion in Poland. There is a huge opportunity for introducing the women's issues on political agenda and for promoting gender sensitive approach to women's access to justice in the Parliament.

## Tajikistan

**Activities.** In May 2011 Public Organization "Panorama" organised a national roundtable "Results of the Implementation of the CEDAW Committee Concluding Observations to Tajikistan for the years 2007-2010". Apart from the event brochure including the text of CEDAW Convention, its Optional Protocol and f of CEDAW Committee Concluding observations was published.

**Results.** 50 people took part in the round table: members of the government, human rights ombudsman, representatives of the general prosecutors office, NGOs and international

organizations, mass media, and law enforcement bodies. The round table once more attracted the attention of the decision makers, society and mass media to CEDAW Convention and reminded about the necessity to fulfill the international obligations. It also resulted in setting a plan for the preparations of the alternative report. The efforts taken by the organisation to promote CEDAW and its role in protecting women's rights resulted in an article "The Law Will Ask for Broken Nose and Rib" published in the newspaper "Vechernii Dushanbe" that referred to the Convention and pointed to the urgent need for adopting of Law on the prevention of domestic violence that now is being finalised in the parliament.

**Country context.** In July 2011 the periodic report on the implementation of CEDAW was passed by the government of Tajikistan to the CEDAW Committee – the Committee will review it during one of its session in 2013.

## **Uzbekistan**

**Activities.** In April 2011 Istiqbolli Avlod organised a two-day training related to CEDAW convention, titled "Building NGO capacity on CEDAW application", addressed to lawyers, social workers and leaders of the partner organizations from 8 regions of Uzbekistan engaged in the issues of women who suffered from human trafficking and domestic violence. It was not only aimed at thorough study and analysis of CEDAW and its accompanying documents but also at making future action plans on further promotion and implementation of CEDAW provisions at the local level.

With support of the governmental Women's Committee brochures on CEDAW and OP CEDAW were produced and disseminated at the training.

**Results.** 20 lawyers, social workers and leaders of partner NGOs were provided with relevant knowledge which they now use in their everyday work. The knowledge was further disseminated during the follow-up events organized by participants organizations, including seminars held at schools, universities and law enforcement bodies. The latter recently asked Istiqbolli Avlod to prepare another information kit on international documents on combating the trafficking in women.

**Challenges.** State bodies and other organizations perceive Istiqbolli Avlod as an organisation focused on human trafficking workers and in case of a training on CEDAW Convention it was necessary to combine both topics to meet the expectations.

**Country context.** The climate for women's issues in the country is presently rather good: the national plan on implementation of CEDAW Committee's recommendations based on the last state periodic report was developed. The relationship with governmental body, Women's Committee has been strengthened: its representatives approach Istiqbolli Avlod quite often. The final national plan on the advancement of human rights, including education on women's rights, is being finalized. There is a chance that Optional Protocol to CEDAW Convention will be ratified next year.

**Challenges:** Lack of coordination between the organizations dealing with women's rights and providing trainings on CEDAW or international rights in Uzbekistan was identified as a weakness that should be addressed.

**b) part II: Research on Barriers to women's access to justice in the Project Partners' countries (Session 2 and 3)**

The country teams were asked to include in their presentations:

- practical information on ways of conducting the research, including problems experienced and challenges faced during the study as well as steps taken;
- outcomes of the research – barriers identified during the process and analysis of the findings
- main recommendations, with special attention given to those addressing CEDAW (& other international human rights bodies).

## **Azerbaijan**

Kamila presented results of the research held in Azerbaijan by Gender Association Symmetry between May and November 2011.

**Political context and purpose of the report.** Domestic violence is the most widespread type of violation of women's rights in Azerbaijan. Official statistics indicate that 35,6% women are subject to violence, either domestic or public one. Domestic violence is connected with other numerous social problems related to women's and is still perceived as private matter, as a taboo. Not all facts related to this phenomena are shown in the official governmental report. The purpose of the research was to investigate the situation of women - victims of violence - with respect to the existing procedures and the existing judicial system and to identify the barriers that women experience in access to justice.

**Methodology.** There were two pillars of the research:

- focus interviews
- general survey (sample: 45 persons).

**Results.** Several problems in terms of the women's access to justice were identified:

- **Legal and institutional barriers**

The survey has shown that there are no antidiscrimination laws in the country. However, there are some provisions on non discrimination, included in i.e. law on domestic violence. The decisions of Azerbaijani courts in cases related to domestic violence are focused mainly on providing administrative sanctions, not on penalization of the persecutors under Criminal Code. A victim of domestic violence has no access to quick help. There is no prevention system – only interventional one. There is high level of legal illiteracy among victims of domestic violence and they are not provided with appropriate legal help, often they are also discouraged from lodging cases to the court. There are technical barriers related to access to judicial institutions, particularly for women from the rural areas. Bureaucracy is a serious obstacle for women in addressing the courts. There are problems in obtaining medical certificate stating that the woman is victim of violence. Corruption and negative approach



towards victims of domestic violence are widely spread among the police officers. It often happens that women-victims are perceived guilty even by the police.

- **Social-economic and cultural barriers:**

- financial barriers and economic dependence of women: women, in majority having no job, don't have access to home budget (they have to ask for the money)
- there are shelters for women but few women benefit from them, the reasons being: a woman going to a shelter automatically loses the right for housing, is under pressure from her relatives who persuade her not to go even in a situation of severe violence by their husbands, she may lose custody of their children in such cases
- cohabitation, although quite common is virtually a taboo, cohabiting woman has no rights guaranteed by law
- marital status: marriage is usually registered only in case when a son is born; early marriages are common (a young woman is being 'raised' in the new family)
- insufficient support from NGOs: the NGOs are not consolidated, there is no information exchange between different organizations; because of the financial insufficiency, only small, short term projects are being implemented; the cooperation with state bodies is difficult.

During the interviews the respondents pointed out various forms of violence against women which included inter alia:

- selective abortion: they claimed that it was easier to get the abortion rather than raise and provide dowry for a girl;
- forced sterilization: in many cases women are forced by their husbands to get sterilized in case of sığhe marriage (temporary marriage, i.e. for the time of man's travelling, considered as one contracted for pleasure)
- prostitution: women involved in prostitution are often forced into it by their husbands.

## **RECOMMENDATIONS**

- strengthening the mechanisms of Law on Domestic Violence in order to ensure its application in practice
- amending Law on Gender Equality in gender sensitive manner, especially taking into account problem of early marriages, selective abortion, raising children
- monitoring implementation of domestic laws in compliance with CEDAW principles
  - increasing the level of legal knowledge, including national and international laws (e.g. CEDAW, OP CEDAW), among women
  - implementation of gender policies aimed at economical and political empowerment of women;
  - establishing a system of cooperation and exchanging information between organizations and networks working on the issue of violence against women
  - better school education on gender issues starting from early age
  - awareness raising campaigns, including developing advocacy tools, aimed at elimination of the gender stereotypes and violence against women (e.g. short video based on collected materials as a starting point for discussions on women's access to justice during workshops and meetings).

## Kyrgyzstan

Bermet presented the results of the research by Forum of Kyrgyz Women's NGOs.

**Political context and purpose of the report.** The problem analyzed by the organization was bride kidnapping. In Kyrgyzstan, according to statistics provided by NGOs for years 2009-2011, up to 60% -80% of rural women (depending on the region) and up to 40% of women in cities are married by bride kidnapping: it occurs most often in the rural area. The bride kidnapping is legally forbidden and prosecuted criminally but there are almost no examples of initiated court procedures.

The bride kidnapping is seen as a tradition, whereas the cases were sparser in the soviet times. There are strong stereotypes which support this form of violence, like: „If you are a woman, it is your fate”; “When you enter a house, your life ends”.

Poverty, low social status of women, together with low knowledge are conducive to this kind of actions. The victims don't want to discuss the case – especially when a rape took place. They fear publicity and rejection by the community, so they remain silent.

**Methodology.** In the research process questionnaire-based interviews with 27 bride kidnapping victims, 12 lawyers, and women's rights defenders were held.

**Results.** The research showed that although from the formal point of view access to justice is not limited, in practice it is not used by women-victims of bride kidnapping. There is low level of knowledge of domestic and international mechanisms that may be used for victims protection among lawyers and women's rights defenders. Women don't know their rights either and they are unwilling to talk about their experience, especially if they had been raped. Victims don't believe that the bride kidnapping may be punished; they very seldom go to police; even if a woman decides to report, families put psychological pressure on her to withdraw the charge. Very often when back home the victims are not welcomed by their family. The stereotypes related to bride kidnapping and women's role in the society are deeply rooted and result in negative approach towards these women who oppose forced marriage and try to seek justice. Marriages resultant from bride kidnapping are not officially registered. As a result women, who have no documents proving that they are wives, have no rights to children born from that relationships. Bride kidnapping is a criminal case but in reality it remains unpunished.

### RECOMMENDATIONS:

Legislative reform and implementation of existing laws and CEDAW convention in order to effectively protect women from forced marriages and relationships. This should include:

- enhancement of prevention mechanisms,
- punishment for people indirectly involved in bride kidnapping i.e. the relatives;
- broad dissemination of information on existing laws and mechanisms protecting women among the society and especially among women;
- establishing state body on women's issues that would be responsible for addressing problem of bride kidnapping,
- regular compilation and publication of State statistics on bride kidnapping,

- trainings programs for judiciary and law enforcement officers and other groups working with related issues,
- monitoring the effectiveness of using existing legal mechanisms, including application of CEDAW and other international laws.

## Tajikistan

Margarita presented results of the research by Public Organization “Panorama”.

**Political context and the purpose of the report.** The subject of the report was the access of victims of domestic violence to justice. Domestic violence is widespread in Tajikistan; with every 4th women being the victim. The constitution provides equal rights to both men and women, according to the international standards. The definition of discrimination is included in the Law on State Guarantees of Equality between Men and Women and Equal Opportunities for Their Realization.

**Methodology.** The research was based on the information received from victims of domestic violence as well as NGOs’ and State’s experts working in the field of citizen’s right protection through the in-depth interviews. The number of women-victims involved in the study as respondents was 20: 8 of them lived in the cities, 12 in rural areas. The group of interviewed experts included: 13 practicing lawyers (11 attorneys and 2 judges) and 8 employees of public organizations working on protection of women’s rights.

**Results.** The women-victims while trying to approach police, or other law enforcement institutions are discouraged equally by institutions and their social environment. The police and other public institutions who are supposed to provide help are ineffective. There is a serious lack of knowledge about domestic violence and the relevant women’s needs among the public authorities and lawyers and on the other hand, legal illiteracy among the victims. The violence is committed by husband and his relatives upon whom most victims are fully dependent on and with whom they usually live. All female respondents define their position as extremely difficult. Most of them do not have any profession because of their early marriage. Only 6 of them had a job.

### RECOMMENDATIONS:

The following strategies are needed:

- to develop and to adopt a Law on Prevention of Domestic Violence
- to ratify the Optional Protocol to CEDAW Convention
- to implement the recommendations of the CEDAW Committee for Republic of Tajikistan developed in 2007 to conduct regular monitoring and assessment of the implementation of national strategies and international commitments on gender equality focusing on prevention of and protection from domestic violence
- to ensure free legal assistance to victims of domestic violence
- to secure a right for law enforcement officers to interfere in case of domestic violence
- to provide a broader education related to women’s rights
- to use the potential of religious organizations, as a liaison to circulate the information about available help.

## Poland

Magda presented the results of the research carried out by KARAT focused on the violation of women's right to have abortion when legal under Polish law.

**Political context and the purpose of the report.** Restrictive anti-abortion law allows the termination of pregnancy under following circumstances:

- when the continuation of pregnancy threatens women's health and/or life
- when the fetus is seriously malformed
- when the pregnancy results from criminal act (e.g. rape, incest).

However, access to abortion is even more restricted in practice. According to the Ministry of Health, in 2010 there were 641 abortions in total performed under the abortion law (Poland is a country of almost 38,5 million people).

**Methodology.** The research was based on the information collected from three sources: lawyers with expertise in women's rights, women whose right to legal abortion was violated, and women's rights organizations. The scope of and the guidelines for the analysis of the laws (conducted by a lawyer specialized in reproductive rights) was defined mainly on the basis of the in-depth interview with Monika Gasiorowska, a lawyer who represented Alicja Tysi c in the European Court of Human Rights in Strasbourg. The barriers on women's access to justice in terms of having legal abortions were identified through analysis of women's stories collected in the publications of the Federation for Women and Family Planning (e.g. "Contemporary Women's Hell", "Women's hell continues"), through interviews with Alicja Tysi c and other women dealing with the problem of legal abortion as well as with the Federation's employees and activists.

**Results.** The study led to identifying barriers that either prevent women from seeking justice or from exhausting domestic legal remedies in case of denial of legal abortion. As an outcome women's needs and recommendations for the relevant institutions were defined. The barriers to women's access to justice were divided into three groups: legal, institutional and other (e.g. socio-cultural, financial, geographical). The research showed that women's right to legal abortion is blatantly violated, which is also reflected by available statistics.

## RECOMMENDATIONS

The following advancements are recommended:

- decriminalization of abortion
- introduction of the WHO definitions into Polish legislation
- providing General Practitioners with the right to issue certificates referring women to get abortion and lifting up restrictions limiting the issuing of certificate to doctors with specialization in disease concerned
- establishing an effective appealing mechanism adjusted to women's needs related to access to abortion
- implementing training programmes for doctors and medical students focused on promoting holistic approach to women's health and rights, including sexual and reproductive health and rights, as well as on abortion law
- securing accurate information on the healthcare facilities and doctors providing abortion services

- ensuring women's right to participate in the decision making in case the pregnancy constitutes the threat to their health or when there is a high likelihood of fetal impairment
- ensure access to prenatal tests (obtaining referral, timely access to service, timely delivery of results)
- enhance the training programmes of the police and prosecutors to ensure gender-sensitive procedures for reporting sexual offences, including the issuing of prosecutor's statement without delay entitling to pregnancy termination under the abortion law

General recommendation for the Parliament: to adopt the law ensuring right to pregnancy termination within 12 weeks gestation on woman's request, at the later stages when fetus is impaired and the pregnancy results from criminal act and with no time limit to save women's health or rights

## **Uzbekistan**

Liliya presented the results of the research conducted by Istiqbolli Avlod.

**Political context and the purpose of the report.** Focus area of the report was the problem of human trafficking. According to official experts' opinions, there is no discrimination on the ground of gender in the law. The country has a definition of trafficking but it is only a copy-paste version of international documents. Yet one of its major shortcomings is the lack of the definition of "victim of human trafficking" that would allow identification of persons eligible for receiving assistance and protection (e.g. now a woman- victim of trafficking who illegally crossed the border, is being treated as a criminal offender). Many law regulations lack the anti-discrimination norms. There is no law on equal rights and opportunities of men and women that would contain the definition of discrimination. Laws regulating trafficking in human- transnational crime- are imperfect.

**Methodology.** The study was based on the interviews with 130 respondents from 8 regions of Uzbekistan. The respondents represented 3 groups: women victims of trafficking (67), practicing lawyers (45), NGOs workers (18). 46 out of 67 victims of trafficking lived in the cities.

**Results.** Women's statements prove that they are being subjected to very different types of violations long before human trafficking occurs in their lives. They are beaten by their husbands: even when police is informed, they eventually refuse to write the complaint, being afraid of revenge of the husband's family. When cheated by a person who promised them a job abroad, they are blaming themselves. While recognizing their rights, they don't file a complaint: they are ashamed, threatened by traffickers, they want to avoid stigmatization ("I should not dishonour my family"). The victims receive no support: neither from the family nor from the society indifferent to their problems. There is no place where they could seek information. They remain in a very difficult financial situation: the majority of them has no job. There is a lot of bureaucracy in the institutions' operations system. Another problem is a impudent attitude of the police: it happens that after deportation the police accuses the victims of engaging in prostitution knowingly and willfully. Only 17

women out of the whole group of respondents went to the court with their complaint; only 5 of them were satisfied with the result.

## **RECOMMENDATIONS**

The following changes are necessary:

Social system:

- guaranteeing funds/provisions for compensation for physical and mental suffering and damage to the victims of trafficking establish more rehabilitation centers (there's only one in Tashkent)
- ensuring more lawyers working on the problem of trafficking in women

Law:

- introducing a definition of direct and indirect *discrimination* and of a *victim of human trafficking* into the law
- adopting a Law on Migration, including definition of international migration
- adopting Law on Equal Rights and Opportunities for Women and Men
- introducing regulations under which victim of trafficking will be not liable for criminal prosecution
- ratification of OP CEDAW and the International Convention on Protection of all Labour Migrants and Members of Their Families Rights
- developing bilateral and regional cooperation involving all the countries touched by the problem: creating an international network working against trafficking
- establishing an office of attaché for protecting migrants' to work in the destination countries of human trafficking;
- introducing system of measures aimed at ensuring the security of victims of trafficking before, during and after criminal prosecution; where relevant similar protection should be guaranteed to victims' relatives and witnesses.

Education:

- implementing programs aimed at raising legal culture within the society, including legal education programs for women
- enhancing trainings and building the capacity on the issue of trafficking in women of the officers of the law enforcement bodies, border control services, labour inspectors, consulates and embassies.
- improve the system of monitoring the effectiveness of the institutions engaged in counter-trafficking issues.

Society and culture:

- changing the society's attitude toward victims: focusing on the offenders, not on the victims; involving media in the process.

## **7. SESSION 4: REGIONAL RECOMMENDATIONS ON WOMEN'S ACCESS TO JUSTICE**

### **a) BARRIERS**

The session was being facilitated by Ann Campbell. The participants divided themselves into three groups: two Russian speaking (one person from a country in each group) and one English speaking: KARAT staff (Poland) and Ann. Ann proposed to divide the barriers in women's access to justice into four categories: legal, institutional/implementation, socio-

economic and cultural. The groups were asked to identify the barriers of each category. The following barriers were identified by the working groups:

### **Legal barriers**

- Lack of gender equality laws with proper definition of discrimination
- Lack of ratification and domestication of international treaties and the OP CEDAW
- Lack of specific laws on issues under consideration
- Discriminatory laws
- Lack of holistic gender-sensitive approach in legislation;
- imperfect legislation at national and international level, e.g. ineffective legislation concerning transnational crime- human trafficking
- Lack of or insufficient compliance with laws / not enough power in law enforcement and legal system to apply laws
- Insufficient monitoring of application of existing laws and practices (de jure)
- Lack of money for legal assistance
- Low legal literacy / inadequate knowledge of law in the country, especially within the target group
- No free legal advice / insufficient realization of right to legal assistance (Art. 2 of CEDAW and the right to information)
- Rights: covered by Art. 2 of CEDAW

### **Institutional/Implementation barriers**

- Gender-based judiciary system and lack of knowledge of basic human rights/ ineffective and discriminatory approach of the institutions aimed at supporting women and providing assistance
- Bureaucratic and instrumentalist approach towards women
- Lack of a specific body dealing with women's issues / no Ombudsperson or other specific institution to protect women's rights
- Insufficient cooperation and communication between legal institutions, insufficient information on problems affecting women, as well as internal conflicts
- No women in the police force
- Lack of contact and coordination between the state and NGOs
- Existing institutional frameworks are inadequate. In case of women the institutional framework is not always used. Rural women have very limited access to justice distance to legal institutions may be one of the factors
- Rights: guaranteed by Art. 2(d) and (e), Art. 14 of CEDAW

### **Cultural barriers**

- Stereotypes
- Religion / Religious traditions
- Traditions / customs and traditions
- Insufficient publicity of women's problems in mass media
- Insufficient info in schools and teaching on gender equality
- Mentality
- Rituals
- The family pressure – domestic problems should not be publicized
- Rights: guaranteed by Art. 5 of CEDAW

### **Socio-economic barriers**

- Low social status
- Economic problems / no access to resources, right to dispose of property / poverty / unemployment / limited access to financial resources, especially for divorced or rural women
- Vulnerable position of women- refugees, women- intern and external migrants, internally displaced women
- Economically dependent women with health problems have to pay for health services
- Low education in general
- Inertia of women and passive, inactive behavior
- Rights: guaranteed by Art. 10, 11, 13 and 14 of CEDAW.

### **b) RECOMMENDATIONS**

Ann asked the participants to divide into small groups again to discuss the general recommendations based on the barriers identified during the last session of group work. The groups were divided as previously. Each of the three groups worked on one of the recommendations' categories from among recommendations addressing social, legal and institutional barriers. Ann asked the participants to reflect on state's role bearing in mind that under CEDAW state is legally bound to respect, fulfill and protect women's rights. She also paid particular attention to the extra factors in discerned barriers: the role of civil society organizations and its relation with the state, situation of women from vulnerable groups, as well as the role of both international and regional cooperation and support. Ann suggested that the fourth category of recommendations, namely addressing cultural barriers, should be discussed in an open group after the small group work presentations.

Afterwards ideas and reflections were presented forming the following recommendations:

#### **Recommendations addressing socio-economic barriers to access to justice.**

These recommendations were developed with reference to the whole text of CEDAW. It was noted that the relevant social policies are the primary responsibility of the state, with merely an ancillary role of the NGOs and international actors.

Recommendations proposed were middle term recommendations (to be implemented within 1-2 years).

In the first place it was stated that reforms are needed – to institute social and legal changes. Lobbying for these reforms should be based on an assessment of the situation. An analysis of the problems experienced in the country- identification of the needs of women in the socio economic field- should be prepared. Relevant national Action Plan should be implemented. NGOs should develop indicators for monitoring State progress towards implementation of the Plan.

The more specific recommended recommendations are the following:

- Enhancing cooperation:
  - between authorities and NGOs: the role of the NGOs in changing a dead letter of law into a practically applied set of rules is crucial



- between various ministries, governmental institutions and representatives from other countries; international protocols on international cooperation should be created:
- between NGOs and international actors.
- Financial support:
  - resources from the state budget- gender- sensitive budget planning
  - increase of donor contributions addressing women's needs in the socioeconomic field
- Providing social guarantees for women, including women-representatives of vulnerable groups, that would improve their position in the society and would allow them to be more independent, through:
  - Amending labor law in gender sensitive manner, introducing nondiscriminatory provisions (e.g. paid paternity leave)
  - Establishing health insurance system for all women- lifting up economic barriers in access to medical service ( as a result- lifting up barriers in access to medical examination)
  - Guaranteeing pension system
- Establishing network of crisis centers
- Creating comprehensive data base on social guarantees, employment opportunities, available for various groups of women
- Introducing institution of financial compensation to be paid to the victim of the violation by the perpetrator
- Addressing the needs of stateless women

#### **Recommendations addressing legal barriers to access to justice.**

The most important recommendations were the following:

- Reviewing the existing laws by experts, especially in respect of non-discrimination
- Monitoring of implementation of laws by public authorities, Ombudsperson
- Reform of the laws, adopting antidiscriminatory law
- Reform of the legal framework including the adjustment of legal regulations to what already exists in respect of gender equality and non-discrimination
- Training programmes for the representatives of law enforcement institutions, judiciary
- Introducing educational programmes on women's rights and gender equality in schools and other educational institution
- Developing and establishing mechanisms for prevention and suppression of domestic violence.

#### **Recommendations addressing socio-economic barriers to access to justice:**

- Ensuring that eligibility criteria don't prohibit women to enter law enforcement and legal professions
- Putting into practice state's actions aimed to encourage women to enter law enforcement institutions, not only lift the barriers, e.g. by introducing quotas for women in police force
- Implementing effective system of protection against gender based discrimination by introducing a system of sanctions, by providing effective complaint mechanisms and codes of ethical conduct, ensuring institutions' transparency

- -Establishing/ensuring effective work of the office of women's ombudsperson/body on women's issues, which actions should be monitored by the government, Parliament and NGOs
- Establishing public consultative/monitoring bodies within ministries- councils including representatives of women NGOs, responsible for providing gender perspective
- Developing action plans on gender equality in the state agencies e.g. ministries
- Ensuring an effective assistance system for victims of violence – opening crisis centers with free social, medical and psychological services for women, also in the regions
- Unifying reporting system for the organizations working in the field of women's rights
- Counteracting corruption by means of a state programme
- Providing platform for communication and cooperation between state and public institutions and the women's NGOs
- Organizing events on gender equality by local self governing bodies
- Undertaking trainings on women's human rights for lawyers, law students, law enforcement institutions,
- Undertaking trainings for local courts, local social workers – to prepare them for interpreting/ applying law in gender sensitive manner
- Reviewing judicial institutions structure- removing mandates from up to down, depending on the country context
- Making institutions client friendly
- Ensuring the rural women and other vulnerable groups of women have access to an adequate information system on the available legal remedies through supporting NGOs and other actors providing counseling ( e.g. UNDP) at lowest local level

### **Recommendations addressing cultural barriers to access to justice.**

Ann underlined the difficulty in formulating recommendations on cultural barriers, related to lack of clear definitions of 'mentality', 'custom', 'tradition'. The stereotypes (cultural roles, characteristics of woman) are not named, not examined, and not understood well even on the international level.

Ann identified four main types of stereotypes related to women's issues:

- sex stereotypes- generalized view concerning physical characteristic of women and men
- sexual stereotypes- specific sexual characteristic of women and men
- sex roles stereotypes – appropriate role of women and men
- compounded stereotypes - stereotypes about particular type of women

The questions related to these stereotypes are: what are the reactions when women break stereotype? What are the reasons behind these reactions- religion, traditional belief, mentality? How these stereotypes are perpetuated through school education, through the family, through state institutions, legislation?

The main question in terms of destructive stereotypes was: how to fight them down? Ann hit on some ideas, such as: community conversation, community groups, creating public

pressure. The importance of working both with the victims and their social environment as well as rehabilitating the persecutors was emphasized

The key issue identified as a crucial when fighting with negative gender based stereotypes were: working on approach through changing motivation and raising awareness on the effects of stereotypes not just on facts. Participants underlined the need to work with clan structures who are powerful in the traditional society and the need to overcome dominant perception of women's role as mainly reproductive role.

Due to lack of time and complexity of the issue Ola proposed ending this part of the discussion and to continue it via e-mails. The recommendations sent were following:

- To develop educational programmes aimed at changing traditional attitude and stereotypes concerning all types of women's rights violation,
- To take up all measures, including conducting widely spread informational campaigns at national level together with NGOs, aimed at informing society through mass media about the issue of gender stereotypes, violation of women's rights, in particular violence against women and also aimed at changing general attitude towards violating women's rights. It has to be emphasized that domestic violence, forced marriages, bride kidnapping, sexual violence constitute violation of human rights and not only "women's issues". Religious and non formal leaders as well as other interested actors should be involved in the campaigns,
- To assess impact of cultural traditions and values on formation of gender inequality in the country-to define national values and cultural traditions which strengthen gender inequality in the country and work on strategy how to use cultural values in a good way,
- To raise capacity of media to work in the field of gender stereotypes and cultural traditions and improve work with them in this field,
- To increase attention and financial support of international organizations to the work related to gender, cultural traditions and values including religious and stereotypes,
- To widen outreach of the projects in the local communities, mahallas, involving into projects not only women but also men.

## **8. SESSION 5: RECAP & REFLECTIONS**

During this session the previous day of the meeting had been summarized. The participants shared their reflections and conclusions.

## **9. SESSION 6: GENERAL RECOMMENDATION ON WOMEN'S ACCESS TO JUSTICE – UPDATE ON THE PREPARATORY PROCESS**

The session was being facilitated by Ann Campbell.

This session objective was sharing information on CEDAW'S committee process of developing General Recommendation on women's access to justice and exploring possible strategies of lobbying and providing input to the GR through participation in UN events.

Firstly Ola reminded that in order to present their recommendations to CEDAW Committee participants initially planned to attend February CEDAW Committee session (13 February- 2

March 2012) in Geneva and KARAT included such information in budget sent to OXFAM Novib, the donor. However in the light of the newest information on CEDAW Committee works on General Recommendation on access to justice these plans may need to be reviewed. Then Ola gave the floor to Ann who provided an update on the Committee's phase of work.

Ann underlined that the recommendations developed during KARAT strategic meeting may constitute a relevant input into the GR.

She informed the participants that working group on GR, consisting of 10 CEDAW Committee members was formed. The group is headed by Silvia Pimentel, chair of CEDAW Committee. Its members are now identifying areas of special interest in the context of GR. In December working group is expected to develop outline of the document. Draft GR will be finalized during informal discussions between working group members at February CEDAW session. This means that during this session CEDAW Committee will not be open for consultations and receiving submissions from NGOs to GR on women's access to justice. Day of open discussions with NGOs most probably will not take place before July CEDAW Committee session.

#### CEDAW February session

Options for lobbying and advocating during the February CEDAW session are limited. Although NGOs can propose a side event, there are time restrictions- the events can be held only during lunchtimes and the only free lunch times left are first and second Friday and lunchtimes during the third week. There is a risk that participants will not get visibility not only among CEDAW Committee members but also among other women's NGOs. Most probably only NGOs from the particular countries reporting during the Session will be present. Furthermore during first and second week NGO representatives will be busy doing their own lobbying (related to state reporting process) and will be highly unlikely to show up to another events. Afterward they will be gone and only UN members will remain present.

In terms of logistics, the only difficulty in participating in CEDAW Session may be the ground pass application, which needs to be applied for two weeks in advance. KARAT will help with all the issues connected with logistics if the decision is made that it will be the CEDAW session that will be attended within the project.

**CSW Session.** Ann reminded that the CEDAW Committee session is only one of the forums for international advocacy. Ann suggested that in terms of lobbying on GR it might be more useful to attend UN Commission on Status of Women (CSW) Session which will take place in New York, 27 February – 9 March 2012. Official CSW session is a forum where representatives of member states and UN agencies gather. 2012 priority theme is following: *“The empowerment of rural women and their role in poverty and hunger eradication, in development, and current challenges”*.

Huge NGOs community comes to lobby during parallel NGO CSW Forum, where many side events take place outside of the UN in the Church Centre or Salvation Army. Ann emphasized that if the Participants want to prepare a parallel event, it would be quite strong entry point for them to discuss access to justice in terms of the rural women in Central Asia

and Azerbaijan, the subject they are very much familiar with. The deadline for the registration of NGO side event is 3rd December. To register an event, organization has to have ECOSOC status (KARAT and Forum of Women's NGOs of Kyrgyzstan do have it).

Bermet and Chinara, who had experience in participating in CSW session, suggested that logistic arrangements should be taken in advance because the parallel event organization during the Session is rather complicated. Ann also shared information that during NGO Parallel session thematic "Conversation circles"- session aimed at facilitating conversations between groups around mutual interest- will be organized, which may provide very good opportunity for lobbying. Ann described her experience in going to CSW Session with other NGOs that IWRAP A-P assisted.

Interpretation into six UN official languages is provided during the official agenda but during parallel NGO events only informal interpretation by one of NGOs representatives may be available.

**CEDAW July session.** KARAT will not be able to cover participants attendance to the CEDAW July session due to fact that OXFAM Novib decided to terminate the project after 31 March. Nevertheless participants can look for other donors to finance their participation in this session.

There was a discussion: the importance of participants presence during event at international level was emphasized as a chance to lobby and make the Participants' perspective on women's access to justice visible. Ola and Ann were of opinion that the February CEDAW meeting would not give such opportunity.

## **10. SESSION 7 and 8: PARTICIPATION IN THE CEDAW SESSION**

### **a) part I: PLANNING ACTIVITIES (Session 7)**

The session was being facilitated by Ola Solik.

**Decision.** The Participants decided to attend the CSW session. KARAT would inform Oxfam Novib about the changed plans and would let the Participants know as soon as possible if the donor's approval was obtained. If the decision is not positive, the Participants will do their best to use the opportunity of participating in the February CEDAW session for advocacy, lobbying and capacity building.

In terms of attending the CSW session the Participants decided that KARAT will register a side event that will focus on access to justice of rural women.

Even if the proposal of this event will not be accepted, the Participants will be able to lobby and advocate among women's NGOs by attending other sessions, raising the issues of women's access to justice and distributing informational materials on women's access to justice.

**Ngo Parallel Event** The participants willing to go to the session and to take part in the discussion panel organized by KARAT were the national coordinators. A short discussion on the panel scenario was held. The side event during the CSW Session may last 1,5h -maximum

2h, so the length of presentations should be adjusted to the number of the panelists; according to Ann the ideal number of panelists is 4 people speaking for 20 minutes in total. The subjects to be discussed in the context of barriers to access to justice of rural women were domestic violence, bride kidnapping and trafficking in women.

**Budget and funding.** The Participants were informed that the original project budget was planned to cover the cost of attending the CEDAW Session in Geneva. The participation in CSW Session in New York may be more expensive. Therefore the participants were asked to check whether their organizations could possibly cover some travel expenses related to participation in the CSW Session. KARAT from its side, while organizing the event, will try to minimize the cost connected with accommodation in order to ensure participation of all national coordinators.

Ola suggested that the Participants may use their possible contacts with UNDPs in the region, or OSI or some other foundations that might be willing to support the travel grants.

**Timeframe:**

Bermet and Chinara, who already had participated in several CSW sessions, suggested that the first week of the event is the most worth to attend. Additionally Ola shared an information that on the 26 of February NGO Consultation Day introducing to CSW is held and it may be useful to take part in it. In the light of the above mentioned information it was agreed that KARAT representatives and national coordinators will arrive to New York on 25<sup>th</sup> of February and will spend several days there. KARAT will register a panel debate for the first week. The exact number of days to be spent at CSW Session will be known after reviewing the budget.

**CSW Deadlines.** When going to the CSW Session, there is a series of deadlines to be aware of:

- 2 December (the Friday in the week of the Strategic Meeting): registration of the parallel event on UN CSW NGO website- providing more detailed information on the event;
- by 16<sup>th</sup> of December: hearing back from the UN CSW NGO on whether the registered side event is accepted;
- 6 January: completing the detailed information on the event
- 17 January: registration of participants to the official UN CSW session –not necessarily linked to the Participants’ parallel event

**Logistics:**

Participants will need US visas. Bermet ensured other participants that if someone has UN CSW invitation (received automatically after registering to the event) obtaining visa is not a problem.

It was agreed that participants will buy the flight tickets, after consulting the itinerary and price with KARAT, and will be reimbursed for this expense on the basis of the invoice in New York.

## **b) part II: DEVELOPING ADVOCACY TOOL (Session 8)**

The session was facilitated by Ola Solik. Ola reminded that initially the aim of the Project was to elaborate a regional report but due to significant shortening of the project period and limited capacity it is necessary to review the format of the document- advocacy tool.

Ola underlined that while preparing the advocacy tool one should take into consideration its target group and its formula. She suggested that good formula for the document would be the fact sheet. The fact sheet should serve as resource and promoting material. It could be distributed via internet and easy to download from KARAT website for those interested in the subject. Document could be available in English and in Russian.

The fact sheet proposed could include: the Project's perspective on women's access to justice, information on specific problem in each country, reason for taking up the particular subject and recommendations related to access to justice. More concretely, document could focus on the following categories : Country, Problem, Barriers, Recommendations to CEDAW Committee.

All the Participants accepted the fact sheet formula proposed.

Ola declared that the KARAT Coalition Secretariat team in Poland will prepare a draft of the document after the meeting and will send it to the participants for consultation. She reminded that there was not much time left to develop such tool before ending of the project.

## **10. SESSION 9: ADVOCACY AT NATIONAL LEVEL**

This session allowed the participants to exchange the ideas and to obtain inspiration for promoting the issue of women's access to justice at national level. Some of the ideas mentioned and needs expressed were: better cooperation between the NGOs and the state; making a film about the key women's access to justice issues in every country (giving an excellent opportunity to use an interesting tools during meetings, events and lobbying); printing a summarized version of the report; organizing a conference both evaluating the participants' work and promoting the subject (for this extra funds would be needed).

## **11. SESSION 10: FURTHER PROJECT ACTIVITIES & RESPONSIBILITIES**

The session was being facilitated by Ola Solik. The budget along with the time limits was being discussed. Ola reminded that each partner organization had 1000 Euros to spend for the period from 1 November 2011 till the end of January 2012. This amount was intended for expenses on human resources - the expertise, coordination and advocacy. She asked the participants how these funds could contribute to continuation of the work already done within this project- to presenting the research outcomes and elaborating draft country reports on access to justice. She was curious if participants were planning to use the report also for long- termed advocacy. Ola set a deadline for sending elaborated reports for the end of January. She informed the participants that KARAT intends to publish English and Russian version of the reports on its website.

Ola also asked participants that if they will decided to use the funds to coordinate other activities on CEDAW and women's access to justice (sponsored by other donors) to include such information in the financial report. She underlined that exchanging ideas on how to use the funds may be inspiring for all the project partners. Partner organizations planned the following activities in their countries:

**Azerbaijan.** Gender Association Symmetry would like to prepare a booklet or a newsletter based on the report. They will prepare the hard copies of the report for the NGOs, authorities and possibly international institutions. They are also planning to hold a round table between the government and the NGOs where booklets will be distributed.

**Kyrgyzstan.** Forum of Kyrgyz Women's NGOs intend to perform more in-depth monitoring of fulfillment of State commitments under CEDAW; to organize an event with the representatives of authorities, where the report on access to justice will be presented; to incorporate the report into educational programmes for women activists and NGO activists; to publish the report on Forum's website; to include extracts from developed materials in a newsletter (distributed in paper and electronic format); to use the materials on the occasional lobbying. e.g. lobbying in Parliament for changing gender-biased legislation.

**Poland.** KARAT intend to improve the report: to include more quotations, illustrate the barriers in access to legal abortion with more women stories. KARAT is willing to lobby for the recommendations, especially for two recommendations: to adopt new law on family planning and reproductive rights and to stop subsidizing these gynecological health care services which refuse to perform legal abortion from the public fund (NFZ). They will promote the perspective of access to justice in the context of abortion among the partner organizations, including Coalition of Equal Opportunities (Polish coalition of NGOs working on elimination of discrimination).

**Tajikistan.** Public Foundation Panorama intends to publish the report on a popular NGOs website in Tajikistan. They would like to prepare a summary of the report/ excerpts of the report in Tajik language and distribute them in the form of booklets.

**Uzbekistan.** Draft report will be elaborated: Istiqbolli Avlod intends to involve more lawyers working directly with victims to contribute to the report, especially to the part on legal barriers and recommendations how to lift them up. They will consult partner NGOs, including NGOs cooperating with the government, on how to widely distribute the report in the country.

**Timeframe for reporting and the reporting procedures.** The deadline for draft financial reports on 1000 Euro to be spent from 1 November till January 31<sup>st</sup> is February the 6<sup>th</sup>.

The guidelines for financial reports (including date of exchange rate) remain the same as for the financial reports for the period 1 January- 31 October 2011.

### **Final project meeting**

Final project meeting will take place during CSW Session in New York or CEDAW Session in Geneva. During the meeting national coordinators will present original financial reports together with all other required documents and KARAT will provide installments of the grant.



## **12. SESSION 11: EXPLORING THE IDEAS FOR FUTURE COOPERATION**

The session was being facilitated by Ola Solik. Ola ensured that KARAT was doing all the best to raise funds, in order to continue the program related to CEDAW. She emphasized that all the participants are the potential partners for each other.

### **Fundraising**

Nargis mentioned a call from UN Trust Fund to End Violence against Women, a non-deadline request, for not less than 3 years, 1 million USD for 1 project. She promised to circulate the link to this call. Ola remained that there was also an EC call *Investing in People* targeted at activities in particular countries, including Central Asian countries. She also encouraged participants to check grants offered by US National Endowment for Democracy.

Kamila asked to what extent private business can be involved in partnership with KARAT. Ola claimed that one never knows what are the potential risks related to that, and if e.g. a business company acts in an unethical way – this could be a risk for the organization.

Ann informed participants that IWRAW A-P experts are willing to provide assistance in terms of reviewing legislation/suggesting draft law within *IWRAW A-P CEDAW Application Framework Program*. She also offered IWRAW A-P support in raising funds for activities related to CEDAW and women's access to justice.

The participants thanked the KARAT for the assistance and cooperation during all the years of the Project. Ola thanked the whole group of participants for their excellent work and cooperation and closed the meeting.