

*Behind the Scenes Action*

*Learning from a  
Collective Process*

# Behind the Scenes Action

Compiled by Rukmini Datta

## Learning from a Collective Process

Documenting the compilation of 'Divided Destinies, Unequal Lives', a NGO Report to the UN Committee on Economic, Social, and Cultural Right by the People's Collective for Economic, Social and Cultural Rights.



# Contents

List of abbreviations	5
Executive summary	6
Background	8
Compiling Divided Destinies	11
Highlights of the process	17
Analysis	21
Long-term considerations	26
Know-how dissemination	27
Annexure	28

It was extremely helpful to receive first hand information about fulfilment and non-fulfilment of economic, social and cultural rights for different vulnerable groups.

Maria Virginia Bras Gomes  
UN Committee on ESCR Member





# List of Abbreviations

CESCR or The Committee	(United Nations) Committee on Economic, Social and Cultural Rights
Divided Destinies	Divided Destinies: Unequal Lives, an NGO report from India to UN Committee on Economic Social and Cultural Rights, May 2008
ESCR	Economic, Social and Cultural Rights
FIAN	Foodfirst Information and Action Network
ICESCR	International Covenant on Economic, Social and Cultural Rights, a United Nations Covenant to which India became a signatory in July 1979
NREGA	National Rural Employment Guarantee Act
PWESCR	Programme for Women's Economic Social and Cultural Rights
The Collective	People's Collective on Economic Social and Cultural Rights
UN	United Nations

# Executive Summary

Almost two decades after ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR), India came up for review by the UN Committee on Economic, Social and Cultural Rights (CESCR) in May 2008. PWESCR initiated a collective process under the broad umbrella of People's Collective on Economic Social and Cultural Rights (the Collective) and prepared a NGO report to present to the CESCR for consideration during the review in Geneva.

The Collective comprised a range of organisations working on human rights issues, although not necessarily articulating their work within the economic, social and cultural rights (ESCR) framework. The report, *Divided Destinies, Unequal Lives: Economic, Social and Cultural Rights and the Indian State* looked at the status of ESCR taking into consideration gender, livelihoods and labour, dignity, implementation, marginalisation, budget, impunity, entitlements and indivisibility of rights. The report was endorsed by 150 organisations and close to 100 individuals. The Collective was represented at the country review and also put forth its viewpoints at a lunch meeting with the Committee.

The report was well-received by the Committee and, evidently, well-utilised too. Apart from the end-product of the report itself, the process of bringing together viewpoints, opinion and consensus of participating organisations and individuals was acclaimed. It was proposed that the process of bringing the Collective together and writing the report be reconstructed for the purpose of record, reflection and to capture the lessons learnt. This document aims to do just that.

The process of writing *Divided Destinies* was fraught with challenges: ensuring all issues (or as many as possible) were represented; breaking down the UN framework so that it made sense to all the organisations and movements involved; making certain that the end product met the UN deadline, was of high quality, and was in a form that could be actually utilised by the Committee. PWESCR played the role of subtle leader and facilitator in this process.

In the final analysis, the main reasons why the Collective process worked well seemed to be: a broad base of the coalition drawing from diverse experiences; demystification of the UN



system; transparency and collective ownership; a clear understanding of the role of and benefit for each member; short-term and clear goals; presence of a strong team of experts; efficient coordination; prior preparation to understand what makes a good NGO report for the UN, among others.

The Concluding Observations of the Committee were translated into 13 regional languages and given to the member organisations. It is envisaged that they will use the observations of the Committee to seek accountability and action from the relevant Ministries and authorities.

It is hoped that in the future, such processes will see greater participation, especially from those who mobilise people on the ground. While most members felt it appropriate to disband the Collective after the Concluding Observations were brought back, some believed that there is a role for the Collective to play in long-term advocacy. Moreover, there is definitely the potential for sharing the lessons learnt with other civil society groups, especially those in other countries.

# Background

On July 10, 1979, India by ratifying the ICESCR became a State party to this treaty and answerable to the monitoring body, the Committee on Economic, Social and Cultural Rights (CESCR). Guidelines of the Covenant require States to submit regular reports every five years. After submitting the initial report, India failed to report to the Committee. After almost two decades, India was scheduled to be reviewed by the Committee in May 2008. The review provided an opportunity to civil society groups in India to engage with the government, using the international forum of the UN. PWESCR initiated a collective process under the broad umbrella of People's Collective on Economic Social and Cultural Rights (the Collective) to articulate myriad voices from India's civil society culminating in a NGO Report that was presented to the Committee during the review process in Geneva. The report, *Divided Destinies, Unequal Lives: Economic, Social and Cultural Rights and the Indian State*, which used a gender lens to look at rights, was signed by close to 150 organisations and 100 individuals. The Collective was, perhaps, the first national women-led process of its kind, even though its members

spanned organisations and individuals working on a range of human rights issues, going beyond those of women. [Women-led processes for writing NGO reports have been undertaken for CEDAW]

*Divided Destinies* was received positively by the Committee and was recognised as a well-written, substantial and useful document. Apart from the end-product of the report itself, the process of bringing together viewpoints, opinion and consensus of participating organisations and individuals was acclaimed, especially since the organisations represented a range of ideologies and viewpoints, albeit within the larger framework of human rights. Needless to say, the process of compiling the report and making the presentation in Geneva demanded immense logistical coordination to ensure the document addressed every aspect of economic, social and cultural rights. Moreover, it was a colossal task to build the trust of all members, ensure their participation and assure them of their representation. In this document, it is proposed to reconstruct the process of the Collective coming together and working on bringing out the report for the purpose of record.

*The review provided an opportunity to civil society groups in India to engage with the government, using the international forum of the UN.*

In an environment where even a couple of development organisations might find it difficult to work with each other, some questions merit exploration around the Collective. It is these questions that this document attempts to answer:

1. How and why did the 150 organisations come together despite having different opinions, ideologies and viewpoints?
2. What role did PWESCR play in anchoring the process and in ensuring that all viewpoints were brought to the table and were converged to create a common proposal?
3. What was the synergistic value of the Collective?
4. How was a collective ownership established in the whole process?
5. What was different in the Collective when compared to other collaborative efforts of civil society organisations?
6. In an environment where development activities have become the sole domain of funded NGOs and have been increasingly divided into turfs, what was it that made this collective process a success wherein there was no monetary partnership?
7. How can the Collective's energy and benefits be harvested for the future?

## Output

This document attempts to delineate steps in the process of compiling Divided Destinies and script the behind-the-scenes action towards the same. In doing so, the aforementioned questions will be answered.

In the long run, this document is envisaged to help other countries undertake the process of compiling a NGO report for the Committee effectively.

## Methodology

- Much of the process of the Collective coming together, deliberating and finally bringing out Divided Destinies has been reconstructed by reading minutes of meetings, consultations and email exchanges between members. They helped recall how organisations coming from various standpoints finally ratified the document and how PWESCR's role was established as the anchor of the process.
- Documents, presentations and films prepared for the purpose of distribution to members to help demystify and clarify the UN process helped understand it better and to create a backdrop for the document.
- A questionnaire was administered over email to a sample of members

They helped recall how organisations coming from various standpoints finally ratified the document and how PWESCR's role was established as the anchor of the process.

of the Collective. The sample was drawn up by PWESCR and covered members who were actively involved in the process of compiling the report and represented a range of perspectives and organisational ideologies. Many of the people who received the email questionnaire preferred to respond through free-flowing telephone and face-to-face interviews. In all, views of 13 respondents are included in this document. A couple of them collated response from their colleagues (see Annex) while some of the responses have been quoted

throughout. Although the interviews were not audio recorded, extreme care has been taken to ensure that the essence of what respondents said has not been distorted.

- Employees of PWESCR who were involved with the report compilation process were spoken with at length to understand the behind-the-scenes preparation and action for the report.
- A telephone interview was conducted with Maria Virginia Bras Gomes, a UN CDESCR member.

# Compiling Divided Destinies

## The Process

PWESCR first established contact with organisations working on human rights, women's rights and economic social justice issues during an 18-month mapping exercise that concluded in December 2006. This was prior to the formalisation of the organisation, at a time when it was trying to understand the lay of the land with respect to organisations using rights and human rights perspectives in their work, and among them, those actively using the gender lens. This mapping process helped PWESCR reach out to a wide range of organisations through discussions on the gender perspective in human rights work and more specifically on economic, social and cultural rights.

A few months prior to India coming up for review by the Committee on Economic, Social and Cultural Rights (the Committee), PWESCR felt a NGO report using the gender perspective should be compiled and presented. At that time, PWESCR had been recently established and had only three staff members, minimal infrastructure and resources. It started speaking with a small

group of organisations expressing the interest to be involved in such a process led by older, established groups. Apparently, no such process was underway and PWESCR was assured of support if it took the lead in putting together a report for the Committee. There were some questions about a nascent organisation taking the lead. It was agreed upon that the process was a collective one, with equal ownership of all members.

**Formation of core group:** A core group of 12 members was formed and it met formally in September and October 2007, in Delhi and Mumbai, to discuss the strategy for writing the NGO report. It was this core group that steered the larger collective process. At the consultation, PWESCR ensured that all the members were on the same page with respect to an understanding of the UN process and the role that the NGO report would play, with the help of a presentation, film screening and a binder containing relevant information.

**National Consultation I:** The core group members reached out to a large number of organisations and individuals of

whom over 60 attended a National Consultation in December 2007. This marked the beginning of the Collective process. The Collective was informed by its stance that the framework for rights has to emerge and evolve around people and their situations, and not the other way around whereby people's concerns are often forced to fit into the existing framework.

The Collective's members represented a wide range of concerns: education, sexual rights, housing, displacement, social security, indigenous peoples' rights, family, livelihoods, trade unions, conflict, among others. While some organisations clearly defined themselves as human rights organisations, others aligned themselves more specifically with an ESCR agenda. Some classified themselves as working on gender issues and others described their work in the general sphere of development.

Broadly, the consultation covered: (a) the context of the UN and the modality of NGO reporting, (b) drawing up a plan of action, (c) narrowing down chapters based on issues, and (d) creating sub-groups to work on each chapter. Yet again, PWESCR ensured that the UN process was clear to everybody. The issues that would be covered in the report were agreed upon and the Collective divided itself along thematic lines into sub-groups, fixed

responsibilities, agreed upon a course of action and set deadlines. Guidelines for the Collective to work within were set e.g. using credible evidence. The members of the sub-groups were trained to collect information and evidence for the report in keeping with the proposed structure of the report. They formed the group of 'contributors'.

**National Consultation II:** On 4 February 2008, the sub-groups reconvened and presented the draft chapters that had been written. Critical input came from members especially in areas of convergence e.g. the sub-group on education commented on the fact that the chapter on Right to Work did not mention vocational education; those working on displacement said that the chapter on Child Rights should touch upon how displacement affects children. Such points were incorporated and the chapters were submitted to a 'drafting committee'. Concerted effort was made to fill information and knowledge gaps where they existed. For instance, it was evident in the Consultation that there was not much clarity on issues connected to agriculture. In the following month, a consultation was organised with an expert on agriculture policy issues (Mr. Devinder Sharma). This consultation, subsequently, helped the Collective develop the chapter.

For each thematic area, or a cluster of areas, one person on the drafting

committee bore nodal responsibility. The drafting committee was supported by 'researchers' who were responsible for ratifying accuracy of data, verifying sources of information and ensuring all research gaps were filled.

**Saturday meetings:** For nearly three months after the second Consultation, the drafting committee and representatives of each sub-group met every Saturday. These weekly meetings were crucial to keep everybody connected, to keep the process on track and to adhere to the deadline of bringing out the report on time. The points of discussion were:

- The stage of completion of each chapter
- An understanding of who needs to be contacted for further inputs
- Comment on submitted material and about additional work required.

The proceedings of the Saturday meetings were sent out to the other members of the Collective to ensure that they were connected with the progress of the report.

**Finalisation of chapters and endorsement:** Based on its own input and from that of independent experts (at the beginning of March) the chapters were finalised, the report compiled, edited and sent out for endorsement to

all the members of the Collective. By 24 March 2008, 150 organisations and close to 100 individuals sent in their endorsement for the report.

**Submission to the CESCR:** The NGO report was printed and sent to Geneva and reached the Committee by the deadline of 1 April 2008.

**Public release:** Divided Destinies was released at a press event on 2 May 2008 by Dr Sayeeda Hamid, member of Planning Commission who addressed the press from the Planning Commission's perspective. Copies of the report were distributed to representatives of Ministries.

**Presentation in Geneva:** The Indian government was reviewed by the Committee on 6-7 May 2008 in Geneva. About 30 civil society organisations' delegations from India had an opportunity to attend the review. Representatives of the Collective were present at the review and had also organised a lunch meeting with Committee members. Although this was an unrecorded meeting, it gave them an opportunity to put forth concerns to the Committee, which in turn, sought clarifications and further information.

The members of the Committee had been sent the report in advance and were, evidently, aware of the issues that were covered. They urged for greater

accountability, release of disaggregated data about the outcome from welfare schemes and better implementation of the ICESCR it had ratified. Subsequently, the Committee formulated Concluding Observations and asked the State party to send its next report in 2011.

**National Consultation III:** One of the Committee members, Ms. Maria Virginia Bras Gomes, was especially appreciative and supportive of the Collective's work. She agreed to help the Collective plan the implementation of Concluding Observations. A National Consultation was organised on 7 July 2008 in which Ms. Gomes was present on PWESCR's invitation. It comprised sharing experiences by the representatives who were at the review, sharing Concluding Observations, prioritising issues to be addressed and drawing up a thematic action plan for the forthcoming two or three years.

[Based on the Concluding Observations by the CESCR, the Collective planned to hold a day-long dialogue with representatives of concerned Ministries and departments culminating in a press conference. However, this dialogue could not take place because of Ministry representatives backing out on procedural grounds.]

## Final product

The structure of Divided Destinies corresponds to the Articles of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and followed CESCR article grouping structure to make it more user friendly for the Committee. It has five sections divided into 20 chapters and the division of sections is based on article clusters in the Committee's review process. The overall format of the report was such that empirical facts from different sources were used to assess the Government's claims. The aim was to make it easy for the Committee to ask questions of government representatives. Broadly, there were two premises cross-cutting all themes: areas which must be governed by legislation but currently none exist (e.g. social security) and areas where the implementation of existing laws is ineffective or absent (e.g. child marriage).

Collective consensus on how to structure the report prevented conflicts. Some concerns about discrepancy in space given to different issues were put to rest by the fact that every chapter was restricted to three pages.



## List of chapters

Issues were grouped according to Articles of the ICESCR and the CESCR review process which is carried out in clusters.

### Articles 1 to 5

1. Indigenous Peoples' Rights
2. The Question of Resources
3. Rights of Women
4. Rights of Dalit Women

### Articles 6 to 9

5. Right to Work
6. Right at Work
7. Trade Union Rights
8. Right to Social Security

### Articles 10 to 12

9. Rights in a Family
10. Declining Sex Ratio
11. Right to Food
12. Crisis in Agriculture
13. Right to Adequate Housing and Land
14. Livelihood Development and Displacement
15. Women & Microcredit
16. Right to Physical and Mental Health

### Articles 13 to 15

17. Right to Education

### Critical Issues

18. Women and Conflict
19. Rights of Muslims
20. Sexual Rights

The last section added was 'Critical Issues', since these three areas were considered indispensable for a report of this kind, but did not find a suitable fit corresponding to any Article cluster. It was a challenge to ensure that all issues of significance are given space in the report, even those which were not represented in the Collective by members. Notwithstanding this conscious effort, the Collective, by its own admission, could not include some themes due to time and other constraints. In no way, did it consider them any less important than the issues represented.

The structure of chapters was agreed upon in consultation. One of the members of PWESCR had extensively studied the making of a good NGO report. She had also attended the review of another country which helped her understand what the Committee seeks in a NGO report. PWESCR, thus, brought with it the understanding of how to pitch the report and to communicate in the 'language' of the UN. This understanding was laid out over the thematic expertise of members of the Collective and the final result is well-organised, precise and focussed chapters backed with credible evidence.

Every chapter examined the issues it represented along the following parameters:

- Gender
- Livelihood and labour
- Dignity
- Implementation
- Marginalisation: inclusion and equality (Dalit, indigenous and minority)
- Budget
- Impunity (violators getting away)
- Entitlements
- Indivisibility of rights

A standard format was used for writing each chapter:

- Every 'right' was dedicated three pages for the sake of brevity. It was clear that the Committee would not spend any more time considering it.

- For each right, three prime issues were identified and highlighted in order to maintain focus through wherein the gap in de jure and de facto entitlements was discussed. This section covered what is missing in government reports.
- This was followed by evidence from credible sources including government data.
- Questions that the Committee could put to government representatives were listed.
- Recommendations that the Committee could make to the government to implement the right more effectively were mentioned.

# Highlights of the Process

## Demystification

Demystification and dispelling the myth of an elitist UN process was part of PWESCR's agenda right from the beginning. It believes that people for whom rights are conceived are most important to the process, and not the language and framework of rights. The core of the process of producing Divided Destinies was to bridge the gap between the rhetoric and reality in human rights.

Several grassroots organisations have been working on economic and social justice issues without using the label of human rights or ESCR and without relating their work to the provisions of the Covenant. It is important for people working on the ground to know how Articles of the Covenant translate in their work with communities and individuals. Through continual reiteration of the way the UN works, PWESCR wanted to ensure that every member of the Collective was on board and was aware of how their contribution to writing chapters for the report (like providing evidence from their own field-based studies) could finally lead to better conditions of people they worked

for. Presentations, discussions, a film delineating the steps of treaty body procedures, and a binder containing relevant information were used to talk about the process in lucid terms. For many organisations it was a discovery of a new means to pose questions to the government based on its own ratification. Overall, the take-back for groups was an understanding of where they can pitch their issues before the government vis-a-vis the Concluding Observations of the Committee. For extensive distribution the Concluding Observations were translated into 13 local languages by the members of the Collective.

Maria Virginia Bras Gomes' visit to India and her interaction with members of the Collective helped bring the UN to the people for which it exists and established links with recommendations made for local advocacy. In New Delhi, she met a group of protestors demanding justice for victims of the gas tragedy in Bhopal. They were visibly moved by her effort to explain the provisions of UN Covenants and procedures which could help them in their struggle. She also pointed out to

*'There is no clear articulation of what human rights, as expressed in Covenants, mean on the ground. For instance, what does 'right to dignity' mean for an individual woman in a village? PWESCR helped provide a meeting point for those working on the ground and those who speak the language of human rights.'*

*'A lot of grassroots organisations are unaware of what is happening at the UN. The process of writing Divided Destinies brought about a new realisation of the fact that they could take up a stand for questioning their government based on its ratification.'*

them the particular Concluding Observation that the Committee had given India in context of Bhopal gas tragedy based on the evidence they had submitted through the NGO report to the Committee.

## Leadership

The Collective comprised members who were experts in their own areas. PWESCR took on the role of leader and coordinator of the Collective and the report-writing process in such a way that it facilitated in a subtle, yet passionate, manner. Producing a quality report that addresses all the issues in a well-rounded manner was the key to the process. It required PWESCR to direct while it gave space to everybody to express themselves. This was essential to ensure that everybody's contribution could be utilised even as the output adhered to the deadline and quality standards of the UN.

PWESCR made a special effort to engage groups who do not articulate their work as "human rights". It helped them understand how the Covenant applies to them and how it can be used. At the end, members from diverse groups and civil society organisations truly felt that their voice had been included in the report, even if it appeared as a single point of evidence.

The entire process was consultative and

PWESCR ensured that all members were kept in the loop. Those who were not present at Saturday meetings were sent updates over email. A listserv was set up to facilitate email exchange. There was constant sharing and a common vision for the Collective while putting together the report.

Even while coordinating with multiple organisations, issues, ideologies, priorities and people, the Collective had to keep clear sight of the deadline of producing the printed report and submitting it for review by the Committee. PWESCR's staff undertook this role and tracked progress on a daily basis. The Saturday meetings of the drafting committee and chapter representatives were crucial in this respect. A chart of the status of every chapter was drawn up and assessed against deadlines.

## Quality output

Maria Virginia Bras Gomes pointed out that the Committee often finds it difficult to use reports even when they have useful information because they are not well-organised. In the case of Divided Destinies, she said, the Committee had clear points of entry from where they could ask questions of the State party delegation. In order to achieve this, PWESCR had done a lot of groundwork in understanding what comprises a good NGO report for the

Committee. In November 2007, Priti Darooka from PWESCR went to Geneva and observed the Paraguay country review. This helped her formulate a knowledge base on how the process functions and what the Committee was looking for at the time of review.

In keeping with this understanding, *Divided Destinies* was written in a crisp manner covering a range of issues and rights. Every chapter had a standard format (as previously mentioned) so that it was targeted and highlighted relevant elements. The large volume of information coming in from contributors was edited down by the researchers and drafting committee in a way that the essence was not lost and the element of feminist analysis was maintained. Questions that the Collective wanted to pose to the State party were clearly mentioned to help the Committee further. It needs to be said here that the entire process of conceptualising, writing and compilation of the final product was completed in four to five months of intensive activity.

Statistics and evidence are crucial for the NGO report. However, it does not help the Committee to have either State or civil society statistics exclusively, because while the former attempts to prove that the situation is favourable, the latter tries to prove the reverse. What the Committee needs is a combination of

data from credible sources of both kinds. *Divided Destinies* provided just that. The Collective, however, identified government sources as the most credible. Once an issue was raised by a grassroots group, researchers scanned government documents to get data to back it up. The strategy was that the government will not be able to refute its own data.

## Presentation

There were multiple levels of presentation of *Divided Destinies* and of the Collective's viewpoints before the Committee: the printed report, a private lunch meeting with the Committee and the review itself. The printed report was sent almost a month before the review in order to give the Committee time to read it and cull out issues that it wished to discuss with representatives of the government. At the time of review, it was evident that members had read *Divided Destinies* and found it useful too. Members quoted from the report, extensively in the case of the section about the implementation of the National Rural Employment Guarantee Scheme.

The Collective was represented by five of its members in Geneva for the actual review. The lunch meeting was an opportunity for representatives to put forth their viewpoints in only a couple

*'PWESCR did a commendable job by forming a broad-based collective and including the voices of diverse groups of civil society organisations.'*

*The process of writing Divided Destinies was different from that of writing other 'shadow' reports because the output had to be very precise and had to be brought out in a very short period of time.*

of minutes. Representatives of the Collective had prepared themselves in advance and encapsulated their positions accordingly. PWESCR had organised for a person of Indian origin working for FIAN International in Europe to read the Collective's statement on the Opening Day of the Committee as members from the Collective could not be in Geneva on that day.

During the lunch meeting and the subsequent State review, the Committee sought clarifications and further information from representatives of the Collective. From its advance exploration about the way country reviews are conducted, the Collective was aware that the review room had Internet connectivity. It had set up a Skype chat

with the PWESCR office in Delhi where a couple of people were on call during the review. Other members of the core group and subject matter experts were available on the phone at this time. Whenever a query came up for which the information was not available with the representatives in Geneva, they would refer to other members in India through this channel and source it within a matter of a few minutes. During her interview for this documentation, Ms. Gomes made a special mention of the fact that some additional information about Special Economic Zones was made available within minutes giving an impression of thorough and well-coordinated back-stage management as well as a sense of involvement of all members.

# Analysis

## Challenges

Needless to say, every step of orchestrating the production of *Divided Destinies* was a challenge. Surprisingly, it panned out very smoothly, perhaps because no individual person or one organisation was setting the agenda. Every member had the larger goal in mind and was free to contribute. For instance, if a member of the Collective felt that a certain issue or group was not represented, s/he was free to introduce them to the group for consideration.

For PWESCR, *Divided Destinies* was a turning point. The organisation was at a nascent stage, with a couple of staff members and no significant resources. It was both a member and facilitator, leading the process with the conviction of the need to bridge the gap between the rhetoric and reality of rights. It had to play a delicate role of moderation in not imposing its own ideas even as it facilitated the logistical process.

The drafting committee played a crucial role in ensuring that all voices were heard and included, and issues that were not represented by members in the Collective were also given space. A major

challenge was to edit down the information submitted by members in a way that would fit into the format, yet not lose any part of what was being put forth, all within the non-negotiable submission deadline.

Another challenge was breaking down the ICESCR framework so that it made sense to all the organisations and movements involved. Many organisations were not clear about the way the Committee worked and felt alienated from its procedures and benefits. It was essential to demystify the procedure and to convince them that it existed for their benefit.

## What worked?

Undoubtedly, the greatest achievement was that the NGO report was in fact produced with the myriad people, viewpoints and commitments involved. It did not matter that all the members of the Collective were not, and are not, on the same ideological page. What was important was that they managed to come together under a common umbrella, undertake an ESCR analysis of their work from a feminist perspective,

*Many 'shadow' report processes depend solely on government data. *Divided Destinies* used data from all sources. It was evidence-based and conceptually very strong.*

and work towards the common output of the report. A ripple effect of involving organisations by individual members helped create a large, eclectic base in which even small organisations could leverage their position.

An understanding of ESCR and how the CESCR could be used by organisations and movements helped create a momentum even among those who do not identify themselves as 'gender' groups e.g. trade unions. The focus, nonetheless, was clearly on integrating a gender analysis. The Collective process is recalled by members as democratic, participatory and professional. It included those who were beyond 'the converted'. There was direct dialogue and open discussions and participation.

After the launch of ESCR Net in Chiang Mai in 2003, the need for social movements and grassroots groups to focus on advancing ESCR was discussed, *Divided Destinies* was the first feminist analysis of India in this direction. Within issues identified, inter-linkages were made: between child rights and displacement, and between vocational education and the right to work, among others.

In summary, successful factors in creating *Divided Destinies* include:

- The broad base of the coalition drawing from diverse experiences of its members and their work, thus

strengthening its demand for implementation of human rights with specific reference to ESCR using the principal of inclusiveness and collective effort.

- Generating a common understanding of the UN system by demystifying it and breaking the elitism of human rights dialogues. The common understanding of the language of rights also helped bring diverse groups on to a common platform.
- A clear understanding of the role of and benefit for each member implied that there was no question of contesting turf. This was aided further by the total absence of monetary partnership.
- Short-term and clear goal of bringing out a quality document covering as many issues of concern as possible.
- Identifying a strong core team of experts and a drafting committee was key to ensuring the quality of the document.
- Efficient coordination and managerial efficiency was essential and PWESCR played its role in ensuring this.
- Multi-sector approach and interconnectedness of issues made for the creation of a complete report.



- Reliable data and evidence was drawn from different sources, both government and non-government (NGO and movements' own studies), to give strength to the issues raised and present a balanced view of the situation from both perspectives.
- Preparation to understand what makes a good NGO report and what the Committee seeks helped make it relevant for them. The visit made to the UN beforehand, indicated to the Collective how India's review would be carried out, how much time was dedicated to each issue, how representatives could be in touch with other members to seek clarifications, etc.
- Continuing the process of holding the State party accountable ensured that the momentum that had been built around writing the report and presenting it did not die out. The Collective brought back the Concluding Observations of the Committee, and translated them so that groups across the country could raise them with the government. Holding a press conference also got media attention.
- Bringing the UN to the people by inviting the CESCR representative to participate in a dialogue with the Collective and with members of Ministries helped strengthen the

follow up to presenting the NGO report in Geneva.

What emerged in the end was a women-led process which brought together diverse groups of contributors without anybody being 'threatened' by feminist analysis. The report was not seen as a women's rights report but a 'people of India' report. It gave hope that indeed gender can be mainstreamed! It also helped break the trend of women working on reports pertaining to CEDAW or on issues of health and violence against women.

For members working on human rights issues, the biggest take-back was a sense of connection with the UN Covenant and clarity on the possibility of using it. For PWESCR, a then nascent organisation, it helped reiterate belief in the fact that the framework of the UN could be broken down and brought close to the people. This has helped inform their future course of work.

### What could be done differently?

When asked about what could be done differently if the report were to be written again for the next round of review, respondents said the following:

- The process of writing the report now needs to be shifted to the next level or broad-based to other

*PWESCR had an understanding of how to pitch the report and of the language of the UN. Contributors were experts in their own areas. These two areas of expertise were combined to bring out the report.*

organisations. For instance, next time around, an organisation other than Nirantar<sup>1</sup> should be able to write the chapter on education. This will be an indication of this round's level of involvement of all organisations.

- In general, the number of members in the Collective needs to be increased. In particular, the number of 'mobilising' organisations needs to be enhanced (as opposed to 'intermediaries'). Ideally there needs to be a healthy mix of those who can write (largely from intermediaries) and those who can check what has been written from first hand information (mobilisers).
- Before embarking on setting up an alliance around ESCR, there has to be greater clarity on beneficiaries and the boundaries that are being set in its definition. All groups and communities must be represented by such an alliance. The cultural rights of tribal communities, for instance, must not be overlooked. Similarly, other marginalised groups, too, have to be considered and given access to ESCR entitlements. This clarity will help identify members of the Collective better.
- The compartmentalisation of issues into chapters implied that some overarching important politics were ignored, most importantly globalisation. People's issues have a

<sup>1</sup>Nirantar a member organisation of Peoples Collective that works on the right to education for women.

link to the era of globalisation which has impacted politics of land and farmer suicides among other things. Although the components of the report are political, the larger frame is not.

One of the respondents felt that although the report was not meant to be a "women's report alone", it was viewed as one since it was compiled by a women-led process. This was contrary to the actual process of writing the report that was women-led but encompassed groups working on a range of human rights issues. Some men's groups tried to dismiss the Collective's credibility, but once the report was presented they wanted to take over the process and subsume it into their own. In the future, it should be absolutely clear that the process is to be women-led.

- A larger administrative base and beginning the process more ahead of time would have helped roll it out better.

Virtual communications saves time and money, which are major advantages. However, they often compromise on the depth of engagement. Many people do not read online as closely as they listen in meetings. Needless to say, replacing virtual communication with face-to-face interaction requires a large amount of resources (time, money, human).

## Comments on the Collective and Divided Destinies

'What was commendable was that the process was well consolidated and gave a sense of joint ownership. Different organisations brought in expertise. During the review, first hand additional information, for example on labour rights in Special Economic Zones, was provided in a very short time. Evidently, the organisations that had contributed were clear about the process of consideration of the report by the Committee as well as of the need to be ready to supply further information, giving a sense of continued engagement. There was a sense of the right organisations having been picked and of the process carrying through.

When I came to India, for the National NGO consultation, I got a further sense of the process ongoing. The Concluding Observations had been translated into local languages. Many people were interested in carrying things forward. Of course, it is a State Party obligation to take forward the commitments based on the Observations, but civil society has a very important role to play.

NGO reports are useful for the Committee when the chapters are well constructed. Divided Destinies did not have excess information and gave clear entry points for the Committee to ask questions of the State party delegation. For instance, in the NREGA chapter there were focussed points which could be picked up as questions about Dalits, inequality, right to work, right to social security, etc.

It is not helpful to have a large report focussed on one right. It is too much effort for limited use. People do a lot of good work and have a lot of things to say about their own issues, but the Committee cannot take up only a single issue with the State Party. It needs a range of issues. We need more targeted reports. Case studies and examples help us shape our focus. The report has to help ask questions of the State Party. Therefore, we need sufficient information and statistics, in addition to the State's statistics that may not always present the correct assessment. So, we need both sets of statistics from which we can do our own interpretation based on real information from the ground.'

*Maria Virginia  
Bras Gomes,  
UN CESCR  
member*

# Long-term Considerations

*The Collective cannot survive on the strength of the report, or on the energy generated by the need to come together and write the report.*

*Had the Collective continued to exist it would have become a PWESCR project which was never the aim.*

The Collective came together to produce Divided Destinies and it did so. It made an impact at the CDESCR meeting. The country review was, evidently, informed by the report and by the presence of representatives of the Collective. The Collective translated the Concluding Observations of the Committee and shared them among civil society organisations and with the government. It was envisaged that individual members would utilise the Observations as they found most suitable in their work and advocacy. It was hoped that through this process, a new methodology for questioning the State had been introduced to all members.

Most respondents felt that disbanding the Collective at the end of the process was wise. If it continued to survive in 'non-reporting' times, it would need to have a common agenda of mobilisation on the ground to keep it going. It would also end up becoming a project which would need to be funded and housed in one of the member organisations.

Some respondents, however, felt that there is space for the Collective to exist and to engage in advocacy as one entity. It could represent ESCR concerns of India from a women's perspective in other platforms like the World Social Forum. A collective engagement with the government pressing for action based on Concluding Observations should have been incorporated in the planning process right at the beginning.

Clearly, many people were mobilised by the Collective around the possibility of using international Covenants to help enhance their work by seeking accountability from the government. In the long-term, there is a need to assess what and how much impact it has had on marginalised groups. However, for that assessment the process has to grow organically from where the Collective left off. [In Maharashtra, two state-level meetings were organised to see how the Concluding Observations could be taken forward.]

# Know-how Dissemination

At the end of the process of writing and presenting Divided Destinies respondents feel there is scope for sharing the experience and lessons learnt with other civil society groups, in other countries. Writing a NGO report is not only about getting the information, it involves a number of well-orchestrated activities: gaining access to the government report where it exists; organising the report so that it is easy for review committees to draw from it; editing it down so that it is clear, yet contains all voices without losing essence and information; gathering and providing well-rounded evidence; utilising the available scope for representation at the UN.

PWESCR would now like to disseminate this information in the form of a

guide/manual, using audio-visual and print mediums. It is envisaged that this guide will be utilised by community-based organisations and other civil society groups who have not been using the help of international conventions to seek accountability from the government, often times because they are not aware of its possibilities or mechanism.

The guide will draw from the Collective's experience and look at the modalities of: (a) working with the UN system, (b) writing a NGO report and (c) presenting it. It will be located in the Collective's experience, but will be applicable to a Global South milieu.

# Annexure

## Interviews in person

Anuradha Rajan  
Independent

Pramada Menon  
Independent

Poulomi Pal  
PWESCR (at the time of writing  
Divided Destinies)

Priti Darooka  
PWESCR

J John  
CEC

Vijayan MJ  
Delhi Forum

## Telephone interviews

Maria Virginia Bras Gomes  
UN CESCR member (Portugal)

Suman  
FIAN

Subhalakshmi (consulted Jaya Sharma  
and Malini Ghosh)  
Nirantar

Sreekala  
NEN Delhi

Kalyani Menon Sen  
Jagori (at the time of writing  
Divided Destinies)

## Email response

Shivani Bhardwaj  
Sathi All For Partnerships

Chaitali Bhatia (after consultation  
with Sunita Kujur)  
CREA

Name: .....

Organisation name: (if you represented your organisation in the Collective)

Address: .....

Phone: .....

Email ID: .....

Objectives of your organisation: .....

Activities (in brief):.....

1. How did you get to know of the Collective and become a part of it?
2. Why did you join the Collective?
3. What did you envisage the objectives of the Collective to be?
  - a. Do you think the envisaged objectives were achieved? Why and why not?  
Please elaborate on your response about the extent of achievement.

Questionnaire

Envisaged objectives	Extent of achievement	Reason for achieving (or not)

4. How do the objectives and vision of the Collective relate to your organisation/group's ideologies and objectives?
5. At what stage(s) were you involved?
6. What was your role in every stage of involvement?
7. Please mention the role of the other members (you could name a few if you wish or mention the role of other members in general)?

8. What was the role of PWESCR in this endeavour?
9. Do you feel that all the organisations involved synergised their strengths in compiling the report?
10. The Collective's process and final output have been held in high regard by the Human Rights community.
  - a. What do you feel appealed about the process?
  - b. What do you feel appealed about the output?
11. Do you think this process can be replicated again with the same members? Why or why not?
12. Do you think this process can be taken to other countries in South Asia? Why or why not?
13. If you had to undergo the process of compiling the report all over again what change(s) would you make? Mention at least one and up to as many as you wish!
14. Have you or your organisation had any experience of interacting with the UN? In what way?
15. Was your past interaction different from this one?
16. Were you aware of the procedure of NGO reporting to UN Committees before you joined the Collective?
17. Are you part of other civil society collectives? If yes, do they function in similar ways as this one? If not, how are they different?
18. There is a lot of talk about NGOs not being able to work together because there is concern over sharing of turf and funding. None of that appeared to have manifested in this process. Do you agree? If yes, how was that achieved? If you do not agree, please elaborate.



## Committee members

### Core committee

Indira Hirway, Sreekala MG, Rekha Gujre, Govind Kelkar, Dominic D'souza, Manisha Gupte, Joy Deshmukh Ranadive, Gagan Sethi, and Anuradha Rajan

### Drafting committee

Kalyani Menon-Sen, Niti Saxena, Pam Rajput, Priti Darooka, Poulomi Pal, Soma Kishore Parthasarathy, Sreekala MG, Sunila Singh

### Researchers

Hannah Simpson, Margaux Hall, Vanita Falcao, Vineet Rathee, Yewande Ogunnubi

## Acknowledgments

This document was made possible with the generous support of the Ford Foundation.

### Advisor

Priti Darooka

### Copy Editor

Phaedra Engel-Harrison

### Printers & Design

Systems Vision



