



# BEIJING BETRAYED

Women Worldwide Report that Governments Have Failed to Turn the Platform into Action



Women's Environment &  
Development Organization



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Have Failed to Turn the Platform into Action

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WOMEN'S ENVIRONMENT & DEVELOPMENT ORGANIZATION

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is an international organization that advocates for women's equality in global policy. It seeks to empower women as decision makers to achieve economic, social and gender justice, a healthy and peaceful planet and human rights for all.

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“Although this prize comes to me, it acknowledges the work of countless individuals and groups across the globe. They work quietly and often without recognition to protect the environment, promote democracy, defend human rights and ensure equality between women and men. By so doing they plant seeds of peace.”

—WANGARI MAATHAI, NOBEL LAUREATE, NOBEL LECTURE, OSLO, DECEMBER 10, 2004

“The Beijing Platform for Action is the strongest statement of consensus on women’s equality, empowerment and justice ever produced by the world’s governments. It is a vision of transformation—of what the world can be for women and men, for this and future generations.”

—BELLA ABZUG (1920-1998), WEDO CO-FOUNDER AND FOUNDING PRESIDENT



# INTRODUCTION

BY JUNE ZEITLIN

**B**eijing Betrayed is the fifth global monitoring report published by the Women's Environment and Development Organization (WEDO) assessing governments' progress in implementing the commitments they made to the world's women at the United Nations Fourth World Conference on Women in Beijing, 1995.

*Beijing Betrayed* brings together the diverse voices of women in some 150 countries in subregions across Africa, Asia and the Pacific, Europe and North America, Latin America and the Caribbean and West Asia to influence the United Nations 10 Year Review of the Beijing Declaration and Platform for Action. This report presents women's realities—their concerns, experiences, perspectives and analyses—in the implementation process and contrasts sharply with the more formal and often abstract reports governments have presented.

The reports presented here are a testimony to women as agents of change and give us cause for celebration. They show that women advocates everywhere have stepped up their activities since Beijing using the Platform for Action and other key global policy instruments to push governments into taking action. In every region of the world, women have taken the lead in crafting legislation and conducting public awareness activities to promote women's human rights, peace, and sustainable development.

But the reports also provide powerful evidence that key governmental commitments to women—the Beijing Platform and the outcome of the Beijing Five-Year Review, Cairo Programme of Action and 1979 Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)—have yet to be achieved. The title, *Beijing Betrayed*, reflects the core of women's critique—"governments worldwide have adopted a piecemeal and incremental approach to implementation that cannot achieve the economic, social and political transformation underlying the promises and vision of Beijing" (see Global Overview, page 10). The reports speak loudly: the women of the world don't need any more words from their governments—they want action, they want resources and they want governments to protect and advance women's human rights.

Women understand that implementation falters because of powerful negative political, economic and social trends constraining the global environment as well as progress at the national level. WEDO's 1999 monitoring report, *Risks, Rights and Reforms*, assessing government actions five years after the International Conference on Population and Development, sounded a global alarm calling for a reversal of "disturbing economic, environmental and political trends that threaten the health and sustainability of our increasingly vulnerable planet." But instead of a reversal, women have witnessed an expansion and deepening of this crisis.

A combination of global trends—the predominance of the neo-liberal economic framework, growing militarization, and rising fundamentalism—have created an environment that is increasingly hostile to the advancement of women's human rights. Since Beijing, the neo-liberal economic model and market-driven policies—particularly changes in trade and finance rules, and the deregulation and privatization of public goods and services—have increased poverty and intensified inequalities between and within nations, with the harshest impact falling on women, the majority and poorest of the poor. Women's work in the care economy remains unaccounted for in gender-blind macroeconomic policy and poverty reduction strategies that further exacerbate the feminization of poverty.

These conditions are perpetuated and structural inequalities reinforced by the enormous power wielded by large transnational corporations and the World Trade Organization, along with the failed economic prescriptions imposed by the International Monetary Fund and the World Bank. The dominance of these institutions in conjunction with the most unilateralist U.S. administration in decades has deepened the crisis in global governance and contributed to the weakening of the United Nations.

Escalating militarism and new and revived fundamentalisms, both secular and religious, have created a stifling climate for progressive change. Increased militarization since the September 2001 attacks in New York and Washington, framed by the U.S. "global war on terror" and invasions of Afghanistan and Iraq, comes on top of an increase in regional ethnic and communal violence in many parts of the world. Fundamentalist parties, often led by or supported by the U.S., seek to rollback the gains of Cairo and Beijing, particularly on sexual and reproductive health and rights, and to limit the freedom and opportunities of women and girls around the world. The devastating impact of all of these trends intensifies women's social and cultural vulnerabilities, especially the poorest and those coping with the consequences of the HIV/AIDS pandemic.

Operating within this difficult climate, which constrains available resources and narrows public perceptions about acceptable roles for women, few governments have mobilized the political will or leadership at the highest levels to comprehensively carry out the commitments made to women at Beijing. This inaction in the face of such intense opposition to women's rights, underscores the conclusion of this global report—that governments have betrayed the promises they made in Beijing.

## Beyond Beijing + 10

As with previous WEDO global monitoring reports, *Beijing Betrayed* is an advocacy tool to hold governments accountable for the commitments they have made to women. We are confident that women around the world, who put so much collective energy into this report, will find multiple ways to use it locally as a source of new ideas and experimentation, for mobilization and policy reform, and globally to press for further commitments and to "bring back Beijing" into the Millennium Development Goals. It will also serve as a benchmark against which women can assess future progress and for countries to see how they compare with others in the region and around the globe.

In conclusion, I want to acknowledge the path-breaking leadership and powerful voices of WEDO's founders. 2004 brought great pride, when Wangari Maathai, one of WEDO's founding board members, received the Nobel Peace Prize. There was sadness too in the passing of Mim Kelber, passionate thinker, writer and fighter, who co-founded WEDO with Bella Abzug. Since WEDO's last monitoring report, the longest-serving founding Board members—Jocelyn Dow, Thais Coral, Brownie Ledbetter and Chief Bisi Ogunleye—have retired from the Board. I thank all of them for helping to get us to this place, and they can rest assured that the energy, spirit and commitment they brought to WEDO for over a decade lives on.

*June Zeitlin is Executive Director of Women's Environment and Development Organization.*

# PUTTING IT ALL TOGETHER

**T**he 2005 WEDO monitoring report *Beijing Betrayed* has been a collaborative effort from the outset. An exchange of ideas between the WEDO staff and Board of Directors in 2003 was followed by the establishment of an International Advisory Group, comprised of regionally diverse feminist activists with expertise across a range of issues. A questionnaire (reprinted on page 202) was then developed to guide national and regional responses.

While focusing on the Beijing Platform for Action, the questionnaire reflects the understanding that new issues have emerged more forcefully since 1995—issues such as peace and security, trade and finance rules, sustainability and HIV/AIDS—and that the linkages across all 12 Critical Areas of Concern are now even more complex and intertwined. It captures the critical issues in seven themes: Human Rights; Peace and Security; Power and Decision-Making; Poverty Eradication; Education; Natural Resources and Environmental Security; and Health.

WEDO liaised with regional and subregional networks, partners and colleagues to obtain additional perspectives and to recruit contributors with broad ties to the women's movement. We were overwhelmed by the enthusiastic response; women everywhere affirmed the need for a new global monitoring report to impact the 2005 Beijing+10 and Millennium Summit+5 Reviews. Contributors and national organizers translated and disseminated the WEDO questionnaire and mobilized feedback from national and regional groups. Organizations and individual women shared their Beijing+10 assessments and reports, data, expert views and photographs.

It was soon clear that one size does not fit all when it comes to the international women's movement—all the contributors used the questionnaire as their starting point, but they have taken different approaches and emphasized different themes depending on subregional priorities and the rich diversity of women's daily lives and experiences. Following is a regional overview of the different ways the analysis and assessments were brought together.

## AFRICA

Since the questionnaire responses in Eastern Africa focused mainly on human rights, the contributors supplemented the report with interviews with activists and information from a subregional shadow report prepared for Beijing+10. In West Africa, the questionnaire was taken to a subregional meeting to garner responses, and interviews were conducted with women's groups and women in government. Both subregions submitted their reports in French. In Southern Africa, telephone interviews were conducted for 11 of the 14 countries.

## ASIA AND THE PACIFIC

In Central Asia the information was compiled by a rural women's NGO, in collaboration with other women's organizations in four countries and drawing on alternative reports for CEDAW. In East

Asia, women's groups from Japan, Mongolia and South Korea collaborated on the report, together with individual university women in Hong Kong and Taiwan. China submitted a separate report. In Southeast Asia, women's organizations in Cambodia, Malaysia, Philippines and Vietnam completed the questionnaire and provided regional reports assessing implementation of ICPD and Beijing commitments. In South Asia, various networks coordinated country reports. In Bangladesh, representatives from nine women's organizations met in workshop-style meetings to exchange information. The coordinators note that, "though there might be shortcomings in the report, the beauty is its collectiveness, sincerity and the mutual cooperation among different organizations." National reports came from India, Nepal and Pakistan. In the Pacific, academics and activists collaborated at the national level to produce New Zealand's report and a broad group of feminists collaborated throughout the Pacific Islands, bringing together information from 15 small island states.

## EUROPE AND NORTH AMERICA

The basis of the EU report was a review of the Beijing Platform for Action by the European Union, conducted by the European Women's Lobby. This was supplemented by reports from individual countries and regional women's organizations. In Central Europe and the Commonwealth of Independent States (CIS), the questionnaire was translated into Russian and distributed to academics and activists. The Canada report grew out of a meeting of feminists and national Aboriginal women's organizations and used indigenous women's rights as a standard to assess the progress of women. In the United States, information was drawn from responses received from 10 national organizations working in all thematic areas, supplemented by two national reports.

## LATIN AMERICA AND THE CARIBBEAN

In Latin America and the Spanish-speaking Caribbean, a network of social justice NGO's translated the questionnaire into Spanish and coordinated distribution to and synthesis of questionnaires for 20 spanish-speaking countries. Similarly, a regional women's network coordinated contributions from its representatives in 14 states of the Caribbean Community (CARICOM).

## WEST ASIA

Responses were difficult to collect in West Asia, due to political and social constraints on women's organizations. While the subregion has emerged within the international women's community since 1995, outreach to activist groups continues to be a challenge. Although the questionnaire was translated into Arabic, most responses were not received in a timely manner to include them in the report. Egypt submitted a country report and information on the other countries was drawn from existing NGO reports.



# ***GLOBAL OVERVIEW AND REGIONAL SUMMARY***



# GLOBAL OVERVIEW AND REGIONAL SUMMARY

## Governments, Lacking Political Will and Adopting a Piecemeal Approach to Implementation, Stall the Women's Equality Agenda

### INTRODUCTION: THE PROMISES

**A**t the Fourth World Conference on Women in Beijing, China in 1995, 189 governments declared their determination “to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity.” Their Beijing Declaration spoke eloquently of commitment to gender equality, women's empowerment and women's and girl's human rights. They adopted the Beijing Platform for Action and committed to its implementation, urging “the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men” to join them in this noble effort. In the Political Declaration issued at the five-year Review of Beijing in March 2000, governments reaffirmed their responsibility to implement the Platform for Action.

In September 2000 at the UN Millennium Summit, 191 governments again reaffirmed their commitment to gender equality and women's empowerment. In the Millennium Declaration the governments pledged “to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable,” to combat all forms of violence against women and to implement CEDAW.

But despite the policy gains at Beijing and in other United Nations global forums of the 1990s as well as the Millennium Summit, and despite a decade-worth of efforts to use these documents to achieve legal and policy changes to protect and advance women's rights at the national level, many women in all regions are actually worse off than they were 10 years ago.

The subregional reports outlined in *Beijing Betrayed* have found that while there has been progress made through women's advocacy and mobilization, government inaction has stalled progress on national implementation of global commitments:

More governments have ratified the Convention on the Elimination of Discrimination Against Women (CEDAW); it has been ratified by 179 countries, up from 146 a decade ago. The Optional Protocol, which enables women to file complaints directly with the CEDAW Committee was adopted in 2000 and ratified by 71 countries to date. But despite these gains, few countries have removed their reservations, and few have incorporated CEDAW's provisions into domestic policy. In some cases explicitly discriminatory laws still remain.

Security Council Resolution 1325, adopted in October 2000, emphasizes women's equal and full participation in conflict prevention, peacekeeping, conflict resolution and peace-building.<sup>1</sup> However, there is insufficient public awareness of the resolution and women are still rarely present at decision-making levels or in leadership roles.

At Beijing, governments committed to gender balance in power

structures and decision-making, setting a goal of 30 percent representation, but the average of women's representation in parliament has crept up by just over four percent over the decade from 11.7 to 15.8 percent. However, there have been stunning achievements in many countries through the adoption of affirmative measures such as quotas from local panchayats in India, to the parliament of Rwanda, to the judges elected to the International Criminal Court.

Though women's poverty and role in the economy were addressed in the Beijing Platform, women continue to be the poorest of the poor, concentrated largely in the informal and agricultural sectors, often working in flexible employment, hazardous conditions and with few if any labor protections. Many formal sector jobs have been eliminated, pushing women further and further into informal and often precarious work. Most successes for women's labor rights to date have been around the formal wage economy, where some governments have adopted new legislation dealing with discrimination in the workplace, including equal pay and sexual harassment. Lack of women's access to economic and natural resources and essential public services continues to be a key challenge to the eradication of women's poverty.

Efforts to engage more men in child and family care are being pioneered, with some success, in the Nordic countries. But in most parts of the world, unremunerated family care responsibilities continue to rest on the shoulders (and backs) of women and measures to create conditions of equity in sharing family welfare and household responsibilities are lacking.

The goal of universal enrollment in primary education for girls and boys contained in both the Beijing Platform and the Millennium Development Goals is likely to be met in 2005 except in sub-Saharan Africa and West Asia. However, school dropout and illiteracy rates remain high for girls, inequality persists at higher levels of education, and very few governments are taking action to revise school texts and curricula to counteract gender stereotyping.

Women play a critical role in managing natural resources and have extensive knowledge and experience of the water, land, and energy supplies that sustain households and communities. Yet women still lack land tenure or inheritance rights in many countries and current trends such as water privatization undermine their ability to own, manage, use and conserve these resources and to provide for themselves and their families.

Worldwide, women are still struggling for the right to autonomy over their own bodies. Violence against women has gained greater visibility and more government attention and legislation, but few measures address the root causes of violence or challenge the entrenched cultural norms which permit rape and domestic violence to be viewed as a private family matter. Moreover, war rape and other forms of coercion and sexual abuse still plague countless women and girls caught in situations of armed and ethnic conflict, despite international laws

While there has been progress made through women's advocacy and mobilization, government inaction has slowed movement on national implementation of the global commitments.

#### FLASHBACKS

Top: Women rallied in New York for Beijing +5.  
Bottom: In Beijing, Conference Chair Gertrude Mongella (R) with (L-R) WEDO's Bella Abzug and Madeline Albright, then U.S. Secretary of State.



making such acts war crimes and crimes against humanity.

Trafficking of women and children into bonded sweatshop labor, forced marriage, forced prostitution and domestic servitude has become a larger global concern, but the reports give little indication that governments are making significant efforts to combat these crimes or to protect the human rights of women affected by them.

There also continues to be significant threats to women's health. Access and affordability remain problematic worldwide, particularly affecting low-income women and women in rural areas. In the case of women's reproductive health, obstacles such as access and affordability are compounded by cultural and religious fundamentalism.

Women and girls are also most at risk from HIV/AIDS, primarily because of continued patterns of sexual subordination, and the stigma attached to the disease makes obtaining services all the more difficult. In many parts of the world, the impact of the HIV/AIDS pandemic has also further increased women's income-earning, domestic, and care-taking responsibilities.

According to the subregional reports brought together here, the rhetoric has failed to play out in the reality of women's lives. Governments worldwide have displayed a lack of will in turning their commitments to women's rights into decisive action, instead adopting a piecemeal and incremental approach that cannot achieve the economic, social and political transformation underlying the promises of Beijing.

The international women's movement has had a stake in the United Nations beginning 30 years ago with the first world conference on women and the launch of the Decade for Women. The UN emerged as a critical vehicle for the global women's movement, and its world conferences resulted in greater recognition of gender inequalities and propelled governments to make global commitments to advance women's rights. While the UN is the most universal and legitimate

global governance institution, it finds itself at a crossroads, as it is being undermined by the growing dominance of the international trade and finance institutions, and weakened by a lack of resources and power imbalances among its diverse membership. In the coming year, governments will be considering a series of major proposals for reform of the UN. Despite its weaknesses, women continue to challenge the UN, pushing for a stronger forum for women's mobilization and ability to influence global policy.

#### HUMAN RIGHTS

The Beijing Platform states that the full and equal enjoyment of all human rights and fundamental freedoms by women and girls is a priority for governments and the United Nations and is essential for the advancement of women. In keeping with this, most nations of the world have now ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)—up from 146 in 1995 to 179 in 2005, or more than 90 percent of the members of



Religious fundamentalism and neo-liberal economic policies are converting poor grassroots women in India into both agents and instruments in a process of their own disempowerment. These forces are not necessarily acting in concert, but are effectively utilizing certain 'gender myths'—i.e., "feminist insights [that] become mythologized as they become development orthodoxy."<sup>2</sup> We examine the impact on grassroots women in India of two of these myths.

Gender myth I: Giving poor women access to economic resources—such as credit—leads to their overall empowerment. This myth arose out of successful feminist efforts to shift economic resources into women's hands, gain recognition for women's roles in household economies and enable poor women to influence local development. However, the idea that women are the best investment for poverty alleviation, and the mass-scale creation of so-called women's "self-help groups," are actually intended to foster a form of depoliticized collective action that is non-threatening to the dominant power structure and political order. For example, one of India's largest poverty alleviation programs, in the southern Indian state of Andhra Pradesh, was focused entirely on rural women. Its underlying assumption was that by making small loans to rural women on a mass scale, the state could abdicate from all responsibility for rural poverty alleviation, leave it to women to improve their families' and community's lot, and earn rural women's allegiance for the ruling party. In fact, that party was thrashed in the next election as poor women, exhausted with the burden of numerous productive activities and multiple loan repayments, expressed their ire through the ballot box. But in other parts of the country, the narrowly focused self-help groups have rendered women oblivious to the fundamentalist mobiliza-

tions going on under their very noses.

This is not to suggest that economic empowerment programs are uniformly disempowering—the successes of micro-credit for women are well documented. But we must be more aware of how such interventions are being designed and delivered in increasingly disempowering ways, instrumentalizing poor women and being distorted to serve other agendas.

Gender myth II: If women gain access to political power, they will opt for politics and policies that promote social and gender equality, peace and sustainable development. Thus, quotas or other methods of ensuring high proportions of women in elected bodies will transform these institutions. Women will alter the character of political culture and the practice of public power.

For decades, feminists have argued that women's access to power and decision-making authority in the public realm was as critical to achieving gender equality as changing power relations in the private sphere of households. We assumed that once women had access to political power, they would act for greater justice and equity. In India, however, far from women transforming politics, evidence of the reverse is mounting. Particularly frightening is the way in which fundamentalist parties have mobilized and fostered women's political participation to advance their own agenda. At the grassroots level, we are witnessing both this kind of instrumentalization and the marginalization of women elected representatives in multiple ways, in a manner very similar to what is happening in other parts of the world.

The myths regarding women's capacity to transform both politics and public power clearly underestimated the ability of the existing system to corrupt, co-opt or marginalize women, or how it would compel

or manipulate them to compromise their goals for narrow party interests. We failed to address the possibility that women would be proponents of reactionary, sexist, racist, elitist or fundamentalist ideologies.

If we then combine the depoliticized forms of collective action promoted by state-sponsored women's micro-credit programs, the mobilizations of women by fundamentalist groups, and the subversion of the agency of elected women, what emerges is a deeply problematic construct of women's citizenship: the docile, apolitical poverty fighter in local economies, and the militant fundamentalist fighter in local politics.

But this is a serious learning moment for feminists. We are at a historic juncture where the marginalization of feminist critiques and mainstreaming of feminist strategies forces us to change our own constructs and approaches, which means looking much more closely at what is happening to women on the ground. We must examine and unearth the deeper, more fundamental processes of restructuring power and politics that are afoot—the ways in which resurgent patriarchy, neo-liberal economics and fundamentalism are combining to construct a new kind of female citizen. The challenge now is to move towards more nuanced and contextualized approaches that can hopefully begin to confront and contain these formidable forces.

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## Notes

1. Based on an article published in *IDS Bulletin*, Vol. 35, No.4, October 2004, pp 11-18, Sussex, Institute of Development Studies.

2. Andrea Cornwall, Elizabeth Harrison and Ann Whitehead, Concept Note, Workshop on 'Gender Myths and Feminist Fables: Repositioning Gender in Development Policy and Practice,' Institute of Development Studies, University of Sussex, 2-4 July 2003

the UN. In 1995, the Pacific Islands and Territories subregion had the largest number of countries—eight out of 22—that had not yet ratified CEDAW. By 2004 this figure had climbed to 14. In West Asia seven more countries have ratified CEDAW since Beijing, giving rise to more open debate on women's human rights.

Citing conflict with national laws, cultural practices and religious beliefs, a number of States Parties in South Asia, Southeast Asia, West

Asia, Northern Africa and the Pacific have entered reservations to core aspects of CEDAW, namely condemnation of discrimination against women in all its forms (Article 2); in social, cultural and family-based patterns of conduct (Article 5); in political and public life (Article 7); regarding nationality (Article 9); and regarding marriage and family relations.<sup>2</sup>

The U.S. is the only industrialized nation that has not yet ratified

CEDAW. For years the Convention languished in the Senate, and although it was reported favorably by the Foreign Relations Committee in 2002, the current administration has failed to provide crucial support to move it forward. The city of San Francisco, however, enacted a local ordinance in 1998 based on CEDAW principles. Others that have not yet ratified: Brunei Darussalam, Cook Islands, Holy See, Islamic Republic of Iran, Marshall Islands, Monaco, Nauru, Niue, Oman, Palau, Qatar, Somalia, Sudan and Tonga.

As of January 2005, 71 countries had already ratified the Optional Protocol, which was adopted in 2000 and empowers women to make submissions to the CEDAW Committee and the Committee to initiate inquiries.

CEDAW reporting is mixed. Some subregions report countries have been slow due to lack of political will, poorly qualified government personnel, inertia within successive political administrations and lack of response mechanisms (Pacific, CARICOM). Others testify to regular reporting by most countries that take treaty provisions into account in preparing national documents (CIS, EU).

### CEDAW Compliance and National Law

Some subregions report that CEDAW ratification has been positive as nations sought to be in compliance. In East Asia, China adopted its first basic law on the protection of the rights and interests of women; Japan revised its nationality law, changed high school curricula and adopted the Equal Employment Opportunity Law, and many local governments have adopted their own ordinances for gender equality.

Some progress was reported in Southern Africa, where the judiciary has used CEDAW to make judgments on women's rights. Some countries in the subregion have initiated measures aimed at domesticating provisions of CEDAW and some other international human rights instruments. However, most governments in all regions have not yet translated CEDAW into concrete measures that can be put into operation at the local level.

In some regions, such as Central Asia conditions of women post-CEDAW ratification have actually worsened and there has been little or no movement on the rights of indigenous, minority, immigrant, disabled and other particularly vulnerable women (Canada, Aotearoa/New Zealand).

Regarding national discriminatory laws, progress has been made in some regions in the crafting and passage of national laws against discrimination and violation of human rights. A number of countries in Northern Africa have reviewed their constitutions in line with the Beijing Declaration and Platform for Action, and the constitutions of the Southern African Development Community (SADC) countries emphasize "equality before the law." However, in both urban and rural areas, there is no widespread knowledge or awareness of these constitutional provisions.

Yet, even where non-discriminatory laws and national machineries have been in place over time, this has not curtailed inequity. CIS countries have no discriminatory legislation regarding equality and all have adopted national action plans and set up institutional machineries for women's advancement, but this has not lessened discrimination against women since there are no effective mechanisms to monitor and enforce the laws. In the European Union, the right to equality has been integrated into the foundations and objectives of the Amsterdam Treaty (1999), which mandates the Community to eliminate inequalities and promote equality of women and men in



Facing the press, former WEDO Board Chair Jocelyn Dow.

all its activities. Despite these measures, however, human rights policies very often fail to protect women's rights as recognized by both European and international texts.

Women most often cite patriarchal backlash and lack of political will at the institutional level as the greatest obstacles to governments implementing and enforcing CEDAW and national human rights laws.

These reports are replete with examples of how pervasive is the power of those forces wishing to hold back women's rights—in the Pacific, culture and religion are often used to justify discrimination against women. In the EU, women's advocates express alarm at the growing importance of religious fundamentalism, with references to religion and tradition more and more frequently being invoked as a justification for increasing control over women and girls. Sexual and reproductive rights of women are particularly under threat. Aotearoa/New Zealand reports a reaction against feminism, with a significant and vocal segment of the society of the view that women's empowerment has received sufficient attention. The center-right main opposition party has recently appointed a spokesman for men's health because, it says, the rise in women's rights is overshadowing men's needs.

Despite legislative gains in many countries, discriminatory laws remain on the books that constitute a total denial of women's basic rights and reinforce discriminatory practices, mainly in the areas of personal status and marriage subject to customary rules.

Right wing forces purport to "protect" culture, tradition and religious values while promoting the "natural" status of women as primarily wives and mothers. In West Africa, the laws governing the individual and the family confer in nearly all countries the monopoly of power and decision-making on the husband as the "head" of the family. For instance, Mali institutionalized obligatory obedience to the husband; in Togo, a husband may oppose his wife's taking a job.

In some CARICOM countries, women who marry foreign men cannot acquire citizenship for their husbands, but men who marry foreign women receive automatic citizenship for their wives. Additionally, women are required to obtain permission from their husbands before they undertake some basic reproductive health procedures.

In the Gulf countries of West Asia, women who marry foreigners are forced to give up their nationality, and although this restriction does not apply to women in the non-Gulf states, they cannot transfer their national-



Women are particularly discouraged from using national laws because of the tedious procedures, the cost of litigation and very limited access to the legal system.

ity to their husband or children from the marriage. There are still laws in the subregion that allow fathers to marry off their daughters as young as 12 or 13 years old, and a woman is still required to have a male guardian to validate her marriage.

Blockage of progress at the institutional level is a serious problem. Again and again the regional reports point to a lack of political will on the part of governments as the basis for weak institutional machineries and enforcement structures, inadequate resources and lack of follow-up action. To be sure, poverty often plays a role, but much more could be achieved if governments were determined to find the way. The Eastern Africa report points to Tanzania, where the Attorney General's Office is still studying the Law Reform Commission's review of national laws and its recommendations submitted in 1992, as an example of where the spirit is willing but implementation remains slow or nonexistent.

The Aotearoa/New Zealand National Action Plan for Human Rights fails to address women's equality and human rights or to even mention CEDAW. Moreover, in all regions women in particular are discouraged from using national laws because of the tedious procedures, the cost of litigation and the distance of the courts. Many people have little knowledge about their rights and very limited access to the legal system.

In the U.S., enforcement of sex discrimination legislation has been declining under the Bush administration with a quiet phasing out of the few institutional mechanisms intended to promote gender equality and women's empowerment. The current Government has voiced concern for human rights violations against women internationally, but has often undermined women's sexual and reproductive rights on the global stage, including restricting funding to overseas groups that provide comprehensive reproductive health services including abortion, in addition to slashing its funding to the United Nations Population Fund (UNFPA).

### Public Awareness

The Beijing Platform calls on governments to work actively to promote women's rights and to provide gender-sensitive human rights



education and training in the public system. But in all regions, CEDAW and the Optional Protocol are not well known and human rights awareness lags.

Women's rights activists have used these international commitments to advance local struggles, and there are a few stand-out cases of them being used to particular success in individual cases—in Nepal (South Asia) to demand tougher rape laws and in the Philippines (Southeast Asia) and Brazil (Latin America and the Spanish-speaking Caribbean) to successfully lobby for a gender equality provision in the Constitution. In India, the Supreme Court applied CEDAW principles to cases on sexual harassment at the workplace and to the right of the mother to be the guardian of a minor child (South Asia).

Few governments have made an effort on public education about human rights through the education system or media campaigns as stipulated in the Platform for Action. One exception is Vietnam (Southeast Asia), where there are gender awareness training courses, measures to remove gender stereotypes in school textbooks and radio and television programs featuring gender equality. Another is Guyana (CARICOM), where human rights are included as a subject in the school curricula.

According to all reports, civil society organizations, with support from bilateral and multilateral agencies, have been much more proactive than governments in promoting action on women's human and legal rights. Pacific women have worked with human rights groups on training, advocacy and technical support to influence CEDAW ratification, implementation and reporting and created a regional agreement on women's rights—the 1995 Pacific Platform for Action.

In Southern Africa, a number of national associations of women lawyers and paralegal centers have been set up to help explain the law and assist poor women with court litigation. These centers translate laws into local languages and make it easier for community members to understand laws and make informed decisions. In West Africa, significant advances in gender-sensitive human rights education and training for public officials have been due to the work of regional organizations. Doctors, police officers and traditional and religious leaders have become more committed to CEDAW after outreach actions and training. In the CARICOM region, women's networks in collaboration with country-level chapters have conducted training of trainers with police officers who subsequently become tutors in their in-house programs.

A popular website in Jordan (West Asia) provides information about women's human rights, but women's groups still cannot hold national level public meetings to critique gender-based discrimination in countries such as Kuwait, Oman, Saudi Arabia and Syria. The situation has improved in the other Arab countries, where women have been able to hold landmark gatherings.

Despite a chronic lack of financial and human resources, NGOs in many regions have conducted public education programs and published texts in local languages. They have simplified texts and presented these in more accessible formats such as comic books, posters and slide shows. Local women's NGOs have conducted seminars and training courses for women to explain how to use the legislation to protect their rights.

## Violence Against Women

In the Beijing Platform for Action, governments agreed to “take urgent action to combat and eliminate all forms of violence against women in private and public life, whether perpetrated by the State or private persons...” Yet, the issue of violence against women remains an acute problem affecting some two thirds of women in relationships worldwide. The reports support these data. For example, in Kazakhstan (Central Asia) over 60 percent of women suffered from physical or sexual violence at least once in their lifetime, and nearly one third of U.S. women (31%) report being physically or sexually abused by a husband or boyfriend at some point in their lives, with young women aged 16-24 particularly at risk. In 2000, 44 percent of married women in Colombia (Latin America) suffered violence inflicted by male partners and 11 percent of pregnant women reported abuses. In Canada, Aboriginal women are three times more likely than non-Aboriginal women to experience partner violence, and that violence is more likely to be severe and potentially life-threatening.

Violence against women has gained more visibility and more government attention and legislation worldwide, but domestic violence still goes largely unopposed and unchecked by church and social structures due to entrenched cultural and customary norms. It has often been trivialized as a natural part of family life. However, these views no longer go unchallenged. Across the world, women’s and civil

society awareness-building campaigns and public pressure on governments have been breaking the silence that surrounds the issue of traditional and contemporary culture-based violence against women.

In Morocco (Northern Africa), civil society pressure has resulted in revision and adoption of progressive legislation and the establishment of counseling centers and a data collection system in police stations. The SADC governments (Southern Africa), pushed by women’s advocates, have promulgated anti-violence laws, including sexual offenses acts that criminalize marital rape and the willful transmission of HIV/AIDS.

In West Africa, women’s rights organizations mobilized against female genital mutilation (FGM) and won positive legislation in Benin, Burkina Faso, Côte d’Ivoire, Ghana, Senegal and Togo.

NGO-led family and women’s counseling centers now exist in almost every Pacific country. In addition, the Fiji Police Force, pushed by Fijian NGOs, has adopted a “no-drop” policy for domestic violence cases, meaning that any complaint received by the police must be prosecuted.

Many of the measures taken by governments do not challenge the root causes of domestic violence, which is still largely regarded as a private matter. Others do not go far enough—for instance, the EU has no Treaty article on violence against women, despite its transnational dimension and prevalence across all Member States, and a

## Box 2. Human Rights and Human Security BY CHARLOTTE BUNCH

Women all over the world saw the Beijing Platform as a vital social compact between governments and citizens who pledged to work together for the human rights and human security of all women. The Platform recognized that meeting women’s needs in areas from education, housing and food security to ending impunity for violence against women was not only desirable for development but also a human rights obligation of governments.

Women’s activism has brought increased awareness of the massive daily violations of women’s basic right to bodily integrity (violence against women, rape as a war crime, high maternal mortality rates, etc.), and of the sex discrimination still present in areas such as education and property rights. It has also revealed many women’s lack of access to justice and the basic conditions necessary for exercising their human rights.

As a result of this growing awareness, international standard setting on gender-specific forms of discrimination and abuse has advanced over the past decade. New mechanisms include the Optional Protocol to the Convention on the Elimination of All

Forms of Discrimination against Women, the International Criminal Court articles on rape, forced pregnancy and gender-based persecution and UN Security Council Resolution 1325 on Women, Peace and Security. Regionally, there is a new Optional Protocol on Women’s Human Rights to the African Charter on Peoples and Human Rights, and Special Rapporteurs on women’s rights have been appointed in Africa and the Americas. At the national level, more laws have been passed addressing women’s concerns, particularly domestic violence.

Women are also increasingly engaged in addressing global issues, and this has brought new energy and constituencies to debates on human rights, security and the UN. At the same time, however, increasing militarism and the growth of fundamentalisms of many kinds, as well as the inequities produced by global economic policies, have become major obstacles to achieving the promises of the Beijing Platform. Since September 11 many countries have used the excuse of ‘national security’ and the ‘war on terror’ to undermine human rights and further neglect women’s daily human

insecurities, which are caused less by terrorism than by poverty, violence, lack of control over their sexual and reproductive lives, etc. These issues are also fuelling the spread of the HIV/AIDS epidemic.

The Report of the UN Commission on Human Security redefines global security in terms of human and ecological needs instead of national borders defended by militarism. This approach holds promise for women, but it is losing ground in the current political climate. Women need to use Beijing +10 and the review of the Millennium Summit in 2005 to reinvigorate these ideas and bring greater gender awareness to them. This is an urgent moment for advance or retreat on the issues of human rights and human (in)security for women around the world. Governments must take concrete steps and commit resources not only to the implementation of the Beijing Platform but also to address the challenges that have arisen since Beijing that impinge on women’s rights and lives.

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draft declaration on combating domestic violence will have no legal status. Even when legislation exists, violence is so deep-rooted and widespread it cannot be curtailed. In Bangladesh (South Asia) law enforcement authorities find themselves ineffective to contain gang rape, acid violence, dowry deaths and trafficking. Some government actions silence women's voices—in Bahrain (West Asia), for example, where women were denied permission to organize a national conference on the issue of domestic violence.

Governments have too few programs to train judicial, legal, medical, social, education, police and immigrant personnel on dealing with violence against women. In Kazakhstan (Central Asia), for example, most of the limited training is carried out by women's NGOs. But when the police fail to investigate and take legal action against perpetrators of violence against women, they often engender a climate of impunity, as in Bangladesh (South Asia).

The trafficking of women and children into bonded sweatshop labor, forced marriage, forced prostitution, domestic servitude and other kinds of work has become a larger global concern since Beijing, but the reports give little indication that governments are making significant efforts to combat these crimes or to protect the human rights of the women affected by them. Generally there are few government-sponsored prevention programs and, where anti-trafficking legislation exists, penalties are weak. Often, trafficked persons are treated as immigration offenders and detained and incarcerated prior to deportation.<sup>3</sup>

There has been a dramatic rise in the number of women being trafficked from the CIS to North America and Western Europe, and up to 175,000 women from Eastern Europe and the CIS are being drawn into the sex industry in Western Europe each year.

## PEACE AND SECURITY

### Security Council Resolution 1325

In line with the Beijing Platform, Security Council Resolution 1325 was adopted in October 2000, marking the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women.<sup>4</sup> It calls for an end to impunity for gender-based abuses during and after conflict, the integration of a gender perspective in peace-making and peacekeeping, and equal participation of women at all levels of decision-making and in all stages of peace processes and reconstruction. It calls for action from a wide range of stakeholders, including governments, the UN Security Council, the UN Secretary-General and all parties to armed conflict.

The power of the principles codified in Resolution 1325 continues to give women worldwide an authoritative resource to draw on as they struggle to rebuild their war-torn societies and become powerful participants rather than powerless victims.<sup>5</sup>

### Public awareness

Across most subregions, there is as yet little public awareness of Security Council Resolution 1325, but this is changing as more and more

public education activities are mounted by NGOs and governments.

In war-torn Central, Eastern and West Africa, women have embraced the Resolution. Working with other civil society groups inside and outside the regions, they have organized an array of actions to promote it including training workshops and consultations, campaigns and cross-cultural exchanges. They are also using media—the “Voices of Women” radio program, broadcast in Gambia, Guinea Bissau, Liberia and Senegal, aims to increase women's awareness and participation; a website launched by the Mano River Women's Peace Network features testimonies, case studies, drawings and poetry; a community women's peace-building manual has been developed for use in a “women in peace building institute” in West Africa.

Actions are also being mounted by women elsewhere. In the EU, women in France are circulating a petition on 1325 urging citizens to mobilize for implementation, and a network of women in Germany advocates for implementation and monitors the Government's work as a member of the Security Council. Women's groups in Georgia (CIS) created the Women's Peaceful Council to popularize the resolution among women and governmental officials.

On the island of Mindanao, Philippines, women launched a peace offensive with the slogan: Look at Peace through Women's Eyes 2000, to counter increased hostilities between the government armed forces and the Moro Islamic Liberation Front (Southeast Asia). A 1325 training in El Salvador (Latin America and the Caribbean) brought women's organizations together with representatives of the judiciary, the media and human rights groups. International women's groups based in the U.S. use Security Council Resolution 1325 to advocate for women's participation in peace processes, although the resolution is not applied to national processes.<sup>6</sup>

There are a few examples of progressive government action. Sierra Leone has introduced ‘peace teaching’ at the university and at the primary school level (West Africa). Japan has assisted women's participation in post-conflict peace building in Afghanistan; while in South Korea, some measures have been taken to empower women in the reunification process with North Korea, but gender perspectives are absent in the process (East Asia). Although Arab governments strongly endorse 1325 for the rights of Palestinian women, West Asia governments have taken no steps towards implementation.

The EU report criticizes Member States for their apparent reluctance to take a leadership role in promoting world peace. The European Parliament adopted a Resolution on the Participation of Women in Peaceful Conflict Resolution, which focuses on the EU and compliments SCR 1325, but there are no common standards for the behavior and conduct of soldiers and peacekeeping forces, including humanitarian aid workers, acting on behalf of the EU in areas of conflict and war.

In general, governments have been slow to take action towards implementation and have made little effort to integrate gender perspectives in conflict prevention, management and resolution. Women are rarely present at the decision-making tables to negotiate peace agreements or post-conflict reconstruction processes, and very few

The principles codified in Resolution 1325 continues to give women worldwide an authoritative resource to draw on as they struggle to rebuild their war-torn societies and become powerful participants rather than powerless victims.



are involved in foreign policy. Defense force peacekeepers are not trained in gender analysis to assess their activities. Few women participate in peacekeeping missions. The absence of women in diplomatic positions and decision-making posts remains an obstacle to women's participation in conflict prevention, peacekeeping, peace-building and post-conflict resolution and reconstruction.

### Asylum Seekers, Refugees, Internally Displaced

Governments have failed to provide the "protection, assistance and training to refugees and internally displaced women" agreed at Beijing. Women and children constitute 75 percent of the 36 million refugees and internally displaced persons worldwide.<sup>7</sup>

Since the collapse of the Soviet Union, almost nine million people have been internally displaced by ethnic conflict and civil war (CIS). In West Asia, an estimated five million Palestinians, six million Iraqis and 15 million Lebanese, forced to flee their homelands due to foreign military occupation (Palestine), war and internal civil war (Lebanon) or war and political oppression (Iraq), are living as refugees in various parts of the world.

The accounts set forth in these regional reports point to the absence of legislation to address the special issues of refugee women and girls separately from that of refugees in general. They paint a picture of women and children living in precarious circumstances, lacking both aid and support. Homeless or in camps without adequate sanitation, health care, water and schools for girls, they are exposed to rape and other forms of gender-based violence. Being impoverished and without financial resources, they have difficulty obtaining legal assistance or securing employment. In some countries, women refugees are registered as dependents of their husbands, thus limiting their freedom of movement.

The EU does not have commonly agreed standards and guidelines to assist policy makers to facilitate women's access to asylum.

### The International Criminal Court

In terms of gender justice the most significant gain for women with the passage of the Rome Statute of the ICC was the broadening of the definition of war crimes to include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity (Article 7).

The statute also requires that "fair representation of female and male judges" be taken into account in the selection process, as well as fair representation of females and males in the selection of staff in the Office of the Prosecutor and in all other organs of the Court. Incredible mobilization and advocacy around the nominations and elections brought over one third women—seven out of 18—on the panel of judges.<sup>8</sup>

Ninety-seven countries have ratified the Rome Statute to establish the Court, but the U.S. has actively sought to undermine interest

## Box 3. Getting the Balance Right In National Parliaments

### Top 15 countries reaching 30% critical mass\*

Rwanda	48.8 percent
Sweden	45.3
Denmark	38.0
Finland	37.5
Netherlands	36.7
Norway	36.4
Cuba	36.0
Spain	36.0
Costa Rica	35.1
Belgium	34.7
Austria	33.9
Argentina	33.6
Germany	32.8
South Africa	32.8
Iceland	30.2

\*Employing quotas, proportional representation and campaign subsidies.

### The Dirty Dozen: No Women in Parliaments

Bahrain, Kuwait, Micronesia, Nauru, Palau, Saint Kitts and Nevis, Saudi Arabia, Solomon Islands, Tonga, Tuvalu, United Arab Emirates, Guinea-Bissau

and efforts. Though the Clinton administration signed the Rome Statute in 2000, the Bush administration later withdrew its signature in 2002, making the U.S. the first nation in the world to "unsign" a UN treaty. Since then the U.S. has continued to campaign against the ICC, using its economic power to coerce other nations into backing away from their commitments.

Public awareness of the ICC's operations and provisions is extremely low. Most regions report there have been few public education initiatives. In Southeast Asia, NGOs are seeking to organize national coalitions and subregional networks in support of the Court and establish a dialogue between governments and human rights and peace advocates. South Korean women's groups are exploring ways to relate past crimes against women to the Rome Statute to gain justice for the victims—called 'comfort women'—of Japanese sexual slavery in World War II (East Asia).

## POWER AND DECISION-MAKING

### Representation

Governments at Beijing promised women equal access to and full participation in power structures and decision-making. They also proclaimed their intentions to establish the goal of gender balance, set specific targets and implement measures to substantially increase the number of women to 30 percent in all governmental and public administration positions. Ten years on has anything actually happened? Not much.

Those countries that have made gains have used affirmative action measures, such as quota systems. The number of countries that have achieved 30 percent—the UN-designated "critical mass" required to maintain the impetus towards 50/50 female/male representation—remains low, increasing from five in 1997 to 10 in 2000, to 15 in 2004. At the same time, it is promising that in every region there are countries that have achieved this target. The world average of women in national parliaments has increased from 11.7 percent in 1995 to 13.8 in 2000 and to 15.6 in 2004.<sup>9</sup>

Women have better chances of being elected to local governing bodies, and many do start their political careers at the local level before moving on to the national stage. However, very few countries have local legislative bodies in which women make up 30 percent or more. Among those that do are India (South Asia), where a third of the Panchayat (village) seats are reserved for women by law, and Namibia (Southern Africa), where women hold 42 percent of elective local positions.

Obstacles stem from deeply rooted patriarchal structures and societal attitudes. Across all regions, women are often still considered unequal to men—in the workplace, at home, in government—and assigned roles accordingly. Political parties, electoral systems and legislative assemblies create systemic barriers to women's full and equal participation in government.

Electoral systems, in particular, are an important predictor of women's representation. All of the countries in which women occupy at least 30 percent of parliamentary seats use a form of proportional representation. Campaign financing laws pose further problems for women—although many women candidates do better at the local level with the support of financial contributions from and the voluntary participation of women supporters. For those who are elected to local or national legislatures, the male-dominated structures and processes can often prove too formal and rigid.

Acknowledging these barriers in Beijing, governments committed to review “the differential impact of electoral systems on the political representation of women,” and to consider reforms. An examination of those countries where women have gained at least one third of seats in parliament, as designated by the Platform for Action, reveals three common features for overcoming structural barriers and achieving critical mass—quotas, proportional representation and campaign subsidies (see box 3). In Latin America and the Pacific Islands, for example, the growth in women's representation is attributed to the adoption of affirmative action measures and proportional electoral systems.

The reports also attest to women's lobbying and networking, nationally and regionally, as largely responsible for increased awareness—in West Africa, a network of women parliamentarians and ministers works with NGOs to counter stereotypes and build support for women's increased participation; in CARICOM, a network of NGOs trains and supports women for local office; in the U.S., NGOs are increasingly taking charge of efforts to recruit and train women from both parties to be political candidates; and in Aotearoa/New Zealand, a number of women's organizations have helped increase women's formal political activity and the representation of Maori.

Though many governments have made significant strides, actions could use some stepping up. For instance, EU institutions are structured around quota systems for decision-making positions and the European Treaty commits to gender equality, but these criteria are rarely applied to nominations or election rules. In Canada, unpredictable, inadequate and piecemeal government funding has jeopardized the capacity of Aboriginal women's organizations to act as national representatives of Aboriginal women. In the U.S., both major parties court women voters through well-funded get-out-the-vote programs, but few concrete measures are taken to increase the number of women candidates or promote women's leadership. In West Asia, Kuwait and Saudi Arabia still deny women the right to vote and to be elected in national decision-making bodies, and in most countries in the subregion women still cannot work as judges.

### Impact of Women's Representation

The reports bear out the notion that when women are represented in critical mass in policy-making bodies, their perspectives and experiences are more likely to be taken into account and their concerns given higher priority.

In Uganda, women have influenced the setting up of the Ministry of Gender, Labor and Social Development, the creation of universal primary education and adult literacy programs, and a Gender Department and in measures to increase enrolment of more girls to the university (East Africa). The Ministry has established gender desks and focal persons in all the key ministries. In Japan, the adoption of a 1999 law for a gender-equal society, the revision of a law on spousal violence in favor of the victims and the insertion of a clause on gender equality in the newly revised Official Development Assistance Charter in 2003 are successful example of women's involvement in policy-making (East Asia). In South Africa, women parliamentarians

led efforts to secure budgets based on gender analysis of government expenditure (Southern Africa). In Denmark, Finland, Norway and Sweden, countries that have traditionally supported women in decision-making, the state provides opportunities for women to combine work and family obligations and actively promotes greater male involvement in family care (EU).

After Beijing, in keeping with the Platform for Action, countries in all of the subregions developed national machineries devoted to advancing women, working out state policies and strategies related to gender, developing action plans, and coordinating gender mainstreaming into all national policies, strategies and programs. These machineries were meant to engage with all branches of government—legislative, executive and judicial—as well as civil society, but most are strapped for resources and lack political commitment. They are often departments of women and family within ministries of social affairs, where they are vulnerable to being politically marginalized and viewed as having narrow mandates related primarily to supporting women as mothers. There is poor linkage between these and other sectoral ministries. Another weakness at both national and regional level is that there are few agreed upon benchmarks and targets, as well as limited monitoring and evaluation tools to track progress on gender equality.

## POVERTY ERADICATION

In the Beijing Platform, governments committed to: ensure macroeconomic policies and development strategies address the needs of women in poverty; revise laws to ensure women's equal rights; eliminate all forms of employment discrimination; develop gender-based methodologies and conduct research to address the feminization of poverty; and advance women's access to employment and appropriate working conditions and to a variety of services and resources. Significantly, governments also agreed to promote the harmonization of work and family responsibilities for women and men, reflecting the necessity for transformation of traditional and cultural gender norms if gender equality, women's empowerment and poverty eradication could be achieved.

Recognizing the limits of the Beijing Platform to address the scope of macroeconomic challenges, at Beijing +5 governments gave the issue wider consideration, agreeing that “the impact of globalization and structural adjustment programs, the high costs of external debt servicing and declining terms of international trade in several developing countries have worsened the existing obstacles to development, aggravating the feminization of poverty” (para 37). Excessive military spending, low levels of official development assistance, unequal distribution of unremunerated work between women and men and persistent harmful traditional and customary practices were also described as barriers.

Since Beijing, women's livelihoods for the most part have worsened, with increasing insecure employment and less access to social protection and public services. It is widely agreed that the majority of the world's poor are women, who also comprise the poorest of the poor, though there are still inadequate means to measure the extent of poverty, including women's poverty. Some 70 percent of Southern Africa lives below the international poverty line of US\$2 per day, while 40 percent—or 76 million people—live in extreme poverty of US\$1 per day or less. Despite lack of government figures, women's groups in the U.S. found that women were 40 percent more likely to be poor than men. Overall, during 1991-2000, the income of women in Latin America amounted to only 39 per cent

of the income of men. In St. Lucia (CARICOM), women's income has significantly decreased as a result of the decline in the agricultural sector.

### Accounting for women's work

In all regions, the lack of recognition for women's unremunerated work remains a major problem, and still no measures exist to create conditions of equity in sharing family welfare and household responsibilities. Women's unpaid work includes, among many other things, managing food for the family; fetching water; protecting the environment; caring for children, older persons and people living with HIV/AIDS and other diseases; and providing voluntary assistance to vulnerable and disadvantaged individuals and groups. Women's work in these areas continues to be unmeasured and absent from national accounts. In the EU, women reported that no coherent and effective policies have been implemented for reconciling family and working life for women and men. However, women reported that the Central Statistics Office of Trinidad and Tobago (CARICOM) is developing measures to value women's unpaid work, and in Ethiopia (East Africa) women and men share family welfare responsibilities on an equal basis by law, though in reality implementation is weak in some regions due to tradition and patriarchy.

Due to economic liberalization and the effects of globalization, paid work for women is increasingly insecure, flexible and without social protection. Furthermore, many formal sector jobs have been eliminated, pushing women further and further into informal and often precarious work.

Generally, more women are concentrated in informal sector employment than men. Sixty percent or more of women workers in the developing world are in informal employment (outside agriculture), excluding Northern Africa, where they are 43 percent.<sup>10</sup> Informal sector employment counts for 90 percent of women working outside agriculture in India (South Asia) and Indonesia (Southeast Asia), nearly 75 percent of women in Zambia (Southern Africa) and 66 percent in South Korea (East Asia).<sup>11</sup>

In the U.S., the temporary help industry is among the fastest-growing segments of the national economy. While remunerated, women's work in the informal sector—from home-based work and street vending vegetables and handicrafts to prostitution—often goes unrecorded. A recent study in the CIS on the informal sector reported that women were forced to sign undated letters of resignation, enabling the employer to fire them without paying maternity leave should they become pregnant.

## Box 4. Governance, Trade and Investment in Africa: Gender and the Role of the State BY ZO RANDRIAMARO

Research by the Gender and Economic Reforms in Africa (GERA) program on the gender dimensions of trade and investment policies was completed at the end of 2001. The findings confirmed that economic and trade reforms mandated by the International Monetary Fund (IMF), World Bank and World Trade Organization (WTO) have undermined the capacity of States to meet their obligations towards their citizens, especially women and other disadvantaged groups, and to pursue policies that can ensure sustainable human development and social equity.

The research was undertaken by multidisciplinary teams led by African women researchers who conducted a six-month study of selected communities and groups in Burkina Faso, Ghana, Kenya, Madagascar, Mozambique, Nigeria, South Africa and Uganda. Since the 1980s, all these countries have experienced a considerable reduction of public expenditure under structural economic reforms—involving the privatization of strategic sectors and public assets—coupled with the burden of debt servicing. Typically, budget cuts have mainly affected public spending on social services that

are vital for women and other vulnerable groups. Under the WTO regime, reduced revenue from import and export taxes has further hindered the achievement of social development goals, while increasing States' dependence on external resources.

The economic and trade reforms have led to a considerable loss of sovereignty and a shrinking policy space for African governments, with policy choices determined by aid conditionalities and international trade agreements and rules. A cross-cutting issue is the inability of States to provide for adequate social protection and a shifting of the burden of the social costs of trade liberalization to communities, households and individuals, especially women. In addition, the research shows that the effects on women workers have included loss of jobs, forms of employment and workplace practices that are far below international labor standards, the flexibilization and casualization of work, and numerous cases of violations of labor and women's rights.

The findings from all the countries covered by the research confirm the absence of women in trade and investment policy and decision-making. Gender consider-

ations and women's issues are considered by most policy makers to be irrelevant to trade and investment processes. The lack of women's participation in governance in the multilateral trading system helps perpetuate a number of gender biases against women in institutions at the national, regional and global levels. Gender biases that exist in formal institutions such as state departments and banks, and also in informal institutions such as social norms and perceptions, contribute to gender inequalities and women's marginalization.

The GERA research confirmed the observations made in other regions that under trade and investment liberalization, there has been a regress rather than progress in the fulfillment of State's obligations under international conventions and the Beijing Platform. In particular, these findings pinpoint that gender biases cannot be addressed without the effective engagement of the State and the necessary policy actions to make trade and investment policies work for women and other disadvantaged groups.

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## Employment Patterns

Women's share in the labor force in some regions continues to rise, and women are making substantial contributions to families through both productive and reproductive work. In South Asia, for example, women migrant workers as well as domestic workers contribute to national economies from overseas through remittances. More and more women in the CARICOM region are selling produce on city sidewalks and working in hotels and other sectors, work that takes them away from their communities and that increases costs related to transportation, meals and childcare. More investment in labor-intensive industries has increased the number of employment opportunities for women in low-paid jobs in the Pacific Islands. In Northern Africa, the stabilized wage-earning class has declined while female seasonal work has increased.

Access to the labor market is even more difficult for certain groups of women, such as disabled women, migrant and ethnic minority women, and older women. Labor market segregation and discrimination, as well as cultural and political mechanisms, too often relegate ethnic minority women and migrant women to certain sectors of low waged and low skilled labor in the EU. While overall poverty in Canada has been declining since 1997, 42.7 percent of Aboriginal women live in poverty and in 2002 earned 69 percent of the average annual income for non-Aboriginal woman.

Increased unemployment has deeply impacted women's livelihoods in many regions. In Kyrgyzstan (Central Asia), unemployment among women ages 30-49 reached 65 percent in 1999. According to 2002 data, 43 percent of women over 15 years old in urban areas in Latin America lacked their own income. A large number have faced unemployment and social exclusion, while another significant number have only unstable, precarious and badly paid jobs. These shifts have had a more profound impact on women than men, given their more unfavorable and vulnerable situation. In Jamaica (CARICOM), women's main reasons for entering the sex trade were unemployment and low wage earnings.

In the Pacific Islands, the exploitation of female labor and erosion of labor standards, livelihood displacement, sudden unemployment and mass lay-offs coming from mobile international companies are other concerns for women.

## Women's Economic Rights

Legislation to protect women's economic rights and uphold the commitments in the Beijing Platform are addressing fewer women as

well, given the expansion of women's work outside the formal sector and also within the care economy. Some countries have yet to create legislation to protect women's equal rights in the workplace. In the Pacific Islands, unions and employment associations provide limited services but laws are lacking on equity in employment, sexual harassment, and conditions for part-time and casual workers. When legislative measures have been enacted to guarantee equal rights for women and men in the labor market, governments rarely enforce them. Often traditional and cultural gender norms outweigh legislative gains, making them largely ineffective.

While legislation exists in most regions to protect women against discrimination in the work place, but there is no policy to reevaluate women's work with a view to adapting hours and working conditions to take account of family responsibilities and needs, or integrating and supporting women in non-traditional sectors. In Japan (East Asia) and Kenya (East Africa), although employment discrimination is illegal, its application is almost non-existent as enforcement mechanisms are lacking. Kenya reported that there are no laws and policies in place to eradicate legal, institutional and cultural barriers that discriminate against women. In CIS, prevailing economic trends have fueled discrimination against women workers, who are often compelled to agree to terms and working conditions that are highly detrimental to both their rights and their health. The drop in social and employment benefits that has taken place in more recent years has left women with considerably less support for efforts to balance family and professional responsibilities. In the U.S., equal employment opportunity laws for women exist but are not adequately enforced.

The percentage of women employees who took childcare leave in Japan (East Asia) increased from 57.9 percent in 1996 to 71.2 percent in 2002 among enterprises with over 30 employees. Almost no men took leave according to a survey by the Ministry of Health, Labor and Welfare. In the CIS, the privatization of pension benefits has put women at a disadvantage due to breaks in employment for maternity leave and childcare.

Despite measures to prevent sexual harassment at the workplace, the problem remains prevalent. In Suriname (CARICOM), the lack of a place to report complaints has resulted in non-existent or insufficient measures taken against perpetrators.

Modest improvements toward equal pay for professional women have been reported. However, even when there are equal pay for equal work mechanisms, they are often not adequately enforced. Thus in all regions women still earn less than men, with the majority concentrated in underpaid and unpaid sectors. In Japan (East Asia), women earn 64.9 percent of what men earn. In the U.S., full-time employed women only earn 76.2 percent of every dollar earned by men. Women's employment rate in the E.U. has only slightly improved and the gender pay gap has only marginally decreased.

## Macroeconomic Policies and Development Strategies

Despite the Beijing Platform commitments to "review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty" (strategic objective A1) and the acknowledgement at Beijing +5 that "the importance of a gender perspective in the development of macroeconomic policy is still not widely recognized" (para 21),



Picket line in New York at Beijing + 5.



## Box 5. Quality Public Services, Gender Equality and the MDGs BY NORA WINTOUR

The privatization of public services has increased the inequalities between men and women, both as users of services and as workers. If health, education and care services are reduced or are non-existent, women's opportunities to work outside the home are limited and they also bear the extra burden of care.

These outcomes are vividly depicted in two recent publications. *Dumping on Women*,<sup>1</sup> an analysis of how the privatization of waste management affected three municipalities in South Africa, reveals a sharp decline in service quality combined with poorer employment conditions and an increased burden of work for women. *Corrosive Reform*,<sup>2</sup> which documents the impact of drastic cuts in expenditure on health services in Central and Eastern Europe under the influence of the International Monetary Fund (IMF) and World Bank, shows that health professionals now earn below poverty level salaries and women have had to take on the work of caring for the sick and the elderly.

Public Services International (PSI) is a global union federation made up of more than 600 trade unions and representing more than 20 million public service workers

around the world. Women make up 60 percent of its membership and 50 percent of its decision-making bodies. Ensuring women's access to quality employment, extending social protection to women in precarious forms of employment, protecting the rights of part-time workers, campaigning for improved publicly-funded childcare and after school care, making maternity protection a reality, detecting and eliminating discrimination at the workplace on the grounds of gender, race, disability, ethnic origin, sexual orientation or religion are now clearly part of the public sector union agenda.

For example, public sector trade unions in Brazil are initiating research and action plans to detect and eliminate discrimination in pay based on gender, race and other factors. In Zambia, the local government workers' union is working with the street and market vendors' association to develop a common platform of demands to extend public services to workers in the informal economy. In Latvia, the health workers' union is demanding increases in health sector funding to improve the quality of the service and end the out-migration of nurses. In the UK, the public sector unions are promoting the introduction of equality

plans and other innovative schemes such as the Agenda for Change, which seeks to re-value women's work in the National Health Service.

In order to meet their commitments under the Beijing Platform and the Millennium Development Goals (MDGs), governments need to recognize the positive role of public services. Together with the international financial institutions, they should promote alternative economic models to the prevalent market orientated approach, which has exacerbated regional and national inequalities and inequalities between men and women. PSI is convinced that the provision of quality public services is essential to any successful poverty elimination strategy, which is first and foremost a strategy to eliminate women's poverty and to achieve gender equality and equity in employment.

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### Notes

1. M. Samson, *Dumping on Women: Gender and Privatisation of Waste Management, Municipal Services Project, Athlone, South Africa and South African Municipal Workers Union (SAMWU), Woodstock, South Africa, 2003*

2. Carl Warren Afford, *Corrosive Reform: Failing Health Systems in Eastern Europe*, Geneva, International Labour Office, 2003

economic, trade and finance policies from the national to global levels remain gender blind. Several regions report that there continues to be insufficient or lack of gender-impact analysis of economic policies, and women's contributions and concerns continue to be ignored in financial markets and institutions, further perpetuating gender inequalities (Aotearoa/New Zealand, East Asia, EU, South Asia, Central Asia). As a result, in Aotearoa/New Zealand, for example, there are no measures in place to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women. In Japan (East Asia), since women make up 55.8 percent of the agricultural labor force, government support for the agreement on agriculture under the World Trade Organization (WTO) has caused serious problems for women working on family-operated farms.

As a result of shifts in macroeconomic policies, most economies in Latin America have witnessed a growth in poverty that contributes to maintaining sharp inequities in income distribution. Under the pressure of the International Monetary Fund (IMF) and World Bank, CIS countries have deregulated economies, decreased the role of the state in monetary and fiscal policies and linked national economies to world economic processes. "Shock privatization" has led to a growing number of inefficient organizations, decreased economic activity and, in many cases the plundering of privatized assets. Rising poverty and unemployment have spurred prostitution and trafficking in women

and children. Almost half of CIS women consider themselves poor: in Moldova and Ukraine, the figure is close to 70 percent; and in Kyrgyzstan, where high unemployment rates caused by the privatization of state enterprises have affected women more than men, women made up 56.8 percent of the total number of unemployed in 1999.

Resources to achieve the Beijing Platform and ensure social protection and public services have been stymied by debt burdens and increased concentration of military spending in national budgets. The debt burden of the Philippines (Southeast Asia) grew from \$30.6 billion in 1990 to \$53.9 billion in 2002, and since 1998 it has consumed at least 60 percent of its gross national product (GNP) and more than double its export earnings, while the defense budget registered a double-digit percentage increase from 2000. In Pakistan (South Asia), defense expenditures and debt repayment are always the largest items in national budgets.

Gender mainstreaming in Aotearoa/New Zealand and the E.U. was reported to have little impact on macroeconomic policy. In East Africa, women's poverty issues are still confined to the welfare sphere rather than the ministry of water, agriculture or trade. Many countries there tried involving women in the Poverty Reduction Strategic Papers (PRSPs) at the formulation stage but this had little effect when it came to budgeting and allocation of resources.

Women in East Asia are not included as decision-makers in poverty alleviation planning, and for Pacific Island women, lack knowledge of



economic systems and management leaves them with limited confidence to demand their rights.

Access to Public Services and Resources

Women’s access to services such as health care, education, sanitation and housing directly impacts their income-generating activities and economic empowerment. In rural areas, these services are often weak or non-existent to begin with. In other instances, when services shifted from the public to the private sphere, women’s access decreased and they were forced to bear the brunt of the burden to meet the needs of themselves and their families, often at the expense of income-generating activities. Overall trends to privatize and reform health services in Southeast Asia were not influenced by the Beijing PFA’s objective of increasing affordability of services. Privatization escalated the cost of health services in Indonesia, Malaysia and Vietnam, including the cost of childbirth services and medication in Indonesia, increasing barriers to accessibility. Philippines reported that a decline in public services directly impacts the amount of work women do in the care economy, as they strive to provide services that the government should be providing, such as health and day care. In terms of access to health care in Southern Africa, the reintroduction of user fees due to structural adjustment programs has led to an increase in infant mortality rates.

In addressing women’s economic empowerment and autonomy, governments have increased programs granting women access to loans and credit, particularly in rural areas. In West Africa, such initiatives include support structures for micro-projects favoring women, development of micro-finance and creation of women’s savings and loans banks. However, governments often emphasize micro-credit as the solution for addressing women’s poverty, while failing to adequately address the systemic impact that macroeconomic policies and frameworks have on women’s livelihoods and thus national poverty. And while micro-credit programs have significantly increased since Beijing, they have produced mixed results. For example, in Bangladesh (South Asia), while micro-credit is touted as a form of economic support to women, it is actually used by male family members while women have the responsibility of repayment.

Women’s access to land, water and other natural resources is crucial to poverty eradication, though governments have been slow to address this issue. One key challenge to women’s access to and control of a variety of resources has been the growing shift towards privatization, which is increasingly infringing on people’s rights and livelihoods around the world, most severely those of poor women and girls. Like public services, when water and other natural resources are scarce or unaffordable, traditional gender roles place the burdens mainly on women to ensure family needs are somehow met. In the capital of Papua New Guinea (Pacific Islands), when water was privatized many found safe drinking water unaffordable, forcing women to pick up the slack. Southern Africa is undergoing radical changes in policies

Box 6. Budget for Human Needs vs. Billions in Military Spending

The Swedish International Peace Research Institute (SIPRI), the World Policy Forum and the World Game Institute estimate that for the year 2003, funds needed to address human issues are as follows:

	Billions
Provide shelter	21
Eliminate starvation and malnutrition	19
Provide clean safe water	10
Eliminate nuclear weapons	7
Eliminate landmines	4
Eliminate illiteracy	5
Refugee Relief	5
Prevent soil erosion	24
Total	95

These figures are set against global military spending of \$900 billion.

Source: “Resources to Meet the Millenium Development Goals (MDGs)” by Saradha Iyer, Third World Network, 2005.

related to land and water through instituting and clarifying rights to land, with an emphasis on property rights, and considering water as an economic good instead of a social service. In Latin America since the early 1990s, when States began yielding the management and use of lands and irrigation systems to market forces, women have confronted difficulties in accessing water rights, as well as agricultural support services such as credit, new technologies and training. Further, privatization, demographic pressure and the dissolution of traditional forms of land tenure have reduced the amount and quality of lands available to rural communities.

EDUCATION

International Agreements

The Beijing Platform calls on all governments to ensure equal access to education, eradicate illiteracy among women and improve women’s access to vocational training, science and technology, and continuing education. It also calls for the development of non-discriminatory education and resources, and the allocation of sufficient resources for monitoring the implementation of educational reforms. Governments agreed to promote lifelong education and training for girls and women.

In 2000, 191 governments endorsed the Millennium Declaration; the Millennium Development Goals (MDGs) were issued in 2001 and seek to achieve universal primary education by 2015 (Goal 2). Since then, educational opportunities are being equalized in many countries around the world and will most likely be met by 2005, except in sub-Saharan Africa and West Asia.

Achieving the education goal has meant that governments have had to confront a variety of issues, with varying success, including school enrolment and education costs. If governments are to ensure full success with respect to women’s education, however, they will also need to take steps to address retention rates and secondary school education, neither of which are included in the MDGs.

An outcome of the World Conference on Education for All in Jomtien, Thailand, in 1990 was the Education for All (EFA) initiative, whose six goals deal with early childhood care and education; universal primary education; youth and adult learning; literacy; gender; and quality. According to UNESCO’s EFA Global Monitoring Report, 41 countries—mostly in Europe and North America—have achieved the goals or are close to doing so. Thirty-five countries—22 of them in Africa—are far from reaching the goals.

Public Policy

Most regions have created national education policies or plans to ameliorate gender gaps in education. For example, West Africa has demonstrated strong political will by developing strategies in almost every country for girls’ school enrolment. In Eastern Africa, positive policies and strategies on girls’ education have been put in place in countries such as Kenya and Uganda, where school fees have been

abolished. In Aotearoa/New Zealand, the Ministry of Education set forth National Education Guidelines, which included the goals of achieving “equal educational opportunities,” “non-sexism” and a “gender-inclusive curriculum.”

However, despite progress in policy-making, many countries struggle with implementation. The main obstacle in West Africa is lack of financial resources. Education is critical for poverty eradication, and improvement in other areas—such as access to clean affordable water and adequate social services—are imperative to achieving universal access. In Eastern Africa, lack of education continues to contribute to women’s poverty.

National literacy programs have been introduced in many countries throughout Asia, Africa and the Caribbean. In Southeast Asia, Vietnam implemented a nation-wide literacy program covering 100,000 people annually, of which 38-40 percent are women and girls. A Dominican Republic (Latin America and the Caribbean) project called EDUCMUJER promotes equal opportunities for women and girls in education and the elimination of sexist stereotypes from educational materials. This project has managed to initiate gender awareness and training programs for teachers, and a revision of curricula for basic and secondary education.

However, in many cases, literacy programs are not having the desired impact. For example, in Northern Africa, literacy programs for girls are supported by national structures and international organizations, but school dropout rates and illiteracy rates for girls remain high in all three countries—Algeria, Morocco and Tunisia—and particularly in rural areas. In East Asia, inadequate funding jeopardizes Mongolia’s once high literacy levels and, despite the enactment of a number of education laws in China over the last decade, women account for 70 percent of the illiterates over 15. Several countries in West Africa have seen little or no progress in female literacy, largely because programs are not designed to accommodate women’s multi-tiered day. In West Asia, 62 percent of adult illiterates are women.

In many countries, policies to protect women and girls from sexual harassment in schools have been inadequate. In Aotearoa/New Zealand, while girls and women have access to equitable and quality education, little has been done to address sexual harassment or provide gender awareness through education. In Japan, however, strong measure for the prevention sexual harassment at college have been promoted through the National Network Against Sexual Harassment on Campus in 1998 and the “Ministry’s Regulation for the Prevention of Sexual Harassment at the Ministry of Education” and the guidance for its implementation in March, 1999 (East Asia).

In the U.S., Title IX prohibits sex discrimination in all federally funded education programs and activities at all levels and protects women and girls from sexual harassment in schools, but it does not cover the elimination of sex stereotyping in curriculum. Despite the existence of Title IX, young women remain significantly disadvantaged in their classrooms.

### Access and Changes in Practices

The world has moved closer to gender parity in basic education but girls and women still face inequality, particularly when it comes to access to higher levels of education. Over the past decade, Southern Africa has recorded a significant rise in the enrolment rates of girls at the primary level. However, at secondary level only four member states have

net enrolment rates in the range of 80 to 100 percent.

While enrolment rates indicate that women’s education is moving forward, the statistics do not tell the whole story. Enrolment statistics and policy do not necessarily measure whether girls’ are actually attending school or completing education.

While there has been progress in access to basic education, the next step is in secondary and tertiary education. In East Asia, the gender gap exists at the tertiary education, and in Korea and Japan there are gender biases in majors. However, the gender gap is reversed in Mongolia, where the female rate among bachelors degree students is 62.7 percent. Tertiary enrolment rates are below 50 percent in most member states. In Tanzania, policy initiatives have included targets to enhance girls’ enrolment and retention and performance improvement to enable more access to higher levels.

In the Pacific Islands, most countries are reaching parity in enrolment in primary schools. But there are worrying dropout rates for girls in secondary schools in some countries. Also, even when girls do well in school they are less likely than males to go on to tertiary level, reflecting lack of funding, entrenched views of women as being wives and mothers who do not need careers or further education, economic or labor needs in the household and concern about the physical safety of girls.

The situation is more positive in Central Asia, where equal access to education is in place; in some States, girls outnumber boys. Typically, more women have higher education than men. Access to education has deteriorated in a few countries like Tajikistan, where there has been a drastic decrease in the number of girls in schools after the mandatory grade-9 level.

In many regions, women who live in rural areas face specific obstacles to access to education. For example, in West Asia, woman’s access to education in rural areas is still determined by her family. In Northern Africa, the admission of women into the educational system is less widespread and systematic in rural than in urban areas. In rural areas in Central Asia, representation of girls in senior classes is much lower.

Additionally, more attention must be placed on women’s and girls’ access to education in countries emerging from conflict. For example, Somalia represents an extreme case in which 14 years of civil war have left the country unable to provide compulsory education and without any mechanisms for promoting access to education for girls or women.

While steps have been taken in some countries to improve women’s access to technical professions, it is still a restricted area. In the EU, equality between men and women in access to vocational training is enshrined in European Community texts, but scientific and technical careers are still a male preserve. In addition, the skills gap between women and men remains a significant problem. Men still outnumber women in many of the subjects that lead to the best-paid jobs. In





West Asia, women still do not enjoy equal access to technical and skills training.

Many countries around the world have changed their curricula to include a gender dimension. However, some regions require more work in this area. In contrast to the quantitative achievement in education, problems remain in qualitative aspects, especially education for gender equality. Most responses are negative about governments' will to promote gender equality through education. In Latin America and the Caribbean, no specific proposals exist to change the contents of curriculum guides to reflect gender issues. In addition, in some countries, women are still being presented with stereotypical gendered messages in textbooks.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

The Beijing Platform calls for women to be actively involved in environmental decision-making, for gender perspectives to be integrated into policies and programs and for national, regional and international mechanisms to be established to assess the impact of environmental policies on women. Beijing +5 also emphasized women's right to own land. The extent to which these mandates have been implemented varies greatly throughout the world but, despite country differences, women everywhere are mobilizing around the issue of access to and control over natural resources.

### Participation and Decision-Making

Women are major contributors to the well-being and sustainable development of their communities and nations, and to the maintenance of the earth's ecosystems, biodiversity and natural resources. Across the globe, women are working to become more involved, and more adequately represented, in decision-making on natural resources. Worldwide there are 14 women ministers of the environment and three deputy ministers. In 2002, a network of women ministers of environment was formed, currently led by South Africa and Sweden.

In China, women occupy leadership positions in the Department of Environmental Protection at all levels (East Asia). There are also two vice-chairwomen of the Committee of Environment and Resources of the National People's Congress, and women make up a third of the 20,000 plus scientists and researchers working for some 400 environmental research organs.

In those areas where governmental representation is low, women still work at the grassroots level on environmental issues. In Kenya, most community-based organizations working on environmental conservation are women-led (East Africa). Wangari Maathai, Assistant Minister for Environment and Natural Resources and the Chairperson of the Greenbelt Movement, won the 2004 Nobel Peace Prize for her contribution to the environment, sustainable development, democracy and peace.

Women in the Pacific Islands have been developing partnerships with national and international agencies, using a community-based approach to raising awareness. For example, rural women in Fiji worked with the World Wildlife Fund for Nature on a wetlands conservation initiative. Women in CARICOM countries are also highly involved in civil society organizations that work on environment and the ministries and departments of gender affairs have played a part in supporting these initiatives.

Despite these gains, gaps in participation and representation continue in many of the subregions. In Southern Africa, women are not adequately involved in the management of the environment, and most environmental policies lack a gender perspective.

In Bangladesh (South Asia), women remain largely absent at all levels of policy formulation and decision-making in natural resources and environmental management, conservation, protection and rehabilitation, and their experience and skills too often remain marginalized in policy-making and decision-making bodies.

The case in Aotearoa/New Zealand is similar, as the Government generally fails to consider the gender dimensions of access to and control of natural resources. Neither the Environment Act (1996) nor the Resource Management Act (1991) mentions women or includes a gender perspective. And though Maori women actively voice their concerns about biodiversity, indigenous people's rights and genetic resources, their views are often dismissed and excluded from government discussions.

Despite good overall EU legislation on the protection of the environment, a gender perspective is absent from environmental policy. No legislation has been adopted that deals with women and the environment directly, even though there is increased knowledge that environmental hazards impact women and men differently, such as the possible link between breast cancer and high levels of toxic chemicals in women's bodies. In the CIS, there are no female environment ministers, no gender units or specialists under the environment ministries, and no state strategies for increasing women's access to and control over resources.

In the Environmental Protection Agency (EPA) in the U.S., women's participation is not highlighted and is scarce. Despite being head-

As the primary caregivers of the family, women bear the worst consequences of policies that ignore principles of sustainability since they must cope with the increased difficulties of the day-to-day survival of their families.



## Box 7. Gender and the Environment: Strong Voice and Human Face BY IRENE DANKLEMAN

In line with the Beijing Platform for Action, which recognized the importance of women and the environment in Section K, the Commission on Sustainable Development has agreed that gender should be a cross-cutting issue in its program of work. Organizations such as the World Conservation Union (IUCN) and several governments have taken steps to integrate a gender perspective into their environmental work. The United Nations Environment Programme (UNEP) organized the first global women's assembly on the environment, Women as the Voice for the Environment (WAVE), in November 2004. A gender perspective was also promoted in environmental negotiations and the implementation of some international agreements, such as the Convention to Combat Desertification.

A major catalyst for all these efforts were the thousands of women and their organizations that undertook local initiatives, collected case studies, shared lessons and pressured governments and institutions to ensure the equal participation of women in matters relating to the environment and the formulation of gender-sensitive policies. In addition, women at regional and international levels have formed specialized

networks such as the Gender and Water Alliance, ENERGIA, Genero y Ambiente, Women in Europe for a Common Future, the Women and Environment Network, Diverse Women for Diversity and the International Network of Indigenous Women. The Women's Environment and Development Organization (WEDO) played an important advocacy role at the global level and published, in cooperation with other groups (such as the Heinrich Böll Foundation and REDEH), the Women's Action Agenda for a Peaceful and Healthy Planet 2015 for the World Summit on Sustainable Development (2002). Women Ministers for the Environment also established their own network.

Many experts and activists from all regions of the world participated in the recent online discussion on women and the environment in preparation for Beijing+10 that was sponsored by UNEP (see: [www.un.org/womenwatch/forums/review](http://www.un.org/womenwatch/forums/review)). Several issues were highlighted that need particular attention in policies and institutional practice. Climate change and other forms of environmental change, disasters, conflict and the environment, sustainable consumption and production (including extractive industries) and environmental health is-

ues all need a specific gender perspective and approach. While women are centrally involved in the use and management of many natural resources, they are also more economically and socially disadvantaged and more burdened by environmental degradation.

Gender equality and equity in the environmental sector has not yet been achieved, and women's interests are not well represented in planning and implementation. In general, gender mainstreaming in the sector is still limited or merely given lip service. The situation of specific groups, such as indigenous women, immigrants and refugees, needs particular attention. A major concern (due to privatization, for example, but also to some conservation practices) is safeguarding local women's access to and control over resources. Women's skills, knowledge and experiences and their practical and strategic needs should be respected, and a rights-based approach to gender and the environment should be promoted.

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ed by several women between 1993 and 2003, it has no visible gender units or specialists, nor have specific gender policies been developed or promoted. And though the EPA focuses on the effects of environmental hazards on children, seniors and workers, there is no specific information presented on women.<sup>12</sup>

### Gender Impacts of Environmental Degradation

Environmental degradation disproportionately affects women and substantially increases their workload in the informal sector. As the primary caregivers of the family, women bear the worst consequences of policies that ignore principles of sustainability and must cope with the increased difficulties of the day-to-day survival of their families.

In Somalia, rangeland degradation, marine pollution, deforestation and coastal desertification increase the amount of time women must spend looking for fuel wood and threaten the livelihoods of women farmers (Eastern Africa).

Ecological disasters also impact women in particular ways. The December 2004 Indian Ocean tsunami made no distinction between men and women in the death toll but, according to the UN, it has produced gender-specific after-shocks, ranging from increasing women's traditional role in caring for the sick to an escalation in cases of rape and abuse.

In Kazakhstan, three quarters of the land is subject to desertification (CIS). Living and working conditions in these areas are ex-

tremely hard. In the ecological disaster zone of the Aral region, the incidence of various diseases among children is several times higher than the national average.

Indigenous women throughout the world are hit hardest by environmental degradation. In Canada, environmental contaminants such as persistent organic pollutants (POPs) have bio-accumulated in Arctic wildlife and subsequently negatively impact Inuit women's health through their diet, which primarily consists of meat. In the U.S., POPs disproportionately affect Native American women and children, as toxic run-off from factories near tribal lands poisons water and food sources that are then consumed by women and transferred to their children through breast milk.

Globalization policies in CARICOM countries are playing an increasingly disturbing role in the environment and women's health. In St Lucia, where tourism is the fastest growing industry, pollution from cruise ships affects the fisheries sector. In addition, the poultry and meat industry is suffering due to cheaper imports, which also has a negative impact on women's health and that of their families.

### Right to Natural Resources

At the 2002 World Summit on Sustainable Development in South Africa, women activists succeeded in winning landmark recognition of women's right to inherit land. Yet throughout the world there are laws blocking women's right to inheritance and ownership.

Women are still being denied their land rights even where the laws call for it. In Ethiopia, for example, there are equal rights for men and women to all natural resources according to the Ethiopian Constitution, but the implementation among the diverse cultures and traditions is problematic (Eastern Africa). In Zimbabwe, access to secondary water is now tied to land rights, disadvantaging women who do not have direct access to land unless they have acquired it through the market system (Southern Africa).

In addition, women's right to property in many countries is closely related to their status in the family. Women almost never inherit the property of their parents, and although widows may be entitled to a share of the deceased husband's land, in reality they seldom inherit it. In Japan, although laws stipulate all children have an equal right to inherit land, women's right to inherit it, especially farmland, has been hindered by custom (East Asia). In Nepal, as well, land rights are tied to marital status; the recent amendment to the Land Act (1964) has allowed women to obtain tenancy rights, but only unmarried women are entitled to the exercise of such rights (South Asia).

## HEALTH

Beijing called for quality health services for women that are accessible, affordable and preventative; gender sensitive initiatives that address sexually transmitted diseases (STDs), HIV/AIDS and sexual and reproductive health; the promoting of research and dissemination of information on women's health; and increased resources and monitoring of follow-up care for women. Governments' implementation, however, has for the most part been lacking in all areas.

Despite commitments made in Cairo and Beijing, there continue to be significant threats to women's health. Access and affordability remain problematic worldwide, particularly affecting low-income women and women in rural areas. In the case of women's reproductive health, obstacles such as access and affordability are compounded by cultural and religious fundamentalism, which have increasingly used women's bodies as their main point of attack. The HIV/AIDS pandemic more and more often has a female face, and the stigma attached to the disease makes obtaining services all the more difficult.

### Access and Affordability

Women around the world continue to face obstacles to full and comprehensive access to primary health care. This is often due to a lack of financial and human resources. In some areas—such as West Africa

and Southeast Asia—access to health care has been compounded by financial crises that have adversely affected health budgets and consumer ability to pay for services and medication.

In addition, subregions that have undergone a transition to a market economy are having difficulties providing quality healthcare. This has been the case in East Asia, where women have seen reduced access to health services as government health expenditures have decreased. As a result, women are less likely to have regular medical examinations than men.

Another alarming trend is the privatization of health care, making quality care inaccessible for many women worldwide. For example, 80 percent of health services in Pakistan are provided by the private sector; subsequently, the medical care provided to lower-income women and those in rural areas is sub-par. In Indonesia, Malaysia and Vietnam, the privatization of health services has increased health-related costs substantially. The costs of contraceptive pills in Makasar, for example, jumped from Rp1,000 to Rp2,500.<sup>13</sup>

There are also drastic disparities worldwide in the quality of health care accessible to those in rural and urban areas, as well as to different ethnic groups. In the U.S. for example, there are significant differences in the incidence of disease between white women and women of color. Many of these disparities can be linked to the inequality in health coverage: In 2001, 16 percent of white women lacked health coverage, while 20 percent of African American and 37 percent of Latina women lacked coverage.

In Aotearoa/New Zealand, Maori women's health is generally worse than that of other Pacific Islands women—they have lower life expectancy and higher rates of lung and cervical cancer, cardiovascular disease and diabetes—in part due to rural isolation. However, alternative health initiatives created by and for Maori women have shown great success in addressing their diverse needs.

Aboriginal women in Canada face similar problems. They have double the incidence of reproductive and breast cancer of non-Aboriginal women, 11 years less life expectancy and higher rates of heart disease, diabetes, tuberculosis and suicide. This disproportionately poor health is due to the effects of colonization, with Aboriginal women more likely to be living without adequate nutrition, housing and sanitation. Additionally, Aboriginal women's organizations are still forced to struggle for inclusion in government discussions on health policies and services.

Women's lack of access to health care is also compounded by social problems such as illiteracy, poverty and inferior legal status. This is the case in West Asia, where in addition to lack of proper services and qualified doctors, women also face logistical and cultural obstacles, such as having to ask permission from their husbands to access many reproductive health services.

### Reproductive Health

Both the Cairo outcome document and the Beijing Platform define "reproductive rights" as "the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and *means to do so*." The lack of these "means" is an overarching problem affecting women's reproductive rights.

Women cannot avail themselves of reproductive rights if they lack the financial resources to pay for health services or the transport to get to them; or if they are illiterate or given no information in a language they understand. In a world governed by neo-liberal regimes, sexual and reproductive health rights are entirely subject to the availability of resources.





## Box 8. Rights of the Body and Bodily Integrity BY ROSALIND PETCHESKY

The Beijing Platform for Action, together with the Vienna, Cairo, and Copenhagen conferences and their outcome documents five and ten years later, carved out a new normative and conceptual terrain—the rights of the body and bodily integrity. This new level of specificity created a whole new constellation of norms, strategies and institutional sites—a new human rights discourse around the body and its needs for security, health, and pleasure, including:

- Reproductive health, rights and access to services, encompassing access to adequate contraceptive information and supplies, full antenatal care including trained attendants and emergency obstetric services, and access to safe, legal abortion and post-abortion care.
- Secure access to good quality health care generally and more specifically to treatment, prevention, and essential life-saving medicines, particularly for those suffering from or at risk of HIV/AIDS infection and other preventable and communicable diseases.
- Rights of sexual expression, enjoyment and well-being without discrimination based on sexual or gender orientation, age

or marital status, including respect for the dignity, humanity and citizenship rights of commercial sex workers.

- Freedom from sexual, reproductive and other bodily violence and abuses, including harmful practices such as female genital mutilation and sexual trafficking, regardless of whether these are imposed by family members, employers, medical personnel, state officials, military combatants or UN peacekeepers.

Although the phrase “sexual rights” does not appear in any formal UN document or multilateral or bilateral treaty, the Beijing Platform began to articulate such a concept in Paragraph 96: “The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behavior and its consequences.”

The language possible in 1995 was limited

in critical ways—to an explicitly heterosexual framework; to an emphasis more on protection from coercion than on affirmation of pleasure; to responsibility more than freedom. Yet, in tandem with the harsh realities of the HIV/AIDS pandemic, it opened the way to broader understandings.

Meanwhile, despite regressive organization by fundamentalist and right-wing movements throughout the world to defeat sexual and reproductive rights, some progress has taken place in a few national settings. In Belgium, the Netherlands, Spain, Canada and South Africa, gays and lesbians are winning full civil rights, including the right to marry and form a family. Even in the United States, where powerful religious conservatives have dug in their heels to defend marriage as an irrevocably heterosexual institution, widespread popular and judicial approval of civil unions, adoptions, cohabitation, inheritance and insurance rights for gays and lesbians has become a cultural and legal reality. All this was unheard of a decade ago.

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For example, while policy commitments in Tanzania give women and girls full access to information regarding sexual and reproductive health and rights, resource limitation impede the realization of these policy goals in women's actual lives (Southern Africa). And in Kenya, women living in rural areas have limited access to information regarding sexual and reproductive health and family planning, and pre-natal and post-natal services and emergency contraception are difficult to obtain (Eastern Africa).

Worldwide, poor maternal health and maternal mortality also remain problems for women—more than 500,000 women die worldwide every year from pregnancy-related causes. In Bangladesh, which has the highest maternal mortality rate among developing countries, maternal mortality accounts for 37 percent of all deaths (South Asia). Maternal health and mortality is also a concern in West Africa, where maternal mortality varies between 480 and 1,800 deaths per hundred thousand births.

Abortion is still widely banned. Where it is legal, substantial restrictions impede access and affordability. In the U.S., for example, abortion is legal but highly inaccessible. Eighty-four percent of countries have no abortion provider; parental notification laws are in place in 44 states; and 25 states have mandatory waiting periods for the procedure. In areas where abortion is illegal, there are often no services to address the needs of women who still obtain them, as is the case in Ethiopia (East Africa). In Pakistan, where abortion is also il-

legal, 11 percent of maternal deaths are estimated to be due to unsafe abortions (South Asia).

In addition to these problems, women's reproductive health is also severely threatened by increasing cultural and religious fundamentalism worldwide.

In Latin America and the Caribbean, countries where the Catholic church is strong, taboos regarding women's sexuality remain; women's sexuality continues to be identified with reproduction, and socially the idea prevails that women cannot make decisions about their own bodies. According to the World Health Organization (WHO), 4.2 million women each year have abortions in Latin America and the Caribbean, the majority of which are illegal and performed under risky conditions and in secret, which can irreparably damage women's health and sometimes lead to death.

In Japan, discussion of sexual and reproductive health and rights is still taboo (East Asia). In 1999, a sex education book was produced for junior high school students with information about marriage, unwanted pregnancy and contraception. However, after criticism from conservative groups, circulation of the book was stopped, despite the fact that STDs are rapidly increasing among teenagers and the rate of teenage abortions has doubled since 1995.

Samoa, in keeping with cultural values concerning female premarital chastity, will not provide contraceptives to unmarried women and many young women, even in countries where contraception

is available on request, are too embarrassed or ill-informed to seek the service.

In the U.S., women's reproductive health is under attack by the current Bush administration, as well as conservative and religious forces. Due to the increased funding of abstinence-only sex education programs, young women lack medically accurate information concerning their reproductive health; the continued erosion of abortion rights through state and federal legislation has made the procedure increasingly difficult to obtain, especially for younger and low-income women; and stealth "conscience clause" legislation, which allows pharmacists to indiscriminately refuse to fill prescriptions, has put contraception's accessibility at risk.

The policies of the Bush administration are not only harmful to women in the U.S., but to the lives of women all around the world. In 2001, Bush reinstated the Mexico City Policy, also known as the Global Gag Rule, which denies foreign organizations receiving U.S. family planning assistance the right to use their own non-U.S. funds to provide legal abortions, counsel or refer abortions, or lobby for the legalization of abortion in their country. This policy endangers the lives of women by withholding funding, technical assistance and U.S.-donated contraceptives (including condoms) from organizations that refuse to comply.

### HIV/AIDS

Recognizing the devastating effects of HIV/AIDS and other STDs on women's health, governments promised in Beijing to "undertake gender-sensitive initiatives" to combat the problem. But despite this commitment, the lack of services along with pervasive social stigmas, have meant that the effects on women have actually become far more severe.

As with all issues of reproductive health, it is impossible to separate a discussion of HIV/AIDS from the intersections of gender, race, class and geography and the macroeconomic constraints that make those intersections a death sentence for millions.

This can be clearly seen in the HIV/AIDS epidemic in Southern Africa, where over 58 percent of the victims—and nearly two thirds among young people below 24—are women and girls. These women, often invisible, are the casualties of trade inequities in agriculture and textiles, displaced from sustainable livelihoods and forced into casual labor and/or transactional sex; the victims of domestic violence or family ostracism for getting infected; and the wives of long-distance truckers or men who migrate out for work, have unprotected sex and infect their unsuspecting wives.

These connections come to light in many of the regions. In West Africa, the HIV/AIDS pandemic affects women disproportionately, as their social and legal status makes them particularly vulnerable. In Taiwan, women between the ages of 20 to 39 are at the greatest risk of infection, accounting for 56 percent of all HIV infections among females (East Asia).

In addition, as is the case with women's health overall, some women are affected by HIV/AIDS more than others. In the U.S., for example, African American women accounted for 13 percent of the female population in 2003, but approximately 67 percent of female AIDS and Latinas accounted for 16 percent of estimated cases in the

same year. For African American women aged 25-44, HIV/AIDS is the fourth leading cause of death and is the third leading cause of death for Latinas the same age range.

HIV/AIDS education and services are successful to varying degrees. However, some regions do not take women into account when creating educational and preventative programs. In the Philippines, for example, the National AIDS Prevention and Control Program established targets only for men and women sex workers (Southern Asia). No programs or services target women specifically. In Aotearoa/New Zealand, there is a gap in public funding for promotion and prevention efforts targeted to women and heterosexuals; HIV/AIDS has been viewed as a predominantly male homosexual issue. In contrast, all CIS countries have launched national programs on HIV/AIDS prevention that include gender concerns, such as prevention of mother-to-child transmission, along with special attention to youth.

Widespread stigma and discrimination still exists in most regions. In Latin America and the Caribbean, the stigmatization and exclusion of women living with HIV/AIDS undercuts their human rights and substantially increases their difficulties in living in their communities. HIV-positive women suffer societal isolation irrespective of their country's borders. In Cuba, however, all HIV/AIDS services are provided free and are accessible, and it ranks among the countries with the lowest infection levels, with 0.02 percent of its population HIV positive. In China, the strong stigma attached to HIV/AIDS often leads to medical practitioners violating confidentiality rights because of discrimination compounded with a lack of knowledge about national policies and guidelines for HIV/AIDS patients (East Asia).

Even where there are anti-discrimination laws in place, the social stigma of HIV/AIDS counteracts legislation. In Aotearoa/New Zealand, where the Human Rights Act protects women with HIV/AIDS, there is still widespread discrimination in employment, access to housing and public places, and the provision of goods and services.

### Authors

*Compiled by Anna Grossman, Nadia Johnson, Tina Johnson, Joan Ross Frankson and Jessica Valenti.*

### Notes

1. Strategic Objectives and Actions, Critical Area of Concern E, Women and armed conflict
2. [www.un.org/womenwatch](http://www.un.org/womenwatch); [www.amnesty.org](http://www.amnesty.org)
3. [www.hrw.org](http://www.hrw.org)
4. [Peacewomen.org](http://peacewomen.org)
5. [news.amnesty.org](http://news.amnesty.org)
6. Additional source: Peace Women's 1325 Resources Index [www.peacewomen.org](http://www.peacewomen.org).
7. Refugees International
8. [ICC women.org](http://ICC.women.org)
9. [IPU.org](http://IPU.org)
10. Women and Men in the Informal Economy : A Statistical Picture. International Labor Organization (ILO). P. 8. 2002. <http://www.ilo.org/public/english/employment/gems/download/women.pdf>
11. Women in the Informal Economy Fact Sheet. Women in Informal Employment Globalizing and Organizing (WIEGO). [www.wiego.org/main/fact2.shtml](http://www.wiego.org/main/fact2.shtml)
12. Environmental Protection Agency website, <http://www.epa.gov/ebtpages/humanhealth.html>, Last checked Dec. 16, 2004.



# AFRICA

## **Eastern Africa**

*Burundi, Ethiopia, Kenya, Rwanda,  
Somalia, Tanzania, Uganda*

## **Northern Africa**

*Algeria, Morocco, Tunisia*

## **Southern Africa**

*Angola, Botswana, Lesotho, Madagascar,  
Malawi, Mauritius, Mozambique,  
Namibia, South Africa, Swaziland,  
Tanzania, Zambia, Zimbabwe*

## **West Africa**

*Benin, Burkina Faso, Cape Verde,  
Côte d'Ivoire, Gambia, Ghana, Guinea,  
Guinea Bissau, Liberia, Mali, Mauritania,  
Niger, Nigeria, Sierra Leone, Senegal, Togo*

# EASTERN AFRICA

## Despite Country Differences, Common Challenges

Countries in the Eastern African subregion are shaped by different historical backgrounds. Kenya, Tanzania and Uganda have been relatively peaceful over the past 20 years. Burundi and Rwanda have suffered from the genocide that took place 10 years ago, while Eritrea and Ethiopia continue to have hostile borders. Somalia is just emerging from 14 years of civil war. Despite these differences each of these countries has taken similar action with regard to international treaties. This may be due to regional cooperation under partnerships such as the

Commission for East African Cooperation of Kenya, Tanzania and Uganda and the Arusha Peace Accord for Burundi and Rwanda.

The status of women in the subregion continues to be low, and lack of education contributes to women's poverty, which has increased over the past 10 years. There is little awareness of international conventions that protect women's rights, and governments and NGOs have not made the effort to promote these conventions, apart from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

### HUMAN RIGHTS

#### CEDAW Compliance

In the Eastern African subregion all of the governments have signed and ratified CEDAW except for Somalia, which has not had a functioning government for 14 years. Somalia's new government has much to do to set the stage for good governance, making it difficult to predict when it will sign and ratify the Convention. In Ethiopia CEDAW has been translated into Amharic, the national language. Burundi, Ethiopia, Kenya, Rwanda and Uganda have all signed and ratified CEDAW without reservation.<sup>1</sup>

None of the Member States have signed or ratified the CEDAW Optional Protocol with the exception of Burundi which has signed but not ratified. Most governments need to take steps to make CEDAW more operational at municipal level.

#### National Law

In all of the countries, apart from Burundi, Kenya and Somalia, Sharia and customary law has prevailed in the absence of a government), national law does not discriminate on the basis of sex. In addition, all persons are considered equal before the law and are entitled to equal protection. In Burundi, women and girls do not inherit due to the precedence given to traditional laws over statutory laws. Although not all discriminatory legislation has been repealed in Kenya, the draft constitution (Bill of Rights), the Refugee Protection Bill (2003) and the HIV/AIDS Bill (2004) if adopted will address this. Almost all of the governments have established ministries that deal with women's issues.

In Ethiopia, this is stated in Article 25 of the Constitution. Currently, Ethiopia is revising its Family Law and the Civil Code. The Penal Code is also under review. In addition, a National Action Plan is being developed to implement CEDAW. All international agree-

ments ratified by Ethiopia are an integral part of the Constitution.

Uganda has put in place a 30 percent affirmative action policy and developed a National Plan of Action for women. In Kenya, legislation exists on the girl child, specifically the Children's Act adapted from the Convention on the Rights of the Child.

In Burundi, the issue of non-discrimination is not a priority as the Government struggles to recover from the 1994 genocide. Traditional beliefs about women's role in society there affect women's ability to advocate for their rights. However, the Government has put in place a 40 percent affirmative action policy in favor of women in decision-making.

In Tanzania, the Law Reform Commission was given a mandate to identify laws contrary to the Constitution with regard to gender discrimination. These laws, submitted in 1992, are still under the review of the Attorney General. Legislation that has been introduced on the status of women includes the 1984 Bill of Rights, which guarantees fundamental freedoms to all persons and bans discrimination based on sex, race or religion. The Land Acts of 1999 gives women the same rights as men to acquire, hold and use land. The Sexual Offenses (special provisions) Act of 1998 elaborates on sexual offences against women and children, broadens sentencing and provides for compensation. It also recognizes the trafficking of women as an offense and criminalizes female genital mutilation (FGM) when performed on children under 18.

None of the countries in the subregion has laws specific to minorities, indigenous peoples or immigrant women. Kenya is the only country in the subregion where there is a pending refugee bill.

#### Public Awareness

Human rights education is a new concept in Africa, a continent that is replete with human rights abuses as a result of intermittent

inter- and intra-country conflicts. Until recently, most governments perceived human rights education as a challenge to their authority, making it a low priority. Across the subregion human rights awareness is low. Whatever human rights education exists is carried out mainly by civil society organizations, and women are rarely the recipients. There are no government guidelines on human rights education and awareness.

In Somalia, according to the Women's Development Organization (IIDA), human rights guidelines are derived from the Koran. In Uganda, Makerere University has established a department for gender and women's studies, although this has a narrow reach. In Kenya, there have been limited efforts undertaken to increase human rights awareness. The Federation of Women Lawyers in Kenya developed a training manual in collaboration with the Kenya Police and provided some human rights education for members of the national security and armed forces.

Overall, adult education in the subregion lacks budgetary support and school curricula do not include women's rights as a separate subject. In Tanzania the Government had set a target in line with the Beijing Platform for Action to provide human rights education to at least 30 percent of women by the year 2000, but this plan has not been institutionalized to date.

#### Violence Against Women

Patriarchy still exists in African society. Even when the law does not discriminate on the basis of sex, women traditionally have a lower status in society. Negative cultural practices such as FGM, rape of women and young girls (virgins), and polygamy still exist in many societies.

In Somalia, the absence of a functioning government for 14 years has made women and girls vulnerable. FGM exists on a large scale but many people do not recognize the



practice as a violation of women's rights, making its eradication that much more difficult.

In Ethiopia, legislation exists to prevent and punish domestic violence, but it is not enforced because of patriarchal traditions and women's lack of awareness regarding their human and legal rights. The penal code is being revised to include punishment of violence against women but this will take time. There is no research on violence against women and no support systems, such as shelters or physical/mental health services.

In Kenya, government action on violence against women has been mostly slow and unsatisfactory. There is no law on domestic violence in place. A Domestic Relations Bill was drafted in 2002 and a Refugee Protection Bill was drafted in 2003. However, neither of these Bills has been enacted. CEDAW has not been domesticated, which means that it cannot be implemented by the courts of law.

Some positive measures in Kenya include training of judicial, legal, medical, social, educational, police and immigrant personnel to deal with violence against women, and gender is being mainstreamed in programs related to violence. The draft constitution has been fully engendered and is awaiting consensus before implementation. There are also efforts to promote research and data compilation. This includes a survey in Nairobi conducted by the Federation of Women Lawyers in Kenya on issues related to domestic violence. Plans are underway to survey the whole country, funds allowing. Victims of domestic violence are provided with direct services, but not by the Government. There are no special services for migrant, immigrant and indigenous women who are victims of domestic violence and abuse.

In Burundi, there are some provisions in the Penal Code on Family and Persons to prevent and punish domestic violence; however, these are not enforced because of traditional beliefs that domestic violence is "not so harmful". A policy to mainstream gender in all policies and programs related to violence against women was adopted in 2003 as part of the National Gender Policy. Women's organizations and the Ministry of Gender and Family Promotion are the main lobbyists for legislation on violence against women. According to the main women's umbrella organization in Burundi, government legislation still has not translated into practice. Programs to train judicial and other officers are run by NGOs and not the Government.

In Rwanda, there are programs to train

judicial, legal, medical, social, education, police and immigrant personnel on violence against women. There is also a policy to mainstream gender in all policies and programs related to violence against women.



Presenting a peace declaration at ECA meeting.

Research in this area is conducted by NGOs, not the Government.

None of the countries in the subregion have legislated compensation for victims of domestic violence. Government security personnel receive little education on violence against women. In general, governments do not provide any support systems to victims of violence; this is done by NGOs. In some cases efforts have been made to make police stations more gender responsive, but these efforts are scattered.

Governments in the subregion also do not give any attention to special groups such as refugees and internally displaced women. Yet in Kenya, refugees living in camps in the North often experience rape at the hands of fellow refugees and local male members of the community. In Uganda, armed conflict in the North that has raged for 18 years has resulted in hundreds of young women and children being displaced, and many forced to become wives or sex slaves of the rebels. These women and girls, known as abductees, live in internally displaced persons camps when they return home. There is no special legislation in place for abductees.

## PEACE AND SECURITY

### Security Council Resolution 1325

There is little or no public awareness about Security Council Resolution 1325 or the International Criminal Court in the Eastern African subregion. However, Uganda is doing relatively well when it comes to putting women at the forefront of the peace process after 18 years of war in the North waged by the Lord's Resistance Army (LRA). The chief peace negotiator between the Government and the LRA is a woman. The 2003 draft policy for internally displaced persons aims to involve

women in the peace process, and three out of seven regional commissioners on the Amnesty Commission 2002 are women. The Minister of State for Defense is also a woman.

In Ethiopia, women have been absent from decision-making in peace processes. This was especially true with regard to the war with Eritrea (1998-2000). In Somalia, there is little public knowledge about Resolution 1325. However, Somali women have traditionally played a role in peace processes. They have participated in peace conferences and have also been represented in committees on the stability and development of the country. Challenges remain, however, with regard to traditional beliefs about women's role. For example, clans find it embarrassing to have women represent them at peace talks and other fora, and it is considered culturally taboo for women to sit and talk among traditional and religious leaders, who are mostly men.

### Asylum Seekers, Refugees, Internally Displaced

The Government of Ethiopia has programs to facilitate the reintegration of refugees and internally displaced women into society but temporary camps still have hygiene and sanitation problems. In Somalia, following more than a decade of inter-clan warfare, recurrent drought and flooding, many people are internally displaced. Currently there are no particular provisions in place to protect internally displaced women's and girls' human rights.

In Uganda, the war in the North has left a population that is destabilized and afraid to live in their own homes. They therefore live in internally displaced camps with poor sanitary conditions. The Government so far does not have any coherent plan or policy in place to integrate them back into society.

Kenya has a more complicated refugee situation than other countries in the subregion. This is due to the fact that it houses over 240,000 refugees from Burundi, Congo, Eritrea, Ethiopia, Rwanda, Somalia and Sudan and other countries. Living conditions are often characterized by crime, poor health, malnutrition and lack of shelter; rape is common. The Government has put some mechanisms in place to protect the human rights of refugees and internally displaced women and girls.

In most countries, including Kenya, refugees are registered as dependents of their spouses. This means that they do not have individual documentation, limiting their free-

## In Rwanda, the number of women in decision-making has increased dramatically with the introduction of quotas.

dom of movement. They are also not able to secure employment. In Kenya, asylum seekers do not receive protection or assistance of any kind until their status is established. The Government has programs to help refugees and internally displaced persons but only those who have gained asylum. If the Refugee Bill 2003 is enacted, there will be a Commissioner who will head a Department of Refugees to ensure the safety and protection of women and children refugees. A Refugee Committee, under the Ministry of Home Affairs will also be formed.

To address the problems of women refugees in Kenya, the United Nations Commission for Human Rights and other humanitarian organizations have encouraged the involvement of female refugee leaders in all issues affecting refugees; the establishment of refugee women committees; the introduction of mobile courts to try criminals; the deployment of security officers to refugee camps and the setting up of education centers in refugee settlements.

### The International Criminal Court

Public awareness of the International Criminal Court (ICC) is extremely low. Uganda became a party to the ICC in June 2002. Ethiopia is also a party, although there is little public knowledge or awareness. Kenya is not a party to the ICC although this is in the works.

## POWER AND DECISION-MAKING

### Representation

A Beijing+10 review conducted by the Eastern Africa Subregional Support Initiative for the Advancement of Women (EASSI) revealed that the most progress has been in the area of decision-making, even though no countries have reached the 30 percent critical mass considered necessary for impacting policy.

In Ethiopia, women's representation in decision-making positions has increased, with women taking 42 out of 547 positions in the 2000 elections, compared to only a third of this in the 1995 elections. In the country's regional councils there are only 244 or 12.9 percent female representatives out of 1,891 council members. For the 2005 elections the Government has promised to increase the number of women candidates in their vari-

ous constituencies. A 30 percent quota for women is to be implemented in May 2005.

Uganda has 30 percent representation of women in Parliament and at all governance levels from the local councils to the village level. The Ministry of Gender is the main ministry governing women's affairs in the country. It formulates gender sensitive policies, programs and plans as well as mainstreams gender at all levels of the development process. It has ensured the establishment of gender desks and focal persons in all the key ministries including agriculture, education and health. However, the Ministry lacks funds and human resources. Awareness about affirmative action is high, yet methods of implementation are poor. In most cases women are not consulted about political appointments.

In Kenya, women's representation has substantially increased, especially in decision-making and in education and training. However, women's participation is low in public administration and in the judiciary. To achieve equal representation, the Government has established a Gender Commission, and appointed more women as cabinet ministers and assistant ministers. There is also emphasis on gender mainstreaming by the government institutions. These positive measures require legislative and constitutional reform. As mentioned before, the draft constitution has been engendered. Successes include the increase in number of women in leadership positions, including public office, and improved lobbying for women's issues in Parliament. Kenya has a Ministry of Gender, which is coupled with Sports and Other Cultural Activities. It is a low priority ministry, however, in which political appointments are regularly considered a punishment rather than an honor. At present, a male heads the Ministry, while the Assistant Minister is a woman. The women's bureau is housed in this Ministry and budgetary allocations remain miniscule.

In Burundi, there is a Ministry for Social Affairs and Advancement of Women, which is headed by a woman. However, the patriarchal character of the country's society has long determined the status of Burundi women. Women have more duties than rights and must subordinate themselves to the customs governing relations in society. Statute law has tried to correct the situation, and Burundi's

family code has been amended. Although very few women occupy leading positions in the National Assembly and in public or private corporations, attitudes are improving.

In Tanzania, constitutional amendments theoretically grant women the equal right to vote and be elected to public office, yet the participation of women in politics and ministerial positions has been increasing at a very slow pace. For instance, women constituent seats against total seats for 1985, 1990, 1995, and 2000 were 19.2 percent, 17.9 percent, 17.8 percent and 19 percent respectively. Similarly, the number of women accessing ministerial positions has remained stagnant and has never exceeded four. The majority of parliamentarians remain male, and hence men monopolize the leadership positions. It is felt that there is lack of political will to promote and support women's access to political leadership positions. A number of other factors account for the low participation of women in politics, including the patriarchal system, low levels of education for women and a lack of confidence to aspire to electoral positions. Constraints notwithstanding, the constitutional amendments and changes in the formal politics have to a large extent created and increased democratic openings and opportunities for effective participation of women. The Constitution also stipulates that special seats should be allocated to women.

Women's roles in power and decision-making have been bolstered by the Government's introduction of quotas with regard to judicial representation (50%), local government (28%), national government (24%) and Parliament (48%). In addition, every political party is obligated to have a number of women in its leadership. Rwanda has succeeded Uganda as the most gender-responsive government in the region.

### Impact of Representation

In Ethiopia, the impact of women in the Cabinet is notable as several women-friendly laws have been enacted, including revision of the Family Law; amendment of social welfare policies (e.g. maternity leave, pension for the family) and the civil service policy on employment, promotion and training; and revision of the policy on citizenship. In spite of this, it is difficult to say that women's representation has produced institutional transformation or changes in attitude, infrastructure, behavior, power relations and resource allocation.

In Somalia, there are no legal measures to ensure full and equal participation of women

in power and decision-making. No effective national law enforcement institutions are in place and some areas have local administrative systems where women are rarely considered. Women's priority at the moment is to lobby the newly elected Government to consider mainstreaming gender in power and decision-making bodies. Women were promised 12 percent representation in Parliament out of the 275 seats but only occupy 38 seats.

Uganda has been a model for women's representation in the region since the Movement party came to power 20 years ago. The number of women in Parliament and other decision-making bodies has increased due to the Government's commitment to CEDAW and the Beijing Platform for Action. The Government has implemented policies to facilitate the participation of women and included this in the Poverty Eradication Action Plan (PEAP). The Government has also adopted a policy establishing affirmative action programs in areas where women's participation is low. The policy supports quotas, which increase women's power in Parliament.

In Kenya, political parties now have a provision for one-third women's participation. However, this is almost never implemented despite intensive lobbying by women's organizations. As a result, there has been no major impact on government bodies, and women candidates still complain that severe resource constraints lead to poor performance in elections. The Refugee Protection Bill, the HIV/AIDS Bill, the Establishment of the Family Protection Bill, the Affirmative Action Bill, the Children's Bill and the National Hospital Insurance Bill are policies that have been or are being introduced that have a direct impact on women. The presence of women in decision-making positions has led to their participation in the Constitutional Review Process, the election and nomination of women into the ninth Parliament and involvement in the taskforce on laws relating to women. The increase in the number of women in Parliament, has also led to the formation of a Women Parliamentarian Association, comprised of women from all of the different political parties.

In Rwanda, as a result of the large number of women Members of Parliament (48%), there has been greater advocacy and promotion of women's issues. The main impact of women in leadership is the mainstreaming of gender in different programs. Gender is now considered in action plans at both national and local government levels. A Ministry of Gender and Family Promotion has been cre-

ated. Women politicians also lobby within their political parties and advocate for the rights of women.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

In general the needs of poor women have not been given special attention at the sub-regional level, but are addressed by each country individually. Women's lobby groups have played an important role in drawing attention to women's poverty. Many countries tried to involve women in the formulation of the Poverty Reduction Strategic Papers (PRSP) but since this was not done countrywide it had little effect when it came to budgeting and allocating resources.

In Burundi, in general, many women live below the poverty line. The state has set up a system to provide health care to families. Health insurance is inexpensive and accessible to all homes. The promotion of income-generating activities for women is also among the Government's priorities. Out of the 17 provinces, 11 have implemented measures towards that end.

### Employment Patterns, Women's Work

In Ethiopia, there are laws that prohibit employment discrimination and protect pregnant and elderly women. Policies on equal pay for equal work have been in place for a long time. Indigenous, internally displaced and immigrant women have equal economic opportunities. The Women's Association of Micro-Finance and the Popular Bank of Women were formed as a result of economic policies aimed at supporting female-headed households. A land reform policy has also been formulated and implemented in support of female-headed households.

Women's employment in Ethiopia has improved both in the informal and formal sectors, but the number of women in the formal sector is low compared to the number of men. Women's unpaid work is not visible in the national income accounts, although it is now beginning to be accounted for in the agricultural sector. By law women and men share family welfare responsibilities on an equal basis, but there are problems in implementing this law in some regions because of tradition and patriarchy.

In Somalia, the absence of a central government has taken a toll. However, women's NGOs are playing a crucial role in removing cultural barriers that hinder women's economic activities and participation in

decision-making processes. Unfortunately, unequal pay for equal work is prevalent in the private sector. With the collapse of the state, a number of women started their own businesses, becoming breadwinners for their families.

In Uganda, over 80 percent of the population live in rural areas and agriculture is the main source of food and income. Women produce 56 percent of these products but traditionally have been barred from owning land. The Land Act of 1998 provides equal rights of access to and ownership of land. However, lack of awareness and persistent cultural traditions have ensured that women's right to land remains a contentious issue at the family level.

There has been general improvement in women's employment in both the formal and informal sectors in Uganda. Women are taking executive jobs that were once believed to be for men only. Competition for these jobs is based on education and qualification, not gender. The Government has set up institutions to advance micro-credit finance for women working in the informal sector. Generally women's work in the unpaid sector, such as domestic work, is neither visible in the national accounts system nor counted as a contribution to the economic well-being of the family. Even women's work in the agricultural sector is not accounted for in the national economy.

In Kenya, the formal sector has recognized women as an indispensable asset to the workplace. This has been demonstrated in employment trends and remuneration laws. However, there are no laws and policies in place to eradicate legal, institutional and cultural barriers that discriminate against women. Women's work in the unpaid sector is not visible in national income accounts, though campaigns launched by women are leading to some progress. No measures have been implemented to create conditions of equity in sharing family welfare responsibilities and decision-making within the household. There are no specific economic, social, agricultural or related policies formulated in support of female-headed households.

In Burundi, the Government has encouraged the establishment of associations and development projects for women in the area of economics. Initiatives exist to facilitate women's access to education, jobs and training. However, the dropout rate between primary and secondary education has been very high. Corrective measures will have to be taken where there is a low rate of school attendance.

In Tanzania, while some laws protect women against discriminatory practices in the workplace, a number of laws are gender insensitive. The employment ordinance Cap 366 protects women against discrimination in employment and guarantees paid maternity leave for 84 days every three years. However, employers are not barred from conducting pregnancy tests during recruitment. The International Labor Organization (ILO) Convention on equal pay for work of equal value has not been ratified.

Women in Tanzania, and particularly the rural poor, find it difficult to access credit facilities and other financial resources needed to improve productivity. Most lending institutions require collateral in the form of land, which women traditionally do not own. Women's lack of education and training relative to men is another barrier to accessing credit. As a result, the majority of rural women farmers have concentrated on subsistence crops rather than cash crop farming, an area dominated by men.

The Civil Service Code of Conduct in Tanzania prohibits sexual harassment in the workplace and provides disciplinary measures against employers (or employees who sexually harass fellow employees). While the Government has demonstrated a commitment to gender equality in several of its policies and legal frameworks, it has yet to demonstrate the political will to transform the working environment. Additionally, the Government's Poverty Reduction Strategy Paper (PRSP) does not consider the link between paid labor and unpaid labor. As a result, there is a danger that women's role in the economy as producers of goods and services will remain invisible in poverty reduction initiatives and no resources will be directed to support such activities.

In Rwanda, one of the goals of the National Gender Policy is to eradicate legal, institutional and cultural barriers that prevent or hinder women's economic activity and decision-making. Women's work has improved in the formal and informal sectors due to training organized by various organizations.

## EDUCATION

### International Agreements

Ethiopia has agreed to the Education for All (EFA) targets and the Millennium Development Goals (MDGs). To achieve the targets contained in these international agreements, steps are being taken to provide affirmative action in education and training, free primary education, alternative education programs and

revised curricula. However, challenges remain, such as poverty, crowded classrooms, the high attrition rate of girls, HIV/AIDS and harmful traditional practices like early marriage.

National action plans in Ethiopia that address equality and equity in education include tutorial programs for girl students at all levels, assertiveness training for girls in higher institutions and the inclusion of gender in the curriculum of teacher education programs. Gender-sensitive educational mass media programs and various audiovisual materials are also in place. However, government support for women's groups that disseminate information on women's equal rights and education is inadequate.

The law against sexual violence in Ethiopia is applicable in schools, and there are girls clubs in schools in which girls are taught how to protect themselves from sexual harassment. There are also adult education programs for women. School curricula have been revised to promote access to education for all women/girls (particularly rural, minority, poor and indigenous women/girls). However, education is not compulsory, even though it is free at primary level.

No public schools have operated in Somalia in the last 14 years. However, there are a number of schools and higher education institutions run by private organizations. Most of these schools are very expensive and many families cannot afford them. Somalia has not implemented the international recommendations in the EFA agreement or the MDGs. Women's groups and other local NGOs continue efforts to realize international norms related to women's equal rights and education with little support from the UN and international NGOs.

While there is currently no education ministry in Somalia, some local NGOs run by women focus solely on girls' education. No particular efforts have been made to promote research and data collection regarding girls' and women's education nationwide, but assessments of the country's education system show that there is a lower enrolment of girls in school than boys.

In Uganda, the right to education for all is provided in the Constitution under Article 30. Article 32 provides for affirmative action, which has been instrumental in the education sector and has contributed to significant improvements in the enrolment of girls, especially at primary level. Although there is no specific legislation addressing girl dropouts, the Constitution provides grounds for the elimination of all gender-related factors that constrain girls' participation in schooling.

There is also an Education Strategic Investment Plan (1997-2003), in Uganda, which spells out strategies to ensure equity of access to education at all levels. Basic education has been a major focus of the plan under the Universal Primary Education Program (UPE). This program provides for free primary education for all. Efforts have also been made to accelerate the enrolment of women and the disadvantaged.

Kenya is implementing the Education for All agreement and the second MDG on primary education.<sup>2</sup> Mechanisms include the introduction of free primary education for all, introduction of bursary funds for needy children and allocation of more funds in national budgets to the education sector. Other steps taken provide opportunities for older people to pursue education without discrimination. There are no measures to deal with the education of girls and women who are displaced or refugees, unless they have obtained asylum. Otherwise, most are educated in refugee camps.

There are efforts in Kenya to promote research and data collection regarding girls and women's education by the Government and the civil society. A data bank has been established in the Ministry of Education with accessible gender-disaggregated data.

In Tanzania, the Government is committed to providing compulsory primary education for all children. For example, the Education and Training Policy of 1995 clearly states that primary education shall be universal and compulsory for all seven-year-old children until they complete the primary level of education. Zanzibar has taken a step further by making compulsory education include two years of secondary education. There is a strong focal point within the Ministry of Education that deals with girls' education. There are also some civil society organizations that focus on women's and girls' education.

In Rwanda, education policies have a gender perspective and gender curricula in education have been introduced. Rwanda's new Constitution considers CEDAW with regard to education. Guidelines for training policies in vocational education have been established to ensure equitable quality education. Special programs are in place against girls' sexual harassment in schools.

### Public Policy

In Ethiopia, policies on education are region specific. For example, there is a different schooling system, like girls' scholarships and mentoring programs, for pastoral communities to promote girls' education. Female teach-



ers are assigned to schools in rural areas as role models to raise girls' enrolment ratio. Gender-disaggregated data on enrolment ratios, drop-out rates and repetition rates are collected as a specific measure to combat sex discrimination in education. The Government has also implemented affirmative action measures for women in education and there is a 30 percent quota for women in teachers' training institutions. Nonetheless, in spite of a high number of girls in higher education, there is also a high dropout and attrition rate.

In Somalia, there are no national mechanisms or mass mobilization efforts to promote access to education for women and girls. There is no public education and there are no measures to deal with the education of refugee women and girls. There has also been no compulsory education since the civil war, although during the military regime primary education was compulsory and all levels of education, including universities, were free.

In Uganda, there is a National Gender and Education Policy that addresses the issue of schoolgirl dropouts. The National Youth Policy of 2001 is in place to provide support to youth. The policy promotes principles of equity and equal access to social, economic and employment opportunities.

In Kenya, policies on education have a multi-cultural gender perspective. For example, marriage of schoolgirls is punishable by law. However, there are policy shortcomings on issues such as the girl-child's domestic role versus education. Measures that are in place to deal with sex discrimination in education include re-admission of teenage mothers in schools, gender-sensitive teaching methods and the development of non-formal education projects.

Kenya's Constitution ensures the incorporation of CEDAW and other international norms in education, even though CEDAW has not been domesticated. While there are policies to protect women and girls from sexual harassment in schools, they are not always effective. To some extent sexual harassment goes unnoticed (because women and girls may not be aware of their sexual rights), and little punitive action is taken. There is also a national literacy program aimed at adult women and men, although the quality of the program has declined.

In Tanzania, increased poverty and the state's inability to fund social services at previous levels have made it difficult to achieve education for all. Furthermore, the Government believes that girls who become pregnant should be expelled, contradicting the very principle of universal primary education.



In Rwanda, education is compulsory at both primary and secondary levels. The Government has a program to promote access to education for women/girls in rural areas and schools have been established closer to where they live. However, there are no specific programs to increase access to education for minority, poor and indigenous women/girls.

### Access and Changes in Practices

In Ethiopia, the school curriculum has been revised to achieve the EFA and MDG targets, which promote access to education for all women/girls (particularly rural, minority, poor and indigenous women/girls). Internally displaced people and refugees use the facilities on an equal basis if they have access. Efforts are being made to increase the participation of girls in education. This has been successful at the primary level but less so at higher education levels. The Women's Affairs Department in the Ministry of Education focuses solely on girls' education. However, information on the labor market and training is not easily accessible to women.

In Kenya, there have been changes in the curriculum to address the heavy load of subjects that students study. Science subjects are being promoted over the arts, and textbooks have been made more gender sensitive. Steps have been taken to promote access for all women and girls, including special groups such as minorities, the poor and the indigenous.

In Tanzania, the Primary Education Master Plan and various other educational programs promote activities and set targets to enhance girls' enrolment and retention and improve their performance to enable them to move to higher levels.

In Rwanda, the Forum for Women Educationists (FAWE), has established gender clubs in secondary schools, introduced a gender curriculum and conducted research on why Rwandan girls don't go to school.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

In Ethiopia, there has been little improvement in the participation of women in the

natural resources and environment sector. Environmental degradation due to climate change has impacted negatively on women's workload. For example, some women are now forced to travel further to collect water and fuel. Compromised food and water security has led to a greater risk of malnutrition and a lack of hygiene.

In Somalia, while women are free to own land, national resource distribution has not taken place for many years because resources have been under the control of gunmen. In cases where it did take place, women were marginalized.

In Kenya, the participation of women in the natural resources and environment sector has increased over the past decade and women lead most community based environmental organizations. With regard to women in environmental decision-making, the Assistant Minister of the Environmental Ministry is a woman. There are also several women officers. NGOs dealing with environmental issues are also comprised predominately of women. Despite this, there is no gender unit in the environmental sector and there are no gender-specific policies on the environment. Local women's interests are represented at national level through a bottom-up approach. For example, at the annual meeting of the Green Belt Movement, a Kenyan environmental NGO, there were more women than men from rural areas in attendance.

### Gender Impacts

In Somalia, the civil war has resulted in wanton destruction of the environment and natural resources, mostly by rebel groups. Women have been absent from decision-making on natural resources and the environment. As a result there have been no gender-specific environmental policies.

In Kenya, Hon. Prof. Wangari Maathai, Assistant Minister for Environment and Natural Resources and the Chairperson of the Greenbelt Movement, won the 2004 Nobel Peace Prize for her contribution to sustainable development, democracy and peace. She was the first woman from Africa to win the Prize. However, obstacles to women's full participation still exist. This includes the failure of the Government to domesticate inter-

In 2004, the Green Belt Movement's  
Wangari Maathai became the first woman in Africa  
to win the Nobel Peace Prize.

national treaties, women's lack of education, traditional practices that discriminate against women and the HIV/AIDS pandemic.

Kenyan women constitute 52 percent of the population and are the major producers of food. They are, therefore, the most affected by environmental problems. In addition, a very small percentage of women have access to safe portable water—50 percent in rural areas and 75 percent in urban areas. In rural areas, women must travel long distances to search for water and firewood.

### Right to Natural Resources

In Ethiopia, the Constitution gives women and men equal rights to natural resources. This includes equal rights to land. Most other natural resources are owned by the state. However, women are not trained on intellectual property rights and are not involved in decision-making processes on protected lands. In Somalia, women have the right to inherit assets/property in accordance with Sharia law, and manage it as they choose.

In Kenya, there have been major developments regarding women's land and water rights, intellectual property rights and access to water and sanitation. Women's participation in environmental management has increased the budgetary allocation towards the National Environment Management Program by 73 percent. Women are also participating in decision-making on protected lands.

In Rwanda, women have a right to inherit land. They also have access to water and participate in decision-making processes over protected lands. In the past decade, more women have been planting trees and maintaining water sources. However, women do not have positions in decision-making bodies on the environment and natural resources at either the government or non-governmental level. There are also no gender units or specialists for the sector.

## HEALTH

### Access and Affordability

In Ethiopia, women have the right of access to health centers without discrimination, although there are problems obtaining these services. Health care has not evolved to a level where there is cultural and gender sen-

sitivity in relation to religious and ethnic diversities, or to where human rights and ethical standards are focused on ensuring consent. It is understood, however, that adolescents and girls have special needs and there is an effort to address, these. Obstacles to full and comprehensive access to primary health care include a lack of resources, both in terms of financial and human resources.

In Kenya, not all women have access to quality affordable primary health care. Quality care is provided by private hospitals, which are unaffordable to poor women, who resort to herbal treatment and indigenous medicines. However, women who have been detained in correctional centers are treated free of charge. Health care services are also not gender or culturally sensitive in relation to the diversity of religious and ethnic communities. Human rights and ethical standards are also sometimes not adhered to. Young girls and adolescents have their special medical needs met to a small extent, but mostly by NGO-run clinics and drop-in centers.

In Somalia, in the absence of central government authority and apart from private clinics, local NGOs run medical care centers are run by local NGOs at various locations with the support of international partners. These services are inadequate to cover needs. In Tanzania, there is little information about access to quality primary health care. There is no information available about the sensitivity of health services relative to culture and gender, or on human rights and ethical standards. Not all women have access to quality primary health care in Rwanda.

### Reproductive Health

In Ethiopia, obstacles to sexual and reproductive health services and maternal health care include a lack of resources and traditional beliefs that discriminate against women. While women and girls have some information about family planning, prenatal and postnatal services and abortion, they do not have much access to family planning measures or safe abortion, which is illegal in Ethiopia.

In Somalia, women who visit medical care centers receive, to some extent, information on reproductive health. However, this information is insufficient. Because there has been no government in place, NGOs have

been monitoring and collecting data on maternal health.

In Uganda, reproductive health issues are addressed through the Multi-sectoral AIDS Control Approach (MACA) and have been integrated into other relevant sectoral policies such as the National Health Policy, National Adolescent Health Policy, National Youth Policy, National Gender Policy and School Health Policy (still a draft). The National Health Policy addresses issues of maternal mortality and sexual and reproductive health and rights, including essential antenatal obstetric care, family planning and adolescent reproductive health. The National Gender Policy facilitates the mainstreaming of gender in health services delivery. The Ministry of Health also has a program that advocates for sexual and reproductive rights and supports capacity building through training to improve the performance of public sector and non-governmental staff delivering services.

In Kenya, women living in urban areas have better access to sexual and reproductive health information than women living in rural areas, especially where town centers are far from their homes. Family planning, prenatal and post-natal services and emergency contraception are not always easily available. There is no specialized treatment available for unsafe abortions, as abortion is illegal in Kenya. At present there is a debate on whether or not abortion should be legalized. Laws exist that specifically address maternal health, particularly maternal mortality and morbidity, but they are not fully implemented because of diverse cultural and religious beliefs. Lack of political support has meant that the National Social Health Insurance Fund Bill has faced opposition from some quarters.

Policy commitments in Tanzania give women and girls full access to information regarding sexual and reproductive health and rights and to quality family planning. However, the translation of this policy into practice is low, and resource limitation is a big challenge to the realization of the policy goals and commitments for this sector. Abortion is illegal in Tanzania, although it counts for 16 percent of maternal morbidity and mortality.<sup>3</sup>

### HIV/AIDS

In Ethiopia, HIV/AIDS information and services are available to most women, unlike other health services, because of high government and NGO involvement in the area. Women are involved to some extent in the design of services.

In Somalia, the provision of HIV/AIDS-related health services and information is in

the beginning stages. HIV/AIDS prevalence is low compared to neighboring countries. Local NGOs and international partners are undertaking campaigns on HIV/AIDS awareness-building and prevention measures. As a result, women and girls are receiving relevant information. Health professionals, social workers, religious scholars and youth are the main disseminators of this information.

In Uganda, the Government has put in place a number of policies dealing with HIV/AIDS. Uganda recognized the problem of HIV/AIDS in 1982 and responded by formulating and adopting a Multi-sectoral AIDS Control Approach (MACA) in 1992 and a National Operation Plan in 1993. The Uganda AIDS Commission was established under the Office of the President. The Commission developed a comprehensive National HIV/AIDS Policy that tries to ensure that all people, especially women, are protected from HIV/AIDS through access to information.

In Kenya, HIV/AIDS-related health ser-

vices and information are available to all women, including pregnant women and girls, sex workers and transgendered individuals. The Government has established a health committee to oversee work around the HIV/AIDS pandemic, although women's representation on this committee is low. Government and civil society disseminate information on HIV/AIDS. Currently, no laws and policies exist to protect people living with HIV/AIDS and provide them with government benefits. An HIV/AIDS bill is soon to be tabled in Parliament, advocating for free treatment of non-discrimination against people living with HIV/AIDS.<sup>4</sup>

In Tanzania, the Government has formulated and is implementing a National Policy on HIV/AIDS. Additionally, a National Multi-Sectoral Strategic Framework on HIV/AIDS (2003-2007) and a Community Based Strategic Framework for the Protection of Women and Children Against AIDS and HIV (2001-2005) have also been developed.

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## Notes

1. African Gender Development Index, Tanzania.
2. Forum for African Women Educationalists.
3. Ministry of Health, Tanzania, 2003.
4. Kenya Network of Women Living with HIV/AIDS (KENWA), Kenya.

# NORTHERN AFRICA

## Modest Gains Underscore Lack of Government Commitment

**T**he adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 was perceived as a important victory by women from North Africa, who felt that gender-based discriminatory practices and cultural beliefs could no longer be justified or accepted.

However, progress is slow and women in Algeria, Morocco and Tunisia are frustrated by the strategies their respective government have adopted to implement CEDAW. These have often failed to implement and achieve the goals and objectives of the Convention.

Since the adoption of the Beijing Platform for Action in 1995 and the Millennium Declaration in 2000, North African countries have recognized the importance of gender equality, education, health and women's empowerment. However, progress towards gender equality and women's empowerment remains modest and economic globalization has worsened the living conditions for women across the board.

Despite some gains, the development context has not worked in favor of North African women. Although Algeria has adopted programs aimed at strengthening women's participation in political, economic and social spheres, the three countries tend to focus on

women's participation in development as opposed to integrating a gender perspective into development programs.

National policies and programs have been established to eradicate illiteracy, especially among women and girls. Health problems remain acute among women, especially in rural areas. NGOs play a critical role in dealing with HIV/AIDS-related care.

Tunisian women have benefited from progressive legislation on personal status adopted during the Bourguiba era (1956) and Moroccan women have recently obtained reform of their Moudawana (family code) giving them relatively extended personal rights, including within the family, Algerian women are still negotiating the revision of their retrograde Personal Status Code.

Despite some gains, such as remarkably increased participation of women in the Moroccan Parliament, or the eligibility of Algerian women to take part in presidential elections, North African women remain under-represented in decision-making, and legal and de facto inequalities persist. In addition, the 30 percent quota recommended by the UN and demanded by women's organizations is yet to be implemented.

Ultimately, commitment at the highest political level is essential to achieving gender equality and poverty eradication.

## HUMAN RIGHTS

### CEDAW Compliance

A review of the ratification status of the main international instruments relating to women's rights reveals only partial accessions of the three countries in question. Such accessions are generally qualified by

reservations, particularly when it comes to CEDAW. This is partly explained by the simultaneous commitments of the three countries to other regional instruments in connection with Islamic, Arab and African communities. Most of the reservations to CEDAW relate to laws derived from religious scriptures such as the Koran.

All three countries have implemented certain laws in order to be in line with CEDAW's provisions. For example, Morocco has adopted the Reform of the Mudawana (Code relating to Personal Status or Family Law), passed a new Labor Law, drawn up a Bill relating to the employment of girls, and repealed Art 418 of the Penal Code relating

to adultery. As noted above, Algeria is in the process of revising its Personal Status Code.

While legislation in the three countries is not unfavorable to women in general, the implementation of anti-discrimination laws remains problematic.

### National Law

In all three countries, equality of men and women is enshrined in the constitution.

In Algeria, Article 29 of the Constitution states: "Citizens are equal before the law, with no possibility of discrimination on the basis of birth, race, gender, opinion or any other personal or social condition or circumstance whatsoever."

In Morocco, Article 5 of the Constitution states "every Moroccan citizen is equal before the law." It therefore enshrines the equality of women and men in their right to vote and be eligible for elective office, and the substantive law affirms the equality of political rights.

In Tunisia, Article 6 of the Constitution of 1959 recognizes that all citizens have the same rights and responsibilities and are equal before the law, and Article 20 recognizes the right of both genders to vote.

The laws containing gender discrimination that have a disproportionate impact on women include those related to marital age; the protection of the rights of women and children; the right to divorce; the institution of family courts; pensions for divorced mothers having custody of their children; the right of women married to foreigners to transmit their nationality to their children; the community of property in marriage; and violence against women and sexual harassment.

### Violence Against Women

With regard to violence against women, some progress has been made. In terms of physical and emotional abuse of women, awareness campaigns have been started in the three countries, lessening the silence that surrounds the issue. There has also been revision and adoption of legislation, most notably in Morocco's Penal Code, which seeks to end sexual harassment.

Counseling centers for women victims of violence are being put in place in all three countries, and a data collection system has been established at the police station level in Morocco. This progress is due in large part to the actions of the civil society in the three countries, particularly the autonomous feminist movement of the Maghreb.

Within the Gender and Development program—being conducted jointly by the UN

Development Program (UNDP), the UN Development Fund for women (UNIFEM) and the UN Population Fund (UNFPA)—a National Strategy to Fight Violence against Women (*Stratégie Nationale de Lutte contre la Violence à l'Égard des Femmes*) has been developed in Morocco. This focuses particularly on advocacy and the setting up of NGOs, as well as supporting the counseling centers in charge of psychological and legal issues for women victims of violence.

There has also been support for a pilot program researching and preventing violence against handicapped women, including awareness-raising in schools in the Meknes region of Morocco, conducted by the Association for the Rehabilitation and Development of Handicapped Women (*Association pour la Réinsertion et le Développement de Femmes Handicapées*).

In Algeria, a program developed by the "SOS Women in Distress" association (*SOS Femmes en Détresse*) with the Government includes in particular public awareness-raising in the face of this phenomenon, vocational training, and emotional counseling for women victims of violence.

## POWER AND DECISION-MAKING

### Representation

Since Beijing, there has been an increase in awareness and it is now possible to see some positive steps, including a woman candidate in the last Algerian presidential election and a significant rise in the number of women Members of Parliament in Morocco, which has put that country at the forefront of the Arab world.

Political training programs have been launched. The Democratic Association of Moroccan Women (*Association démocratique des femmes du Maroc*) has created an Education Center for the Advancement of Civic Visibility and Women's Empowerment, which has the potential to serve Algerian and Tunisian women as well, since the Democratic Association already collaborates with other regional programs.

Promotion of citizenship is also considered important in enabling women to participate politically; with this objective in mind, a process of analysis and action has been undertaken by women activists in the three countries.

One such measure is the introduction of legislation requiring that political parties and unions put a certain number of women on their lists of candidates. In fact, no autonomous women's labor union yet exists.

Under-representation of women workers within labor unions is apparent almost everywhere. In Algeria, female trade unionists exist in the health and education sectors; in Morocco, they are present in the educational and manufacturing sectors, and in Tunisia, a majority of female trade unionists are found in the textile, health and education sectors. However, the Arab Maghreb Labor Union (*Union Syndicale des Travailleurs du Maghreb Arabe*) has given women workers considerable impetus since it created, in 1995, the Women's Coordination Commission for the Maghreb (*Comité Féminin de Coordination Maghrébin*).

Other methods being undertaken to increase women's representation are institutional mechanisms being designed to promote gender equality; the compilation of gender-disaggregated databases, which is on the agenda in all three countries; and the inclusion of gender issues in the countries' national development plans, following the development of measuring and monitoring indicators initiated by the Women's Center at the UN Economic Commission for Africa (ECA.) However, due to financial and technical constraints, it is UN agencies, along with certain donors, that are taking on the task of gender mainstreaming.

For example, a program sponsored by UNDP, in support of the Moroccan Statistics Bureau (*Direction de la Statistique du Maroc*), aims to formulate a national strategy for the production, use and dissemination of gender-disaggregated statistics, including an analytical study of the current situation and the evolution of disparities between men and women, based on the statistics available.

In addition, the Coalition of NGOs (in collaboration with UNIFEM) has developed a research and advocacy program for the promotion of women's political participation with a view to obtaining the revision of electoral laws to promote women's political participation.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

At present, the three countries display different dynamics in their modernization and economic transition. Nevertheless, in recent years, women's areas of economic activity have been impacted by a generalized decline in monetary income, an increase in international interest rates and domestic budgetary cutbacks. There has been a relative retrogression of the stabilized wage-earning class; an



increase in female seasonal work; a growth in the informal sector, drawing for the most part on women; and an increase in unemployment affecting women in particular, with, as a corollary, an increase in poverty on the labor market.

Labeled “restructuring of the economy and business” in Algeria, “raising the level of business” in Tunisia and “liberalization” or “privatization” in Morocco, all these reforms imply the withdrawal of the state. Therefore, the promotion of women’s place in the economy has become a secondary consideration, all the more so since the ministries responsible for finance and the economy, relatively ignorant of gender issues, take a macroeconomic view of things.

Increasing poverty in the three Maghreb countries is one of the principal threats to economic transition. To eradicate this phenomenon, they have initiated programs to combat poverty where considerable importance is accorded to the most deprived. Among these are women since, in all three countries, the profile of the typical pauper and the typical woman are interchangeable. However, in setting up its programs each country acts according to its own philosophy; thus, Algeria believes that singling out women with regard to certain programs amounts to marginalizing them.

On the whole, all three countries have little room for maneuver in solving this issue since they have important constraints, so they are trying to develop national programs that benefit society as a whole.

Some initiatives are also being undertaken by NGOs with bilateral cooperation, the means at their disposal and the help of multinational bodies. Regional programs could be envisioned, but need to be able to adapt to different levels, since the countries are at different degrees of development.

In Algeria the state has been the principal social and economic player. In the last decade measures have been taken by the Governments, under pressure from international bodies, to develop a view to liberalizing the economy. Currently a transition is underway; from a centralized, planned economy, we are moving towards a free market economy. Although the public sector is showing the way, the private sector is not following. At the same time, industrialization is hampered by a decline in productive investment, which is leading to a decline in the workforce. These changes are having a profound influence on the socio-economic situation of the stakeholders, especially women, caught in the evolution of the Algerian economy.

The full-employment economy Algeria used to know was based on dividends derived essentially from oil, which gave rise to a politics of distribution in which the state was the main job provider. This situation was seen as a way to promote democracy and women’s rights. However, the increase in wealth achieved by craftswomen, for example, in small output production (informal domestic environment) has done little to contribute to their independence, according to several studies.

The economic structure of Morocco has also undergone profound changes as a result of macroeconomic stabilization policies de-



Elderly woman in Tunisia.

veloped during the 1980s and 1990s against a backdrop of globalization. The labor market finds itself subject to increasingly powerful imbalances and pressures, which translate into changes in women’s roles. The spread of more flexible, informal jobs is contributing to an increase in women’s share in the labor market, but which it is also putting them in jobs not covered by labor laws. Regular, full-time, remunerated work is being progressively replaced by different forms, characterized by flexibility and precariousness. Morocco has tried to find alternatives, such as granting small loans to women and setting up a Young Pioneers Program.

In order to successfully enter the global economy, Tunisia continues to invest in the enhancement of human resources. For example, support for education and training accounted for 7 percent of GDP. In addition, to counter the negative effects of globalization, Tunisia is tackling the collateral effects of liberalization with social support in order

to preserve the socio-economic equilibrium and temper the excesses of the free market. This helped reduce the percentage of people living in poverty from 6.7 percent in 1990 to 6 percent in the current year.

### Employment Patterns, Women’s Work

The profound changes undergone by the three economies in recent decades have certainly resulted in a significant increase in women’s activity rate in the formal employment sector: Algeria: 12 percent; Morocco: 20 percent; and Tunisia, 24 percent.

Conditions for entering the workforce in Algeria have improved for young men, even though young women are more actively searching for a job. As working women, their situation is characterized by uncertainty and lack of skills; the jobs offered to them continue to be concentrated in a limited number of sectors and professions: manufacturing (43.4%) and services (37%). They are for the most part employed as low-level workers. College graduates are currently unemployed for an average of 23.1 months.

In Tunisia, the evolution of women’s entry into the workforce is characterized by an increasing proportion of remunerated positions (held by 70% of working women) and, inversely, by a decline in the number of self-employed women (17.5% in 1999 against 28.0% in 1984). Women are more likely than men to be unemployed (16.7% for women against 15.4 percent for men) and their access to decision-making positions is limited. There are very few women executives—1.6 percent of the total women’s workforce in 1990. In 2000, there were 13,274 industrial corporations of which 783 (5.9%) were run by women.

Economic reforms instituted in the three countries have resulted in a decline in purchasing power for wage-earning women. Seventy percent of working women fall into this category, 30 percent of whom earn either the minimum guaranteed inter-professional wage (SMIG) or the minimum agricultural wage (SMAG).

It is with these issues in mind that the three countries have sought to remedy the problem by developing social programs, giving rise to public spending that has reached 20 percent of GDP in some cases.

### EDUCATION

#### International Agreements

All three countries are parties to the UN Convention against Discrimination in Education. The right to education is accorded to girls

The spread of more flexible, informal jobs is contributing to the increase of women in the labor market, but it is also putting women in jobs not covered by labor laws.

and boys alike—in Morocco under article 13 of the Moroccan Constitution and the Royal Dahir of November 13, 1963 which decreed nine years of mandatory basic education. In Algeria, article 50 of the Constitution enshrines gender equality in the right to education, which is mandatory from 6 to 16 years of age. The Algerian legislation—and notably the Ordinance of 1976 on the organization of education and training—are in conformity with international treaties, in particular the International Convention on the Rights of the Child of November 1989 in the chapter on education.

### Public Policy

The admission of women into the educational system is a widely accepted idea in these three countries, but the provision of education for girls varies from one country to another and is less widespread and systematic in rural than in urban areas.

Moreover, while relative illiteracy rates have declined in the three countries, one might say that the number of illiterate people has risen if one considers the phenomenon of functional illiteracy that affects boys and girls expelled from the educational system each year.

In all three countries, the right to education is guaranteed, and this education is free according to the conditions established by the law. This explains the remarkable progress achieved in these areas.

Vocational training in the three countries is also covered by legislation. There are training centers (public and private) as well as technical institutes for boys and girls. But the need for training remains high in the three countries. Vocational training is also too dispersed, too piece-meal, and lacking conceptual thinking, analysis and diversified field experiences.

Generally speaking the demand for vocational training among young women is centered on traditional crafts (weaving, sewing, embroidery, hairdressing). So there is a need to dispel the myth that these are the only prospects for girls that are stable, wage-earning and profitable. With this aim, an NGO is training female plumbers in Fes and soon in Meknes (Morocco) with support from France.

Progress has been made in girls' school enrolment thanks to a number of initiatives,

such as awareness-raising campaigns; the creation of girls-only schools; the construction of schools and dormitories in rural areas; the granting of scholarships for girls; and national literacy programs specifically focused on women.

However, the dropout rate for girls is still high in all three countries, particularly in rural areas, as is the illiteracy rate. For all three countries, national literacy programs for girls constitute part of the social programs supported by national structures and international organizations. Yet the results remain limited. A majority of women would prefer vocational training with a view to joining the remunerated workforce.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

According to the Food and Agriculture Organization (FAO), women represent 53.2 percent of non-remunerated agricultural labor in Morocco.

A number of NGOs have launched initiatives to assist disadvantaged rural women. Increasingly, development projects targeting rural women sanction the creation of micro-businesses, a measure definitely in harmony with the demands of the market that should reduce poverty in rural areas, solve the problem of gender inequality and stimulate economic growth. Nevertheless, in order to take advantage of these possibilities, rural women must overcome a number of obstacles including access to markets, training and loans.

In addition, the FAO has developed a plan of action for parity in development. The Subregional Office for Northern Africa has undertaken several tasks concerning this plan. For example, the Compilation and Dissemination of Information relating to Gender Equality in Farming and Rural Development, which includes data on gender roles in the context of regional priorities, is currently being collected in order to make the contribution of women more visible. Also, the role of traditional wisdom in the preservation of biodiversity and food security is being addressed through the Dimitra Program, which is committed

to making the voices of rural women heard and to empowering them through access to information and communication it works in close collaboration with local partners in the region.

## HEALTH

### Reproductive Health

Health, in particular women's reproductive health, is another area where considerable progress has been made. The adoption and implementation of specific programs have reduced maternal mortality rates, especially in rural areas. These programs have involved setting up systems to monitor maternal health, raising awareness among adolescents and encouraging medically assisted births.

### HIV/AIDS

The incidence of HIV/AIDS cases in Northern Africa is relatively low (less than 1 percent in most countries). Nevertheless, the epidemiological transition phase in which some countries find themselves, in particular those bordering sub-Saharan Africa countries affected by the pandemic, should encourage highly regional leaders to be more vigilant and rigorous in the fight against HIV/AIDS.

A number of national approaches to preventing the spread of HIV/AIDS have been undertaken. The strategies adopted include awareness-raising and prevention campaigns in collaboration with civil society, screening campaigns and the creation of clinics for the infected.

To fight against the spread of the disease, a number of countries in the region have committed considerable resources to establishing reference laboratories, national blood committees, monitoring sites focused on at-risk groups, obligatory screening of blood and blood products and regional units to care for the people infected. A number of information and communication drives focused on the youth have been initiated, as have diagnosis programs and treatment for sexually transmitted diseases, along with other preventative and curative measures.

In many instances, efforts to counter the pandemic have been reinforced by the creation of HIV/AIDS epidemic monitoring mechanisms and the passing of laws relating to STDs. These recommend, among other things, informing the patient about which disease he/she is infected with.

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# SOUTHERN AFRICA

## Women's Equality Depends on Fulfilling Global Promises

Over the last decade the Southern Africa Development Community (SADC) has seen some progress in the advancement of women's rights, but gender imbalances continue to persist. In all of the SADC States the increased participation of women in all sectors has contributed to improvements in the economy. In spite of progress in addressing gender inequality in line with the 1995 Beijing Declaration and Platform for Action and other regional and international instruments, there are still a number of weaknesses at national and regional levels. This has resulted in slowing down progress towards the achievement of the commitments made in these policy instruments.

At regional level core areas of gender imbalance have not been addressed in sectoral policies, strategies and programs, particularly in the area of women in decision-making and access to and ownership of land and other resources. A second gap is that the SADC Gender and Development Declaration and its addendum is not legally binding. This is coupled with the region's failure to incorporate international human rights instruments into domestic laws and policies, without which the rights of women will continue to exist on paper only. There has also been a weakening of the women's movement as the older and experienced generation has not adequately mentored the younger generation. Poor financing and budgeting weakens national gender machineries.

Despite the above shortcomings, all countries in the region have adopted, to some extent, legal frameworks that address gender equality. However, constitutional reform is necessary in cases where customary law discriminates against women. The region has also made great strides in education, bridging the gap between boys and girls from primary through to tertiary levels. However, some of these gains are being eroded by the HIV/AIDS pandemic as well as by the impact of the structural adjustment programs that have removed government subsidies. The same erosion of gains can also be found in the health sector, which has deteriorated over the years due to the introduction of user fees and to the HIV/AIDS pandemic.

Poverty in the region is increasing due to a number of factors discussed in this section. Unless concerted efforts are made to address the gender disparities in the region, poverty levels will continue to rise.

### Overview of the SADC Region

The Southern Africa Development Community (SADC) was established in August 1992 and is the successor to the Southern African

Development Coordination Conference, which was originally set up to promote regional integration in 1980. The following countries make up SADC: Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Currently SADC has an estimated population of 200 million people, a combined GDP of US\$180 billion (1999 est.) and geographical area covering 3.6 million square miles.

The objectives of SADC are, firstly, to achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa and support the socially disadvantaged through regional integration; secondly, to promote self-sustaining development on the basis of collective self reliance and the interdependence of Member States; thirdly, to achieve complementarity between national and regional strategies and programs; fourthly, to promote and maximize productive employment and utilization of the resources of the region; and lastly, to achieve sustainable utilization of natural resources and effective protection of the environment.

There are seven areas for regional cooperation: food security, land and agriculture; infrastructure and services; industry, trade, investment and finance; human resources development, science and technology; natural resources and environment; social welfare, information and culture; and politics, diplomacy, international relations, peace and security.

The SADC Programme of Action (SPA) spells out the policy objectives, strategies and projects designed to realize the Community's overall goals and objectives. The number of projects under the SPA stands at approximately 407 with an estimated total cost of US\$8.09 billion.<sup>1</sup>

Since 1980, SADC States have made firm commitments to eradicate extreme poverty and lift the living standards of the region. Various policies, measures and strategies to address this problem have been put in place. As a result, most Member States registered positive growth rates during the late 1990s.

At the regional level, an average of 3 percent annual economic growth was recorded in the 1990s. While Member States such as Botswana, Mauritius and Mozambique registered an average growth of above 5 percent, the majority of countries recorded annual average growth rates below 4 percent. SADC economies grew at a combined rate of 3 percent in 2000.<sup>2</sup>

### HUMAN RIGHTS

The 14 Member States have ratified several key international, regional and national human rights declarations and conventions that promote and protect women's rights in all spheres of life. SADC Member States are party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979); the International Covenant on Economic Social and Cultural Rights (ICESCR, 1966) and its protocols (1966 and 1989); the Convention on the

Political Rights of Women (1952); and the Universal Declaration of Human Rights (UDHR, 1948). At the regional level SADC governments have ratified and acceded to the African Charter on Human and Peoples' Rights. An Optional Protocol to the Charter was adopted in 2003 but has not yet been ratified by any of the SADC Member States.

The issue of non-discrimination in the region is addressed through the SADC Treaty and Protocol that obliges Member States not to discriminate against any person on the grounds of gender, among other criteria. The

SADC governments have also signed and adopted the 1997 Gender and Development Declaration and its 1998 addendum on the prevention and elimination of violence against women and children. This non-binding document is being used as a framework for mainstreaming gender activities and strengthening the efforts by Member States to achieve gender equality. The Declaration is in line with the Nairobi Forward Looking Strategies, The Africa Platform for Action and the Beijing Declaration and Platform for Action. It is considered one of the most

important regional instruments to come into force on gender, development and democracy in recent years, and has set a precedent in Africa in terms of commitment to gender at the highest levels.

All SADC countries operate on constitutional supremacy, i.e. their constitutions form the highest law of the land. With the exception of the Democratic Republic of Congo (DRC) and Swaziland, all the constitutions include a Bill of Rights derived from the provisions of the UDHR, outlining the fundamental rights and freedoms of the individual. Several countries have reviewed their constitutions in line with the Beijing Platform for Action.

While discrimination is outlawed in the SADC constitutions, the full enjoyment of women's rights is limited or curtailed to some extent in all of the countries. This is discussed in more detail later in this section. Despite their ratification of/accession to international instruments, the majority of the SADC countries have not translated these instruments into domestic laws, except for Namibia and South Africa. International instruments can only become part of domestic law after ratification by the individual parliaments. Although SADC Member States have demonstrated political will when it comes to international and regional human rights instruments, this has not resulted in an effective mechanism to protect women's rights.

Women comprise 70 percent of the illiterate in the SADC region. As a result many women are unaware of the legal instruments that exist to protect them. There has been little effort to make the content of these laws accessible to the majority of the population. Legal education in most of the SADC countries starts at tertiary levels, and statistics show that a very small percentage of women reach that educational level.

### CEDAW Compliance

As noted above, all SADC countries are party to CEDAW. The Kingdoms of Lesotho and Swaziland have ratified CEDAW but with reservations based on the need to protect their customs and practices.<sup>3</sup> Only four countries—Lesotho, Malawi, Mauritius and Namibia—have signed the Optional Protocol to CEDAW.

Although CEDAW does not form part of the domestic law in the majority of the Member States, the judiciary can reference it to make judgments on women's rights. CEDAW has been used successfully in Botswana, Tanzania and Zambia in the following cases: *Dow v. Attorney General* [1991]

*L.R.C. (Const. [1992] L.R.C. (Const.)* (women's right to retain their nationality in marriage and pass it on to their children); *Ephrohim v. Pastory* 87 I.L.R. 106 [1990] L.R.C 757 (women's right to inherit and dispose of property); and *Sara H. Longue v. Intercontinental Hotels* 1992/HP/765 (discrimination against unaccompanied women).<sup>4</sup>

CEDAW was used unsuccessfully in Zimbabwe in the case of *Magaya v. Magaya*, an inheritance case in which the Zimbabwe Government through the Supreme Court failed to apply provisions of CEDAW. This resulted in Venia Magaya being disinherited by her half brother. The Court relied instead on constitutional provisions that that are at variance with the provisions of CEDAW and allow for discrimination against women.

As previously mentioned, few international human rights instruments have become domestic law, despite governments having ratified/acceded to them. As a result, there has been insufficient gender mainstreaming in other human rights instruments that are pertinent to the promotion and protection of the rights of women at national and regional levels. However, a number of SADC countries have initiated measures aimed at domesticating provisions of CEDAW and some other international human rights instruments.

It is also reported that in most countries CEDAW has triggered the creation of law reform commissions and the review of national legislation in areas such as violence against women, education, inheritance, citizenship and access to and control of land and other natural resources. In terms of domestic violence, the region in 1998 adopted an addendum to the SADC Gender Declaration that specifically addresses issues of gender-violence.

A number of research organizations have been set up in the region to advocate for legal reforms at both the national and regional levels. Some of them, including Women in Law and Development in Africa (WiLDAF) and Women and Law in Southern Africa Research Trust (WLSA), work directly with the governments.

### National Law

The constitutions of the SADC countries emphasize the notion of "equality before the law," which enables people to exercise their individual rights and use the law to their advantage. However, not all people in the region, in both urban and rural areas, are aware of these constitutional provisions. The majority of people are more comfortable relying on the "living law"—rules and regulations

## Box 9. Ratification/Accession to CEDAW by SADC Member States

Country	Ratification/Accession	
	Yes/No	Reservations
Angola	Yes	None
Botswana	Yes	None
DRC	Yes	None
Lesotho	Yes	Yes
Madagascar	Yes	None
Malawi	Yes	None
Mauritius	Yes	None
Mozambique	Yes	None
Namibia	Yes	None
South Africa	Yes	None
Swaziland <sup>1</sup>	Yes	Yes
Tanzania	Yes	None
Zambia	Yes	None
Zimbabwe	Yes	None

Source: SADC 2002

people use on a daily basis based on their beliefs, norms and practices—instead of the law in the books. People are also discouraged from using the law in the books because of the tedious procedures involved, the cost of litigation and the distance of the courts. The "living law" offers more security because the process is undertaken within the community and the proceedings are familiar.

As noted above, a number of countries have incorporated a Bill of Rights into their constitutions. National constitutions also contain specific articles and sections that prohibit discrimination against citizens on a number of grounds. In Angola the 1992 Constitution prohibits discrimination on the grounds of sex. It is notable for granting men and women equal rights within marriage and family law and goes even further by recognizing both registered and non-registered marriages and granting equal protection to both. However, other key aspects of gender discrimination are omitted, such as age, marital status, pregnancy and culture.

The 1966 Botswana Constitution prohibits discrimination but does not extend to areas of personal law. This means the continuation of customary laws that allow for discrimination against women. Botswana, however, is one of the countries in which laws that protect women have been promulgated. The precedent for this was set in the 1991 case of *Unity Dow* mentioned above.

The Namibian Constitution recognizes equality before the law regardless of sex. It also recognizes affirmative action as a specific tool for the advancement of women. How-



ever, the majority of the constitutions in the region, like that of Botswana, perpetuate discrimination against women at the constitutional level by protecting customary law. Laws that have been passed to protect women against discrimination have to be interpreted through constitutional provisions. Therefore, even though efforts have been made to recognize the role of women and remove discriminatory practices, there is still a lot to be done at the constitutional level.

On a positive note, a number of SADC countries have passed new laws on inheritance that protect women's property from being disposed of after the death of their spouses. Women are also being protected in cases of divorce through the equitable distribution of matrimonial property. Zimbabwe, for example, has passed a new inheritance law, which allows women to inherit from their husbands or fathers and mandates that surviving children will share the estate equitably. The law has also made provisions to protect women in polygamous unions, by equally dividing the estate of their late spouse.

Every member state except for Angola, Mozambique and Swaziland has adopted national gender policies and gender policy plans, which are being implemented.<sup>5</sup> Institutional mechanisms in the form of ministries, directorates and departments/divisions have been formed and established in the Member States to coordinate gender issues. Gender policies have been translated into local languages. In Zambia, for example, the policy has been translated into the seven major local languages of the country. In order to ensure that the gender policy plans are fully implemented, most of the Member States have established gender focal points to which senior personnel are appointed and provided with gender training. In order to monitor the process of gender mainstreaming in the different sectors, the gender focal points are made accountable through reports to their principals and to parliament.<sup>6</sup>

A number of women's lawyers' associations also have been set up to help explain the law and assist poor women with court litigation. Soon after the 1995 Fourth World Conference on Women in Beijing, the Government of Zimbabwe, with financial assistance from the Norwegian Agency for Development Coordination (NORAD), implemented a legal education program that was meant to help communities understand family law, and train trainers of trainers who would assist the community with legal matters.<sup>7</sup> Paralegal centers were also set up in most of the southern African countries to assist the grass-

roots with legal information and litigation. These centers help translate laws into local languages and make it easier for community members to understand the law and make informed decisions.

### Violence Against Women

The SADC governments recognize violence as a human rights issue as enshrined in the addendum to the 1997 Gender and Development Declaration. In order to turn this commitment into action, the different Member States are developing national plans, bills and laws that address violence and especially

domestic and gender-based violence. Of note among the actions being pursued in the region is the promulgation of violence acts and sexual offences acts that include the criminalization of marital rape, and the willful transmission of HIV/AIDS.<sup>8</sup> Much work is still needed to educate people on the laws against violence in the region.

A number of countries have set up family courts to hear cases involving rape and child molestation. This approach has been commended for giving women privacy and Protection when going through a rape trial. In addition, SADC countries have been working with civil society and NGOs to set up refugee shelters for abused women. Qualified personnel offer counseling and legal advice to the victims of gender and domestic violence.

Numerous initiatives are being undertaken throughout the region to sensitize and train uniformed personnel, especially the police, on gender and domestic violence issues. Public relations departments have been set up in many police stations, and since 1995 women have been able to report a case of domestic or gender violence in private rather than in the front office of a police station. Social workers are affiliated with police stations to provide initial counseling to the victims.

There has been a marked decline in the reported cases of female genital mutilation (FGM). HIV/AIDS has become a regional priority for Member States, and as a result of better education above the disease, the belief that infected men will be cured if they have sex with a virgin has declined. The belief had resulted in the abuse of young children and had increased the incidence of HIV/AIDS among youth. The use of girl children as an

appeasement token, where girls are given away by their family to another family to remedy a wrongdoing, is now considered a criminal act and has deterred a number of would-be perpetrators.

### Peace and Security

Although the SADC region enjoys some degree of peace, both within and between Member States, armed conflicts have emerged in many countries as a result of hosting refugees. Some of the refugees in the region over the last 10 years have come from SADC

Even though efforts have been made to remove discriminatory practices, much still needs to be done at the Constitutional level .

countries themselves that have gone through civil wars, for example Angola and the DRC. Some SADC countries have hosted refugees from as far as Burundi and Rwanda. In response to these calamities, the region has initiated various programs to strengthen and inculcate a culture of peace in the region.

Women and children form the majority of the people that are affected by war and armed conflict; however, their participation in peace processes has been negligible. Women are not involved in the decision-making processes that lead to either the declaration or ending of a war. In 2003 the Economic Commission for Africa noted that the SADC governments have helped reunite displaced families and have also played a role in reconstruction processes at different levels.

### POWER AND DECISION-MAKING

#### Representation

The SADC Declaration on Gender and Development (1997) commits Member States to ensure the equal representation of women and men in national decision-making processes and SADC structures at all levels, and to achieve at least a 30 percent target of women in political and decision-making structures by the year 2005. The 2004 African Union Gender Declaration goes further, calling for gender parity in decision-making and for the Member States to increase the target to 50 percent.

Over the last decade there has been both progress and stagnation in the numbers of women in decision-making positions in the region. The percentage of women in decision making in the public sector has increased in

some countries while in others it has drastically decreased. An analysis of the available data reveals that in most SADC countries, women remain under-represented in politics and other decision-making areas.

In 2000 women comprised 15 percent of parliaments in half of the SADC countries. South Africa has the highest percentage of women at 29 percent, almost reaching the 30 percent target for the region. Mozambique had 28.4 percent women parliamentarians in 2000, followed by the Seychelles with 24 percent.<sup>9</sup> Out of the three countries that held elections in 2000, only Tanzania increased the proportion of women in parliament (from 16.3 percent to 21.2 percent) and local government councilors there also went from 25 percent to 33.3 percent. Mauritius and Zimbabwe experienced a drop in the proportion of women in parliament from 7.6 percent and 14 percent to 5.9 percent and 10 percent respectively.<sup>10</sup>

At an average of 17.9 percent, the proportion of women in parliament in SADC is considerably higher than the African average of 11 percent, the average in sub-Saharan Africa of 9 percent and the global average of 13.4 percent. The proportion is also higher than that of Europe and the Americas, which stands at 15 percent. In fact, three of the top ten countries in the world with high female representation in parliament are in southern Africa.<sup>11</sup> However, it should be noted that these three countries are responsible for the

of decision-making, such as in local government and at senior public service levels. Only South Africa has reached the target of 30 percent, with Botswana and Tanzania showing figures of 15 percent and above. The other countries have percentages of between 4 percent and 14.3 percent.<sup>13</sup> Juxtaposing the parliamentary figures with the cabinet and public sector figures of women's representation, it becomes clear that, other than South Africa, women are underrepresented in SADC countries. This has negative consequences for mainstreaming gender and achieving gender equity and equality as agreed to in the Beijing Platform for Action.<sup>14</sup>

In 2004, three southern African countries—Botswana, Malawi and South Africa—held elections. The other states in the region will be going through the same process this year and into next year. The results of the elections in South Africa showed an increase in the number of women parliamentarian from 30 percent to 32 percent and Malawi had an increase from 8 percent to 17 percent. Malawi thus actually doubled the number of female parliamentarians. On the other hand, Botswana experienced a decline in the number of women in parliament and recorded a drop from 18 percent to 7 percent.<sup>15</sup>

Those countries that have upcoming elections are at risk of experiencing a decline in women's representation similar to what occurred in Botswana. Zimbabwe, for example, will undoubtedly experience a drop in the number of women parliamentarians as a result of the country's uneven playing field.

The rules and procedures that determine the selection of candidates in political parties have profound effects on the number of women that run for elections in the SADC countries. Political parties are usually headed by men and are typically gender blind. Traditional stereotypes are often brought into the political process,

and as a result women are marginalized. It is therefore important that candidate selection processes are inclusive, transparent and democratic. This can be achieved through the introduction of quota systems, which some of the SADC countries have implemented. Women are more likely to be elected when political parties use a combination of proportional representation and quotas.<sup>16</sup>

Another approach for bringing more

women into public office is instituting a constitutional quota. Tanzania is the only country in the region that has done this, with the Constitution stating that at least 20 percent of MPs must be women.

Women candidates for parliament are also constrained by lack of finances. An interview with the Deputy Speaker of Parliament for Zimbabwe confirmed that the election process there, and processes throughout the region, are not woman-friendly. Women usually have a lower economic status than men and are unable to compete with men who have more resources at their disposal. Women are also less likely to engage in illicit actions, such as bribery, that sometimes occur during an election period.

### Impact of Representation

During the past ten years, three countries have appointed female deputy speakers—the DRC, Swaziland and Zimbabwe. A female Prime Minister was appointed in Mozambique. Other countries have appointed women clerks of the national assemblies, a director of public prosecution and ministers responsible for the national gender machineries. In Zimbabwe, a female Vice President has been appointed. This is the second appointment in the region of women to presidential and prime minister levels.

The presence of women in decision-making positions has led to gender mainstreaming in policy formulation throughout the SADC region. This is evidenced by the promulgation or passing of bills that are gender sensitive and that protect women against violence, and improve their inheritance rights.

Women's representation in decision-making positions has also led to the establishment of women parliamentary caucuses, which have brought together female parliamentarians from different parties. A Women's Parliamentary Caucus has been established at the regional level and has been advocating for the 30 percent quota of women in parliamentary positions. Its efforts paid off in South Africa where, as noted above, the number of female parliamentarians increased from 30 percent to 32 percent in the 2004 elections.



Celebrating the launch of a 50/50 campaign in Namibia.

high average. Half of the SADC countries are actually still below 15 percent, which is far from the 30 percent target of the region. It is even further from the 50 percent target of the Africa Union. At the time that these statistics were compiled there were less than five years left to reach the regional target.<sup>12</sup>

Even countries that are doing well in terms of women's representation in parliament are not necessarily performing well at other levels

### POVERTY ERADICATION

The Beijing Declaration and Platform for Action stated in 1995 that more than a billion people in the world were living in poverty, the majority in sub-Saharan Africa. Poverty in all its dimensions is one of the major development challenges facing the SADC region, where there are low levels of

income and high levels of human deprivation. Available statistics indicate that about 70 percent of the population in the region lives below the international poverty line of US\$2 per day, while 40 percent of the population—76 million people—live on less than US\$1 per day.<sup>17</sup> Recent figures from the World Bank estimate that out of the 14 countries that comprise the region, 80 percent of the population of some countries, such as Mozambique and Zambia, are living in extreme poverty. Out of these figures, more than 60 percent are women from female-headed households and child-headed households, which have risen due to the impact of HIV/AIDS.<sup>18</sup>

During the last decade, the SADC region has made some progress in relation to poverty eradication through micro-financing and credit projects aimed at empowering women economically by providing loans and business training. Governments are also mainstreaming gender in Poverty Reduction Strategy Papers and allocating resources and land tenure rights.

One country in the region, Zimbabwe, has created a Ministry of Small and Medium Enterprise Development. Gender budgeting is also another mechanism that has been employed in the region to ensure that an equitable distribution of the country's wealth reaches the poor, particularly women.

All of the countries in the region have put in place mechanisms to allow for equal pay for equal work, and affirmative action has been introduced to ensure women's participation in areas traditionally considered male. Rules and regulations have also been put in place to protect women against employment discrimination in all SADC countries. The implementation of affirmative action measures has also assisted in bridging the gap between male and female employment ratios in the region.

The national machineries for gender are, however, characterized by limited budgets, and are in most cases understaffed, and there is also poor linkage between these and the other sectoral ministries. Another weakness at both national and regional level is that there are few agreed-upon benchmarks and targets, as well as limited monitoring and evaluation tools to track progress on gender equality.

### Macroeconomic Policies, Development Strategies

All SADC Member States are impacted by globalization and have at different stages implemented World Bank and International

## Many parents are forced to choose between educating boys or girls as a result of economic hardships.

Monetary Fund (IMF) policies. These policies have resulted in liberal economic reforms that have failed to improve the economic fundamentals, including the disadvantaged position of women and children. With the establishment of structural adjustment programs, the standard of living of women dropped significantly in the region. The removal of subsidies on social services has impacted negatively on women in terms of their access to health services, employment and education for their children. Massive retrenchments have taken place within the formal sector and men have displaced women within the informal sector, which was traditionally women's domain. The neo-liberal policies have also increased the workload of women in all the countries of the region.

In terms of access to health, the reintroduction of the user fees through the structural adjustment programs has led to an increase in infant and maternal mortality rates, reducing the gains that had been made over the years. The same policies have also negatively impacted on women's access to education, especially the girl child, since many parents are now forced to choose between educating boys or girls as a result of economic hardships caused by the removal of subsidies to social services.

### EDUCATION

#### Public Policy

The region has prioritized access to education for its citizens, recognizing the importance of education to poverty eradication efforts. The SADC Member States adopted the Millennium Development Goals (MDGs). Goal 2 calls on States to achieve universal primary education by the year 2015. The region adopted the Protocol on Education and Training, which came into force in 2000. The Protocol provides for seven areas of cooperation and seeks to promote a regionally integrated and harmonized educational system, especially with regard to issues pertaining to access, equity, relevance and quality of education interventions. The region has also developed a strategic plan to implement the Protocol. In developing this plan, the region considered the impacts of HIV/AIDS pandemic on education.

Over the past ten years, the region has re-

corded a significant increase in the enrolment rates of girls, although the net enrolment rates at the primary level remain rather low. At secondary level only four member states have net enrolment rates in the range of 80-100 percent. Tertiary enrolment rates are below 50 percent in most Member States. The region is not fully exploiting the potential of tertiary education, which plays a critical role in the global economy through the high level skills that it produces.

In terms of adult literacy, the region has recorded the lowest average illiteracy rate of 27 percent as compared to other regions in Africa. Some States, however, such as Angola and Mozambique, still have rates above 50 percent. In addition only six Member States have adult literacy rates in the range of 80 percent.

#### Access and Changes in Practices

A number of gender-sensitive policies have also been put in place in the SADC countries to promote and protect education for girls. Affirmative action programs enable girls to enter tertiary education with lower points than boys and there is a 50/50 enrolment policy at primary levels. The region has also embarked on a program to remove stereotypes in school curricula, especially in the fields of medicine, law and sciences. The introduction and adoption of an affirmative action policy has gone a long way in addressing the negative impacts of stereotypes on women and girls in the region. The Member States have also revised their national education policies to allow for re-entry into school for those girls who become pregnant during their teenage years.

Sexual harassment has been one of the serious issues affecting the continuation of girls' education in most southern African countries. It was and is prevalent among students and by teachers. This has been dealt with by the introduction of policies aimed at protecting girls from such abuse.

Steps are being taken by SADC Member States to attain MDG Goal 3, which calls on States to eliminate gender disparity in primary and secondary education, preferably by 2005. Even though the enrolment rates in the region have declined, it will at least be able to partially meet this goal by 2015 as the policies and regulations to support the education of girls are implemented.



## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

The Beijing Declaration and Platform for Action calls on governments “to ensure opportunities for women, including indigenous women to participate in environmental decision making at all levels.” Even though women are known as managers of the environment and have fostered biodiversity for centuries, their role has been overshadowed in most policy-making. Environmental concerns are not a priority for most countries despite their ratification of a number of international instruments meant to protect the environment. It should be noted that CEDAW is silent on the environment, although Agenda 21—the comprehensive plan of action from the 1992 UN Conference on Environment and Development—has called for the integration of women and gender into the management of the environment.

In the SADC region, women are not adequately involved in this area, a problem compounded by a lack of gender integration into most Member States’ environmental policies and plans. In those countries that have engendered their environmental policies and plans, there has been a marked improvement in the representation of women in decision-making areas of environmental management. The Economic Commission for Africa reports in 2004 an increase of 50 percent representation of women in the sector.

An analysis of the SADC Regional Indicative Strategic Development Plan shows that even though nine targets on environment and sustainable development have been developed, none of them mention gender as an important issue or consider the role of women in environmental management.

### Right to Natural Resources

The SADC region is an agro-based economy. The mainstay of its economic development is the sustainable utilization of land and water resources. Agriculture is a major player in the regional economy as it contributes 35 percent to the gross domestic product (GDP) and about 60 percent to the employment sector. Of the total SADC population, the majority—70 percent—live in rural areas and are dependent on the land for their livelihoods. Of this 70 percent, 55 percent are women, who do not have direct access and control of the land that they depend on. Due to the dual legal system that is prevalent in the region, women are considered as minors and therefore cannot own property in their own right. They only have secondary users

rights to the land and natural resources that are fundamental to their lives.

Access to and control of land and water is a complex issue in the region. During pre-colonial times, bundles of rights to land that included access to and grazing rights could be held by different persons and group rights to particular areas of land or common property



also existed. The different land rights were transferable from one generation to the next, and decisions on who could use what land were a family matter guided by customs that considered the needs of various persons in the group. Gender, age and position within the family/clan were all factors that played a role in these discussions.

In general, however, the land was managed by the male members of the families and women had secondary rights. The rights of women were of uncertain duration, subject to change and dependent on the maintenance of good relations with the person through whom the land was accessed. In the event that these relations deteriorated, the woman risked being forced off the land. The colonial and postcolonial systems inherited this pattern and it has continued into the postcolonial period in the region, where women still have fewer rights than men.

During pre-colonial and colonial times, access to water was governed by both customary and then contemporary policies. Currently access to water in Southern Africa differs from country to country, although the region does have a protocol on the management of shared water courses. This does not, however, apply to how water is accessed and governed nationally. Fundamentally, a water right is considered a social relationship and an expression of power as it involves access to a valuable resource. Access to land and water in the region is a process of inclusion and exclusion and involves control over decision-making. This is because access to these two resources defines one’s position in society and contributes to wealth accumulation.

The southern African countries are undergoing radical changes in policies related to land and water. In most countries of the

region, water is divided into primary and secondary water. Primary water is usually free and designated for domestic purposes while secondary water is now considered an economic good with a price attached to it. In some countries such as Zimbabwe, access to secondary water is now tied to land rights which disadvantages women who do not have direct access to land unless they have acquired it through the market system.

The major cause of change cited in those countries that were formally under colonial rule is to redress the history of racial and social inequity by redistributing the land—emphasising property rights—and the associated allocation of water rights. Two further reasons are to protect scarce environmental resources and to develop a more democratic process of decentralization. The goal is to increase equity in access to key resources and more decentralized modes of governance that would promote more effective use of resources and provide incentives to use resources in more sustainable ways.

However, despite these noble intentions, inequality in rights to land and water still persists and these are derived from gender differentiation, where women have fewer rights and less authority and decision-making power over key resources. Even where there is explicit mention of addressing women’s needs and rights, little progress has been made in substantially improving women’s roles.

An analysis of women’s access and ownership of key resources in the countries of the SADC region shows similarities in the issues that affect women. These can be summarized as an inadequate legal and policy framework, lack of security of tenure, lack of a defined institutional framework, lack of information and lack of political will. A number of countries in the region have or are in the process of developing national land policies while others have started to develop land laws.

## HEALTH

In 1999, a SADC Protocol on Health was signed that provides a broad framework for cooperation in health areas posing a major challenge to the region. However, this Protocol has not been implemented. Instead the region has developed the SADC Health Sector Policy paper, which has been guiding its health programs. The paper shows that the average infant mortality rate is 80 per 1,000 live births. Angola has the highest rate at 166 per 1,000 live births. However, in comparison with the rest of Africa—which has a rate of 105 per 1,000 live births—the region has



a low average infant mortality rate, but it lags behind other regions like North America at 6 per 1,000, the European Union at 30 per 1,000 and ASEAN at 45 per 1,000.<sup>19</sup>

### HIV/AIDS

Poor health indicators in the SADC region are due to the continued burden of disease, particularly communicable diseases such as HIV/AIDS, tuberculosis, hepatitis B, cholera and dysentery. The region has acknowledged that HIV/AIDS is the single greatest developmental and public health concern due to its magnitude. The level of infection of the population of the SADC Member States has put the region at the top of the list of affected regions in the world. Statistics show that at least 20 percent of the whole SADC adult population between the ages of 15 to 49 is currently infected. The highest levels of infection are found in Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe.<sup>20</sup>

High infection rates like those in Botswana, Swaziland, and to some extent South Africa and Zimbabwe, prompted the SADC Heads of State and Governments to adopt the Maseru Declaration on AIDS in 2003. The declaration prioritized five areas of concern in addressing HIV/AIDS, which included the intensification of resource mobilization.

One of the most important outcomes of the Maseru Declaration was the recognition of the role of civil society in the fight against the pandemic. The declaration em-

phasizes the strengthening of partnerships with NGOs, faith-based institutions, businesses and others. The Declaration also emphasized the importance of mainstreaming the response to HIV/AIDS at the policy and implementation levels.

The different Member States have produced draft reproductive health policy documents to provide guidelines on the mitigation of the pandemic. Programs to prevent parent-to-child transmission have also been launched in different countries of the region, and programs for accessing treatment have also been put in place. Civil society organizations have been involved in treatment awareness campaigns. Free testing centers have been established in a number of countries, and others have instituted an AIDS levy to assist AIDS orphans and other vulnerable groups.

Traditional midwives have also been trained to work in rural areas where health facilities do not exist. However, there are different levels of acceptance or denial of the existence of the HIV/AIDS pandemic, and the stigma attached to the disease persists. In some countries, people still do not believe that AIDS exists. The efforts being undertaken in the region are compatible with Goal 6 of the MDGs, which calls upon States to reduce the number of infected by 50 percent.

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### Notes

1. Economic Commission for Africa (ECA), *Annual Report 2002*; available from [http://www.uneca.org/eca\\_resources/Major\\_ECA\\_Websites/conference\\_of\\_ministers/26/ANNUALREPORT2002.htm](http://www.uneca.org/eca_resources/Major_ECA_Websites/conference_of_ministers/26/ANNUALREPORT2002.htm).
2. Ibid.
3. *13 Human Rights Quarterly*, 1991, 614-626.
4. Matashane-Marite, Aphane, 2003.
5. Mgugu, Abby Taka, Platform on Women's Land and Water Rights, Zimbabwe.
6. ECA, *Annual Report 2004*; available from [http://www.uneca.org/cfm/2004/documents/Annual%20Report\\_2004.pdf](http://www.uneca.org/cfm/2004/documents/Annual%20Report_2004.pdf).
7. United Nations Division for the Advancement of Women (DAW); <http://www.un.org/womenwatch/daw/>.
8. ECA, *Annual Report 2004*; available from [http://www.uneca.org/cfm/2004/documents/Annual%20Report\\_2004.pdf](http://www.uneca.org/cfm/2004/documents/Annual%20Report_2004.pdf); Southern African Development Community Parliamentary Forum (SADCPF), 2003, available from <http://www.sadcpf.org/>.
9. Ibid.
10. Seychelles withdrew from the Southern African Development Community in 2004.
11. Southern African Research and Documentation Centre, 1997.
12. Morna, Colleen Lowe, 2000.
13. Ibid.
14. Molokomme, Athalia, 1999.
15. Mtintso, Thenjiwe, 1999.
16. Molokomme, 1999.
17. Morna, 2000.
18. Southern African Development Community (SADC), 2003.
19. SADC, 2003; ECA, 2004.
20. SADC, 2003.

## WEST AFRICA

### Women's Progress Hampered by New Obstacles

**A**t the Special Session of the United Nations General Assembly to review implementation of the Beijing Platform for Action five years after its adoption, the participants acknowledged that effective implementation of all the actions would require a universal ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which outlines legal and political measures as well as programs designed to achieve equality between men and women, regardless of their marital status, in all aspects of political, social and cultural life.

The outcome of the Beijing +5 regional appraisal—the 6th African Regional Conference on Women for the Mid-Decade Review

of the Implementation of the Dakar and Beijing Platforms for Action—organized by the Economic Commission for Africa (ECA) and held from November 22-27, 1999 in Addis Ababa, was a document strengthening the implementation of the Beijing Platform for Action and setting new priorities for the next five years.<sup>1</sup> The participating States agreed to review the document after five years and evaluate progress in the critical areas of concern.

The following is an account of the extent to which the commitments made have or have not improved the living conditions of women in West Africa (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Sierra Leone, Senegal, Togo).

### HUMAN RIGHTS

#### CEDAW Compliance

Every West African nation has ratified CEDAW, and only Niger expressed reserva-

tions.<sup>2</sup> In an effort to keep to commitments, considerable efforts have been made, notably in Ghana where a reform process was initiated after the adoption of the Beijing Platform for Action with a view to complying with

CEDAW's provisions and implementing the Platform. In Cape Verde reforms also have been adopted in connection with marriage and divorce, violence and women's political rights. Positive discrimination measures

have been adopted to counter the difficulties women face in enjoying their right to participate in the management of public affairs.

Women's human rights organizations in the region are lobbying to ensure ratification of the Protocol to the African Charter on Human and Peoples' Rights regarding Women's Rights, adopted at the Assembly of the Heads of State and Government of the African Union in July 2003; the process is relatively advanced at year-end 2004.

As with other countries subsequent to the UN women's conferences, especially in the 1990s, the subregion has witnessed a blooming of NGOs working relentlessly for a culture respectful of women's rights. These organizations, often in conjunction with governments, have implemented a variety of programs for the protection, advocacy and promotion of the rights of all women, regardless of their social background.

While the realization of the full rights of women depends primarily on women themselves, it also depends on the various players participating in the implementation of women's rights. Thus, though it is possible to see significant advances in the fulfillment of women's rights in initiatives carried out over the past few years by organizations such as WILDAF and UNIFEM, much remains to be done, since the great majority of players such as magistrates, judges and lawyers responsible for applying the law admit to being unaware of the existence of CEDAW. Others, such as doctors, police officers and traditional and religious leaders, became committed to a greater respect for CEDAW after outreach actions and training.

Only Mali, Niger, Nigeria and Senegal have signed the Optional Protocol to CEDAW.

### National Law

As far as possible, the States grant equal rights to men and women. Nevertheless, gender discrimination and religious extremism continue to hamper women in their ability to fully enjoy their freedoms and basic rights.

These customs and traditional values are more often than not underpinned by religious belief, but also by gender-discriminatory laws. The cascade of death penalties handed out to women in the name of the Shari'a in the north of Nigeria conclusively illustrates how a given interpretation of religious precepts leads to discrimination against women in their daily lives.

Numerous laws in the internal legal arsenal still contain provisions that deny women's rights and contribute to the reinforcement of discriminatory practices against

them. Some constitutions, while affirming the principle of gender equality and non-discrimination, nevertheless exclude women from the benefits of these provisions in the areas of personal status and subject marriage to customary rules, precisely the areas where the most blatant violations of women's rights are committed.

In nearly all West African countries the laws governing the individual and the family confer the monopoly of power and decision-making on the husband, seen as the head of the family. The institution in Mali of obligatory obedience to the husband is a clear illustration of the non-recognition of women's right to make decisions in the household, which is true of most African legislation. In Togo, the law allows the husband to oppose his wife's practising a separate profession. In the same country, customary succession legalized by the code governing individuals and families forbids women's access to inheritance.

In Mali and Senegal, an article of law authorizes the application of Islamic succession, which grants woman only half the share a man inherits. In a number of countries, the law applied to labor relations forbids women's access to certain kinds of employment, or makes the permanent employment of interns conditional on the production of a medical certificate stating that they are not pregnant. To these discriminatory laws are added legal loopholes that do nothing to protect women from new forms of abuse of rights.

In some countries, the relatively undemocratic environment reinforces discrimination

and inequality. Women often have difficulty accessing the judicial system due to a lack of education on legal concepts. The non-enforcement of existing laws, the lack of resources allocated and sexist prejudice are other factors bearing on women's capacity to enjoy their rights.

With repeated abuses of young children's rights in recent years, specific legislation has been adopted at the continental level to protect young boys and girls. This legislation is only slowly being translated into national legislations for greater protection of children, the future of the subregion. This explains in part the proliferation of sexual and non-sexual exploitation and trafficking of children—above all, young girls. Unfortunately there has been little work in this area to effectively fight these different abuses.

On a more positive note, Benin adopted a very progressive family law in the subregion. This law bans polygamy, which was previously legal. Laws putting an end to female genital mutilation have been adopted in Benin Burkina Faso, Côte d'Ivoire, Ghana, Senegal and Togo. Senegal has also passed a law punishing domestic violence. However, it should be noted that the arsenal of national legislation needs to be improved and brought in line with international and regional norms relating to human rights.

### Public Awareness

In order to help bring about gender equality, NGOs have set up services such as legal aid and the training of paralegals and of person-



Women's weaving project in Senegal.

nel involved in law enforcement. NGOs have also been active in awareness-raising with regard to the rights of women and in advocating for the adoption of new legislation and the reform of discriminatory law.

As a result of these various initiatives, one has seen in the past few years an awakening of women in the subregion who want to claim and exercise their rights. The violence to which they are exposed is no longer a taboo subject, part of the “private matters” about which one must stay quiet. Women are daring to demand to be heard and to be helped in putting an end to the violence. Even if, today, the pressure of family and society is still present and prevents many women from speaking out, people are more attentive to the rights of women.

In a region where approximately 60 percent of women are illiterate, the actions of NGOs vis-à-vis the people are conducted in the local population's languages to make the law more accessible. Support materials and various publications are also made available in the local languages. Thus CEDAW, for example, has been simplified and published in four national languages in Senegal. Similarly, NGOs have used other didactic material such as cartoons and drawings to carry information to non-reading populations.

Efforts are being made to integrate training in the human rights of women into the training programs of stakeholders implicated in the establishing of these rights. In countries including Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal, Sierra Leone and Togo, NGOs have been able to obtain government agreements so that these training sessions can perpetuate awareness-raising initiatives and ensure that the rights of women become part of the culture. Similarly, over time, these notions may be introduced to all educational levels in the school system.

### Violence Against Women

Violence against women is an obstacle to achieving the goals of gender equality, peace and development. Women's rights organizations and several governments have worked to fight against violence. Among the different forms of violence, they have above all underlined female genital mutilation, physical violence, rape and sexual harassment. The mobilization in the past few years against the unacceptably cruel practice of female genital mutilation led, as noted above, to several countries of the subregion adopting legislation against this practise. It is nevertheless deplorable that in the whole subregion, only Senegal has passed specific legislation against

domestic violence and sexual harassment.

The NGOs have focused their awareness-raising campaigns on the effects of violence against women and on providing legal services. Apart from medical services and social support, Benin and Ghana have attempted to meet the needs of women by setting up refuges for the victims of violence. Other initiatives include the establishment of a coalition to fight violence against women, calling on public authorities to condemn all acts of violence against women and girls, and lobbying for laws consistent in their approach to violence. NGOs have also undertaken the training of judicial and extra-judicial players such as magistrates, judges, lawyers, police officers, doctors and traditional and religious chiefs, all of who intervene in the domain of women's rights.

Significant progress has been made in most countries. There are anti-violence committees composed of women and paralegals, but also of litigators, teachers and even parents of pupils concerned with sexual harassment.

Beyond the traditional initiatives represented by awareness-raising and lobbying

In Liberia, women are active not only in fighting against a war they did not want, but also in looking for peaceful solutions alongside men.

for the adoption of laws, NGOs have recognized the important role men can play in the fight against violence, and to this effect, have begun involving them as partners. In Togo, for example, contrary to the actions adopted by NGOs in the early days—which consisted of training women as paralegals in order to raise awareness and bring help to other women—there have been experiments to train male paralegals in order to get the message across to both men and women. This experiment has been successful and has produced some very encouraging results. As a result it has been expanded. Men sensitized by their male peers are more receptive and keen to collaborate with respect to women's rights. They include radio hosts, both urban and rural.

The impact of all these initiatives on the population is often difficult to measure because changes in behavior and mentality take place slowly. Women continue to suffer various forms of violence. Once again, the cultural and traditional marginalization of women and girls, the difficulty of implementing laws and women's ignorance regarding their rights are the main obstacles.

## PEACE AND SECURITY

Peace is inextricably linked to both gender equality and development. All over the world, and particularly in Africa, women are becoming the prime targets of violence in armed conflicts.

### Security Council Resolution 1325

There are conflicts under way in the subregion. Women are the principal victims of human rights violations, which take the form of cruel, inhuman, and degrading abuse such as rape, sexual harassment, sexual slavery, forced displacement, etc.

Efforts are being made by NGOs and governments alike (the latter not always committing fully and in good faith) to raise awareness among the general population and political players regarding the culture of peace and the struggle against the proliferation of small arms.

There have been some advances in the creation of effective and practical mechanisms designed to prevent crises involving women. Sierra Leone, for example, at the university

and at the primary school level, has introduced “peace teaching” to ensure that citizens are aware of the ravages of armed conflict. But greater efforts are still needed in this field, particularly in order to prevent women and children from being the principal victims of conflicts.

In Liberia, for example, women are active not only in fighting against a war they did not want, but in looking for peaceful solutions alongside men. They have organized themselves into groups such as the Mano River Women's Peace Network and Women in Peacebuilding Network in order to talk with the parties involved in the war or the search for the return of peace including the Economic Community of West African States, international institutions, leaders of the rebel factions and diplomats. Women have participated in negotiations for a durable peace in Liberia as well as in the subregion. They have used a variety of strategies including sit-ins and other demonstrations, lobbying and media exposure to attain their objectives.

This quest for peace has not been easy. Throughout this time-consuming process, women have been confronted with a lack

## Box 10. Women in Parliament in West Africa

Country/ HDI Rank	Lower or Single House				Upper House or Senate			
	Elections	Seats	Women	Percent Women	Elections	Seats	Women	Percent Women
Guinea/40	06 / 2002	114	22	19.3	—	—	—	—
Senegal/41	04 / 2001	120	23	19.2	—	—	—	—
Sierra Leone/59	05 / 2002	124	18	14.5	—	—	—	—
Gambia/63	01 / 2002	53	7	13.2	—	—	—	—
Burkina Faso/72	05 / 2002	111	13	11.7	—	—	—	—
Cape-Verde	01 / 2001	72	8	11.1	—	—	—	—
Mali/79	07 / 2002	147	15	10.2	—	—	—	—
Ghana/83	12 / 2000	200	19	9.5	—	—	—	—
Cote d'Ivoire	12 / 2000	223	19	8.5	—	—	—	—
Togo/94	10 / 2002	81	6	7.4	—	—	—	—
Benin/95	03 / 2003	83	6	7.2	—	—	—	—
Nigeria/99	04 / 2003	360	22	6.1	04 2003	109	3	2.8
Liberia/105	10 / 2003	76	4	5.3	—	—	—	—
Mauritania/111	10 / 2001	81	3	3.7	04 2002	56	3	5.4
Guinea-Bissau	04 / 2004	102	?	?	—	—	—	—
Niger	11 / 1999	83	?	?	—	—	—	—

Source: Table from Inter-Parliamentary Union; available from <http://www.ipu.org>.

of the financial support needed in order to be present where peace is discussed. Another ever-present difficulty is the absence of women in decision-making positions. Nevertheless, different initiatives have been taken by women in conflict resolution during the past few years, and it is worth noting that, given the opportunities and adequate means, women could be significant builders of peace, capable of playing a neutral role, which is necessary to devise lasting solutions.

### Asylum Seekers, Refugees, Internally Displaced

The majority of displaced persons are women and children. They live in precarious circumstances, lacking both aid and support. Homeless, they are also exposed to violence. Since they are impoverished and without financial resources, it is difficult for refugees and internally displaced women to obtain legal assistance when they need it. Despite their good will, NGOs are generally unable to offer adequate help to these women due to a lack of financial resources. States seem also to lack the necessary means. Apart from these financial difficulties, it should be added that during consultations in “legal clinics,” interviewees

subjected to various forms of violence in the context of conflicts usually refuse to press charges for the assaults they have suffered, more often than not for fear of reprisals.

A number of initiatives have been implemented but are far from meeting requirements due to a lack of resources. Awareness-raising campaigns have been conducted through the media. Trained paralegals also serve as conduits for awareness-raising. Specialized organizations such as the UN Refugee Agency (UNHCR) and the International Red Cross have, as far as possible—and often in collaboration with local NGOs—given help to victims and especially to women and children. In Guinea and Sierra Leone, the UNHCR has initiated the training of women working with refugees and displaced people in order to reinforce their capacity.

### The International Criminal Court

All the countries of the subregion—with the exception of Cape Verde, Côte d'Ivoire, Guinea Bissau and Togo—have ratified the Statutes of Rome establishing the International Criminal Court. There have been few initiatives to educate the different populations on the subject of the court, however.

## POWER AND DECISION-MAKING

Women's equal participation in decision-making is not only a demand for justice and democracy. Without the active participation of women and the incorporation of women's perspectives at all levels of decision-making, the goals of equality and sustainable development cannot be achieved.

### Representation

Women's representation in governmental bodies as well as in public administrative entities, has shown a slight improvement, and more women are taking part in the electoral process. Some countries including Cape Verde, Ghana and Niger have implemented positive initiatives meant to promote women's participation in decision-making bodies. These initiatives have led to noticeable progress.

Women's leadership capacities have significantly improved compared to their situation 10 years ago. An initiative launched by the UN Population Fund (UNFPA) created a network of women parliamentarians and ministers who work with NGOs to change the population's mentality with regard to the need to participate in the management



of public affairs. Progress in this area has been weak due to the high female illiteracy rate and the persistence of socio-cultural attitudes. These obstacles sometimes make expectations seem illusory and perpetuate the under-representation of women in decision-making bodies.

NGOs in the subregion have made a considerable effort to encourage the participation of women in all spheres of promotion and protection of women's rights. They have strived to ensure that policy and programs integrate a gender perspective for greater impact and results. They have used sensitization campaigns, training sessions designed to reinforce women's leadership capabilities, and the lobbying of public authorities to strengthen women's position.

The increased presence of women in various bodies can be seen as the result of NGOs' sensitization of and pressure on the various governments. In Togo, women's representation in government has gone from one to five of 23 government ministers and six out of 81 Members of Parliament. Some countries, such as Cape Verde, Ghana, Niger and Nigeria have for a number of years had a high-ranking official or office responsible for gender issues close to the prime minister or in an influential position within the government. Gender mainstreaming in all areas of life remains a distant goal despite these few areas of progress.

In all countries of the subregion, the implementation of the Beijing Platform for Action has encouraged the institution or the reinforcement of national mechanisms for the advancement of women. Sometimes government departments—ministries or state secretariats, for example—are set up as operational structures to implement national policies for the promotion of women. In some countries, the mechanism takes the form of an ensemble of high-level administrative structures. Regardless of their characteristics, these bodies have worked to increase the impact of policies directed towards gender equality.

The strategy implemented through these structures consists of incorporating a gender-specific perspective in all laws and policies as well in programs and projects (the gender-related development index of the countries in the subregion ranges from 0.278 and 0.456).

National mechanisms have created gender focal points in other departments and to a certain extent have helped to compile and disseminate gender and age-disaggregated statistical data. The lack of adequate human, financial and material resources is the main

obstacle faced by the various institutional mechanisms. Moreover, their activities are hindered by structural and communication issues within them and with other governmental departments. Finally, in certain cases they are manipulated and, as a result, adopt a partisan approach that limits the effectiveness of their actions on behalf of women.

These obstacles are compounded on the one hand by national government institutions that as yet have little understanding of gender equality and the need to root gender issues in every aspect of the nation's life; and on the other, by the institutional mechanisms' inability to affect programs across all sectors.

## POVERTY ERADICATION

Poverty is a complex, multidimensional and endemic problem. As a significant factor in the feminization of poverty, globalization has reinforced the inequalities of the world's economic order by limiting women's access to and control of the international market.

## Macroeconomic Policies, Development Strategies

In the subregion, women are more present in business because of their legendary thrift. One can mention the *Nanas Benz* in Togo's textile sector, whose renown for the trade of printed materials for the past 30 years spread beyond their frontiers, making them famous worldwide.

Numerous initiatives and strategies have been developed by the States to reduce poverty and inequality, including support structures for micro-projects favoring women, development of micro-finance and the creation of women's savings and loans banks.

For their part, NGOs have made a great contribution to the fight against poverty through sensitization campaigns, micro-credit to women and training in managerial methods. However, human development indicators for the countries of the subregion as a whole remain very low.

The initiatives undertaken give women

## Box 11. Female Economic Activity Rate

Country/ HDI Rank	Female Economic Activity Rate		
	Rate (percent) 2002	Index (1990=100) 2002	As percent of male rate 2002
Mauritania/ 152	63.2	97	74
Gambia/ 155	69.7	101	78
Senegal/ 157	61.7	101	72
Guinea/ 160	77.1	98	89
Benin/ 161	73.2	96	90
Ivory Coast/ 163	44	102	51
Guinea-Bissau/ 172	57	100	63
Mali/ 174	69.8	97	79
Burkina-Faso/ 175	74.7	97	85
Niger/ 176	69.3	99	75
Sierra Leone/ 177	45	106	54
Togo/ 143	53.5	101	62

Source: United Nations Development Program (UNDP), Human Development Report 2004, 229-232.

control of neither the resources nor the means of production. This explains, for example, the situation of the *Nanas Benz* who, after the economic and political crisis suffered in Togo from 1992 on, are the ones benefiting least from the wealth they produced.

Generally speaking, the strategies for fighting poverty have not always taken into account women's specific needs and interests. The absence of synergy between the various programs initiated by governments has had a negative impact.

Almost no action has been taken to ensure that national policy on international and regional trade agreements does not have negative effects for new and traditional business activities.

## Employment Patterns, Women's Work

In West Africa, women still earn less than men for work of equal value, and most

find themselves in underpaid sectors, under-qualified and with little or no prospect of advancement.

Legislation exists across the subregion protecting against discrimination in the workplace and guaranteeing equal pay for equal work. However, there are no policies in place to reevaluate the work of women, much less any adapting of hours and working conditions to take into account family responsibilities and needs.

Sexual harassment in the workplace is widespread, but the issue has so far received very little attention from governments. As a result of public awareness-building initiatives by NGOs, proposals for legislation covering sexual harassment are before the Governments of Benin and Togo.

Regarding women in rural areas, NGOs have launched micro-financing programs in order to strengthen women's capabilities. These programs are committed to creating jobs for women in rural areas by helping them to organize and become autonomous, and by offering them loans and training.

## EDUCATION

### International Agreements

In compliance with international agreements, including the Millennium Development Goal of achieving universal primary education by 2015, there has been significant progress in most countries in support of educational infrastructures. Such initiatives have included the opening of training centers, designing and implementing support programs for girls' school enrolment, women's literacy programs and the formulation of coherent national educational and training policies.

The main obstacle to the implementation of international agreements is the lack of financial resources, which has a considerable impact on the number of qualified teachers available. Initiatives undertaken by women's rights organizations have for the most part been supported by bilateral and multilateral partners rather than the state.

### Public Policy

Strategies have been developed in almost every country of the subregion for girls' school enrolment; the general rule is that enrolment is mandatory until age 15. In Ghana, Mali, Niger, Senegal and Togo, positive action policies in favor of girls, have been adopted to promote their enrolment. Admission quotas, scholarships and training of young girls in technical and scientific fields have also been priority programs for governments.

These initiatives are indicative of the will of governments to implement the recommendations of Beijing and to create the conditions necessary for the realization of the MDGs. Significant results have been obtained—improvement in the rate of school enrolment for young girls, a higher retention of girls within schools, and an increase in the number of girls signing up for scientific and technical studies. Nevertheless, it is important to underline that nowhere in the subregion do education policies and programs take women's specific concerns into consideration. Most education initiatives are of a general nature and do not particularly target the advancement of young girls. The efforts of women's organizations must be highlighted. These NGOs have raised public awareness regarding the importance of sending girls to school to counter illiteracy. They have also advocated for political and legislative reforms.

Despite progress, much remains to be done in order to overcome obstacles hindering the achievement of the initiatives taken; namely, a lack of financial resources, sexual discrimination against girls, the persistence of sexist stereotypes and socio-cultural obstacles, sexual harassment in schools and poor school infrastructure.

### Access and Changes in Practices

Education is one of the areas where noticeable progress has been made. Nevertheless, reforms designed to obtain results that are free of stereotypes remain embryonic. Reform of the educational system must continue.

Several countries have achieved little or no progress on female literacy, with too few initiatives taking into concern women's double workload. The average literacy rate stands at around 40 percent, with extremes of 7 percent in Niger and 54 percent in Ghana.<sup>3</sup>

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

Women have an essential role to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to natural resources management.

### Decision-Making

A National Environmental Program was developed in most countries and involved women in the decision-making process. Within this framework, *butanization* campaigns have been implemented encouraging households to use butane gas instead of fire-

wood or coal. A related initiative has focused on the promotion of "improved" fireplaces aimed at reducing the quantity of firewood and coal used for cooking. Consequently, Côte d'Ivoire, Niger and a number of other countries in the subregion have trained women in the building of economical and ecological, "self-cooking" fireplaces.

Without producing definitive answers to environmental problems, these campaigns have raised community awareness on the real danger of not adequately protecting the environment. The consumption of firewood has diminished, but not significantly.

Wells have also been dug to improve access to clean water in rural populations. Some countries, such as Benin, have created committees to manage the environment and natural resources in the forestry sectors. They have also established tree nurseries so that women can start reforestation.

Despite an acknowledgment of the importance of the role played by women in the management of the environment, socio-cultural hindrances still exist. The absence of gender-based analysis in the implementation of environmental and natural resources policies continues to present a great challenge.

### Gender Impacts

In the past few years, a number of governments have included in their development strategies income generating initiatives for women, as well as training in the management of natural resources and protection of the environment.<sup>4</sup> The only merit of these initiatives is that they limit damage. They are rarely thought through carefully enough and often fail to take into account all aspects of the problem and the parties concerned. Signs of the environment's progressive degradation remain palpable.

Initiatives such as reforestation campaigns, the creation of cooperatives for waste collection, the setting up of projects for the manufacturing of stoves and solar-powered ovens appear to have had little influence on the population's general behavior.

In other cases, environmental protection programs have contributed to the impoverishment of women by depriving them of income derived from the sale of firewood or coal. The very limited progress made by the States in this area is linked to the fact that communities have yet to become aware of the acute environmental risks threatening women, and of the advantages of bringing together men and women in the protection of the environment.

Another factor that limits progress is wom-

## Box 12. Higher School Enrolment for Girls

Country/ HDI Rank	Net Primary Enrolment for Girls				Net Secondary Enrolment for Girls			
	Female rate (%)		As percent of male rate		Female rate (%)		As percent of male rate	
	1998	2001/2002 <sup>e</sup>	1998	2001/2002 <sup>e</sup>	1998	2001/2002 <sup>e</sup>	1998	2001/2002 <sup>e</sup>
Mauritania/152	58	65 <sup>g</sup>	0.94	0.96 <sup>g</sup>	-	13 <sup>g</sup>	-	0.83 <sup>g</sup>
Gambia/155	57	70 <sup>g</sup>	0.89	0.92 <sup>g</sup>	20	24 <sup>g</sup>	0.72	0.75 <sup>g</sup>
Senegal/157	54	54	0.84	0.89	-		-	
Guinea/160	37	54	0.69	0.78	7	7 <sup>g,j</sup>	0.38	0.38 <sup>g,j</sup>
Benin/161	-	58 <sup>g,h</sup>	-	0.69 <sup>g,h</sup>	10	13 <sup>f,g</sup>	0.46	0.48 <sup>f,g</sup>
Côte d'Ivoire/163	51	53	0.75	0.74	-		-	
Guinea-Bissau/172	-	38 <sup>h</sup>	-	0.71 <sup>h</sup>	-		-	
Mali/174	34	32 <sup>g,j</sup>	0.70	0.72 <sup>g,j</sup>	-		-	
Burkina Faso/175	28	29 <sup>g</sup>	0.68	0.71 <sup>g</sup>	6	6 <sup>f,g</sup>	0.59	0.65 <sup>f,g</sup>
Niger/176	20	28	0.64	0.68	-	4	-	0.66
Sierra Leone/177	-							
Togo/143	78	86	0.79	0.84	14	17	0.44	0.48

Source: United Nations Development Program (UNDP), Human Development Report 2004, 225-228. UNDP, Human Development Report 2002.

e. Calculated as the ratio of the female enrolment ratio to the male enrolment ratio

f. Data refer to the 2000/01 school year

g. Preliminary UNESCO Institute for Statistics estimates, subject to further revision. Data refer to the 1998/99 school year

h. Data refer to the 1999/2000 school year

j. Data refer to the 1998/99 school year

en's restricted access to resources and technical information, which prevents them from participating concretely in decisions concerning the environment.

Benin, Gambia, Ghana, Guinea, Mali, Mauritania and Senegal and have ratified the Kyoto Protocol on Climate Change and Biological Diversity.

### HEALTH

#### Access and Affordability

Efforts have been made to ensure that health care services are more accessible to the population, but they still remain insufficient. The economic crisis that has swept through the countries of the subregion in the past decade has dramatically contributed to the lack of medical coverage of women's basic health care needs, although some countries (for example, Ghana) have strived to implement policy on specific forms of cancer affecting women, such as breast and cervical cancer.

#### Reproductive Health

Various States and NGOs work on raising awareness among women across the social spectrum regarding the general and reproductive health care programs available. Women's right to control their pregnancies has found broader acceptance following intensified family planning campaigns initiated by NGOs and state-sponsored bodies.

Health care professionals are not still likely to ask for spousal consent before allowing women access to family planning services. With the increasing acceptance of reproductive health rights, attention is being focused on the specific needs of adolescents. Thus in Ghana, for example, paralegals have been trained to deal with problems related to the reproductive health of adolescents, and to conduct sexual abuse case studies and publish the outcomes.

The adoption of laws and policies concerning maternal and infant health, family planning, vaccination and pre- and post-na-

tal monitoring has facilitated the implementation of programs related to the health of women, men and children.

Women's poor access to health care due to factors such as lack of infrastructure, low life expectancy or socio-cultural obstacles explains the continuing high rate of maternal mortality, especially in rural areas. Maternal mortality varies between 480 and 1,800 deaths per 100,000 births,<sup>5</sup> while the percentage of births assisted by qualified personnel varies between 16 and 66 percent depending on the country.<sup>6</sup>

All countries in the subregion have laws protecting girls against under-age marriage, but it must be noted that this custom is still practiced and that young girls are even abducted to be given in marriage.

#### HIV/AIDS

The HIV/AIDS pandemic is recognized as a problem that strikes at the heart of humanity, particularly women who represent the

most vulnerable members of society. This vulnerability is partly linked to their social and legal status, and partly to their physiological make-up.

Measures have been taken to combat the disease, including the creation of virus-screening centers, where free services are sometimes offered, and the provision of retroviral drugs at low prices. These initiatives have helped to foster a growing awareness among the population of the dangers of HIV/AIDS and sexually transmitted diseases.

Such efforts are often hindered not only by poverty—public spending on health varies between 0.8 and 2.6 percent of GNP<sup>7</sup>—but also by socio-cultural obstacles that increase women's vulnerability. The lack of disaggregated health care data constitutes a considerable handicap in the launching and effective follow-through of initiatives.

NGOs are very active in awareness-raising campaigns and the promotion of food and sanitary hygiene directed at women in particular. A number of NGOs operate medical facilities that take in and care for the most disadvantaged.

None of the countries in the subregion have passed laws specifically protecting people living with HIV/AIDS. Legislation has been drafted and is in the process of being passed by some parliaments, such as Togo's. Programs designed to help HIV-positive peo-

ple are also being set up to varying degrees in the region.

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### Notes

1. Women in decision-making, the human rights of women, globalization, HIV/AIDS, and conflicts.
2. With regard to article 2, paragraph (d) and (f); article 5, paragraph (a); article 15, paragraph 4; article 16, paragraph 1 (c), (e) and (g); and article 29.
3. UNICEF survey conducted on women's rights and socio-economic development in West and Central Africa, February 2001.
4. United Nations Development Program (UNDP), Human Development Report 2004, 207-210.
5. *Ibid.*, 168-171.
6. *Ibid.*, 156-159.
7. *Ibid.*





# **ASIA AND THE PACIFIC**

## **Central Asia**

*Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan*

## **East Asia**

*China, Hong Kong, Japan, Mongolia,  
Republic of Korea (South Korea), Taiwan*

## **South Asia**

*Bangladesh, India, Nepal, Pakistan*

## **Southeast Asia**

*Cambodia, Indonesia, Lao PDR, Malaysia,  
Philippines, Thailand, Vietnam*

## **Aotearoa/New Zealand**

## **Pacific Islands and Territories**

*Commonwealth of the Northern Marianas, Cook Islands,  
Federated States of Micronesia, Fiji, French Polynesia,  
Kiribati, Marshall Islands, Palau, Papua New Guinea, Samoa,  
Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu*

# CENTRAL ASIA

## New Laws Adopted but Change a Long Way Off

Submitted reports from Central Asia include the Republics of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. Turkmenistan, along with Iran and Afghanistan—which are often considered to be part of this subregion—did not report.

In Central Asia, the reporting countries have all ratified the Convention on the elimination of All Forms of Discrimination against Women (CEDAW). Generally, governments condemn violence against women and endorse prevention of such acts. Yet violence against women in Central Asia is prevalent. Current law enforcement practices treat domestic violence indulgently, and governments lack programs to train judicial, legal, medical, social, educational, police and immigrant personnel on dealing with violence against women. Most of the training that exists is carried out by women's NGOs, but it is limited because of resource constraints faced by these organizations.

Overall, women's work in the unpaid sector is unaccounted for in all the Central Asian countries covered in this report. No statistics exist to track such work nor are any measures in place to account for unpaid home and farm work, which disproportionately is the responsibility of women, or to create conditions of equity in sharing family welfare and household responsibilities. In the formal sector, there has been a reduction in the number of women in highly remunerative sectors. Women's work in the informal sector is mainly in independent small trade or in "shadow businesses"—underground, off the books and untaxed—owned by men.

Data on women's participation in Central Asia in the natural resources and environmental sector has not been widely recorded. As the majority of the populations live in rural communities, land reforms are critical issues to women throughout the subregion, but latent forms of discrimination among officials blocks access.

### HUMAN RIGHTS

#### CEDAW Compliance

In Central Asia, Kazakhstan (1998), Kyrgyzstan (1996), Tajikistan (1993) and Uzbekistan (1995) have ratified CEDAW. Kazakhstan, Kyrgyzstan and Tajikistan have also ratified the Optional Protocol. There are no reservations from these countries.

States that have ratified CEDAW are legally obligated to take steps to respect, protect, promote and fulfill the rights of women. Ratification of CEDAW, however, has not always translated into concrete measures aimed at protecting women against discrimination.

Awareness of the Optional Protocol to CEDAW is not high. In Kyrgyzstan, there are no known examples of women having used it. The Government has not taken measures to provide information and training to the population on the complaint process. As a result, not a single registered application has been made through any individual complaints mechanism from Kyrgyzstan to any of the UN committees of treaty bodies. The situation was reported to be similar in Kazakhstan and Tajikistan.

A greater representation of women in decision-making roles in government and greater activity by women's rights NGOs is imperative to achieving international standards of women's rights.

In 1996, the Parliament of Kyrgyzstan ratified five international UN conventions: the Convention on Women's Political Rights; Convention on the Agreement on Marriage, Marriage Age and Marriage Registration; Convention on the Citizenship of Married Women; Convention on Maternity Protec-

tion; and CEDAW. The Government of Tajikistan ratified CEDAW and the Protocol; the International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on Civil and Political Rights (ICCPR) and its first Optional Protocol (ICCPR-01); Convention on Elimination of All Forms of Racial Discrimination (CERD); and Convention on the Rights of the Child (CRC). As with CEDAW, implementation on these agreements is slow to emerge.

#### National Law

In Kyrgyzstan, eight laws relating to women's rights have been examined and 84 amendments and recommendations were made in the period between 1996 and 2000. In 2002, President Askar Akaev signed the National Action Plan on the achievement of gender equality and a decree on the improvement of the personnel recruiting policy to involve more women leaders in governance. The Parliament adopted two new laws in 2003 on gender issues, one related to state guarantees for gender equality in the Republic and the other related to social and legal protection against violence in the family. The law on family violence was adopted as a result of a people's initiative led by an NGO that collected the required 30,000 signatures by voters to submit a draft law for consideration by Parliament.

In Kazakhstan, only one discriminatory law on labor protection (1993) has been repealed. According to Article 17 of law, all women are to be hired only after a prior medical examination, and women up to the age of 45 must undergo a medical examination annually. This requirement violates not only the equal rights

and opportunities principle but also the Constitution of Kazakhstan. The article finally was rescinded in 2004 when the new Law on Labor Safety and Protection was adopted.

Women in Kazakhstan are prohibited from driving large automobiles and buses carrying more than 14 passengers. Moreover, new discriminatory laws have come into force following CEDAW ratification. A new labor law (2000) revoked many privileges earlier granted to women with young children. For instance, women are no longer entitled to breaks, previously included as paid time, for feeding children who are under 18 months of age. Maternity leave has been reduced, and this law also does not include a direct prohibition on the dismissal of women who are on pregnancy or maternity leave and does not provide for individual working hours' schedule and part-time jobs for women as stipulated by CEDAW. The new law also prohibits men from going on leave to take care of children.

National Action Plans do exist. For example, Kyrgyzstan established the National Plan of Action for Achieving Gender Equality for 2002-2006. Unfortunately, as in the case of the National Program "Ayalzat," for 1996-2000 (of which only 30 percent has been implemented), not even half of the Plan has been implemented to date. Consequently, many provisions of the National Plan of Action, including ones critical to promoting women to decision-making positions and ensuring gender budgeting, have not been executed.

In Kazakhstan, the National Action Plan on improving women's position was adopted by a government resolution in 1999. The

Plan was prepared with the participation of NGOs, based on the Beijing Platform for Action priorities, and included several progressive actions. The proposed law on equal rights and opportunities for women and men, a law against domestic violence and a law on reproductive rights.

Of the listed laws, scheduled to be enacted in 2000-2001, only the law on reproductive rights has been adopted (in 2004). Important programs that were not implemented include adoption of a gender approach in the preparation of new textbooks to eliminate sexist stereotypes; introduction of gender disciplines in the higher and secondary education system; development of a contraceptive policy; development of a draft law on refugees; research on a quota for women's participation in executive and legislative state bodies; application of gender indicators in the development of economic and social programs; and gender analysis of the existing legislation.

The Government contends that 80 percent of the Plan has been implemented, while experts from women's NGOs estimate that no greater than 25-30 percent of the plan has been executed. Furthermore, they calculate that those parts of the plan that have been carried out were mostly those addressed earlier by other state programs.

In Tajikistan, the State Program "Basic Directions of the State Policy on provision of equal rights and opportunities for men and women in the Republic of Tajikistan



for 2001-2010" was approved on August 8, 2001, though reporting on its level of implementation is limited thus far.

Implementation of the state policy relating to maintenance of equal rights and opportunities for men and women depends on the efficiency of institutional mechanisms. Independent national institutions for the protection and promotion of women's human rights exist but are few.

Kyrgyzstan has created a national Council and Secretariat on Women, Family and Gender Development; an Ombudsman's Office (2002); and a Human Rights Commission within the Parliament.

In Kazakhstan, the only national struc-

ture on improving women's status is the National Commission on Family and Women's Affairs (1999). The Commission has consultative status and lacks its own budget. During five years of activity the Commission has attracted off-budget funds in the amount of US\$5.5 million for the implementation of various programs. The funds are exclusively in the form of grants from large international organizations.

In Tajikistan, one of the Prime Minister's deputies supervises matters of women's status and position. In 1991, the Committee on Women and Family Affairs was founded and now functions under the Government to promote and implement the policy of improving women's status in all spheres of social life. It has set up offices in all local government bodies.

New legislation concerning women's human rights has been adopted in Kazakhstan, including the Law on family and marriage (1997); Addendum to the Criminal Code (2000), specifically the part concerning rape cases (2000); addendum to the Criminal Code specifically the part on human trafficking (2003); and the law on reproductive rights (2004).

Other efforts related to improving women's human rights in Kazakhstan include the creation of departments on violence against women in police administrations, seminars and trainings organized by NGOs on the rights of women employees in judicial bodies, as well as free legal aid for women, also provided by NGOs.

In Kyrgyzstan, programs being implemented by different NGOs include work on increasing women's access to land and property rights, to reproductive rights and to political rights. In Uzbekistan, while such programs on women's human rights are conducted occasionally, they cover a very small population of women.

### Public Awareness

In Central Asia, comprehensive human rights education programs that raise awareness among women are lacking. While a series of training courses and seminars dealing with various aspects of women's rights—including how to use legislation to protect these rights—are held by NGOs, the governments do not support such programs.

Nor do governments publicize and disseminate laws and information relating to women's rights.

Laws in the subregion are issued only in the native languages of respective countries and in Russian. Guidelines are translated only

into Russian. In 2000, the Feminist League of Kazakhstan had the majority of conventions concerning women's rights translated and published in the Kazak language. In Kyrgyzstan as well, international conventions have been translated into the Kyrgyz language by local NGOs. The Beijing Platform of Action, however, has not been translated into Central Asian languages.

Women's human rights are not included in school curricula in most Central Asian countries. Further, no adult education programs covering women's human rights are in place. In Kyrgyzstan and Kazakhstan, however, police bodies are introducing programs on women's human rights.

### Violence Against Women

In general, governments in Central Asia condemn violence against women and endorse prevention of such acts. In Kyrgyzstan, for example, prevention of violence against women is one of the main tasks of the National Commission and the Secretariat. In 2003, the Parliament adopted two new laws on gender issues, one of which dealt with social and legal protection against violence in the family.

Anti-violence activity is a main concern of the National Commission of Kazakhstan. Since 1999, the Government has been developing a draft law on domestic violence prevention. While the Government of Tajikistan condemns violence against women, its support for such programs is limited. In Uzbekistan, the Women's Committees under the Government cover the issue of violence against women.

Despite the anti-violence activity, violence against women in Central Asia is prevalent. In Kyrgyzstan, domestic violence is widespread and increasing. According to official Ministry of Internal Affairs (MIA) data, 242 family disputes between spouses or partners—resulting in injury, disability or even death of the woman—are registered each month. According to a social survey conducted by the Association of Crisis Centers, domestic violence is not included in the list of problems considered important with respect to the observation of women's rights, although survey results show that relatives, friends and the victims themselves consider domestic violence to be one of the most widespread and serious forms of discrimination against women. A survey of law enforcement employees conducted by the crisis center "Chance" revealed that 38 percent of men and 17 percent of women did not consider humiliation, abusive in-



sults and rudeness as forms of violence in domestic relations.

It should be noted that the Kyrgyz Government has put in place legislation that specifically addresses the punishment of domestic violence, including the 2003 law “On Social and Legal Protection against Violence in the Family.” One of the recommendations developed by the Council of NGOs has to do with the development of a mechanism for realization of this law, including training for prosecutors, law enforcement personnel and judges on implementing and enforcing its provisions.

In Kazakhstan, domestic violence is the most widespread kind of violence against women. Over 60 percent of women have suffered from physical or sexual violence at least once in their lifetimes. According to the Municipal Department of Internal Affairs, in Almaty (the capitol) alone, 8,561 crimes against women were committed in only six months in 2002. Of these, 1,405 were related to family and domestic relations and contained attributes of violence against women. Although though existing criminal legislation in Kazakhstan includes punishment of violence in general, it does not specifically address domestic violence separate from violence against members of the community.

This prevalence of violence is the result of a number of societal and legal factors. The traditional attitude of society to problems of domestic violence is that it is “the family’s business;” the woman is “guilty” and therefore the man in the family has the right to punish her. Legal factors involve the difficulty of proving aspects of the crimes and the high probability of the victim reconciling with the offender and, as a consequence, the possible recall of

this crime is a maximum of three months imprisonment (even cruelty to animals is punishable by imprisonment for up to two years. Damage that is defined as “light” in the criminal code may have a profound and long-term impact on the life of the victim. Many articles of the Criminal Code relating to domestic violence that do not lead to “irreparable physical harm” are attributed by the Criminal Procedural Code to a category of private prosecution, which includes causing light harm to health, threats and forced sexual relations, among others. The procedural order of private prosecution cases is legally quite complicated—women as victims of the stated abuses have to become their own legal representatives in prosecution (i.e. collecting evidence, etc), thereby taking on the physical, moral, financial and other burdens connected to litigation or investigation. Kazakhstan, in effect, lacks an effective preventive mechanism directed against domestic violence.

In Tajikistan, stereotypes and assumptions about female dispositions, abilities and experiences prevent women’s access to basic rights. In addition to such attitudes, women are not aware of their rights. These factors lead to widespread discrimination, and subsequently violence, against women.

According to the International Organization for Migration (IOM), Central Asia is a growing region of origin for human trafficking. However, the countries covered in the report have not taken steps to track statistics or introduce legislation related to trafficking of women.

In Kazakhstan, for example, statistics related to trafficking women are not available and the Government lacks any programs directed at tackling the problem. Existing

trafficking and a number of anti-trafficking initiatives were undertaken to eliminate or reduce cases of illegal traffic in persons. However, despite these efforts, the scale of this phenomenon does not appear to be decreasing. It is difficult to determine the exact number of people trafficked as Kyrgyzstan keeps no official statistics in this area. The data available from the Ministry of Internal Affairs on the number of registered cases for 2001-2003 under various relevant articles of the Criminal Code fail to reflect the magnitude of the situation.

Kyrgyzstan is the most open and convenient country in Central Asia for both local residents and citizens of neighboring countries to transit out of the region. For the purpose of trafficking, traders actively take advantage of the low protection measures related to Kyrgyz passports (which can easily be forged). For example, traffickers use passports of 30 to 35-year-old women to transfer 16 to 18-year-old girls to the United Arab Emirates (UAE). By relying on fake passports with fake names, traffickers ensure that searches for victims overseas are made even more difficult. Among women deported from Turkey, the UAE and other countries, many are from Tajikistan, Uzbekistan—and even Azerbaijan and Russia—who were trafficked on Kyrgyz passports. In 2000, Kyrgyz law enforcement bodies detained 80 women. In 2003, criminal proceedings were initiated against 10 persons for the illegal crossing of the border with forged passports. In August of 2003, the Ombudsman’s Office of Kyrgyzstan received a letter signed by 1,000 Kyrgyz citizens, mainly illegal migrants who were held in slave-like conditions on tobacco plantations in neighboring Kazakhstan. Many of them were women forced to seek employment outside Kyrgyzstan due to the lack of economic opportunities who then had to endure difficult conditions under the threat of violence, thereby jeopardizing their health and undermining their dignity. Kyrgyzstan signed the UN Protocol on Trafficking in Persons on December 13, 2000, but has not yet ratified it. The National Council, established by a Decree of the Kyrgyz Republic President, lacks continuity in its activities because of frequent changes in membership and has been unable to adopt a formal approach to its work. Despite becoming party to international agreements and creating organizations to protect Kyrgyz trafficking victims’ rights, Kyrgyzstan to date has failed to effectively tackle the issuer. Moreover, perpetrators of the crimes themselves often hide behind the mask of such organizations.

In Kazakhstan, where domestic violence is widespread, over 60 percent of women have been subject to physical or sexual abuse.

the claim or complaint. Research conducted by the UN Population Fund (UNFPA) in 1999 has shown that an attempt by a stranger to abuse a woman would be reported to law enforcement bodies 68 percent of the times. However, if the violator was a person close to the victim (husband, close relative) then the crime was likely to be reported in only 26 percent of the cases.

It is especially difficult to protect women’s rights in the event of “light” harm to the victim as the most severe punishment for

studies on the issue are largely inaccurate. The Crisis Center for women and children estimates the human trafficking figure in the 5,000-70,000 persons; according to IOM data it is between 5,000 and 10,000 persons. Kazakhstan has not ratified the conventions concerning trafficking in people and slavery, and national legislation does not specifically address the issue of trafficking of women but only of children.

In 2003, Kyrgyzstan introduced amendments and changes to the law on human



Culture-based violence against women in Kazakhstan and Kyrgyzstan primarily revolves around the abduction of brides. In Kazakhstan, the practice of *kalym* payment (payment by the groom's family for the bride) and abductions of brides are prevalent. No formal study has been carried out but, according to women's rights organizations, abduction of brides against their will is on the rise in the country.

In Kyrgyzstan, according to research conducted by NGOs, the practice of forced marriages is becoming increasingly prevalent. This practice primarily takes place either through bride abduction or stealing, or parental agreement and arrangement. Culture-based discrimination against women in Uzbekistan leads to practices such as forced marriages and young girls becoming prostitutes. Culture-based discriminatory practices against women in Tajikistan are similar to those in Uzbekistan. Negative traditional cultural practices exist such as forced and child marriages and unequal treatment in the upbringing of boys and girls and in society.

The Governments of Kazakhstan, Kyrgyzstan and Uzbekistan have introduced laws prohibiting the practice of bride kidnapping. In Kazakhstan, the Criminal Code valid until January 1, 1998, stipulated punishment by imprisonment for a period of up to one year for compulsion into marriage. For abduction of the woman against her will, the same article provided imprisonment for up to three years. The new Criminal Code, which came into force on January 1, 1998, failed to specify these crimes, showing weakening government commitment to women.

In Kyrgyzstan, the Criminal Code includes a chapter prohibiting the practice of bride kidnapping, and in Uzbekistan, the practice of kidnapping girls is also a punishable offense.

Governments in Central Asia in general lack programs to train judicial, legal, medical, social, education, police and immigrant personnel on dealing with violence against women. Most of the training is carried out by women's NGOs but is limited because of resource constraints faced by these organizations.

Governmental efforts in Central Asia to promote research and data compilation on violence against women are very limited. Such research is mainly conducted by women's NGOs, independent experts and through international projects. Practical efforts to introduce a gender perspective in policies and programs related to violence against women by governments in Central Asia have also largely been lacking.

Governmental intervention in the form of direct support services (i.e. shelters, relief, access to the mechanisms of justice, physical/mental health services) for women subjected to violence is non-existent in the countries covered in this report.

## PEACE AND SECURITY

### Security Council Resolution 1325

The level of public awareness about Security Council Resolution 1325 in Central Asia is very poor. The governments in the subregion have failed to take any actions with regard to implementing its provisions. No effort has been undertaken to integrate gender perspectives in the areas of conflict prevention, management and resolution. Furthermore, women are rarely present at decision-making levels and very few are involved in the area of foreign policy.

### Asylum Seekers, Refugees, Internally Displaced

Kyrgyzstan and Kazakhstan have a significant number of women refugees, mainly from Afghanistan and Tajikistan, and asylum seekers from the Chechen Republic. In 1998, the two countries joined the Convention on the Status of Refugees (1951) and the Protocol on the Status of Refugees (1961).

In 2000, the Kazakh Government brought a draft law "on refugees" to Parliament but it was withdrawn six months later. A new draft law has not been submitted. The operational guidelines for recognizing petitions for refugee status, as well as the procedure for determining refugee status, allow not only for the refusal of status but also for the refusal of registration of the petition, which contradicts the international obligations of Kazakhstan and the national legislation.

The Kyrgyz Government created a state structure, the Migration Service Department under the Ministry of Foreign Affairs in 1993 to settle refugee issues. In March 2002, the Government adopted a domestic law, in accordance with international protection principles, which came about through the legal expertise of international organizations and is acknowledged as the most advanced in the subregion. Regulations were adopted to implement and enforce this law. The legislation does not differentiate based on gender.

The living conditions of refugee and internally displaced women and girls are difficult. In Kazakhstan, the main source of income for a majority of refugee families is market trading. However, the income earned is rarely sufficient to support the family, usu-

ally consisting of 4-6 children. Some refugee parents are reluctant to allow their children (especially girls) to attend school, not considering education an important priority. Older children, especially girls, have to take care of their younger siblings or help their parents in the market.

Families of Uigur refugees from China also live in Kazakhstan. Providing refugee status to this group of people is a serious challenge because they are perceived as having connections with Talibs (Islamic religious students) and the Islamic Movement of Uzbekistan. The Chinese Uigurs are not subject to the national procedure granting refugee status. As a result, official statistics about their numbers in Kazakhstan are not available. Those who feel threatened by the Chinese and Kazakhstan authorities live illegally and report to the UN Refugee Agency (UNHCR) office, which determines their status based on the UNHCR mandate.

Even though there is officially no discrimination against displaced children with respect to education, they are frequently denied access due to the absence of a residence permit. These families are also very poor and thus have limited access because children of school age not only require warm clothes, but also school uniforms, accessories and periodic tuition. Some Chechen children were denied admittance to school on the grounds of overcrowded classes. The majority of Tajik refugee children are also deprived of opportunities to receive basic secondary education. The exact number of Tajik children living in Kazakhstan is not known. Refugees children who complete secondary education do not have access to higher education due to lack of economic resources. As citizens of the Governments of Independent States (CIS), Tajiks and Chechens do not qualify for refugee status. Cases of abuse of refugee children's rights under article 24 of the Convention on the Rights of the Child are rampant. They are not only deprived of the right to health care of the highest standard possible, but may be deprived of medical aid at all, due to the lack of a residence permit, especially in remote villages. Access to medical services is also limited due to a lack of financial resources. Refugees and migrants are frequently compelled to pay rates that far exceed the specified prices for medical services.

In Kyrgyzstan, a majority of women refugees from Tajikistan live in rural areas in the villages in the Chui valley and in the South of the country. Many families rent houses or flats; some manage to buy houses, especially after becoming Kyrgyz citizens. Living con-

ditions of many refugee women and their families are below average. Afghan refugee women and asylum seekers from the Chechen Republic mostly live in urban areas.

UNHCR and other humanitarian organizations such as the UN Children's Fund (UNICEF), Mercy Co, the Adventist Development and Relief Agency (ADRA), the Norwegian Refugee Council and the Red Cross implement different programs to improve the situation of refugees as a whole and to widen access to food, health care, education, employment, micro-credits, charity aid and legal support. Still, refugee women lack access to information, education, training, social protection and medical services. Most of them are not aware of their rights. Domestic violence is a serious but largely hidden problem among refugee women. Almost every young woman and mother suffers from poor nutrition, anemia and gynecological diseases.

There is a low level of involvement of refugee women in social life. With respect to governmental programs to facilitate the integration of refugees into society, there are very few. None are directed specifically at women refugees. In Kyrgyzstan, there is a support program for returning ethnic Kyrgyz people. In Kazakhstan, there is only one governmental program of support directed at Oralmans (persons of Kazak origin, mainly from Afghanistan, China, Iran, Mongolia, Pakistan, Turkey and Uzbekistan, who have migrated within this program framework to Kazakhstan).

### The International Criminal Court

Only Kyrgyzstan is a party to the ICC and public awareness on the ICC remains low.

## POWER AND DECISION-MAKING

### Representation

Over the past few years, movement in women's representation in governmental, public and private decision-making positions has been mixed. In Kazakhstan, women's representation in Parliament has decreased over the last decade. Also, women's representation in political parties dwindled in the recent elections in 2004 compared to that in the 1999 elections. Furthermore, the country's electoral finance system is discriminatory towards women—candidates to be parliamentary deputies are required to provide in a substantial non-recoverable pledge. Given that women have lower average incomes than men, this policy selectively hinders the political participation of women.

The 2000 elections to the Parliament in

Kyrgyzstan seem to demonstrate the effectiveness of the proportional election system in promoting the active participation of women in state decision-making at the top levels. Three women, who constitute almost half of all women elected to both chambers, were elected through party lists. Currently, there are seven women deputies in Parliament.

However, a closer look at the available data suggests a regression in steps taken to improve gender parity in political decision-making roles. A comparison of current statistics with data from 1996 illustrates a significant decrease in women's representation in high-level positions. In 1996, women occupied six highly influential positions, including Vice Prime Minister, Minister of Labor and Social Protection, Minister of Justice, Minister of Foreign Affairs, Chairperson of the Social Fund and Chairperson of the State Commission on Family and Women Affairs. Currently, only two high-level positions—Minister of Labor and Social Protection and Chairperson of the State Commission for the Support of Entrepreneurship—are held by women. Among the diplomatic corps, while previously Kyrgyzstan had two women ambassadors, currently there is only one woman holding a position of such rank. In addition, there is only one woman General Consul, stationed in Turkey. Moreover, recent amendments to the Constitution (passed by a widely criticized referendum on February 18, 2003) eliminated the proportional election system. Consequently, a critical channel has been lost for women to participate in parliamentary elections. Also instructive are data regarding the inclusion of women in political parties. Of the 43 registered political parties, only five have women leaders.

Furthermore, as in the case of Kazakhstan, the Kyrgyz electoral finance system hampers women's access to participation in elections to higher representative bodies. At the time of registration, candidates are required to pay election collateral in the amount of 30,000 Som (about US\$14). A lack of adequate financial resources precludes many women from complying with this requirement. The registration fee is especially onerous in a country where the average monthly salary for women (according to an official government report) is 964.6 Som (about US\$23), around 68 percent of the monthly wages of men. Finally, personnel policy in the upper state bodies also requires reform. Currently, women representatives have very limited opportunities for promotion to the top levels of power.

Few concrete governmental measures are

currently in effect in the countries of Central Asia to improve women's representation in high-level legislative positions. In Kyrgyzstan, a Presidential Decree "on improvement of staffing policy and attraction of women leaders to the state governance in the Kyrgyz Republic" was adopted in 2002 with the purported aim of providing certain guarantees for the representation of women at high-levels of decision-making. However, in practice this Decree only serves to reinforce gender discrimination, as women are only given parity-type access to deputy positions. They are thus unable to make independent decisions and face limited opportunities to rise to top level positions.

Since the publication of the Presidential Decree "On improving women's role in society" in Tajikistan in 2000, 12 women have been appointed to executive positions in the central governmental bodies and three women have been approved as members of the ministries' board. In addition, 13 women have been appointed to executive positions in local government bodies. Tajikistan is one of the first CIS countries to have ratified the International Convention on Women's Political Rights. Policy pursued by the Government on the promotion of women contributed to their success in the last elections and has led to an increase in women's representation. Women now comprise 12.7 percent of deputies in the lower chamber of Parliament and 11.7 percent in the upper chamber. These numbers are higher than in many CIS countries and European States.

Women's participation in local representative bodies also appears to have improved in Tajikistan. In the former deputy structure, women accounted for 4.4 percent of the representatives; currently they make up 11.6 percent. Despite this positive trend, there still exists a gender imbalance in the power structures of Tajikistan. Men dominate in all branches of state power. Gender inequality is seen most vividly in the state's legislative bodies. As of 2001, the Government included two women—the Prime Minister's deputy and the Minister of Labor and Social Protection. Women also head the Committee on Women and Family Affairs and the Social Protection Fund. Women are traditionally entrusted with supervisory roles only in the social spheres and men typically prevail in executive positions in the Administrative Offices of the President, ministries and state committees. Practically all first deputies in government bodies. The higher the level of position, the lower the percentage of representation by women.

Gender inequality is also stark in the judicial branch in Tajikistan. Of the 72 chairmen of courts, only four (5.6%) are women. One heads the regional court, one heads the city court, and two head district courts. Two women are deputies of court chairmen. In the Supreme Court, as of May 2000, women accounted for 21.6 percent of the officials. In the Supreme Economic Court, however, more than half of the officials (55.6%) were women. The Women's representation in the Constitutional Court totals only 14.7 percent. In the sphere of foreign policy and international relations, men occupy most executive positions. Furthermore, there is no woman ambassador from Tajikistan to other countries. Women are rarely part of the governmental delegations at international negotiations and meetings. A gender analysis of all branches of government shows an extreme disproportion in the representation of men and women. Less than 30 percent of decision-making positions are held by women.

In Kazakhstan, in the law enforcement bodies and among political servants, women make up 11.3 percent. The largest number of women is in the Ministry of Environmental Conservation (75%, including the Minister), while the Central Election Commission (57.5%, including the Chairman) and the Agency on Demography and Migration (50%, including the Chairman) also include equal to majority representation for women. In the social sphere, 7 out of 30 political officials are women (23%). In the economic and financial sphere 14 out of 107 political officials are women (13%), with no representation in agencies on state procurement, land resources management and natural monopolies regulation. In the national security sphere none of the 12 political officials are women (0%). In the constitutional and legal sphere 12 out of 134 political officials are women (9%). In regional administrations, 280 out of 2725 political officials are women (10.3 percent). Dispersal among regions is very high. The greatest percent of women is in the capital of the Akmola region (21.5%), the least in the Mangistaus region (2%). Unfortunately, in Almaty, the cultural and economic center of Kazakhstan, women regional political employees are non-existent.

### Impact of Representation

In the existing parliamentary structure in Kazakhstan, women make up 8.7 percent of the total representatives. Consequently, the legislative influence of women deputies is extremely limited. Political decisions are made mainly by the executive branch of the state

power. Nevertheless, female NGOs sometimes manage to influence legislation related to empowering women. For example, the Almaty Female Information Center in 2003 lobbied to add an article prosecuting transit trafficking in people to the Criminal Code. In 1999, the Feminist League started a campaign supported by many female organizations aimed at reforming several articles in the Criminal and Criminal Procedural Codes. Three of the proposed amendments were accepted in May 2000. The Feminist League also brought a



Shopping in  
Tashkent, Uzbekistan.

number of other amendments into the legislation that have been accepted.

In Kyrgyzstan, as in Kazakhstan, women are underrepresented in Parliament and exert little influence on new policies or legislation. However, women deputies help local NGOs to lobby for their interests at decision-making levels and lend support in efforts such as lobbying for new laws and reconsideration of the Family Code. Unfortunately, the number of women officials at decision-making levels is declining. Recent political developments, such as the elimination of proportional election of deputies to Parliament, threaten to worsen the gender disparity in decision-making positions. Because women constitute a large percentage of the voting population (52%), an increasing number of political parties are including gender concerns in their platforms. However, to what extent such concerns translate into policies and legislation targeted towards enhancing the status of women remains to be seen.

In 1996, within the framework of the implementation of the Beijing Platform for Action, the Kyrgyz Government established a State Commission on Family and Women. This Commission was later abolished and replaced by the newly-created National Council on Women, Family and Gender Development under the President's Office. The National Council consists of high-ranking officials and famous public figures, already overburdened by their existing duties

in various Ministries and Agencies. Sessions of the National Council are held once or twice a year. The national mechanism, which is responsible for concrete day-to-day work on women's issues, has been beleaguered by a lack of continuity and stability and has largely been ineffective in addressing women's concerns.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

For many women in Central Asia, privatization and globalization have served to intensify existing inequalities, often translating into the loss of livelihoods and certain social benefits.

In Kazakhstan, privatization has had a greater adverse impact on women than on men. The majority of state industries (light, food, local) with a large proportion of women workers have stopped growing and are in recession. Simultaneously, the change in the state social security system (in 1998-1999), which resulted in the transfer of the economic burden from the state to employers, has considerably lowered the competitiveness of female laborers (because of their entitlement to numerous benefits). Work in the unpaid sector for women has also considerably increased, particularly in connection with so-called "optimization" of education, which has resulted in the reduction of the number of kindergartens by 4.5 times.

In Kyrgyzstan, more than 60 percent of the population lives in rural areas. About one third of the 5 million residents of the country directly depend on agriculture. Recognizing that the successful transition to a market economy depends on reforms in the agricultural sector, Kyrgyzstan began to introduce private ownership of land and distributed private lands to private holdings about ten years ago. The principle of private ownership was included in the Constitution and Land Codes. As a result of the land privatization, nearly 2.6 million people received land plots, of which 50.8 percent were women. However, women have been more affected than men by high unemployment rates caused by the privatization of state enterprises. In 1999, women made up 56.8 percent of the total number of unemployed. Unemployment among women in the 30-49 age group reached 65 percent.

Despite the high price paid by many women in Central Asia as a result of the transitioning economies, macroeconomic and trade policies in the subregion remain gender blind. Economic and social policies



### Box 13. Tajikistan: Distribution of Students in Secondary Schools by Grades in 1998

Grade	Boys (%)	Girls (%)
Grade 1	51,8	48,2
Grade 2	50,4	49,6
Grade 3	51,7	48,3
Grade 4	53,6	46,4
Grade 5	52,4	47,6
Grade 6	52,4	47,6
Grade 7	52,9	47,1
Grade 8	52,5	47,5
Grade 9	54,4	45,6
Grade 10	60,8	39,2
Grade 11	61,7	38,3

Source: State Statistical Agency

have not been subjected to any form of gender-impact analysis.

Officially transnational corporations are accountable to national laws and codes, social security regulations and applicable international agreements. However, corporations enjoy significant tax privileges. Also, the extent to which the laws and codes are followed is difficult to determine since many contracts between governments and international corporations are not disclosed. Further, economic, social, agricultural and related policies specifically formulated in support of female-headed households are absent.

#### Access to Public Services and Resources

Formally, women in the Central Asian countries have the same right to inheritance and ownership of land, credit, natural resources and appropriate technologies as men. However, it is essential to note that women are not always in a position to avail themselves of these rights. For example, in Tajikistan, despite legal opportunities, women are not able to realize their right to own property. A number of barriers contribute to this, including cultural norms regarding property inheritance through the male line; public stereotypes such as "entrepreneurship is not a women's business;" a low level of legal awareness among women; and, in cases of privatization, the consequent lack of ways for women to acquire the property.

Governments in Central Asia typically do not allocate funds specifically towards ensuring women's access to health care, education,

shelter, sanitation and basic needs in general. Certain international organizations award grants to local NGOs for this purpose but official data on such initiatives are not available. Furthermore, the trend of decreasing expenditures on education, health and social assistance in Central Asia may further limit programs directed at women's empowerment.

Micro-credit is particularly targeted towards women. In Uzbekistan, women have access to interest-free loans through certain banks. In Kazakhstan, access to education, information, technologies and resources is equal for all. A special credit line for the amount of US\$1 million has been allocated in 2002 for granting credit to women entrepreneurs. In addition, over the last six years, the state granted more than 40,000 micro-credits totaling about US\$6 million dollars. Two out of three beneficiaries of micro-credit are rural women. Micro-credit is also awarded to women by a number of NGOs.

While a state program on legal literacy for women does not exist in Kazakhstan, this activity is carried out by women's NGOs with support from international organizations. During the last two years more than 300 seminars involving 5,000 women have been carried out. In Kyrgyzstan, as in Kazakhstan, women legally have equal access to education, information and resources along with men. Additionally, support programs and credit lines are in place for women and women's groups.

#### Employment Patterns, Women's Work

The economic independence of women is critical to achieving gender equality. While legally there is a requirement that women and men be paid equally for equal work in most countries in Central Asia, the reality is quite different. In Kazakhstan and Kyrgyzstan, women on an average are paid 56-63 percent of what men are paid.

Employment conditions for women in Uzbekistan have deteriorated over the last few years. Pregnant women face difficulty in finding work, as do women with international certificates or diplomas.

Women's labor throughout Central Asia, especially household work (childcare, care of elderly parents and husbands) goes unrecognized and unrewarded and their participation in decision-making at home and in the community are minimal.

In Tajikistan, the state's policy providing equal rights and opportunities for men and women includes the right to equal pay for equal work, the right to a worthy living standard for them and their families, the right to social services, including the right of working

parents to have access to day-care for their children and also a recognition of value of the unpaid work. However, a study of women's economic opportunities in Tajikistan reveals significant limitations compared to the status of men in different spheres of social-economic life, including opportunities for employment, access to highly paid labor, property, land use, ownership of land plots and recognition of household unpaid work. Unequal access to highly paid work, along with the dearth of production jobs due to the slowdown in the production sector over the past few years, has led to an increase in women's unemployment in all branches of the national economy and a widening of the gap between average incomes of men and women in Tajikistan.

In Tajikistan, women are bearing the heaviest burden of economic transition. The number of women among workers and employees in 1992 fell almost to the level of 1985. While some of this decrease could be attributed to migration out of Tajikistan, a considerable share of the decrease was because women were compelled to leave the workforce due to a decline in production. Due to the unequal household division of labor, women have to bear the bulk of the responsibilities of caring for their families. These responsibilities make women less competitive compared to men when seeking work. Young women (20-35 years old) are most affected by the dearth of work opportunities. They are forced to sacrifice their personal interests for fear of losing an opportunity to work and earn a living. These women often accept jobs that are underpaid and for which they are overqualified and spend many years without the opportunity to advance their qualifications. Over two thirds of working women do not enhance their skills from the time of the birth of their children.

Unemployment benefits are awarded to only a small portion of the unemployed seeking work. Moreover, the unemployment benefit is much lower than the living wage. There is a lack of vocational training and retraining services for the unemployed in Tajikistan, and the actual number of unemployed far exceeds that in the registered data. Rural women working in agriculture, urban and rural women with personal plots or those possessing industrial skills were likely to suffer less difficulty than urban women without personal land plots. The latter were often forced to offer any services, to sell personal property or to borrow money to earn a livelihood.

In general, women's work in the unpaid sector is unaccounted for in all the Central Asian countries covered in this report. No



statistics exist to track such work nor are any measures in place to account for unpaid home and farm work, which disproportionately is the responsibility of women, or to create conditions of equity in sharing family welfare and household responsibilities.

In the formal sector in Central Asia, there has been a reduction in the number of women in highly remunerative branches. In the informal sector women prevail, mainly in independent small trade and also employed in many spheres of the shadow businesses owned by men.

## EDUCATION

### International Agreements

Central Asian countries did not ratify the Convention Discrimination in Education. Moreover, the governments do not have programs to support women's groups and other NGOs that publish and disseminate information related to women's equal rights and education.

### Public Policy

Policies on education in Central Asia do not address women's issues separately. No specific mechanisms or measures are in place to deal with sex discrimination in education. Kazakhstan and Kyrgyzstan did, however, review their national policy documents for incorporation of CEDAW and norms in education in their Initial Report on CEDAW performance.

Kazakhstan put in place a National Action Plan on the improvement of women's status, which stipulated the introduction of a gender approach in the editing of new textbooks by 2000 to eliminate sexist stereotypes and the introduction of gender disciplines in higher and secondary education systems. Yet this plan has not yet been executed. While Kyrgyzstan has general programs on gender equality, they do not separately address the issue of gender equality and equity in education. In Tajikistan and Uzbekistan, National Action Plans around gender equality in education are non-existent. Similarly, vocational training policies for achieving equal opportunities for women, national literacy programs directed at adult women and policies to protect women and girls from sexual harassment are all non-existent in countries covered in this report.

### Access and Changes in Practices

In Central Asian countries, access to education is equal for all. In Kazakhstan and Kyrgyzstan, girls outnumber boys among students. Typically, there is a greater number of women

in higher education than men. In Kazakhstan in 2003, among students of higher educational institutions, 338,200 were women and 259,300 were men. In Tajikistan, however, in recent years there has been a drastic decrease in the number of girls in schools after grade 9 (after receiving the basic, mandatory education). The table on page 76 provides a general daily distribution of students in secondary schools by grades in 1998.

In rural Tajikistan, representation of girls in senior classes was lower than in urban areas. Women comprise 26.1 percent of students in higher education institutions, 48.7 percent in secondary special education institutions and 27.7 percent in vocational colleges.

There are several reasons for the gender inequality with respect to education in Tajikistan: certain traditions, public opinion about women, geographical hurdles such as remote mountainous regions, as well as lack of comfortable hostels for girls. However, the main hurdle is economic. Gender distribution in senior classes at comprehensive schools and higher educational institutions suggests that, within the next 3-5 years, the active participation of women in scientific and educational spheres of community development may decrease sharply due to the lack of good education and a scientific research base. However, the gender inequality is even greater in postgraduate and doctoral studies. Based on data from the State Statistical Agency in 1997, women accounted for less than one third (29.5 percent) of the post-graduate student population. The gender disparity is even more acute among experts in scientific research, design and technological works.

Despite equal legal rights to education, the above data reveals that in reality men and women avail themselves of these rights dif-

ferently. Women have less access to different educational opportunities, particularly those related to advanced education. The lack of educational opportunities threatens to further marginalize women from social and political life.

Despite the gap between the existence of formal rights to education and the use of these rights in certain Central Asian countries, none of the countries covered in this report have taken specific steps to promote the access of women and girls, particularly rural, minority, poor and indigenous women/girls.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

Data on women's participation in Central Asia in the natural resources and environmental sector has not been widely recorded. Few statistics are available in this area. In Kazakhstan, women made up 40 percent of employees of the Ministry of Nature and Environmental Protection in 1999. In 2004, they accounted for 47 percent of the employees. Earlier data in this area is not available. Further, 75 percent of the officials at decision-making level in the Ministry of Nature and Environmental Protection are women. This may be due to the fact that the Minister is a woman. However, there are no specially trained gender specialists in the Ministry. Decision-making positions related to environment and natural resources at local levels are disproportionately held by men.

The Government of Kazakhstan approved the Convention on Biological Diversity in 1994. It ratified the Convention on Climate Change in 1995 and the Convention to Combat Desertification in 1997. Kazakhstan has joined the Ramsar Convention, mainly because of pressure from transnational oil and mining corporations, which exert a significant influence on the country's economy.

In Uzbekistan, there is evidence that a growing number of women, especially from NGOs, are showing an interest in environmental issues. Ataniyazova Oral Aminovna, Director of the NGO "Perzent", has even won country's the highest award in the environmental area. But statistical data with regard to women's involvement in the sector is not available. Similarly, in the case of Kyrgyzstan, exact statistical data is not avail-

**Lack of educational opportunities further marginalizes women from social and political life.**

able, but approximately 43 percent of employees in governmental agencies working on environmental security are women. There are also several women's NGOs on environment protection.

### Gender Impacts

In Kazakhstan, the Aral Sea shallowing has led to a significant desertification of soil in adjoining regions and has adversely affected agriculture and fishery. The impact on employment and the health of the population has been so grave that in 1992 the Govern-

ment passed laws on the social protection of citizens affected by this ecological disaster and citizens affected by nuclear tests at the Semipalatinsk nuclear range. Since March 1994, however, payment of benefits and measures directed at health protection have been suspended by the Government.

Ecological disasters exert an adverse impact on the regional economies. Unemployment is especially high among women. Many of them are forced to leave their children and migrate to neighboring republics for work. The situation of rural populations in zones of ecological disaster, which cover approximately an area of 80 million hectares is especially difficult. The majority of these areas have not been declared disaster zones. The situation is complicated by the fact that three quarters of Kazakhstan is subject to desertification. Living and working conditions in these areas are extremely hard, especially during the recurring droughts.

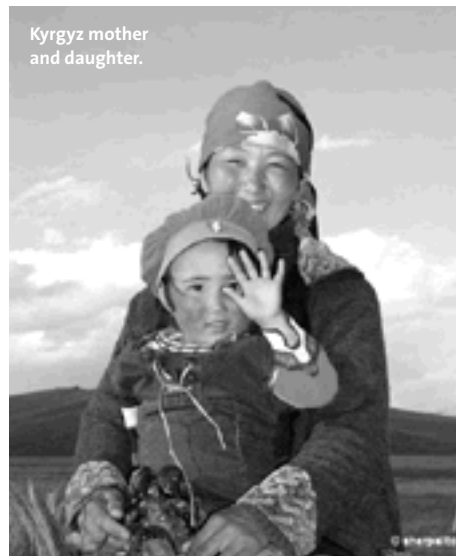
In the ecological disaster zone of the Aral region, the incidence of disease among children is several times higher than the national average. The Kyzyl-Orda region in particular has been the most severely affected in Kazakhstan, with the highest rates of disease and death among children.

### Right to Natural Resources

Tajikistan is a country where the overwhelming majority of the population lives in rural areas (80%), and maintenance of the rights to the land is extremely important. Tajikistan has been involved in a land reform process during the last decade. Although legally women are entitled to the same property rights as men, a number of obstacles hinder them from availing themselves of their rights. Frequently, women's claims to property are denied without sound reasons.

According to the UN Development Fund for Women (UNIFEM), stereotypes such as "women are not competent managers" preclude women from the reform process as land management skills are considered a prerequisite for the right of land use. Such latent forms of discrimination are often not recognized but can frequently influence the behavior of officials involved in land reform implementation at all levels. Separate reports testify that when women are allocated land, it is of poorer quality than that allocated to men. In cases where certificates are issued for the household, the land is registered in the name of the head of the family, most frequently a man. By UNIFEM estimates, less than 50 percent of the surveyed women from households that received land shares have their

names included in the land document. Further, in the case that a family has the right to choose a land plot, the choice is typically made by men. When the woman in the family is a widow, the decision is made by male members of the family. Lack of education regarding their rights typically prevents women from benefiting from them. The lack of knowledge is amplified by traditions and the dissuasion of women from seeking information and recourse when their rights are infringed upon. Many women in the UNIFEM survey expressed the fear that their reputation would suffer if they tried to assert their legitimate rights. Rights of women to property in Tajikistan are closely related to their



Kyrgyz mother and daughter.

status in the family—as a daughter, sister or wife. Girls in Tajikistan often work on their father's land and live in their father's house. As a rule, they lose their right to use these resources when they marry. On the other hand, according to the Civil Code, widows are entitled to a share of their husband's land plot. According to the civil legislation, the property is shared among a spouse, children and parents of the deceased. The UNIFEM survey indicates that the reality is in fact quite different. Widows seldom inherit their husband's land. Typically, the land is inherited by adult sons (if there are any); in the absence of children, the land is inherited by the brothers of the deceased.

Land reform in Kyrgyzstan was initiated about ten years ago. Families that received land plots were each given a certificate of private ownership, which delineated the boundary of the land plot. As a rule, this document is registered to the head of a family, traditionally a man. In case of divorce or separation, women are at a disadvantage during the division of property. First, according to the law "On Management of Agricultural

Lands," the owner of a land plot has the right to sell it in its entirety without dividing it up. Consequently, in practice, a woman who divorces cannot "cash out" her part of the land, as sale of a sub-plot is not permitted. Second, this law also prohibits bequest of agricultural lands. Therefore, a woman who leaves her husband's family can neither sell nor donate her stake in the land. Finally, land plots owned by citizens of the Kyrgyz Republic can be exchanged only within the same village. Therefore, laws regarding property division are discriminatory against women. Moreover, the law fails to protect the rights to land and property of couples living in non-registered marriages. As a result, very often the man and his relatives receive priority rights for making decisions about the property, including land, and its disposition. Such gender inequality in the access and use of land contradicts Article 16 of CEDAW.

The Family Code stipulates that common property should be held in equal portions by the spouses. However, a woman is unable to take advantage of her land ownership rights, as the laws cited above prohibit her from managing her share. Even after a legal divorce process, which includes the division of property and land between spouses, in practice the man continues to manage his ex-wife's property. By law, agricultural land can be bequeathed to only one heir. According to tradition, the "heir" is always a man (a brother, elder son, or other close male relatives). As a result when it comes to inheritance rights, even if women receive a part of the property, it is usually a smaller share than what men receive.

## HEALTH

### Access and Affordability

While free primary health care is frequently available in the Central Asian countries covered in this report, its benefits are limited due to the poor quality of care and inadequate resources, especially in rural areas.

In Kazakhstan and Kyrgyzstan, high quality primary health services are typically paid services. For poor and women refugees, the quality of health services is poor. In Kazakhstan in 2000, providers of state medical services, including primary care, were not decided based on the quality of care provided but on the cost of service offered. In rural areas, the number of primary health care establishments has been drastically reduced. About 1200 villages are without obstetricians or medical attendants. Over the last three years, the numbers of obstetrician and

gynecologic beds have been reduced by 1.5 times. Researchers estimate that by the age of 17, more than 60 percent of girls will suffer from some health problem. Further, more than one third are under observation due to chronic diseases.

In Tajikistan, over 72 percent of the female population lives in rural areas. An overwhelming majority of women live in households with a per capita income lower than the living minimum wage level. Women's health in these areas is in peril because of the harsh geographical, climatic, economic and ecological conditions as well as poor access to transportation and means of communication, municipal services, quality potable water and medical and sanitary services. The poor health of teenage girls is also a concern. 34 percent of teenage girls suffer from diseases of the heart, kidneys, endocrine organs, problems with menstrual cycle, neuroendocrine syndromes and inflammatory diseases.

Furthermore, the health systems in Central Asia are set up without consideration to ethnic and religious diversity, very few programs address environmental and occupational health hazards. However, separate programs directed at girls, teenagers and children are in place.

### Reproductive Health

Sexual education for a long time was considered taboo in the former USSR. However, recent studies indicate the need for such programs. Results from surveys in each country demonstrate that the reproductive behavior of teenagers has changed over last years and the need for sexual and reproductive health is growing.

In Kazakhstan, according to the law on reproductive rights adopted in 2004, women have the right to choose. Women also have the right to information on sexual and reproductive health and on protecting their reproductive health. On the other hand, the number of medical institutions rendering services on reproductive health has been reduced. Between 1993 and 1998, the number of hospital beds for pregnant women and women in childbirth was reduced from 18,582 to 10,615.

Because of programs on modern contraceptive methods and family planning, the number of abortions over the last 10 years declined by almost 50 percent. On the other hand, in 1998 only 1.5 million women or 27 percent of those requiring them were supplied with contraceptives. There were 150,000 abortions reported, of which 10 percent were performed on teenage girls. Less

than 40 percent of women between 15 and 24 years of age used modern family planning methods. More than half of abortions occur in this age group.

Kazakhstan is not a party to the international conventions on maternity protection. Only two thirds of pregnant women obtain pre-natal care early in their pregnancy. Seventy percent of women in the country suffer from anemia (63 percent of pregnant women in Almaty). Over the last 10 years, the incidence of anemia in pregnant women has doubled, and renal and cardiovascular vascular diseases have gone up 1.7 times. The incidence of complications during pregnancy and childbirth is high (60 percent of deliveries have complications). Of every 1,000 newborns, 288 are born sick. The above statistics reveal that while Kazakhstan has made some strides in the area of reproductive health, there remains significant room for improvement.

In Kyrgyzstan, the Ministry of Health and international organizations conduct research on a regular basis and develop recommendations for the Government in the area of reproductive health. According to the law on reproductive rights, women have free access to information regarding sexual and reproductive health and rights to quality family planning, prenatal and postnatal services. Abortion is legally permissible only on medical grounds under certain conditions. For example, when a sexually transmitted infection (STI) is discovered at an early stage of pregnancy, termination of pregnancy is recommended. On the other hand, pregnant HIV-positive women face no pressure to terminate their pregnancy. Health providers fail to provide consistent, accurate information about health risks to the pregnant woman and the fetus and to women infected with STIs, including HIV/AIDS. In the absence of accurate information about the health impact on the woman and the transmission risks of HIV to a fetus through pregnancy, delivery and breastfeeding, women are unable to fully exercise their reproductive rights. The official government report contains no mention of this prevalent concern.

In Tajikistan, the National Program on Reproductive Health and Reproductive Rights has been approved and is being implemented. Reproductive health services have been established and projects expanding access are being realized through the support of the Government and international organizations. Despite some positive steps by the Government, recent data on maternal health show a significant increase in diseases related to

poor nutrition (anemia, goiter, tuberculosis, slow physical development in girls and teenagers) as well as sexually transmitted infection among women. 4.7 percent of pregnancies in Tajikistan result in premature birth. About 70 percent of pregnant women suffer from various diseases; in particular, anemia in 57.0 percent of the cases, urinogenital system illnesses (6%), venous complications (1.7%), and blood circulation system illnesses (1.4%). Of the total number of abortions, 1.43 percent of the cases are girls under 19 years of age.

Improvement of reproductive health, by improving infant and maternal mortality rates and reducing the need for abortions, is a key strategy of public health services in Tajikistan. They seek to improve access to contraceptive services primarily within the framework of primary health care services. Additionally, new establishments like the Centers of Reproductive Health have been set up with the basic purpose of developing new directions and approaches for the Ministry of Health.

Data on maternal and reproductive health is monitored to some extent in Uzbekistan but the information and data are incomplete.

### HIV/AIDS

HIV/AIDS is not widespread in Central Asia. HIV/AIDS-related information is disseminated to women mainly by NGOs and international organizations, not by governments.

In Kazakhstan, as of March 2002, there were almost 3,500 known cases of AIDS. An allowance in the amount of 80 percent of the minimal wage guaranteed to children under 16 years of age infected with HIV/AIDS was recently cancelled.

In Kyrgyzstan, despite the Government's assertion that only 16 women in the country are HIV-positive, 467 cases of HIV were registered as of November 1, 2003, according to the Republic AIDS Association, of which 40 were women. However, even this data is incomplete and severely underestimates the true magnitude of HIV in the country. According to an Association representative, the real incidence is at least 10 times higher. The majority of registered HIV cases are intravenous drug users who live in urban areas. Relatively reliable information on AIDS and STIs is only available in schools and public health centers in cities and nearby settlements. Individuals infected with STIs and HIV/AIDS continue to face social stigma and frequently are forced to hide their health condition not only from society but also from family members. Con-

servative attitudes, as well as the country's significant rural population, constitute the main barriers to girls' and women's access to information on STI prevention. Two thirds of the population live in rural areas and have little access to complete information and quality consultations on STI-related issues. Given the close-knit village communities, girls in rural areas are reluctant to seek consultation for fear of social condemnation. Existing barriers are only reinforced by attempts of public representatives to ban sexual education in schools.

On a positive note, public health services are provided to HIV/AIDS infected women without any discrimination. Moreover, there are instances of successful results in the case of pregnant women with AIDS. These have been achieved through the support of the

Republican AIDS Association, together with supervision by public health organizations throughout the pregnancies.

In Tajikistan, the incidence of STIs is disturbingly high among married women. Awareness among the population about STIs is low. Practices such as early marriages still persist. Furthermore, information on HIV/AIDS is not widely available.

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#### Sources

CEDAW Alternative Reports for Kazakhstan (2000) and Kyrgyzstan (1998); available from <http://iwraw.igc.org/publications/countryreports.htm>.

"Main Directions of Governmental Policy on Providing Equal Rights and Opportunities for Men and Women of Tajikistan During 2001-2010," Governmental Program of Tajikistan.

United Nations Development Fund for Women (UNIFEM), *Using Human Rights Treaties to Protect Rural Women's Right to Land in Tajikistan*, 2004.

## EAST ASIA

### Despite Legal Gains, Monitoring and Implementation is a Problem

**T**hroughout East Asia, governments have taken legislative action to elevate the status of women. Almost all of the governments in the subregion, which includes China (People's Republic of), Hong Kong, Japan, Mongolia, the Republic of Korea (South Korea) and Taiwan, have enacted non-discriminatory laws based on gender. Progress has been made in the area of violence against women, with the exception of in Mongolia, and women's participation in decision-making has generally increased.

But despite these gains many of the legislative measures represent the bare minimum of what is needed to move closer to gender equality.

Laws to prohibit trafficking and protect minorities are insufficient and have only recently begun to be enacted. While many discriminatory laws have been repealed, those that continue to exist are mainly related to the family and are difficult to change because they are rooted in customary practices.

Women throughout the region have been losing stable jobs due to changes in economic structure triggered by the introduction of the market economy, economic crises and the extension of the global

economy. Women have been laid-off more than men and more women are employed in irregular and/or part-time work.

Governments have taken some measures to cope with rapid changes in the labor market, but these measures have largely been ineffective. The transition of some countries in East Asia to market economies have resulted in reduced access to health services for women. In particular, women in informal and unpaid sectors and young women often do not have access to health care, and there are drastic disparities in health care services in urban and rural areas. Lack of access to natural resources has also hindered women's health.

Most women's groups report that the primary reason for lack of advances in so many areas is a failure in implementation, even where legislation exists, and the absence of any monitoring mechanisms to track progress. Many of the improvements in the region can be attributed to the work of women's NGOs. In particular, the major efforts to advance women's human rights have been carried out by women's NGOs, not governments.

#### HUMAN RIGHTS

##### CEDAW Compliance

Most governments in East Asia have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) without reservation with the exception of South Korea, which has reservations on Article 16 (g) regarding the right to choose a family name. The South Korean Government is working to amend its civil law to enable it to withdraw the reservation. A bill on the issue is currently under deliberation in the National Assembly.

Taiwan is the only country that has not

signed CEDAW. The National Union of Taiwan Women's Association (NUTWA) is working to change this by increasing public awareness about CEDAW and how it functions. In 1996, CEDAW was extended to Hong Kong with the consent of China and the U.K.

Currently, none of the countries in East Asia, except for Mongolia, have adopted the Optional Protocol to CEDAW. In Japan, there are concerns that the Protocol might cause a conflict with the "independence of the judiciary. Korea might adopt the Protocol if related laws are passed.

The ratification of CEDAW has led to pos-

itive actions in many countries in the subregion. In 1992, China adopted its first basic law on the protection of the rights and interests of women. In 2004, its Constitution was amended to include respect for and the protection of human rights. Although a gender perspective is absent from most of China's laws, some legislation protects women's human rights.

In Japan, in order to ratify CEDAW, the Government revised its nationality law, changed high-school curricula and adopted the Equal Employment Opportunity Law. Additional laws have been passed since then, including legislation for a gender-equal soci-



ety, the prevention of spousal violence and against stalking. Japan also ratified the International Labor Organization's Convention for Workers with Family Responsibilities. In addition, 46 prefectures out of 47 and more than 200 local governments have adopted their own ordinances for gender equality. However, various obstacles hinder implementation of these laws. For example, no penalties exist for failing to comply with the Child Care Leave Law and the Family Care Leave Law, and there is no compensation for women who take leave.

A recent backlash against gender equality in Japan is also having an impact. Some public officials have made discriminatory remarks about women, and some local assemblies have adopted ordinances that violate CEDAW principles. The Government has failed to respond to these incidents.

Many positive actions are being taken by NGOs in the subregion. For example, in Japan the Network for CEDAW (JNNC), a network of 46 groups working for women's human rights, effectively lobbied the CEDAW Committee on issues faced by minority women. This resulted in two cases of long-standing employment discrimination being resolved in favor of the plaintiffs. In South Korea, women's groups have been able to use CEDAW to increase women's visibility.

In 1997, the national CEDAW Watch Network was established in Mongolia to monitor CEDAW implementation. They produced a Shadow Report in 2001 on government action on CEDAW. The Network also lobbied the Government for improved implementation. The National Human Rights Commission of Mongolia organized training for government officials on reporting to the CEDAW Committee.

### National Law

Almost all governments in the subregion have non-discriminatory laws based on gender, although some parts of laws are still discriminatory. These laws mainly relate to the family, such as the Korean Civil Law under which women do not have the right to choose their surname. In Japan, discriminatory laws remain in areas related to marriage and child-rearing. Under the Penal Code abortion is still a punishable offense, although a maternal protection law stipulates cases where abortion is allowed.

Many laws in East Asia protect children, including the girl child, but legislation prohibiting trafficking and protecting minorities is insufficient. Part of the problem has been the absence of a mechanism to monitor im-

plementation. For example, in China, many behaviors that violate women's rights go unpunished. In Japan, no laws have been put in place to protect the rights of indigenous, minority and immigrant women. Very recently, the Government announced that trafficking in human beings would be a punishable crime. Laws against child prostitution, child pornography and child abuse were enacted in 1999 and 2000.

In South Korea, laws to protect the girl child address children's welfare and the protection of juveniles from sexual violence and trafficking. There is a law that punishes sexual violence against children under 13, a law that allows the secret transfer of children of victims of domestic violence to a new school and a law stipulating that juveniles engaged in sex trafficking are not criminals. Taiwan also has laws protecting the girl child, mainly in terms of child welfare, sexual assault, sex trafficking and domestic violence.

In addition to China's 1992 law on women's rights, a 2001 law on population and family planning prohibits discrimination against women and ill treatment for women bearing baby girls or women suffering from sterility.

Many countries have adopted national action plans to promote women's human rights, but these plans are often not strong enough to change customary practices and protect women's rights. Even when legislation exists to protect women's rights, it is not easily translated into action. Nor are there any corresponding penalties, which in turn hinders effective implementation. There are also few monitoring mechanisms.

In Japan, the Basic Plan for Gender Equality (2000) was adopted and an annual report is prepared by the Government to show how it's been implemented. In Mongolia, a National Program on the Advancement of Women 1996-2002 was put in place and a National Program on Gender Equality (NPGE) was approved in 2002.

In Hong Kong, the Women's Commission's Action Plans are not aimed at changing policy, but focus instead on public education campaigns, such as "growth" projects that examine women's traditional roles.

In Taiwan, no unified national plan has been drafted. However, the Commission on Women's Rights Promotion was set up to monitor women's human rights. The Commission has identified decision-making, labor and the economy, welfare and poverty, education and culture, health and personal security as the most crucial areas regarding women's rights. However, there is no inde-

pendent staff and budget to support the work, and communications with other governmental organizations is very rare.

Over the last decade new legislation on women's rights has been adopted in some countries. In Japan, there are now laws on spousal violence, stalking, family leave and equal employment opportunities. Taiwan recently adopted the Gender Equality Education Act and ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Political Rights. In addition, legislation was passed on equality in the workplace, sexual assault and domestic violence.

Throughout East Asia, women's groups have played a critical role in promoting women's human rights. For example, in South Korea many of the laws that protect women's rights exist because women's groups participated in the legislative process. In Japan, there is a national network of women demanding equal treatment for part-time work and contract workers and the prohibition of indirect discrimination in the workplace. In some cases women have taken their fight against employment discrimination to court.

### Public Awareness

In Hong Kong, most of the campaigns launched by the Women's Commission lack a rights-based approach to women's empowerment and are related to services, or self-improvement for the good of the society. Despite skimpy budgets and the risk of being marginalized by the Government, NGOs have done much to pick up the slack by highlighting issues such as women workers' rights, single parent's rights and sex worker's rights.

Japanese NGOs such as the Japanese Association of International Women's Rights are active in organizing educational sessions and producing publications to promote awareness about women's human rights.

There is no comprehensive program for human rights education in South Korea and no guidelines in place on how to use human rights legislation. However, many NGOs produce educational materials on topics including women, the environment, human rights and peace issues.

In most of the countries in East Asia, women's human rights are absent from school curricula. Although in Hong Kong the Women's Commission recently pushed for a tertiary program for women, the curriculum promotes women's traditional role in the society. A human rights program has been launched for all students in Taiwan.

Several countries have adopted a women's

In Japan, sexual violence against women by U.S. military personnel is a major issue, with women's networks challenging the presence of military bases in the country.

human rights education program for members of the national security and armed forces. For instance, Hong Kong has a gender-sensitization program for the police. In Japan, many police departments receive training on women's human rights and now have special divisions that focus on crimes against women. In South Korea, the Ministry of Justice has educated 2,543,813 police personnel about violence against women.

### Violence Against Women

Almost all governments have made progress in the area of violence against women. However, many of the measures do not challenge the root causes of violence. In China, the revised marriage law stipulates that violence against women, including domestic violence, is a human rights violation. At the local level, approximately 16 provinces have adopted laws to prevent domestic violence and 90 counties and municipalities have created policies in support of this. However, these anti-violence actions lack systematic planning and sustainability as well as statistics and research from a gender perspective.

Between 2001 and 2003, a project in China on the trafficking of women and children solved 20,360 cases and rescued 42,215 women and children. The anti-domestic violence network of the China Law Society has cooperated with NGOs, scholars and advocates across China to raise people's awareness of domestic violence against women, and some local governments have begun to provide shelters for women.

In Hong Kong, there has been some progress in the area of domestic violence but not enough has been done to condemn violence against women.

Some legislation on violence against women exists in Japan, but no laws criminalize sexual harassment or control the trafficking of persons. Many policies are only superficially implemented. For example, the length of imprisonment for a convicted rapist is much shorter than that for a robber.

In South Korea, violence against women is punishable by law, but the laws themselves have limits. The Korean Government has been indifferent to human-trafficking and the sex industry.

In Mongolia, violence against women is a

significant health risk factor that has not been made a priority.<sup>1</sup> It has recently surfaced as a public issue, partly because of increased reporting, but also because of a rise in alcohol abuse within families. The National Center Against Violence (NCAV) has been working effectively in the last five years in the areas of public service, advocacy, information dissemination and raising public awareness. In late 2003, NCAV and the Mongolian Women Lawyers Association (MWLA) prepared a draft law on Domestic Violence, after several years of lobbying. However, many male parliamentarians rejected the draft because it was contrary to traditional beliefs.

Mongolia's National Program on Gender Equality (NPGE) identifies combating domestic violence as a priority and focuses on adopting the Law on Domestic Violence. Statistics on sexual harassment are not available. There are some services in the form of shelters, counselors or medical professionals but they lack financial resources. There is little data available on trafficking and forced labor. Forced marriages of women and girls has increased due to the sex ratio imbalance.

In Taiwan, a convicted rapist receives an average prison sentence of between five and ten years, and police often release perpetrators after only a brief detention. The larger picture is that the society operates within traditional Chinese culture, in which there is a strong gender bias in favor of males that affects every aspect of social life.

The 1998 Domestic Violence Prevention Act is not well enforced because of insufficient resources and because the issue is largely regarded as a private matter. Divorce is legal, but socially stigmatized. Until recently the father or his family was almost automatically awarded child custody in divorce cases, regardless of the reasons for divorce. Anecdotal evidence suggests that judges are still inclined to favor paternal custody even in cases of domestic violence. The Government has set up a telephone hotline as an emergency rescue service for women, but this is not available 24 hours a day.

Trafficking of women is especially prevalent in the guise of foreign "brides" for Taiwanese men. The Government attempts to prevent this by imposing strict requirements on foreign women. This places legitimate foreign

brides in a very vulnerable legal and social position, with little effect on stopping the inflow of sex workers. A foreign woman risks immediate deportation and loss of custody of her children when she seeks separation or divorce because she needs a guarantor, who is usually her husband or a member of his family, for her continuous residency right.

Violence against women is prevalent in Hong Kong and there are no laws prohibiting it. The Government is not keen on funding NGOs that work on these issues.

In Japan, public or private emergency shelters and some support services for victims are available but they are not easily accessible. Moreover, information regarding public support services does not reach minority people in Japanese society. Two women's unions have been set up in Tokyo to provide counseling and support to women victims of sexual harassment. Groups have been created to provide telephone counseling and awareness-raising activities for victims of all kinds of sexual violence, including domestic violence.

In South Korea, women and girls subject to violence can benefit from shelters, free legal services, and medical subsidies for physical and psychological treatments. A special support service for migrant, immigrant and minority and indigenous women is available, but this does not help in cases of sexual abuse of immigrant women because they are often illegal employees. The Ministry of Gender Equality opened two shelters for abused and trafficked immigrant women but there are no comprehensive policies for immigrant women.

In Taiwan, women have access to a range of services including shelters, legal services, medical care and counseling and other mental health services. However, many of these services are inadequate to meet women's needs. Most of them are provided by the NGO sector. Services are available to migrant, immigrant and minority and indigenous women through the above framework. However, these services are extremely inadequate, given the precarious legal position of most immigrant women and the disadvantaged indigenous population. For example, one recent study found that 40 percent of the young prostitutes in main red-light districts were aboriginal girls, although aboriginal peoples make up less than 2 percent of the total population.

## PEACE AND SECURITY

### Security Council Resolution 1325

There is little public awareness of Security

Council Resolution 1325 in Hong Kong, Japan or Republic of South Korea. Hong Kong has not taken any action on the Resolution. Japan has expressed support for the Resolution on various occasions, but the only action so far has been to assist women's participation in post-conflict peace-building in Afghanistan. In South Korea, the Government seems unaware of the Resolution, but some measures have been taken to empower women in the reunification process with North Korea. Overall though, gender perspectives are not mainstreamed in the peace process between the two Koreas.

In Hong Kong, women largely do not participate in peace processes, agreements and other nation-building or decision-making processes. Progressive women NGOs have participated in anti-war campaigns on Iraq and against the massacre of ethnic Chinese in Indonesia. In Japan, women's participation in peace processes has been limited, although women have played a critical role in movements against war.

Sexual violence against Japanese women by U.S. military personnel is a major issue. In Okinawa, where 75 percent of all U.S. military facilities in Japan are situated, women's movements have challenged the rationale of their presence. In 2000, the Women's International War Crimes Tribunal conducted a trial to seek justice for survivors of Japanese military sexual slavery, euphemistically called "comfort women." The Japanese military and political leaders were found guilty of crimes against humanity.

### Asylum Seekers, Refugees, Internally Displaced

In Hong Kong, there are small ethnic groups—from Nepal and Pakistan, for example—that face discrimination. Indians living in Hong Kong since the days of colonial British rule are also discriminated against. Some illegal workers and new migrants from China receive help from NGOs. There are only two NGOs with international funding to work with sex workers—whether citizens or illegal migrants. Migrant workers who do not understand the Chinese language face discrimination in health care, education and employment.

In Japan, there is no specific provision to protect the human rights of refugee women and girls. Those who have obtained refugee status are under the protection of the Japa-

nese Government and provided with equal opportunities, such as access to primary education, national pensions, child-care allowances and health insurance. However, with the country's worsening economic situation, it is difficult for refugees to find jobs and make a stable living. Those who are in the process of applying for refugee status, as well



Women in South Korea demonstrate against U.S. invasion of Iraq.

as immigrant workers living in Japan, have little or no access to health care and other kinds of social services. The Government enacts immigration controls before protecting the fundamental human rights of refugees and immigrant workers coming to Japan.

South Korea has signed the refugee convention, and has an immigration law that includes a refugee recognition process. Internally displaced women and girls are under the mandate of the United Nations High Commissioner for Refugees (UNHCR). As a result the Government has provided some protection for internally displaced women and girls but the UNHCR statute is not legally binding. Protection for internally displaced women and girls is subject to arbitrary judgment by the Government. Minimal social assistance is provided to refugees and to internally displaced women and girls. Asylum seekers are not provided with any social assistance except some medical aid.

Given that Taiwan is not a member of the United Nations, the situation of refugee and internally displaced women and girls is unique. So far, the Government does not have any legal provisions pertaining to refugees, who are usually housed in a government detention center for three to six months. Under the pressure of NGOs, the Government usually arranges refugee settlement in a third country. NGOs continue to push for asylum laws. Indigenous peoples are, on the whole, educationally and economically deprived.

### The International Criminal Court

Although South Korea is a party to the ICC, laws regarding crimes against humanity and war crimes need to be supplemented and public awareness about the ICC should be raised. Korean women's groups addressing Japanese sexual slavery are discussing how to relate past crimes against women to the Rome Statute, although the Statute does not address past crimes.

In 2002, Mongolia ratified the Rome Statute and adopted a new criminal code and procedure law. The new code contains a special charter on crimes against the peace and security of mankind. However, according to Mongolian legal experts it does not apply to the crimes indicated in the Rome Statute. There have also been many discussions regarding the extradition of the criminals.

Taiwan has not ratified the Rome Statute and there is little public awareness about the ICC. In Hong

Kong, very few women's groups are familiar with the ICC. Japan has not signed the Rome Statute on the grounds that contingency legislation must first be established. Women's NGOs working on peace and security have urged the Government to become a party to the ICC, which would give redress to women who have been subject to violence and abuse.

## POWER AND DECISION-MAKING

### Representation

In China, women's representation in governmental decision-making positions has declined substantially. Among the deputies of the Chinese National People's Congress (NPC), the proportion of female representatives decreased from 21.8 percent in the previous session (1997-2002) to 20.2 percent (2003-2007). The percentage of women in village committees is also low.

In Taiwan, women's participation in policy and decision-making has substantially increased in recent years. Reserving seats for women in elections has long been a constitutional practice. Furthermore, pressure by women's organizations since the 1990s has led to the adoption of quotas in the nomination of candidates in major political parties. This practice helped to increase women's representation at all levels of government. For example, before the early 1990s, the percentage of women in Taiwan's national legislature was around 10-



12 percent. Currently, that number is about 22 percent.

In South Korea, the rate of women in public administration has been steadily increasing since 1990. However, female representation at managerial positions is only 5.5 percent in the central government and 5.3 percent in local government. The rate of women judicial officers has risen and is 8.5 percent.

In other countries in the region, women's representation has increased in some areas but decreased in others. Japan, for instance, has gradually increased female representation in local government and in areas such as the judicial and public administration branches of government. The percentage of female members in national advisory councils has increased from 20.9 percent in 2000 to 28.2 percent in 2004, and almost all councils include female members. However, at the national level, the female numbers of the House of Councilors dropped from 17.1 percent in 2000 to 14.6 percent in 2004 after a revision of the electoral system in 2000. The percentage of female members of the House of Representatives has also decreased from 7.5 percent in 2000 to 7.1 percent in 2004.

In Mongolia, women's share of representation in Parliament dropped from 23 percent in 1990—achieved through quota measures—to 3.9 percent in 1992, and was 10.5 percent and 11.8 percent in 1996 and 2000 respectively.

In Hong Kong, NGO efforts resulted in candidates from women's groups in local district government for the first time. One candidate was even elected on a feminist platform. The Women's Commission succeeded during its first term in increasing the percentage of women in the consultative bodies of the government. However, government officials responsible for appointments believe that women should be appointed in areas connected to their traditional roles. There has also been a trend to appoint pro-government women to consultative bodies. This was the case with the second term of the Women's Commission, where no members of the progressive women's NGO coalition were appointed.

Several East Asian governments have taken measures to achieve equal representation. In China, women's participation in politics and decision-making is being promoted. The Government has also launched projects to enhance women's capacity in elections and promote rural women's participation in village committee elections. As a result, women accounted for 29.2 percent of the total number of village committee members—an 11 point increase. Local governments have also

created policies. For example, the Beijing Municipal Government required women to be added to the candidate list if there was no female representative. The result was 30 percent women in middle and senior management positions.

However, many policies and measures to increase women's participation in politics do not have a gender perspective and do not take into consideration the impacts of child-bearing and household chores on women. In addition, female officials are mostly concentrated in areas typically considered suitable for women. Regulations to promote women's participation are weak in monitoring and implementation.

In addition, the enormous funds that are needed to finance campaigns often prevent women from running for office at the national level. Many women candidates at the local level succeed in running with the support of financial contributions from and the voluntary participation of women supporters in their campaign.

After the Fourth World Conference on Women in Beijing, women's organizations were established to provide financial support to female candidates and to offer training in campaign skills. Some political parties have set up a fund to support women members to run for elections but, in general, no specific measures are taken by political parties to promote more women in public positions.

In South Korea, responding to demands by women's organizations, each party introduced a 50 percent quota for proportional representation in the 2004 general election. As a result, women's representation in the National Assembly increased from 3 percent in 1998 to 13 percent in 2004. However, the percentage of women in local assemblies remains as of 2002 at 3.4 percent. There is also a goal of 40 percent representation of women in governmental committees by 2007. As of 2002, women participated in 96.3 percent of governmental committees, with an average rate of women's representation at 31.5 percent.

The rate of women in public administration has been steadily increasing since 1990 to reach 32.9 percent. However, female representation in managerial positions is 5.5 percent in the central government and 5.3 percent in local government. A gender equality employment initiative has been launched to ensure women's representation in public administration and a five-year plan aims to reach the 10 percent target rate of women public workers in higher administrative positions by 2006.

Although Mongolia established quotas for women, there has not been effective participation by women. Decision-making in the executive branch of the Government remains highly centralized and there is concern over lack of transparency and accountability. This discourages women from taking action, as issues seem remote and rarely reflect their daily concerns. As a result policy-making and program development at all levels fails to fully address women's needs and priorities.

A 2004 constitutional amendment in Taiwan requires a change in the electoral system by 2007 and mandates that at least 50 percent of party list seats be filled by women. The current ruling party and the largest opposition party both have a 25 percent gender quota for the nomination of elective public positions. The ruling party also has a 25 percent gender quota for positions within the party.

### Impact of Representation

In Japan, the adoption of the 1999 law for a gender-equal society is one successful example of women's involvement in policy-making. Other examples include the revision of a law on spousal violence in favor of the victims and the insertion of a clause on gender equality in the newly revised 2003 Official Development Assistance Charter. All government ministries have attempted to formulate gender-sensitive programs.

South Korea recently introduced laws related to women's development, gender discrimination and women in science and technology, among others. Quotas have been established for women professors and women public officers, and a five-year plan to increase female public administrators was set up. A quota of 50 percent representation in political parties has also been established along with a quota for women in governmental committees. In addition, four female ministers were appointed for the first time in history. In 2002, women's organizations petitioned the National Assembly to introduce gender-sensitive budgets. A resolution in favor of the petition was passed.

Women's representation and participation in South Korea has also led to some institutional transformation. For example, the Minister of Environment, a woman, set up a tea table at executive meetings so that each person can make their own tea, removing the expectation that women will prepare it.

In Taiwan, civil law has been revised to eliminate most of the articles that discriminate against women. In Hong Kong, the absence of progressive women in power has led to no significant impact on policy.



Several countries have set up an office or ministry of women's affairs. In 1990, the Chinese Government established the National Working Committee on Children and Women (NWCCW). However, the Committee is ineffective and short on human and financial resources.

In Japan, the Bureau of Gender Equality was established in 2000; however, it is ineffective. Moreover, there is no minister exclusively responsible for the promotion of gender equality. Gender budgeting has also not been recognized as an important tool, except by a few local governments where there are a higher percentage of female councilors.

In South Korea, women's groups succeeded in establishing a Ministry of Gender Equality in 2001. Since then, laws and institutions aimed at improving women's status have been systemized. One shortcoming is that the Ministry is small and powerless. Some stakeholders resist executing policies.

Taiwan has not yet established an office or ministry of women's affairs. In Mongolia, the National Council for Gender Equality was established in 2001 and consults with a wide range of stakeholders, including civil society. It also provides leadership on implementing the National Program on Advancement of Women 1996-2002.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

In China, few policies and plans take gender into account and there have been no measures to reduce the negative impacts of globalization on women in anti-poverty planning. Women are also not participating in poverty alleviation as decision-makers.

In Hong Kong, there are few women-related policies in the area of macroeconomics. However, sex-disaggregated statistics for employment are now produced. In general, Hong Kong prides itself on non-intervention in its private enterprise.

In Japan, irregularization of female jobs is the most prominent impact of globalization and deregulation. High unemployment rates are driven by the economic recession and mega-competition. Women, especially those whose husbands have lost jobs, are being forced to enter the labor market in marginal positions.

Women in agriculture have been severely impacted by globalization. Already the self-sufficiency ratio of Japan's food supply is the lowest among all developed countries at 40 percent. Since women make up 55.8

percent of the agricultural labor force, the agreement on agricultural trade under the World Trade Organization (WTO) has caused serious problems for family-operated farms, where women work as family labor. The increase in food imports has created an excessive supply, which has decreased the sales cost by 20 percent in the last four to five years.

In addition to this price deflation, people in agriculture have been suffering from fewer sales. Part-time farmers, who comprise more than 90 percent of farmers in Japan, are also being impacted by a decline in their income from non-agricultural sources. As a result women are having a difficult time managing their household budgets. Some of them must even forgo medical treatment and payments for their national pension premiums.

When the import of green onions, mushrooms and rush grasses from China was increased, over 10,000 women farmers demanded and obtained emergency safeguard protection from the Ministry of Agriculture, Forestry and Fisheries. However, the safeguard was only temporary and the damage in their sale has been still growing.

National and local government programs support single mothers with children under 18 years old. However, the average income (including benefits and pensions) of a single mother household is a third of the average income of a two-parent household. Although the employment rate of Japanese single mothers is high—approximately 85 percent—they often work in unstable forms of employment.

Women in Mongolia have been suffering from unemployment and poverty. Female-headed households made up 12 to 13 percent of total households in 1999, yet were 24.6 percent of very poor households. In 1996, the number of female-headed households reached 46,000, a two-fold increase compared to 1990. A quarter of these women had six or more children and half of them lived in poverty.<sup>5</sup>

The Government is implementing a project to provide 1,470 women with jobs. Another government program envisions lowering poverty rates by 25 percent for the extreme poor by 2005 and by 50 percent by 2015, consistent with the Millennium Development Goals (MDGs).

### Access to Public Services and Resources

In China, there are laws on women's access to economic resources. Regulations also exist to protect rural women's right to land.

## Box 14. Exchange Program for Peace

A main challenge for Korean women is the division of the country and the Armistice Agreement between North and South Korea. Korean women on both sides were totally cut off from each other prior to the 2000 North and South Korean Summit, an exchange program between North and South Korean women to overcome hostility and confrontation and move towards peace and coexistence. Since then, North and South Korean women have organized meetings every year to celebrate the June Declaration and Independence Day. In particular, the Women's Reunification Rally for Peace and the Implementation of the June 15<sup>th</sup> Joint Declaration, held on October 16-17, 2002 at Mountain Gumgang in North Korea, was an important event. For the past five decades, the horror of war—instilling mistrust, hatred and confrontation—has constantly dominated the lives of people in North and South Korea alike. In spite of the success of exchanges between North and South, the program is fragile. The lesson we have learned is that more women at the grassroots level need to be involved to make the initiatives stable and strong and to eliminate political element. We have learned that dialogue is the best tool for reconciliation. Through dialogue and face-to-face meetings, we understand each other and the differences between and reality of each society. Women's groups demand that the North and South Korean Relation Law, which political party members are currently discussing, should be based on a gender perspective.

Enhancing legal safeguards for women's right to work has been a key item on the agenda. The state has also provided access to credit for poor women in rural areas at a nominal sum. A poverty relief project was launched to help 80 million people with adequate food and shelter from 1994 to 2000. Specific measures were put forward to address women's access to loans and credit.

In Japan, there are public facilities to support women farmers in both childcare and participation in agricultural management. Support for equipment and facilities necessary for starting new agri-business is also provided. Compared with the previous fiscal year, the budget for social security increased

by 4.2 percent in 2004. In addition, there are support programs for women starting businesses. Local governments and women's centers often provide free legal services, although this is not widely known.

In Mongolia, men hold most titles to land and have registered ownership of other moveable assets such as livestock and vehicles. This creates a significant gap in the ability of women, compared to men, to use such assets as collateral or as productive assets under their control. This imbalance will be repeated in a new round of land privatization if actions such as ensuring that the names of both spouses appear on land titles are not taken.

Privatization in the agricultural sector has resulted in some positive shifts. Rural women who are heads of households have now become property owners. However, they are facing difficulties in meeting their needs for rest, study and health protection. The level of cultural and communal services in rural areas has deteriorated and the absence of comfortable settings for work and living is increasingly causing internal migration of the rural population to urban areas.

In Taiwan, women's property rights are legally protected and women are equally entitled to access credit. The Government has reviewed its financial policy and launched various micro-credit programs in 2001. Women's equal access to appropriate technologies is also protected by law. In 2004, public expenditures increased on military spending and defense, education, science and technology, agriculture, manufacturing industries and environment, while social spending and spending on culture and health care decreased.

In 2004, the Government's total public budgets of women-targeted expenditures were NT\$3,733.66 million (NT=US\$0.03), demonstrating a growth rate of 17.8 percent compared with the budgets of NT\$3,168.13 million in the 2003 fiscal year. Public expenditures on women living in poverty and female heads of household are not categorized in governmental budgets, though total amounts of project-based expenditures to address issues of women in poverty and disadvantaged conditions continue to increase in most ministries. Additional programs for women were organized on savings and credit, basic civil rights, domestic violence, women and children's human security, equal employment opportunities and the sex trade.

In Taiwan, all courts provide free legal services, including services of public

attorneys and legal advisory centers, to citizens who apply for them during lawsuits. The federal government and most local governments also establish free hotlines to answer citizens' questions and enquiries on legal matters.

### Employment Patterns, Women's Work

In China, Industrial restructuring and the transition to the market economy have made women more vulnerable to poverty than men. Women's income is generally lower than that of men. Although the percentage of women workers in cities and towns remains the same—37.9 percent in 1998 and 37.9 percent in 2002—more women than men have been laid-off from work. According to one report, the number of retrenched women has reached 3.86 million, which constitutes 57 percent of the total number of workers who had been laid-off by the beginning of 2000. Eighty percent of these women are between the ages of 31 and 45, with low education levels.<sup>2</sup> However, other data indicates that women comprise 45 percent of the workers who have been laid-off.<sup>3</sup> Among the 6.81 million registered unemployed people in cities and towns, women totaled 49 percent.

Women have fewer opportunities for re-employment in comparison with men. One study found that only 47 percent of the total unemployed had found new jobs in 2000, and the re-employment rate for women was only 39 percent.<sup>4</sup> To help laid-off women

have begun to play a major role in agricultural development. Over 60 percent of labor in agriculture, horticulture, livestock breeding, processing and mixed farming is female. According to a sampling survey, 50 million of 236 million female rural laborers are working in local township enterprises.

Women make up one third of the total of migrant workers, estimated at 100 million. According to another source, the proportion of women increased from less than one third to 40 percent. After 2000, the Government relaxed restrictions on migrant workers from rural areas.

There are obvious discriminations based on sex, age, physical attributes and locality in the labor market. Some governmental agencies fail to recruit female civil servants equally. The rate of women's employment in the informal sector is higher than men's and the employment conditions of women in the informal sector are worse than both that of women in the formal sector and that of men in the informal sector.

In Japan, there has been some progress in the area of women's employment but legal measures have been either too weak or ineffective. Although discrimination against women in the workplace is illegal, without an enforcement mechanism it persists. In addition, despite measures to prevent sexual harassment at the workplace, the problem remains prevalent.

The percentage of women employees who took childcare leave increased from 57.9 per-

In Japan unpaid work amounted to 23 percent of GDP  
in 1996, and women did 85 percent of it.

over the age of 40 with poor educational backgrounds and without specific working skills, the Government grants preferential policies on their social security and provides work-skill training and employment channels. From 1998 to 2002, public employment agencies have provided 19.62 million job opportunities for women who have been laid-off, accounting for 44.7 percent of the total number of job opportunities. Almost 17 million retrenched women received job skills training, representing 40.2 percent of the total number of trainees.

Women entrepreneurs make up 20 percent of the total Chinese entrepreneurial population. Women entrepreneurial associations have nearly 10,000 members.

With the rapid urbanization of rural areas and out-migration of male laborers, women

cent in 1996 to 71.2 percent in 2002 among enterprises with over 30 employees. Almost no men took leave, according to a survey by the Ministry of Health, Labor and Welfare. There are no laws stipulating equal pay for equal work or work of equal value; as a result the average wage of women is 64.9 percent of that of men.

The female ratio of employees increased from 38.9 percent in 1995 to 40.8 percent in 2003, and the female labor participation rate of the 30-40 age group increased from 52.7 percent in 1993 to 60.3 percent in 2003. The wage ratio of female full-time employees to their male counterparts has increased slightly from 59.5 percent in 1993 to 64.9 percent in 2003, but they still earn less than two thirds of men's salary.

Despite these modest improvements, the

## EDUCATION

conditions of women workers in Japan has worsened. The percentage of full-time employees among total female employees decreased from 60.9 percent in 1995 to 50.7 percent in 2002, while that of part-time employees (less than 35 weekly working hours in non-agricultural sectors) among all female employees increased from 27.9 percent in 1990 to 40.7 percent in 2003.

At the same time, the wage gap between part-time employees and full-time employees has widened. The ratio of part-time employees' wages to full time employees' dropped from 70.4 percent in 1995 to 65.7 percent in 2003. The unemployment rate of women increased from 2.6 percent in 1993 to 4.9 percent in 2003. However, rates for men were worse at 2.4 percent to 5.5 percent in the respective years.

Women's unpaid work is not visible in the national income account, but a government survey estimates that the monetary value of housework, social activities and other unpaid work in 1996 accounted for 23 percent of the gross domestic product (GDP) and women did 85 percent of the total unpaid work. According to another study, published in 2000, women provided 82 percent of elderly care and 86 percent of child care. Working women spend three hours a day on domestic chores, child rearing, caring for the elderly and shopping, while working men spend only 27 minutes on domestic work.

The female ratio of managerial positions increased from 8.9 percent in 1996 to 9.9 percent in 2003. But women's participation in economic decision-making is very limited. The percentage of women in managerial positions in the private sector is also very low. There is no official fact-finding investigation on women immigrant workers, although many are forced to take low-paying jobs in the manufacturing or service industries.

Over the past 10 years South Korea has experienced economic growth. However, the number of women irregular workers unprotected by labor laws has increased to 70 percent. Women's groups and others have petitioned to revise the laws and the Government has announced plans to improve the treatment of irregular women workers.

Maternity and child-care leave has been extended to 90 days, but only 50.5 percent of eligible women in South Korea took leave in the first half of 2003. This was an increase from 36.2 percent in 2002. Women in irregular employment are still not guaranteed maternity protection. The Government has provided financial support to encourage

companies to grant paid child-care leave, but the amount paid to those who are on leave is unrealistically low and discourages people from taking leave. Women's groups have been demanding that all workers employed more than 180 days have the right to child-care leave and that the amount be based on a proportion of the workers' salary, with a minimum of 50 percent of the national average salary.

Since the 1997 Asian financial crisis, the Government has implemented various programs to create temporary jobs in the public sector for unemployed women and provide vocational training and financial support for women starting their own business and has set up the Women Resource Development Center. However, these measures have, for the most part, been ineffective.

In Mongolia, during the process of transition to a market economy, opportunities opened up for women to become property owners and employees in private business entities. In the early 1990s, the number of women employed in the private sector increased 4.3 times and those running small individual business increased 5.8 times. According to a survey conducted by the Union of Private Owners in 1996, 26.6 percent of private companies were led by women, an increase of 3.3 percent over 1993 figures.

Mongolia has acceded to International Labor Organization Conventions and enacted legislation guaranteeing a legal base for the implementation of the Conventions.

A 1997 law legalizing a five-day work week is important as it frees up leisure time for citizens. There are no laws or regulations on wage differences between men and women. Men often occupy high-profile higher paid positions, while women are employed in low-profile positions, that are paid less.

In Taiwan, gender discrimination is prohibited in the workplace. However, the effectiveness of the law is still under review. A 1984 law requires equal pay for equal work. However, men are often still paid more than women with the same education and working experience. To get around the law, some employers give different job titles to men and women for similar work.

Women's formal sector unemployment has increased during the past decade from an average of 2.5 percent or less in the late 1990s to 3.71 percent in 2001. It further climbed to 4.25 percent in 2003. The length of unemployment also increased from around 15 weeks in 1992 to about 20 weeks in the late 1990s and 26.5 weeks in 2003.

## International Agreements

Since 1995, the Chinese Government has enacted several laws on education. Gender balance has been achieved in elementary education in China, yet the higher the education level, the lower the number of women. Women account for 70 percent of the illiterates over 15 years old, and there is a lack of investment in anti-illiteracy campaigns and lifelong education.

Gender mainstreaming has not been fully incorporated into educational decision-making or reforms of the education system. Laws and regulations to improve education for women do not receive enough attention. The concept of gender equality in curricula needs to be further strengthened. Traditional gender roles in Chinese society still influence educational values. In the educational administrative system, most of the leaders are male.

In Hong Kong, most school principals do not even recognize gender inequality. The Women's Commission recently pushed for a tertiary program for women, but the curriculum emphasizes women's traditional role in society.

In Japan, almost 100 percent of women and men enter school at the compulsory education level. At the upper-secondary and higher education levels, the ratio of women and men is almost the same. Equality between girls and boys has also been realized in the formal curriculum. In reality, however, the separation of boys and girls is still often considered natural in the organization of classes and the planning of courses. For example, many courses in dancing and martial arts are offered single-sex only.

In South Korea, there has been almost no difference in the admission of girls and boys to elementary, junior and high schools since 1999. But a huge gender gap remains in college admissions. Gender bias in university majors still exist. The number of women majoring in science has increased steadily, but the same cannot be said for engineering. Military academies allow the admission of women cadets, and special universities now accept students based on academic results without gender bias. The proportion of women in the Police Academy has also increased.

Schools are moving towards co-education rather than gender segregation. This is the result of efforts by women's groups to mainstream women in all areas of society. Textbooks have also been revised to reflect the changes in women's social and economic roles, and

pictures and illustrations in textbooks have been edited to reflect gender equality.

In Mongolia, high literacy levels and universal education up to eighth grade for boys and girls was achieved during the socialist era. State infrastructure was created even for remote areas for all levels of education, including boarding schools to ensure nomadic herders were able to access this for their children.

In the early years of transition, the education sector faced many setbacks, in particular inadequate allocations for heating and maintenance of the extensive infrastructure. Higher school dropout rates began to occur, particularly among boys who were kept at home to assist in income-generating activities. Overall enrolment fell from 98.6 percent among 8- to 15-year-olds to only 84.3 percent in 1995.

Fees were also introduced to cover some costs, especially for school dormitories. These costs were incurred just as real incomes were falling dramatically. Despite these cutbacks, access to schools and pupil teacher ratios have remained consistent across regions. Expenditure as a percentage of GDP has also now increased from a low in 1995 of 4.6 per-

cent to 8.8 percent in 2001.

cent to 8.8 percent in 2001.

Prior to 1990, there was an extensive network of pre-schools and kindergartens. Between 1989 and 1998, the number of these institutions dropped by half as state funding was drastically cut. In every part of the country, including the capital, girls outnumber boys enrolled. This is particularly noticeable at higher levels of education. A survey by the UN Development Fund for Women (UNIFEM) found that, of their sample, 15 percent of women have “diploma high” qualifications (i.e. completed secondary education) and they constitute 80 percent of the total holders of “diploma high”. The proportion of women with completed secondary education was found by this same survey to be higher among rural populations than in urban centers.

Government data shows that female students comprise 50.1 percent of those in primary and secondary education, 73.3 percent in tertiary diploma studies, 62.7 percent in bachelors degree studies and 65 percent in master degree studies. At tertiary levels, choices regarding enrolment in different studies are highly gendered, except in mathematics and computing.<sup>6</sup> These choices build on ste-

reotypes of suitable jobs of women and men, but also on directed labor allocations under the previously centrally planned economy.

Despite higher levels of education, women do not seem able to convert this asset into higher income levels. There are also complaints about poor teaching and poor infrastructure. Retraining and non-formal education tends to focus on preparing new entrants for the work force. Older women, needing skill improvements or new skills following retrenchment from declining economic sectors, are not targeted in the existing programs.

Teaching staff are predominately female: 93.6 percent in primary, 71.1 percent in middle and 68.5 percent in senior classes. Vocational and technical schools have 60.1 percent female teachers and universities and colleges have 52.4 percent. These varying concentrations of women reflects traditional gender stereotypes of how women extend their caring aptitudes to teaching of young children, but as studies become more technical, the proportion of men increases.

Data also shows that the majority of school principals are male, while females manage school financial affairs. Some working in the

education sector have identified the need to challenge these stereotypes by encouraging more men to work in primary and secondary education, providing varied role models for young boys, and encouraging more women to take on decision-making responsibilities.<sup>7</sup>

### Public Policy

In China, there is a project on girls’ education in the four western provinces and autonomous regions to ensure that ethnic girls enter school and do not drop out. Other efforts to promote girls’ education includes textbook reform. In Japan, only a few schools have introduced education for global citizens or multicultural co-existence as an interdisciplinary subject.

Steps to reexamine gender divisions in schools have had a positive impact on school culture. In fact, many local ordinances stipulate the necessity of measures for promoting gender equality in every field of education in accordance with the law. However, there are still problems. Customary practices, such as putting boys first and the division of labor by sex are rampant, and there are gender gaps in some majors among university students

In South Korea, gender equality education is now mandatory in the training of teachers for public schools. The Government has tried to increase women’s participation in the professional educators’ circle through such measures as encouraging the appointment of women as elementary and junior school principals and vice-principals. But the rate of women in management-level positions is still very low. A 20 percent quota for newly appointed women professors in public and national universities has been set, earmarking professorships for 600 women.

Women are provided opportunities for continuous education through government-funded adult education programs. In 2003, the Korea Teachers’ Union decided to appoint women members to 50 percent of its union representative seats.

### Access and Changes in Practices

The Chinese Government has allocated 3.9 billion RMB (IRMB=US\$0.12) for a project on compulsory education in poverty-stricken areas. In 2002, the national budget earmarked 99 billion RMB for compulsory education in rural areas. As a result, China’s illiteracy rate among women has dropped. The gap between the illiteracy rates of men and women narrowed from 19 percent in 1990 to 8.5 percent in 2000. The decrease in female illiteracy surpasses the average national decline of illiteracy.

To raise the school enrolment rate, girls from impoverished families are allowed to delay their payment of tuition fees or are charged lower tuition fees—or even no fee at all. For those girls who have not completed primary school education by the age of 15, or female students between the ages of 15 to 18 who have not received a junior high school education, the education department will provide them with compensation education. Girls who take care of their siblings can attend classes along with their younger siblings.

In Japan, the National Women’s Education Center (NVEC) has provided training for leaders and teachers along with other activities such as exchanges among women’s organizations. NVEC has played a leading role in promoting gender equality in adult and lifelong education.

In South Korea, middle and high school education training centers have been established to give women over 50 the opportunity to obtain junior and high school diplomas. However, efforts to promote literacy and social literacy—the ability to comprehend the social significance of what is read and written—are scarce at the government level. In-

In Mongolia, older women are not considered in existing skills-training programs for entrenched workers.



ternet Technology (IT) training, vocational training and job counseling for female students has become more substantial. Several women's centers provide vocational and business counseling for women seeking jobs or starting their own business.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

In China, a growing number of women participate in environmental policy-making and decision-making. Recently, women have begun to occupy leadership positions in the Department of Environmental Protection at all levels. In addition there are two vice-chairwomen of the Committee of Environment and Resources of the National People's Congress. In the institutions directly under the State Environment Protection Administration (SEPA), women employees account for 36.7 percent of the total.

Women make up a third of the 20,000 plus scientists and researchers working for some 400 environmental scientific and technical research organs. The Ecological Environment Research Center of the Chinese Academy of Sciences has the most female scientists who make up 42 percent of the total employed.

In the National Program for the Development of Chinese Women (2001-2010), women and the environment was chosen to be among the six areas of development priority, and an objective of enhancing women's participation in environment protection and decision-making and other strategies were formulated.

In Japan, women's participation in councils and advisory bodies for environmental policy-making has increased during the last decade. The ratio of women in the four councils of the Ministry of Environment was 28.6 percent in September 2003. This is an increase from 16.0 percent in 1996 and is higher than the average percentage of 26.8 percent in all government councils. The ratio of women in the eight councils of the Ministry of Agriculture, Forestry and Fisheries reached 30.6 percent in 2003, a drastic increase from 16.2 percent in 1996.

Women accounted for 55.3 percent of the agricultural labor force in 2003 and 16.7 percent in forestry and 16.6 percent in fisheries in 2002. In spite of their important roles in and contributions to supporting livelihoods, maintaining natural resources and revitalizing local communities, women's participation in decision-making processes at local level is low. In 2002, women accounted for only 3.7

percent in local agricultural committees, although this percentage had increased from 0.3 percent in 1995 and 1.8 percent in 2000. Although women comprised 15.2 percent of the members of Japan Agricultural Cooperatives in 2002, the percentage of women executive members was only 1 percent. This is an increase from 0.20 percent in 1995.

The data on women's participation in environmental decision-making at local level is not available. However, we can assume that the percentage of women in local councils has increased during the last decade because ordinances for gender equality have been enacted in 46 out of 47 prefectures and 179 municipalities (5.6 percent of the total) as of 2004.

In the Ministry of Environment there is a focal point for promoting gender equality, and in 2001 a plan was introduced for increasing the number of women employees and women in managerial positions by 2005. The Ministry of Environment also appointed one woman among five NGO advisors to the government delegation for the 2002 United Nations World Summit on Sustainable Development. This was the first time that the Government included NGOs, and a woman, as members of a delegation to a UN environmental meeting.

In South Korea, the Ministry of Gender Equality recommends a 30 percent quota of women on various kinds of advisory committees. The introduction of the gender equality system in the public sector has been promoting the rate of women's participation in central and local government. Women participate in 31.6 percent of all government committees, with a target of 40 percent by 2007. However, the number of women in administrative positions is still low. For example, as of 2003 the percentage of women in administrative positions above level five was 5.9 percent. The target rate for women administrators in the public sector is 10 percent by 2006.

Currently, the vice-minister of the Ministry of Environment is female but there are no women officers. Women NGOs have been active in participating in various kinds of committees. As a result of pressure from the NGOs, a Committee for Women's Environmental Policies inside the Ministry of Environment is under consideration.

In Japan, organizations such as the women's division of the Agricultural Cooperative, have been established to represent the interests of women. However, the proportion of women in the cooperative is low. Although their activity is sporadic, women have come

together to take action in other ways too. A postcard campaign led by a group of women farmers expressed women's concerns regarding the World Trade Organization. Women farmers' successful demand for an emergency safeguard from the Ministry of Agriculture, Forestry and Fisheries was noted earlier.

In China, there is no gender perspective when it comes to understanding environmental degradation in the context of globalization and rapid domestic economic growth. However, there have been some successful environmental initiatives involving women. In 1977, the All-China Women's Federation (ACWF) and SEPA launched an educational campaign on women's participation in decision-making on natural resources and environment that was later recognized as one of the "500 Best" by the UN Environmental Program. In 2003, another campaign mobilized 340 million households to create "green homes".

In Japan, success stories on women's participation in decision-making on natural resources and the environment are available but this is not systematic.

In China, the main obstacle to women's full participation is the failure of the government to pay adequate attention to the importance of public participation in environment protection in general, particularly, the role played by women. In Japan, women's full participation in environmental decision-making is hindered by a lack of capacity and persistent gender stereotypes. For example, women sort garbage at home but seldom participate as policy-makers in waste management.

### Gender Impacts

Data related to the environment and the health impacts of environmental changes on human beings in Japan are usually collected from both men and women, but the analysis is not always gender sensitive. Gender-dissegregated data is only available in relation to women's reproductive functions.

There are many incidents of chemical contamination that have been affecting people's health. The impact of chemical contamination on women's health is severe because it is passed on to future generations. For example, the discharge of methyl mercury by the Chisso Corporation affected some 20,000 people. Many women gave birth to babies with mercury poisoning. There is growing concern related to the disposal of WWII gas bombs and other equipment of the Imperial Japanese Army that was buried underground after the war. These chemicals have seeped into the ground and ground water and affect people's

health in Japan and China many years later. Gender-dissegregated data on these two incidents has not been collected.

### Right to Natural Resources

In China, a law was adopted in 2002 that ensures equal rights for women in land contracts. It stipulates that women's rights and interests in contracts should be protected and infringement on women's rights to land by any organization or individual is illegal. It also ensures the protection of women's rights in land contracts after their marriage or divorce or during their widowhood.

In Japan, although there are laws stipulating that all children have an equal right to inherit land, statistical data is not available. The *de facto* right of women to inherit land, especially farmland, has been hindered by tradition. According to custom it is the first son who inherits farmland and real estate, especially in rural areas. While it is often the wife of the son who actually performs agricultural work, she is not eligible to inherit the land unless it is specifically expressed in a will or she is adopted by her in-laws. Both of these instances are rare in Japan.

In Okinawa, a courageous group of women, most of them over 70 years old, brought a case to court claiming their equal right to be members of an association that owns a community forest. Although a district court acknowledged their right based on the Constitution, the high court ruled against them in 2004. The court failed to view the case as a violation of CEDAW, which prohibits gender discrimination.

The privatization of natural resources, such as water has not been examined by the Japanese women's movement partly because the process is not visible. In the case of South Korea, resources such as energy and water are managed by public agencies. There have therefore been no serious problems related to privatization.

In Mongolia, only 51 percent of the population has access to safe water and sanitation, which increases health risks and impacts health outcomes for children in particular.

## HEALTH

### Access and Affordability

In South Korea, gender perspectives are absent from public health policies. Women's health is often limited to reproductive issues.

In China, laws guarantee women's health care. However there is no evidence that health services have become gender sensitive. Health sector reforms in China have led to

a decline in government health expenditure from 25 percent in 1990 to 15 percent in 1999. Overall, the Government is less responsible for providing primary health care.<sup>8</sup>

In Taiwan, all citizens have health insurance. However, medical facilities are not wide spread enough and gender-sensitive health laws that focus on women are desperately needed.

In Mongolia, the transition to a market economy has had a serious impact on the health sector, which used to be funded 100 percent by the state. Severe financial constraints have resulted in a 42 percent decline in per capita state budget funding. Health infrastructures have deteriorated and require modernizing. The number of maternity clinics has been reduced. Among those remaining, 71.9 percent are reported to have inadequate buildings.<sup>9</sup> Overall, there is public dissatisfaction with the quality of health services. Although health budget expenditures went up from a low of 3.1 percent of GDP in 1995 to 4.7 percent in 2002, this still compares poorly with the 5.5 percent in 1990.

The Government has put forward the following objectives: expand the involvement of the state, individuals and business entities in health protection; increase preventive measures against infectious diseases; decrease infant mortality rates by 50 percent, widen



the scope of collaboration with the UN; and better disburse health-related funds.

Some categories of the population—identified as vulnerable, poor or disabled—have their health insurance premiums paid by the Government, and 66.8 percent of all insured citizens were under exemptions and hence premiums are paid for them.<sup>10</sup> The poor and very poor spend 2.3 percent of their income on health compared to 1.5 percent in non-poor households, yet the poor have a higher incidence of ill-health.<sup>11</sup>

There are also considerable time and financial costs in accessing the health system, particularly in rural areas—especially for women, who are usually responsible for taking children to medical centers.

In Japan, a 2002 health law and a 1997 insurance law emphasize people's responsibility for their own health. Such laws lack consideration for people who already have diseases and who cannot control their health for a variety of reasons. Basic medical examinations are conducted on people ages 0 to 15 and 40 plus, with a portion of the costs covered by national and local governments. After junior high school, until the age of 40, however, people must go to a hospital or clinic at their own expense.

Women are less likely to have regular medical examinations than men. In 2001, 46 percent of full-time housewives were medically examined, which is less than the percentage of working women. Moreover, women engaged in childrearing are less likely to undergo any medical examination—43 percent of women compared to 62 percent of men aged 25-34 are examined.

In 2001, the first clinic for gender-sensitive/specific holistic medicine was established and subsidized by the Government at the Faculty of Medicine of Kagoshima University. As of March 2004, there were 250 such clinics in 42 prefectures out of 47. Support for women's life-long health and work on gender-specific medicine has been incorporated into the guidelines for the Chiba Prefecture health policy.

Although official statistics are not available, it is believed that minority women have less access to adequate and comprehensive health care services and information.

Despite improvements in the past 10 years, many doctors and pharmacists still do not disseminate necessary information to patients and clients. Human rights and ethical standards are not focused on ensuring consent.

### Reproductive Health

In South Korea, projects related to pregnancy and birth were launched in 1999 but never progressed due to budget cuts. Currently there are a high number of births by C-section, and costs of pregnancy and birth are not covered by national medical insurance. Although sex education is available, its quality is not satisfactory. The rate of contraceptive use has increased since 1995.

China recognizes that the reproductive rights of citizens include the right to informed contraceptive choice and the right to free basic services.<sup>12</sup> A broad approach to reproductive health has been taken with a focus on gender equality and women's empowerment. Emphasis continues to be on reducing population growth and encouraging couples to consider only having one to two children.

This kind of 'encouragement' is not consistent with the right of freedom to choose the number of children one wants, and when enforced with incentives or disincentives is a violation of reproductive rights.<sup>13</sup>

Emergency contraception is available on request in public facilities. China has seen consistently low maternal mortality rates of 43.2 per 100,000 live births, comparable to the developed world. However, significant rural urban differentials have been observed. There was no national data on the reduction of unsafe abortions in China, where 1,650 women die annually due to this practice.<sup>14</sup>

Over the past decade China has developed policy statements on adolescents' sexual, and reproductive health needs. Health centers provide contraceptive and other reproductive health services to adolescents as part of primary health care. However, there is not enough emphasis on sex education and reproductive health for young girls, and many young people cannot access information or counseling via regular channels. Formal teaching of sexual and reproductive health and rights is included in Chinese school curricula. NGO reproductive health services have received a much higher rating by women than government health services.

Mongolia has redefined its national strategy on reproductive health. Major attention is given to the issues of early medical supervision of pregnant women, treatment of female leukemia and basic diseases, reduction of infant mortality, dissemination of knowledge about reproductive health, and contraception for both women and men.

To date, upwards of 30 percent of women of reproductive age use contraception. The number of abortions has risen and the birth rate has declined. Although only a small percentage (0.6 percent) of all pregnant women deliver at home, their rate of maternal mortality is 20 percent higher than women who give birth in hospitals.

Incidents of sexually transmitted diseases (STDs) among women are quite widespread: 50.4 percent of women with STDs are unemployed and 40 to 58 percent are between 15-25 years old.

The Government was working to achieve the following objectives by the year 2000: reduce maternal mortality by half, the mortality of infants under five by one third and delivery complications by 70 percent, compared to 1990 levels; ensure 100 percent medical coverage of all pregnant women, including 70 percent during the first three months of pregnancy; treat not less than 90 percent of pregnant women with anemia with iron acid;

and provide not less than 80 percent of the population with a clean water supply. Other objectives have also been put forward to better the scope and quality of reproductive health services.

Rates of maternal mortality in Mongolia were at 158 per 100,000 live births in 2000. Trends between 1992 and 2000 show a reduction of around 20 percent.<sup>15</sup> These recent decreases, however are not sufficient to meet the Millennium Development Goals. The closure of maternity rest homes during the early 1990s has also affected women's access to pre-natal care. These services are now being restored.

Abortion rates are high at 231 per 1,000 live births in 2000. Poor women cite lack of economic resources as the most common reason. Thirteen percent of maternal deaths are due to unsafe abortions.<sup>16</sup> Sexually transmitted diseases are also increasing throughout the country. Between 1991 and 2002, the incidence of syphilis increased from 3.7 to 6.7 per 10,000 and for gonorrhea, 9.4 to 19.6 per 10,000. Particularly for women, this increases the risk of recurrent infection.

In Japan, education regarding sexual and reproductive health and rights has been inadequate for decades. Many women are hesitant to talk about their own reproductive and sexual health and rights, although attitudes are slowly changing. In 1999, a sex education book was produced for third year junior high school students. However, after criticism by some Diet members that the Government had gone too far, circulation of the book was stopped.

Today, sexually transmitted diseases are rapidly increasing among teenagers. The most vulnerable age bracket is 15 to 19, and one out of four girls who visited gynecologists in Tokyo was infected with chlamydia.<sup>17</sup> The rate of teenage abortions rose from 6.2 per million in 1995 to 13 per million in six years, according to a report from the Health Ministry. In 1995, the reported number of abortions performed on teenage girls in Japan was 26,117. The number reached 46,511 in 2001.<sup>18</sup> Teenage girls with sexually transmitted diseases and/or an unwanted pregnancy are reluctant to visit OBGYNs because they are afraid that their parent(s) will find out if they use the insurance. Without insurance, costs are prohibitive.

In the past decade, maternal mortality rates in Japan have fallen somewhat to 6.5 per 100,000 live births in 2001. Most deaths occur at clinics that are not prepared to handle emergencies. The Japanese Government has been collecting data on maternal mortality,

morbidity and abortion for decades. However, data on unmarried girls and adolescents as well as on women victims of violence and minorities are unavailable.

After the enactment of the Mother and Child Health Law in 1965, neonatal mortality rates and infant mortality rates have decreased, reaching the world's lowest. By contrast, maternal mortality rates per 100,000 births dropped slightly in the last decade but remain rather high among industrialized nations at 6.5 percent in 2001. Pregnancy, delivery and induced abortion are not covered by health insurance.

#### HIV/AIDS

In South Korea, the private sector is involved in the prevention of AIDS, sexually transmitted diseases and teen pregnancy. However, results are unsatisfactory.

In China, there is a stigma attached to the disease and medical practitioners regularly violate confidentiality rights. China is also facing limited resources to treat HIV/AIDS infected persons. The inadequacy of existing primary health care facilities to provide a full range of integrated STD and HIV services is a major impediment.<sup>19</sup> Preventive programs exist, although there has been no national level assessment of their impact.

In Taiwan, beginning in 1992, heterosexual contact became the primary route of HIV transmission. This has had a considerable impact on women. Youth and women of reproductive age constitute two of the fastest-growing groups being diagnosed with HIV/AIDS. Women in their childbearing years of 20-39 are at the greatest risk of infection, accounting for 56 percent of all HIV infections among females.<sup>20</sup> Statistics show that the rate of infection among women has increased sharply since the 1980s. In 1989, the HIV infection ratio of men to women was 41-1. By 2001, the ratio had reached 11-1.

Researchers have neglected reproductive health issues among women with HIV even though the rate among pregnant women showed a five-fold increase to 14.5 per 100,000 in 2001.<sup>21</sup> Since 1985, the Department of Health has provided treatment at no cost for persons diagnosed with HIV/AIDS, including pregnant women. Antiretroviral therapy has been provided free to all patients at any stage of HIV infection since 1990.

HIV counseling and testing are not mandated services for pregnant women. In addition, the HIV-related health care and treatment needs of girls, sex workers and transgenders are frequently ignored. The Government began an AIDS prevention



program in 1985. Since 2001, AIDS and STI control and prevention policies have been coordinated at the central level. Since 1985, all Taiwanese citizens with HIV, including HIV-infected pregnant women and unborn fetuses, are entitled to access to free medication, prophylaxis treatment and medical services.

Stigma and discrimination are the primary obstacles for women with HIV/AIDS to access treatment. Since Taiwan is a patriarchal society in which men are the primary decision-makers concerning sexual activity, fertility and contraceptive use, gender inequality has a powerful impact on women's reproductive and sexual health regarding HIV/AIDS prevention and treatments.

In Mongolia, work on combating HIV/AIDS was first launched by the Government in cooperation with the World Health Organization (WHO) in 1987. Recently, an HIV/AIDS Reference Center opened. National specialists have been undergoing training, both abroad and in-country; laboratories for analyses have been set up in provinces and towns; and the necessary equipment, instruments and chemical substances have been supplied to urban and rural areas. Under the same project, 3.3 million condoms have been distributed to people in high-risk groups.

The National Committee on Combating HIV/AIDS was established in 1992 and approved a national program. The Law on Combating HIV/AIDS was passed by the Government in 1992. Provincial health centers have been given guidelines by the Government for diagnosing and treating HIV/AIDS and sexually transmitted diseases. Training and education has been aimed at preventing infection among adolescents, high-risk groups and the general public.

The Mongolian Women's Federation has organized nationwide seminars on the prevention of HIV/AIDS and STDs. The Federation has also cooperated with WHO on the implementation of a small, \$5,000 project for prostitutes regarding HIV/AIDS and STDs. Upwards of 200 female prisoners and prostitutes have been assisted by these activities. It has become a tradition in Mongolia to commemorate World AIDS Day, with the active participation of youth and women's NGOs.

In Japan, public health centers provide free and confidential HIV testing. On the whole, however, the number of people who undergo HIV testing has not increased. Female condoms, which were expected to be an effective method for preventing HIV infection, have been available since 2000 but not many women use them.

Workers in Japan from Southeast Asia and Latin America, particularly female sex workers and undocumented immigrants, have been at high risk of contracting HIV and STDs because they do not have access to information, health services and insurance. Japan is the only country among the G7 nations where the rate of HIV infection has been increasing. The rate of HIV infection through heterosexual contact has been increasing, especially in urban areas.

According to a 2003 survey on AIDS contraction by the Ministry of Health, Labour and Welfare, 69 percent of teenagers infected with HIV/AIDS are women. Due to an increase in the number of infected young women, the number of births from HIV-positive pregnant women has risen since 1988. However, the number of infected infants is decreasing, suggesting that prevention measures against mother to child infection are taking effect. In 2002, new government guidelines were formulated for health and physical education.

Governments, including health centers and schools, NGOs and the media disseminate information. NGOs are taking the most active and progressive action through lectures, symposiums, forums and publication, often focused on peer education.

Collaboration between the Government and NGOs has been established in the area of policy-making since the Tenth International Conference on AIDS in 1994. Some NGOs, including self-help groups, have been actively involved in government-funded research projects.

In 1998, HIV-positive people became eligible to receive an official handbook for the physically disabled. Among other things, this handbook provides information on the health coverage available at different income levels to help ease the economic burden of treatment.

Over 400 government-accredited hospitals HIV/AIDS treatment have been established throughout Japan. These provide specialized training in HIV/AIDS treatment for medical professionals. However, an imbalance in the quality of treatment and services between urban and rural areas persists.

The AIDS Prevention Law, which included the possibility of immigration control for people with HIV/AIDS, was repealed in 1999. A new decree was enacted the same year and abolishes compulsory hospitalization of people with HIV/AIDS.

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#### Sources

All-China Women's Federation, *Compilation of Laws Relating to Women and Children*, April 2002.

All-China Women's Federation, ed., *Women of China*, China Intercontinental Press, May 2004.

All-China Women's Federation and Chinese Women's Research Society, *An Evaluation Report of Chinese Women's NGO on Chinese Government's Implementation of Beijing Platform for Action and Outcome Document*, June 2004.

Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Third and Fourth Periodic Reports of States Parties, China, 1997; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N97/183/09/PDF/N9718309.pdf?OpenElement>.



Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Third and Fourth Periodic Reports of States Parties, Mongolia, 1999; available from <http://www.un.org/womenwatch/daw/cedaw/cedaw24/cedawcmng34.pdf>.

Korea Women's Associations United, Beijing +10, Korean NGO Report: *Gains and Gaps of Korean Women Policies for the Past 10 years and Recommendations for the Next 5 years*, June 2004.

Mongolia NGO Report for Asia-Pacific NGO Forum on Beijing+10, 30 June- 4 July 2004.

Report of the People's Republic of China Regarding the Questionnaire on the Implementation of the Beijing Declaration, the Platform for Action and the Outcome of the 23rd Special Session of the General Assem-

bly on Women Issues; available from <http://www.un.org/womenwatch/daw/Review/responses/CHINA-English.pdf>.

United Nations Development Fund for Women (UNIFEM), *Women in Mongolia: Mapping Progress Under Transition*, 2001.

#### Notes

1. Violence against women is increasingly termed as "gender-based violence" to include all forms of violence—including physical and psychological—that is perpetrated against girls and women and is assumed to serve, by intention or effect, to perpetuate male power and control.
2. United States Department of State, 2001.
3. All-China Women's Federation (ACWF), Women of China, 63.
4. Xin, Ru et al, "Social Safety Nets for Women," Economic and Social Commission for Asia and the Pacific (ESCAP), 2003.
5. United Nations Development Fund for Women (UNIFEM)/United Nations Development Program (UNDP), Citing sources from Living Standards Measurement Survey (LSMS) 1998 and Mongolia National Statistics Office (NSO) 2001 data, 2002, 99.
6. United Nations Development Fund for Women (UNIFEM), Women in Mongolia: Mapping Progress Under Transition, 2001, 32.

7. Interviews in January 2004.

8. Abdullah, Rashidah, Sai Jyothi, and Syirin Junisya, "ICPD Ten Years On: Monitoring On Sexual and Reproductive Health and Rights in Asia: Countdown 2015: Sexual and Reproductive Health and Rights for All," ARROW Draft Regional Overview (August 30th – September 2nd) London, 2004, sec.10.0, 23.

9. UNIFEM 2001, 2.

10. Asia Development Bank (ADB) Statistics 2002.

11. UNDP/NSO 1999; Cited in UNIFEM 2001, 24.

12. Abdullah, Rashidah et al, sec. 3.1.

13. Ibid., sec. 2.1, 3.

14. Ibid., sec 6.0, 13.

15. Government of Mongolia and UNDP, Draft MDG Report, 2003, 16.

16. Ibid., 16/17.

17. Tokyo Health Service Association, Yobou Igaku, November 1999.

18. Ministry of Health, Labour and Welfare, Statistical Report, 2001.

19. Abdullah, Rashidah et al, sec. 7.0, 17.

20. Taiwan Center for Disease Control (TCDC) Statistics, 2002.

21. TCDC Statistics, 2004.

## SOUTH ASIA

### With Legislative Gains Come Enforcement Challenges

**T**his report covers Bangladesh, India, Nepal and Pakistan. In South Asia, women's movements have been successful in pressuring their governments to enact legal reforms in numerous areas of women's rights. Such legislation addresses the issues of discrimination; women's health care and rights; dowry violence, rape, trafficking, acid throwing and other forms of violence against women; marriage and divorce; land and water rights; reserved political seats for women; and child labor and infanticide, among many others. Nonetheless, though policies, laws and machineries have been adopted, revised and/or created, implementation and enforcement are often elusive.

Women's share in the labor force continues to rise in South Asia, almost everywhere women do remunerated work. However, this work is often in unsafe and in volatile conditions. Women's enormous contribution to household incomes through their unpaid work in the home goes undocumented as their work in the informal and agricultural sectors and unremunerated labor—including child and elderly care, food and water provision to families and protecting the environment—is invisible in national income accounts. Thus women's work burdens, and the impact these have on women's health and education, are often limited or neglected in national plans aimed at tackling poverty and other challenges.

#### HUMAN RIGHTS

##### CEDAW Compliance

Bangladesh (1984), India (1993), Nepal (1990) and Pakistan (1996) have ratified CEDAW. Only Bangladesh (2000) has ratified the Optional Protocol. Nepal has signed, but not ratified. There is little movement towards ratification in India and Pakistan, and limited awareness of the Protocol in all countries.

After delays Bangladesh, India and Nepal have submitted reports to the CEDAW committee. Pakistan's first and second reports are both overdue.

Bangladesh had reservations on Articles 2, 13.(a), 16.1(c) and 16.1(f) on the basis

of religious sentiments and following Muslim Shari'a laws (personal laws). In efforts towards CEDAW implementation, the Government adopted the National Policy for Advancement of Women in 1997. A National Plan of Action also received the approval of the Government in 1998. The Ministry of Women and Children Affairs is a lead agency for women's development.

India has two Declaratory Statements: on Article 16(1) (elimination of all discrimination against women in matters relating to marriage and family relations) and on Article 16(2) (compulsory registration of marriage in an official registry). India also has a reservation to Article 29 (1) (compulsory arbitration or adjudication by the International Court of

Justice). The Government has not taken any steps to revoke either the declarations or the reservation. There is great pressure from and lobbying by women's human rights activists for withdrawal of these, arguing that Declarations are tantamount to Reservation.

Pakistan has one reservation on para 1 of Article 29, and a general declaration: accession is subject to the provisions of the Constitution of the Islamic Republic of Pakistan. The Government has not taken steps to eliminate reservations, though women's rights NGOs have raised the issue.

Nepal ratified CEDAW without any reservations. The Government has recently formed a high commission to present a report related to laws discriminating against women.

Successes concerning CEDAW in South Asian countries have included many legislative gains, including the passage of new laws and amendments to existing ones, as well as creation of women's machineries. Affirmative actions have been taken to increase women's political participation at various levels of government. In India, the Supreme Court has applied the principles of CEDAW in a number of cases, including ones dealing with sexual harassment at the workplace and the right of the mother to be the guardian of a minor child. In Nepal, free legal assistance is now provided for cases such as abortion, prostitution, sex violation and domestic violence.

Obstacles concerning CEDAW are similar in all countries and include limited awareness and lack of proper implementation, lack of political will and commitment, lack of protection of women's reproductive health and rights, and insufficient budget allocations and resources. The existence of old traditions and cultures is also significant, as these often have negative impacts on women and marginalize women's rights, gender equity and women's participation in overall development plans.

### National Law

Legislation in Bangladesh to protect women's rights cover a wide range of discrimination against women and girls, addressing polygamy and child custody, dowry, cruelty to women, marriage disputes, marriage of underage girl children, marriage and divorce, terrorism violence, trafficking of women and children, repression, violence, acid violence, reserved seats for women through direct elections, and paid maternity leave.

Bangladesh has a number of laws for ensuring justice and eliminating discrimination against women and children. The most historic act against forms of violence against women is the Nari O Shishu Nirjaton Damon Ain (Suppression of Violence Against Women and Children Act or the 2000 Act). The 2000 Act calls for setting up special tribunals to dispense justice for women and children, specific time frames for disposal of cases, compensation to the victims from fines imposed on the perpetrators, punitive measures for filing false cases under this Act, and provisions for trying the police personnel who commit violence against women.

Sexual harassment and sexual assault are two new punishable offences introduced by the 2000 Act, and there are provisions for protecting the identity of the victims. This law covers many forms of violence against women including abduction, confinement, rape, ransom, dowry and more. The Act

doesn't specifically define the term "acid violence" but it lays down in-depth provision on crimes committed through corrosive materials (meaning inflicting of acid or any such substance). The 2000 Act does not apply in the cases of forced abortion and resultant death of a woman. Also, the 2000 Act is virtually silent on the issue of domestic violence except in the case of dowry or dowry-related offences.

Family laws, including on divorce, guardianship and alimony, are still discriminatory against women, as are inheritance and citizenship laws. Laws also limit women in politics to being nominated by the party in power and not elected directly in reserved seats. The Evidence Act makes two women's evidence equivalent to that of one man. There are laws making primary education compulsory for girls and providing free education to girls up to class XII, but customary laws and practices are still in force and *Fatwa*, or religious law, are in place to nullify the effects of such proactive legislation by the Government.

A major breakthrough since Beijing was been the formulation of a National Plan of Action in 1997, prepared to include women as an integral part of national development programs and remove all legal, political and cultural barriers through policy formulations and by adopting strong affirmative actions. The goal is also to raise public awareness regarding women's needs. The implementation of the Plan, however, is slow and inadequate.

In India, all discriminatory laws have not been repealed. Some laws have been amended. Personal laws continue to be discriminatory. The Law on Domestic Violence is yet to be enacted, and there are no special measures to protect women from sexual violence in situations of communal, ethnic and caste violence. The widespread sexual violence against women in Gujarat in 2003, with no sexual convicted to date, speaks for itself.

The Protection of Civil Rights Act (1955) and Prevention of Atrocities (1980), intended to enable the dalits to enjoy human rights on par with others, are not enforced. Dalits continue to face discrimination and denial of human rights, and crimes and atrocities against dalit and tribal women are on the rise.

The National Policy on Empowerment of Women was framed in 2001, but the National Plan of Action is still in the formulation stage. The National Commission for Women, a statutory body set up in 1992, has the mandate to safeguard the rights of women. The Commission, however, has no power to prevent discrimination in the private or public sector.

In Pakistan, Hudood Ordinances cover rape and adultery (among others issues) do not permit evidence from women and non-Muslims in cases incurring the maximum punishment. They have been used to prosecute rape victims who lack evidence on charges of adultery. Under the Law of Qisas and Diyat, which covers crimes including murder and attempt to murder, women's evidence is also not permissible for the payment of Qisas (retribution). The Law of Evidence equates the evidence of two women to that of one man in financial transactions.

Pakistan is a signatory to many conventions on children's rights related to armed conflict and sale of children, child prostitution and child pornography, child labor and trafficking for prostitution.

As a follow-up to the Beijing Conference, Pakistan adopted the first draft National Plan of Action (NPA). The Ministry of Women Development has made efforts to implement the NPA, including preparing an implementation matrix and setting up NPA implementation units at national and provincial levels. After years of pressure from women's groups, a permanent Commission on the Status of Women was established.

In Nepal, due to the non-installment of a parliament, no new laws are being enacted and no discriminatory laws are being repealed or amended. The 1989 Trafficking Act is still in bill form but will be passed as soon as parliament is installed. The Children's Rights Act addressed the girl child.

Issues related to migrant women workers have been reflected in the Tenth Plan (2003-2007). According to the Population and Housing Census 2001, 82,712 women have migrated outside Nepal. Indigenous/minority women in Nepal are victims of multiple discriminations. There is no separate policy for addressing their rights.

The recently established Human Rights Commission and National Women Commission are institutional approaches for the protection of human rights.

The National Women Commission makes the Government accountable if there is any exploitation of women human rights. Regarding new legislation concerning women's human rights, the 11<sup>th</sup> Amendment of Civil Code has been adopted, also called the Women's Bill.

Efforts are also being made at different levels to ensure that women are free from all kinds of legal discrimination. These include increasing public awareness through advocacy programs, posters, documentaries, street-dramas and informative media broadcasts.

## Public Awareness

In a developing country like Bangladesh, massive poverty, illiteracy and survival problems are so overwhelming that building human rights awareness is a comparatively low government priority. Therefore no comprehensive or even rudimentary human rights educational programs or curricula are on record. However, the Government does not object to or hinder such programs, and advocacy efforts for grassroots mobilization are a continuous process by NGOs, civil society and human right groups. However, laws and information relating to women's rights are not publicized or disseminated.

The national security and armed forces are more oriented towards war and suppression of movements against the Government. The rights to protest and to hold rallies are being ruthlessly violated by the police and other law-enforcement authorities.

In India, there is no comprehensive human rights education program in place that raises awareness among women. Some universities have human rights courses, but women's rights are peripheral. A few NGOs are engaged in imparting legal literacy. No guidelines are in place on how to use legislation to exercise individual rights. Gender sensitization programs, including awareness about women's rights, are organized for the police personnel in most of India.

In Pakistan, gender sensitization (orientation and training) of government functionaries, including the police and judiciary, is being carried out, and human rights education is being proposed. NGOs are continuing advocacy work, organizing workshops and publishing materials for creating human rights awareness.

A number of NGOs have published information on how to use legislation to exercise individual rights. NGOs usually have these translated into the main local languages. Adult literacy is covered under the Education Sector Reforms (ESR).

In Nepal, both human rights groups and the National Human Rights Commission are working on the issue of human rights education. However, there is little government support. Some laws and guidelines are translated into indigenous and local languages by local and international NGOs.

## Violence Against Women

Bangladesh is a typical South Asian country with a class-based patriarchal society where violence against women are common phenomena. Such violence is deep-rooted, widespread and a result of various socio-

## Box 15. The Nayakrishi Andolon Farmers Movement

Nayakrishi Andolon, in existence since 1994, is a mainly women-led farmers movement in Bangladesh. More than 150,000 farming families are involved. It believes in a biodiversity-based agricultural system of production, with control of resources by the community—particularly by women. Nayakrishi Andolon is about ecological agriculture, production of food without any chemicals and pesticides and using new organic technologies.

Seed preservation, conservation and germination have been primarily women's work in agrarian societies for thousands of years. This highly intricate knowledge transmitted from mothers to daughters, from sisters to sisters, from mother-in-laws to daughter-in-laws, from grandmas to granddaughters and from one village to another. Unless one is familiar with the delicate wisdom of seed conservation and propagation, it is hard even to guess why some seeds should be dried under bright sun and others under shade.

Women feel strongly that the loss of seed from the household also means the loss of women's power. Dependence of the farmers

on the market for seeds means the displacement of women from the control of a crucial technology that is the heart of agriculture. Once women lose that control they are disempowered and dispossessed. Women generally do not own land. Possession of seed, therefore, is crucial for them to assert their positive and powerful role in agrarian culture. Nayakrishi farmers reject hybrid and genetically modified seeds because, among other reasons, these disempower farming communities by creating dependence on companies for the supply of seeds.

Nayakrishi is about real life activities and the pleasure of living, enjoying and growing up with all the entities around us, visible or invisible. Agriculture is not a factory or industry. It is not merely a sector of food production. Agriculture is a way of life, a cultural practice, with all the implications of the word "culture". The emergence of Nayakrishi is important as it acknowledges the contribution of women in agriculture and natural resource management.

Source: WEDO Global Monitoring Report Questionnaire, Bangladesh

economic, political and sometimes cultural norms. In the last 10 years, statistics on violence show a drastic increase despite efforts by governments to address it. Political violence has been rampant, and social, public and domestic violence has multiplied. In most cases women become stigmatized and do not dare to file complaints fearing negligence and harassments in police stations, courts and the society. Even the law-enforcement authorities find themselves ineffective to contain gang rape, acid violence, dowry deaths, trafficking, even teasing to the extent of compelling young girls to commit suicide. In the face of such crimes against women, the victims find very little legal redress because of procedural difficulties in access to legal machinery as well as further harassment during the process of trial.

In Bangladesh, religious and cultural norms, discriminatory and defective laws, denial of appropriate property rights of women, non-implementation of international instruments relating to women's rights and other related factors have created a negative environment for women. These factors consequently rendered wom-

en vulnerable to various forms of violence and exploitation.

The women's movement is very outspoken against all forms of violence against women. Women's groups are frequently on the streets protesting against incidents while the media is sensitive towards reporting violence cases. Women's legal groups and human rights organizations are very active in taking up cases of violence against women.

Domestic violence is a major social problem in Bangladesh and women of all economic strata are vulnerable to the maltreatment and abuse of husbands, in-laws and other family members. According to the UN Population Fund (UNFPA) Bangladesh ranks first in the world in wife beating, as 47 percent of adult women report physical abuse by their male counterparts.

Dowry violence is prevalent in many parts of the country, both rural and urban. Murder or attempted murder for dowry is almost a regular phenomenon. Although dowry demand is illegal according to the 2000 Act, the practice persists in rural communities.

In both rural and urban areas it is common for women to be verbally and physically

assaulted by the relatives of their husband. One of the causes of such acts of violence is women's inability to give birth to children or specifically to a male child. Torture by in-laws is one of the few types of violence against women in which the perpetrators of the violence are themselves often women.

In recent years, there has been a tremendous rise in the number of suicides of women. Many victims of sexual harassment and violence who feel trapped in unbear-

able situations have resorted to suicide to end their oppression. Another recent trend is the suicide of rape victims who do not receive sufficient support from the state or community. These are generally termed "forced suicide".

Violence in the workplace, including sexual harassment and rape, is a recent epidemic. Violence against domestic workers is a common occurrence. Economically disadvantaged domestic workers are in dire need of work and wages and therefore at the mercy of their employers, who may use and abuse them as they desire.

A recent study by the Acid Survivors Foundation reveals that land disputes account for 27 percent of acid attacks, followed by 18 percent for family disputes, 10 percent for refusal of sex, 8 percent for refusal of a romantic relationship, 5 percent for dowry conflicts, 4 percent for marital disputes, 3 percent for refusal of a marriage proposal, 2 percent for political enmity and the remaining 23 percent for unknown reasons.

In a society that holds a woman's chastity sacred, rape crimes are particularly injurious to a woman's self-identity and social future. In 2002 rape was the most predominant reported form of violence against women, with a total of 776 reported. Reported rape incidents have increased from 564 in 2000 and 605 in 2001.

The failure of the police to investigate and take legal action against perpetrators of violence against women has engendered a climate of impunity in Bangladesh.

India condemns violence against women but it is on the increase in both the public and private sphere. Of late, the Supreme Court, in addition to penalizing the accused, has been granting compensation to women. The existing legal regime governing domestic violence is that of criminal law. On the civil

law side, there is no legislation to prevent and punish for domestic violence.

There are programs for judges, lawyers, police and the general public on violence against women. A number of NGOs are organizing training programs. The National Crime Records Office collects and compiles data on crimes against women and publishes it periodically. Some women police stations exist.

Women subjected to violence are provided with free legal aid and there are

short-stay homes for such women. Given the enormity of the problem, the support services are inadequate.

In Pakistan, specific measures highlighted in the National Policy for Development and Empowerment of Women include Adopting a zero tolerance policy regarding violence against women. The Women in Distress and Detention Fund provides legal and financial assistance to the victims of human rights violations. In 2000, the Government declared "honor" killings to be murder and an ordinance against it. The death penalty is applied to persons guilty of public rape. Women police stations and complaint centres at police stations have been set up.

There is no legislation in place to prevent and punish domestic violence. Crisis centers run by the public and private sectors provide services to a minimal number of women victims of violence.

In Nepal, legislation is not in place to prevent and punish domestic violence. Regarding traditional and contemporary culture-based violence against women, allegations on practicing witchcraft are prevalent and a significant national issue. Mostly rural, unprivileged and older women are victims of torture, battering and abuse. To date, there is no policy or law to deal with violence against refugee or internally displaced.

## PEACE AND SECURITY

### Security Council Resolution 1325

In South Asia, public awareness about Security Council Resolution 1325 is extremely limited. The Indian Government subscribes to it on paper only, taking no action towards enforcement.

In Nepal, despite minimal representation of women in the peace process, there have been tremendous efforts by grassroots wom-

en to work towards peaceful solutions to the civil conflicts.

In Pakistan, the Government theoretically subscribes to the Resolution, but practically no steps have been taken to ensure its implementation. Women's groups have been among the leadership in the civil society initiative over the last decade for promoting peace, particularly for building bridges with neighbors. The most successful experiences have been taking a women's delegation by road to India, the formation of an India-Pakistan Women for Peace platform, holding a women's theatre festival, and a substantial presence in all peace related forums in the country and region.

### Asylum Seekers, Refugees, Internally Displaced

India is not a signatory to the Refugee Convention. There are no laws or policies in place to address refugee and internally displaced women and girls. There is an influx of people from across the border, particularly from Bangladesh. They are treated as illegal immigrants and as such always fear expulsion from the country. The Government has no programs that facilitate their integration into society.

Nepal is also not a party to the Refugee Convention. There are around 100,000 Bhutanese refugees in Nepal and the majority are women. The refugees have no legal protection against summary expulsions as they are treated as illegal immigrants and not as refugees fleeing persecution. The Government has no policies in place to help their integration into Nepali society, and in fact is trying to send them back to their homeland. The State does not have any law that addresses forced migration.

The living conditions of refugee women are not very good, as most camps are without proper sanitation facilities, and health care and education facilities are also not adequately provided.

Due to the Maoist insurgency many women and their children are internally displaced. The court of law provides them with shelter and other facilities, including protection of human rights. However, most internally displaced women and girls live with their families in slums, ghettos and temporary shelters with little or no access to basic social services.

For refugee women and girls in Pakistan there are no policies or laws to protect their human rights. There are two kinds of refugee camps in Pakistan: the registered and the unregistered. Refugee women and girls in the former camps have access to provisions that the UN Refugee Agency (UNHCR)



specifies. However, there are resource shortages and lack of access to sanitation, water, schools for girls and medical care. Those in the unregistered camps do not get any of the handouts, and these families have to fend for themselves. Women from these camps often have to resort to begging and girls to scavenging in public waste bins. The Government does not have programs that facilitate their integration of refugees into society.

### The International Criminal Court

None of the reporting countries are parties to the Rome Statute of the International Criminal Court. In India, any interest is mainly academic, with limited awareness among human rights activists. In Nepal and Pakistan, the awareness level on the ICC is also negligible.

## POWER AND DECISION-MAKING

### Representation

From 1995-2004, for women's empowerment and rights in decision-making in Bangladesh were very nominal.

Since 1997, women have been elected directly in the reserved seats in the Union Parishad (bottom-tier of the local government), municipality and city corporation. One-third seats are reserved for women at all stages of the local government level. These reforms only occurred after pressure from the women's movement.

In the National Parliament, 30 of 300 seats (recently it has been proposed to become 45) are reserved for women. But in these seats women are nominated not elected by voters. Therefore, these women parliamentarians are not accountable to the voters, and serve the interests of the ruling party rather than of women. The few (six) directly elected women are not allowed participate in national delegations.

A combined action plan of four Ministries has been developed for a project called "Capacity-Building for Gender Mainstreaming" to ensure the participation of women in both politics and administration.

In the judiciary system the numbers of women in decision-making has increased. Several women have been selected and promoted to the post of District Judge, and since 1995 women have been appointed to the High Court and as female judges. There are also various instances of women taking part as decision-makers in the private sector.

In India, a silent and historic revolution has taken place in regard to the representation of women in rural and urban institu-

tions of governance. Earlier there were nominations but now women are directly elected. With 33 percent reservation in these bodies, over 10,00,000 women find space in the Panchayati Raj Institutions—Village Panchayats, Panchayat Samities and Zilla Parishad (that is, District Council—and urban local bodies (Municipalities and Municipal Corporations) both as members and chairpersons.

In the State Legislative Assemblies and Parliament, the representation is extremely low. In Parliament it has not exceeded 9 percent. In the Lower House (House of Representatives) in the elections held in 2004, the number of women actually declined from 49 to 44. In the Upper House (Council of States), however, it increased from 20 to 28 of the total of 250 members. Persistent patriarchal attitudes, traditional gender roles, criminalization of politics, use of muscle and money power are major obstacles to women's full political participation. Only candidates with resources can manage to get on party tickets and contest elections.

Women's groups continue to push for a 33 percent reservation of seats in the State Assemblies and Parliament.

In other areas of decision-making there have been minor gains. In the Audit and Account Service, the increase is from 19.94 percent to 22.31 percent; in the Economic Service, it is from 16.24 percent to 21.56 percent; in the Statistical Service, the increase is from 7.71 percent to 12.94 percent; in the Administrative Services, there is a marginal increase from 10.22 percent to 10.42 percent; and in the Police Service it is as low as 3.83 percent. Entry in all these services is on the basis of competitive examinations. In the Foreign Service, the increase is from 11.43 percent to 13.38 percent.

In Nepal, 5 percent of candidacy level seats are secured constitutionally for women in the Parliament, and 20 percent of seats are secured for women at the ward level of local self-government. Political parties have not fully demonstrated their commitment to mainstream women in decision-making levels of their respective party hierarchies. There are special capacity-building programs have been initiated for the elected female representatives at various levels.

Barriers to women's representation include: corruption; lack of resources; a culture of violence, which discourage women from political participation, including concerted public character assassinations and intimidation of female candidates and poli-

ticians; socio-political and religious factors that deprive women from exercising their rights to vote as well as to contest elections at all levels; lack of commitment to implement international conventions relating to women's empowerment; and lack of an effective quota/reservation system.

Reforms proposed by women's groups include that all political parties should ensure reservation of 33 percent for women representatives at all levels; that budgetary allocations are available to ensure resources for women's empowerment and representation at all decision-making levels in the public sector; and that Election Commissions support setting up a fund to facilitate women's participation in the mainstream political arena.

In Pakistan, government policies are often inconsistent. On the one hand, discriminatory laws are on the statute books reinforcing misogynist attitudes and norms; on the other, a government decision to enlarge the space for women's political participation has made it possible for women to overcome a number of cultural barriers. However, the Government has not ensured that the provisions are fully followed. In areas where cultural practices have prevented women from voting or contesting elections the Government has failed to act.

Thirty-three percent of seats are allocated for women in Union Councils, Tehsil Councils and Zila Councils. Nearly 40,000 women have been elected as councilors. The number of seats for women in the National and Pro-



vincial Assemblies and the Senate have been raised to a total of 60 seats in National Assembly, 128 in Provincial Assemblies and 17 in the Senate. Also, women judges have been appointed to the High Courts.

The representation of women has increased in local and national governments due to effective advocacy and lobbying by NGOs over the last decade. Women's participation has also increased in administrative services

due to these being opened to women. However, only a very small percentage of women reach higher levels of decision-making. The formation of the national Commission of the Status of Women has created the opportunity for women to have a say in decisions affecting them.

Several public and NGO programmes—such as the National Program for Women's Political Participation, Voters Education Project on the Importance of Women's Vote and the Citizen's Campaign for Women's Representation in Local Government—have been launched. The shortcomings of reserved seats for women in legislative bodies include that women were indirectly elected and chosen by political parties for reasons other than merit (sisters, wives, daughters of leaders). At the local government level, while the women were directly elected, a fairly large proportion were put forward by families and were therefore inexperienced.

The political parties have started the process of having women participate in their ranks but this is slow moving.

The electoral and campaign finance systems in the country are not well organized; usually the activities are sponsored by the candidates themselves. As they do not control the finances, women are at strategic disadvantage. As a consequence, only women from the better off social strata of society are involved in the process.

### Impact of Representation

In Bangladesh, women's empowerment and rights to make decisions have been included in the 14 clauses of the 1997 Women Development Policy declaration. Birth registration is highly important. Radical steps have been taken by incorporating the mother's name in all academic certificates, voter lists, job applications, passport and admission forms of educational institutes.

Though many changes in laws, policies and actions have been taken, there are no guidelines on how to disseminate these laws. Sporadic efforts by NGOs to publicize CEDAW and the Beijing Platform are on record, but are totally insufficient. From a cultural perspective, women are far behind in empowerment and decision-making in Bangladesh. As women do not get equal rights to family property, they are always placed behind in the process of decision-making. Revising the laws regarding inheritance and nationality would be a first step to lead women to empowerment and decision-making.

In India, the National Commission for Women has reviewed 35 laws affecting wom-

en and made recommendations for necessary amendments to these. The Ninth Five-year Plan (1997-2002) adopted a Women's Component Plan to ensure that benefits from other development sectors do not bypass women. An appraisal of the Plan revealed that the goal could not be fully realized.

The Tenth Five-year Plan has set out certain monitorable goals that directly have a bearing on women, be it the reduction of poverty (by 5 percentage points by 2007 and



15 percentage points by 2012); reduction of gender gaps in literacy and wage rates by at least 50 percent by 2007 and reduction in the infant mortality rate to 45 per 1,000 live births by 2007. Women parliamentarians have had their share to contribute but it is the relentless efforts of the women's movement that can be credited for the gains that have been made.

Women politicians prioritize varying issues. Women at the national level put a premium on social, economic, constitutional and legal issues, whereas at the local level issues of infrastructure (schools, hospitals, roads) have priority.

It is neither a common nor a regular feature for women politicians to take a position across political parties on gender issues.

The Department of Women and Child Development is not an independent ministry and it is under the Ministry of Human Resource Development. It continues to focus on project implementation rather than acting as a catalyst for policy changes and law reforms. The consultation mechanisms with civil society groups are equally very limited.

In Pakistan, women's representation in Parliament is a relatively new occurrence (since 2002), therefore their impact thus far is limited. Women are still primarily trying to find their feet and space. Most are interested in development funds for their constituencies (for schools, roads, infrastructure, etc.). A few are interested in constitutional/legal issues. One of the women legislators has tabled a bill on women's empowerment that includes the repeal/amendment of the Hudood Ordinances

and regarding "Honor Killing". Another one has tabled a Domestic Violence Bill in the Punjab Provincial Assembly.

Women's presence in the political domain in greater numbers has created broader acceptance for their participation. Women are now members of the parliamentary Standing Committees, in the cabinet and sent on official delegations. Their impact varies depending upon where they are placed, their political affiliation and their social/economic background.

There is a Ministry of Women Development that steer the follow-up of the Beijing process. It successfully mobilized NGOs to write the national report for Beijing with government counterparts, included several NGOs in the official delegation, and set up a government/NGO mechanism for the collaborative development of a National Plan of Action (NPA) for implementation of the Beijing commitments. The NPA, adopted by the Cabinet, is the official framework for women's empowerment and development policies and activities in the country and reinforced the demand for mainstreaming gender. The National Policy for Women's Development and Empowerment (NPWDE-2002) and the National Commission on the Status of Women (NCSW) as policy and institutional mechanisms were both steered by the Ministry.

Among shortcomings is the fact that the Ministry is still not considered important in the government. Its effectiveness has always been determined by the strength of individuals who head it. Further, the NPWDE and NCSW provisions do not meet the expectations of women's organizations.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

In Bangladesh, women remain unrecognized in major economic and finance plans and policies. Insufficient attention to gender analysis has meant that women's contributions and concerns are too often ignored in economic structures such as financial markets and institutions.

Although globalization of the economy may create employment opportunities for women, these jobs tend to be characterized by low wages, few labor standards, and very poor working conditions, resulting in women's occupational health hazards, low skill levels and lack of job security and social security.

The main gender implications of globalization was in terms of the feminization of the labor force, especially due to the growth of the export-based readymade garments and

light manufacturing industries in export processing zones (EPZs).

In Pakistan, no measures exist to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women, nor has there been gender-impact analysis of economic policies and programs. In 2003, the Finance Ministry did have gender perspectives included in the Poverty Reduction Strategy Paper, a minor advance.

### Access to Public Services and Resources

In Bangladesh, micro-credit programs prefer women only because they can be coerced for weekly repayments. While micro-credit is supposed to be a form of economic support to women, it is actually being used by the male members of families while women take the responsibility of repayment.

In Nepal, women still have to get permission from male family members in order to get credit facilities.

In Pakistan, there are a number of micro-credit programmes run by NGOs and semi autonomous institutions to promote women's earning capacity in the public sector. There are women's Technical Training Centers in provincial capitals providing training in office management and secretarial skills. The First Women's Bank organizes training in credit management for women they provide credit to.

Women have the legal right to inheritance, the shares are determined by Muslim personal law. However, in reality women seldom have control over their inheritance.

Defense expenditures and debt repayment are always the largest items in national budgets. Expenditures on social sectors are always low (e.g. 0.8% on health, 2% on education). Despite being primarily an agricultural country, Pakistan's allocations for agriculture have declined over the years.

Access to training, credit and information is better and relatively easy in urban areas. Savings and credit schemes reach out to women in rural areas but unevenly; legal literacy taught by NGOs only reaches urban and rural women in small pockets. Women in the poorest and remote areas do not have access to any of the above.

There are no quality free or low-cost legal services provided by the Government; only a few NGOs are working towards this objective.

### Employment Patterns, Women's Work

Bangladesh is faced with landlessness, unemployment, illiteracy, malnutrition and fre-

quent natural disasters. As in other countries, women in Bangladesh are the poorest of the poor and also disproportionately represented among the poor. There is a considerable difference between women's and men's access to economic opportunities.

Women typically work more hours per day than men irrespective of income and class. They also have less leisure time than men. On average in Asia, including Bangladesh, women work 13 hours more per week than men. Women wage-workers are often paid in kind, which normally equals a third to half of men's wage, on the grounds of their supposedly being less productive. Women's earnings are about 42 percent of men's earnings. The female wage rate is 60 percent of the male wage rate in urban environments and 57 percent in rural environments. Women face several barriers in the workforce, including lack of adequate transport, lack of childcare, overtime work, night travel and night work, sexual harassment and abuse, and lack of health care. Funding is required to address these issues.

Due to the difficult economic situation and their lack of bargaining power many women have been forced to accept low pay and poor working conditions. Women's acceptance of low wages has made them preferred workers over men.

The changing nature of employment in Bangladesh has in some cases led to a loss of jobs even for professional and skilled women. Many women have entered the informal sector due to lack of other opportunities.

The garment industry in Bangladesh has grown substantially in recent years, and currently employs about 1.5 million workers, 90 percent of whom are women. Both the low opportunity cost of female labour and non wage factors such as docility account for entrepreneurs' preference for employing young women and keep the wage level in the garment industry very low—amongst the lowest in the world. For instance, the hourly wage level is 50 percent 42 percent and 33 percent of that of Nepal, India and Sri Lanka respectively.

Although garment manufacturing is a highly labour intensive process some studies found that labour cost comprises only a modest proportion of the total cost of production.

However, the garment industry is dependent on imported raw materials. Nearly 90% of the woven fabrics and 60% of knitted fabrics are imported. Bangladesh may face a supply shortage of required fabrics as current suppliers move to production. As a result women workers may also lose this job

in this industry. Due to globalization, Bangladesh garment industry is likely to face many competition.

Meeting these challenges will require a transition from the present low-wage productivity regime to a new regime where higher productivity and better job quality with other strategic interventions to diversity of garment products, markets and establishment of backward linkage industries will be the elements to remain competitive in the global challenge.

Women have to live under more vulnerable situation due to natural disasters illness re-productive fairness and desertions. They face a relatively greater degree of insecurity due to violence such as, assault, rape, murder and also suicide (in some cases) than men (Re thinking rural poverty a case of Bangladesh).

The Ready Made Garment Sector is in operation for 25 years. It started in 1977-78. The total number of garment factories is 3,749. The total number of workers is 1.8 million (80% are women) according to BGMEA estimation. The number is more according to the Garment workers Federation. It is 2.0 million of which 25% are under 18 years of age.

The total annual foreign exchange earnings is 6 billion US dollars, which is 76.57% of country's total export earning. Bangladesh is the 6th largest suppliers of RMG in the USA and 5th largest suppliers in the UK.

Women's unemployment is a serious problem. Migrant female workers remain the least protected by labor and immigration laws. Women with young children, particularly those who are also heads of households, have extremely limited employment opportunities for reasons of inadequate sharing of family responsibilities by men in households and society.

Discrimination in education and training, hiring, remuneration, promotion and horizontal mobility practices as well as inflexible working conditions, lack of access to productive resources, family responsibilities combined with lack of insufficient services such as child care continue to restrict employment and other opportunities.

The majority of women work in "non-standard" work such as temporary, casual, multiple part-time and home-based employment. Women's participation in the formal and non-formal labour market has increased significantly during the past decade. Women continue to work in the agriculture and fisheries sectors. They have become very visible in employment areas such as garments, construction, overseas migrant work and even



## Box 16. The Rights of the Dalit People BY FATHIMA BURNAD, TAMIL NADU WOMEN'S FORUM

Dalits, the lowest caste in India, experience intense oppression and discrimination. Representing 16 percent of the total population, they are treated as untouchables, and they are forced to do all kinds of inhumane activities in society. Only 15 percent of Dalits are literate. They are landless and have no access to common resources. Dalits are segregated and are forced to live separately from the main villages. Dalits perform the lowest jobs in society, working as employed as manual scavengers, street sweepers, housemaids, bonded laborers, garbage collectors, and shoe makers. They are also given the tasks of cleaning cow sheds, burning dead bodies, working in the mortuary, skinning and removing dead bodies and human fecal matter.

Dalits are not allowed water from common water sources or to move freely in the streets. Separate glasses are kept in teashops for them. Dalits are not allowed to take baths in common wells or wear shoes on their feet in the streets of others. Dalits are refused entry to temples. They have no right to go to the barber or be seen at bus stops, in the park, at hotels. Separate seats are kept for Dalit children in schools. They are forbidden to marry anyone from another caste. Dalits are served food and water in their hands and are not allowed inside the houses of other castes.

78 percent of Dalits households have no electricity; 90 percent have no sanitation; in the rural areas 49.48 percent of Dalits live below the poverty line and in the urban areas 48.11 percent; 60 percent of Dalit children under four years of age are malnourished and infant mortality rates are 90 per 1000 births. More than 15,000 cases of atrocities are committed against Dalits every year. This includes 513 murders, 4,000 grievous injuries, 439 cases of arson, and 787 case of rape.

Dalit women, who constitute 49.96 percent of the 160 million Dalits in India, face even more atrocities and greater discrimination than Dalit men. As agricultural workers women are paid half of what the men are paid. They are often gang raped at the workplace. They have to clean dry latrines without wearing gloves. They carry human excreta on their heads in baskets, which leaks all over their faces. They work in very unhygienic conditions and are very weak, malnourished. Dalit women are frequently sick because they take very little food because they feed the family first and only take what is left.

as entrepreneurs. They have also become increasingly involved in micro, small and medium-sized enterprises in rural and urban areas. Women have also joined the Federal Chamber of Commerce, as well as forming their own associations.

Despite many limitations and hardships, women's share in the labor force continues to rise and almost everywhere women do remunerated work outside the household and make substantial contributions to their families. Women migrant workers, as well as domestic workers, contribute to the economy of the sending country and receiving country. Women produce goods and services for the market and look after family handicraft enterprises. This work is often under-valued and unrecorded.

Women's unremunerated work includes, among many other things, caring for children and older persons, managing food for the family, protecting the environment, and providing voluntary assistance to vulnerable and disadvantaged individuals and groups. Women's work in these areas is never measured in quantitative terms and not valued in national accounts.

In Nepal, women are generally in informal work and are paid less than men. In the agricultural sector, they are key participants, responsible for 60 to 70 percent of output, and work more than three hours longer each day than men (an average of 11 hours a day, compared with 7.5 for men). The greater work burdens that women bear, their generally poor health and limited access to health

They have weak uteruses and therefore suffer from prolapses. They carry heavy loads and are anaemic. Since they are agricultural workers and their work is to bend they get back pain. Some Dalit women are left with a 'hunch' as from bending so much. Agricultural work means always standing in water-filled fields. They get sores on their toes, skin rashes and diseases due to pesticide poisoning and are infected with water borne diseases. Most of the Dalit women suffer from cervical cancer and have white discharges for life, as well as infectious diseases.

A Dalit women's life is not valued. She lives in a society where her life is constantly at risk. Dalit women are raped and sexually exploited.

The State forces Dalit women to be sterilized or to use long-acting, dangerous, hormonal contraceptives.

Due to the globalization process, Dalit women are often unemployed and struggle hard to earn their living. Many Dalit women have entered prostitution to make ends meet.

Article 17 of the Indian Constitution states that untouchability has been eradicated. However, untouchability continues to be practiced in the villages. The protection of Civil Rights Act (P.C.R. Act) of 1995 explains the offenses for various forms of untouchability. There are special courts and agencies where cases of untouchability can be reported. The Prevention of Atrocities Act of 1989 declares untouchability to be an atrocity. While commissions and committees at all levels have been established to address the problem, these actions mean little to Dalits because there is no political will at the judicial and bureaucratic level to see that laws are strictly implemented.

Today, Dalits are struggling for their human rights and a new identity. Dalits have mobilized to form their own movements. Yet, these movements are not strong enough to fight against the root causes of caste discrimination and untouchability and have not involved Dalit women. Dalit women, as a result, have created their own autonomous movements. They are working to eradicate the caste system and untouchability. In order to succeed, the Dalit women must be joined by all people's movements.

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care, and a persistent gender gap in education are severe constraints on the country's economic growth.

Nepali women also play a vital role in the economy through unpaid work in the home, though their contributions to household incomes go undocumented. Interventions to strengthen women's economic participation are based on the assumption that bolstering women's contributions to household income will increase their influence over decisions related to household spending. Research has shown that women are more likely than men to spend income on nutrition, health care and education, so putting money in their hands through micro-enterprise should result in households spending more on the family's well-being. Additionally, groups of women



brought together in economic empowerment groups will remain active participants long after completing a literacy program.

While women's contributions to the national economy had previously gone unrecognized, in the last nine years their contributions have been acknowledged in some areas. The national labor survey recognizes the economic value of work done by women in the agriculture sector. Women's work in the informal sector has also been recognized in a national audit. In addition, the design process of new economic and poverty alleviation programs gives due consideration to women's economic contributions. The challenge now is to institutionalize this concept within both national and local planning processes.

Having ratified International Labour Organization Convention 100, Pakistan is committed to enact laws for equal remuneration for men and women for work of equal value and to provide protection against sexual harassment. The laws still await passage. Nevertheless, business centers have been set up in the major cities to identify, promote, encourage and assist women entrepreneurs in business activities, and several schemes for micro-credit and training opportunities for women are in place. However, the cultural barriers to women's economic activity are immense, and limiting their economic participation and forcing them to work from home at exploitative rates.

Laws providing for equal pay for equal work or work of equal value and protection from sexual harassment in the workplace but has not yet been enacted. There is a law concerning maternity benefits for pregnant women (three months paid leave).

There are no laws in place to promote equal economic opportunities for indigenous, internally displaced, immigrant or refugee women.

Women's participation rates in the formal sector are at about 9 percent (men: 48%). Unemployment levels are at 17 percent for women and 6 percent for men. The official Labour Force Survey fails to reflect women's economic participation as it only records women's formal sector employment.

Women in the informal sector working as domestic help or involved in other income-generating activities from their home, and women in the agricultural sector, are not accounted for. Yet 62 percent of women are reportedly are contributing family workers (compared to 17% of men), 24 percent as salaried workers and 14 percent self-employed, reinforces the invisibility of women's employment.

## EDUCATION

### International Agreements

Bangladesh is a signatory to the World Declaration on Education for All (EFA) and prepared a comprehensive EFA National Plan of Action (1995). This highlighted the Government's commitment to ensure basic education for children, adolescent and adults in the context of EFA 2000 goals.

Following the EFA Conference in Dakar in 2000, the Government designed an extension plan named Education for All: National Plan of Action II (NPA-II 2002-2015) in order to further expand, strengthen, continue and complete the work in progress. In addition, the objective of this plan is to improve quality and attain full equity in basic education in all respects to achieve the EFA goals, as reaffirmed at Dakar, by the year 2015.

In order to achieve education for all, Bangladesh had taken up some programmes in the first National Plan of Action (1995) to broadly increase enrolment rates, reduce dropout and illiteracy rates, improve basic learning competencies, ensure equity and more. A notable increase in girl's enrolment over the years has been achieved. In 1991, the male/female student ratio in primary school was 119.8:100, but at present the ratio is 103.8:100. Boys' enrolment rate is 51 percent whereas girls' enrolment rate is 48.9 percent.

During drafting of NPA-II participation of all levels was not ensured. Another major constraint in implementation is the limited accessibility and control over resources by the Government. Resource allocation is done as per donor's requirements. There is no institutional support mechanism by the Government for publishing and disseminating national and international norms related to women's equal rights and education.

Pakistan has ratified the international recommendations in the Education for All agreement and Millennium Development Goal 2 on education. Steps taken to achieve the targets include: promulgation of the Compulsory Primary Education Ordinance in 2002 and of free and compulsory primary education in a phased manner envisaged in National Education Policy 1998-2010. Programs for providing necessary infrastructure for primary education are being developed throughout the country by the Ministry of Education. Gender-sensitive learning materials are being developed by the Government, and crash literacy programs focused on rural girls, illiterate women and out-of-school children are being initiated.

NGOs are acknowledged as key implementing partners in the non-formal education sector and gender sensitization initiatives. The Government does not directly support women's groups and NGOs in publishing and disseminating the above information.

### Public Policy

National action plans in Bangladesh address equality and equity in education. However, there is no specific mechanism to measure sex discrimination in education. There are policies to protect women and girls from sexual harassment in schools, but there is no strategy for implementation. Besides, the role of law enforcing agencies is very weak.

Some NGOs are providing vocational training for both boys and girls. At secondary level there is vocational and technical training for both boys and girls as per government policy.

There was a national literacy program aimed at adult (both men and women) run by Directorate of Non Formal Education (DNFE). However, this has been abolished. A Non Formal Education (NFE) framework is being developed by the Government, which is likely to contribute to the literacy of women. There are still several adult literacy programs in the country that are run by national and local NGOs.

Pakistan's policies on education do not have a multicultural gender perspective. The

Dalits experience intense oppression and discrimination.



Education Sector Reforms have, however, placed overcoming the gender gap in literacy and primary level enrolment as the central element. The target is to achieve universal primary education by 2015, to reduce the rates of female dropouts at the secondary level and double the number of women in higher education. Female enrolment has increased but the gender gap is still at 30 percent. Incentive-based schemes have also been initiated for female enrolment, and donor funds for NGO sector involvement for quality education are also available.

The Government has encouraged the start-

In Pakistan, families are now more eager to educate daughters and the number of girls' schools is being increased, but women still find it difficult to access training.

ing of women's studies courses in higher education institutions and is supporting five women's studies centres in the major public sector universities in the country. NGOs have worked substantially for this.

Guidelines for training policies in vocational education have been established to achieve a quality education with equal opportunities for women, though the spread of such institutions is limited. There is a national adult literacy programme that includes women.

### Access and Changes in Practices

In Bangladesh, steps that have been taken to promote access to education for all women and girls. Sixty percent of vacancies in teaching will be filled by female teachers.

The Primary Education Stipend Programme was launched in 2002 to enable poorer rural families not only to enrol and to retain their children in school, but also to provide an incentive to those children excluded by poverty to complete their primary schooling rather than working.

Since 1994, the Government has been implementing four girls' stipend projects. The Female Secondary Stipend Programme of 2002 is a plan to extend the existing Female Secondary Stipend Assistance Program (FSSAP), for girls of 11 to 12 years of age, to implement an additional new program for poor families of rural primary age children.

The Ethnic Minority Framework was developed to provide access and quality education to the children of ethnic minorities, with particular attention to those children in Hill Tracts and other tribal communities in Mymensingh, Dinajpur and Rajshahi, with support and promotion of their culture, language and community values.

There is compulsory education at the primary level, which is free for both boys and girls. School fees are charged for boys at the secondary level.

In Pakistan, education is compulsory at the primary level with no school fees in public sector schools. Books and uniforms, however, are the responsibility of the family, and the costs often act as an obstacle for poorer households.

Achieving educational equality at the primary school level is the priority. Relatively more modest targets are set for other levels.

The desire in families to educate daughters has increased. The number of girls' schools is being increased, coeducation at the primary school level has become the policy, and the NGO sector is being involved at a wider level with availability of donor funding for the education sector. The private sector is also encouraged to expand the number of educational facilities. Curricula are regularly under review but progress on this is not seen as adequate.

Information on the labor market and training is not easily accessible for women, though information on training is relatively easier to access in urban centres.

There are no laws in place regarding the particular educational needs of refugees. Displaced girls come under the ambit of compulsory education.

### NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

#### Decision-Making

The Bangladesh Government's interest in women's participation in environment and natural resources is reflected in the Fifth Five year Plan 1997-2002.

During 1996-2001 the Minister for Environment and Forest was a woman. However, the representation of women at the decision-making level of the two departments under the Ministry (environment and forest) is still very low. In the Forest Department, of the 173 posts there are only 13 women appointed, mainly at the lower level of decision-making. In the Ministry itself, only the Deputy Chief and a research associate are women.

The National Policy for Women's Advancement addresses the role of women in sustainable development, though this issue is almost forgotten at the government level.

Participation of women in the development and construction of irrigation and flood control infrastructure was found to be insignificant in the past. Currently, local women are working along with men as construction workers in the Food for Works programme, embankment construction, tree plantation and other projects implemented by the Water Development Board. Indigenous communities have little representation in the decision-making processes.

It is now recognized that women are important contributors to food security in Bangladesh through their role in increasing yield potentials of agricultural production, in post-harvest operations, in homestead or home-based activities, in resource conservation and in agricultural decision-making. However, the policies on labor, livestock, forest, agriculture, population and more give very little or no coverage to women's concerns. In these policy documents, women have been given a secondary consideration as beneficiaries. No specific statement or objectives on women's development or participation is included in the policies, nor do they envisage measures to eradicate the existing gender disparities.

Women remain largely absent at all levels of policy formulation and decision-making in natural resources and environmental management, conservation, protection and rehabilitation, and their experience and skills in advocacy for and monitoring of proper natural resource management too often remain marginalized in policy-making and decision-making bodies, as well as in educational institutions and environment-related agencies at the managerial level. Women are rarely trained as professional natural resource managers with policy-making capacities, such as land use planners, agriculturists, foresters, marine scientists and environmental lawyers. Often women are not equal participants in the management of financial and corporate institutions whose decision-making most significantly affects environmental quality. Furthermore, there are institutional weaknesses in coordination between women's NGOs and national institutions dealing with environmental issues, despite the recent rapid growth and visibility of women's NGOs working on these issues at all levels.

In India, at the national level, women's representation in community-based organizations (CBOs) has been incorporated in programme guidelines. In most cases, one third of the seats on such CBO committees have been reserved for women.

At local levels, the quality of implementation has been variable and depends on the competence and commitment of the field staff. In areas with active gender-sensitive NGOs, implementation has been more effective than in others. In the majority of cases, however, although women's names may have been put on lists as per specified norms, their actual participation in decision-making has remained negligible. Women generally remain uninformed about official policies and their entitlements.

In recognition of the fact that simply as-

suring women's representation in CBO committees is inadequate by itself, the strategy of organizing women's self-help groups (SHGs) within participating communities has become a major government-promoted approach. However, these have largely not been effective. Under the common guidelines for the Government's Watershed Development Programme, while huge subsidies are provided to user groups of private land owners for undertaking soil and moisture conservation works on their lands, the landless women are organized into SHGs for savings and credit or artisanal production for sale. The SHGs receive a miniscule percentage of the total budget, the returns from their activities are poor or unviable, and these often have no relationship with natural resources management. Although poor women may benefit from short-term wage employment on watershed development activities, due to plantations being undertaken on village common lands, in the longer term they often end up losing access to the commons for grazing and firewood collection due to these being fenced off for protecting the new plantations.

Women remain excluded from Participatory Irrigation Management (PIM) programs through Water Users Associations (WUAs) due to the canal irrigation laws of most states permitting only land owners to become members of WUAs. They therefore cannot participate in any decision-making related to local level water use and management. In Gujarat, an NGO promoting gender-sensitive approaches to natural resource management was successful only in getting women accepted as non-voting members of WUAs in the state. Women's typical gender roles make them responsible for multiple uses of water (for drinking, bathing, washing, cooking and cattle), but these water uses tend to receive relatively less attention by the WUAs which primarily focus on irrigation.

In the case of agriculture, the sector employing the largest number of women, most government policies and programs have further marginalized women from their traditional role of seed selection and decisionmaking related to which crops to cultivate through the promotion of "green revolution" technologies and their market orientation. Even where government policies make a commitment to enhancing women's agriculture-related skills, parallel policies promoting mechanization of agriculture with the help of subsidies have been displacing the poorest women even from work opportunities as wage labor.

Practically all government agencies and departments dealing with natural resources

and the environment—be it land, water or forests—are literally "manned" by technocrats with there being only a small minority of women with the requisite qualifications. None of the concerned ministries yet have any gender units or specialists for ensuring that gender-differentiated priorities are mainstreamed in their functioning.

In Pakistan, the only space for women's participation in the environmental sector is through the local government tiers where there is a critical mass of women. There is, however, no assessment of the extent or quality of women's participation on environment issues.

There are very few women in government decision-making bodies on the environment. Gender policies have been developed by NGOs, and the National Plan of Action for implementing the Beijing commitments includes a chapter on women and the environment.

Women's interests are generally represented through the Women's Ministry; or by NGOs. There are no national monitoring systems related to the environment that are sex-disaggregated. Success stories are documented in the NGO sector. The main obstacle for women's full participation is that both environment and women are not high on the political/policy agenda.

### Gender Impacts

In Bangladesh, degradation of natural marine coastal resources (decreased fish or crustacean populations and mollusk banks, contamination of lagoons and coasts by tourism, harbors and the oil infrastructure) and soil infertility forces men and women to migrate to places where fish or seafood are supposed to be plentiful, whether or not these are protected zones. In addition to creating legal and environmental conflicts, this also increases environmental deterioration.

Because of the combination the sexual division of work and the feminization of poverty, women are frequently the ones who are most affected by the impact of environmental degradation. It should not be forgotten that the environmental impact also affects reproductive aspects.

The reduction in soil fertility and the decrease in food, water, fodder and firewood, entail an increased workload for women, extending the time and energy required to gather these resources from places that are further and further away.

It is becoming increasingly evident that marine-coastal zones are highly vulnerable to natural disasters as a result of global cli-

matic change. Disasters have a different effect on men and women. Women play a critical role in the kinship and reciprocity networks, which in rural and fishing communities mitigate the burden of poverty, risk and crisis. These networks are able to mobilize and redistribute resources, labor and information, thereby increasing the families' survival capacity. The role played by women in these networks needs to be better documented, understood and appreciated in order to contribute to equitable and sustainable management of marine-coastal resources.

Surface and groundwater are used in rural areas for households and irrigation purposes. Tube well water is mainly used for drinking as it is widely beloved to be a safe source. Only recently are villagers learning about the danger of arsenic in water collected from shallow tube wells. Arsenic has serious implications for women's health and the consequences are also severe in terms of their social and economic lives. Women face stigma once they are affected by arsenic contamination. Although there are treatment facilities available, women's preferences are not yet clearly taken into account. Other household chores, including washing, bathing and cleaning, are still done using ponds and river water, which could be the reason behind the prevalence of water-borne diseases.

Among the hill peoples, it is usually women who do the seed selection work and have the most detailed knowledge about crop varieties. Furthermore, their involvement in food production gives women an elaborate knowledge of its nutritional and medicinal properties. Little attempt has been made to tap or enhance this knowledge and understanding. The degradation of natural forests also results in the disappearance of women's knowledge of natural resources. Thus the impact of deforestation on indigenous women can be argued to have affected not just their economic well-being and health, but their status in the society. Indigenous women, through their traditional role as *de facto* managers of the rural household are involved in virtually all household and outside activities.

In India, there do not seem to be any sex-disaggregated national monitoring systems relating to the environment. Various research studies have examined the gender-differentiated impacts of environmental degradation. While these have certainly helped in the design of specific programmes that are more gender sensitive, there is no systematic integration of these learnings into central or state policies.

In Pakistan, there is no systematic informa-

tion available regarding the impact of environmental degradation on women's work. A participatory poverty assessment carried out in some of the poorest communities across the country in 2001 indicated that environmental degradation has made women's work more time-consuming and tiring. Access to fodder and fuel has become particularly difficult, and water shortages create problems of fetching as well as of managing household chores with the limited amounts available. Resources that used to be free in the past have to be paid for.

The impact on women's health is also not systematically assessed anywhere, but studies have shown that the use of pesticides and chemicals in agriculture has been hazardous for women, especially those who pick cotton and when the pesticide-infested crop residue is used as fuel. Children too are exposed as they accompany women in the fields. Industrial effluents have been dumped into water courses contaminating water bodies. Women get exposed when using the water for their household or personal use. The quality of water has deteriorated and is equally damaging to the health of women, men and children.

Women's incomes are affected because of the lack of time available for craft and other production that women carried out for personal income. Also the raw material, such as reeds and grasses, that they could get free of cost to produce marketable items is now no longer available as more and more land is getting waterlogged and saline. Scarcity of fodder also means the number of livestock is reduced and so also is income.

### Right to Natural Resources

In Bangladesh, water issues are very much gender issues as well water for household purposes is collected, stored and used almost entirely by women and children. The health of the entire family depends on how efficiently they carry out this important task. Women in many parts of the country undergo severe physical hardship while collecting water from distant places under unfavorable weather conditions. They face social restriction on where and when to go for water collection. A significant amount of women's time and effort is taken up by water collection, 75 minutes a day on average. This means less time available for other household and income-generating activities.

The ever increasing competition for water affects the poor most, especially women and girls who have to walk further in search of water to meet minimal household needs. Scarcity causes conflict within households

and among communities. Poor women in the cities suffer from severe scarcity of water for drinking and washing purposes.

The adoption of the new national Water Policy in 1999 addressed the questions of good governance in the water sector in Bangladesh. The draft National Water Management Plan (NWMP) is awaiting procedural finalization and official adoption and implementation. The water supply services are going to be privatized, which will take control out of women's hands.

In India, no specific gender policy has been developed for water resource management, although the policy of ensuring that distribution of land to the landless should be either in women's names or in the joint names of husband and wife has been in place for quite some time. Even so, in many states this policy continues to be practiced in the breach. Some states have adopted more progressive gender policies on their own. For example, Andhra Pradesh has had a land purchase scheme for many years to enable landless women to acquire some land in their own names.

Initiatives for developing gender policies generally come from outside the concerned ministries, either from women's organisations or the Ministry for Women and Child Development. They are also promoted by bilateral and multi-lateral agencies like the UN and the World Bank. A major initiative being pursued by most of them has been the introduction of gender budgeting and collection of gender-disaggregated data. This, however, has poor integration of women's rights and entitlements over natural resources.

In some areas with active NGOs, issues related to women's rights and entitlements—for example, to collect and process non-timber forest products from forest—have been taken up through a combination of agitation, lobbying and policy advocacy. Some NGOs in Maharashtra and Gujarat have also taken up the question of women's independent rights to water. To date, however, these concerns have found limited reflection in implementable policies.

In Nepal, a recent amendment to the 1964 Land Act allows women to obtain tenancy rights but states that only unmarried women are entitled to the exercise of such rights.

In Pakistan, women's right of access to land and water used to be either in the property held by the family or in the commons. The commons, however, have vanished over the years as they have either been gradually appropriated by the powerful in the community or taken over by the Government for its

use or distribution. As a result women's access has shrunk.

Water is managed by the Government but there are endemic shortages for domestic use that women usually manage. In urban areas, water has to be bought at higher rate—usually from the same agencies that supply it. There is no organized women's campaign on this.

Gender is not taken into consideration in new strategies to access and benefit sharing of genetic resources and biodiversity with regards to ownership and patents. Intellectual property rights have not been asserted and are not even recognized formally.

## HEALTH

### Access and Affordability

According to the Bangladesh Demographic and Health Survey (BDHS), 80 percent of women feel that not having a health care facility nearby is an obstacle to accessing health care. Half of the women mentioned that lack of confidence in the services and getting to the health center are problems in accessing care. Seventy-one percent of women say that getting money for treatment and 44 percent say that getting permission to go are obstacles in access to health care. The Fifth five-year plan's main objective was to ensure universal access to essential health care and services of acceptable quality, and to further reduce population growth. Reduction of infant and maternal mortality and morbidity, improvement of nutrition levels and reduction of fertility with quality care remain important basic objectives of the Fifth plan.

The Government accepted the Primary Health Care approach as a strategy to achieve the goal of health care for all. The basic health needs of the population, especially the need of children, women and the poor are taken into consideration.

While poverty, gender discrimination and inadequate food supply and distribution are major contributors to malnutrition, and improper breast feeding and weaning practices aggravate the current situation. Women and children are the majority of those suffering from malnutrition. Earlier this year, the Government adopted the National Food and Nutrition Policy in an attempt to significantly improve the nutritional status of the people, particularly vulnerable groups including the elderly, and contribute to an improvement in the quality of life and socioeconomic development.

Analysis of the 1996-1997 BDHS data demonstrated that gender discrimination in health care utilization is present, with levels



of discrimination depending on the specific health service.

Gender discrimination is responsible for most cases of maternal mortality. The majority of women are never taken to a doctor because of social or religious restrictions. Early marriage does not help either as they result in teenage pregnancies that add to the risks.

In Bangladesh, of the 32 million adolescents, 51 percent are girls. Half of girls aged 15-19 years are married. 70 percent of the pregnant girls under age 20 receive no antenatal care while 97 percent of birth occurs at home. Young women lack knowledge about their reproductive health and have poor access to health services.

Adolescents have been bypassed by all programs and consequently their needs have neither been assessed nor addressed. Health services for the adolescent girl have special significance in South Asian countries, where there is a strong son preference. Such services would not only improve the health of the adolescent girl but would also have long-term inter-generational effects by reducing the risk of low birth weight and minimizing subsequent child mortality rates.

There are laws and policies related to number environment and public health. However, they are not being implemented in practice. The occupational health sector is being neglected and environmental health hazards are not being monitored properly.

All these laws also need to be either modified or strengthened to better address women's environmental concerns.

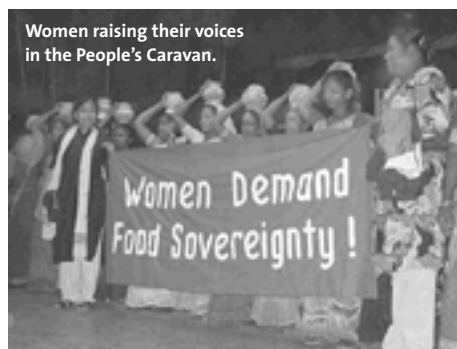
There is a constitutional guarantee of the right to health but this is not substantiated by any specific law and therefore cannot be exercised properly by any citizen. Most of the laws are obsolete because of the changes in the social, economic and political conditions. Moreover, new laws and policies are required to deal with the latest situation in relation to health care and health practices, health education, experimentation of safe drugs and medicine, safe food, safe agriculture, industry, occupations and the environment in general.

Since the 1960s, the introduction of the "green revolution" or chemical-based agriculture using chemical fertilizers, pesticides and extraction of ground water has caused enormous health hazards, including arsenic poisoning. But there is hardly any law that can deal with this situation. These newer aspects need to be addressed properly and ethically.

Health delivery systems in Pakistan are very poor across the country. Eighty percent of health services are provided by the private

sector. While there is an excellent structure for health on paper, in practice it does not deliver and the poorest, particularly in the rural areas, have to rely on unqualified medical practitioners. Women of reproductive age are particularly vulnerable as emergency obstetric facilities are only available in tertiary hospitals located in large urban centres and the only accessible and affordable health service provider is the untrained traditional birth attendant. Not surprisingly, the maternal mortality rate is at a high of 350-500 per 100,000 and has been so for the last decade.

The quality and gender sensitivity of health care services is poor both in urban and rural areas with a few exceptions. The needs



of girls and adolescents have recently been recognized but are not adequately addressed. Laws exist to address pollution and its impact on health and occupational health hazards. They are, however, outdated.

### Reproductive Health

In Bangladesh, access to information for women and girls regarding sexual and reproductive health is lacking. The society has a culture of silence on the issue of sexual health. To talk about sexual health or to get information on it or even to complain about it is a social taboo for women. The values of modesty and virginity are highly valued by the society. This concept of modesty is a big threat to woman's reproductive health.

To date, insufficient attention has been given to maternal care. Although the physical infrastructure is in place, the concept of the safe motherhood initiative and the provision of essential obstetric care are yet to be implemented.

The Government has reaffirmed its commitment to reducing maternal mortality in the recently finalized Poverty Reduction Strategy Paper (PRSP), which points to the slow decline in the maternal mortality rate together with decade-long plateau in fertility as having negative implications for poverty reduction. The study provides clear evidence of persisting disparities in health-seeking

behavior by maternal education and wealth status, with less educated and poorer women being less likely to seek qualified preventive and emergency obstetric care. Greater efforts are needed to ensure that the poorest women have equitable access to high-quality safe motherhood services. The challenge is not only to reach poorer women, but also to reach the two million pregnant women each year who do not receive any antenatal care.

In Bangladesh, abortions are allowed under special circumstances, although it is not legal. 5,000 women die every year in the country due to abortion and MR performed by unskilled midwives. Abortion is done in the name of menstrual regulation as a family planning method. Women going to the family planning centers can obtain abortions but are given a long-term contraceptive method in exchange. This is happening not only in the government clinics; many national and international NGOs are promoting contraceptives in exchange for abortions.

Bangladesh has the highest maternal mortality rate among developing countries and this now accounts for 37 percent of all deaths. About 20,000 women die in the country every year due to pregnancy and childbirth-related causes. The main causes for this are the lack of antenatal and care after delivery, lack of access to health services and lack of awareness of patients and their families.

Social and religious restrictions further impair rural women's chances of accessing the health delivery system. According to statistic collected by various social welfare organizations, the government health care facilities are accessible to only 10-15 percent of rural people.

Most pregnant women in rural areas are uneducated and do not appreciate the usefulness of antenatal care.

Women and girls in Pakistan have very little information about their sexual and reproductive rights. Family planning services have improved—the Contraceptive Prevalence Rate has more than doubled in the last decade—but still there is an unmet need for over 30 percent among women. There is no special information in the current system for adolescent girls, and sex education is not part of school curricula. Abortion is illegal unless the life of the mother is threatened, hence most abortions are unsafe. Eleven percent of maternal deaths are estimated to be due to unsafe abortions. In addressing the consequences of unsafe abortion, the only option is to take complicated cases to the tertiary public or private hospitals that have the facilities and capacity to deal with complica-

tions. The latter are costly and beyond the reach of the poor.

Prenatal/postnatal services have improved over the last decade due to the provision of trained Lady Health Workers (70,000) in the remote and previously un-serviced populations. But in the absence of accessible emergency obstetric facilities, improved prenatal/postnatal services do not reduce maternal mortality.

Since the International Conference on Population and Development (1994), the Government has made efforts to collect data relating to maternal health; has enacted health and population welfare policies to identify the problems; and has tried to address the problems. It has initiated a number of model programs in selected districts, which begin with setting baselines and monitor implementation. These need to be scaled up for greater impact.

There are no laws made to discourage early marriage amongst young women. The minimum age of marriage under the law is 16 for girls.

#### HIV/AIDS

In Pakistan, there is a National HIV/AIDS Action Plan under which initiatives have been taken by the Government to inform the public about HIV/AIDS through the media. Awareness programmes are also run by NGOs. The issue has been made a high priority by the Government. However, treatment facilities have not yet come and there are no laws and policies to protect people with HIV and AIDS against discrimination. There is a lack of information about the disease, preventive methods or treatment across the board.

Bangladesh was one of the earliest countries in the region to develop a comprehensive policy on issues related to HIV/AIDS and Sexually Transmitted Diseases (STDs), with key policy statements that recognize as integral parts of HIV prevention: human rights; gender equity; information, education and communication; behavior change; confidentiality for test results; the need for a multi-sectoral and decentralized response; the role of NGOs in implementation and coordination; a non-discriminatory approach; blood safety; and STD treatment.

In Bangladesh, HIV/AIDS-related health services and information are available to all, but there is still a low level of HIV/AIDS awareness. The level of political awareness is far higher than the level of project implementation.

Among the HIV infection cases reported, 80 percent were men, 51 percent among returning emigrant workers, 12 percent among

adolescents and youth (15-24) years of age and 4 percent infants and children (0-14 years of age). These numbers do not reflect undetected cases nor those detected at private clinics. In 2000, there were approximately 13,000 persons living with HIV/AIDS in the country.

Bangladesh has some of the highest risk factors in the region. Commercial sex workers have the highest client turnover rate (18-44 per week) and the lowest condom use in South Asia. Their rates of syphilis remain high. The current low prevalence situation could possibly mask an increasing prevalence in the general population. Factors relating to the porous border between Bangladesh and India, gaps in health care delivery, heavy labor migration and poverty have been recognized, among other causes, to promote the spread of HIV infection.

Most health care providers have not received formal training and are not sensitized to provide for the medical needs of people living with HIV/AIDS. There are very few user-friendly health services for youth and elders.

Various NGOs and international institutions are conducting and funding projects to track MDG 6 on HIV/AIDS and to meet its target.

Challenges include the lack of an overall monitoring and evaluation system, and of communication and coordination across sectors; that only NGOs are implementing targeted interventions; neglect of vulnerable communities like prison inmates, external migrants and children living on the street; lack of disaggregated data, technical assistance, support infrastructure and use of mass media; lack of fund transfer and accountability mechanisms among departments and ministers; and lack of knowledge among policy makers and weak coordination and monitoring.

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#### Sources

Bangladesh National Women Lawyers Association, "Violence Against women in Bangladesh," 2001 and 2002.

Centre for Policy Dialogue, "Macroeconomic Policies," National Policy Forum, Dhaka, 2001.

Chen and D' Sarma, "Sex Bias in Allocation of Food and Health in Rural Bangladesh," *Population and Development Review*, 1981.

Hossain, Shawkat Ara, *Women's Participation in Electoral Politics, Empowerment*, vol.1, 70.

Mahmud, S., "Gender Aspects and Mortality Among Children in Rural Bangladesh," *Bangladesh Institute of Development Studies Research Report*, 636, 1987.

Rahman, H.Z., "Rural Poverty: A Case for Bangladesh".

Salahuddin, Khaleda, *Rural Women in Poverty and Women in Urban Informal Sector*, 1992.

Sen, A.K., "Family and Food: Sex Bias in Poverty," 1981.

Sen, Binayak, "Politics of Poverty Alleviation by Crisis in Governance: A Review of Bangladesh Development," 1997; Centre for Policy Dialogue, Dhaka, 1998.

Shibly Noman Khan, ANM, "Women's Participation in Economic Activities by Empowerment," *Women for Women*, vol. 9, 57-74, 2002.

*Steps Towards Development*, January-March 2002.

UNCTAD, UNIFEM South Asia, "Options for Women in Textile and Handloom Sector Project: Gender and Trade," "Spinning in the Women's Way: Challenging World Trade," July, 2003.

United Nations Development Program (UNDP), "A Pro-Poor Agenda, Overview," Report on Human Development in Bangladesh, 1996.

World Bank, "Bangladesh: From Counting the Poor to Making the Poor Count," Poverty Reduction and Economic Management Network, South Asia Region, Washington D.C., 1998.

India: CEDAW Reports; Government Reports and Country Reports (1995,2000); Ministries Annual Reports; National Commission Reports.

# SOUTHEAST ASIA

## Lacking Political Will and Resources, Implementation Lags

In Southeast Asia since the Beijing Conference, there have been varying levels of legal advances, with the greatest struggles being those of indigenous, minority and immigrant women. With success in the crafting and passage of laws, however, implementation and enforcement has been grossly uneven if not absent. There remain inadequate monitoring mechanisms and indicators to measure the effect of government policies and programs—especially at the local level—and the impact of laws and administrative directives and regulations.

Entrenched gender inequalities throughout existing social, religious, cultural and political structures pose a great obstacle to policies being put into practice. Lack of implementation of policy gains post-Beijing is also attributed to the continued inadequacy of Government resource allocation, compounded by the financial crisis in 1997 that adversely affected government social spending and consumers' ability to pay for goods and services. In addition, resources

were further swallowed up by external debt in many cases. Economic liberalization led to a reduction in the more stable forms of regular employment and the growth of informalized work or temporary and part-time employment. Women have been entering the labor force in increasing numbers, while they also accounted for the majority of unpaid family workers. Low-skilled women workers in the agricultural and industrial sector are more vulnerable to market risk and potential exploitation, including long work hours and unsafe working conditions. The relative decline in the share of social services increases the amount of work women do in the unrecognized care economy, as they strive to provide services that the government should have been offering. There is also a trend towards feminization of migration and its attendant problems, including violence against women migrant workers.

The countries discussed in this section of the report are Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Thailand and Vietnam.

### HUMAN RIGHTS

#### CEDAW Compliance

All reporting countries have ratified CEDAW. Only Cambodia, Lao PDR and Philippines ratified without reservations. Reservations were as follows: Indonesia and Vietnam: Article 29 (Dispute between State Parties); Malaysia: Article 2 (Commitment to Eradicate Discrimination), Article 5 (Elimination of Stereotyping), Article 7 (Elimination of Discrimination in Political and Public Life), Article 9 (Citizenship), Article 11 (Employment and Labor Rights) and Article 16 (Marriage and Family); and Thailand: Articles 9, 10 (Education), 11, 16, 29. Thailand's reservation on Article 9, para 2 was subsequently withdrawn.<sup>1</sup>

Indonesia, Philippines and Thailand ratified the Optional Protocol. Cambodia signed but has not ratified. The general public and a great number of government officials have little to no awareness and understanding of CEDAW and the Protocol.

In Vietnam, existing laws have been revised and new laws drafted to better meet CEDAW standards, including the Penal Code, Labor Code, Marriage and Family Law and Land Law. The main obstacles to implementation include poverty and the gap in living standards. Vietnam is also still influenced by Confucianism, whose values contribute to gender inequalities such as women's lower status in the home, son-preference and the failure of men to fully share household and family responsibilities.

In 1998, the Cambodian Ministry of Women Affairs was expounded into full fledged ministry to work on the status of

women. A Royal Decree established the Cambodian National Council for Women in 2000, which assists the Government in monitoring and evaluation of laws, regulations and policy from a gender perspective and is responsible for the promotion of the status of women. However, in reality social cultural norms and weak enforcement impose heavy burdens on implementation.<sup>2</sup>

Since the ratification of CEDAW in the Philippines, the women's movement has successfully lobbied that the Constitution have a gender equality provision and guarantee women's rights in relation to working conditions, representation in local and national legislative bodies and equal citizenship rights. The Philippines passed laws to correct discrimination against women in employment, remove obstacles to women's entry into the police and military, and criminalize sexual harassment in schools and in the workplace. Milestone legislation on violence against women was also passed, covering trafficking, rape and various forms of abuse in marital, dating and common-law relationships.

The Philippine Government established a national Commission on Human Rights (CHR), which includes a Women's Rights Program Center. The Philippine Development Plan for Women (1989–1992), followed by the 30-year perspective plan, the Philippine Plan for Gender-Responsive Development (PPDG) (1995–2025), were developed to translate the provisions in the international commitments into specific policy and program measures. In the Framework Plan for Women for 2001–2004, the Government pursues more vigorously women's rights in the economy. The Constitution

incorporates a comprehensive catalogue of human rights, but legislative, judicial and administrative measures to implement those provisions are still lacking.

The concluding observations and comments of the 1997 CEDAW Committee report on the Philippines (CEDAW/C/1997/L.1/Add.8) noted that the major economic policies undertaken by the Government—the direction towards economic liberalization and privatization—may have serious implications for the economic position of women in the free trade zones and in rural areas. The Committee expressed concern that the trend towards feminization of migration and its attendant problems, including violence against women migrant workers, may be exacerbated.

#### National Law

Vietnam is a signatory to the International Convention on the Rights of the Child, and a number of national laws addressing children's issues. The 1997 Directive on Assigning Responsibilities aims to take appropriate measures preventing trafficking of women and children. The Plan of Action for the Protection of Vulnerable Children emphasizes protecting girl children from sexual abuse and exploitative labor. These laws and others are implemented by various authorities and agencies, and enforcement is scrutinized by the press and mass organizations and NGOs.

After the Beijing Conference, the Vietnam Government launched the National Strategy for the Advancement of Women in Vietnam by the Year 2000. To aid its implementation, a National Plan of Action by the Year 2000 (POA1) was approved. In early 2002,



A Cambodian Government regulation made prostitutes responsible for condom use with their customers. It did not work, as most sex workers don't report abuse.

the Government adopted a second National Strategy for the Advancement of Women by the Year 2010. The Plan of Action by the Year 2005 (POA2) was also developed to guide the implementation of the Strategy in the first five years. The National Strategy and POA2 contain fewer, but more focused, objectives in the areas of employment, education, health care, women's participation in leadership and strengthening the machinery for the advancement of women.

In 2004, there was a mid-term review of POA2 (2001-2003). Based on the reports submitted from 21 ministries/agencies and 47 provinces/cities, as well as the findings from supervision trips, the POA2 is being implemented fairly well. In 4 out of 20 indicators, the targets have not been achieved: unemployment rates in urban women (7.2% vs. 5-6%); rate of maternal death relating to pregnancy (91/100,000 vs. 80/100,000); percentage of health centers where midwives have high school certificate (49% vs. 50%); and representation of women in the National Assembly (27.3% vs. 30%). For some indicators, the targets have been surpassed, such as the percentage of female laborers receiving vocational training (30% vs. 20%).

The national machinery for the advancement of Vietnamese women is consolidated and extended at the lower levels. The Vietnam Women's Union (VWU)—a mass organization with nearly 12 million members—continues to conduct programs aimed at women's development and progress. It is developing the Center for Women and Development and will soon develop an Institute of Women Studies. The Board for Women Affairs under the Vietnam Labor Confederation, has been further strengthened to protect the rights and interests of women laborers. The foundation of the Vietnam Women Entrepreneur Council (VWEC), under the Vietnam Chamber of Commerce and Industry, is a significant event protecting the interests of women entrepreneurs in domestic and international trade relations. Ethnic minority women are guaranteed fundamental rights through laws and are entitled to benefits and social programs. The Government issued a decree in 2002 in which gender discriminatory customs among ethnic minorities, such as polygamy, are prohibited.

In Cambodia, there has not been a single review of laws to assess discrimination against women. Civil society organizations have not been successful in pushing for electoral reform, such as a quota for women or listing of women candidates in an alternative slot as election candidates for political parties. Prostitution is illegal in Cambodia; however, the punishment falls on the brothel owners rather than men customers. The "100 condom use" regulation, passed three years ago as a measure to combat the HIV/AIDS epidemic, made women responsible for the enforcement of the use of condom with their customers. This measure was ineffective, as most sex workers tend not to report abuse for fear of incrimination. Local laws fail to protect minors from sexual exploitation; most sex workers are under the age of 18. Enforcement of laws has been rather weak, as most brothel owners are backed by powerful security officials. Enforcement of laws on child pornography has also been inconsistent. Corruption and ineffective implementation remains the major obstacle to the protection of Cambodian children. No law has been put in place to protect the rights of the indigenous, minority and immigrant women population.

There have been significant obstacles to the implementation of the Government Action Plan. No steps have been taken to create or strengthen independent national institutions for the protection and promotion of women's human rights. Domestic violence laws have failed to pass and be put into practice for the past four years. Legal training for women at the grassroots level has been implemented, and monitoring of women's human rights abuses has been undertaken by local NGOs in collaboration with the Cambodian UN Center for Human Rights. Women's shelters have been opened for victims of trafficking and domestic violence. They are, however, few in number.

In Philippines, with the revision of the Civil Code and the enactment of the previously cited laws, the women's movement has achieved significant advances. But there is still more to be done, including efforts to pass a divorce bill and on reproductive rights.

Regarding policies protective of indigenous and minority women, the Philippine

Government proclaimed the National Decade for Filipino Indigenous People (1995-2005); the launch of comprehensive agrarian reform to improve tenure of indigenous communities to ancestral lands; adoption of measures to ensure inclusion of human rights courses at all levels of education; and the creation of "writeshops" on peace education, which included participation by members of indigenous communities. Also, the Republic Act 8371 and the Indigenous Peoples Rights Act of 1997 provides for the recognition, protection and promotion of the rights of indigenous cultural communities and peoples.

### Public Awareness

In Vietnam, there are gender awareness training courses for various target groups implemented by the National Committee for the Advancement of Women (NCAFW), Committees for the Advancement of Women that operate at the ministerial and provincial level and the VWU. The Ministry of Education and Training has introduced concrete measures to gradually remove gender stereotypes in school textbooks. The mass media have many programs featuring the issue of gender equality, contributing to a change in social awareness on women's roles and rights.

The Vietnam National Political Publishing House publishes all important UN Conventions to which Vietnam has acceded. NCAFW circulates copies of CEDAW, leaflets on the Convention's contents, gender statistics leaflets and many other gender-related documents in English and Vietnamese. After submitting country reports at the UN on the implementation of CEDAW, NCAFW always holds a conference to make public and circulate thousands of copies of the report. In 1998, the Prime Minister approved a program to set up law "bookshelves" in communes, wards and townships to provide local authorities and people with better access to legal information. In 2003, the Prime Minister approved the Program of Law Dissemination and Education from 2003 to 2007, in which women are one of the target groups. A program on human rights (60 hours) for key high-ranking Party and State officials has been taught in the Ho Chi Minh National Political Academy since 1998.

In Cambodia, human rights education programs that raise awareness among women are mostly sponsored by NGOs. There are no guidelines in place there at this time on how to use legislation to exercise individual rights.

The Philippine's Commission on Human Rights (CHR) has prepared a national Plan



of Action for human rights education for specific target audiences. Strategies include: trainers' training, organization of networks, integration of human rights in all educational curricula, utilization of village-level officials to reach out to the community, promotional campaigns including artistic and cultural activities, and the development of monitoring and evaluation systems. The CHR, in cooperation with the Department of Education, developed a human rights education curriculum for elementary and secondary school levels as well as a Human Rights Education Facilitator's Manual for the Training of Teachers.

### Violence Against Women<sup>3</sup>

Violence against women is a critical concern in Southeast Asia. Though some concrete legislation, policy and services have been introduced, progress towards achieving the Beijing goals has been slow. There were some efforts by governments to address the issue in National Plans of Action on women. For example, in the Philippines, violence against women has been addressed extensively and a chapter was dedicated to it in the Philippine Government's action plan to implement the Beijing PFA and the Philippine Plan for Gender-Responsive Development (1995-2025). The Malaysian Government attempted to address the issue in its Action Plan for Women in Development, formulated in 1997 as a follow-up to its National Policy on Women (1989). However, it did not merit a chapter of its own. Instead violence was discussed under the "Women and Family" chapter, which unfortunately limited it to the family context. Both Thailand and Vietnam made efforts to include concerns on violence against women in their national plan of actions, but the recommendations proposed were general in nature. For example, Thailand's Women and Development Plan (1999-2001) addressed the issue in the context of strengthening family and community ties, whereas the Vietnam National Plan of Action (1997) addressed it in the context of protecting the rights and interests of the girl-child. For other countries, there was no report of any efforts to include concerns related to violence against women in National Plans of Action on women.<sup>4</sup>

Although Beijing strongly emphasized the need to document the prevalence of violence through research and statistics compilation, all the country reports (with the exception of Malaysia) were unable to provide national prevalence data for the different areas of violence against women. Even in cases where some country reports (for example, the

Philippines) were able to provide statistical information on areas such as domestic violence and rape, this information was usually derived only from available police records. In most instances, indicators on violence against women from this source are unreliable due to under-reporting because of due to the social and cultural stigmatization associated with violence. This in turn underestimates the extent of the problem. In countries such as Indonesia and Thailand, one reported barrier was that the issue of violence against women was still viewed as an individual or domestic problem rather than a public health and human rights issue.<sup>5</sup>

For countries like Cambodia, Indonesia, Thailand and Vietnam, information on the prevalence of domestic violence was only available through small-scale studies. For example, in Cambodia the Ministry of Planning has revealed that 25 percent of the population was affected by domestic violence and 19.1 percent by sexual violence. Marital rape has not been recognized yet as an offense despite advocacy efforts of the women activist NGOs. Similarly, in Thailand the Friends of Women Foundation, an NGO, reported that 59 percent of married women were battered daily while 11.5 percent were battered weekly. Malaysia was one of the few countries that was reported to have carried out a nationwide survey on domestic violence even before the Beijing Conference. This 1992 survey found that 39 percent of women were estimated to have been battered. In the Philippines, dealt with by the Department of Social Welfare and Development from 1991-1997 concerned domestic violence.<sup>6</sup>

Most country reports were not able to provide up-to-date prevalence rates of rape, although an increase over the years was reported by both Lao PDR and Vietnam. In Lao PDR, for example—where violence against women was yet to be considered a major public problem, and hence no appropriate measures had been taken to deal with it—the reported incidence of rape increased from 21 cases in 1996 to 48 cases in 1997. Similarly, in Vietnam there had been 1,685 reported rape cases involving 324 children from January 1993 to July 1995. In 1996 alone, there were 847 reported cases of rape. In Thailand, it was reported that children 15 years and under made up 46 percent of the rape victims. Since the statistics reported were usually based on available police records, the infor-

mation could be an under-representation of the real incidence. It has been documented that police insensitivity and the associated social stigmatization are significant barriers to women reporting rape.<sup>7</sup>

Very few countries have reported reviewing and implementing new legislation on violence against women since Beijing, and even fewer countries have national laws that provide women with protection against violence. In Vietnam, the 1999 Penal Code has measures to protect women and also increases the sentence imposed for offense against a female victim. In 2002, the Ministry of Justice and VWU signed an agreement to carry out a joint program of law education and legal assistance for women. At the moment there are two centers that are very active in providing legal assistance for women. Advisory service centers, conciliation teams, hotlines and domestic violence shelters (only in Ho Chi Minh City) have been established to deal with violence against women. However, the services are insufficient to meet the demand.

In countries such as Cambodia, Malaysia and the Philippines, there was increased recognition of domestic violence as a seri-



Women farmers  
against protectionism.

ous problem by both the governments and NGOs. This was an outcome of the lobbying efforts of women NGOs and activist groups. However, to date Malaysia is the only country in Southeast Asia to have a Domestic Violence Act, which was passed in 1994 and implemented in 1996. Although this is a significant piece of legislation, it is reported to have its limitations as it only considers physical abuse and the threat of physical abuse as an offence, not psychological violence. The Philippines has made efforts to introduce a domestic violence act. In 1997, a Presidential Directive on domestic violence was issued calling on all government officials to campaign against violence against women. As for the other countries, some provisions for offences of family violence exist in the

Penal Code but these were considered weak in terms of ensuring protection and legal redress for women. Nevertheless, in countries such as Indonesia, Thailand and Vietnam, women's groups and NGOs are reported to be reviewing issues and legislation concerning violence against women as well as providing training and education to sensitize the public and judiciary system.<sup>8</sup>

Programs to train judicial, legal, medical, social, educational, police and immi-



Fiery speech at rally in Malaysia.

grant personnel about dealing with violence against women in Cambodia are performed only by NGOs since the government has created a special unit to deal with its problems, but lack resources and capacity to act effectively. No particular support services are available for migrant, immigrant and minority/indigenous women who have been subjected to violence. Shelters for handicapped girls who are victims of domestic violence are not available. Even the NGO shelters do not accept this category of victims because they lack the funding for the long-term care these girls require.

Very recently, after almost a decade of advocacy of the women's movement in the Philippines, milestone legislation on violence against women was passed. The Anti-Trafficking in Persons Act (2003) establishes policies, necessary institutional mechanisms and sanctions and penalties for traffickers and those who support them so as to eliminate trafficking in persons, especially women and children, and protect and support trafficked persons. The Anti-Violence Against Women and their Children Act (2004) aims to protect women and their children from physical, psychological and economic abuses in the context of marital, dating and common-law relationships. The Anti-Rape Law (1997) redefines and expands rape from being a crime against chastity to being a crime against the person. The Rape Victim Assistance and Protection Act (1998) establishes rape crisis centers in every province and municipality, to provide counseling and free legal assistance

and to ensure the privacy and safety of rape survivors. Philippines not only reclassified rape from a private to a public offence, but it also broadened the definition of rape, gender-sensitized the law and considered marital rape as an offence, though with the inclusion of a clause that nullifies the crime if the wife forgives the husband of the offence.

Generally, marital rape is considered a private affair between couples by most countries—hence the lack of legislative measures to deal with this crime. All the other countries, except for Cambodia, report having some provisions on rape in their Penal Codes. In 1997, Thailand proposed amendments to broaden the Penal Code's narrow definition of rape.<sup>9</sup>

In Cambodia domestic violence laws have been debated for the past three years but have failed to pass, as most legislators felt that the laws would violate family privacy and independence. Trafficking of women is exacerbated by poverty, weak laws, corruption of law enforcers and the culture of gender inequality. Trafficked women in Cambodia are treated as illegal immigrants, and then poorly by their communities if they return home.<sup>10</sup>

## PEACE AND SECURITY

### Security Council Resolution 1325

Awareness of Security Council Resolution 1325 is weak throughout the subregion. In Cambodia, even women NGOs working on peace issues do not use this measure. Women are strong advocates for the weapons reduction program, working with local authorities to encourage communities to turn in weapons. A recent survey shows that 50 percent of men and 70 percent of women in rural areas are involved in the weapons reduction program. In urban areas, women's participation is lower, at 50 percent. The survey finds that women play important roles as peacemakers as well as conflict mediators.<sup>11</sup>

Muslim women in Philippines have been engaged in peace advocacy since former President Joseph Estrada declared a "war on terror" in 2000 and focused attention on conflict-ridden communities, where military and rebels occasionally exchange fire. Peace advocacy has become the major weapon of women's groups to combat sporadic armed clashes in Central Mindanao. Women advocates have also spoken out against the situation in evacuation centers where women, men and children are lumped together, along

with livestock, with total disregard for hygiene, much less the vulnerability of women and girls to sexual abuse.

In Vietnam, women's initiatives are encouraged to promote peace and security. For example, the Vietnam Women's Union just signed agreements with its counterparts in Cambodia and Lao PDR on cooperation for stable and peaceful borders, especially cooperation in stopping trafficking cross border.

### Asylum Seekers, Refugees, Internally Displaced

In Vietnam, favorable policies are in place for victims, including sick and disabled veterans and dioxin victims, of the war with the United States. Women who lost husbands or stayed single due to the war have been provided with land or houses and may have children without facing discrimination.

In Philippines, there is no comprehensive legislation that grants refugee and asylum status. Approximately 1,800 asylum seekers from Vietnam are living in the country although they have been denied refugee status. There is significant popular support for allowing permanent residency to those who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continues to encourage voluntary repatriation but has not ruled out forcible repatriation.

The continuing armed conflict between the Government and the Islamic separatist groups in the South and communist guerillas in other parts of the country have inflicted hardships to civilians. According to international and domestic NGOs more than a million people, many of them women and children, have been displaced due to the hostilities.

In the Ecumenical Commission for Displaced Families and Communities (ECDFC) estimated that in Mindanao alone 203,000 families in 578 communities were displaced as a result of 42 separate incidents.<sup>12</sup>

Uncertainties in the peace process have lead to a long and protracted displacement, while damaged housing, and lost livelihoods have forced more and more people into evacuation centers where problems abound, including limited food supply, poor shelters and health and sanitation facilities, and lack of organized activities for children and adults. The 436 evacuation centers are able to accommodate only about half the non-combatant refugees. Poor sanitation and insufficient and unsafe drinking water have led to disease, and lack of food to malnutrition. Many children have developed diarrhea, dys-

entery and respiratory ailments. Most of the children who died in the evacuation camps were under two years of age.

The indigenous communities of Luzon have suffered devastating impacts from the Philippine Government's low-intensity conflict against armed insurgents—the militarization of the countryside not only disrupted agricultural production, but also both sides of the conflict took to using the delivery of health and other services as a method of political conversion.

### The International Criminal Court

Cambodia ratified the Rome Statute in 2002. It has also taken steps to establish an International Genocide Tribunal to deal with crimes committed in the country in the past, which helped create a more positive environment for the Government to support the ICC. However, there is very little public awareness about the Court.<sup>13</sup>

The Philippines and Thailand signed in 2000 but have not yet ratified. Indonesia, Lao PDR, Malaysia and Vietnam have not signed the Rome Statute.<sup>14</sup>

In Philippines, ratification has stalled. President Gloria Macapagal Arroyo has failed to bring the matter before the Senate to complete the ratification process despite the urging of both houses of government. There is considerable support for the ICC from various sectors, such as the legislature, academia, legal professionals and human rights and peace advocates. However, the Department of Foreign Affairs has signed an executive agreement with the United States to enter into a bilateral agreement that would grant immunity to U.S. soldiers from prosecution under the ICC. The Government has also stated that it is not likely to endorse ratification as long as there are internal conflicts in the country. Political analysts have suggested that the President will not ratify the ICC because she is afraid the U.S. will withdraw its military aid.

## POWER AND DECISION-MAKING

### Representation

In Vietnam, the number of women in legislative agencies is increasing. The proportion of women in the National Assembly has continuously increased during recent legislatures. In 2002, 136 out of 498 deputies were women. However, the rate of women in executive agencies is low. Women only account for 11.9 percent of ministers or equivalent and 8.1 percent of vice ministers or the equivalent. In addition, women are less represented

## Box 17. Asserting Our Right to Land and Food

In November 2000, women, peasants, indigenous people and other grassroots groups and support NGOs from Asia embarked on a 17-day People's Caravan. With the theme "Citizens on the Move for Land and Food Without Poisons" the Caravan visited some 200 villages in Bangladesh, India, Indonesia, Japan, Korea and Philippines, convening seminars, public meetings, dialogues with local officials, rallies, film festivals, exchange of seeds, cultural presentations and food festivals as it moved from one country to another. The Caravan influenced many farming communities to practice sustainable agriculture and reject pesticide use.

Four years later—and one year after the derailment of the WTO talks in Cancun, Mexico—the People's Caravan for Food Sovereignty: Asserting our Rights for Land and Food took place in September 2004. Demanding the right to land and food, the People's Caravan 2004 called for the World Trade Organization (WTO) to stay out of food and agriculture, elimination

of pesticides and genetic engineering and resistance to agricultural transnational corporations (TNCs). In each of the 16 countries visited in Asia and Europe, communities condemned corporate agriculture and the dumping of highly subsidized food and agricultural products from North America and the European Union, which is wiping out local food producers and increasing food insecurity. The demand for food sovereignty is now being put forward by organizations of small and middle scale producers, agricultural workers, rural women, indigenous communities and support NGOs who are also asserting the right to safe, culturally appropriate foods production.

The People's Caravan is calling for an International Convention on Food Sovereignty in order to enshrine the principles of food sovereignty in international law and institute it as the principle policy framework for addressing food and agriculture.

For more information: Pesticides Action Network Asia and the Pacific [www.panap.net](http://www.panap.net)

in local levels of power and decision-making. Women account for 6.4 percent, 4.9 percent and 4.5 percent of the provincial, district and commune leaders respectively.

To increase the number of women members in the National Assembly 11<sup>th</sup> Legislature, the National Committee for the Advancement of Women (NCAFW) organized a training course for 216 women candidates. For the 1999-2004 People's Council Elections, NCAFW and the Vietnam Women's Union (VWU) organized leadership trainings for 18,000 women candidates. A nationwide media campaign was also launched to mobilize votes for women. As a result, the percentage of women in People's Councils at all levels increased in comparison with the 1994-1999 term: 22.5 percent at provincial level (2.15 percentage point increase), 20.7 percent at district level (up 2.6 percentage point) and 16.34 percent at commune level.

In Cambodia, 12 percent of the National Assembly members were women from 1993 to 2003. This number is an improvement from 6 percent in 1993. In the Senate, 13 percent of the members appointed are women.

There are still no women provincial or municipal governors. There is a slight improvement in the number of deputy chiefs in the

551 districts and Khanhs across the countries, an increase from two women holding deputy chief positions in the district in 1993 to five women in 1998.<sup>15</sup>

Cambodian women are generally not considered suitable for public positions, especially in politics, because politics has until recently been violence-ridden and therefore something women "can't handle" and are not thought of as educated for.<sup>16</sup>

The Philippines was the first country in Asia to give women the right to vote. Women have entered the political arena in recent years. In 2001, of the 38 elected women officials in the House of Representatives, 19 won the elections under the shadows of male politicians who are family members. Seventeen were the wives, daughters or sisters of former congressmen or senators, two were related to former mayors. Of the two elected women Senators, one is a sister of a former Senator and sister-in-law of the former President C.C. Aquino, while the other is a TV personality and the wife of a former politician.

Along with many other citizens, Muslim women argue that the method of election of senators from a nationwide list favors established political figures from the Manila area, to the disadvantage of Muslims. Election of



senators by region would require a constitutional amendment; such an amendment is favored by many Muslims and members of other underrepresented groups. There are no Muslim senators or cabinet members. However, the House of Representatives has nine Muslim members.

As of June 2001, 21 percent of the judges in Philippine courts are women. There has only been one woman in the 15-member Supreme Court since 1993. The gender proportion is most equal in the Metropolitan Trial Court, where 28 out of 55 judges are women. However, the Sandiganbayan, (Muslim) Shari'a District Courts and Circuit Courts have remained all male.

There has also been an increase in the percentage of women running for elective posts. Nineteen percent of those who ran for senatorial posts in 2001 were women, compared to 15 percent in 1998. Similarly, 14 percent of 2001 candidates for congress-

In the Philippines, the debt burden and an escalating defense budget compromises the growth and anti-poverty programs that help women .

sional posts were women, an increase from 12 percent in 1998.<sup>17</sup> Women occupy less than 20 percent of all elective posts at the national and local levels.<sup>18</sup>

At present, while the Philippines has a woman Head of State and 10 women in the Cabinet, women's participation in electoral politics and governance remains low compared with men's. There are only three women senators out of 24 and 33 representatives out of 200 House Representatives. At the local level, women occupy 13 to 17 percent of elective posts as governors, vice-governors, mayors and vice-mayors.

Pending in both houses of the Philippine Congress are bills that seek special measures: the proposed Women's Empowerment Act, which seeks to require a minimum of 30 percent representation of women in all decision-making positions in government, and House Bill 5708, "Gender Balance in Political Participation Act," which aims to progressively increase women's participation in elective and appointive posts to at least 33 percent and to reach 50 percent by 2012 at executive levels.

#### Impact of Representation

Women comprise 27 percent of the National Assembly in Vietnam and represent women's

concerns in national policy. Recently the National Assembly has carefully discussed matters related to women's retirement age, increasing women's participation in elected bodies, and preventing social evils including prostitution. National Assembly women deputies meet together during bi-annual meetings to discuss women's issues. The National Committee for the Advance of Women in Vietnam (NCFAW) was established in 1993; their most significant success has been to complete the organizational structure for, design and implement the National Plan of Action for the Advancement of Women.

In Cambodia, women have not been given the opportunity to participate in decision-making bodies in the political parties. They are seen as having a token presence only.<sup>19</sup> The Ministry of Women's Affairs has developed a strategy for national mainstreaming, but the responsibility for implementation lies within each individual ministry. Only

10 Ministries have gender focus groups in their institutions; the level of implementation varies from one ministry to another. Gender mainstreaming in ministries tends to be donor driven.<sup>20</sup> Donors working with specific ministries use and promote different approaches in the individual projects that they support, making the impact of the project less effective.

The Philippines does not have a Ministry of Women's Affairs. It does have a national machinery: the National Commission on the Role of Filipino Women (NCRFW), which is under the office of the President. Gender Mainstreaming Evaluation Framework (GMEF) tracks the progress government agencies have made with gender mainstreaming, and provides the framework that guides in designing a gender mainstreaming strategy. GMEF looks into the financial and human resources allotted for gender mainstreaming and gender-sensitive programs, projects and activities and the overall capacity of the agency and its personnel for gender-responsive planning, implementation, monitoring and assessment. NCRFW uses GMEF to monitor compliance by government agencies on gender mainstreaming, including the policy to allocate 5 percent of the agency budget for gender mainstreaming.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

The Philippines' foreign debt has grown from \$30.6 billion in 1990 to \$53.9 billion by the end of 2002. Since 1998, its external debt has been at least 60 percent of its gross national product (GNP) and more than double its exports.<sup>21</sup> The debt burden continues to compromise the growth and anti-poverty programs of government, as interest payments are preempting an increasing share of the national budget.

The defense budget registered a double-digit-percentage increase from 2000 while economic services contracted by 6 percent and social services only expanded by 9 percent. This decline in the share of social services will affect the amount of work women do in the informal care economy, as they strive to provide for services that the Government should have been offering, such as health and day care services.

In 2000, the poverty incidence rose to 34.2 percent.<sup>22</sup> This translates to an additional 704,000 poor families from the 1997 level for a total of 5.2 million poor families. Opinion polls that report self-rated poverty place the poverty figure as 16 percentage points higher than the official figure. The situation in rural areas continues to be more serious than urban areas.

Although the Philippines has a policy on gender-responsive budgeting, the compliance rate is low among government agencies. The National Commission on the Role of Filipino Women (NCRFW) reported that 123 agencies submitted gender-responsive agency plans in 2001. While this is an improvement from the 19 agencies that submitted in 1995, it only represents a 37 percent compliance rate. Low compliance is due to policy ambiguity, absence of sanctions and minimal involvement of civil society in the budgeting process. The lack of compliance is problematic because it perpetuates ambiguity in interpreting the policy, downplays its importance and does not achieve the purpose of improving women's lives.

In Vietnam, while the market economy creates some opportunities for women, down-sides persist. For example, low skilled women workers in the agricultural and industrial sector are more vulnerable to market risk and potential exploitation, including long work hours and unsafe working conditions.

According to the survey of the Ministry of Labor, Invalid and Social Affairs and the International Labor Organization (ILO) in



2001, working women account for three fourths of the low skilled jobs. As a result, the restructuring and privatization of state-owned enterprises affect women more than men, because they are the first to be laid off.

In 2000, vocational training was given to more than 1 million people, including long-term training to more than 160,000. For some subjects that many women attend—such as post and telecommunication, transport, garment making—the job placement percentage is as high as 90 percent after the training.

As a result of a report from the Ministry of Finance released a report on public expenditure in Vietnam, one part of which is a gender assessment. The budget allocation was increased in social welfare fields, including education, health care, hunger elimination, poverty reduction and building capacity for human resources. In addition, the Ministry allocates an annually budget for activities for the advancement of women.

#### Access to Public Services and Resources

In Vietnam, the revised Land Law (2003) and Marriage and Family Law (2000) require that the names of both the wife and husband be on land use certificates. A 2002 Decree set the target of providing more loans to poor women. In 2000, the Agriculture and Rural Development Bank and the Vietnam Women's Union (VWU) signed a joint resolution on providing loans to women.

In the Philippines it is critical to note the lack of official data analyzing the gender dimensions of infrastructure support. This may be attributed to the perception that infrastructure is gender-neutral; however, the implications vary for women and men.

The Government allocates nearly one third of its budget to social services, the bulk of which goes to education. The most crucial services for social reproduction—namely health, housing and community development—accounted for only 3 percent of the 2001 national budget. Compared with the 1997 expenditure program, the share of social services in 2001 declined.<sup>23</sup>

The sub-task force on the girl-child of the Council for the Welfare of Children (2002: 16) reported that adolescent girls receive the least amount of nutrients compared to other members of the household, but are exposed to more domestic work. Food consumption is among the first things that households sacrifice when the economic situation deteriorates. Of the poor families reporting that their situation has deteriorated, 49 percent said that changing they had been forced to

change their eating pattern to cope with the situation.

Sixty-nine percent of poor families had access to safe drinking water in 1999, representing an increase from 66 percent in 1998. Similarly, the use of sanitary toilets increased from 66 percent in 1998 to 68 percent in 1999. These figures contrast with access for non-poor families, among which 86 percent have access to safe drinking water and 92 percent used sanitary toilets in 1999.

The Department of Agrarian Reform issued a directive ensuring the rights of wives to ownership of land and requiring the issuance of Emancipation Patents or Certificates of Land Ownership Award in the name of both the husband and wife. Married women may now lease or purchase public lands without written permission from their husbands. From January to September 2001, female beneficiaries accounted for 27 percent of the beneficiaries of the Comprehensive Agrarian Reform Program (CARP).

#### Employment Patterns, Women's Work

In Vietnam, the Government Decree (2002) on salary stipulates equal pay for equal work and expands compulsory social insurance to laborers in collective and private sectors. Female workers can take a paid 60-minute breast-feeding rest each day for 12 months. Where it is not applicable, employers can give an allowance instead.

In Philippines, there has been a reduction in formal, stable employment and an increase in work in the informal economy due to economic liberalization and the effects of globalization. There is, however, little information on the magnitude of the informal sector.

For displaced women workers and workers in the informal sector, the Kasanayan-Kabuhayan (Training-Employment) One-Stop Shop was set up to act as a referral facility and provides information to expand employment opportunities. It offers skills assessment, career counseling, information on support services in overseas and local employment, skills training and retraining, scholarship grants on information communication technology and entrepreneurship development training, and capital and credit availability and networking.

Data from the National Commission on the Role of Filipino Women (NCRFW) (2002) show that women spend about 41.0

Hmong girls, Thailand.



hours per week on their paid work compared to 40.2 hours per week by men. However, much of women's work is not valued and is unpaid. Women work longer hours, combining economic activities with domestic activities. Filipino women continue to bear the socially-ascribed burden of social care, including maintaining the household and ensuring the well-being of household members through providing health care, adequate food and nutrition, safe drinking water, sanitation and shelter.

Women's estimated earned income is about 58 percent that of men's.<sup>24</sup> The 1997 UNDP *Human Development Report*, citing 1994 figures, states that the earned income share of women is 30.7 percent compared to 69.3 percent for men.

## EDUCATION

#### International Agreements

Vietnam signed the Convention on the Rights of the Child in 1991 and ratified the Millennium Declaration in September 2000.

"Education for All" remains critical for the Philippines despite the high literacy rates for both women and men. Women and men have almost equal status in access to education and women are able to penetrate traditional male-dominated educational areas. The positive developments are due in large part to the supportive approaches carried out such as the revision of textbooks, curricula and instructional materials as well as teaching methods to eliminate gender biases and stereotyping.

Literacy is at 94 percent for women and 93 percent for men. Women outnumbered the men in terms of enrollment at both the secondary and tertiary levels.

While gender bias is still evident in education, this is being addressed. The Department of Education has developed teaching

## Box 18. Indigenous Women Clamor for Peace In Central Mindanao, Philippines

In 2000, alarmed by the increase in hostilities between the government armed forces and the Moro Islamic Liberation Front (MILF) on the island of Mindanao, 30 women formed the Mindanao Council of Women Leaders (MCWL) and began a peace offensive with the slogan, Look at Peace through Women's Eyes.

The Council met with leaders from both sides of the conflict, urging them to cease their provocative military acts, and advocated for women's participation and perspectives to be included in all aspects of the search for peace. The chair of MCWL has been appointed to the government panel negotiating peace with the MILF.

The Council, consulting widely, has organized conferences and workshops with representatives of conflict communities, local government officials and Muslim leaders and professionals, with high level government participation. These events have highlighted MILF issues of ancestral domain and human rights, and education and promotion of women's participation in peace processes.

A Mindanao Peace Summit, held in 2002 in Davao City, examined the survival strategies of indigenous women of the Bangsamoro peoples and women settlers in the conflict-affected areas. In August 2004, a gathering of Moro women leaders and Mindanao organizations in Marawi City tackled Muslim women's role in peace-building and development.

Maranao women from the Bangsamoro peoples view themselves as *tiglimpyo sa mga hugaw sa katilingban* (cleaners of the dirt of the community). Women are well respected and influential in the community, playing the role of mediators in *rido* or family feuds. Within Maranao culture, women do not consider themselves oppressed or exploited because they value their specific roles and place within the community and the confines of their culture.

In the Arumanen Manobo tribe, women are sent to the enemy to settle conflicts, a mediating role they see as crucial in community life even at the risk of sacrificing their own lives. Ironically, according to Marsh Daul, an expert in the oral history tradition of the tribe, Arumanen Manobo men have another view of women as peace negotiators—they send their women ahead as *sugal* or as pawns to the enemy because women are deemed dispensable to the tribe. In the Matigsalug tribe women only talk during meetings if they have a specific responsibility.

In the ongoing conflict in Mindanao, women have to struggle against the notion that their role as community peace mediators is just an extension of their role in the kitchen—to keep the peace within the family and contain conflict among children and family members. Currently, two out of five government negotiators are women while the MILF side has no women members at all. When the negotiating table is dominated by men, it can easily become an extension of the battlefield in the form of legal rhetoric and diplomatic bullying on weapons, territorial integrity, political power, self-determination, constitution, power sharing, elections, international laws and a politically negotiated settlement.

Women peace advocates, on the other hand, bring to the table the human face of the conflict—the experiences of their families in the evacuation centers, food blockades, sick children, orphans, widows, destroyed homes, schooling, medicines, trauma and broken relationships. Having more women at the negotiating table, will change the equation of the negotiations. They will introduce practical, workable solutions to the conflict in Mindanao.

Source: WEDO Global Monitoring Report Questionnaire, Philippines

exemplars to integrate gender into the basic education curricula of both elementary and secondary levels. Gender issues are included in the five learning areas of 2002-revised educational curriculum.

Policies and programs in universities and educational institutions have also been developed to address campus-based problems like sexual harassment and discrimination in enrolment and access to scholarships.

Vocational and technical schools have actively pursued the enrollment of females in traditionally male-dominated courses.

Gender biases in education differ among cultural groups. For instance, Lumad (indigenous peoples) and Muslim groups favor sending their sons to school while keeping their daughters at home. The Muslim struggle, however, has greatly affected the education of young boys and men who have been drawn to fight for rebel groups. While literacy rates among population 10 years or older hover around 90 percent or more, that for the Autonomous Region of Muslim Mindanao (ARMM) is a low 74.5 percent, with male literacy rate (75.6%) exceeding that for females (71.4 years).

### Public Policy

Current enrolment rates in Vietnam for primary education are approximately 92 percent, placing the country close to the 2005 national target of 97 percent. More importantly, the primary education completion rate has increased from 68 percent in 1998 to 77 percent more recently.

The major challenge, as highlighted in the Education for All National Action Plan, is improving the quality of education. Teachers' training has been emphasized as a priority to improve standards. In 2001-2002, about 8 percent of all teachers received in-service training; only 50 percent of teachers in primary education received the teachers' guide. Achieving the 99 percent net enrolment rate in primary education by 2010 will require the integration of ethnic minority and disabled children. Some 33 percent of disabled children have never attended primary school and of those participating, only 15 percent finished primary schooling.

In 2000, Vietnam implemented a nationwide literacy program. Every year, 60,000 to 100,000 people (of whom 38-40% are women, and girls) attend classes to learn post literacy skills. According to the latest data from the Vietnam Households Living Standards Survey (VHLSS) 2002, the adult literacy rate is about 91 percent. Preliminary data from the VHLSS 2002 suggests over 94 percent women below 40 years of age were literate, although rates among women in this age group from ethnic minorities were significantly lower at around 75 percent.

In Cambodia, there are fewer girls than boys on all educational levels. At the lower secondary school level, girls make up 39 percent of total dropouts. Seventy-four percent of students are boys while 26 percent are girls. The Government does not have an affir-

mative system that supports more girls who want higher education and are prepared to take on more responsibilities in their home and in society.

In Philippines, 95.1 percent of the population was literate in 2001. There were no significant differences in the literacy rates of males and females. However, literacy rates are lower in rural than in urban areas.

The Asian financial crisis and the El Nino phenomenon in 1997 sharply limited the access of poor families to education, particularly at the tertiary level. The Government operates only 19 percent of tertiary schools compared to 60 percent and 91 percent of schools at the secondary and elementary levels, respectively. Only 54 percent of high school graduates in 1997-1998 were able to go to college. Women concentrate in academic areas that do not pay as much as the fields that men specialize in. For instance, women take nursing, pharmacy and midwifery, while men go into medicine and physical therapy. With the increased demand for nursing and physical therapy overseas, however, medical school graduates have been known to return to school to enroll in these courses. In engineering, similar gender tracking had been observed.<sup>25</sup> Third, career counseling in high school seems to reinforce gender stereotyping of career choices.

### Access and Changes in Practices

In Vietnam, in schools of all levels, male and female students share the same class, curricula and educational conditions without any discrimination. Some classes for adults are open exclusively to ethnic and mountainous women, with reduced curricula to help them become literate more quickly.

In order to bridge the gap among areas and regions of the country, the State has put in place a policy of education fee reduction and exemption, provided educational means, opened boarding schools for ethnic students, and provided extra allowances for teachers in remote and mountainous areas.

There is no separate unit in the Ministry of Education and Training that focuses solely on girls' education. The Ministry's Committee for the Advancement of Women is the focal point of gender equality in the education service. Most data and statistics kept and processed by the Ministry, as in many other agencies, are sex disaggregated.

In Cambodia, the ratio of girls to boys in tertiary education has increased recently from 19 percent in 1997 to 37 percent in 2001.<sup>26</sup> The Government has approved five strategic policies to insure achievement of

priority sector's goals and targets: effective partnership toward education for all; increase equitable access to education services; improve the quality and efficiency of education; enhance management of the education services; and increase resource allocation to the education sector.

Major problems in implementing these policies are the capacity of the Government to collect revenue to increase the salary of teachers and education administrators and the unavailability of educational materials in rural areas.

In Philippines, tertiary-level enrolment is female-dominated, outnumbering men by almost 0.3 million. Male enrolment, however, has been catching up. Career choices of women and men continue to differ, but the differences have not been as marked as in earlier years. For instance, agriculture, forestry, fishery and veterinary medicine—fields that were ones regarded as masculine—are now being “feminized,” as women constitute about 47 to 50 percent of enrollees. Mathematics and computer science are fields that are attracting more women (over 55 percent) than men.<sup>27</sup>

There is no special unit in the Department of Education and Sports (DECS) that focuses solely on girl's education. DECS has a Gender and Development (GAD) Focal Point that is in charge of gender mainstreaming among its various offices. Efforts to promote research and data collection regarding girls and women's education are inadequate to monitor women's education and training and job matching.

The Government has devoted considerable resources to the education of children; the Department of Education has the largest budget of any cabinet department. Primary and secondary education are free and compulsory, but poor families are often unable to meet costs for uniforms, supplies, shoes and transportation. Poverty forced many children to drop out of school; where 96 percent of school-age children were enrolled in elementary school and 70 percent in secondary school, only about 66 percent of children completed sixth grade, and only 50 percent of all children finished secondary school. The overall graduation rate (students who start elementary school and graduate from secondary school) was 71 percent. The Asian Development Bank expressed concern over a growing inequity in educational opportunities for the poor as public spending per pupil declined. In the 1980s, public spending covered 80 percent of the cost of elementary education; however, according to govern-

ment estimates, this share has declined to less than 60 percent.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Right to Natural Resources

Many problems are reported in the provision of safe water facilities. In Lao PDR, only 51 percent of the population had access to safe water; in Indonesia, 79 percent; and in the Philippines, 65 percent overall but only 46 percent in rural areas. In Vietnam, in 2003, 60 percent of the urban population and 54 percent of the rural population could access clean water. Malaysia has 89 percent of the population covered by national water supply services.

The quality and safety of water is more difficult to assess. In Indonesia, Malaysia and the Philippines, urban water supply is often of poor quality, and implementation and monitoring of water standards and environment legislation needs improvement. No national data exist on accessibility of safe water specifically for women and it is assumed incorrectly that this is a gender-neutral area.<sup>28</sup>

## HEALTH<sup>29</sup>

### Access and Affordability

In Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Thailand and Vietnam, there was no apparent increase in the availability, accessibility and affordability of primary health services. Inadequate government resource allocation, compounded by the 1997 financial crisis, adversely affected health budgets and consumer ability to pay for services and medication, particularly in Indonesia and Thailand.<sup>30</sup>

Other obstacles include the lack of a gender perspective; insufficient political will and commitment by governments; inadequate data and information; privatization and the impact of health sector reform on women's health and lives; and lack of creative planning.<sup>31</sup>

Privatization of health services in the wake of health sector reform increased the cost of health services in Indonesia, Malaysia and Vietnam, including the cost of childbirth services and medication in Indonesia. The costs of contraceptives spiraled in Indonesia in 1997, further compromising women's ability to afford them. In Makassar the cost for injectable contraception before health sector reforms was Rp5,000 (Rp1=US\$0.0001) and this was raised to Rp12,000. The cost of contraceptive pills also rose from Rp1,000 to Rp2,500.<sup>32</sup>



It is difficult to monitor the accessibility of health services to women because health statistics are not disaggregated as proposed in the Beijing Platform for Action, but across the region health services for women are utilized mainly by married women of reproductive age. Reproductive cancer screening for younger, unmarried or older women is still largely inaccessible in some countries, the exceptions being Indonesia, Malaysia, Philippines and Thailand. Similarly, contraceptive information and services are accessible through government services only to married women.

In Thailand, a women-centered health research project at the Centre for Health Policy Studies at Mahidol University found that women were sometimes reluctant to seek health care services because they were shy to discuss health problems considered shameful or were embarrassed about exposing their bodies to medical personnel.<sup>33</sup>

In Indonesia, the 1992 Law on Health addressed the right to a high standard of health for both women and men, but there has been minimal progress in achieving this objective. Availability and accessibility of maternal health and quality family planning services remains a problem, let alone the integration of infertility, abortion, reproductive tract infections (RTIs), sexually transmitted diseases (STDs) and reproductive cancer services.

Still recovering from the aftermath of long periods of war in the 1970s and 1980s, women heading households in Cambodia and Lao PDR suffer a high incidence of war-related mental health problems and stress. There are also an insufficient number of health care providers and few qualified nurses and midwives.<sup>34</sup>

In Vietnam, access to health care services is still extremely difficult for ethnic minorities in the remote and mountainous areas.

shift from public to private services for those who can afford it, which may reflect a level of dissatisfaction with the quality of services provided in the public sector. There has also been an exodus of doctors, specialists and nurses from the public to the private sector.

Since foreigners are charged higher rates than the local population, it is almost impossible for migrant women to access treatment, often leaving them to resort to self-medication without proper medical guidance. Since 2003, it has been compulsory for low skilled migrant workers to undergo a medical examination upon arrival.

A national adolescent health policy introduced in 2001 focuses only on prevention of substance abuse and balanced nutrition and does not address access to education and information on sexual and reproductive health. The Government does not provide contraceptive services to unmarried individuals, including adolescents, hence the provision of sexual and reproductive health services rests solely on NGOs and the private sector.

### Reproductive Health

In Southeast Asia, there are still many aspects of women's reproductive health that need to be addressed. These include awareness-building and systemization of the concept of reproductive and sexual rights; reproductive cancer screening and treatment; treatment of STDs and RTIs; family planning needs and availability of safe methods of modern contraception; and unsafe abortions and maternal morbidity.

Since the Beijing Conference, Philippines and Thailand have designed policies and programs that incorporate much of the broader areas of reproductive health. The Philippine Plan for Gender-Responsive Development (1995-2025) gives priority attention to women's reproductive health, acknowledging

services that incorporate birth spacing and sexuality; safe motherhood and a reduction of maternal and prenatal morbidity and mortality; and improved maternity care services. In Lao PDR, there is no comprehensive reproductive health policy; however, it does have policies on maternal and child health, include the issues of safe motherhood (1997) and birth spacing (1995).

Indonesia has also focused on safe motherhood, launching a Mother-Friendly Movement (*Gerakan Sayang Ibu*) in 1996 to reduce maternal mortality rates and enhance the quality of women's lives through community involvement in women's health programs, but insufficient funding due to the 1997 financial crisis has stalled implementation.<sup>35</sup>

In Vietnam, maternal and child health and family planning are seen as important components of reproductive health along with adolescent reproductive health concerns, older peoples health, abortion rights, treatment of RTIs and STDs, and HIV/AIDS.<sup>36</sup>

In Indonesia and Malaysia, reproductive rights debates have been contentious, especially pertaining to contraceptive services for unmarried women and adolescents, the definition of family and gender equality within the family, largely due to cultural, religious and patriarchal values.

A trend towards Islamic fundamentalism in Malaysia has it made politically difficult for Government to carry out progressive policies and services in the area of sexual and reproductive health rights. The low contraceptive prevalence rate and low utilization of available pap smear services can be attributed to cultural barriers.

Philippines has included the concept of reproductive rights in its health, population and family planning policies and programs, but the Department of Health faces challenges in moving the concept into concrete programs.<sup>37</sup>

Regarding young women, the Philippines' Young Adult Fertility and Sexuality II Study on youth sexual practices found that a significant number of young Filipinos engage in pre-marital sex at the average age of 18 years. A 1997 Care International study in Vietnam found that 71 percent of men and 32 percent of women surveyed thought that Vietnamese men and women were having sexual relations before marriage. In 1999, the Malaysian Ministry of Health piloted an education program in some schools, which included concepts of sexuality (although this could not be openly discussed) and reproductive health.<sup>38</sup>

None of the countries have legalized gay rights. Sexuality remains a taboo subject in most, especially when it focuses on adoles-

## Privitization in the health sector has further compromised women's ability to access reproductive services.

More than 80 percent of women from this population deliver at home, compared to less than 30 percent of the majority population. This may be partly attributed to lack of information on the risks of pregnancies, but the major problem is lack of adequate health facilities.

In Malaysia, 88.5 percent of the population live within five km of a health facility and most public health services are heavily subsidized. However, there has been a steady

that reproductive rights are fundamental to their achievement. Similarly, Thailand's 1996 reproductive health policy comprised 10 areas of reproductive health and involved both women and men.

Cambodia and Lao PDR have integrated some reproductive health concerns into policies and programs, but mainly in maternal and child health. In Cambodia, the Government's policy statement on reproductive health as a right emphasizes accessible health



cents' or young women's sexual rights. Once again, cultural and religious abjections remained significant barriers.<sup>39</sup>

The maternal mortality ratio (MMR) is high for all countries except Malaysia, where 96.1 percent of births were attended by trained health personnel, a critical factor in lowering the MMR. In Cambodia, Indonesia and Lao PDR, the high number of unsafe home deliveries without trained midwives and the absence of systematic maternal and prenatal audits make it difficult to ascertain the main cause of the high incidence. In Cambodia, for example, 85 percent of deliveries took place at home but only about half of these were assisted by traditional birth attendants. In Lao PDR, 91 percent of all deliveries took place at home and 80 percent of pregnancy-related maternal deaths also occurred at home, most women being without access to equipped hospitals. In Indonesia, the Government reported that the number of women giving birth at home attended by traditional birth attendants increased after the Beijing Conference. The Philippines also reported that two thirds of deliveries occurred at home, with traditional birth attendants assisting approximately 41 percent of the births.<sup>40</sup>

There is a large unmet need for contraceptives. In most countries, contraceptives are available through government and family planning associations, although not necessarily widely accessible due to cultural, religious and political factors. In Cambodia, less than 1 percent of women use contraceptives or birth spacing methods. In Malaysia, the prevalence of contraceptive use, including traditional methods, is moderate (54.5 percent in 1994). In the Philippines, only 47 percent of married women aged 15 to 49 years reported using some form of contraception in 1997.<sup>41</sup> In Lao PDR, contraceptives were free for married women until the 1997 financial crisis prompted severe budget cuts. In Thailand, efforts to encourage men to take responsibility for safe sex appear to have failed as indicated by the low level of condom use.<sup>42</sup>

Cambodia legalized abortion without any restriction in 1997, but access is problematic due to the high cost of abortion services. In Vietnam, where the law also allows for abortion without any restrictions, the National Committee for the Advancement of Women in Vietnam (NCFAW) has reported a decline in the number of women suffering from infection and hemorrhage.

In Indonesia and Lao PDR, abortion is legal only under certain conditions (e.g.

Traveling by river  
in North Vietnam.



when a pregnancy is life-threatening), and no allowances are made in cases of rape or incest. Malaysia permits abortion to save a woman's life and for physical or mental health reasons. Thailand allows abortion to save a woman's life or for physical health reasons, including for pregnancies caused by rape. The Philippines is the only country that prohibits abortion.<sup>43</sup>

There are no national up-to-date data on the prevalence of safe and unsafe abortion in any of the countries, making it difficult to assess whether unsafe abortions have decreased since the Beijing Conference as an outcome of greater access to safe and effective family planning methods or the availability of extended health care.<sup>44</sup>

#### HIV/AIDS

In Southeast Asia, HIV/AIDS is increasing among women. In Cambodia, 10 percent of the 30,000 sex workers are infected with the virus. In Lao PDR, the highest rate of prevalence is among young people between the ages of 20 to 29, of whom 44.1 percent are women.<sup>45</sup>

In most countries, existing primary health care facilities are inadequate to meet the needed level of STD and HIV services. There is a lack of trained workers and resources are scarce.

Cambodia and Lao PDR reported a huge gap in the delivery of basic health care services, let alone health care services for HIV/AIDS. Thailand has a national AIDS policy but lacks a strategic plan for implementation. As a result, there are no community-based

government health programs to empower women, especially married women.<sup>46</sup>

Control and prevention of STDs has been recognized as a major strategy in the prevention of HIV/AIDS. Some countries, such as Lao PDR, Malaysia, the Philippines and Vietnam, provide information on STD management, screening and treatment programs or services. For example, in Lao PDR a national STD Management Unit was established and integrated into the National AIDS Program. Furthermore, a National Policy and Strategy for the Prevention and Care of STD was developed and approved by the Government in 1998. As for the Philippines, it was reported that the National Program on STD had 130 clinics available for STD treatment and management, although most of these were in urban areas.<sup>47</sup>

In Indonesia, preventive programs—including awareness-building media campaigns in schools, workplaces, health facilities, and community settings—are being implemented.<sup>48</sup> In Vietnam, information has been disseminated about prevention and care, but communication with youth and adolescents needs to be further enhanced, especially safe sex education. Most people living with HIV/AIDS do not currently have government benefits. Also, there is still stigma and discrimination against them, thus limiting the population's involvement in HIV/AIDS activities.

The Malaysian AIDS Council (MAC) makes available brochures and fact-sheets in three languages (English, Malay and Mandarin), with Tamil possibly forthcoming. Information, education and communication

(IEC) material content is developed by community-based organizations for their own communities with technical and funding support from MAC. Financial and technical support via partner organizations is provided for direct services like drop-in centers targeted at drug users, sex workers (female and transgender) and the transgender community. Partner organizations also provide shelter services for people living with AIDS, infected and affected women and their children, and infected orphans and women drug users. These shelters are limited in number and geographic spread.

There is no specific anti-discrimination law to protect people living with HIV/AIDS. The Code of Practice on the Prevention and Management of HIV/AIDS in the Workplace is a voluntary code developed by the Ministry of Human Resources (Labour Ministry) to protect and promote their rights in the workplace. There are still needs for cheaper treatment, more voluntary counselling and testing sites, HIV/AIDS-specific legislation that sets out punitive repercussions for discrimination, and training of paramedical staff in the delivery of HAART (HIV/AIDS drugs). At present, this treatment is only available in urban centers.

### Contributors

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### Sources

Asian-Pacific Resource & Research Centre for Women (ARROW). "Women's Health Needs and Rights in Southeast Asia – A Beijing Monitoring Report". Malaysia, September 2001

Rashidah Abdullah et al. "ICPD Ten Years On: Monitoring on Sexual and Reproductive Health and Rights in Asia: A Draft Regional Overview." ARROW. Malaysia. 2004.

Country Gender Assessment, PHILIPPINES, Asian Development Bank, Southeast Asia Department, 2004.

### Notes

1. UNIFEM, United Nations Development Fund for Women (UNIFEM) East and Southeast Asia, "Signatory States of CEDAW in East and Southeast Asia"; available from <http://www.unifemeseasia.org/resources/others/domesticviolence/PDF/signatory.pdf>.
2. UNIFEM, World Bank, Asian Development Bank (ADB), United Nations Development Program (UNDP), Department for International Development, United Kingdom (Dfid UK), Ministry of Women's Affairs, Cambodia Gender Assessment Report, April 2004.
3. This section includes excerpts from the ARROW report, Women Health Needs and Rights in Southeast Asia—A Beijing Monitoring Report, 2001.
4. Asian-Pacific Resource and Research Centre for Women (ARROW), *Women's Health Needs and Rights in Southeast Asia – A Beijing Monitoring Report*, September 2001, 23-24.
5. Ibid., 24.
6. Ibid.
7. Ibid.
8. Ibid., 24-25
9. Ibid., 25
10. Khus, Thida, *Cambodia Country Monitoring Report*, SILAKA, 21.
11. Ibid.
12. Summary of Proceedings of a Round Table Discussion on "Internally Displaced Persons: Collateral Damage or Victims of Human Rights Violation," Balay Research, Documentation and Information Program (Balay-RDIP), 23 November 2000.
13. Coalition for the International Criminal Court, 30 September 2002; available from <http://www.iccnw.org>.
14. Ibid.
15. Ibid., 14.
16. Ibid., 7.
17. National Commission on the Role of Filipino Women (NCRFW), 2002.

18. Ibid.

19. Khus, Thida. *Cambodia Country Monitoring Report*, SILAKA, 18.

20. UNIFEM, World Bank, Asian Development Bank (ADB), United Nations Development Program (UNDP), Department for International Development, United Kingdom (Dfid UK), Ministry of Women's Affairs, Cambodia Gender Assessment Report, April 2004.

21. ADB 2003.

22. National Statistics Office (NSO), 2003.

23. Philippines National Statistical Coordination Board (NSCB), *Women and Men in the Philippines: 1999 Statistical Handbook*, 1999.

24. UNDP, Human Development Report, 2002.

25. Ministry of Education, Youth and Sport of the Government of Cambodia: Education Statistic, 2002.

26. Asian-Pacific Resource and Research Centre for Women (ARROW), *Women's Health Needs and Rights in Southeast Asia—A Beijing Monitoring Report*, September 2001, 9.

27. Ibid., 8.

28. Ibid, 10.

29. This section includes excerpts from the ARROW report, Women Health Needs and Rights in Southeast Asia—A Beijing Monitoring Report, 2001.

30. Ibid, sec.11.1, 25.

31. Abdullah, Rashidah et al, *ICPD Ten Years On: Monitoring on Sexual and Reproductive Health and Rights in Asia: Countdown 2015: Sexual and Reproductive Health and Rights for All*, ARROW Draft Regional Overview, 2004, sec.11.1, 26.

32. Ibid., 30.

33. Ibid, 13.

34. Ibid., 14.

35. Ibid.

36. Ibid., 15.

37. Ibid., 15.

38. Ibid., 15-16.

39. Ibid., 17.

40. Ibid.

41. Ibid., 18.

42. Ibid., 18-19.

43. Ibid., 20.

44. UNAIDS, "Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Diseases," 1998; available from <http://www.unaids.org>.

45. Ibid., 20.

46. Abdullah, Rashidah et al, *ICPD Ten Years On: Monitoring on Sexual and Reproductive Health and Rights in Asia: Countdown 2015: Sexual and Reproductive Health and Rights for All*, ARROW Draft Regional Overview, 2004, sec.7, 17.

47. Ibid.

48. Ibid., sec.9, 19.

# AOTEAROA/NEW ZEALAND

## Women Make Progress but Face Backlash and Some Troubling Trends

**A**otearoa/New Zealand is a functioning representative democracy with a relatively liberal history in terms of women's empowerment. It was the first country in the world to grant women the right to vote in parliamentary elections, and at present has a reasonable number of women (although only women of Pakeha, or European ancestry) in positions of power and authority. They include the current Prime Minister, Chief Justice and Governor General.

At the same time, violence against women and children and sexually transmitted infections are distressingly widespread, and far from being effectively addressed by the Government. Pay inequality continues, and work-life balance is becoming an increasing problem, particularly for women, who make up the majority of the voluntary sector. Among women as a group, the experiences of Pakeha and indigenous Maori women are vastly different in all areas, from power and decision-making status through health statistics. Migrant and

refugee women, women with disabilities, Pacific Islands women and older women also confront distinct issues.

Nongovernmental organizations (NGOs) in Aotearoa/New Zealand have a constructive working relationship with the Government and its bureaucracies, as embodied in the 2001 Statement of Government Intentions for an Improved Community-Government Relationship. The Statement underscores the need for strong and respectful relationships between Government and community, voluntary and tribal-based/Maori organizations. However, these interactions continue to be problematic. NGOs have recently come under attack over their right to advocate on policy direction when receiving government funding in the same area.

Both the Government and civil society women's organizations generally agree that progress has been achieved in the last 10 years, but opinions vary regarding its degree, the success of particular actions, the gaps that remain and where the priorities lie.

### HUMAN RIGHTS

#### CEDAW Compliance

Aotearoa/New Zealand's Ministry of Women's Affairs was established in 1984 to advise government ministries on gender. It also reports on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). A small ministry with an uncertain future, given the opposition party's stated lack of support, it still manages to work proactively. In March 2004, the Ministry released Action Plan for New Zealand Women. It was the result of a long and open process of consultation with a wide range of groups; follow-up meetings were held around the country.

New Zealand signed CEDAW on July 17, 1980, and ratified it on January 10, 1985. Two reservations relate to women in combat and paid maternity leave. The introduction of a paid parental leave scheme has recently allowed the Government to lift the latter. Preparations that include NGO consultations are underway for the next CEDAW report.

On September 7, 2000, at the UN Millennium Summit, New Zealand became the ninth state party to the new Optional Protocol to CEDAW. However, it is fair to say that public awareness of the Protocol is very low and little effort has been made on public education.

#### National Law

The New Zealand Human Rights Commission was set up in 1978 to promote human rights. In October 2004, the commission released its National Action Plan for Human Rights, which was based upon its report "Hu-

man Rights in New Zealand Today." Since the report failed to address women's equality, or women's rights or refer to CEDAW, these issues do not appear in the action plan.

It is unclear whether this was a strategic decision by the Commission, or whether it considers women's equality no longer an area of focus. However, the consultation process and research methods that produced the report and plan did not have an explicit gender framework beyond ensuring women's representation among the participants.

The Commission does report that there are now laws that ensure women are not treated unfairly in Aotearoa/New Zealand. These include the 1990 New Zealand Bill of Rights Act, which enshrines the right of all to be free of discrimination from the Government and anyone carrying out a public function. The Human Rights Act of 1993 prohibits discrimination on the grounds of different personal characteristics, including sex.

The 2003 Prostitution Law Reform Act decriminalized prostitution, established health and safety requirements, and set the minimum age for prostitution at 18. There is significant ongoing opposition to this act from conservative and largely Christian members of the public, based upon the misconception that it legitimizes prostitution as a form of employment and increases its prevalence. Supporters maintain that the act was critical for reducing the exploitation of sex workers, and improving health and security for them and the wider community. Some local body authority bylaws do not reflect the statute's intention, however. It will be revisited after three years.

Other laws pertaining to women include Sections 123 and 131 of the 1993 Films, Videos and Publications Classification Act, which prohibit child pornography. The 2002 Parental Leave and Employment Protection Amendment Act provides paid parental leave. The Civil Unions Bill and the accompanying Relationships (Statutory References) Bill narrowly passed their first reading in Parliament in 2004, attempt to address gaps in the rights of lesbian, gay and transgender people with regard to guardianship, custody and access rights, next of kin, and in-hospital and patient care rights. Conservative interest groups in New Zealand are attacking both bills as promoting gay marriage and being a threat to the institution of the family.

The Human Rights Commission is conducting some work in schools, but there is no comprehensive human rights education program in New Zealand, least of all one that raises human rights awareness specifically among women, or about women and their reduced ability as a group to realize their human rights.

Following the 1998 Burton Report, a gender integration audit, the New Zealand Defence Force has undertaken the human rights education of both military and civilian personnel. Training has focused on equal employment opportunities and the elimination of discrimination and harassment. A review of the implementation of the Burton Report is currently underway. Two branches of the Defence Force—the Royal New Zealand Air Force and the Royal New Zealand Navy—have won awards for their initiatives. The defence force also trains all personnel on the prohibition against torture (United Nations



Committee Against Torture, 2002), and has introduced anti-homophobia training.<sup>1</sup>

### Violence Against Women

A 2002 report from the Ministry of Women's Affairs stated that in the previous 12 months, 15-21 percent of women reported having experienced physical or sexual abuse, and 44-53 percent reported having experienced psychological abuse.<sup>2</sup> Domestic violence is the fifth leading cause of death from injury, and 50 percent of all female homicides are committed by the woman's partner or ex-partner. Of particular concern is that Maori women



Women making traditional tapa cloth.

are more likely than non-Maori women to experience abuse and violence, and to use refuge services.

The Government is quite clear in its condemnation of family violence and violence against women and children. Current policy on family violence is outlined in *Te Rito: New Zealand Family Violence Prevention Strategy*<sup>3</sup>, released in 2001. The strategy sets out principles, goals and objectives for a five-year period. One goal is to ensure that approaches to family violence are culturally relevant and effective for indigenous, Pacific and other ethnic populations, including refugee and migrant women. By 2004, however, *Te Rito* had come to seem long on rhetoric and short on action. Very limited funds have been put into implementation. NGOs, rather than the Government, lead the way in shaping public awareness and responses to this massive social problem.

Several forms of legislation on gender-based and domestic violence are in place. The 1995 Domestic Violence Act is a thorough and progressive law providing for legal protection and prioritizing safety for victims. It seeks to hold violent offenders accountable while offering steps to help change their behavior. Other provisions include the 1989 Children, Young Persons and Their Families Act; the 1961 Crimes Act; and Ministry of Health guidelines for screening for domestic

violence. The 2002 Victims Rights Act guides the treatment and protects the rights of victims. It requires the police to work closely with Victim Support.

Despite progressive laws, however, women who are victims of violence report that they are losing confidence in the judicial system. Violence against women and children is continuing unabated, even as men are being prosecuted for assaulting women and both men and women are prosecuted for abusing children. This illustrates the limitations of legislation in addressing the problem. The Ministry of Education has shown a lack of interest in engaging with government initiatives related to violence prevention, and thus has done very little in terms of training or curriculum change.

There is currently no collection of data related to violence that would allow ongoing monitoring. Although the Accident Compensation Corporation<sup>4</sup> National Injury Prevention Strategy has just established recommendations for routinely monitoring injuries, it has adopted definitions of injury that will not capture the majority of incidents against women. This is a lost opportunity. As a consequence, analysts will continue to rely on service-based statistics as a proxy (e.g., police and shelter statistics). Because only a small percentage of women use these services, the scale of the problem will remain significantly underestimated. The police estimate that they attend only 50,000 calls a year related to domestic violence.

Other obstacles to fighting domestic violence are regional inconsistency in the application of legislation and domestic violence policies, and the lack of training for government personnel. In the justice and legal sectors, training and domestic violence awareness programs are minimal and inconsistent. When police, lawyers, judges and court staff do not receive this kind of training, myths about women, misunderstandings of violence and personal prejudices negatively affect how they respond.

Exacerbating the situation is New Zealand's backlash against feminism. Amidst a general, misguided belief that there is now gender equality in Aotearoa/New Zealand, groups of disaffected fathers have been promoting father's rights, claiming that the Government has given women too many rights and freedoms so now men are suffering. They also contend that women are just as violent as men, that large numbers of men are be-

ing kept away from their children, and that women are fabricating and exaggerating male violence. While there is absolutely no basis to these claims, some judges, Members of Parliament, church groups and the media have taken them up.

Their influence has resulted, for example, in policies and programs related to violence against women that consistently ignore the issue of gender. Every effort has been made to use "gender neutral" language in documents such as *Te Rito*, the family violence strategy. This approach seriously inhibits analysis of the problem and diminishes the potential effectiveness of prevention measures.

Women's advocates conclude that fathers' rights claims have specifically affected a number of judicial practices. It is more difficult for women to get emergency protection from domestic violence, and women are being pressured into allowing violent fathers to have access to their children. The effects of psychological violence on women and children is minimized in civil and criminal proceedings. Women also have to battle against stereotypes about vindictive women, malicious mothers and alienating parents.

Financial capacity limits women's access to justice, as more than half of those who apply for court orders to stop family violence have to pay the legal costs themselves. This is particularly problematic for refugee and migrant women, who also face language and literacy problems, uncertainty over the safety of approaching police and the justice system, and cultural backgrounds that do not protect women against domestic violence.

The patriarchal beliefs and institutions that underpin violence exacerbate the difficulties for women. Widespread beliefs still include the notions that men should head the household; that marriage is the only appropriate context for raising children; that men have the right to punish women and children in order to teach them lessons; and that domestic violence is a private matter. Some of these ideas have had increased public discussion recently, given the higher profile of father's rights and fundamentalist Christian groups. It is not surprising that in this social context, some in government and civil society organizations are seeking to repeal Clause 59 of the Crimes Act prohibiting corporal punishment of children, a move that others are strongly opposing.

Women who have experienced violence have access to a range of community and government support services. Women's Refuges, a network of groups around the country, provides shelters (safe-houses), crisis lines, advo-



cacy, outreach and community services, and education programs for women and their children. A network of rape and sexual abuse centers across the country also offers crisis lines, counseling and support.

The main issues concerning women's advocates include the low government funding for women's support services, especially refuges and rape-crisis centers. Seventy-five percent of workers at Women's Refuges are unpaid. Other problems are the lack of availability of specific services for Maori, Pacific Islands, Asian and refugee women, and the lack of government action to address imbalances in male power and privilege as well as men's responsibilities (rather than men's rights).

## PEACE AND SECURITY

Aotearoa/New Zealand has not experienced war on its own land since the Land Wars in the mid-19<sup>th</sup> century. But it is still undergoing a process of peace- and nation-building following the wars and colonization. It has also participated in numerous wars and conflicts through the New Zealand Defence Force, extending from service in the South African War over 100 years ago to the present. In recent years, operations to support peace have become a major element of Defence Force operations, including in Bougainville and Timor-Leste. Personnel currently serve in 19 missions around the world, from Afghanistan and the Gulf of Oman to Antarctica, where they provide logistical support.

### Security Council Resolution 1325

While Aotearoa/New Zealand was one of the governments promoting the passage of UN Security Council Resolution 1325 on women, peace and security, public awareness of the resolution remains very low. Even the Ministry of Foreign Affairs does not generally consider it particularly relevant to Aotearoa/New Zealand, according to discussions with staff in the New Zealand Agency for International Development and the Human Rights Division of the Ministry of Foreign Affairs and Trade. Since there are no formal peace processes in the country, the relevance of 1325 lies in how the Government applies it to activities related to conflicts and peace processes in other countries.

In response to questions sent to it, the New Zealand Defence Force stated that in conducting peace support operations, it has a history of working in accordance with the principles expressed in the Resolution. It drew attention to the deployments in

Timor-Leste and Bougainville, Papua New Guinea, where the force worked with NGOs to help establish women's cooperatives and action groups to generate incomes and stabilize communities. In Bougainville, the force established links with senior women in villages and recognized the matrilineal customs of the land.

It still needs to be clarified whether the force has a formal policy on Resolution 1325, including on how to work with women in communities experiencing conflict, or on the participation of women in formal peace processes. The experience of NGOs has been that Defence Force peacekeepers are not properly trained in gender analysis of their own work. While women participate in peacekeeping missions, few are leaders. Furthermore, the force appears to have a low opinion of NGOs in the field, although this may be changing with the recent initiative to hold meetings with NGOs on civil-military relations in complex emergencies.

In early 2004, the Defence Force began an evaluation of its progress on gender integration. It is due for completion in early 2005. But according to Air Marshall Bruce Ferguson, Defence Force chief, training "is not gender-specific and operations are not gender-constrained...all training is conducted on an equal opportunity basis."

### Asylum Seekers, Refugees, Internally Displaced

A 2001 Ministry of Health publication, *Refugee Health Care: A Handbook for Health Professionals*, accurately describes the experiences of refugee women in Aotearoa/New Zealand and of refugees in general. The handbook also covers refugee services and needs, but does not fully identify the gaps in services and the problems women face.

Quotas for refugees are organized ac-

staff to address their needs.

On arrival, resettlement assistance is available only to United Nations mandated quota refugees within the first six months. Asylum seekers and refugee family reunion members must pay for their own resettlement needs. There is a general expectation that existing families, communities and mainstream agencies will provide health, social and community support and development. The spouses, dependent children, parents and siblings of refugees comprise approximately 2 percent of new immigrants in the international humanitarian and family-sponsored migrant streams.<sup>5</sup>

Resettled refugees spend their first six weeks in a refugee reception center where they are provided with comprehensive medical and dental care, and psychological support. The Refugee Education Centre offers introductory adult English language training, an orientation to Aotearoa/New Zealand society, a pre-school, and a special program for children and young people to prepare them for mainstream schooling. The Refugees as Survivors Centre offers a trauma counseling service as well as therapeutic activities for children and adults. The Refugee and Migrant Service handles immediate social support and links resettled refugees with trained volunteers for resettlement support for the first six months after arrival.<sup>6</sup>

There is evidence that many new migrants experience racial discrimination, harassment and abuse. In general, the inclusion of refugee populations and ethnic minority communities in mainstream Aotearoa/New Zealand social services is ambiguous. In spite of universalist claims in health legislation, for example, in practice there are different terms and conditions compared with other populations. An examination of health rights and practices indicates some adjust-

Women MPs cross party lines on issues like pay equity and, with male colleagues, have formed a lobby group to advance sexual and reproductive health and rights issues.

cording to three categories, one of which is "women at risk," which accounts for approximately 10 percent of annual intake. These are women and their children who have particular protection problems and find themselves without traditional support mechanisms. Despite their specific vulnerabilities, these women are provided with no special services, although there are a variety of gender-awareness training tools to encourage government

ments over time, but the net effect is a series of partial gains compromised by deficits. For instance, while the law specifies that non-English speaking health consumers have a right to a competent interpreter in all public and private health services, the application of the "Act does not extend to purchasing decisions".<sup>7</sup> There has been a partial establishment of interpreting services for publicly provided health services only.<sup>8</sup>

## Box 19. Women's Participation Rates Reveal Lopsided Share of the Pie

Directors of Publicly Listed Companies	5.04%
Legal Partnerships	14.12%
University Professors and Associate Professors	15.82%
Directors of Publicly Listed Companies	16.39%
Members of Parliament	29.16%
Directors of Crown Companies	35.07%
Labour Force Participation Rate	59.50%

Source: Human Rights Commission, New Zealand Census of Women's Participation in Governance and Professional Life

The incorporation of refugees in Aotearoa/New Zealand society through support and settlement assistance has largely been left to NGOs and volunteers. However, funding for non-governmental resettlement organizations has been historically sporadic and inadequate. In terms of the provision of critical mental health services, needs are nowhere near being met. NGOs help to fill this gap, but it is estimated that less than 5 percent of needed services are provided. There have been a variety of intersectoral projects, but these tend to be pilots with no ongoing government funding.

In terms of employment, refugee women face particular barriers. They are less likely to be educated or speak English, have higher illiteracy rates, and find it more difficult to access training on English as a second language.

More information needs to be provided about the economic, social and cultural contribution of migrants and refugees, and about the different cultures of refugee communities. This will help foster informed debate and harmonious relations. To date, there is an absence of statistical data on the experience of refugees that seriously hinders understanding and planning for successful integration and rehabilitation.

### The International Criminal Court

Aotearoa/New Zealand is a party to the International Criminal Court, but there is low public awareness of it, particularly in relation to its relevance to women.

### POWER AND DECISION-MAKING

Aotearoa/New Zealand has a robust democratic system for national and local governments. A number of women's organizations over the past 30 years, particularly the Women's Electoral Lobby (which recently disbanded), have been instrumental in im-

proving electoral processes. They have increased women's formal political activity and the representation of Maori. While women remain a minority in government, the influential notion of "substantive equality" has helped make government at every level more inclusive and approachable, especially after the 1984 founding of the Ministry of Women's Affairs.

Pakeha women are currently well represented in the upper levels of political decision-making, but they are not as well represented in the private sector or in political parties. Maori women are not yet well represented within Parliament or in positions of authority in government departments. They have to battle two forms of oppression that Pakeha women do not: their lack of visibility within national women's organizations, and those elements of their own culture that are traditionally patriarchal. Migrant women are also poorly represented. The high profile of a select group of Pakeha women leaders therefore masks women's overall low participation and ethnic power disparities. Many of the country's younger women tend to take the current situation for granted, so that efforts to advance gender equality are losing momentum.

### Representation<sup>9</sup>

As part of the 2004 National Action Plan for New Zealand Women, the Ministry of Women's Affairs has set a goal of achieving 50/50 representation on government statutory boards and advisory and regulatory committees by 2010. In 1989, the figure was 20 percent. In 2003, it was 40 percent, although again, this achievement is marked by ethnic disparities.

Overall, women's representation in local government has been steadily increasing, from 3.7 percent in 1962 to 31.5 percent in 1998. There are inconsistencies, however. At the 2001 local authority elections, 12

women were elected mayor out of 74 positions—16 percent, compared with 26 percent in 1998 and 20 percent in 1995. The percentage of women elected to local authorities in the 2001 elections was 28 percent, compared with 29 percent in 1998 and 28 percent in 1995.

At the ministerial level, women have tended to hold female-oriented portfolios, such as health. There has been one female finance minister (a neo-liberal advocate) and a few others have held positions more traditionally offered to men. Women politicians tend not to organize across party lines, but there are some examples of this, such as in support of pay equity and paid parental leave. In addition, Members of Parliament, including men, have formed the New Zealand Parliamentarians for Population and Development. It lobbies for the International Conference on Population and Development goals on sexual and reproductive health and rights.

Across all areas of the public education system, men continue to dominate in positions of responsibility, particularly within tertiary education. By contrast, voters seem to regard health as primarily the business of females (as traditional/biological nurturers and care givers). Hospital board membership is always disproportionately female, compared with every other sort of elected office. Forty-four percent of those elected to the new District Health Boards are women.

With so many laws affecting women's issues already in place by 1994, the need for additional legislation has diminished, though vigilance is required to protect the gains that have been made. There were recent attempts to change the Care of Children Bill to limit the privacy and confidentiality of children seeking sexual and reproductive health services, and when the issue of reforming abortion law resurfaces, feminist networks are likely to also reactivate.

In terms of public policies, there has been no clear prioritization according to gender. Since January 2002, the Government has required all papers going before its Cabinet Social Development Committee to include gender implication statements, supported by gender analysis and prepared by the Ministry of Women's Affairs. The purpose is to ensure that social policy advice to ministers has gender analysis and includes an assessment of the impact of policies and programs on women and men.<sup>10</sup> Significantly, gender implication statements are not sent to the Cabinet Economic Development Committee or the Cabinet Government Expenditure and Administration Committee.

The increasing presence of women inside government has had some effect on the way its business is run. Among many small changes, there is now a provision for women Members of Parliament to take leave to breastfeed their infants, and the traditional “Male Only Pool Table Rooms” have been turned into public spaces. Improvements in institutional culture and attitudes by male Members of Parliament have been inconsistent, and occasionally sexist remarks are still voiced.

The Ministry of Women’s Affairs is the primary institutional mechanism for women. As an advisory and research body, it has a limited mandate and faces challenges from minority political parties, conservative research and advocacy organizations, and a relentlessly negative press.

The Ministry’s new action plan aims to make concerted efforts to address inequity and discrimination, and contribute to meeting Aotearoa/New Zealand’s international obligations, especially under CEDAW. It provides a mechanism for the Government to deliver a coordinated response both to the CEDAW Committee’s concerns and to the priorities identified in the CEDAW consultation process. It remains to be seen whether the relevant ministries will translate the plan into policies and programs, and bring about actual change in women’s lives.

The Ministry is in a precarious position due to the backlash against feminism. A significant and vocal segment of the public appears to consider women’s empowerment as having received sufficient advocacy. The center-right New Zealand National Party, the main opposition party, has recently appointed a spokesman for men’s health, based on the belief that the rise in women’s rights is overshadowing men’s needs. The Ministry of Women’s Affairs’ status and existence may be threatened by future changes in government.

## POVERTY ERADICATION

The Government undertakes little to no gender impact analysis at the macroeconomic level and, despite the efforts of the Ministry of Women’s Affairs, gender mainstreaming has had little impact on macroeconomic policy. As a result, there are no measures in place to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women. In addition, women’s unpaid work in the voluntary or informal economic sector is not reflected in national income accounts, which continue to be based on the traditional paid-labor economy only.

## Macroeconomic Policies, Development Strategies

Since 1984, governments have based national budgets and development strategies on a neo-liberal economic paradigm supported by both major political parties. While not without some merits, this approach has been a major factor in increasing inequality by ethnicity and class, with disproportionate impacts upon women, who tend to bear the brunt of family and child poverty. Some social policies and programmes have been put in place to mitigate the negative impacts on low-income individuals and families, including family support, the minimum wage and housing policies.

But the main directions of macroeconomic policy have far outweighed the effects of these initiatives. Maori and Pacific women, in particular, are overrepresented in part-time, casual and low-wage work. The impact on female-dominated unions and their low-paid members has been devastating, with the recovery of union membership and rights since the 1980s both slow and partial.

There has been very little analysis of the impact of trade and finance policies on women, and what does exist is very preliminary and insufficiently critical.<sup>11</sup> Although it has become more widely accepted that women’s disproportionate share of the burden of unpaid work should be considered in policy formation, the neo-liberal frameworks are assumed to contribute to “shared prosperity for all”.

Poverty in Aotearoa/New Zealand is often viewed as a social concern that is geographically located, and results from personal irresponsibility and a decision not to work. This view is biased in terms of gender and ethnicity. It exacerbates poverty, especially in Pacific Island and Maori communities and female-headed households, by increasing social isolation and psychological barriers to social services. According to a 2003 Ministry of Social Development report, just over 23 percent of all families were below the minimum adequate income, which is approximately 60 percent of the median household income.

Based on this measure, New Zealand ranked 12th out of 20 Organisation for Economic Co-operation and Development (OECD) countries in 1998. This means that New Zealand has a higher proportion of households with a relatively low income than the majority of European countries and Canada, is on a par with Australia, but has a low proportion than the United Kingdom and the United States.<sup>12</sup>

For indigenous Maori women, socio-economic

improvement needs to be understood in relation to culture and a history of colonization. Maori culture, akin to feminist analysis, emphasizes that women’s economic situation needs to be addressed comprehensively, in conjunction with other social, cultural and spiritual needs. The Government therefore needs to systematically change its approach to economic policy, reorienting it around social justice and social development. There needs to be a partnership approach between Maori and the Government whereby Maori are included in decision-making from the onset, and not just considered as part of the consultation process following the drafting of policy programs or strategies. A fundamental shift must take place so that Maori no longer feel dictated to, but are part of a fair and equitable process that honors the Treaty of Waitangi, signed between the British Crown and Maori tribes in 1840.

## Employment Patterns, Women’s Work

Although women’s participation in the paid workforce has increased, it is still characterized by part-time work, low pay and marked occupational segregation. Growing numbers of women are holding multiple jobs. Work/life imbalances, women’s overrepresentation in informal and voluntary sectors, and continued pay inequalities are serious concerns. Accounting for women’s work is limited to the partial analysis of the formal sector. This results in a lack of understanding about women’s contributions to the economy and national development at both micro- and macroeconomic levels, and to ill-informed policy responses.

Women’s work in the unpaid sector remains invisible in the national income accounts, even though women continue to carry the major responsibility for unpaid work. Almost 70 percent of women’s work time is unpaid, compared to 40 percent of men’s work. Women’s unpaid work averages 4.8 hours per day, with an estimated value of over \$25 million in 1999.<sup>13</sup> It is now a long-standing concern that there is a lack of recognition of care-giving as a valuable social good, and that women’s current work-life balance is untenable. Fundamental aspects of decent work are necessary to support work-life balance. These include fair pay, good leave provisions, secure employment and reasonable hours of work, supported by quality, affordable childcare.

Since the Ministry of Women’s Affairs submits gender implication statements to the Cabinet Social Development Committee, but not to the Cabinet Economic Development Committee, it is highly unlikely that women’s

needs and roles will be reflected effectively in macroeconomic policy and programmes.

Aotearoa/New Zealand's European history is rooted in the almost total destruction of remaining forests for intensive farming. Agriculture remains the most important source of national income. Some research has been done on women and farming, although no distinction is made between Maori and Pakeha. The majority of self-employed rural women are farmers.

A 1993 comparative study of rural manufacturing and farming<sup>14</sup> provided information on the levels of women's ownership and decision-making by looking at 30 case studies of farms and rural businesses in Southland, Wairarapa and Waikato. Women were partial or co-proprietors in 60 percent of the rural factories and 76 percent of the farm businesses. Of the women proprietors, 78 percent of the manufacturers and 54 percent of the farmers had an active role in the business, including activities such as office administration, accounts, market research, production, hiring of staff, sales, purchases, design, and management of some operations and staff. On average, the women proprietors worked fewer hours than their male partners.

As a crude measure of the extent to which women were truly involved in controlling the business as opposed to working for it or being a non-participating partner, the study looked at five parameters. The woman was: nominated as a major business advisor; nominated as a major financial advisor; frequently involved in formal and informal business meetings; able to approve and sign business checks; and/or involved in setting prices. On this basis, 72 percent of the women manufacturers were actively involved in power sharing, compared with 46 percent of women farmers.

The number of self-employed women grew by 11.3 percent between 1986 and 1991, with the largest increases in the finance, insurance, real estate and business industries, and in community, social and personal services. Female self-employment increased in all regions except Gisborne (where it remained the same) between 1986 and 1991, while nine of the 14 regions recorded a fall in male self-employment. Small businesses run by women are as likely to survive as those run by men. In each occupational group, however, the median income for self-employed women was lower than for self-employed men.<sup>15</sup>

The Government's health and disability strategies are dependent on community provision of services, including those provided

within the home. More than one in five mothers (22%) finds limited access to childcare to be a barrier to employment, and 47 percent of these give lack of affordability as the reason.<sup>16</sup> This is despite government investment in early childhood education and childcare for four to five year olds.

Women continue to earn less than men despite legislation in 1972 that introduced the concept of equal pay for equal work, and despite the 1993 Human Rights Act, which protects women from discrimination in employment. Based on Statistics New Zealand's Income Survey, women's average hourly earnings were 84 percent of men's in June 2001<sup>17</sup>, although the gender pay gap has improved 5 percent since 1984. For Maori women compared with Maori men, the gap is 93 percent. For Pacific Islands women compared with Pacific Islands men, it is 91 percent. Taking all part-time and full-time wage and salary earners together, women's weekly average earnings were only 60 percent of men's.<sup>18</sup>

Much of the difference is due to the fact that more women work part-time. It is not known to what extent this is because of the lack of other supports for work-family balance. Given current skill shortages, however, pay inequities have resulted in acute recruitment and retention issues in a number of "feminized" industries, including nursing and teaching.

The usefulness of the New Zealand Women's Action Plan towards achieving pay and employment equity in the public service, public health and education sectors will depend on the Government's willingness to deliver the level of funding required. Unions and women's groups remain committed to pay equity for private sector workers as well, and the need for legislation to achieve this goal.

Since 2002, the Government has encouraged employers to provide breast-feeding breaks and accommodate breast-feeding mothers when they return to work. The 1987 Paid Parental Leave and Employment Protection Act was amended in 2002 to provide 12 weeks paid parental leave to a mother in paid employment who worked at least 10 hours per week on average and had been with the same employer for 12 months. Mothers are able to transfer leave, in part or in full, to their partner, and it will be increasing to 14 weeks in December 2005. As it currently stands, however, the paid parental leave scheme excludes women in part-time jobs that are seasonal or less than 10 hours a week, self-employed women, and short-term or casual women workers who do not continuously work for six months before giving birth.

Sexual harassment, although lessening over the last few decades, persists despite extensive public information and training programs.

The repeal of the Employment Contracts Act and the introduction of the 2000 Employment Relations Act were essential steps in halting the attack on collective bargaining. As the Pay and Employment Equity Taskforce noted, collective bargaining is strongly linked to improvements in women's pay and conditions. However, employers can still find ways to undermine the Act.

For the most vulnerable groups of women in precarious work, a number of pressing issues must be addressed, including uncertain hours or conditions of work; low wages; ineffective protection against discrimination; job insecurity, often meaning no accrued entitlement to "standard" employment benefits such as sick, domestic, bereavement and parental leave; limited opportunities to gain and retain skills through access to education and training; and dangerous or unhealthy work.

The Department of Labour has consulted widely on these problems, but has announced no policy or legislative provisions.

## EDUCATION

### International Agreements

Aotearoa/New Zealand has ratified the international recommendations in the Education for All agreement and endorsed the Millennium Development Goals, including the second on education. Having already achieved the goal domestically, Aotearoa/New Zealand uses it to guide overseas development assistance in education.

### Public Policy

Although girls and women have access to equitable and quality education, the Government has done little in practice to address sexual harassment or provide gender awareness through education. Many women and girls face obstacles to education in terms of cost, and the system has not yet adequately grappled with the limited access to, and low levels of, English literacy in immigrant populations, factors that exacerbate social and economic problems for this vulnerable group.

As in other areas, the Government has approached education with an ostensibly even hand. The rhetoric, however, is more progressive than the reality. The National Education Guidelines, created by the Ministry of Education in 1990, set forth goals for the state education system, the operational and administrative requirements for schools, and national curriculum state-



ments. Achieving “equal educational opportunities” and “non-sexism,” including a “gender-inclusive curriculum,” are recognized objectives. Administratively, schools are required to “analyze barriers to learning and achievement,” including attitudes to women. Moreover, Boards of Trustees must ensure a safe physical and emotional environment for students. These goals allow for programmes and explicit policies to combat sexual harassment and promote equitable relationships. But few schools appear to be progressively pursuing them.

Although the charters of educational institutions acknowledge gender issues, there is no unit within the Ministry of Education devoted to the education of girls. In 1999, a study was commissioned that addressed gender in education, entitled “Explaining and Addressing Gender Differences in the New Zealand Compulsory School Sector: A Literature Review.” It was motivated by an increasing concern among policy makers and practitioners that the education of boys was at risk. The specifications required a particular focus on primary, Māori and Pacific Islands students, as well as disparities by gender in participation, achievement and social outcomes.

Evidence from this review demonstrated the importance of attention to issues of gender, difference and equity. The research made it clear that relational issues of gender, ethnicity, social class, sexuality and identity are inter-linked. But very few studies have been done on gender and education, and for the Ministry of Education to focus on the needs of boys before the needs of girls reflects a wider social backlash against women.

Sexuality education within the school curriculum receives inconsistent and relatively insubstantial attention. While it is one of seven “key areas of learning”, it falls only within the health and physical education section of the national curriculum. In some schools, the lack of monitoring and low funding foster abstinence-only sex education. Given the country’s high teenage pregnancy rates, abortion rates and incidence of sexually transmitted diseases (STDs), this area requires greater leadership, consistency and evaluation.

### Access and Changes in Practices

The 1989 Education Act allows free enrolment and education for every person who is not a foreign student from the ages of five to 19 at any state school. With few exceptions, children must be in school from the age of six to 16. State schools do not charge fees,

but they do ask for voluntary donations, and there are a range of other costs required, which can be prohibitive. The Human Rights Commission, in its report “Human Rights in New Zealand Today,” correctly noted that cost can be a barrier to girls and women at all levels.

In April 2004, the New Zealand University Students’ Association submitted a claim to the New Zealand Human Rights Commission that the 1992 Student Loan Scheme discriminates against women because they pay considerably more for their education than their male counterparts through interest repayments on their loans. The submission of that claim was accepted, and now the Government must prove, as set out in the 1990 Bill of Rights Act, that women paying considerably more for their education than men is “a reasonable limit on their right to be free from discrimination, prescribed by law, which is demonstrably justified in a free and democratic society.”

The Student Loan Scheme was established to provide loans to tertiary students to cover fees, course-related costs and living expenses. After graduation, however, the gender pay gap forces women to take much more time than men to repay their loans (other significant factors are the decreased workforce participation of women and the time taken out of employment to care for children). On average, Paheka women require 11.6 years to repay their student loans compared to 7.5 years for Paheka men; Maori women take 11.6 years compared to 8 years for Maori men; and other women need 13.9 years compared to 9.7 years for other men.<sup>19</sup> Through increased interest payments, women end up paying thousands of dollars more for their tertiary education than men, despite having enjoyed fewer economic benefits for their qualifications.

The Tertiary Women’s Focus Group also notes that there are significant issues for student single parents, who are predominantly women. From April to November 2003, the group and the students’ association surveyed 200 university students with dependent children. Many respondents noted that if it was not for the generosity of family or friends,



undertaking tertiary study as parents would be impossible.

At present, females represent only 6.6 percent of the participants in the Modern Apprenticeship Scheme, which provides free on-the-job training for many workers. The Tertiary Education Commission, working with the Industry Training Organizations, aims to promote women’s participation, and will report progress by November 2005.

There are concerns across all areas of the public education system that men dominate positions of authority, particularly within tertiary institutions. A senior lecturer at the University of Canterbury recently lodged a claim with the Human Rights Commission, arguing that women are still constrained by a male hierarchy when progressing to positions of academic responsibility. Only 28 percent of the university’s 653 academic staff are women, including just two professors and four associate professors.

Women also run up against discrimination in the allocation of research funding. This is at least partly due to the Performance-Based Research Fund system of rating researchers, which is biased toward men. The process discriminates against women who had, for example, taken parental leave or other breaks in duties to tend to family responsibilities. For most women academics, those years often considered to be the most productive in terms of research are those that coincide with

them being out of the workforce. In a society still largely dominated by gendered divisions of labor, male academics tend to avoid childcare responsibilities.

For refugees, research has indicated that many do not have the means to pay for English as a second language education, despite having the greatest need.<sup>20</sup> Of the UN quota refugee intake since 1999, 40 percent were not literate in any language and a further 40 percent had some literacy skills in their first language, but not in English.<sup>21</sup>

Women refugees are disproportionately illiterate in any language, have poor English language skills and low educational levels, and face high unemployment.<sup>22</sup> A number are women-at-risk who need additional re-

monment Act, which established the Ministry for the Environment and the Office of the Parliamentary Commissioner for the Environment, nor the 1991 Resource Management Act specifically mentions women or includes any gender perspective. And while there is general awareness that indigenous people have different—and on occasion conflicting—perspectives, that awareness rarely extends to concrete understanding and response. Even more rare is appreciation of the particular role and position of indigenous women, who are active advocates on various environmental and resource platforms around the country.

Aotearoa/New Zealand has two government environmental agencies: the Depart-

### Right to Natural Resources

Access to and control of natural resources is bound up in political struggles relating to the country's history of colonization. There are fundamentally different understandings of ownership and environmental security between Maori rural communities and Pakeha farmers, for example. Despite a broad acknowledgment of the special attachment of indigenous peoples to the land, there is little awareness of the environmental issues particular to indigenous women.

Maori women are active voices with regard to biodiversity, indigenous people's rights and genetic resources, but are conscious of having to constantly fight colonial hegemonic ideologies to have their views heard and gain decision-making power. Aotearoa/New Zealand is doing poorly with regard to ensuring indigenous women are visible and active decision-making participants in managing environmental security and the protection of and access to natural resources.

Conflict over access and control has grown in the past year around the question of ownership and access to the foreshore (the part of a shore covered at high tide) and seabed. Current legislation, such as the Foreshore and Seabed Bill, is exacerbating the sense of alienation and disconnectedness for many Maori women. Particularly young Maori women see the legislation as confiscating their customary lands by eliminating Maori ownership claims to foreshore and seabed in customary use. Furthermore, the law is discriminatory. It removes the right of Maori to privately own foreshore and seabed while allowing existing private ownership that is non-Maori.

From an indigenous cultural perspective, Maori women are the *kaitiaki* or caretakers of the environment, bound and born of *Papatuanuku*, the Earth Mother. There are rituals and values that women pass on to their young to continue the tradition of women as nurturers of the land.

The Ministry of Agriculture and Forestry, through the Sustainable Farming Fund, recently issued a grant for a project that may indicate a change in social awareness. The project, entitled *He Wahine—He Whanau—He Whenua*, focuses on the leading role and potential of Maori women in agriculture. It will address issues such as governance, the impact of history, unemployment and knowledge acquisition.

Much remains to be done in Aotearoa/New Zealand regarding women and the environment. Before legislative measures can be taken to strengthen and protect women's environmental roles, the need for such ac-

## Sexual and reproductive health is not among the top priorities of the national health strategy.

settlement support. Many have difficulty accessing English classes, mostly due to a lack of childcare and problems with transport. Muslim women who wear veils face discrimination in the workplace and, at times, hostility in the community.

Children who arrive as refugees have particular educational and settlement issues that need to be addressed before they can settle into the national education system. An English as a second language programme for non-English speaking students has been in place since 1998 but, unlike in Australia and Canada, there is no overarching language policy. Researchers, teachers and language advisers agree that, although there is now much greater support than in the past, further systemic improvements would enhance student learning.<sup>23</sup>

### NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

The Government response to the questionnaire from the UN Commission on the Status of Women on implementation of the Beijing Platform for Action did not address access to and control of natural resources and environmental security. This section briefly sets out the issues at stake.

#### Decision-Making

The Government generally fails to consider the gender dimensions of access to and control of natural resources, reflecting the widespread gender blindness in this area of national importance. Neither the 1996 Envi-

ronment Act, which established the Ministry for the Environment and the Office of the Parliamentary Commissioner for the Environment, nor the 1991 Resource Management Act specifically mentions women or includes any gender perspective. And while there is general awareness that indigenous people have different—and on occasion conflicting—perspectives, that awareness rarely extends to concrete understanding and response. Even more rare is appreciation of the particular role and position of indigenous women, who are active advocates on various environmental and resource platforms around the country.

The Resource Management Act<sup>24</sup> strongly emphasizes public participation to help achieve sustainability in New Zealand. The act draws together laws governing land, air and water resources, and concentrates on the environmental effects of human activities. Women are involved in implementing the Act as NGO volunteers and staff as well as members of affected communities.

However, the procedures are often semi-judicial, and dominated by “experts,” a barrier to women and civil society groups. While the Act provides for public participation, it does not directly cater to women and their needs in family and community. In an effort to manage resources impartially, the relationship of women and the environment is inevitably marginalized. Moreover, legislation and decision-making procedures tend to reflect male worldviews.

The Government is committed to giving greater protection to wetlands, as it recognizes that there has been a significant reduction in them. It hopes to protect remaining areas through a proposed national policy statement on indigenous biodiversity. However, legislative protection has not yet been extended to certain wetlands despite specific requirements to recognize them. The Government has undertaken none of the Convention's gender commitments.

tion must be widely felt. Currently, there is not much awareness of how the empowerment of women can improve environmental management overall.

## HEALTH

### Access and Affordability

Health inequalities persist, especially between ethnic groups, for those with disabilities and along the rural-urban divide. Pacific Islands, indigenous Maori, refugee, migrant and rural women face specific barriers to health care services. Rural women are often geographically isolated from primary health care as well as specialists. Pacific Islands and Maori women's health status is considerably lower than non-Maori across all indicators; Maori women's health status tends to be lower than that of Pacific Islands women.

Health care services have increasingly recognized that culture and gender are determinants of health, and that alternative models need to be given space. One particular model, Mason Durie's *Whare tapa wha*, or the four cornerstones of Maori health (spiritual, mental and emotional, family and community, and physical) has made some progress towards mainstream acceptance. Health services provided for and by Maori and Pacific Islanders are seen as the most appropriate way of improving the response of the health system to diverse needs, and these providers are having great success in many areas. However, these initiatives require advancement and greater support from the Government. The health system must also improve its responsiveness to other ethnic groups.

Maori women's current health status reflects the fact that they are among the most deprived groups in Aotearoa/New Zealand. Even when deprivation is controlled for in statistical calculations, their health status remains low. Maori women are more likely than non-Maori women or men to come from a low income bracket, to smoke, to experience domestic violence and to have poor nutrition. As a result, Maori women have lower life expectancy and higher rates of lung cancer, cervical cancer, cardiovascular disease and diabetes than non-Maori women.

In some geographical areas, Maori experience a double burden due to their rural isolation from services and their ethnicity. Particular differences for Maori women relate to: access to abortion services; receiving appropriate treatment for meningococcal disease, respiratory infections, asthma and cardiovascular disease; being victims of homicide, injury deliberately inflicted by oth-

ers and domestic violence; and mortality and morbidity due to suicide and self harm. Many of these disparities evolved from the economic reforms of the 1980s, which cut spending on health care. The Maori health models increasingly being adopted are helping to redress some of these.

Refugees and migrants also encounter problems with health care. Although there are some primary health care providers specializing in refugee and migrant health, the health system is in general not well adapted to their needs, including some specific mental and gynecological health concerns (for example, female genital mutilation).

Full health screening, including psychological assessment and referral, is available to all refugees on arrival, making the refugee health system more generous than in other resettlement countries. While refugees and asylum seekers are eligible for all publicly provided health services, considerable obstacles to access include the limited use of interpreters. Other issues of transportation, knowledge of the bureaucracy and cost heighten the barriers for refugee women. There is a low level of knowledge and skill in the national health care workforce with respect to the experiences of, and resettlement challenges for, refugees and their families.

The universal health rights that accord refugees the same rights and entitlements as other New Zealanders are partially counteracted by the omission of their health needs in population-based funding plans and strategies, and the failure to recognize these needs in national health strategies.

Feeding into the primary health care system are two important cancer-screening programs: BreastScreen Aotearoa, established in December 1998, and the National Cervical Screening Programme, established in 1990. The first program offers free mammograms to asymptomatic women between the ages of 45 and 69. This age range was recently widened from the previous 50-64 years due to organized lobbying by younger women with breast cancer. The second program targets women between the ages of 20 and 69. Since the program began, the rates of disease and death from cervical cancer have significantly declined.

However, both screening programs have difficulty reaching Maori and Pacific Islands women. The cervical program covers 73 percent of women of European origin, but only 50 percent of Maori and Pacific Islands women. Efforts are underway to improve these figures. Importantly, they are focussed on the participation of Maori and Pacific Islands women in the planning, design and

implementation of programs and associated promotional material.

### Reproductive Health

In general, there is comprehensive access to maternal health care, including emergency obstetric services, emergency contraception and safe abortion. However, hindrances to access include rural isolation; cost for those who are low-income earners, especially if they live in remote areas; and inconsistent sexuality education, despite it being formally introduced in 2002 on a national basis through public high schools.

Poor sexual and reproductive health indicators among the general population highlight a gap in public policy and government action. Areas of particular concern include: evidence of increased sexual risk-taking behavior compared to 10 years ago; high rates



Maori woman wearing the traditional moko.

of abortion, particularly among specific communities; high incidences of chlamydia and increasing rates of gonorrhoea and syphilis, with rates of chlamydia highest for Maori and Pacific Islanders aged 15-24 years; and teenage pregnancy rates that are at the same high levels as in 1981, along with an increasing number of teenage abortions.

Sexual and reproductive health rated at number 32 among the New Zealand Health Strategy, which has a negative impact on funding. Despite the launching of the Sexual and Reproductive Health strategy by the Ministry of Health in 2003, there is no nation-



ally consistent approach to sexual and reproductive health. Delivery remains fragmented, and there are no clear timelines, or monitoring and evaluation systems.

Currently, the Ministry of Health funds the Family Planning Association's 35 clinics around the country, and 30 outreach and school link clinics. All of the Association's clinics provide free primary sexual and reproductive health services for patients under 22 years old and to those with a Community Services Card, which indicates low-income earners. The Ministry of Health's 2004 Summer Sexual Health Campaign aimed to increase safer sex to reduce the incidence of sexually transmitted diseases in 15-19 year olds, particularly Maori and Pacific Islands youth. It was developed with a number of NGOs expert in sexual and reproductive health and rights.

Even with initiatives like these, however, the special needs of girls and adolescents are not being fully met. Aotearoa/New Zealand has yet to provide fully accessible sexual and reproductive health services and education to young people. Sexual health education is not compulsory and is only taught in high schools up to year 10. Parents can take their children out of this part of the curriculum. The fact that some schools offer "abstinence only" sexuality-education, and schools are only required to teach this part of the curriculum once over a three-year period, defies international research. The research shows that achieving responsible and safe sexual behavior is more likely when there is comprehensive sexuality education that encompasses abstinence, delay and contraception. A government review of sexuality education is slated for 2005.

Another area that requires concerted attention is that of the reproductive rights of women with disabilities. Infringements of their rights continue through medication, invasive surgery and forced sterilization. There are difficulties in ensuring that women with disabilities get access to information on sexuality, relationships and employment. As a result, they are especially vulnerable to exploitation and abuse.

Statistics on abortion are comprehensive. The Abortion Supervisory Committee within the Ministry of Justice monitors abortion



Basket weaving:  
earning an informal income.

law and practice, including licensing institutions for the performance of abortions and appointing certifying consultants to consider cases.<sup>25</sup> The Committee collects, monitors and compiles data made available to the public in an annual report. The data provides the only reference to the absolute numbers of abortions authorized each year.

It is legal for a woman of any age to seek, or refuse to consent to, an abortion.

However, there are certain criteria that must be met in order for an abortion to be legal. Section 187A of the 1961 Crimes Act outlines the conditions that must be present. First, the pregnancy must not be of more than 20 weeks gestation. As well, it must be clear that the continuation of the pregnancy would result in serious danger to the life, or to the physical or mental health, of the woman or girl; or there is a substantial risk that the child, if born, would

No legislation exists to counter environmental and occupational hazards particular to women, even though the Occupational Safety and Health Service acknowledges that working conditions can impair conception and pregnancy.

be seriously handicapped; or the pregnancy is the result of incest or rape; or the woman or girl is severely subnormal.

Many hospitals will not provide abortion services beyond the first trimester, but the termination can be arranged privately. Unsafe abortion is not a common event, largely because of decriminalization and the availability of services in metropolitan areas. But it has been reported in remote areas such as the West Coast and Southland, where no services are available, and among illegal immigrants. The public health system and hospitals have the capacity to address the consequences.

No legislation exists to counter environmental and occupational hazards particular to women, even though the Occupational Safety and Health Service acknowledges that working conditions can impair conception and pregnancy. Their website simply suggests that, if concerned, one should seek advice from a doctor.

## HIV/AIDS

All HIV/AIDS medical services and testing are free, after the general practitioner charge. This includes antiretroviral therapy along with viral load and CD4 testing. Some antiretrovirals are not available through the government pharmaceutical purchasing/regulating body, and must be privately purchased from overseas. Government benefits are available to anyone who is unemployed or unable to work because of illness or disability, which includes HIV/AIDS illnesses.

While HIV/AIDS remains largely an issue for men having sex with men, an increasing number of women have become infected with HIV through sexual contact.

Overall, there have been 22 children diagnosed with HIV acquired from an infected mother at or around the time of birth. Of the 13 children diagnosed from 1999-2003, five were born to women whose HIV status was not recognized when they were pregnant.

There is a gap in core public funding for promotion and prevention efforts on HIV and sexually transmitted infections targeted to women and heterosexuals. HIV/AIDS has been viewed as a predominantly male ho-

mosexual issue. Small amounts of funding have been provided to ensure HIV/AIDS is included in general sexual health promotion to heterosexuals and women, but the funding has not increased in line with the impact of HIV/AIDS on women.

In relation to pregnant women, the current policy is to offer HIV testing to women thought to be at high or uncertain risk, but this is inconsistently implemented. Eighty percent of maternity providers rarely or never assess HIV risk in their antenatal patients because of the personal nature of the questions, a reluctance to cause anxiety in pregnant women and the low prevalence of HIV among women. A report has recently been released that should promote this kind of testing.

Partly as a response to the threat of HIV/AIDS, sex workers have run their own support organization since the late 1980s. As a result, HIV/AIDS is extremely low among sex workers. They report good access to free screening at sexual health centers and special



New Zealand Prostitutes Collective clinics, which are run in collaboration with local sexual health services.

Transgendered individuals report that they use safe and knowledgeable providers such as clinical staff of sexual health centers and the New Zealand AIDS Foundation. Men to woman transgendered people are seen and cared for as women if that is their wish. The foundation provides free counseling and support to those with identity or transgender issues, and has initiated a *Whakawahine* (the Maori word for transgendered individual) Health Promoter to improve the sexual health, rights and well-being of this community. There are some smaller support networks for transgender groups, but no comprehensive and integrated services.

Refugee and migrant health services have virtually no funding for HIV/AIDS education and health promotion. Although they have responded to increasing need by expanding their volunteer base, a critical point of inadequate capacity has been reached. Urgent funding is needed to avoid a rapid transmission increase both within and from these affected communities. There is a current proposal to screen all immigrants for HIV from next year. This proposal is opposed by the Refugee and Migrant Service, the main NGO working on resettlement issues. The New Zealand AIDS Foundation decries that "the policy framework within which refugees, asylum seekers, family reunification applicants, work visa applicants and immigrants are dealt with in New Zealand is still haphazard, and there remains a need for further coordination, streamlining and efficiency improvement."

The Human Rights Act protects those who have HIV or AIDS infection from discrimination in the following areas: employment; accommodation; access to public places; provision of goods and services; education facilities; partnerships; decisions made by the legislative, executive or judicial branches of government; and industrial and professional associations, qualifying bodies and vocational training bodies. However, there is evidence of discrimination. Of the 226 HIV-positive people enrolled in the HIV Futures New Zealand study, 12 percent reported discrimination in relation to housing, and 31 percent in relation to health services. The most common forms of discrimination in the health service were additional infection control measures (48%)—presumably that those interviewed felt were unnecessary—confidentiality problems (45%) and avoidance (43%).<sup>26</sup>

A community-based national coordinator position for Positive Women, a charitable trust, has recently been established. This will increase the profile of HIV-positive women and strengthen advocacy for issues specific to women and children. To date, women have not had a high profile in the design of HIV/AIDS services that they use and need.

The views expressed in this report may not necessarily represent the views of FPAID or other contributors.

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## Sources

Hann, Sheryl, *The Implementation of the Domestic Violence Act 1995*, A report from the National Collective of Independent Women's Refuges Inc, August 2004.

Health and Disability Commissioner Act, 1996, available from [www.hdc.org.nz/page.php?&page=theact](http://www.hdc.org.nz/page.php?&page=theact).

Ministry of Foreign Affairs and Trade, <http://www.mft.govt.nz/>.

Ministry of Health, *Refugee Health Care: A Handbook for Health Professionals*, November 2001.

Ministry of Social Development, <http://www.msd.govt.nz>.

Ministry of Women's Affairs, *Action Plan for New Zealand Women*, March 2004

Ministry of Women's Affairs, *Annual Report 2003*; available from [http://www.mwa.govt.nz/pub/annual/2003/MWA\\_Annual2003.pdf](http://www.mwa.govt.nz/pub/annual/2003/MWA_Annual2003.pdf).

New Zealand Defence Force, <http://www.nzdf.mil.nz>

New Zealand Statistics, available from <http://www.statistics.govt.nz>

## Notes

1. Human Rights Commission, *Human Rights in New Zealand Today*; available from <<http://www.hrc.co.nz/report/index.html>>.
2. [http://www.mwa.govt.nz/pub/annual/2003/MWA\\_Annual2003.pdf](http://www.mwa.govt.nz/pub/annual/2003/MWA_Annual2003.pdf).
3. <http://www.msd.govt.nz>.
4. The Accident Compensation Corporation (ACC) administers New Zealand's accident compensation scheme <http://www.acc.co.nz/about-acc/accident-compensation-scheme/>, which provides personal injury coverage for all New Zealand citizens, residents and temporary visitors to New Zealand. In return people do not have the right to sue for personal injury, other than for exemplary damages.
5. New Zealand Immigration Service, New Zealand Immigration Programme Before and After - September 2001; available from <http://www.immigration.govt.nz/migration/>.
6. United Nations High Commissioner for Refugees, *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, October 2002; available from <http://www.unhcr.ch/cgi-bin/texis/vtx/template/++wLFqZpGdBnqBeU5cTPeUzknwBoqeRhkx+XX+eRhkx+XX+BdqelybnM>, 73.
7. Health and Disability Commissioner Act, 1996; available from <http://www.hdc.org.nz/page.php?&page=theact>.
8. Auckland District Health Board, *The Strategic Plan for Auckland District Health Board 2002-2007. Hei Oranga Tika Mo Te Iti Me Te Rabi, Healthy Communities, Quality Healthcare*, 2002.
9. Human Rights Commission, *New Zealand Census of Women's Participation in Governance and Professional Life*, 2004.
10. Ruth Dyson's address on CEDAW; available from [http://www.beehive.govt.nz/publications\\_recent.cfm](http://www.beehive.govt.nz/publications_recent.cfm).
11. <http://www.scoop.co.nz/mason/stories/PO0210/S00135.htm>.
12. The Ministry of Social Development, *Social Report*, 2003; available from <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN016299.pdf>.
13. Ministry of Women's Affairs, [http://www.mwa.govt.nz/pdf/Statement\\_of\\_Intent\\_2002.pdf](http://www.mwa.govt.nz/pdf/Statement_of_Intent_2002.pdf).
14. Ministry of Agriculture and Forestry, <http://www.maf.govt.nz/mafnet/rural-nz/people-and-their-issues/demographics/change-and-diversity/change09.htm>.
15. Ibid.
16. Department of Labour, Childcare, Families and Work, *The New Zealand Childcare Survey 1998: A Survey of Early Childcare Education and Care Arrangements for Children*, 1999, 46-47.
17. New Zealand Statistics, <http://www.statistics.govt.nz/>.
18. Ministry of Women's Affairs, 2003.
19. Ministry of Education, 2002; available from <http://www.minedu.govt.nz/>.
20. Ministry of Education, "Towards a Strategy for Adult ESOL Provision in New Zealand: Consultation Document," August 2002; Ministry of Education, *The Adult ESOL Strategy*, May 2003, 12.
21. Ministry of Education, *The Adult ESOL Strategy*, May 2003, 13; available from <http://www.minedu.govt.nz/>.
22. New Zealand Immigration Service, *Refugee Voices: A Journey Towards Resettlement*, June 2004.
23. Ministry of Education, *Improving English Language Outcomes for Students Receiving ESOL Services in New Zealand Schools, With a Particular Focus on New Immigrants*, June 2003; available from <http://www.minedu.govt.nz>; accessed on 20 April 2004.
24. New Zealand Ministry for the Environment, <<http://www.mfe.govt.nz/laws/rma/>>.
25. Auckland Medical Aid Trust, <<http://www.amat.org.nz/abortion1.htm>>.
26. HIV Futures New Zealand, <<http://nzaf.webstation.net.nz/Files/HIVfutures%20NZ.pdf>>.

# THE PACIFIC ISLANDS AND TERRITORIES

## In Traditional Settings, Women Are Gaining Broad Support for Change

**C**overing one third of the earth's surface, the Pacific Ocean contains approximately 7,500 islands that comprise 22 political states and territories with a total population of six million people. These small, isolated land masses—with, by world standards, minuscule populations—share the vibrancy, variety and vulnerability of 1,000 different cultures whose existence dates back 25,000 years.

Weak transportation and communication systems and lack of technology have constrained development. When home is a country like Tuvalu, with a total population of 11,000 living in eight remote, low-lying islands, and telephone/Internet connection is cut because of budget shortages, or the only inter-island boat is being repaired and the airline is grounded due to routine maintenance, your ability to interact with other parts of the country as well as the world is extremely limited. Nevertheless, despite their difficulties, island communities on the whole are lively, natural, family oriented and happy. They have much to teach the world.

Since the European invasion in the 1800s, the region has been at the mercy of global forces—colonization, religious missions, militarization, global trade, the pirating of resources and environmental mismanagement. Modern economic developments have eroded a communal, easy-going lifestyle and added inequitable trade-offs for resources: namely, land privatization, cheap imports and unlimited alcohol.

Restless youth, plus reckless political spending, political manipula-

tion and often poor leadership, have led to political and economic destabilization, the collapse of governments, the migration of the skilled workforce, and in some cases armed insurrection, most notably in the Melanesia subregion, and to some extent Micronesia. Countries in the Polynesian area have been somewhat cushioned by their close economic and citizenship ties with New Zealand, the United States and France, and their ability to send surplus populations abroad.

For women in the subregion, new and ongoing challenges include domestic and civil violence, lack of political participation and involvement in decision-making, lack of property rights, and the effects of globalization and trade liberalization. Women, particularly disabled and migrant women, suffer the highest rates of poverty and HIV/AIDS. Limited sex-disaggregated data and gender statistics exacerbate the situation. Throughout the Pacific, women remain entrenched in a patriarchal world reinforced by religion (predominantly Christianity), out-of-date colonial laws and legal practices, and Western-style governance. There is, however, a groundswell of pressure for change, including wide acceptance of new roles for women.

Women are challenging governments to provide many more human and financial resources for institutional mechanisms, policies, legislation and programs to support and promote gender equality. In this little-known, vulnerable region, women are lobbying hard for change and confidently opposing the attitudes and practices that hold them back.

### HUMAN RIGHTS

#### CEDAW Compliance

In 1995, as a subregion, the Pacific had the world's largest number of countries that had not yet ratified CEDAW. Since the UN Fourth World Conference on Women, a concerted NGO and donor effort has resulted in four more states—Tuvalu, the Solomon Islands, Kiribati and the Federated States of Micronesia—signing on. Tuvalu, the Solomon Islands and Kiribati have completed formal ratification.

By 2004, 14 out of 22 island states and territories had ratified CEDAW or are covered under a territorial administration (see chart). Four independent countries, Palau, the Marshall Islands, Nauru and Tonga, have not attempted ratification. The NGOs in Tonga and the Marshall Islands have worked particularly hard to educate and lobby for ratification, with little success.

Even in countries that have ratified CEDAW, suspicion lingers that “individual rights” are “foreign flowers” and therefore contrary to traditional and religious beliefs and practices. Pacific countries have noted a number of reservations to article five. This is due to cultural, religious and legal practices that relate to hierarchical structures, land

ownership headed by chiefs, and the role of children and women in society.

CEDAW ratification highlights persistent colonial relationships. France and New Zealand ratified in the 1980s on behalf of their six territories: New Caledonia, French Polynesia, Wallis and Futuna, Niue, the Cook Islands and Tokelau. Guam, the Commonwealth of the Northern Marianas and American Samoa are territories of the United States, which means they could ratify as individual states, but CEDAW would not have the force of law until the U.S. Senate ratifies the treaty. There is nothing to stop territories from incorporating the salient provisions of CEDAW into their territorial/commonwealth statutes, but this has not been done.

The governments of the Federated States of Micronesia and the Marshall Islands, both former territories of the United States, have shown interest in ratifying, but both have been held up by internal government procedures. In the Federated States of Micronesia, there seems to be confusion about CEDAW treaty arrangements, although both countries have ratified other international treaties that the U.S. hasn't, like the Convention on the Rights of the Child.

Most Pacific countries are unaware of the Optional Protocol. The Solomon Islands has

been the only independent island country to ratify it.

CEDAW reporting has been slow in most countries due to lack of political will, poorly qualified government personnel and difficulties in collecting information. Fiji has finished the initial and periodic CEDAW reporting process, and Samoa and Vanuatu have completed but not presented their reports to the CEDAW Committee. Other countries, with little support or guidance from their own foreign affairs and national planning departments, have lagged behind, despite substantial donor assistance and technical assistance.

Tuvalu NGOs compiled a shadow report that seems to have stimulated efforts to produce an official government report. But only Fiji NGOs have both prepared and presented a shadow report to the CEDAW Committee. In general, a great deal of misunderstanding exists about the shadow report process. Civil society organizations often lack knowledge of alternative reporting mechanisms, while governments consider shadow reporting an unnecessary duplication that wastes scarce resources, especially if they have used a consultative process to produce the government report. Because of small populations, the distinctions between government and NGOs is

more blurred than elsewhere. In many cases, the same people collaborate on both reports. Furthermore, the resources to provide a shadow report require government acquiescence, which is not always forthcoming.

Training, advocacy and technical support to influence CEDAW ratification, implementation and reporting has come from the Regional Rights Resource Team, a regional human rights institution. It has published The CEDAW Roadmap, a comprehensive step-by-step guide to the CEDAW reporting process. In collaboration with the United Nations Development Program (UNDP) and UNIFEM Pacific, the team has also provided rights-based training, workshops and educational material on CEDAW, the Millennium Development Goals (MDGs) and the reporting requirements.

Generally, knowledge and use of human rights treaties remains limited. Even countries that have ratified these treaties give little attention to the rights of women or mainstreaming gender. For example, the region needs to comprehensively revise family laws, put in place new acts for children, and make much more progress on common law. And many areas of governmental policy still lag behind convention requirements.

The Regional Rights Resource Team has done some work to demystify key human rights instruments. Through a community paralegal training program, it has trained over 200 Pacific Island teachers, women and youth leaders in seven countries. The impacts have included higher levels of awareness, legislative and policy revisions, and attitudinal changes that have come from challenging negative assumptions about human rights.

A regional NGO, the Pacific Foundation for the Advancement of Women (PACFAW), has reproduced statistics and disseminated reports on CEDAW implementation in the Cook Islands, Kiribati, Papua New Guinea, Tonga, Tuvalu and the region at large. UNICEF and the Save the Children Fund compliment the CEDAW work with awareness-raising among high-level government officials and community workers about reservations related to “individual” versus “community” rights, particularly in terms of the Convention on the Rights of the Child, which all Pacific countries have ratified.

### National Law

Most Pacific countries fail to fulfill the goal of integrating gender perspectives and women’s rights into legislation, and public policies and programs. Laws and their applications vary widely, depending on colonial

history. In many cases, gender inequalities in customs, laws and the interpretation of laws undermine women’s human rights. The situation is more serious in some countries, and the rate of positive change varies.

Overall, there is an ongoing conflict between customary laws for communities and national laws designed to protect individual rights. Culture and religion are often used to justify discrimination against women. For example, in the Solomon Islands, the traditional value of cementing and respecting communal relationships through bride price and arranged marriages has been denigrated to male ownership and rights. On land and resource ownership, men often lead the negotiations, marginalizing women’s contributions and role in decision-making despite the tradition in some communities of matrilineal accession. With poor education, women lack confidence and knowledge of how to address these issues.

The basic legislative actions that need to be taken in all countries include: a constitutional definition of discrimination; protection of women’s human rights in the Bill of Rights; constitutional inclusion of affirmative action provisions targeting vulnerable groups; laws to protect women against domestic violence; better protection for women on maternity leave in terms of pay and length of leave; laws against sexual harassment; and family laws codified and amended to reflect women’s changing situation.<sup>1</sup> A growing concern is that women may lose bargaining power and residual-use land rights with the huge push from the international community to register property as a step towards individual property rights.

In particular, legislation and policy work overlooks issues related to Pacific women and girls with disabilities. They are seldom involved in the development, implementation and monitoring of legislation, conventions, policies, programs and services at any level—local, national, regional or international. Immigration and refugee laws and practices sometimes use disability as grounds for denying refugee or migration status.

Civil society organizations, with support from bilateral and multilateral agencies, have been much more proactive than governments in promoting action on women’s human and legal rights. Countries with civil unrest such as Papua New Guinea, the Solomon Islands, Fiji and Vanuatu have higher levels of consciousness and advocacy around law and order and governance issues. Many groups are starting to see that human rights-based concepts of respect, responsibility and communal

## Box 20. CEDAW Compliance at a Glance

Country/Territory	Date Ratified
New Caledonia, French Polynesia, Wallis & Futuna	1983 by France
Cook Islands	1985 by New Zealand
Niue	1985 by New Zealand
Tokelau	1985 by New Zealand
Samoa	1992
Papua New Guinea	1995
Fiji	1995
Vanuatu	1995
Tuvalu	1999
Solomon Islands	2002
Federated States of Micronesia	2003 but waiting UN acceptance
Kiribati	2004
Marshall Islands	2001 govt accepted in principle but ratification process ongoing
Nauru	Not ratified
Palau	Not ratified
Tonga	Not ratified
CNMI	U.S. must ratify on their behalf
Guam	U.S. must ratify on their behalf
American Samoa	U.S. must ratify on their behalf

Compiled by D. Goodwillie for WEDO Global Monitoring Report

relationships may be the appropriate pathway to sustainable development and peace.

Regional NGOs; UN agencies such as UNIFEM Pacific, UNICEF and UNFPA; and the Regional Rights Resource Team have taken a leading role in conducting research on rights, offering community legal literacy services and helping to strengthen human rights institutions. They have partnered with a variety of national and provincial NGOs, whose work is independent of but coordinated with (and sometimes supported by) the agencies. Although focused on human rights in general, the Pacific regional law studies program of the University of the South Pacific has been instrumental in addressing children’s and women’s rights.



Workers' unions, the International Labour Organization (ILO) and some women's rights groups like the Fiji Women's Rights Movement have advocated improved employment rights for women. The last has produced an Economic Employment Rights Kit to educate women on employment rights and the law, and highlighted the issue of sexual harassment. A 2002 national workplace survey found that 33 percent of the women interviewed had been sexually harassed.

Women's rights are not included in school curricula, although in countries like Fiji, the Human Rights Commission is working on curricula revisions to include information on governance and human rights. The Regional Rights Resource Team and the Fiji Women's Crisis Centre, have established training programs for police and magistrates, but funds are limited. Some external donors are more prone to using their own consultants than engaging with national resource persons.

Some progress on women's rights legislation has been made. In Fiji, the Family Law Act of March 2003 provides, among other things, for the establishment of a Family Court that will have a mediation mechanism. Fiji also has a Bill of Rights; a Human Rights Commission that employs an officer specializing in gender equity cases; and a Law Reform Commission, which will review domestic violence legislation in 2004–2005. Papua New Guinea recently passed a law that made rape illegal in marriage, while the Solomon Islands plans to enact a Bill of Rights in its new Constitution and develop a gender equity policy for recruiting police officers.<sup>2</sup>

Although most countries have national plans of action on gender and development, some are more formalized and accepted by governments than others. Specified priorities tend to be economic empowerment, health, education and training, violence against women, shared decision-making and environmental issues.

In addition to the Beijing Platform and CEDAW, Pacific women have a regional agreement on women's rights—the 1995 Pacific Platform for Action. The two overlap in many areas, although some of the priorities are different. The Pacific Platform does not consider the Beijing critical areas on “stereotyping of women and inequality in women's access to and participation in all communication systems, especially the media”, and “persistent discrimination against and violation of the rights of the girl child.” The Beijing Platform does not include such critical areas in the Pacific Platform as agriculture and

fisheries, culture and the family, and indigenous people's rights.

Achievement of the ambitious goals in the Pacific Platform has been low due to the lack of desegregated data, inadequate budgets and support from governments, minimal political representation and changing issues in land ownership. Weak national machineries are another factor, along with the fact that those who ratify conventions or review legislation are frequently no longer around to direct the follow-up action.<sup>3</sup>

### Violence Against Women

Violence against women is serious and common in the Pacific Island countries and territories. It is under-reported, especially in rural areas, where chiefs deal with it in male-dominated, customary ways. In Papua New Guinea, the Solomon Islands and Vanuatu, female children are considered inferior to male children. Men use bride payment as a justification to beat their wives. Alcohol or in some cases kava<sup>4</sup> is often used as an excuse for male behavior.

Violence goes largely unopposed by church and social structures, and remains mostly unchecked because of entrenched cultural and legal norms. Even though it is costly in financial and human terms, violence has been trivialized as a natural part of family life, one that does not call for outside interference. In recent years, however, there has been an increase in awareness, services and reported cases. For example, in Vanuatu there was a five-fold increase in the reported incidence of family violence from 1993 to 2001, from 853 cases to 5,506.

Combating violence has mainly been tackled by NGOs funded by donors. Although women's departments are sympathetic, governments have provided few resources or forms of technical assistance. From a very small base in the early 1990s, NGO-led family and women's counseling centers now exist in almost every Pacific country.

The Fiji Women's Crisis Centre has pioneered research, awareness-raising, and national and regional services. It established the first Web site for Pacific women; assisted the formation of family counseling centers; organized male trainers to address gender violence; created newsletters, posters, and media awareness-raising campaigns; and trained counselors, police, military and the judiciary. A newsletter of the Pacific Women's Network Against Violence Against Women, circulated widely throughout the region, outlines pro-



grams and issues in various countries. The network now links 23 civil society organizations in 10 countries and convenes a triennial regional meeting on violence.

In Papua New Guinea, the Solomon Islands, Vanuatu, Kiribati, Fiji and Samoa, popular theatre has successfully conveyed messages about family conflict and gender violence. In the Federated States of Micronesia, a television drama series draws attention to problems, causes and appropriate ways to mediate conflict. These activities have helped sway public opinion towards supporting actions against gender violence. However, there is an urgent need for significantly more resources as well as policy initiatives by governments and the private sector.

Some Pacific governments have taken limited actions on violence against women. Six countries have conducted policy-related studies of social changes relating to family issues. But Fiji has been the only country to develop comprehensive policy changes.

Fiji enacted legislation on gender violence after hard lobbying by various women's NGOs and in particular the Fiji Women's Rights Movement. In addition to establishing a Human Rights Commission with powers to take court action, the Fiji government passed the 2003 Family Law Act. This new law guarantees the protection of women and children, and addresses women's rights, including by recognizing women's non-financial contribution to marriage and marriage as an equal partnership. It defines family to include de facto relationships.

In addition, the Fiji Police Force, pushed by NGOs, has adopted a “no-drop” policy for domestic violence cases, meaning that any complaint received by the police must be prosecuted. Newspaper reports document that violent husbands, partners and fathers have now been charged, convicted, fined and sentenced for acts of violence.

A review of laws relating to domestic violence will accompany a draft bill to the Attor-



ney General and Minister for Justice in mid-2005, while a new Fiji Industrial Relations Bill, covering sexual harassment at work, is being developed.<sup>5</sup>

A new model of government and non-governmental cooperation on violence pioneered in Papua New Guinea last year could be widely applied in the region. The Papua New Guinea Family and Sexual Violence Committee adopted an integrated, multi-sectoral approach, with six long-term strategies to strengthen the institutions that deal with family and sexual violence; ensure an effective and appropriate legal response; provide coordinated and effective services for victims; change the behavior of perpetrators and potential perpetrators; strengthen community level prevention and response; and increase understanding of family and sexual violence through systematic data collection, research and monitoring.<sup>6</sup>

A growing concern is how armed conflict and ethnic tension in the Pacific has fostered a climate of violence, including increased incidents of rape and sexual assault. Economic collapse and the diversion of donor funds to stabilize the law and order situation reduces resources available for family support centers. Reports of sexual abuse and violence against children are also rising.

Research in the Solomon Islands has found that “violence against women has been exacerbated by widespread and entrenched discrimination against women.... Whereas violence against men, such as torture and the killing of prisoners was often publicly discussed, violence against women was marginalized if not ignored. Their experience includes internal displacement and lack of healthcare after being subjected to acts of violence.”<sup>7</sup>

## PEACE AND SECURITY

### Security Council Resolution 1325

Since 1993, three Pacific countries have experienced violent civil conflict: Papua New Guinea, the Solomon Islands and Fiji. Internal political clashes and in some cases political assassinations have caused disruptions in Vanuatu, Tonga, Samoa and Palau. Despite women’s instrumental roles in peace-making—generally through family and community networks and civil society organizations—they have not been included in formal high-level, post-conflict processes for restoring peace. Fiji, Papua New Guinea and the Solomon Islands in particular have effective groups working on peace and conflict resolution where women are active participants.

Generally, there is little knowledge of or actions to implement Security Council Resolution 1325 on women, peace and security. Although women brokered peace in Bougainville, Papua New Guinea and in the Solomon Islands, they were relegated to observer status at the formal peace talks, and have been sidelined continually ever since. FemPacific, a Fiji-based women’s media and peace NGO, has circulated information and discussion papers related to Resolution 1325, but regional UN agencies tend to leave any work on engendering peace to UNIFEM rather than mainstreaming it into their own initiatives.

UNIFEM Pacific has launched a woman, peace and security program in the Solomon Islands, Bougainville, Vanuatu and Fiji, but gaining government approvals and coping with UN and government bureaucratic sluggishness has delayed implementation.

UNESCO and the Regional Rights Resource Team conduct regional programs for peace education in schools. In the Bikitawa Declaration of 2000,<sup>8</sup> the Regional Pacific Forum Annual Leaders Meeting affirmed its commitment to principles of peace, gender and ethnic equality, and justice, and outlined a number of strategies for maintaining peace and security.

### Asylum Seekers, Refugees, Internally Displaced

Papua New Guinea has the largest number of refugees in the subregion—around 8,000. They come across its western border with Indonesia. Many have clan relatives living on both sides of a line drawn by colonial powers. The United Nations High Commissioner for Refugees (UNHCR) has assisted 45 percent of the Indonesian refugees.<sup>9</sup> Along the eastern border, about 1,000 people fled to the Solomon Islands during the time of the crisis in Bougainville.

Although other countries occasionally have to deal with refugees landing on their shores, by far the largest influx has been instigated by the Australian Government’s so-called “Pacific Solution”, which provided payment to the governments of Papua New Guinea and Nauru to set up refugee camps for asylum seekers arrested by Australian authorities.

Internal displacement of people often occurs within Pacific countries. During social unrest in the Solomon Islands, an estimated 25,000 people (5.7% of the population) were relocated. After the May 2000 coup, displacement of Indo-Fijian farmers also occurred.

Migration to other countries has always

taken place, particularly between the French territories and from the Polynesian islands to New Zealand, Australia and the United States. Other forms of migration result when people find their island homes threatened by environmental changes.

The legal status of migrant women workers is an emerging concern. For example, Fiji women on temporary visitor’s visas provide care for children and the elderly in Australia and the United States, or Filipino and Chinese women are given only temporary visas so they can be used as garment and tourism industry workers in Guam, Palau and the Commonwealth of the Northern Marianas.

There is no evidence of women being trafficked internationally, but the preconditions exist.

A recent SPC paper on migration concluded by saying: “There is a general lack of information, research, study, policies and programs of action on the issue of migrant women workers. Women are often taken to other countries on false pretences and often under unfair employment terms and conditions, and suffer many difficulties and discrimination without proper recourse.”<sup>10</sup>

### The International Criminal Court

Few people know about the International Criminal Court. Since a noted Samoan diplomat and lawyer has a seat on the court, there is greater awareness in Samoa.

## POWER AND DECISION-MAKING

### Representation

The tradition of male representation of women’s interests prevails at all levels of government, and there is little political will to implement policies and fund projects directly aimed at increasing women’s participation in public life. Women lack skills in public speaking and debating, and cultural norms reinforce the idea that a women’s place is at home or behind her husband, not in Parliament.<sup>11</sup>

In spite of role models like former Deputy Prime Minister Taufa Vakatale of Fiji, New Caledonia’s Vice President Dewe Gorode and Palau’s past Vice President Sandra Pierantozzi, the Pacific Islands continue to have some of the poorest figures for female political representation in the world.<sup>12</sup> This is a particular problem in Melanesia, where, as of June 2004, there is only one female politician in Papua New Guinea’s 109-seat legislature, one in Vanuatu’s 53 seats and none in 50 seats in the Solomon Islands. The Cook Islands has two woman members out of 24 seats; Niue two out of 20 seats; the Marshall



Sharing ideas in a participatory community workshop.

Islands one out of 33 seats; Samoa three out of 49 seats; and Tokelau four out of 25 seats. The situation has not changed much over the past decade.

The Commonwealth of Northern Marianas, Fiji and the French territories have increased women's leadership in decision-making by legislating quotas and making changes to voting practices. During the Commonwealth of Northern Marianas' Constitutional Convention in 1995, the Women's Affairs Office embarked on a major effort to encourage and support female candidates. The result was the largest ever turnout of female candidates for any public office.

In 1999 more women were elected when Fiji changed from "first-past-the-post voting" (where whoever captures the majority of the total vote wins) to "preferential voting" (where voters rank their choice and elections results weigh the ranking if there is no clear majority). Eight women supported by the NGO Fiji Women in Politics and UNIFEM, were elected to the 52-seat Lower House, the main legislative chamber. This gain was not sustained, dropping to four out of 70 in the next election.

In the French territories, France's *Parité* Law, which requires political parties to put forward an equal number of male and female candidates, is having a major impact on politics and decision-making. For 40 years, the number of women in office in New Caledonia, French Polynesia, and Wallis and Futuna remained low, but as a direct result of the new French law, municipal office holders more than doubled from 22

percent in 1995 to 47.5 percent in 2001. In New Caledonia, the municipal elections held in March 2001 boosted the portion of women from 10.4 percent to 28.9 percent.<sup>13</sup> The territory now has both a female president and vice president. The 2004 New Caledonia election for 76 seats in three provincial assemblies resulted in 40 men and 36 women taking office (47%). In 2002, French Polynesia elected its first woman to the French Assembly.

The Cook Islands and the Commonwealth of Northern Marianas have 10 and six senior level female political party officials respectively. Tonga and Tokelau do not have political parties, but Tonga has chosen to focus on women in politics as its major gender strategy for 2004-2005, aiming to encourage more women to vote and stand for election. The Federated States of Micronesia, Kiribati, Niue and Samoa each report one woman in a high position in a political party.

Papua New Guinea's Constitution allows for three women to be nominated to Parliament. No appointments have been made since independence in 1975. The issue is now under discussion, with debate as to whether the government should make the nominations, or whether women's organizations should elect representatives. Bougainville will have three elected posts reserved for women in the 2005 provincial elections.

Women's participation in local governments is at similar low levels with the exception of Niue, which has elected 25 women as local government councillors since 1993. Often the reason women cannot succeed in

local politics is because local government frequently comprises a mixture of hereditary or appointed members based on tradition and elected members. Although women can hold traditional leadership offices in some Pacific countries, relatively few do. In most countries, women do not have an accepted role in local government.

Papua New Guinea's laws allow each local government council to appoint a representative of women and youth. In principal, the women's representative is the president of the district women's council, and there is a system of district councils of women who elect the national council of women. In practice, the model has problems. Women are only organized into functioning councils in some districts and provinces.

Some countries like Samoa have a "parallel" local government for women, the women's committee. In recent years, these committees have fragmented due to distances between villages and travel costs. However, the traditional councils of chiefs (all men in most villages) have stayed together. The councils elect a mayor from among their number, and the mayors meet monthly, in a national council of mayors, with various government agencies to coordinate rural development and administrative matters. In 2004, the Samoan government decided to establish a national council for the women's committees to operate on similar principles, although the women's committee representatives will be paid only half the amount allotted to their male counterparts.

Modern women's committees have three sections: the daughters of the village, the wives of untitled men, and the wives of chiefs and orators. Committee leaders are usually elected on the basis of traditional rank. For the council, each village will have one elected women's committee representative. Given the fact that some committees have split apart, some villages will have to resolve how to choose a representative. Despite initial difficulties, however, the new system could strengthen women's role in local government, and enable the government to communicate more effectively with women and include them directly in national programs.

Some countries have achieved a degree of gender equity in appointments to the boards of statutory bodies and state-owned enterprises. For example, in the Commonwealth of Northern Marianas, there is a law in place that sets a quota of at least one female representative for boards and commissions, but each representative's period of engagement is short so the turnover is high, thus the con-

tinuity of services and programs alter with each new government administration. For example, to date there is only one presiding judicial officer. Likewise, the number of women representatives in the legislature has varied from zero to two.

The Cook Islands and Nauru have achieved some amount of gender equity in membership of state-owned enterprises. Nauru has 13 female board members in 14 companies, although this figure implies that each has a predominantly male board. Kiribati, the Federated States of Micronesia and Samoa specifically allow for female representation on some boards of statutory bodies and state-owned enterprises. This issue needs further data collection and analysis to adequately measure progress.

In many cases, women require a greater understanding of the importance of participating in parliament and other decision-making bodies. Although strategic political plans for campaigning are increasing, they are still few in number. Support for good women leaders is often marred by women's lack of cooperation, and voting frequently follows tribal, clan and extended family lines. Some elected women have little awareness of gender issues and quickly follow the male model for political caucusing. Voter education for women to understand the voting procedures, register and use their vote wisely is critical, but apart from UNIFEM, there is little available funding for these or other programs for women in politics.

Women are also finding out they will have to guard legislative and other advancements. There is some concern in New Caledonia, for example, that parties representing indigenous Melanesians (who make up about 45 percent of the total population) are likely to use female candidates as proxies for men because of cultural expectations that women may only act with the permission of husbands, fathers and brothers.

The Marshall Islands has an active civil society organization working for women, Women United Together for the Marshall Islands, which runs a women-in-politics program and campaigns for women in local government and national elections. In Papua New Guinea, Women in Politics is an NGO that has campaigned, mainly without success, for a number of women candidates in national and provincial elections since 1993.<sup>14</sup> UNIFEM has held a series of leadership training workshops and published a resource manual for the Pacific Islands, *Women and Political Empowerment*.

In 2004, the SPC 9<sup>th</sup> Triennium Con-

ference on Pacific Women proposed that countries should take affirmative action by legislating quotas of 30 percent for women; require political parties to put forward equal numbers of male and female candidates for elected office; ensure equal participation of men and women in public life, political parties, statutory bodies and boards, and management roles in governments, the private sector and civil society organizations; and involve key government ministries, including those for women, finance and national planning, in working together to mainstream gender issues and concerns throughout public policies and programs. The conference also proposed lobbying Christian Churches to promote equal opportunities for women within their hierarchies, and establishing public education programs in Pacific communities to promote and strengthen the practice of shared decision-making within families and communities.

Closer working relationships have developed between governments and NGOs, but governments themselves lag behind NGOs and continue to be suspicious about their activities and criticisms. In recent years, NGOs have made a big impact on women's lives, working tirelessly to deliver services in education, literacy and health care. Only recently have governments invited women's NGOs to participate on government delegations to international events, largely due to donor pressure.

Women are now calling on governments to upgrade their national machineries for service provision, and provide qualified staff for

reductions and downgrade the status of these departments. Women's departments tend to be located in ministries with low national priority, and lack the resources and structural position within the government to effectively promote gender policies and mainstreaming. Governments expect donors to fund women's programs in most countries, and only provide resources for wages and overheads. In some countries, even this support is minimal. Some governments claim that gender concerns have been mainstreamed in sectoral programs, that women's departments are handling the issues, and that there is no need to provide additional resources.

Without women's departments, however, there are few or no focal points for women's initiatives. Many women's departments have harnessed the skills of motivated volunteers and taken advantage of the expertise of NGOs to mobilize women on issues critical to women's development.

At the August 2004 SPC conference, women asked: "Why do we know the number of cows in dairy production but not the number of men and women in the dairy industry?"<sup>15</sup> Delegates called upon governments to establish gender focal points in every department or ministry to make regular reports to a well-resourced, high-level women's policy advisory board with the capacity to contribute to all forms of planning, budgeting and policy development. Separate gender planning and policy units within high-level planning or finance ministries were requested to encourage the collection of sex-disaggregated data and research on gender, coordinate focal point

Women asked, "Why do we know the number of cows in dairy production but not the number of men and women in the dairy industry?"

programs targeted to women in all government departments. Gender auditing at the senior policy, planning and research levels is seen as key to women's advancement.

### Impact of Representation

All Pacific Island countries and territories have some form of national women's machinery, generally a women's division or department. In some cases, there is a higher level Ministry of Women's Affairs. Since 1993, donors have provided technical assistance for building the capacity of women's departments and mainstreaming gender.

Government reforms and budget deficits, however, have been used to justify staff re-

activities within other ministries and target legislative change.

Government machinery in general needs upgrading so that all ministries have the means to carry out policies and ensure gender mainstreaming. Most senior women officials within ministries are highly motivated and increasingly successful in managing their tasks, but when it comes to issues that particularly affect women, they lack the means to carry out their vision. Women at the SPC conference also asked: "Why should a small department getting between 0.002 to 1 percent of the budget be responsible for programs for 50 percent of the population?"

A major task of national machineries for



women is to organize the response to national, regional and international commitments to the advancement of women, including the Beijing Platform, the Pacific Platform, the MDGs, national action plans, the Commonwealth Plan of Action and CEDAW. But women's departments and organizations should not be expected to do this in isolation. The Pacific Platform calls for action across the board and support from national and local governments, political parties, civil society organizations, regional and multilateral organizations, and bilateral donors.

Regional and international requests to complete surveys and provide information and reports strain the already limited resources of national mechanisms. Many Pacific women are fed up with endless reports and international meetings. The strategies that have worked have been homegrown initiatives to lobby and promote attitudinal and legislative changes.<sup>16</sup>

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

In a technical sense, most Pacific Island women know little about macroeconomic policies and their implications for countries, communities, families and livelihoods. Some of the reasons for this include: limited involvement of women's groups and organizations at the national economic policy level; lack of consultation with women on the potential impacts of policies; the absence of a gender perspective on development issues and women's priorities, such as family and social obligations; and the lack of public awareness programs about development issues.

Raising awareness and understanding of gender issues in policies is central to achieving greater government accountability in resource allocations. In the Pacific, there are several women's organizations, all based in Fiji, at the forefront of this kind of advocacy. The Pacific Gender and Trade Network researches issues related to women and trade so as to build the knowledge of Pacific women on trade issues and provide substantial statistics and information to women's advocacy programs. The Fiji Women's Rights Movement is currently conducting a study on the gender impacts of trade agreements in Fiji, focusing particularly on manufacturing and agriculture. Development Alternatives for Women in a New Era (DAWN) is instrumental in providing policy research and analysis in a number of areas. Nevertheless, government accountability for gender equality commitments remains the

lynchpin of a sustained gender-responsive approach to policies.

Recent studies have found increasing inequality and poverty in the sub-region. In 2001, 37 percent of the population in Papua New Guinea had insufficient income to meet minimum food energy requirements per adult; 93 percent were from rural areas.<sup>17</sup> A quarter of households in Fiji live below the poverty line, and wealth is unevenly distributed.<sup>18</sup> Melanesia has some of the highest poverty rates in the world, while Polynesia has some of the lowest. But migration, a cause of minus growth rates in the Polynesian countries, steals skilled people and causes increased dependence on overseas experts, which is only somewhat offset by the high level of remittances sent home by migrants.<sup>19</sup>

Many governments are still reluctant to recognize poverty as a major national issue, because supportive kinship networks remain a strong element of island culture, along with the concept that everyone has land to feed their family. The Asian Development Bank has conducted both participatory and economic studies of poverty in Vanuatu, Papua New Guinea, Tuvalu, Kiribati, the Federated States of Micronesia, the Republic of the Marshall Islands, Tonga, Fiji and Samoa. The reports, which considered gender, noted the lack of data for measuring and monitoring poverty in most Pacific Island countries and territories. The bank is working with SPC to help governments improve data collection, develop poverty reduction strategies and monitor MDG implementation.

In trying to analyze the impact of globalization on Pacific women, several issues highlighted globally could be used to assess macroeconomic impacts in the region.<sup>20</sup> Positive effects include the reduction of tariffs, which has led to a wider range of relatively cheaper food. Trade liberalization policies have increased the possibilities of expansion of business to overseas markets, improved skills, and increased women's participation in manufacturing, tourism and service activities. Employment opportunities have also resulted from investment policies granting concessions to multinational companies, such as tax-free periods of operation. In Samoa, Yazaki Eds Limited provides employment to more than 1,000 women, especially those who have dropped out of school and have few special skills.

Negative effects of globalization threaten

the environment and labor standards. With the support of the South Pacific Regional Environment Program, some countries and



Fetching water from the well.

territories have ratified international conventions to protect the environment from harmful trade and investment practices. Other issues include the exploitation of female labor and erosion of labor standards, and livelihood displacement. In countries with significant tourist industries, traditional women's handicrafts are being replaced by cheaper imported Asian substitutes that are marketed as indigenous crafts.

A particularly complex issue is food imports. Women are the major producers and sellers of food, and sales of food and produce are often the only source of income they control. But consumers are increasingly choosing to buy cheap, low-quality, imported food. While this lowers the cost of living for the poor, it also deprives poor women of a livelihood. Further, this trend is accelerating dietary change linked to rising rates and costs of diseases such as diabetes and high blood pressure.<sup>21</sup> Imported foods are cheap and easy to prepare, but also low in quality and high in fat. In most countries and territories, there are no national food standards to monitor and control the quality of foods and other consumer goods.

The competitive nature of trade liberalization has curtailed previously subsidized domestic industries like chicken production, but increased demand for the product, even as many women find themselves less able to produce quality family foods. Additionally, the nature of farm work is changing to involve pesticides and herbicides, increasing the risk of health and environmental hazards arising from improper safety provisions.

Other problems include unemployment



caused by mobile international companies, improved mechanization and mass lay-offs. The migration of young workers leaves the elderly isolated at home to fend for themselves, while the intrusion of working schedules into personal lives leads to stress and upsets traditional family dynamics. Some production lines result in more jobs for women than men. At times, imbalances in the distribution of jobs between the two sexes depends on which gender dominates the sector favored by trade rules.

Even if multinational companies adapt Pacific Island business and social environments, traditional attitudes result in women having to endure long working hours and sexual harassment. Most factories and companies do not have sexual harassment policies in place, and some countries have yet to adopt international conventions on equal employment.

### Access to Public Services and Resources

Economic reforms are starting to reduce social services. Studies during the past three years chronicle the numerous impacts of structural adjustment programs.<sup>22</sup> In the Solomon Islands, for example, these programs are considered a factor triggering recent tensions. In the Cook Islands, adjustment produced a massive rise in unemployment and out migration of young and skilled workers, with cuts in education and health budgets. The wages of government workers in the Marshall Islands dropped by one-third, and a wage and job freeze was applied. Papua New Guinea's mostly lower ranking civil servants, especially women, were retrenched. With the privatization of water in the capital of Papua New Guinea, many find safe drinking water unaffordable. In Fiji, restructuring policies created low-wage book industries based on female labor and a visible growth of poverty.

A survey of over 900 people from 10 Pacific countries indicated a desire for governments to recognize the advocacy function of civil society organizations, and to forge meaningful, well-resourced partnerships to deliver social services or acquire policy advice. NGOs are flexible, innovative and resourceful. They have gained growing respectability for their ability to deliver services efficiently, often in sensitive areas, and for their focused, quick responses to emergencies as well as ongoing poverty needs.

NGOs have also been the most outspoken on macroeconomic policies and their effects on the poor, and on making the links to women. As Sarah Garap, in Simbu, Papua New Guinea, has said: "All who work for social change, politicians, planners, commu-

nity leaders and families, need to be aware of women's development needs and concerns if we want to improve family lives and women's equal participation in development."<sup>23</sup>

There has been some progress in connecting national budgets to gender needs and inequalities. In 2002–2003, the governments of the Marshall Islands, Samoa and Fiji agreed to pilot initiatives for using the national budget to integrate gender into policies and programs. The Asian Development Bank provided technical assistance.

The Marshall Islands subsequently focused on integrating gender into the public expenditure management system, while the Samoan pilot looked at ways to incorporate both women and young people. Fiji conducted an audit to determine whether gender concerns were being mainstreamed into national policies and programs in accordance with the national Women's Platform of Action.

A regional framework for gender response budget initiatives includes a checklist of the types of government expenditures that potentially have significant and different impacts on women and men, boys and girls.<sup>24</sup>

In 2004 the Pacific Secretariat's Women's Bureau sent a questionnaire to its 22 member governments and regional organizations that made more explicit links between budgets and progress on the platform. It covered all categories of government expenditure that need to be assessed if a gender perspective is to be incorporated throughout the budget. The findings showed very few attempts by member states and territories or by agencies of the Council of Regional Organizations of the Pacific to link gender issues and inequalities in budgets. Nine of the 22 countries surveyed reported specifically targeted expenditures to women and girls in the form of funding for women's affairs mechanisms. For its 2003 budget, Samoa reported the highest allocation of the total budget at two percent, but most countries and territories were under one percent: .0035 percent for Niue, 0.24 percent for the Solomon Islands, and 0.2 percent for Tonga.

The conclusion drawn is that Pacific Island governments still demonstrate gender responsiveness mainly by small allocations that support extremely limited efforts to retain women's affairs ministries or desks.

### Employment Patterns, Women's Work

The Pacific Platform recognizes women's economic participation as a major concern. Women lack knowledge of economic systems and management, while limited confidence prevents many from speaking up and

demanding their rights. While unions and employment associations provide limited services, there are few legislative frameworks to protect women, including laws on equity in employment, sexual harassment, or conditions for part-time and casual workers. NGOs like Vanuatu Women and Development Scheme and Women in Business in Samoa have modelled ways to train women to improve business skills and gain access to credit, but governments and regional agencies channel few resources into these efforts.

The increasing numbers of educated women in most countries over the past 10 years would suggest women's presence in the paid workforce is also expanding.<sup>25</sup> But the low economic growth or even economic decline affecting most Pacific Island countries and territories has suppressed growth in employment opportunities, particularly for young women and men.<sup>26</sup>

Women's share of non-agricultural employment is an indicator for the third MDG, on gender equity, and is regarded as a measure of economic development and women's roles in the "modern" economy. Normally, when women's share is larger in non-agricultural employment, they are more economically empowered women. But country data requires informed interpretation. For example, women's larger share of non-agricultural employment in Fiji probably reflects the fact that women's role in agriculture is undercounted, but Fiji also has the most diversified economy in the Pacific region as well as a relatively large urban population, so there are more opportunities for women to work in non-agricultural employment.

In most Pacific Islands, more males than females are classed as "economically active." However, there is a narrower gap between women and men in the category of paid employment. In most countries, slightly more men have paid employment than women, but in Samoa there are more employed women than men.

Increased investment in labor-oriented industries has boosted the number of employment opportunities for women, although mostly in the form of lowly paid, blue collar jobs. Some industries do not have working conditions suitable for women and demand long working hours.

Pacific women do not enjoy equal pay for work of equal value. There has only been a modest improvement towards equal pay for professional women. The Fiji Women's Rights Movement has been lobbying the government for almost a decade to change labor laws, particularly those governing the

garment industry. Its work in collaboration with the Ministry of Labor has resulted in the current draft Employment Relations Bill, which addresses, among other things, maternity protection, sexual harassment and nursing mothers.

Most countries have streamlined policies and legislation to provide employment opportunities that eliminate discrimination against women in the workplace through ratification of some ILO principles/conventions. However, the monitoring and enforcement of these policies and laws remains a challenge.

Up to 80 percent of the island populations are self-employed in farming and fishing for domestic consumption and commercial sale. Rural people often have many sources of income, but available census data for Samoa, Kiribati and the Federated States of Micronesia indicate that self-employment accounts for a very small proportion of the economically active population. The self-employment sector is dominated by women in Samoa and Kiribati, and by men in the Federated States of Micronesia.

Available census data also indicates that women predominate in subsistence employment in the Federated States of Micronesia, except in the age group 15–19, and in Fiji and Kiribati across all age groups. The sex difference in subsistence production is not very significant in Vanuatu, but in Samoa men predominate. However, this data may reflect cultural bias that renders women's work invisible. For example, while agriculture and fishing are indeed definitively masculine occupations according to Samoan cultural values, women and girls are likely to do agricultural work at peak seasons, women and children are more likely to sell surplus produce, and women do much of the in-shore seafood gathering that is not classified as fishing.

The Pacific Platform for Action calls for mainstreaming gender planning in agriculture and fisheries, and ensuring that extension services and training programs are directed to women. The Marshall Islands, Palau, Tonga and Fiji have adopted policies accordingly. The platform also specifies the need for gender disaggregated data and the development of monitoring mechanisms. Departments of agriculture and fisheries should be asked to keep records and provide data on the number of female and male clients visited or assisted by agricultural and fisheries extension agents.

In terms of the division of labor, in most countries women are assigned to the domestic sphere whereas men make decisions in the public sphere.<sup>27</sup> But there is some evidence

that the nature of women's work in many communities is changing. For example, in Melanesia and Micronesia, rising male migration from rural to urban areas leaves more women as heads of households. Once men's labor is diverted from the household and subsistence activities, women's workloads increase in the home, the community and in paid work.

## EDUCATION

### International Agreements

All Pacific governments have endorsed the Education for All initiative spearheaded by UNESCO and other partners. The regional Forum Secretariat's Basic Education Action Plan recommends a gender analysis of education access and quality towards the development of policies for gender equality. Although education ministries have strategic plans for education, most governments consider gender the lowest priority among the six targets.

### Public Policy

Few parents, teachers or ministries seem to support the notion that gender parity in education is crucial to positive national development. They don't associate the educated mother with her role in raising a healthy family, which minimizes health costs and contributes to the economic development of everyone.

Most countries and territories lack sex-disaggregated figures, which is a major obstacle to gender equality in education. Census data

tives into curricula is still in the early stages, and there is a tendency for males and females to study gender stereotypical subjects. Women are most under-represented in physics and chemistry, but accounting is an increasingly popular subject choice.<sup>30</sup>

In an SPC survey, four of the 10 countries responding indicated they had done a gender review of the primary and/or secondary curricula, but no information is available about follow-up. A separate study from the Cook Islands (which completed a gender curricula review) reported that old materials containing stereotypes are gradually being phased out. Some women's issues have been included in school and teacher's training curricula.<sup>31</sup>

Teacher training courses and universities have limited expertise or interest in pursuing gender studies. Some courses are offered in Papua New Guinea and in overseas institutions, but the University of the South Pacific, which draws students from 12 Pacific countries, offers only one single-semester course in women's studies. UNIFEM Pacific has recently initiated talks to develop a more comprehensive program with the university, but the process is quite slow. The result of the lack of tertiary level gender courses is that there is no systematic learning, academic research or development of capacity in gender issues. Countries therefore look to short training courses or offshore consultants, not always aware of cultural innuendos, to help them develop gender policy and programming.

In Vanuatu and the Solomon Islands, UNICEF's Child Friendly Schools focus on assisting teachers and communities to intro-

Increased investment in labor-intensive industries has boosted employment opportunities for women but mostly in low-paid jobs with poor conditions and long hours.

is generally more reliable than school enrollment data, which may not be carefully monitored. School principals at times inaccurately inflate enrollment, including for girls, to secure more resources.<sup>28</sup>

Fiji and Samoa have the most comprehensive educational data in the region, but Vanuatu is the only country that has analyzed its educational sector from a gender perspective. The analysis found that the slow progress on gender equity—an integral part of the World Bank sponsored economic reform program commonly referred to as the Comprehensive Reform Program—stems from ineffective government machinery to drive change.<sup>29</sup> It noted that the integration of gender perspec-

duce child-centered learning practices, with an emphasis on “no smacking” policies. It is hoped that these will ensure a less violent community in the future. Almost all the participants are women, who acquire important leadership training skills and learn about child development.

### Access and Changes in Practices

At the primary level, most countries are reaching parity in enrollment. They have introduced policies to encourage girls to attend school and are making significant headway. But there are worrying dropout rates for girls in secondary schools, particularly in Papua New Guinea, the Solomon Islands, Vanuatu



Cooking fish in Kiribati.

and some Micronesian countries. Enrollment data often masks high absenteeism, high drop-out rates, and low achievement and completion rates.

In the Francophone, American and New Zealand territories, where education is compulsory and free until year 10 or 12, literacy rates are also high. In independent countries, particularly in Melanesia, literacy rates are low, especially among women. Schooling, even if accessible, is expensive for families scraping out a subsistence existence.

There appears to be reasonable gender equity in the allocation of scholarships, except in Vanuatu, the Solomon Islands, and possibly Papua New Guinea, where disparities may reflect the overall gender inequity in education at all levels.<sup>32</sup> In the Polynesian countries and Fiji, girls increasingly get better results than boys and stay in school longer. Yet even when girls do well in school, females are less likely than males to have a tertiary education.<sup>33</sup> This generally reflects lack of money for school fees, and entrenched views of women as wives and mothers who do not need careers or further education. Sometimes parents do not allow their daughters to pursue education because of economic or labor needs in the household. In other cases, parents are concerned for their daughter's physical safety in a new environment.<sup>34</sup>

An ongoing issue is the development of girls' confidence and self esteem. Girls who lack knowledge of their bodies, sexuality and health needs find it difficult to negotiate safe sex and protect themselves from exploitation by family males and in casual encounters. Teenage pregnancies are on the rise, and pregnant students are often discouraged or

prevented from continuing their studies.<sup>35</sup> Some tertiary institutions—for example, nursing schools in Fiji—do not allow students who become pregnant to continue their studies.<sup>36</sup>

A successful Fiji Women's Rights Movement initiative has been the Emerging Leader's Forum, a year-long program for young women that created and widely distributed *Girltalk*, a girls' journal, and "Headstrong", a series of essays on role models with the strength to make healthy choices.

The Girl Guides movement and the YWCA traditionally have provided young women's leadership training, but their outreach and appeal has waned. In schools, counseling and support services for young women are limited and sporadic, with no regional initiatives or back-up. Donors have assisted NGOs to develop role model books for girls in Papua New Guinea, Fiji and Vanuatu, such as *Girls Can Do Anything*, but education departments have not reproduced the materials once the initial NGO distribution was completed.

In secondary schools, boarding facilities for female students are usually inadequate. Accommodations need to be secure for the safety of residents, but careful management is important—in a tragic fire in 2000, Tuvalu lost 18 young women and a matron who were trapped inside a locked hostel at the nation's only secondary school. Some parents send their children to relatives living overseas, or from rural to urban areas, leaving the girls vulnerable to exploitation and sexual abuse.

Adequate provision of appropriate vocational training for boys and girls is a concern across the Pacific. Quality formal and

non-formal education is also an issue, with severe limitations on the systems in Papua New Guinea, the Solomon Islands, Vanuatu and parts of Micronesia. Governments turn for assistance to churches and other community institutions. Other limitations come from growing youth populations (up to 40 percent of the total population is under 15 in Papua New Guinea, the Solomon Islands and Vanuatu) and civil unrest (as in Fiji, the Solomon Islands and Bougainville in Papua New Guinea). Generations of young men and women with little schooling have grown up with disrespect for elders and create major social problems. The ILO and UN agencies have had various initiatives to encourage improved rural training, with an emphasis on income-generation.

Several regional reports have noted that non-formal and vocational training favors males, and emphasizes agriculture, engineering and other stereotypically male occupations. Training for women tends towards traditional subjects like cooking and sewing.

A study on women and science indicated that social and cultural factors contribute to the limited presence of Pacific women in physics, engineering, and information and technology, but not in biology and chemistry. In 1999 at the University of the South Pacific, 593 male and 155 female Fiji students took physics. Technology showed an even greater disparity, with 755 male and 28 female students. Mathematics and computing also proved to be a male bastion with 3,422 males and 1,820 female students.<sup>37</sup>

Samoa, with the help of AusAID, UNDP, UNV and UNESCO, has made considerable progress with the integration of disabled children into the school system. This relieves some of the responsibilities of mothers and other female caregivers, and allows additional educational opportunities for disabled girls, who are often held back from schooling due to protective attitudes stemming from cultural and religious beliefs. The activities include in-service teacher training and the establishment of child special needs centers in six schools throughout the country.

Reform pressures from globalization and trade agreements are changing education, especially on the tertiary level. Students are opting for distance education courses or continuing education studies within their own countries. The University of the South Pacific pioneered the use of distance education using satellite telecommunications, but women's enrollment has never been equal to that of men, and access to telephones, computers and electricity are basic requirements



that disadvantage rural people, women even more so.

In terms of the employment of women in education, women teachers have lower positions and pay, and are often silent in union negotiations. In Fiji, women teachers comprise 57 percent of the primary school workforce and 48 percent of the secondary school workforce, but only 22.5 and 14 percent of principals, respectively.<sup>38</sup> Women also have a subservient role in teacher's unions.

Many schools have management committees that make use of fundraising by mother's clubs, but rarely have women among their executives. Girl students do not have important role models to follow, while women cannot fully utilize their own education or help girls to attain higher aspirations. Gender training is not included in pre-service teacher training and refresher courses.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

An increasing number of women are involved in environmental decision-making, although they gravitate less to the hard sciences. Women were delighted when a woman was appointed to head the South Pacific Geological Commission, the regional geo-science organization. NGOs and to a lesser extent government environmental agencies have women in middle-level management positions.

A growing number of university courses on environmental issues is increasing the presence of trained young professionals in regional agencies, governments and NGOs. But jobs are scarce, and it is especially difficult for young women to gain a foothold. Civil service jobs within environmental ministries offer little scope for significant input into policy decision-making, as these ministries tend to have lower status and impact. It is still rare to see a woman as a research leader for scientific studies, although there are some exceptions to the rule. Women's leadership and voice is more effective at the grassroots.

Beyond serving as focal points on gender and the environment, women need to be more proactively promoted as natural resource managers and environmental planners. Authorities at all levels should be persuaded to make women's involvement and participation easier and more attainable. This could start by injecting sufficient resources into ministries for women and the environment that allow them to hire qualified staff.

According to SPC research, six countries have conducted environment research but

only three included discussions about impacts on women. This may reflect the limited vision of women's ministries and departments, where staff tend to have training in the social sciences rather than in biology, physical science and engineering, and are less likely to make links to environmental concerns.

The Asian Development Bank and UNIFEM have supported various gender audits of environmental programs in the region. In Fiji, an audit of staff positions in the Ministry of Agriculture found that women make up one quarter of the staff: 24 percent of senior executives, 13 percent of technical experts and 44 percent of non-technical posts. The audit stated: "Although women play a central role in the Fijian economy, their contribution to agricultural production is largely invisible in national statistics and is, thus, overlooked in both economic analysis and policy formulation. The fact that agricultural sector planners rarely take rural women's needs into consideration can have a serious impact on food security, agricultural training and services not targeted at rural women, despite the fact that they grow a significant amount of the food for family consumption."<sup>39</sup>

Fiji went on to set up focal groups within the Department of Agriculture to raise gender issues in key planning exercises. But ministry planners lack the expertise, data and tools to work on gender issues. Extension workers in agriculture, forestry and fisheries tend to neglect services that target women's needs. While gender mainstreaming has been introduced in some places, it often does not survive ministerial changes.

A 2002 meeting on water held by the South Pacific Geological Commission yielded no strategy to directly work with women or women's machineries, or to encourage women's departments or NGOs. Similarly, the Environmental Vulnerability Index, developed by the University of the South Pacific with support from a conglomerate of regional environment and conservation organizations, outlined no target to collect gender-desegregated data, or to measure the vulnerability of women, who are among the first and most heavily affected by natural disasters. Both men and women are theoretically informed about what should be done when a disaster warning is received. But governments and some NGOs need to be convinced that disaster management planning and decision-making will have better results with women involved, particularly on environmental protection, water supply, safer housing and food security.<sup>40</sup>

The tendency to sideline strategies for

women was evident in the Pacific Island presentation to the World Summit on Sustainable Development in Johannesburg, South Africa in 2000. The idea that gender is an overarching, cross-cutting issue related to basic sustainable environment principles and practices encountered stiff resistance. The ar-



Young woman  
at water tank in  
Marshall Islands.

guments included the notion that all issues of equity and sustainable development needed to be addressed, not just gender equity. It was felt that the term gender is being over-used and is a commonly accepted UN concern requiring no re-emphasis. A case was put forward that the Pacific should only pursue a few critical issues distinctive to the region, because concerns such as HIV/AIDS, poverty and gender will be picked up by other regions. A final argument proposed that there is little gender distinction in values, use and relationship with the natural environment, so gender is not essential in promoting sustainable use and management of land, ocean and coastal resources in the Pacific.<sup>41</sup>

### Gender Impacts

In 1995, the Pacific Platform for Action identified the potentially destructive effects of mining and logging operations on communities and the environment. But a decade later, deforestation continues in Papua New Guinea and the Solomon islands at rates that threaten serious consequences through the loss of biodiversity. Phosphate mining has severely affected the environment of Nauru.<sup>42</sup>

Although the consequences of global warming were not fully appreciated a decade ago, climate change and rising sea levels have drastic environmental implications for some Pacific Island countries and territories. They are facing coastal damage, seawater intru-



sion, increased storms and storm damage. Given the ways that subsistence populations depend on oceans and forests, food security is also an issue. The biodiversity value of the Pacific region, which is global in nature, is threatened by, among other things, fishing, tourism, infrastructure development, waste disposal, climate change and the introduction of exotic marine organisms.

The Oceans Policy issued by Pacific Island nations states: “Concern for the health of the ocean unites the (Pacific island countries and territories) like no other issue. This Ocean supported the movement of our forbears both as a medium for transport and as a source of food. More recently it has made a significant contribution to our economic development. Responsibly managed, it has the potential to support additional commerce and provide food security for those generations that will follow us.”<sup>43</sup>

Degradation of the environment is often caused by bad management, inappropriate choice of technologies and lack of environmental impact studies. Other concerns include a rising population and scarce land; the intrusion of sea water into fresh water supplies; the loss of wild products used for food, medicines, income and cultural rites; the exploitation of coral reefs and rain forests; reckless use of fire within farming and land clearing practices; exploitation of terrestrial and marine resources by industry with few benefits going to local communities; lack of regulatory frameworks to protect indigenous sea and land rights; unsafe sewage processing; lingering after effects from colonization such as cancers related to nuclear testing; depletion of natural resources by logging; and security issues arising from unsustainable gold and copper mining in Papua New Guinea.<sup>44</sup>

Some partnerships among national and international agencies have taken a community-based approach to analyze women’s control of resources and encourage women to understand and take responsibility for their land and sea resources. A good example comes from Fiji, where rural women were upset that agricultural drainage had destroyed their culturally significant wild rushes, called *kuta*. With the help of the World Wildlife Fund, the women were able to establish sustainable practices and local rules to upgrade and protect the harvesting sites, which led to a broader initiative in wetlands conservation.<sup>45</sup> Canada sponsored a major regional initiative for improved fish handling that focused on women.

Unfortunately, women are sometimes just as far behind in environmental awareness as

men, and as keen to sell out to loggers and other interests, though both sexes are now starting to understand the short-term nature of instant cash. Women do voice their concerns about unabated resource extraction, increased water pollution, waste dumping, sanitation problems stemming from improper environmental management and crowded human populations. Therefore, it is surprising that advocates for gender equity often have such limited connection with those pursuing conservation and environmental management.

### Right to Natural Resources

Despite the decline in land and sea resources, few people notice and many lack understanding of what to do about environmental problems. Women in particular depend on natural resources, especially in rural areas where they need firewood, water, good soil for gardens, sea and bush foods. But they are often unaware of or lack understanding of the importance of legal protections.

Reflecting regional concern about threats to traditional knowledge and intellectual property rights, for example, women from New Caledonia have complained that their indigenous *kanak* dress design is now used for dresses made in Asia and sold back to the people in the islands. Some recommendations have called for tough and gender sensitive measures to guarantee support for women and men’s differential knowledge and skills, and for clans, groups or communities that are the creators, repository, custodians and trustees of traditional knowledge and expressions of culture. Also needed are clear and specific international intellectual property standards for protecting traditional knowl-

and aggressive rather than being due to the acknowledgment of an inherent right. How much 200 years of church activity and colonialization is responsible is hard to gauge because women have internalized their roles so much. Even in matrilineal landholding, women have given over many of their rights to men—for example, in Ponape, the Federated States of Micronesia, and Bougainville in Papua New Guinea.

With the push for government reform, privatization of commodities has begun, mainly affecting urban populations dependent on electricity and telephones. Access to safe water varies between countries, with Papua New Guinea at the lower end of the scale—it has 70 percent of all Pacific Islands people. Water access is a good proxy for the availability of other services such as sanitation, transport and health care, but in some cases, the figures may not be accurate. There is evidence that in some countries and territories, community water supply systems have been installed but failed due to lack of maintenance.<sup>47</sup> Poorly maintained water systems may supply water, but it may not be safe, as recent studies in the Federated States of Micronesia have shown.<sup>48</sup>

## HEALTH

### Access and Affordability

The structural weaknesses of health systems in the Pacific have become increasingly evident, even as the demand for community and national health services has grown. The UNDP *Pacific Human Development Report* notes that common problems are declining funding, non-supportive macroeconomic policies, growing poverty, the emergence of

Some cultures do not acknowledge the existence of HIV, believing “it only happens to others.”

edge and expressions of culture to ensure the continuance of their collective creation and communal ownership. Any non-customary use of traditional knowledge must be with the consent of the owners and benefit them.<sup>46</sup>

In general, women’s access to natural resources varies immensely by country or even the tribe, and depends in part on the sensitivity of women leaders to the issues at hand. Extended family holdings are ostensibly the right of the owning families, but there is a pecking order, and the male head of the strongest family usually has the final say. There have been cases of women prevailing, but that’s more because someone is strong

lifestyle related diseases and the resurgence of infectious diseases.

It is difficult to evaluate the quality of health services on the basis of the overall status of public health, because health services are only one element in determining health status. Other factors include a healthy environment, social harmony, absence of poverty, and good diet and food supply. Endemic diseases like malaria in Papua New Guinea and the Solomon Islands or the prevalence of diabetes in Nauru are important variables.

The resources that a country can spend on health services directly also affects quality and outcomes, including life expectancy

rates. New Zealand, Australia and New Caledonia have high life expectancy rates for women and men, but also have the highest gross national incomes per capita and purchasing power parity rates in the Pacific. At 73.8 and 71 years respectively, Samoa and Tonga have the highest female life expectancies among the Pacific island countries and territories, due to accessible health services, safe water supplies, adequate nutrition and relatively few serious endemic diseases.

Another criterion to evaluate health is whether services are available to everyone. Health resources tend to be concentrated on curative services provided at hospitals, mainly in towns.

In some countries, this is because preventable infectious diseases have declined following the introduction of better hygiene, immunization, better housing, clean water and toilets. However, as people live longer, and as their diet and way of life changes, more are getting non-infectious illnesses such as diseases of the heart, veins and kidney, and diabetes. In Fiji the incidence of common cancers tripled between 1966–1969 and 1997. Diabetes in Kiribati is estimated to be two to three times more common than it was in 1981. The proportion of adults living in rural Samoa who are classified as obese tripled for men and doubled for women between 1978 and 1991, substantially increasing the risk that they would develop diabetes.

There are often major differences between the needs of people in towns and those in villages, especially in countries where the population is dispersed on many small islands. While people in towns are more likely to need expensive curative health services, rural people are more likely to need preventative health care, including clean water and sanitation. These services are less expensive than curative care, except in countries with rugged terrain, many small islands, and few roads or transport services. In general, the cost of treating non-communicable diseases is beyond the resources of most countries and territories, so health education is a necessary investment.

While 80 to 100 percent of people may theoretically have access to health services, many rural health centers are understaffed or lack medicines or both. Rural women may need to travel to obtain services, but are often

unable to do so. Doctors are usually concentrated in one or two towns. In Nauru and Samoa, rural people can easily go to town for medical services, but in most countries people cannot. The outer islands of Tonga, Tuvalu, and Kiribati usually have a nursing station, but in remote parts of the Solomon Islands, Vanuatu and Papua New Guinea,



Girl collecting firewood.

there may be no functioning services accessible to women.

Immunization coverage rates may be inaccurate because of faults in health systems. In some provinces in Papua New Guinea, for example, inadequate refrigeration hinders the maintenance of rural vaccination programs. Civil disturbances in Papua New Guinea and the Solomon Islands have made it unsafe for nurses to make maternal and child health visits to villages.

The Cook Islands, Nauru, Vanuatu and the Solomon Islands indicate they carry out research on woman-specific illnesses, but do not specify what these are. Since 1993, SPC and other agencies have researched non-communicable diseases that disproportionately affect women, such as diabetes mellitus, in the Cook Islands, Nauru, Niue, the Marshall Islands, Tonga and several other countries.

### Reproductive Health

Maternal mortality is high in Papua New Guinea and the Solomon Islands. These

countries not only have resource and organizational problems in providing all women with midwifery services, but they also have endemic malaria, which entails risks for women who are pregnant or giving birth. The Solomon Islands currently has the highest maternal mortality rate, overall fertility rate and teenage fertility rate, but Papua New Guinea has the highest infant mortality rate, closely followed by Kiribati. Maternal mortality is lowest where most births are medically supervised.

Child mortality has declined significantly throughout the region, but reports are usually not disaggregated by sex. Infant mortality has also dropped, although the levels remain high. More women now have adequate prenatal, delivery and post-natal care, but on average, three Pacific Island women die each day (1,000 per annum) due to complications during childbirth.

In some countries, improvements in child survival are being more than balanced by increased adult mortality stemming from lifestyle diseases, accidental deaths, and the resurgence and emergence of infectious, environmental and vector-borne diseases. Sexually transmitted infections also continue to climb.

All Pacific Island countries and territories provide family planning services, although accessibility varies. Abortion is universally prohibited except in most countries to save the mother's life. Pacific women continue to die from medical complications after unsafe abortions.

Nauru, the Cook Islands, Niue, Samoa and Fiji allow for abortions on the grounds of preserving a woman's physical and mental health, but often this is not defined and left to the discretion of doctors in communities that can be steeped in religious anti-abortion rhetoric. Abortion on the grounds of rape or incest, fetal impairment, economic or social reasons, or on request is not allowed.

Sex education is often bypassed, even when it is officially in the curriculum. There are very few programs for young women who need help to understand their bodies, their sexuality and their ability to say "no" to sex. Programs within schools are not evenly administered. For example, in the Cook Islands, Family Life Education is compulsory and adapted for use at primary and secondary school levels to combat teenage pregnancy, but the curriculum has not yet successfully

been put in place, and there is ongoing difficulty in providing essential information on sexuality in a timely fashion. The attitudes of parents and teachers seem to be the main obstacle. Pregnant girls are allowed to continue their schooling, but the level of support for this varies from family to family and school to school.<sup>49</sup>

Sterilization is available to women in all countries except Kiribati. Samoa does not provide contraceptives to unmarried women, although what this policy really means is that teenagers not in a conjugal relationship cannot easily get contraceptives, in keeping with Samoan cultural values concerning female premarital chastity. In practice, if a young woman visits the town family planning centre and asks for contraception, she may be given it. However, many young women, even in countries where contraception is available on request, are too embarrassed or ill-informed to seek the service, and some health workers are unwilling to provide contraceptives to a woman they suspect is unmarried or without a partner.

The Cook Islands, Tonga, the Solomon Islands, Vanuatu and Samoa report they have research programs on reproductive health and family planning, and it is likely that research has also been done in Papua New Guinea since 1993.

## HIV/AIDS

Cultural and gender inequalities pose challenges and opportunities for responding to HIV/AIDS. Stigma surrounding HIV/AIDS is mostly "compounded by the general lack of knowledge and fear."<sup>50</sup> Some cultures do not acknowledge the existence of HIV, believing it "only happens to others."<sup>51</sup> Cultural and religious taboos prevent people from talking openly about sexual matters, including high rates of sexually transmitted infections. Other factors fanning HIV/AIDS are the lack of strong health infrastructure, a multitude of languages and scattered populations.

Women are affected by HIV/AIDS because of their low social status and sexual subordination. Their vulnerability can be linked to youth, poor health status, mobility and urbanization, lack of infrastructure and basic services, limited education and lack of employment opportunities.

Cases of HIV and AIDS have risen steadily in the Pacific, with 800 deaths as of 1999, but officially reported cases remain low compared to other regions. HIV/AIDS is well established in Guam, Papua New Guinea, New Caledonia and French Polynesia, but inadequate data in many countries make it

extremely difficult to map the full extent of the pandemic.<sup>52</sup>

It is clear that rates of infection from mother to unborn child are increasing, particularly in Papua New Guinea. Approximately 50 percent of all new infections are among young people. Since between 40 and 60 percent of Pacific islanders are under the age of 25, HIV prevention remains a pressing concern.

People with sexually transmitted infections such as gonorrhoea are more vulnerable to HIV infection, so when the rate of these infections is high there is cause for concern that HIV infection rates will climb as well. "In Vanuatu, pregnant women have chronically high levels of some sexually transmitted infections: 28 percent have Chlamydia and 22 percent have Trichomonas infection. Some six percent of pregnant women are infected with gonorrhoea, and 13 percent with syphilis. About 40 percent of the women had more than one sexually transmitted infection. Similarly, in Samoa 31 percent of pregnant women had Chlamydia and 21 percent had Trichomonas infection. Overall, 43 percent of pregnant women had at least one sexually transmitted infection."<sup>53</sup>

A gendered approach to HIV/AIDS and human rights is critical for an effective response to the HIV/AIDS epidemic. Correcting structural and cultural barriers, along with even distribution of the benefits of development, would greatly promote gender equity and reduce women's vulnerability.<sup>54</sup>

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## Notes

1. Seeto-Dubain, "Pacific Islands Status of CEDAW Implementations," Pacific Foundation for the Advancement of Women (PACFAW), 2004.
2. Schoeffel, Penelope, "Pacific Platform for Action: An Evaluation of the Thirteen Critical Issues and the Status of Pacific Women," 9th SPC Conference on Pacific Women (Triennial), Secretariat of the Pacific Community (SPC), July 2004.
3. SPC Conference on Pacific Women, *L. Taylor Report*, PACFAW, 2004.
4. Kava is a habit forming traditional non-alcoholic drink.
5. Sudhakar-Herman, Devena, "Women's Rights in the Pacific - An Overview," Fiji Human Rights Commission at the Amnesty International Inaugural Human Rights Conference, Brisbane, 2004.
6. Schoeffel, SPC, 2004.
7. Amnesty International, "Solomon Islands: 'Women Confronting Violence,'" Australia, November 2004.
8. Schoeffel, SPC, 2004.
9. ESCAP, 1999.
10. For further information refer to papers by Schoeffel, Huffer and Rokduru presented at SPC 9th Triennial Conference on Pacific Women, July 2004.
11. PACFAW, Pacific Islands Implementation of Commitments to the Beijing and Pacific Platforms for Action, 2003.

12. International Parliamentary Union; available from <http://www.ipu.org>; accessed June 2004.
13. *SPC Crossroads*, Issue 04 19, Noumea, New Caledonia, August 2004.
14. Women in Politics recently campaigned for Mrs. Nahau Rooney, one of the few women in Papua New Guinea ever to hold a seat in the national parliament, to be elected by Parliament as Governor General. Unfortunately Mrs. Rooney was excluded on the first round of votes, and a number of male parliamentarians who endorsed her candidature did not vote for her.
15. Plenary discussions and personal comments recorded by the author from Pacific women leaders attending the SPC 9th Triennium meeting in Nadi Fiji, July 2004.
16. Personal responses to request by author to participate in the WEDO Global Monitoring Survey.
17. Lightfoot, Ryan Quitazol, "PNG Poverty Assessment," Asia Development Bank Pacific Operations Centre, March 2001; Elizabeth Cox, Asian and Pacific Development Centre Poverty Paper on Papua New Guinea, 1989/90.
18. United Nations Development Program (UNDP), Government of Fiji, *Fiji Poverty Report*, Suva, 1997.
19. *Pacific Human Development Report 1999*, 19.
20. Malua, Margaret, "Globalisation and Trade and the Impact on Women," KVA Consult Report for the PSC 9th Women's Conference (Triennial), July 2004.
21. Schoeffel, P., "Gender and Development in the Pacific Islands, Strategic Issues and Approaches," Asia Development Bank Pacific Strategy 2005-2009, Bangkok, October 2004.
22. PACFAW, "Gender Impact Study on Economic Reform in the Pacific and Gender Impact Study on Trade in the Pacific," 2004.
23. Garap, Sarah, "Women And Development: Efforts, Programs, Opportunities," Simbu Women's Resource Center, Simbu Development Forum, Papua New Guinea, August 2001.
24. Sharp, Rhonda, "Governments Budgets and Gender Equality in the Pacific Islands," 9th SPC Paper, Australia, July 2004.
25. Schoeffel, P., *Pacific Platform for Action: An Evaluation of the 13 Critical Issues and the Status of Pacific Women 1994-2000*, SPC, 2004.
26. The reasons for this trend vary between countries, but the overall trend is the populations are growing faster than economies, thus governments have less resources to meet the needs of larger numbers of people.
27. Commonwealth Secretariat, "Women and Natural Resources Management, a Manual for the South Pacific Region," 1996.
28. Schoeffel, SPC, 2004.
29. Strachan, Jane, *Department of Women's Affairs: A Gender Analysis of the Education Sector in Vanuatu*, Ministry of Education, Vanuatu, November 2002, 17.
30. Ibid.
31. PACFAW, *Cook Islands 2003 Status of Women*, April 2004.
32. Schoeffel, SPC, 2004.
33. Ibid.
34. Nagatalevu-Seniloli, Mereseini, "Pacific Monitoring Report on the Implementation of the Beijing and the Pacific Platform for Action," PACFAW, 2003.
35. Ibid.
36. Fiji Women's Rights Movement (FWRM).
37. UNESCO Women and Science, "Fiji Government, Learning Together: Directions for Education in the Fiji Islands," 2000, 256.
38. Ibid.
39. Fiji Government, Ministry of Agriculture, "Sugar and Land Resettlement," ADB and Ministry for Women, Social Welfare & Poverty Alleviation, 2003.
40. SOPAC Report 282, "Gender, Households, Community and Disaster Management: Case Studies from the Pacific Islands," February 2002.
41. Patrina Dumar Ecowoman News, 2001.
42. Asia Development Bank, *MDG in the Pacific: Relevance and Progress*, 2003.
43. SPC, "Pacific Islands Regional Ocean Policy," available from <http://www.spc.int/piocan/forum/New/welcome.htm>.
44. Robinson and Mosely, Parkinson Lectures, 2002.
45. Lechte, R., Goodwillie D., and P. Dumar, *Community Environment Workshop Handbook for Women*, ECOWOMAN, 2000.
46. Schoeffel, SPC, 2004.
47. Schoeffel, 1995.
48. Asian Development Bank Omnibus Infrastructure Development Project Study, Globalworks, 2004.
49. PACFAW, "Implementation of Commitments To the Beijing and Pacific Platforms for Action 2002-2003," 12.
50. Rarabici, V., "Pacific Women and Aids," *Pacific AIDS Alert*, vol. 18, 1999, SPC, Noumea, New Caledonia, 1999, 3.
51. Ibid., 25, 3.
52. Lakshman, Chaitanya, "SPC Pacific Women Bureau 9th Pacific Women's Conference (Triennial) and the 2nd Pacific Women Ministers Meeting (2PAWMM) Report," Institute of Justice and Applied Legal Studies (IJALS), Suva, Fiji, July 2004.
53. Ibid.
54. Kerr, Sprenger and Symington, *The Future of Women's Rights Global Visions and Strategies*, The Association for Women's Rights in Development, London, 2004.





# ***EUROPE AND NORTH AMERICA***

**Commonwealth of  
Independent States (CIS)**

*Armenia, Belarus, Georgia,  
Moldova, Russia, Ukraine*

**European Union (EU)**

**Canada**

**United States**

# COMMONWEALTH OF INDEPENDENT STATES (CIS)

## Dramatic Economic, Political and Social Upheavals

**T**he former Soviet republics of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine are all now part of the Commonwealth of Independent States (CIS). They have not yet acceded to the European Union.

In the Soviet Union, women were legally guaranteed equal rights to education and to political and economic participation. All CIS governments have carried over these achievements in their constitutions, in addition to ratifying CEDAW and adopting the Beijing Platform for Action. With the support of international institutions, and in partnership with civil society, they have taken some steps towards fulfilling their commitments to empower women in economic and social spheres, and mainstream gender across public programs. Yet wide disparities remain between what has been said on paper and what is practiced in reality.

For women in the CIS, conditions have actually worsened in many ways since Beijing. The last decade has been a time of dramatic economic, political and social upheavals. Neo-liberal market reforms have brought privatization, liberalization and a definition of macroeconomic discipline inspired by the international financial institutions. These changes have redistributed economic assets and social services, and shifted the balance of power.

Gender has been an important factor in the reforms, given the unequal position of men and women prior to 1989. But the transition policies have not taken it into account. Men have gained economic assets, while women, as the primary care takers, have picked up a disproportionate share of the negative consequences, including price

increases and cuts in public expenditures that have stripped away health, education and family benefits. Even benefits that remain, such as pensions and stipends for students, are often waylaid by mounting foreign debts and constant budget deficits. Not only do women suffer first and most from developments like these, but their ability to participate in economic, social and political life over the longer term is also minimized.

While the CIS countries subscribe to the principle of gender mainstreaming in public policies and actions, as outlined in the Beijing Platform for Action, the need to balance gender equality with other public policy goals remains a challenge, as does the question of how to overcome engrained cultural patterns of inequality and gender stereotypes. Despite obvious disparities, political parties and their leaders still do not seriously consider gender and women's issues, and women are mostly absent from policymaking processes. Political figures often dismiss women's concerns and fail to place these concerns on the agenda. This demonstrates not only their faults as politicians, but also their lack of understanding of the responsibilities that every country has after signing and ratifying numerous international protocols and conventions.

In short, serious deviations from the fundamentals of sustainable social development—social justice, gender equality and human rights have accompanied the process of the CIS joining the global economy. Constitutional guarantees of women's equality have not been enough to contain the damage to women's social, economic and political standing.

### HUMAN RIGHTS

#### CEDAW Compliance

Belarus, Russia and Ukraine ratified CEDAW without reservations in 1980, and Armenia, Georgia and Moldova acceded to the treaty in 1993-1994. Georgia, Russia and Ukraine ratified the Optional Protocol to CEDAW in 2000-2001; Belarus signed it in 2002, but has not yet ratified. Armenia and Moldova have not signed the Protocol. All CIS countries report regularly on the status of women to the CEDAW Committee, and take treaty provisions into account in preparing national documents. There is no discriminatory legislation regarding equality between men and women, and all countries have adopted national action plans and set up institutional machineries for women's advancement after Beijing.

All countries have also ratified the international Convention on the Elimination of all Forms of Racial Discrimination and the Convention of the Rights of the Child.

#### National Law

CIS countries have an advantageous position

in terms of women's rights. They are young states still in the process of being formed and have already enacted legislation that guarantees the rights of women to work, to receive equal pay for equal labor, to elect and be elected, and to take maternity leave. Those who violate the labor laws prohibiting the dismissal of pregnant women and women with children face prosecution. All countries also have legislation that prohibits harmful child labor, child prostitution and child pornography. Except Armenia, all have ratified the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

Progressive laws, however, have not curtailed discrimination against women. Despite solid legal frameworks, there are no effective mechanisms to monitor and enforce them. Most countries have not passed gender-specific anti-discrimination or equal opportunity legislation. A common argument is that specific legislation against gender-based discrimination is redundant, because there are already more generic anti-discrimination laws. Only Russia has introduced the

Law on Government's Guarantees of Equal Rights and Freedom for Men and Women. In Ukraine, the Law on Equal Rights and Opportunities for Women and Men is still under discussion in Parliament.

#### Public Awareness

There is a lack of comprehensive human rights education in schools and universities all over the region, and women's human rights in particular are not included in school and university curricula, or in training for members of the national security forces. In Belarus, the state does not support any forms of human rights education in school curricula, and even throws up barriers to NGOs involved in such activities. Human rights awareness campaigns are considered political, with the potential to undermine presidential power.

It is mainly national NGOs and international organizations that carry out human rights awareness activities among women. Some guidelines are available on how to use legislation to exercise individual rights, such as "Women's Rights: Step by Step", published

by Women, Law and Development International and Human Rights Watch in Ukraine.

### Violence Against Women

All CIS countries punish violence against women according to the criminal code and some more specific laws (for example, the Law on Prevention of Family Violence in Ukraine). Nonetheless, women frequently suffer from violence. Although the reported rates are quite low, it is generally acknowledged that these crimes are under-reported due to traditional stereotypes or a lack of confidence in law enforcement agencies. This is particularly true for domestic violence. The persistence of violence also stems from limited awareness of regulations and mechanisms, a lack of effective measures to deal with the underlying causes and the prominence of violent acts in the media.

To date, governmental assistance to victims of violence is inadequate, given that countries struggle with limited financial resources, limited international and national inter-agency cooperation, overly complex bureaucracies and corruption. There are few programs to train judicial, legal, medical, social, educational, police and immigration personnel. Services in all of these areas are limited, and most support to victims of violence comes from NGOs and international organizations. There are few shelters where women can go for refuge, and these are usually small and lack professionals such as lawyers or psychologists to give assistance to victims of violence. They are also expensive to found and run. The introduction of special training for law enforcement officials on domestic violence and trafficking in women is a good starting point in Moldova and Ukraine, but more work is needed.

Today, a dramatic increase in the number of women being trafficked from the CIS, especially to Western Europe and also to North America, is a growing concern in most countries. Since 1989, according to United States State Department estimates, between 120,000 and 175,000 women from Eastern Europe and the CIS have joined the sex industry in Western Europe each year.

Governments have significantly increased their efforts to combat trafficking in human beings over the past four years, in part by adopting a series of new laws. In March 1998, the Criminal Code of Ukraine was amended, making Ukraine one of the first countries in Europe to formally criminalize



this offense by adopting a discrete “Trafficking” provision. Subsequently, in April 2001, the legislature adopted a new criminal code, making trafficking in human beings an indictable criminal offense.

CIS countries are party to several international instruments that address problems directly linked to trafficking, such as forced labor, slavery and slavery-like practices, discrimination against women, children’s rights and migrants’ rights. Four out of six countries (Georgia, Moldova, Russia and Ukraine) signed and two (Armenia and Belarus) ratified the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. Efforts should now be made for all the countries to ratify these international instruments and to bring domestic legislation into accordance with them.

## PEACE AND SECURITY

### Security Council Resolution 1325

In terms of international commitments, the level of public awareness about Security Council Resolution 1325 on Women, Peace and Security is very low. Governments accept it as one more official document among others. Using the Resolution is therefore almost entirely up to women.

In 2003, women’s groups in Georgia created the Women’s Peaceful Council. Its goal is to popularize the Resolution among women and governmental officials, in order to make it an effective instrument for backing women’s participation in conflict resolution. The group’s most successful experience has involved bringing together women from opposite sides of Georgia’s ethnic conflict to build confidence, break down stereotypes about the enemy and encourage cooperation.

(Since 1993 Georgia has experienced three armed conflicts—Georgian-Abkhaz, South-Ossetian ethnic conflicts and the Tbilisi civil war). Women pushed MPs to accept them as equal partners in the peace process by organizing public hearings to be held for the first time in one of the halls of the parliament building.

In Chechnya and Russia, mothers desperate to save their conscripted sons have formed the Movement of Soldiers’ Mothers. This movement has grown in political force, leading to the creation of the United National Party of Soldiers’ Mothers

in 2004 to protect the interests of draftees and their families, as well as women and children in general.

### Asylum Seekers, Refugees, Internally Displaced

In some CIS countries, namely Armenia, Georgia, Moldova and Russia, conflicts have marked the transition period and have been a contributing factor to the displacement of huge numbers of people. Since the collapse of the Soviet Union, almost nine million people have moved throughout the territory for a variety of reasons related to instability, including ethnic conflict and civil war. The growth in slavery and the overall trade in people among those who are internally displaced is not surprising—nor are the gender differences. While most smuggled migrants are male, most trafficked persons from CIS countries are young women and children.

Without appropriate regulations and border controls the response to these uncontrolled flows of people has been mainly ad hoc. In the absence of laws on migrant labor, these workers face exploitation and abuse. Female migrant workers face the additional obstacle of traditional patterns of gender segregation in the labor market, which tend to limit their employment opportunities to domestic work, entertainment, hotels and restaurants, sales, garment and textile production, and assembly work in manufacturing controlled by traffickers in certain places. Living conditions for internally displaced people are abysmal, given the density of some populations and poor sanitary conditions. The level of infectious diseases is very high.

Many displaced women may have already suffered gender-based violence, including rape. They also face high rates of domestic violence when spouses and male family members explode in moments of blind rage and frustration. Some women end up coerced into



providing sexual favors in exchange for critical supplies such as food and shelter. Others have been forced into prostitution by their families in order to provide an income. In Armenia and Georgia, the state conducts training courses for refugees or internally displaced persons, women in particular. But the courses do not cover all the needs of these persons, such as training for the new occupations they have to acquire in new conditions.

None of the six CIS countries have signed the Convention on the Protection of the Rights of all Migrants and Members of their Families. Belarus ratified the Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees in 2001; Moldova, Russia and Ukraine acceded to it in 2002, 1993 and 2002 respectively. Armenia and Georgia have not signed it. National laws and regulations in countries with armed conflicts have no gender dimension and do not cover women's and children's issues.

### The International Criminal Court

Only Belarus has not signed the International Criminal Court. Armenia acceded to it in 1999; Moldova, Russia and Ukraine signed the Rome Statute in 2000; and Georgia ratified it in 2003. Nevertheless, public awareness of the court is very low, and there is no information on how it has been used to protect women.

### POWER AND DECISION-MAKING

Discrimination against women in the political sphere is manifest in the sharp decline of women in the structures of legislative and executive power at all levels. At the outset of transition the share of women elected to parliaments plunged from 23-30 percent to less than 10 percent.

Then, between 1994 and 2004, the share of women in national parliaments increased in four CIS countries. Today, women constitute around 10 percent of parliamentarians in the Russian Federation, where the new Law on Political Parties promotes equal political participation for men and women. Georgia's Parliament is just over 10 percent female, while in Moldova, nearly 16 percent of parliamentary deputies are women, including the chairperson. Women make up 28 percent of those elected to Belarus' Lower House of Parliament. Only in Ukraine has women's share drop, from about 8 percent in 1998 to around 5 percent in 2002.

In general, women are grossly underrepresented not only in parliaments, but also in decision-making positions in government

## Box 21. Bringing Women into Business

In Ukraine, Winrock International's Women's Economic Empowerment Project provides Ukrainian women with business and entrepreneurial skills. It offers training, access to credit and grants to NGOs that support women in business.

Working with six Ukrainian women's groups, Winrock has established women's business support centers in Donetsk, Kharkiv, Ivano-Frankivsk, Mykolayiv, Chernihiv and Crimea that offer three-month courses. Each hosts a U.S. Peace Corps volunteer with extensive business experience who consults on small and medium business operations.

Since 1999, more than 1,200 women have completed these courses, and nearly 400 have started or diversified businesses, creating more than a thousand new jobs in areas such as the hotels and restaurant industry and tourism. Another 1,200 women have taken short-term training seminars. Thirty-seven new women's business associations have been formed.

In 2001, Winrock International also launched a credit union program to provide loans in the same locations as the business centers. Working through local credit unions, the program began as a loan fund earmarked for graduates from the three-month courses who presented viable plans for starting a business or expanding an existing one. Many of these women would not otherwise qualify for bank loans or credit from donor programs.

The program's philosophy is to instill in participants the importance of responsible borrowing and credit management. Successful participants build a credit history that can make them more attractive clients to credit unions and banks. A first-time borrower is eligible for a loan of up to \$750; after successful repayment, that amount may be increased to \$1,500. After two successful repayments, it can be increased again to \$2,000.

Having granted \$325,870 in 354 loans to date, the program is now available to women who complete short-term training at the centers.

ministries and other institutions that are now presiding over major changes that will shape the future of CIS societies. This means that women have relatively little input into social and economic policies, even those with a dramatic impact on their lives.

Repeated studies of gender and voting behavior indicate that the absence of women in elected office results not from voting patterns in general elections but from party nomination practices. These in large part limit the number of women in parties and even more so in party executive committees. One common practice is to place women at the bottom of the electoral list. Since political parties are the channels to elected office, their role in increasing women's representation is clearly crucial.

To date, few positive measures, programs or networks support women in politics, and no country in the CIS has quotas. In 2004, Ukraine's former Prime Minister proposed a 30 percent quota for women in all governmental bodies, but Parliament backed away from the idea.

In some countries, women's political parties exist, but they rarely influence decisions, and may not support gender-sensitive policies. The Women for Future party in Ukraine often falls in line with government positions and advocates conservative policies. Most members are former Soviet bureaucrats and part of the Communist Party nomenklatura.

NGOs, not governments, conduct most of the available training programs to increase women's participation in decision-making. As for gender education for political candidates, NGO projects for female candidates in Moldova and Ukraine discovered that there was a greater emphasis on educating male rather than female candidates about gender.

After Beijing, all CIS countries developed national machineries (commissions, committees, councils on gender issues) devoted to advancing women, working out state policies and strategies related to gender, developing action plans, and coordinating gender mainstreaming into all national policies, strategies and programs. These were meant to engage with all forms of state governance—including the legislative, executive and judicial branches—as well as civil society.

However, most of these mechanisms lack resources and sincere political commitment, obstacles that severely constrain their impact on decision-making. They are often departments of women and family within ministries of social affairs, where they are vulnerable to being politically marginalized and viewed as having narrow mandates related primarily to supporting women as mothers.



From a broader perspective, a common hindrance to the implementation of national programs on gender is the weak gender awareness across all government structures. Mechanisms to analyze the specific roles and responsibilities of men and women, and the problems they face, are not in place. This makes it impossible to ensure that national policies, strategies and programs are responsive to all sectors of the population.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

Under pressure from the multilateral financial organizations, mainly the IMF and World Bank, CIS countries have undertaken traditional market reforms. These have deregulated economies, decreased the role of the state in monetary and fiscal policies, and linked national economies to world economic processes such as globalization. Many forms of fallout have resulted. The full liberalization of prices has yielded monopolistic high prices, accompanied by a glut in production and a crisis of payments.

Domestic producers have not been able to compete with a flood of imports as transnational corporations have penetrated national markets and taken advantage of cheap labor. Public utility prices have skyrocketed, but without a corresponding growth in incomes, resulting in increasing numbers of defaulters and a rising tide of debt. Reducing state deficits called for slashing social programs and state subsidies to economic branches. Shock privatization instead of producing efficient private property holders, has given birth to a growing number of inefficient organizations, decreased economic activity and, in many cases, has led to the plundering of privatized assets.

Many of the CIS's perpetually indebted economies are now largely dependent on regular foreign financial injections. Inefficient financial management of these loans, which draw an increasing share of national budgets, makes debt repayment increasingly difficult. The export potential of most economies is inadequate for securing debt repayment on a scheduled basis.

In Georgia, the short-term debt repayment schedule was US\$110 million in 2002 and \$133 million in 2003, before shooting up to \$460 million in 2004. Russia's external debt rose from \$152.1 billion to \$159.1 billion within the first half of 2003. Ukraine's foreign debt has increased twice since 2001, and Belarus' went up 3.3 percent during September

2003 to reach \$360 million in October 2003. Debtor governments are obliged to prioritize debt repayments over spending on health, education, sanitation, clean water and other social needs. This has an extremely negative impact on women's access to all of these services.

Poverty in the CIS is one of the most critical challenges, yet tackling it has been difficult in the current period of transition because of policy gaps. In particular, there is no method for defining poverty; in fact, the term "poverty" is not even used. It is clear that while the impact of adjustment varies by country, women today constitute the largest number of the poor, powerless and disenfranchised. Rising poverty and unemployment has spurred prostitution and trafficking in women and children. The groups at greatest risk include single mothers, divorced women with children, rural women, elderly single women, disabled women, mothers with disabled children and unemployed women.

Poverty estimates based on respondents' own perceptions of their financial and social situations show that almost half the women living in CIS countries consider themselves poor. In Moldova and Ukraine, the figure is close to 70 percent. The lowest figure for the general population in the CIS is 22 percent in Belarus.

Russia has a slightly lower percentage of poverty than most of the region, at 50 percent. This is primarily due its tremendous natural resources. The recent economic recovery there, however, has not led to a significant decline in poverty rates because the growth of the GDP mainly benefits the richest part of the population and has not been redistributed to social funds.

No CIS country has yet developed a method of gender-sensitive analysis to evaluate the different impacts of structural adjustments on women and men, and there are few gender-sensitive programs and policies to address women's economic problems. Anecdotal evidence shows that although both men and women suffer from poverty, unemployment and weakened social services, women are more severely affected due to their reproductive and family responsibilities.

On a positive note gender budget related activities have recently begun in several CIS countries. Successful initiatives are currently underway in Georgia and Russia to assess how public resources are allocated and to identify shortfalls in terms of gender. A 2002 book, *Gender Budgeting—the First Experience in Russia*, calculated that gender segregation in the professions in the key economic fields leads to



Half of all CIS women consider themselves poor.

losses of 15–20 percent of the annual budget growth. The book also observed that women and children, who constitute two thirds of the population, receive one third of the aggregated state spending. The book concludes that if a more just gender distribution within the areas of labor, wages, property and resource ownership was insured, the state could be richer and better socially developed.

### Employment Patterns, Women's Work

In all six CIS countries, existing legislation guarantees equal rights for men and women in the labor market. But the prevailing economic trends have fueled discrimination against women workers. They contend with disproportionately high levels of unemployment, unstable jobs, low salaries and the absence of social protection measures. Women are often compelled to agree to terms and working conditions that are highly detrimental to both their rights and their health. In general, they cannot afford common consumer services. Only 2 percent report using a laundry service and only 6 percent a dry cleaning service. Only 6 percent can buy convenience foodstuffs.

While the share of women in the economically active population is about 47 percent, 80 percent of discharged workers from 1994 to 2000 were women. Despite their relatively higher education, women also face discrimination when trying to get stable and well-paid jobs. A Human Rights Watch report<sup>1</sup> describes how Ukrainian employers discriminate against women job seekers in the way they announce vacancies and interview applicants. Since labor laws are rarely enforced, women are asked, for example, about children and family—questions never put to men.

Company directors consider women more expensive and less reliable workers because they have a right to take maternity leave. A common prejudice is that women give higher priority to the family than to professional careers. Employers also often pressure women to accept informal working arrangements so they can avoid paying benefits. A recent study on the informal sector reported that women were forced to sign undated letters of resignation, enabling the employer to fire

the lack of civil society confidence in the government. Back wages are most typical of the sectors traditionally dominated by women's labor, such as light industry, health, education and culture. With a wage gap already in place, mounting back wages further entrench discrimination against women in the workforce.

Although countries punish sexual harassment in accordance with their criminal codes, harassment persists. The survey "Basic Pro-

broad and comprehensive, and was mostly attached to, or directly provided through, the workplace.

The drop in social and employment benefits that has taken place in more recent years has left women with considerably less support for efforts to balance family and professional responsibilities. Research during the early years of transition indicated a fall in the GDP share of family benefits across the CIS, with the decline in family support disproportionately high compared to other public expenditures. The shortfall has resulted from both direct cuts and the failure to adjust benefits for cost-of-living increases.

Typically, maternity benefits have been maintained as employment-related social insurance benefits. Some countries have extended the length of maternity leave, for example, Armenia, Belarus, Russia and Ukraine. But studies report a growing gap between the number of mothers entitled to the benefit and those who actually take advantage of it. Legal or collective trade union instruments of enforcement are mainly absent, and some women fear that going on maternity leave might cost them their jobs.

The privatization of pension benefits has put women at a disadvantage due to breaks in employment for maternity leave and child care. Under the reformed pension systems, the employee's contributions over his or her working life determine the benefits. In this situation, women, whose work experience and wages are on average already less than men's, thus suffer a significant erosion of their longer-term security.

In agriculture, privatization and the creation of family-based enterprises often redefines women as unpaid family workers, without the social benefits they were previously entitled to as members of collective agricultural enterprises.

NGOs, women's business associations and other civil society groups have taken an active role in promoting women's employability. Many work directly with the most disadvantaged women, including those who are poor, live in rural areas or work at home. They offer training and support self-employment opportunities. A number of CIS countries, including Armenia, Moldova and Ukraine, have implemented special microcredit programs to support women entrepreneurs.

Under existing laws, women have equal rights to inheritance, ownership of land, credit, natural resources and appropriate technologies. But the privatization of national assets has had a strong male bias. Although a lack of official sex-disaggregated data prevents a

Education is one of the most important tools for women to achieve independence but in CIS countries it is not enough to open doors to well-paid jobs and good careers.

them without paying maternity leave should they become pregnant.

In most CIS countries, the gender wage gap has widened against the backdrop of falling real wages. In Russia and most other CIS countries, wages are only 40-50 percent of the 1989 level. While all countries have ratified the Equal Remuneration Convention and adjusted national laws to comply, women still earn only 60-75 percent of what men do in the region. The gap results from the concentration of female jobs at the lower end of the labor market and lower pay for work of equal value.

According to the International Labor Organization, a considerable proportion of women work in the totally unregulated and illegal informal business sector (over five million in Russia for example), and their share is increasing. Part-time employment is rising in both the formal and informal sectors. Although sometimes viewed as an opportunity for increasing worker flexibility, part-time employment also tends to be poorly paid and to lack benefits. Not surprisingly, labor force surveys suggest that workers would prefer full-time work, but accept part-time jobs because of a lack of full-time job options. Women are more likely than men to be employed part-time (close to 60-75 percent of women are part-time workers).

Non-payment of wages have become a common problem and practice in most of the CIS, particularly in Moldova, Russia, Ukraine and all the economies of the Central Asian region. Wage arrears, which can reasonably be considered a direct violation of human rights, account for growing poverty, restricted access to common public goods and benefits, the devaluation of the social importance of professional labor and

tection of the Ukrainian Population" interviewed 6,206 women and men in May 2002. One hundred and twenty-nine interviewees answered "yes" to the question, "Have you experienced sexual harassment at work?" Of these, 79.8 percent were women and 20.2 percent were men. Twice as many women as men agreed that policies against sexual harassment should be implemented.

Homemaking is still regarded as women's concern, and the "double burden" borne by women in CIS countries is significantly heavier than that of women of Western Europe—by 15 hours per week on average. Women put an average of 70 hours per week into tasks at home. Some national laws address this problem. For example, in Ukraine the Family Code ensures equal rights for men and women in the family and provides parental leave. Both men and women have the right to stay at home, with financial compensation, when a child is born, to receive sick pay when a child is ill. However, sidestepping these rights is a common practice in the new free-for-all world of the market-based economy. Men rarely take advantage of options such as paternity leave because of the prevalence of patriarchal stereotypes.

At the beginning of the 1990s, all CIS countries provided a variety of family benefits—in time, in cash or in kind—to support parents in bearing and raising children. Commonly, the range of benefits included maternity protection and benefits, often in combination with a birth grant, childcare leave (typically granted only directly following maternity leave), child-raising benefits and leave, and benefits for taking care of a sick child. Non-cash programs included subsidies for child-related goods and family services. Coverage of family benefits was

thorough evaluation, women as a whole have less start-up capital, more limited access to credit and less information about credit opportunities and training courses than men. By some estimates, privatization in Russia has left women owning only 5 to 7 percent of assets. Businesswomen serious problems trying to keep afloat in an extremely corrupt environment. The situation in other countries is not much better.

## EDUCATION

All CIS countries have achieved the target of the third Millennium Development Goal on eliminating gender disparities in primary and secondary education, and have ratified the Convention against Discrimination in Education. Despite worrying economic trends and the emergence of gender gaps in some areas, however, there are no national action plans for equality and equity in education.

Generally, education is one of the most important tools to help women achieve independence. For women in CIS countries, however, education is not enough to open doors to well-paid jobs and good careers. Discrimination channels them into low-level jobs, with limited opportunities for professional and income growth. Those who are poorly educated and have low incomes not only face discrimination in the workforce, but are more likely to end up as victims of domestic violence and trafficking. Comprehensive efforts are needed to simultaneously raise the status of educated women, eliminate poverty and increase education levels.

### Public Policy

Unfortunately, access to education has deteriorated in a few countries. Armenia's enrolment rates in basic education, for example, have declined. While opportunities for education often seem to be the same for boys and girls, disparities lurk below the surface. In some districts of East Georgia that are largely Muslim, only boys finish school. Girls attend for just six to seven years. Family expenditures for boys' education appear to have grown recently, a tendency particularly evident in mountainous areas, among non-Georgian populations and in large families.

Over the last decade, a reduction in the number of pre-school institutions has taken place throughout the CIS. The majority of six-year-old children stay at home, with many parents unable to pay rising fees for kindergarten services. The closures of schools, day care centers and kindergartens have transferred childcare responsibilities to women,

limiting their employment prospects and their participation in social and political activities within their communities.

No country has undertaken a gender analysis of textbooks and programs, making it likely that school education is not fully free from gender stereotypes. In Ukraine, the Ministry of Education has endorsed the draft of the first Basic Gender Course for universities, which is based on scientific and research studies. However, research on women and gender is still a marginal area in academic institutions in the region.

Equal access to lifelong learning is a concern in most CIS countries and, despite achievements, its availability is still inadequate. Adult education is now offered mostly by private companies, without quality control. It is often of low value and the fees are high. Among the gender-specific barriers are constraints on women's time related to their unpaid caring functions at home, but also discriminatory practices by employers, who are more willing to "invest" in male employees. Women's access to lifelong learning remains limited, especially for those over 45.

NGOs have launched their own educational programs with gender perspectives on issues such as domestic violence (the National Association of Public Societies in Russia); trafficking in women (Women for Women and La Strada in Ukraine, and the Moldovan Anti-Trafficking Initiative Project); women's political rights (Women's Political Club 50/50, within the project Women are Able to do Everything in Moldova); and women's economic empowerment (Georgian Association for Women in Business in Georgia, Women's Economic Empowerment Project of Winrock International in Ukraine, International Center for Advancement of Women in Business in Moldova). A regional project, Women for Conflict Prevention and Peacebuilding in the Southern Caucasus, works in Armenia, Azerbaijan and Georgia.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-making

In most countries, women remain underrepresented at all levels of decision-making related to managing natural resources and the environment. Few are trained as professional natural resource managers, such as land-use planners and environmental lawyers. There are no female environment ministers in the CIS, no gender units or specialists under the various environment ministries, and no state strategies for increasing women's access to and

## Box 22. Networks Against Violence

In Russia, networks of women's groups have formed to combat domestic violence. NGO members provide education and services, and partner with state organizations such as police departments, state centers for family, youth and childhood, state shelters and higher educational institutions.

The number of crisis centers has grown, along with the forms of their support, which now include special hotlines. Today there are approximately 110 crisis centers in Russia—47 are members of the National Association of Public Societies Providing Aid for Women Suffering from Violence (ONA), which in 2002 provided 96,000 consultations.

NGO programs are also supporting professional women. ONA collaborates with psychologists and lawyers on joint consultations and legal work. Cases are now being handled that were previously considered hopeless, such as incest and murder threats.

However, the amount of support for victims of violence is insufficient. There are whole regions, where there are no crisis centers at all. The poor economic situation has slowed the provision of services and is likely to continue doing so.

ONA's national office is leading efforts to adopt special laws to counter violence. Collaboration with the Women's Aid Federation of England (WAFE) has produced a set of detailed recommendations for the executive and legislative branches of government. Experts from different women's NGOs participated in preparing the materials. The recommendations also include suggested changes in legislation, such as revising the criminal code to punish aggressors who take violent actions against relatives and other persons with whom they live.

control over resources. Within the Environment for Europe process, victory achieved by women's lobbying was the inclusion of a reference to "gender mainstreaming" in the final text of a declaration signed by environment ministers and heads of delegation from 51 countries in the UN Economic Commission for Europe.<sup>2</sup>

### Gender Impacts

Over the last ten years, women's NGOs have made significant contributions to creating



environmentally healthy models of production and consumption as well as natural resource management.<sup>2</sup> Two examples are the National Campaign on Drinking Water initiated by the women's environmental NGO MAMA-86 in Ukraine and the regional campaign on nuclear contamination organized by the Movement for Nuclear Safety in Russia. Since poorer people are highly vulnerable to environmental disasters and environment related conflict, and women and children make up a disproportionate share of those in poverty, they are particularly affected by environmental mismanagement.

One of the most acute environmental problems in the CIS is nuclear contamination. The 1986 catastrophe at the Chernobyl nuclear plant in Ukraine contaminated huge swathes of Belarus, Ukraine and Russia. Nearly 70 percent of the radioactive substances emitted from the reactor fell on Belarus, contaminating 24 percent of its territory, and 3,668 settlements, with cesium-137. The total number of victims of the disaster comes to 3.2 million people, including one million children. The Ukrainian population, currently 48 million, will continue to undergo exposure to low dosage radiation for a long time.

Another major issue, inherited from Soviet agriculture, is the use and storage of unsafe agricultural pesticides. It is estimated that there could be as much as 30,000 tons of obsolete pesticides stored in inadequate facilities in Ukraine, posing a significant risk to the environment and the health of the population. In particular, there is a danger that these pesticides will seep into ground waters.

Despite the well-established links between environmental pollution and illness, there is no subregional system of environmental health indicators covering all the main environmental issues related to health, and no comprehensive method for collecting and reporting gender-disaggregated data.

In Belarus, Moldova, Russia and Ukraine, more than 50 percent of the rural population relies on water drawn by hand from local

sources, usually shallow wells. Sewage disposal in small rural settlements is at a critically low level (not exceeding 5-10 percent). This contributes considerably to the pollution of surface waters, rising groundwater under settlements and the deteriorating quality of groundwater and aquifers. Health risks from low quality water have become much greater than those accepted in the OECD countries. Water quality monitoring systems are poorly developed in all countries.

## HEALTH

The transition period in the CIS has allowed a shocking deterioration in health. Morbidity has risen abruptly across the region following government budget cuts that have depleted quality and affordable health care services in all countries. For example, in Ukraine the number of hospital beds has dropped from 127 beds per 10,000 people in 1992 to 70 beds per 10,000 people in 2000. Since 1994, national expenditures on the public health sector in Belarus, Moldova, Russia and Ukraine have been cut at least four times.

### Access and Affordability

The shift to a system that charges for health care has created insuperable difficulties for most people, with the cost of medical services sometimes exceeding the family budget. The right of access to free medical services guaranteed by the government exists only to a limited extent. As a result, people living on the margins often turn up at medical institutions only at late stages of illnesses or do not go there at all. Health care facilities are also more concentrated in cities, a barrier for rural residents.

As one of the most disadvantaged groups in the transition process, women sharply feel these shifts in public health care. Single parent families headed by women are particularly vulnerable. Women also make up for shortfalls in the care of the elderly or that result from measures to reduce health care costs by, for example, shortening the time that patients stay in the hospital. This means women are often forced to take a leave of absence from their paid employment, or in other ways have to lower their productivity.

Breast cancer is one of the most widespread diseases among women, accounting for almost half of women's deaths. The reasons for such a high mortality rate include late diagnosis and the high costs of the

relevant medical services. A growing number of maternal deaths also result from poverty or a lack of access to care; many involve complications from home deliveries or abortions.

### Reproductive Health

All CIS governments have put programs in place to improve family planning and parental services. In Russia, the Commission on the Status of Women has called for guidelines to ensure that reproductive health needs are met. Armenia has adopted a law on rights and reproductive health care. The World Health Organization has selected Moldova as a pilot country for its Making Pregnancy Safer program, which includes initiatives to prevent breast and cervical cancer.

The number of abortions in the CIS has fallen over the last few years, but knowledge of contraception, although improved, is still lacking. In 1998, the Ministry of Education in Moldova initiated a course on contraceptive awareness and sexual education among secondary school students, but the program had to be halted just one year later because of financial difficulties.

Poverty and job insecurity are still the main reasons for terminating pregnancy, and abortion has become a profitable business for some medical practitioners. Despite some recent progress, the quality of abortion services needs to be further improved through more modern equipment and upgraded skills among abortion providers. In some countries, the exact number of abortions is unknown due to incomplete reporting and an unknown number of illegal abortions.

### HIV/AIDS

In Russia, Moldova, and Ukraine, the incidence of sexually transmitted diseases has greatly increased in recent years. A situational analysis suggests that the real number of people with HIV exceeds the official statistics, and that the epidemic has reached a critical state. By some estimates, the region has some of the fastest growing prevalence rates in the world. In Russia, from 1995 to 2001, the rate of new infections doubled every six to twelve months. Russia was estimated in 2003 to account for 76 percent of all HIV infection in Central and Eastern Europe.

The statistics in the region already show that the disease has gone beyond the intravenous drug users initially affected by it. The male-female ratio is rapidly changing to reflect an increasing number of HIV-positive women. In Ukraine, women account for a growing proportion of new HIV diagnoses, from 1,270



Demonstrating for rights and justice.



(24%) in 1996 to 2,674 (38%) in 2001.

The fact that the sex industry is booming, combined with the high frequency of sexually transmitted infections and of drug use among prostitutes, suggests that prostitution may play an important part in the future spread of HIV in Eastern Europe. Studies from several locations in Russia estimate that between 15 and 50 percent of women intravenous drug users engage in sex work with some regularity, and in some cities there are few HIV prevention or information services available, particularly for workers in the sex trade.

All CIS countries have launched national programs on HIV/AIDS prevention that include gender concerns, such as prevention of mother-to-child transmission, along with special attention to minors and youth. Russia has adopted a federal law on preventing the spread of the HIV/AIDS and established new institutions for HIV prevention. In Belarus, HIV testing is carried out twice during pregnancy at public expense. NGOs substantially contribute to increasing awareness among girls of the danger of sexually transmitted diseases, and offer sex education for boys and girls that emphasizes their rights and responsibilities.

However, women in almost all the countries lack the ability to protect themselves from sexual exposure to HIV, even where condoms and other prevention programs may be available.

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### Sources

"Gender Aspect of Social Security and Pensions in the UNECE Region: Progress and Challenges," (ECE/AC.28/2004/8), Item 5b of the Provisional Agenda. *UNECE Regional Preparatory Meeting for the 10-Year Review of Implementation of the Beijing Platform for Action*, Geneva: 14-15 December 2004.

"Gender Responsive Budgets: Progress and Challenges," (ECE/AC.28/2004/7), Item 8 of the Provisional Agenda. *UNECE Regional Preparatory Meeting for the 10-Year Review of Implementation of the Beijing Platform for Action*, Geneva: 14-15 December 2004.

"Georgia: Report on Implementation of the Beijing Platform for Action (1995) and the Outcome of the 23rd Special Session of the General Assembly (2000)," *Ad Hoc Working Group on Creation of Institutional Machinery of Georgia on Gender Equality*, Tbilisi, 2004.

Hamers, Françoise and Angela Downs, "HIV in Central and Eastern Europe," *The Lancet*, 18 February 2003 [journal-online]; available from <http://image.thelancet.com/extras/02art6024web.pdf>.

Kisselyova, Oksana, "Women's Economic Empowerment and Access to Financing and Assets in CIS Countries: Issues, Good Practices and Policy Options," Background Paper I. *UNECE Regional Symposium on Mainstreaming Gender into Economic Policies*, Geneva: 28-30 January 2004, 26.

Kisselyova, Oksana, "In the Newly Independent States, Women Take on Debts," *Women Challenging Globalization*. UNIFEM, WEDO, New York, 2002.

Kyiv: State Committee of Ukraine on Statistics, "Expenditures and Revenues of Households of Ukraine in 2000," 2001.

Lohmann, Kinga and Anita Seibert, eds., "Gender Assessment of the Impact of EU Accession on the Status of Women in the Labour Market in CEE: National Study, Poland." Warsaw: KARAT Coalition, 2003.

Marshall, Tyler, "200th Birthday of Grimms Celebrated." *Los Angeles Times*, 15 March 1985, 1A, 3.

"Lessons Not Learned: Human Rights Abuses and HIV/AIDS in the Russian Federation," *Human Rights Watch*, vol. 16, No. 5 (D), April 2004.

Musiolek, Bettina, "Decent Work in the Informal Sector: CEE/CIS Region," *Employment Paper*, July 2002, Geneva: International Labor Organization (ILO), 2002.

"Regional Overview of Progress. Review of the Implementation of the Beijing Platform for Action and its Regional Outcomes. Achievements and Challenges in Promoting Gender Equality in the UNECE Region by Country," (ECE/AC.28/2004/4 and ECE/

AC.28/2004/4/Add.1), Item 4 of the Provisional Agenda. *UNECE Regional Preparatory Meeting for the 10-Year Review of Implementation of the Beijing Platform for Action*, Geneva: 14-15 December 2004.

"Review of Implementation of the Beijing Platform for Action in the UNECE Region," Item 4 of the Provisional Agenda. *UNECE Regional Preparatory Meeting for the 10-Year Review of Implementation of the Beijing Platform for Action*, Geneva: 14-15 December 2004.

"Russian Federation: Replies to the Questionnaire of the United Nations Secretariat on the Implementation of the Beijing Platform for Action Adopted by the Fourth World Conference on the Status of Women (Beijing, 1995), and the Final Documents of the 23rd Special Session of the United Nations General Assembly (New York, 2000)."

Tchetvernina, Tatiana, et al, "Labour Market Flexibility And Employment Security: Russian Federation," *Employment Paper 2001/31*. Geneva: International Labor Organization (ILO), 2001.

"Ukraine: Replies to the Questionnaire of the United Nations Secretariat on the Implementation of the Beijing Platform for Action Adopted by the Fourth World Conference on the Status of Women (Beijing, 1995), and the Final Documents of the 23rd Special Session of the United Nations General Assembly (New York, 2000)."

Velichko, Liudmila, et al, "Skills Training For Decent Work In The Informal Sector Of The North-West Region of Russia (St. Petersburg and the Leningrad Region)," *International Labor Organization Working Paper on the Informal Economy In Focus Programme on Skills, Knowledge, and Employability*. Geneva: ILO.

World Bank, "Gender in Transition," Washington D.C., 2002.

"Women's Employability in Eastern Europe and CIS Countries: Progress and Challenges," (ECE/AC.28/2004/6), Item 5a of the Provisional Agenda. *UNECE Regional Preparatory Meeting for the 10-Year Review of Implementation of the Beijing Platform for Action*, Geneva: 14-15 December 2004.

Zalisko, Walter, "Russian Organized Crime, Trafficking in Women, and Government's Response: Clarksburg," New Jersey: July 2003; available from <http://www.policeconsultant.com>.

### Endnotes

1. The declaration was negotiated at the fifth of a series of ministerial conferences that took place in Kiev, Ukraine in 2003.

2. These groups include the Caucasus Environmental NGO Network, Center of Ecological Education and Information in Russia, MAMA-86 in Ukraine and others.

# EUROPEAN UNION

## Some Progress but Worrying Trends

**E**quality between women and men is one of the objectives and foundations of the European Union (EU). Moreover, through its legislation and policies, the EU has a great impact on the lives of the people living in Europe. In the area of gender equality, the EU has adopted legislation, programs and policies that have to be implemented at the level of the 25 EU Member States. Since the 1995 World Conference on Women in Beijing, some progress on women's rights has been made in the EU at the legislative level. The position of women in decision-making has improved and, thanks to the action of women's non-governmental organizations (NGOs), there has been a growing awareness about questions related to violence against women.

However, other developments in the last decade have at the same time started to slow progress towards gender equality. The trend towards market liberalization and privatization and the general reduction of funding for public services, which has been central to European economic policies, is proving to be a major barrier to women's economic independence and to the achievement of gender equality in different areas of life, including employment, public health and the reduction of poverty.

These developments have led to a greater feminization of poverty in Europe, less job security and a weakening of the European social model of social protection and public services. Widespread support for neo-liberal economic policies has also limited the scope for action both for individual Member States and the EU itself to put a stronger focus on the protection of fundamental rights, including social rights and women's rights. Another worrying trend is the negative influence of very conservative forces and religious fundamentalisms, in particular in relation to women's sexual and reproductive rights.

### Institutional Structure

The EU is a regional grouping of democratic European countries, where the Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. As of May 2004, 25 countries are members of the EU, with Bulgaria, Croatia and Romania scheduled to join in 2007. It is anticipated that formal negotiations with Turkey will start soon.

The institutional structure of the EU includes the European Parliament, the democratic voice of the peoples of Europe. The power of the European Parliament within the legislative and budgetary process of the EU has increased steadily over the last two decades, although it does not have the full legislative powers that national parliaments usually have. The current Parliament (2004-2009) has 732 Euro-parliamentarians or MEPs, and 30 percent (or a critical mass) of the elected MEPs are women.

The Council of the European Union is the main legislative and decision-making body in the EU. It brings together the representatives of all the Member States' national governments. The Council, together with the European Parliament, sets the rules for all the activities of the European Community (EC) and for intergovernmental cooperation on common foreign and security policy and on justice and home affairs.

The European Commission carries out the day-to-day work of the EU. It drafts proposals for new European laws, which it presents to the European Parliament and the Council. The Commission moni-

tors the implementation of EU decisions and legislation and supervises how EU funds are spent. It consists of 25 women and men (currently 32% women) nominated as Commissioners by each of the Member State, assisted by about 24,000 civil servants. The Commission is appointed for a five-year term.

Due to the particular structure of the EU, but also to the need to bridge the democratic gap between citizens and the European institutions, NGOs are very active at European level. Dialogue with civil society at European level, in particular with the European Commission, is organized without formal rules and procedures; there is no official consultative status for NGOs at European level or general rules for consultation that would apply to all NGOs.

In the European Parliament, the Committee on Women's Rights and Gender Equality regularly organizes hearings, and women's NGOs from different levels are always invited to present their views. The Council of Ministers is the most closed of the EU institutions; access is rather limited and no formal consultation of NGOs is organized. Different EU presidencies organize activities and meetings during their term.

### EU Enlargement and Women's Rights

The enlargement of the European Union, first to 15 Member States with the entry of Sweden and Finland in 1995, and then to 25 with the accession of 10 new countries from Eastern and Central Europe in 2004, has had a significant impact on many areas of the structures and policies of the EU, including gender equality. Equality policies in the EU were strengthened by the combined effect of the membership of Nordic countries and the outcome of the 1995 Fourth World Conference on Women—the Beijing Platform for Action. The enlargement of the EU to include Eastern European countries is a major turning point, which has had mixed implications for women from the new Member States.

The legitimate expectation of many women's NGOs in these countries was that EU membership and the implementation of EU gender equality laws would contribute to greater gender equality and provide women with new opportunities. However, while the implementation of European gender equality provisions in all EU Member States is a very positive evolution, the economic reforms and market liberalization carried out during the time of transition, along with the economic reforms required by the EU as a precondition for accession, have had direct negative impacts on women's lives: their situation in the labor market has become more insecure, there has been a scaling down of public services to support the care of children and other dependents and trafficking in women for the purpose of sexual exploitation has increased.

### Recent Developments and Challenges

While there has been notable progress since 1995, some recent developments seem to indicate that progress might slow down in relation to policies for equality between women and men in the coming years. Firstly, the current European Community Framework Strategy on Gender Equality program are coming to an end in 2005 and gender equality will not progress without a new Strategy because this provides the political, policy and legislative framework for all EU actions in this, including gender mainstreaming. The European Commission will also integrate the gender equality funding program in a larger

social program called PROGRESS from 2007. This development may reduce the visibility of the program and may make it difficult for women's NGOs to access funds.

Another recent development that may be more positive is the decision of the EU Council to create a European Gender Institute. Such an Institute would act as a source of expertise and would increase the opportunities for sharing knowledge, data and information on best practices across the 25 Member States. However, this Institute should not be created at the expense of other gender equality bodies or of the existing institutional mechanisms, as this would clearly represent a step backwards. The Institute should also be provided with sufficient funding to be able to fulfill its role effectively.

In terms of legislation, as of September 2004, the European institutions were in the process of adopting two new European directives on gender equality. One relates to equality between women and men in relation to goods and services and is encountering strong opposi-

tion from some Member States and from the insurance sector because it would prohibit the use of actuarial factors broken down by sex in the calculation of insurance premiums. The other directive that is expected to be adopted soon is a codification of all the previous directives on equality between women and men in employment.

Actors working towards achieving equality between women and men will continue to be faced by serious challenges both at the level of the EU and globally. However, the review process of the implementation of the Beijing Platform for Action is also an opportunity for activists and women's NGOs to raise critical voices on the global scene and to ask their governments, as well as European and international organizations, for a renewed commitment and for stronger accountability mechanisms in order to make progress towards the full implementation of women's human rights. In this context, it will be crucial for the future of the EU and for the building of a truly democratic space in Europe for these voices of civil society to be heard.

## HUMAN RIGHTS

### CEDAW Compliance

The EU upholds the principle that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. All Member States of the EU have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Bulgaria, France, Germany, Hungary and Ireland have ratified with reservations. The Optional Protocol, which enables the CEDAW Committee to receive and consider complaints from individuals or groups within its jurisdiction entered force in 2000, has been ratified/acceded to by most EU Member States, with the exception of Estonia, Latvia and Malta.

Countries that have ratified/acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations. All EU nations have submitted country reports to the CEDAW Committee within the last ten years except for Poland, which last reported in 1991. The following countries have reported within the last five years: Austria, Belgium Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia, Spain and Sweden. Nations that have ratified the Convention are also required to create National Action Plans for the implementation of CEDAW. Most nations have done so, with the exception of Cyprus, Estonia, Hungary, Ireland, Latvia and Slovenia.

### EU Law

The EU has a comprehensive framework of policies, legislation, programs and measures

to promote human rights. The Treaty of the EU states that, "the Union is founded on the principles of liberty, democracy, respect of human rights and fundamental freedoms, the rule of law, principles which are common to the Member States". In 2000, the European Charter of Fundamental Rights was adopted at the Nice Summit and became the framework for human rights in the EU. Although not legally binding, the Charter represents the minimum standard on which any EU citizen should be able to rely.

The EU has adopted a number of legislative measures and proposals with respect to fundamental rights. The most significant progress in relation to equality of women and men in the EU has been the integration of the right to equality between women and men into the foundations and objectives of the Community legal order through the Amsterdam Treaty of 1999. The Treaty also gives the mandate to the Community to eliminate inequalities and to promote the equality of women and men in all its activities. This has led to a new approach to equality between women and men in the EU institutions, combining specific mechanisms and policies for gender equality and the integration

a number of European directives relating to this area have been issued since 1975. Member States are required to implement EU directives. Therefore, there has been much progress at national level—a positive effect of European integration for women.

Since 2000, the EU Member States have started to coordinate their actions in other areas with strong gender implications such as employment and social inclusion. In other areas, the EU has weaker authority but can still play a role in initiating programs and giving incentives in relation to implementation of the European commitment to gender equality, such as in the areas of public health and social protection.

The European Parliament has played a significant role in moving forward the human rights agenda at EU level. It has identified respect for women's human rights with a special focus on the prevention of violence against women the major priority for the 21<sup>st</sup> century. Several reports on women's human rights have been produced. They are "Sexual and Reproductive Health in the EU and the Candidate Countries," "Violations of Women's Rights and the EU's International Relations," "Women and Fundamentalisms"

Recent developments indicate that progress on equality policies will slow down in coming years.

of a gender perspective in all areas (gender mainstreaming). This positive development has been accompanied by the creation of different bodies in charge of gender equality or gender mainstreaming.

However, the EU can act only where it has legal authority. In relation to equality between women and men, it is able to act on gender equality in the labor market, and

and "Women from Minority Groups," which calls on Member States to be attentive to the fundamental rights of women with disabilities and migrant and Roma women.

In addition, the Women's Rights Committee of the European Parliament has held several public hearings on human rights. In 2002, a hearing was held on sexual and reproductive rights and reproductive health in



the EU and in the candidate countries. In 2003 and 2004, the European Parliament organized hearings with NGOs and the Network of Independent Experts on fundamental rights in the EU. Also in 2004, there was a hearing in the European Parliament on the consequences of the sex industry and another on disabled women.

Despite these measures, women's fundamental rights are far from being respected in relation to numerous articles of the European Charter of Fundamental Rights. In most cases, these violations of women's rights are not by the State but by individuals, organizations or enterprises. In addition, even with the existence of a European legislative framework that takes women's rights into account, there is a failure of implementation. For example, policies in relation to human rights very often fail to protect women's rights as recognized by both European and international texts, such as the right to health or the right not to be subjected to violence. The current asylum policy ignores persecutions that are specific to women such as female genital mutilation (FGM), rape as a weapon of war, stoning to death for presumed adultery and "honor crimes". Ignoring these persecutions (and the failure of the State to protect women from them) is a violation of the Charter of Fundamental Rights.

The development of the sex industry and merchandising of women's bodies linked with the liberalization of services has opened the door to the proliferation of prostitution, pornography and sex tourism. Instead of targeting women's human rights protection and creating policies that aim to decrease the demand for prostitution, policies in this area at EU and national levels are driven by security and/or commercial interests. Thus, some EU and Member State policies aid the propagation of the sex industry.

One major concern for the respect of women's basic rights is the growing importance of religious fundamentalism in the EU. References to religion and tradition are being used, as a justification for limiting women's and girls freedom and increasing control over. Sexual and reproductive rights of women are particularly under threat.

Disabled women often experience intensified discrimination through hindered access to education, continuing training, employment and health care, and they are more vulnerable to aggression and gender violence. Migrant and ethnic minority women experience discrimination in access to employment, social rights and in participation in civil and political life. Migrant women often lack in-



dividualized rights and as a consequence are more dependent on their husbands who we generally considered by immigration policies and culture as the head of the family. These women find themselves in a vulnerable situation in cases of divorce, separation or violence. Lesbian women face discrimination in civil and political life, particularly because of the non-recognition of lesbian rights in family law and immigration policies.

### Violence Against Women

Violence against women is the most serious violation of women's human rights and fundamental freedoms. In the EU, at least one woman in five experiences violence by an intimate partner.<sup>1</sup> Violence against women takes many forms such as domestic violence, sexual violence, sexual harassment, prostitution and trafficking. Violence against women cuts across many existing areas of EU law, human rights, social policy, justice and data/statistics but it is not systematically integrated as part of these portfolios due to the absence of a specific legal base for the EU to act on the issue.

Violence against women continues to be under the jurisdiction of the national Member States as there is no EU Treaty article that address it. Despite its trans-national dimension and prevalence across all Member States, the work on violence against women is not linked to the main EU Gender Equality Framework in terms of institutional mechanisms and programs but is fragmented across Justice and health competencies within the European Commission.

A significant indicator of progress is the

introduction in the draft European Constitutional Treaty (2004) of a Declaration on combating all kinds of domestic violence. This Declaration will have no legal status but represents a moral obligation and political will. Its scope is limited in that it only refers to domestic violence; it would have been stronger if it had referred to all forms of violence against women. However, the wording chosen is particularly strong as it calls on Member States to take all necessary measures to prevent and punish the perpetrators of domestic violence and to support and protect the victims. The Treaty establishing a Constitution for Europe will not enter into force and be implemented until it is ratified by each Member State.

The primary measure at the EU level to address violence against women is the DAPHNE multi-year program to facilitate and support NGOs working in the area of violence to develop contacts and information, and to develop preventive and protective measures to combat violence against children, youth and women. In 2004, the EU Council adopted a new DAPHNE program for a period of five years.

During its fifth legislature (1999-2004), the Women's Rights Committee of the European Parliament adopted several reports related to violence against women in the EU. Public hearings were also organized on trafficking for the purpose of sexual exploitation (2000), the evaluation and perspectives of the DAPHNE program (2003) and the consequences of the sex industry in the EU (2004).

Since 2000, four EU Presidency Conferences on violence against women were organized (out of a total of seven since the first one in 1997). At each of these conferences a considerable number of recommendations were adopted. These provide the basis from which a monitoring exercise could be carried out to determine the level of progress achieved by all Member States in addressing and eradicating male violence against women.

Over the years, the issue of domestic violence has been a priority for the Presidency Conferences. However, other forms of violence against women have recently been added to the Conference agendas. The Athens Presidency Conference (2003) adopted a Resolution that calls on all Member States and the EU to work towards the introduction of an EU legal basis to combat violence against women. This was strongly reaffirmed by the Irish Presidency Conference (2004), indicating that a legal base would allow for a EU Directive on tackling all forms of violence against women. The Irish Presidency



Conference also called for Violence Against Women to be addressed as a violation of women's human rights.

EU actions and measures in relation to specific forms of Violence Against Women include recommendations in the field of domestic violence, measures to prevent and combat trafficking, in human beings, a directive addressing—among other issues—sexual harassment in the workplace and a resolution against female genital mutilation.

Altogether these different measures—EU legislation, reports, resolutions and initiatives—demonstrate that violence against women is an issue of concern at EU level, but the fragmented way in which it is addressed precludes an overall coherent EU strategy to combat it.

## PEACE AND SECURITY

Conflict and war disproportionately impact on women and children, particularly the girl child. The absence of women in diplomatic positions and decision-making posts remains an obstacle to women's participation in conflict prevention, peacekeeping, peace building and post conflict resolution and reconstruction. While the EU was created to ensure long-lasting peace in Europe, it is reluctant to take a leadership role in promoting a culture of peace in the world. While general, there has been some progress in recognizing women's potential to contribute to peace building and conflict resolution, this still needs to be translated into concrete action.

The EU has not set common standards for the behavior and conduct of soldiers and peacekeeping forces, including humanitarian aid workers, acting on behalf of the EU in areas of conflict and war. Such standards should include an unequivocal condemnation of all forms of gender-based violence, including prostitution and trafficking in women and girls for the purpose of sexual exploitation.

### Security Council Resolution 1325

In November 2000, the European Parliament adopted a Resolution on the Participation of Women in Peaceful Conflict Resolution.<sup>2</sup> This Resolution was adopted shortly after the unprecedented 2000 United Nations Security Council Resolution 1325 and can be considered complementary to the UN Resolution with a specific focus on the EU.

### Asylum Seekers, Refugees, Internally Displaced

In 1999, the EU Member States agreed to work towards a "common asylum system"

with the aim of harmonizing asylum procedures and systems throughout the EU, even though the Member States would retain legal authority for asylum. A considerable number of policy proposals have been placed on the agenda since 1999, but none of the policies adopted are gender specific.

Women asylum seekers and refugees remain a critical area of concern in the EU for a number of reasons. Currently there are no sex-disaggregated data that would give visibility to women asylum seekers in terms of number and type of claims (reasons for seeking asylum). There are no commonly agreed EU standards and guidelines to assist policy makers in understanding the nature of and determining the validity of gender-based persecution claims to facilitate women's access to asylum.

In situations where women have obtained a legal status, through family reunification for example, this is often dependent on a male family member. This places women in a vulnerable position, particularly in cases where there is domestic abuse. An independent status for women must be secured and brought into line with the EU objective of equality between women and men.

### The International Criminal Court

Twenty-four of the current EU Member States have ratified the Rome Statute of the International Criminal Court (the Czech Republic has signed but, as of June 2004, has not yet ratified), which is an important recognition of the commitment of the EU Member States to pursue perpetrators of crimes committed against women as crimes against humanity.

## POWER AND DECISION-MAKING

### Representation

Women make up more than half of the population and electorate in the EU yet they continue to be under-represented in all EU decision-making bodies, in political decision-making in EU Member States and in economic and social decision-making. Moreover, some women—such as young, disabled, lesbian, migrant and ethnic minority women—face multiple discrimination in this area.

Different factors play a role in relation to gender equality in political decision-making, in particular the electoral system in place, the possibility to hold several mandates at the same time, the political culture and gender stereotypes. In some EU Member States, positive action measures or quotas have been

introduced by the State or by political parties. In two countries, parity democracy in the nomination of candidates for election has been introduced in the constitution. Parity democracy implies the equal representation of women and men in decision-making positions. It goes a step further than quotas because it is based on the idea that women are not a minority; they represent more than half of humanity.

Political parties play a fundamental role in the political arena. They are the main and sometimes only entry point into political life, and although some political parties have integrated gender equality in their internal structure and have set themselves political quotas, many remain male bastions in their functioning, selection procedures and programs. A specific problematic issue is family voting, a patriarchal custom that allows men to vote with or for women family members, which is practiced in some European countries (as highlighted by the Council of Europe and the Congress of Local Regions and Authorities of Europe).

The data on women in decision-making at European level indicates serious gaps. In 1996, women comprised an average of 14.8 percent of national parliaments in the 15 EU Member States that joined before 1995—Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom. In 2004, these 15 Member States had 25.9 percent women in national parliaments, while all 25 Member States and acceding countries had an average of 20.1 percent.

In the European Parliament the overall trend of women's representation was one of steady increase, prior to stagnation in the last elections in June 2004. The proportion of women Euro-parliamentarians (MEPs) rose from 17.3 percent after the 1984 elections to 29.6 percent in 1999 and 31 percent in 2003, decreasing to 28.1 percent with the arrival of observers from new Member States in Spring 2003 and increasing again to 30.3 percent after the 2004 elections.

The situation is not good in terms of women's representation in the European Parliament's internal governing bodies, and the situation has even deteriorated for some posts after the last elections. Women represent only 15 percent of chairpersons of Parliamentary Committees, only two political groups are co-chaired by women (20% of chairpersons) and only 6 of the 20 members of the European Parliament Bureau are women (30%). This shows that the position of women is

still weak in terms of their internal influence within the European Parliament. Measures must be put in place in order for governing bodies to reflect at least women's presence as MEPs, if not their presence in the EU population as a whole.

Progress in the representation of women in decision-making in the Parliament's administration has been very slow and was described in a Bureau report as a situation "in which the minimum standard applied elsewhere is not met". Women represent the majority of the Parliament's staff (54%), but only 22 percent of 'A' category staff (20% in 1998). Figures related to staff promotion show obvious inequalities between women and men.

The percentage of women in the Council of Ministers, which is composed of representatives at ministerial level from each Member State, corresponds to the percentage of women in national governments: that is around 23 percent.<sup>3</sup>

Until April 2004, five of the 20 European Commissioners (25%) were women (1999-2004 legislative period), which represented no progress compared to the earlier European Commission.<sup>4</sup> For the 2004-2009 legislative period, seven women out of 25

binding measures for gender equality in decision-making are needed in order to make further progress towards women's equality. For example, at the recent Convention on the Future of Europe women comprised only 17 percent of participants, resulting in poor representation of women's interests.

Although the EU institutions are often structured around different criteria or quota systems for decision-making positions, and despite the European Treaty commitment to gender equality, gender is very rarely a criterion when it comes to defining nomination/election rules or, even worse, when nominations are made. This shows the absolute necessity of binding provisions for gender equality in decision-making in institutions and nominated bodies at European level. The European Women's Lobby has been actively lobbying to have parity democracy adopted and implemented. However, the different strategies used by the women's lobby and other actors to promote parity democracy have failed, due mainly to the lack of political will and support for this issue.

Progress remains particularly slow in the economic area, where different obstacles linked to women's situation in the labor market and in society intersect to make it difficult for women

to use its institutions to develop joint policies in this field. Overall, gender equality is marginalized in EU social protection policies. This is problematic because such policies in Europe are not only a 'safety-net', but also an integral part of society and the main mechanism for re-distribution of resources. They include care provisions for children and other dependants, social services, health care and pensions.

Social protection systems have a profound impact on gender relations. Although equal opportunities between women and men should be mainstreamed into all EU social protection policies, gender mainstreaming has been very poorly applied. There is little analysis or concrete recommendations on how gender equality concerns could be brought into the core of European cooperation in this field.

The effects from and solutions to social exclusion are different for women and men. These differences in experience and dynamics of inclusion and exclusion are not recognized in the EU strategy to fight against poverty and social exclusion, and consequently actions are not gendered or targeted to combat women's poverty.

Social exclusion and poverty are also closely linked to macroeconomic policies, as well as to employment and social policies. The underlying principles of EU macroeconomic policies, including the Single Market and the Economic and Monetary Union (EMU), are mainly those of economic liberalization, privatization and competition. The decrease in public expenditure that was part of the economic criteria to be met for membership in the EMU, and the subsequent reforms at national level, have in many cases resulted in a weakening of public services.

Many of the social security systems and social services that have seen cutbacks are especially important to counteract poverty and social exclusion. In the context of the enlargement of the EU, the situation of women in Central and Eastern Europe has become more difficult in many respects. Many women have been excluded from the labor market and negatively affected by the restructuring of social policies, with increased poverty as a consequence. The process of EU enlargement has not provided a significant response to counteract these negative developments.

### Progress remains slow in the economic area making it difficult for women to break the "glass ceiling."

have been nominated in the Commission, which increases the participation of women to 28 percent. However, only one of the five Vice-Presidents is a woman, and the European Commission President has never been a woman.

As regards to staff of the Commission, although there has been some progress, only 23 percent of 'A' grade staff were women in 2004 (14% in 1995) and 17 percent of Directors were women (2.6% in 1995). On the other hand, women represented 80 percent of 'C' grade staff in 2004. In terms of resources and budget, women account for only 17 percent of costs for the development of middle management posts (although they account for 47.6 percent of total staffing), which shows not only that there are obstacles at not only for the highest decision-making levels, but that more efforts are needed to promote women from the lowest hierarchy levels upwards.

Challenges for women in decision-making at European level remain, and strong actions by the European institutions in the form of

to break the "glass ceiling". Women continue to constitute a minority in executive positions in the private sector labor market. For example, there are only 11 percent women in the highest decision-making positions of the 50 biggest enterprises of the enlarged EU and in the 15 "old" Member States; only 24 percent of entrepreneurs are women.<sup>5</sup> In 1995, women comprised 30 percent of managers in the 15 EU Member States. This figure remained the same in 2002.

The main obstacles are linked to gender stereotypes and discrimination, but also to the lack of affordable childcare services and the fact that women still do the large majority of work in the home. Career breaks, which are mainly taken by women to look after children, are also a major hindrance to their professional advancement.

### POVERTY ERADICATION

#### Access to Public Services and Resources

Although most social policies remain under Member State purview, the EU can decide,

#### Employment Patterns, Women's Work

The EU is not integrating gender equality perspectives into EU economic, trade and financial policies. Furthermore, domestic and unpaid work is excluded in the calcula-

tion of the GDP, and consequently different strategies to promote economic growth are designed without any gender analysis when measuring productivity. Moreover, it is rarely acknowledged that cuts in public services and expenditure result in a shift of costs from the paid to the unpaid sector and therefore primarily to women.

There has been little change in women's situation in relation to economic independence and employment in the EU since 1995. Women's employment rate has only slightly improved—in 2002, the difference between women's and men's employment rates was 16.3 percent compared with 18.8 percent in 1998—and the gender pay gap has only marginally decreased, from 17 percent in 1995 to 16 percent in 2001.<sup>6</sup> In the new EU Member States the situation varies greatly between countries. Women's unemployment rates have increased during the transition process in Central and Eastern Europe, and discrimination against women in the labor market has not been sufficiently addressed.

Although the EU has a target to increase women's employment rates to more than 60 percent by 2010 and to provide childcare to at least 33 percent of children less than three years of age, no coherent and effective policies have been implemented for reconciling family and working life for women and men. The gendered division of work in families directly affects women's access to and participation in the labor market. The unequal sharing of work in families, together with persistent gender inequalities and discrimination in the labor market, have severe effects on women's poverty and social exclusion, including entitlements to social protection.

Access to the labor market is even more difficult for certain groups of women, such as disabled, migrant, ethnic minority, and older women. As a result their situation is even more precarious. Many older women today face hardships due to a lack of individual social security or insufficient pension provisions due to low salaries during their paid activities, of career breaks and to part-time work. Moreover, many pension schemes in the EU Member States continue to be based upon the traditional nuclear family model of a male "breadwinner" and a non-employed wife. This leaves many women with "derived rights" based on their husband's employment record and without individual pension rights.

Labor market segregation and discrimination, as well as cultural and political mechanisms, too often relegate ethnic minority and migrant women to certain sectors of

low waged and low skilled labor. Many migrant women are greatly dependent on work in the informal and unregulated labor sectors, where they work without rights and without protection. Disabled women often face poverty and social exclusion, and a major cause of their poverty is the lack of access to employment.

Many women's groups are advocating for the reform of social protections, pensions and tax systems in the EU so that they respond more adequately to women's needs. This includes increasing women's participation in the labor market and recognizing the existence of new family structures, notably single parent families—it is estimated that women head 85 percent of one-parent households. Unfortunately, social policies, which are an integral part of the European model, are becoming weaker and are still for the most part built on the male "breadwinner" model.

## EDUCATION

### Public Policy

Education and training are essential vehicles for achieving equality between women and men. Education in general and higher education in particular are not subjects of a common European policy. Authority for the content and the organization of studies remains at national level. However, the Community and Member States are cooperating in the field of education.

All 25 Member States of the EU provide for full and universal primary and secondary education. Across Europe, more women than men are graduating from tertiary education institutes.<sup>7</sup> However, inequalities in access and significant gender differences in subject areas persist, hindering women and girls' education and life chances.

### Access and Changes in Practices

Imbalances in power, outright sex discrimination and gender stereotypes in education materials, schools, universities and on the labor market still prevent women from making certain career choices and from progressing at the same rate as men in their careers. These imbalances also prevent women from earning the same income for the same job across all countries of the EU.

Women's access to the technical professions is still very restricted. While equality between men and women in access to vocational training is enshrined in European Community texts, scientific and technical careers are still a male preserve. Some measures are being taken to address this. The Education Council

has set two objectives: to bring about a 15 percent increase by 2010 in the number of students in these fields and to redress the imbalance between women and men.

Benchmarks and targets in education and training have also been set. Although gender equality is not specifically included, the European Commission has called for special attention to be given to the gender dimension, in and outside the labor market, for motivating more young people to choose studies and careers and for ensuring gender balance in the scientific and technical fields.

In primary education girls and women are still being presented with stereotypical gendered messages. Schoolbooks and supporting educational material still portray traditional images of female and male vocational occupations. In an evaluation that has been carried out by the Commission on the Quality of School Education, there is no reference to the promotion of gender equality in schools as an indicator in the assessment of the quality of education.

One major structural barrier to adult women's education and training is their principal role as family caregivers. This burden on women often prevents them from entering into activities of education and training. Even when they do have access to programs of adult education and training, they still have to bear the burden of the double working day between domestic and paid work.

The skills gap between women and men remains a significant problem in Europe. Men still outnumber women in many of the subjects that lead to the best-paid jobs.<sup>8</sup> Also while women are attaining more educational qualifications than men, this is not reflected in their employment situation. For example, very few women are appointed to university chairs or to upper level research teams. Teachers in lower education are mainly women, but when it comes to higher education the percentage of female teachers declines.

Women researchers are still a minority in the government and higher education sectors, a trend that is accentuated in the natural science and engineering fields.<sup>9</sup> Women account for only 25 percent of students in science and technology subjects and six percent of students in engineering.<sup>10</sup> The under-representation of women in scientific and technical fields, as well as their under-representation in top positions in academic fields, is mainly due to the continuous orientation of women towards traditional female occupations and the hostility of the predominantly male research community towards women "invading their space."

In order to start to address these issues, a specific European Program for Research, Technological Development and Demonstration has been adopted that includes an Action Plan to reinforce and increase the place and role of women in science and research. Gender aspects in research will be taken into account in implementing this program.

In 1999, the Commission published a Communication “*Women and Science Mobilizing Women to Enrich European Research*.” Gender mainstreaming is identified as a method to promote research by, for and about women, and the importance of gender equality in both structure and content is stressed. The Communication defines a set of specific targets for promoting gender equality in the research field, such as having at least 40 percent participation of women in the committees implementing and managing research programs for the Commission. The Communication also states that the gender dimension has to be considered when drawing up programs on each of the different research areas. Gender Impact Assessment Studies were carried out in the seven programs of the European Commission’s Fifth Framework Program for Research and Technological Development.

The existing action programs of life-long education for women are not sufficient to tackle the problem of adult education. Adult education projects do not target women as a group, but address the “disadvantaged” in general terms. Therefore, they lack effectiveness in their outcomes. Certain groups of women, such as rural and migrant women for example, are not prioritized. Specific measures are required—for example, disabled women need individual education systems, methods or physical spaces to overcome barriers of access to the education systems. In some ethnic minorities girls are discouraged and sometimes prevented from enrolling in higher education.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making on Natural Resources

Despite better overall EU legislation on the protection of the environment—standards have been set for drinking water, waste management and air pollution—a gender perspective is seriously lacking in environmental policy. During the past ten years no legislation was adopted that deals with women and the environment directly, despite an increasing level of knowledge that environmental hazards impact women and men differently.

In many cases present environmental policies actually exacerbate gender inequalities by ignoring gender in their drafting and implementation. Environmental policies must be gender sensitive and must aim at both sustainability and gender equality. At the same time women’s limited access to technical skills, resources and information has impeded their effective participation in decision-making regarding sustainable development. Serious steps must be taken by the Director General of Environment to strengthen women’s active participation in environmental decision-making, while gender mainstreaming must be put into practice as a matter of urgency.

The Treaty Establishing the European Community states that, “equality between men and women should be promoted in all activities”. While gender equality in relation to the environment is not explicitly mentioned, it is implied in the text. The draft European Constitutional Treaty (2004) strengthens the Europe’s commitment to the environment, introducing environmental sustainability as one of the EU’s aims. However, gender equality and the environment are still dealt with as separate issues.

In 2001, the REACH Directive, which formulates a new system to register all chemical substances on the internal market, was proposed. Gender is absent from the entire text of this directive. Women’s NGOs have stressed the need for women to be recognized as a specific group seriously affected by chemical substances. While many consumer organizations and NGOs support the Directive, the chemical industry has formed a very strong lobby against it. The proceedings have become very complex, and more and more concessions have been made in favor of the chemical industry.

The EU strategy for sustainable development identifies poverty as one of the main obstacles, recognizing that the burden of poverty is borne disproportionately by single mothers and older women. It also states that sustainable development should become the central objective of all sectors and policies and that careful assessment of the full effects of the policy must be made, including the effects on gender equality and equal opportunities. However, there is no evidence that such assessments have taken place.

Other EU actions on the environment include a proposed European Environment and Health Strategy. Once again, there are few references to women. The European Environment and Health Action Plan 2004-2010 also does not mention gender. A 2003

Council Recommendation on the economic policies of the Member States and the European Community called for increased protection of the environment and a greater awareness of gender equality, but these two issues have been treated separately. The LIFE-Program, which supports many environmental projects such as protecting civil society against industrial accidents, fails to address the issue of women and the environment specifically.

### Gender Impacts

It has been proven that women and men are affected differently by environmental problems and that women are often disproportionately affected. Moreover, some health problems of women can be directly linked to environmental pollution, for example, lead in bones, breast cancer, and toxic chemicals in body fat. Biological factors account for some of the differences in vulnerability, but social factors also play a role. For example, women are more affected by hazardous chemicals in domestic detergents since they are traditionally responsible for cleaning the household. In cases of environmental disaster women, as the primary caretakers of the family, shoulder an additional burden. Rural and urban planning also has a direct influence on women’s lives. For example, transportation is critical for women who must travel daily between home, school, work and shopping facilities.

Access to resources is also an important issue impacting women. For example, women and men have different access to the use of energy in general, and renewable energies specifically, because their economic situation is different.

Chemicals in the environment are one of the most serious concerns facing women in Europe today. Studies have shown that environmental factors are increasing the rate of disease among women. For example, there is evidence that the increase in breast cancer in the last 40 years is linked to high levels of toxic chemicals in women’s bodies. Toxic substances have also been found in breast milk. Women are exposed to a daily barrage of chemicals, and health professionals still do not know what the mid- or long-term effects will be.

Gender equality and gender perspectives should be integrated into all EU and Member State policies and programs for sustainable development, and stronger mechanisms should be introduced to assess the impact of development and environmental policies on women.



## HEALTH

**Access and Affordability**

Although women's health in the EU has improved significantly over the past decade, barriers to better health remain. Gender roles and unequal gender relations combine with other social and economic factors that result in different and often inequitable patterns of exposure to health risk. They also result in differential access to and utilization of health information, care and services.

In matters of health and health policy the EU only has the right to complement national policies directed towards improving public health, preventing human illness and diseases, and exposing sources of danger to human health. The EU Member States have recognized the connection between health and a potential increase in economic growth, and they tend to build and sustain their health care systems taking this connection into account. They also consider potential threats to the economy in light of demographic developments, notably the ageing of the European population and the long-term trend of increasing health costs.

While there is no specific EU public health program directed at women, some EU actions contain specific provisions that affect women. For example, legislative instruments have been created to protect pregnant workers and workers who have recently given birth or are breastfeeding. In 2002, a program of community action in the field of public health was adopted that takes gender and age into consideration and calls for all relevant statistics to be broken down and analyzed by gender. A European Code of Cancer makes reference to cervical and breast cancer, and networks on both these cancers now exist.

The 2000 Cotonou Agreement, a partnership agreement with the African, Caribbean and Pacific States, includes a gender dimension with regard to health and development. It states that adequate levels of spending in the social sector will ensure the integration of population issues into development strategies, in order to improve reproductive health, primary health care, family planning and prevention of female genital mutilation. The agreement also makes reference to protecting the rights of the girl child and emphasizes equal participation of women and men in all spheres of life.

However, despite actions undertaken by the EU, women continue to face obstacles to improving their level of health. This includes the feminization of poverty, a high unemployment rate among women, and the large

presence of women in atypical jobs with little or no social protection.

The most significant barrier to better access to health care for women is linked to the persistent discrimination against women in all areas. An EU draft report on social inclusion shows that the most disadvantaged groups have more serious health problems. For example, 16 percent of those in the bottom income quintile say that they are in poor health, compared to 7 percent in the top quintile. Women belonging to a disadvantaged group often find it more difficult to have access to care, because of long waiting times, high treatment costs in relation to their income, complex administrative procedures and, more generally, insufficient preventative care such as screening and vaccination.

Financing of and access to health care still pose major obstacles for some women across the EU. Women should not be penalized for their reproductive role and their greater longevity by having to contribute more financially for their health care. They should not be disadvantaged in terms of obtaining health care by virtue of their generally lower economic situation.

Every country in Central and Eastern Europe has experienced a cutback in public expenditure on health services over the last 10 years as a result of economic transition. In this context, quality of care is of major concern, including respect for the clients' rights, the availability of gender sensitive services and affordable and easily accessible contraceptives.

Gender-based violence is a major public health issue that does not receive sufficient attention at EU level. According to the World Health Organization, the consequences of abuse are profound, extending beyond the health and happiness of individuals, to affect the well-being of entire communities. Beyond the immediate physical and emotional effects, it has been shown that violence increases women's future risk of various psychological, emotional, behavioral and physical ailments, and negatively affects their ability to enjoy other human rights.

Another area that remains an obstacle to women's health is the gender bias in medical research in the EU. Most biomedical research continues to be based on the assumption that women and men are physiologically similar

in all respects apart from their reproductive systems. Other biological differences are ignored, as are the social/gender differences that have a major impact on health. Few women are currently involved in the male-dominated arena of medical research, either as investigators or as subjects.

Demographic ageing will also pose many



Using drama to get the message across.

problems. There will be more age-related illnesses and more women in long-term care in the future. To meet the challenges posed by demographic trends, it is vital to have a sufficient number of professionals trained in a gender-sensitive manner.

**Reproductive Health**

The conditions in which women can enjoy sexual and reproductive health vary significantly throughout the EU. The low birth rates in Europe, combined with an increased influence of religious groups on some governments, has the potential to undermine women's sexual and reproductive health and rights. On the rights level this can result in the inability to obtain an abortion, even in those countries where abortion is legal, because of conscientious objection of the medical professionals, or the prosecution of women who have had an abortion where it is illegal. Abortion is illegal in Ireland, Malta, Poland and Portugal. This can also cause enormous health problems when women do not find professional help in time and are forced to undergo unsafe practices.

On the issue of EU enlargement and sexual and reproductive health, the European Commission produced a 1999 working paper that aims "to help identify potential issues related to health and accession". It also recognizes the possible association between social problems, poor family planning and health education. These are issues affecting women in particular. Some of the EU Phare/Tacis Programs providing financial assistance include

projects on women's health, particularly in the area of sexual and reproductive health, but they account for a very small percentage of the overall budget. The European Parliament also held a public hearing in 2002 on sexual and reproductive health in the EU and the candidate countries.

In 2003, the EU pledged to make a full contribution towards achieving the United Nations Millennium Development Goals of reducing maternal mortality by three quarters, achieving gender equality and attaining access to sexual and reproductive health care and services worldwide. Recognizing that population and development programs are most effective when steps have been taken to improve the status of women, this regulation maintains that gender equality is a precondition for improved reproductive health, and that men should take full responsibility for their sexual and reproductive behavior.

### HIV/AIDS

The Program for Action: Acceleration Action on HIV/AIDS, Malaria and Tuberculosis establishes a broad and coherent Community response, over the period 2001-2006, to the global emergency caused by the three major communicable diseases—HIV/AIDS, malaria and tuberculosis—which most affect the poorest populations and which undermine global health. The proportion of the total development cooperation budget allocated to health, AIDS and population stood at 8 percent in 2000 (approximately Euro 800 million) and will be steadily increased as delivery capacity improves. The program also calls for

the development of agendas in each country to target poverty reduction and equality between women and men.

In 2004, an important AIDS initiative was adopted during the Irish Presidency. The Dublin Declaration on Partnership to fight HIV/AIDS in Europe and Central Asia calls for the development of national and regional strategies and programs to increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection, and reduce their specific vulnerability to HIV/AIDS.

### Authors

Adapted from the draft *Review of the Implementation of the Beijing Platform for Action by the European Union*, prepared by the European Women's Lobby (EWL), an NGO that brings together over 4,000 women's organizations across Europe to work together for equality for women's human rights, to eliminate all forms of discrimination against women, to eradicate violence against women, and ensure that gender equality is taken into consideration in all EU policies.

### Contributors

Women in Development Europe (WIDE) is a European network of development NGOs, gender specialists and human rights activists.

Women in Europe for a Common Future (WECF) is a network of organizations and individuals working for sustainable development, protection of human health and environment and poverty reduction.

### Editor's Note

Focusing mainly on legislation, policies and programs implemented by the EU institutions since the year 2000, the review does not reflect a country-by-country analysis.

### Sources

EU legal documents were obtained at <http://europa.eu.int/eur-lex/en/index.html>

### Endnotes

1. European Women's Lobby, "Unveiling the Hidden Data on Domestic Violence in the EU," 1999.
2. Theorin, Rapporteur Major Britt, "Participation of Women in Peaceful Conflict Resolution," November 2000.
3. European Database Women in Decision-Making; available from [http://www.europa.eu.int/comm/employment\\_social/women\\_men\\_status/out/measure\\_out416\\_en.htm](http://www.europa.eu.int/comm/employment_social/women_men_status/out/measure_out416_en.htm)
4. Anna Diamantopoulou was replaced by Stavros Dimas in April 2004, decreasing the percentage of Women Commissioners to 20 percent.
5. Joannin, Pascale, "Europe: An Opportunity for Women," (Robert Schuman Foundation: May 2004).
6. "European Commission Report on Equality Between Women and Men," 2004.
7. New Member States have higher proportions of women graduates. In Portugal and Poland, where the ratios of women to men are at their highest, two-thirds of all graduates are women. Even in Austria, Germany and Malta, which have the lowest proportions in Europe, 52 % of all graduates are women.
8. [http://europa.eu.int/comm/employment\\_social/speeches/2002/280202jl\\_en.pdf](http://europa.eu.int/comm/employment_social/speeches/2002/280202jl_en.pdf).
9. Statistics in Focus, "Women, Science and Technology: Measuring Recent Progress Towards Gender Equality," June 2004.
10. European Commission, "Equal Opportunities for Women and Men in the European Union," *Employment and Social Affairs, Annual Report*, 1998.

# CANADA

## Canada's Damaged Relations with Aboriginal Women: A Lost Decade

In 2004, reviewing its own implementation of the Beijing Platform for Action, Canada admitted “that within positive overall trends for women, not all women are benefiting and some continue to be seriously disadvantaged or at risk of facing further barriers”.<sup>1</sup> The situation of Aboriginal women is highlighted as one such marker in Canada's failure to advance the rights of all women. The question arises, then, to what extent have the rights of women in Canada advanced in the last decade if the rights of Aboriginal women have not.

The history of the advancements of Aboriginal women's rights in Canada has involved the United Nations in several ways. A case was made, for example, to the Committee on Human Rights under the International Covenant on Civil and Political Rights when courts and governments in Canada were not receptive. Admonitions from the international community, in part, led to some limited changes. The year after the UN Committee on Human Rights made its ruling, the federal government amended the Indian Act in an attempt to end sex discrimination in the Act. Pressing to end sexual and racial discrimination more comprehensively, women's activism on national and international fronts continue, and gatherings such as the United Nations World Conferences on Women provided a venue for Aboriginal to organize for change.<sup>2</sup>

### Reviewing The Status Of Aboriginal Women In Canada

The status of women in Canada can be measured by assessing the well-being of Métis, Inuit and First Nations women. A history of colonization—and explicitly of dispossession, forced relocation, forced placement in residential schools, violence, cultural domination and other forms of racism—marks relations between governments and Aboriginal peoples. Relations between Aboriginal peoples and non-Aboriginal peoples in Canada are similarly tainted with institutional and popular racism, which intersects with a particular brand of racialized sexism experienced by Aboriginal women. This sexist or gendered racism manifests itself in contemporary government policies and practices. On the occasion of the 10-year review of Canada's implementation of the Beijing Platform for Action, the Canadian Feminist Alliance for International Action (FAFIA) convened a meeting with national Aboriginal women's organizations to independently review

Canada's progress. Present were Pauktuutit (the Inuit Women's Association of Canada), the Métis National Council of Women and the Native Women's Association of Canada (NWAC).

As highlighted in this report, the well-being of Aboriginal women in Canada demands urgent action. However, the sustained existence of national Aboriginal women's organizations is currently compromised by insufficient and often unsustainable funding. This situation compromises the *raison d'être* of national Aboriginal women's organizations and prevents these organizations from engaging in the politics that is required for making changes to relations, policies and practices imperiling the well-being of Aboriginal women.

Featured in this report are some of the challenges that must be addressed, such as the frequent exclusion of national Aboriginal women's organizations from the political arena and discriminatory federal funding to national Aboriginal women's organizations; discrimination in issuing Indian status to the descendants of First Nations women; the inequality in matrimonial property rights between women living on reserves and women living off reserve; the unconscionable historic indifference of governments, the media and society around the unsolved disappearances and murders of Aboriginal women, and the Sisters in Spirit Campaign that is documenting the cases and raising awareness towards bringing an end to violence against Aboriginal women, particularly racialized and sexualized violence; the high rates of ill health among Aboriginal women compared to non-Aboriginal women; economic injustice observable in the staggering rates of poverty among Aboriginal women, the unique barriers to employment they face and the insufficiency of basic need provision in terms of housing on reserves, in urban centers and in the Arctic; and environmental degradation in the Arctic and in southern Canada.

After March 2005, at the end of the 10-year review of the Beijing Platform for Action, Canada's obligations to Aboriginal women must continue to be assessed and governments held accountable. The international community, along with Aboriginal women's organizations, will play an integral role in ensuring this accountability. But the report's recommendations must also be made public to the people of Canada and to government officials in order to effect real change in popular culture and in the law.<sup>3</sup>

### HUMAN RIGHTS

#### CEDAW Compliance

Canada signed CEDAW in July 1980 and ratified it in 1981. In 2002, Canada ratified the Optional Protocol. In the 2003 UN *Report of the Committee on the Elimination of Discrimination against Women*, the Committee urges Canada “to accelerate its efforts to eliminate *de jure* and *de facto* discrimination against Aboriginal women both in society at large and in their communities, particularly with respect to remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It also recommends to the State party

to ensure that Aboriginal women's representatives receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality.”<sup>4</sup>

While the advancement of self-determination is a positive development for Indigenous peoples, self-determination does not automatically guarantee fairness or equality for women. Similarly, in the last decade, there has been no progress on eliminating sex discrimination against Aboriginal women in the determination of Indian status under the Indian Act, nor on the division of matrimonial property on Aboriginal land reservations after the dissolution of marriage (which is reg-

ulated by the Indian Act).<sup>5</sup> Violence against Aboriginal women in Canada remains prevalent, and the response by Canada is woefully inadequate, as further elaborated on below.

#### National Law

The Indian Act of 1876 was established to define the status of Indians living in Canada, and to distinguish between those who had rights to reserve lands and those who did not. Amendments to the Indian Act were made in 1985 to remove explicit sex discrimination in the determination of Indian status, but residual sex discrimination remains. With the amendments, women who married non-status men were reinstated with Indian status, which had been stripped from them

## Box 23. Inuit Women Refuse to be Marginalized

Pauktuutit (Inuit's Women's Association of Canada), a grassroots organization, is the only national NGO addressing issues faced by Inuit women. Yet its existence is both precarious and marginalized. Diminished funding affects the ability of the organization to participate fully in the issues of the day, and outright exclusion—as in the 2004 First Ministers Meeting on Health, and the Aboriginal Peoples Summit where Pauktuutit was given only observer status—makes full engagement near impossible.

In October 2004, Pauktuutit took on Canada's Prime Minister in a letter demanding adequate representation and funding.

"In the case of the Inuit, the Government of Canada has yet to even officially recognize that Pauktuutit is, indeed, a National Aboriginal Organization, even though we celebrate twenty years of success this year. This has clearly caused losses for the advancement of Inuit women's equality—both in the policy decision-making and, very importantly, in the subsequent resource sharing and program development that is negotiated in our absence...

"We are turning excellent projects down, because our core funding is so minimal as to render us unable to provide basic administrative support ... [and] we are now so overworked and underfunded that exhausted, underpaid employees are leaving .... Even managing minimal board services is becoming untenable...

"These two challenges—lack of voice and insufficient funding—have been increasingly undermining our work for some time and are now gravely jeopardizing our capacity to continue. We shall be forced to close our doors if they cannot be resolved in the immediate future."

at the time of the marriage. However, the Indian status of the grandchildren of reinstated women depends on the grandchildren marrying a status Indian or having both a mother and father with status. In contrast, the descendants of men married to non-status women automatically have status. This discrepancy results from the fact that men with Indian status did not have to relinquish status upon marrying a non-status woman, and their wives automatically gained status.

Therefore, the amendment to the Indian Act was premised on the notion of descent though the male line and in this way it continues to discriminate against Aboriginal women. The effects of sex discrimination regarding status include denial of access to on reserve schooling and housing, access to non-insured health services, childcare and post-secondary education.<sup>6</sup> Very importantly, status is also a matter of identity and can affect belonging to and membership in a community.<sup>7</sup> In addition, a person's status can affect participation in a community's self government negotiations. Those present at the outset make decisions on the rules of Indian Band membership, including the rules that determines who is permitted to participate in self determination negotiations and who is not. Denial of the right to participate negatively impacts, in disproportionate numbers, Aboriginal women who lost Indian status before 1985.<sup>8</sup> The federal government's failure to ensure and support Aboriginal women with reinstated status to full Band membership has the effect of denying them the right to participate in Aboriginal self governance and violates their rights under Articles 15 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women.<sup>9</sup> The Native Women's Association of Canada, Pauktuutit and other women's organizations are urging the federal government to eliminate from the Indian Act discrimination against Aboriginal women and their descendants. Ultimately, Aboriginal women require full protection under laws that uphold their human rights.

Unlike women to whom provincial and territorial matrimonial property laws apply, women living on reserves do not have the protection of laws equitably dividing matrimonial property at the end of a marriage. Nor do they have the right to the exclusive possession of the matrimonial house for a period time if they have been the victim of violence committed by their partner. The Indian Act currently makes no provisions for these rights.<sup>10</sup> The matrimonial property rights of women have been mentioned in select land management agreements between First Nations Bands and the federal government, but it is not yet clear how and if these rights will be fully implemented.<sup>11</sup> This is quite disappointing given the federal government's commitment made in Beijing to apply gender-based analysis to all policy initiatives and legislation of significance to women. The application of gender-based analysis is no less critical to ensuring the equality of Aboriginal women than it is for other constituencies of

women in Canada. Housing shortages on reserves, and the prevalence of poverty and violence, make the protection of women's matrimonial rights especially critical.<sup>12</sup> While a woman may be awarded compensation to replace her half interest, continued residency on the reserve may not be possible without housing.<sup>13</sup> Indeed, the federal government's failure to establish sufficient housing on reserves for First Nations women denies them and their children the rights equivalent of those women and children living off reserve.<sup>14</sup> The Native Women's Association of Canada therefore recommends that the federal government put interim legislation in place that gives First Nations women matrimonial property rights equivalent to the rights of all other women in Canada. This legislation would eventually be replaced by new self-government legislation offering women protections.<sup>15</sup>

### Violence Against Women

Aboriginal women are three times more likely than non-Aboriginal women to experience partner violence. The violence they experience is also five times as likely to be severe and potentially life-threatening.<sup>16</sup> The cycle of violence against Aboriginal women is embedded in a history of colonization that involved dispossession, forced relocation, forced placement in residential schools, cultural domination and other forms of racism.<sup>17</sup> The Native Women's Association of Canada asserts that if Aboriginal women's human rights were protected and if they were not marginalized in a number of ways (economically, socially, etc.), they would not be vulnerable to the high levels of brutal, racialized and sexualized victimization that they currently face. While awareness of violence against Aboriginal women has increased, the context or conditions in which violence against Aboriginal women occurs has not been adequately addressed. As a consequence, goals to reduce violence have not been met. Recently, there has been some indication that the federal government will contribute funds so that the Native Women's Association of Canada can investigate and raise awareness about the untold number of Aboriginal women whose disappearances over the past few decades remain unsolved. It is only through the direct involvement of representative Aboriginal women's organizations in implementing positive solutions to these issues that substantive results can be achieved. The Native Women's Association of Canada has estimated that more than 60 women from one city in Canada alone are



“missing” (and likely murdered), and that the overwhelming majority of these women are Aboriginal. These missing and murdered women led lives marked by violence and a legacy of colonization.<sup>18</sup>

In its 2003 submission to the UN Committee on the Elimination of Discrimination Against Women, the Canadian Feminist Alliance for International Action (FAFIA) provides evidence to support the fact that Canada has failed to address the racism and bias in the criminal justice system in instances of violent crimes committed against Aboriginal women.<sup>19</sup> For example, to FAFIA’s knowledge, the criminal code’s section on offenses motivated by bias, prejudice or hate has never been applied in the sentencing of an accused for a violent crime against an Aboriginal woman.<sup>20</sup> In a statement made at the 2004 UN Permanent Forum on Indigenous Issues, the Native Women’s Association of Canada, Pauktuutit and other women’s organizations quoted the UN’s Special Rapporteur on violence against women, Yakin Ertuk, who writes, “State accountability is embedded in the standard of due diligence to protect women’s bodily integrity: to prevent, investigate and punish private or State violence against women in accordance with human rights law. In so doing, the State and its agents must undertake gender analysis in order to accurately assess how, why, and under what circumstances specific forms of violence are perpetrated.”<sup>21</sup>

The Sisters in Spirit Campaign (See Box p. 168) sees it as imperative that a gendered race analysis underwrites government action that will result in an end to such alarmingly high levels of violence against Aboriginal women in Canada.

### POWER AND DECISION MAKING

In the last decade, the political participation of national Aboriginal women’s organizations has suffered because of greatly diminished funding. This lack of funding prevents these organizations from fully engaging with the critical issues of the day. Funding for Aboriginal women’s groups is substantially less than the funding that other national Aboriginal organizations receive. The struggle that needs to be waged against gendered racism demands a strikingly more substantial funding regime from the government in order to ensure meaningful political participation of national Aboriginal women’s organizations.

Funding that allows for a continued but highly precarious existence means that the federal government has, on more than one

occasion, attempted to manipulate the voices of national Aboriginal women’s organizations. Currently, the Métis National Council of Women is in court over the Government of Canada’s contravention of Métis women’s freedom of association. The Government is not allowing Métis women to choose a political representative. Some Aboriginal women’s groups assert that the listing of national organizations representing Aboriginal women in Canada is left to the federal bureaucracy, and that parliamentarians refuse to intervene in the bureaucracy’s selection process. For example, when the government lists the national Aboriginal women’s organizations in Canada, the Métis National Council of Women is excluded.<sup>22</sup>

Government reluctance to recognize the significance of the voices of national Aboriginal women’s organizations is long-standing. In the aftermath of the 1992 constitutional talks in Canada, a case brought by the Native Women’s Association of Canada (NWAC) against the federal government over the government’s contravention of native women’s rights to equality and freedom of expression reached the Supreme Court.<sup>23</sup> Since that time, however, NWAC has been selected as one of five national Aboriginal organizations to be federally recognized as political leaders. NWAC has also had the opportunity to participate in high-level policy discussion related to the Canada Aboriginal People Roundtable Follow-up Sectoral Sessions. Unfortunately, these opportunities are not a reality for all Aboriginal women’s groups. For the Métis National Council of Women and Pauktuutit, litigation has been among their only options in their attempt to be recognized as legitimate voices for Aboriginal women. Both organizations, in fact, have launched court challenges against the government over funding and exclusion from the political arena.

The crisis in funding jeopardizes the capacity of some national Aboriginal women’s organizations to act as national representatives of Aboriginal women. Often, government funding is unpredictable, inadequate and piecemeal. Applying for funding, in addition, is very costly because of the nature of the application process. All of this makes it very difficult for organizations to be fully engaged

with, and politically active around, the issues affecting Aboriginal women. For example, the Métis National Women’s Council saw its funding diminish over several years, after which time their core funding was eliminated entirely. It has only been through the persistence and tenacity of these groups that the federal government has more recently articu-



lated an improved commitment to tackling the issues facing Aboriginal women, though it is not clear if this will mean an increase in resources for all national Aboriginal women’s groups. While some organizations continue to experience financial straits, Aboriginal women’s voices are not always represented in national political debates. The effect of the funding crisis, according to Pauktuutit, is that service provision is prioritized, leaving no funds for policy work. Pauktuutit’s Executive Director states that “Pauktuutit is unable to engage in the pressing national issues of the day.”<sup>24</sup> It is desirable that national Aboriginal women’s organizations in Canada receive adequate, reliable, multi-year, transparent, accountable and predictable core funding. As things currently stand, deliberately managed funding by the government works to marginalize their voices.

In addition, the national Aboriginal organizations that are most frequently legitimated as being a voice for Aboriginal people in Canada tend to be male-led, which means they are not equipped to represent the concerns of Aboriginal women in the same way that the national Aboriginal women’s organizations are able to.<sup>25</sup>

While women’s organizations may be invited to the meetings of male-led organizations, but there have been occasions in which representatives from some national women’s organizations have been assigned “observer” status at these meetings. Additionally, the mandates of the male-led Aboriginal orga-

nizations differ greatly from the mandates of the women's organizations. For example, Pauktuutit is distinct from Inuit Tapiriit Kanatami (ITK), the national Inuit organization. ITK represents the four Inuit regions in northern Canada, which means that it represents the four land corporations of northern Canada. The sphere of grassroots, community-based politics which is distinct from this, is the work of Pauktuutit. Pauktuutit is elected by and represents women who self-identify as Inuk mostly in northern Canada, but also in the south. Pauktuutit and ITK are colleagues at the working level, collaborating on projects and funding proposals. But at the political level, the two organizations are distinct and autonomous. However, ITK does not vouchsafe Pauktuutit's autonomy. While Pauktuutit is allowed to be present at ITK's board meetings, it is not permitted to vote.<sup>26</sup>

Another issue affecting some Aboriginal women's organizations is continued inequality in political participation. The Beijing Declaration of Indigenous Women noted the omission in the Beijing Platform for Action of the recognition of Aboriginal women's rights to self-determination. The full participation of women is necessary if self-determination is to meaningfully address the realities of both women and men.<sup>27</sup> The unequal participation of Aboriginal women in on-going negotiations for self-government means that Aboriginal women's organizations are unable to secure adequate protections in these agreements for Aboriginal women and their children.<sup>28</sup> In the last decade, there have been improvements in the negotiations for self-determination, but it is the view of many Aboriginal women that the current processes underway still do not ensure equal participation by women. Furthermore, the political participation of women can be negatively impacted if a gender-based analysis is not applied throughout the self-government negotiations and implementations of these documents.<sup>29</sup> This can only be avoided if the discussions start with all present so that the rules for self-determination are fair and just. Self-determination negotiations determine at the outset the rules of membership, i.e. who is permitted to participate in self-determination and who is not.

Indeed, some Aboriginal women claim that there has been a collaboration between the government and the three male-led national Aboriginal organizations, which has resulted in the suppression of the voices of Aboriginal women.<sup>30</sup> Towards founding Nunavut, for example, the federal government worked with the male-led organizations

in establishing this Inuit majority territory. In the process, the male leadership active at the time was institutionally entrenched, and equality assurances for women were effectively dismissed at the outset.<sup>31</sup> National Inuit women's organizations were excluded from the start from the political discussions, and continue to be excluded from the federal government's decision-making process.<sup>32</sup>

National Aboriginal women's groups work diligently and tirelessly to be included in important government discussions and do not always succeed. Some of the national Aboriginal women's groups have not been meaningfully integrated in discussions on national and regional job creation agreements and health services for Aboriginal peoples.<sup>33</sup> With the exception of the Native Women's Association of Canada (which, as noted above, is now one of five national Aboriginal organizations recognized by the federal government), the integration of the voices of national Aboriginal women's groups is in no way guaranteed. As such, the Métis National Council of Women's court case against the Government of Canada is the only remaining means through which the federal government might give the organization equal funding and permit them to fully participate in the devolution of federal funding and service plans to Métis communities. The federal government's failure to systematically include all of the national Aboriginal women's groups in its political discussions at the same level at which male-led organizations are included, and its failure to fund Aboriginal women's organizations at the same level at which male-led Aboriginal organizations are funded, constitutes a violation of the rights, of Aboriginal women in Canada under Articles 7 and 15 of CEDAW.<sup>34</sup> Accordingly, the UN Committee on the Elimination of Discrimination Against Women, "recommends to the State party to ensure that [A]boriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality."<sup>35</sup>

#### POVERTY ERADICATION

The 2003 report of the UN Committee on the Elimination of Discrimination Against Women asserts that, while poverty in Canada has been declining since 1997, poverty among Aboriginal women still "was far too high."<sup>36</sup> It is a crushing fact that 42.7 percent of Aboriginal women live in poverty. This is double the percentage of non-Aboriginal

## Box 24. The Sisters in Spirit Campaign

Approximately 500 Aboriginal women have been reported "missing" in the last 30 years. While the number of missing women mounts, the government, media and popular culture remain silent.

The Sisters in Spirit Campaign seeks to document the cases of the missing women, assess Canada's implementation of its anti-violence commitments and address the particular experiences of Aboriginal women. Launched in 2004 by the Native Women's Association of Canada (NWAC), the campaign aims to increase public awareness about the high rates of racialized and sexualized violence against Aboriginal women and to improve public understanding of this violence.

The NWAC works with individual women, Aboriginal women's organizations including Pauktuutit and the Métis National Women's Council, national Aboriginal organizations and other civil society groups, academics, health service providers and legal services in collaboration with federal, provincial and territorial governments.

As stated by the campaign, "Sixty percent of the missing women from Vancouver's Eastside were Aboriginal, and most were young. These were poor women involved in the sex trade. They struggled with drugs and alcohol. Some suffered from the effects of Fetal Alcohol Syndrome, and many were victims of childhood sexual abuse. Every one of them grew up in a foster home. Their lives bore all of the markings of the violence of colonization."

In addition to public education and research, the Sisters in Spirit Campaign works with individual, marginalized Aboriginal women through community-based initiatives; identifies key policy and law reform issues, including media-related hate crimes; and develops relationships with families and friends of the missing and murdered women.

It is urgent action that will increase the life chances of Aboriginal women, and the Sisters in Spirit Campaign insists that time is of the essence.

Source: Native Women's Association of Canada, "Statement by the Native Women's Association of Canada," *Third Session of the Permanent Forum on Indigenous Issues, Joint Statement with AFN*, 6 May 2004.

women living in poverty and far greater than the percentage of Aboriginal men living in poverty.<sup>37</sup> Aboriginal poverty is connected to the history of colonization and the dispossession of traditional lands from Aboriginal people, and the Beijing Declaration of Indigenous Women makes note of this.<sup>38</sup> In taking possession of lands used by and displacing Aboriginal peoples, its colonizers, destroyed traditional ways of life and the ability of Aboriginal peoples to provide sustenance for the community. Resource extraction from land and waters by colonizers is historic, and hydroelectricity, forestry and mining, for example, support the economy of Canada in the present day. Aboriginal peoples are typically excluded from this economy while made to suffer the environmental damages brought by “development.”

Canada's economy is certainly diverse and rich, and hence the exclusion of Aboriginal women from its wealth is noteworthy. Figures circulating in 2002 held that the average annual income for non-Aboriginal woman was \$19,350, which was nearly the same as the figure, for Aboriginal men, while for Aboriginal women, the average annual income was around a third less, at \$13,300.<sup>39</sup> Aboriginal women are over-represented in poverty rates and, their work in the labor market is undervalued, as well. Despite this, the Métis National Council of Women and Pauktuutit must struggle to be included in government discussions on national and regional job creation.<sup>40</sup>

In the city of Winnipeg, a greater proportion of Aboriginal women are part of the paid labor force compared to non-Aboriginal women, so it is not necessarily because of lower employment rates that Aboriginal women's income is lower. While employment rates are not always higher, particular barriers prevent more Aboriginal women from working for wages, or for higher wages. These barriers include the great distances between centers where there is paid work and where Aboriginal women have family and have made a community; inadequate child-care; the requirement work cultures make of workers to conform, which for an Aboriginal woman can mean the relinquishing of her values; an education system that does not meet the needs of Aboriginal students, and so discourages them from completing high school; and racist and sexist employers refusing to hire Aboriginal women for certain work, or refusing to hire them at all.

Away from the labor market, Aboriginal women's unpaid work is crucial. Caring for the environment is unremunerated, as is caring work for the community and for

families.<sup>41</sup> The Métis National Council of Women emphasizes the importance of this work: multiple generations of women are raising the next generation, so this is among the work being done by 51-52 percent of the population.<sup>42</sup> Under the duress of insufficient income and/or dire poverty, the issue of the day is always survival.

In its 2002 CEDAW report, Canada notes the federal government's responsibility for housing on reserves, but concludes that “many First Nations still face a large backlog of substandard and overcrowded houses.”<sup>43</sup> The federal government is not meeting its housing responsibilities to start, nor is the



Inuit woman.

government providing adequate social housing or joint funds for social housing in northern Canada. As Inuit and Métis do not have status under the Indian Act, they are in competition with non-Inuit for social housing. Currently, it is the Inuit who must contend with the worst housing crisis in Canada.<sup>44</sup> Thirty-three percent of Inuit households compared to 18 percent of non-Aboriginal households live in housing that does not have enough bedrooms, that requires major repairs and that consumes over 30 percent of the household income.<sup>45</sup> In short, housing conditions for a third of Inuit households can be described as unaffordable, inadequate and unsafe. The high cost of private rental market housing in Arctic regions, coupled with the high percentage of Inuit living in poverty, makes a solid case for the need for increased social housing.<sup>46</sup> In urban centers, Métis The deficiency of government efforts in providing social housing is noted in the 2003 report of the UN Committee on the Elimination of

Discrimination Against Women.<sup>47</sup>

The crisis in housing has several negative effects on Aboriginal women's well-being. The lack of housing on reserves, in northern Canada and in urban centers and the absence of provisions in the Indian Act on the equal division of matrimonial property together act to separate women from communities upon the dissolution of marriage.<sup>48</sup> Similarly, a woman whose Indian status has been stripped from her because of her marriage to a non-status Indian or non-Aboriginal man cannot always return to her reserve. Despite the 1985 amendments to the Indian Act reinstating Indian status to women whose status had been stripped, lack of housing prevents reinstated women from returning to their communities.<sup>49</sup> Unsafe housing—with poor construction, ventilation and insulation—is associated with ill health in the form of respiratory problems and immune system complications. Lack of piped water and substandard sewage disposal are associated with infectious diseases.<sup>50</sup> Further, high rates of poverty and insufficient housing in the north and on reserves diminish a woman's ability to leave a violent household.<sup>51</sup> A lack of housing also raises the risk of homelessness for Aboriginal women.<sup>52</sup>

#### NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

Environmental security is vital to Aboriginal peoples who live off the land. The Métis National Council of Women reports that 90 percent of women who do not live in a major Canadian centre live off the land.<sup>53</sup> For Inuit in the Arctic, living off the land is a matter of survival in several ways. It means cultural survival as well as good health and well-being. More specifically, hunting, fishing, gathering wild resources and sharing these foods are accepted as important contributors to Inuit health and well-being. However, their cultural survival and physical health are being imperiled by environmental damage. Environmental contaminants like persistent organic pollutants (POPs) have bio-accumulated in Arctic wildlife and negatively impacted the health of Inuit through the ingestion mainly of meat. Mercury levels in the blood of Inuit mothers is higher than it is in any other category of women; levels of polychlorinated biphenyls are higher among Inuit mothers compared to white, Dene (First Nations) and Métis mothers, and <sup>54</sup> fetuses may be disturbed in Inuit women because of the ingestion of animals contaminated by POPs.<sup>55</sup>



While the knowledge of women living off the land is profound, there is a disturbing absence of data which means that the health effects of environmental degradation in the north are not being diagnosed assiduously, according to Pauktuutit.<sup>56</sup>

The bioaccumulation of environmental contaminants in the Arctic is matched by similarly damaging conditions further south. Asubpeeschoseewagong (Grassy Narrow) First Nation faces mercury contamination in the water, flooding and community relocation, and the clear cutting of forests.<sup>57</sup> Resource extraction and economic development tend to be the focus of an “old guard” leadership in the position to negotiate land claim agreements with governments in Canada.<sup>58</sup> Often, when Aboriginal women take leadership on issues of the environment, it is with the goal of preserving the ecological integrity of the land and averting the potential dangers related to industrial development.<sup>59</sup> However, movements opposed to the course being taken in land claim negotiations receive little or no funding for campaigning for an alternative, while the old guard is well funded, in comparison.<sup>60</sup>

## HEALTH

Pauktuutit, the Native Women’s Association of Canada and the Métis National Council of Women are all confronting the very worrisome state of health of Aboriginal women. As a result of the severe effects of structural racism and sexism, which include the extreme poverty in which many Aboriginal women live, Aboriginal women’s health is in a state of crisis. Aboriginal women have double the national average rates of reproductive tract and breast cancers women; life expectancy for First Nations women is eleven years less than it is for the general female population; while rates of sexual abuse among Aboriginal girls under the age of 18 are at 75 percent, and rates of violence among Aboriginal women are at 80 percent.<sup>61</sup> Further, rates among Aboriginal women are higher than among non-Aboriginal women for heart disease, diabetes, tuberculosis and suicide.<sup>62</sup> Yet some Aboriginal women’s organizations are struggling for full participation in government discussions on health services. The inclusion of the Native Women’s Association of Canada in sectoral discussions with the federal government is a positive step, but the participation of other Aboriginal women’s organizations in discussions regarding women’s health must be greater. (Poor health co-mingles with the ef-

fects of colonization) Aboriginal people are more likely than non-Aboriginal people to be living without adequate nutrition, with sub-standard housing and sanitation, poverty, racism, violence and physical, social and emotional injury.<sup>63</sup> A significant period in the history of colonization was the era spanning five generations when children were removed from families and forcibly placed in residential schools. A National Aboriginal Health Organization study found that 68 percent of First Nations respondents and 62 percent of Métis respondents hold that the adverse effects of residential schools are a significant contributor to poorer health.<sup>64</sup> In church-run residential schools, children were punished for speaking in Aboriginal languages and conducting Aboriginal practices in a bid to assimilate them. School operators maltreated the children and meted out physical and sexual abuse, and for this, in 1998, the federal government issued an apology. The effects of residential schools have been inter-generational: families were separated, cultural practices were dissolved, psychological and physical health was damaged, and the cycle of violence continues to perpetuate itself.

## HIV/AIDS

Ill health, according to women’s testimonies in the *Report of the Royal Commission on Aboriginal Peoples*, is best approached through holistic healing. Healing the body requires healing the mind, spirit and the environment, as well as the unequal relations between Aboriginal peoples and existing culturally dominant institutions. In many Aboriginal communities, women are leading the healing.<sup>65</sup> With many Aboriginal women taking the initiative in the healing of their communities, it is critical that Aboriginal women’s organizations not be excluded in policy and programming regarding Aboriginal health. Off reserve health care, for example, is provided by local NGOs that are selected on the basis of criteria set by the federal government. Pauktuutit notes that federal funds for Inuit health are almost entirely funneled through male-led Aboriginal organizations.<sup>66</sup> As a consequence, few women’s organizations, if any, are part of the selection or administrative process. And as it stands, First Nations women are not offered comprehensive health services. The recent (Royal) Commission on the Future of Health Care in Canada states that the unwillingness of provincial, territorial and federal governments to assume jurisdiction and responsibility for health care

negatively affects the health of Aboriginal people.<sup>67</sup> As a consequence, the delivery of health care services to Aboriginal women is often fragmented, inadequate and mostly culturally inappropriate. The UN Committee on the Elimination of Discrimination Against Women recommended in 2003 that Canada “accelerate its efforts” to eliminate discrimination against Aboriginal women, particularly with respect, among other human rights, to equal human rights to physical and psychological well being.<sup>68</sup> The rising cases of AIDS among Aboriginal peoples in the last decade contrasts to the leveling off of AIDS cases among the non-Aboriginal population. The rate of HIV contraction is startling: each day an Aboriginal person in Canada contracts HIV. Meanwhile, the amount of government money spent on HIV/AIDS has not increased since 1998. More data on HIV/AIDS must be disaggregated on the basis of sex for women-appropriate programming.<sup>69</sup>

Violence increases a women’s susceptibility to sexually transmitted diseases, such as HIV/AIDS. Figures in circulation in 2004 indicate that the proportion of Aboriginal women among adult AIDS cases is almost two times as high as the cases among non-Aboriginal women.<sup>70</sup> The rate of AIDS among Aboriginal women is 23.1 percent, while for non-Aboriginal women, the rate is 8.2 percent. Young people are more likely to be infected among Aboriginal peoples, with nearly 30 percent of cases concentrated in the under 30 years of age category, compared to less than 20 percent of cases among non-Aboriginal people in the under 30 category. Injection drug use accounts for two thirds of new HIV cases among Aboriginal peoples, with transmission rates from injection drug use that are six times higher for Aboriginal women compared to rates for non-Aboriginal women.<sup>71</sup>

## Authors

*Kalapi Roy, Canadian feminist Alliance of International Action (FAFIA). This paper is based on our research in a consultation undertaken by FAFIA with the Métis National Council of Women, Native Women’s Association of Canada and Pauktuutit. The views expressed in this document may not necessarily represent the views of all FAFIA’s member organizations.*

## Endnotes

1. “Canada’s Response to the UN Questionnaire to Governments on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-third Special Assembly (2000),” 2004, 25.



2. McIvor, Sharon, Speech to the Australian & New Zealand Society of Criminology and Doing Justice, 30 September 2002, 6; available from <http://www.link.asn.au/downloads/papers/indeginous/pin10.pdf>; accessed 1 May 2004.
3. "United Nations Report of the Committee on the Elimination of Discrimination against Women," 28th Session 13-21 January 2003, General Assembly, Official Records, 58th Session, Supplement No 38 (A/58/380), 389, 59, 2003.
4. "United Nations Report of the Committee on the Elimination of Discrimination against Women," Twenty-eighth session 13-21 January 2003, General Assembly, Official Records, 58th Session, Supplement No 38 (A/58/380), 362, 56, 2003.
5. Native Women's Association of Canada (NWAC), Canadian Feminist Alliance for International Action (FAFIA) Consultation, 4 October 2004.
6. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Human Rights, 14 May 2004; FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 366, 88, 2003.
7. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Human Rights, 14 May 2004.
8. FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 370, 89, 2003.
9. Ibid., 378, 90.
10. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Human Rights, 14 May 2004.
11. FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 384, 92, 2003.
12. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Human Rights, 14 May 2004.
13. FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 382, 91, 2003.
14. Ibid., 379, 91.
15. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Human Rights, 14 May 2004.
16. Ibid.
17. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Violence Against Women, 17 May 2004.
18. NWAC, "Statement by the Native Women's Association of Canada" Third Session of the Permanent Forum on Indigenous Issues, Joint Statement with the Assembly of First Nations, 6 May 2004.
19. FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 170, 41, 2003.
20. Ibid, 174, 42.
21. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Human Rights, 14 May 2004.
22. Metis National Council of Women, FAFIA Consultation, 4 October 2004.
23. FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 266, 63, 2003.
24. Pauktuutit, FAFIA Consultation, 4 October 2004.
25. FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 266, 63, 2003.
26. Ibid.
27. Beijing Declaration of Indigenous Women, 19-21, 1995.
28. FAFIA, "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 270, 64, 2003.
29. FAFIA Consultation, 04 10 2004.
30. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 268, 64, 2003.
31. FAFIA, Personal Communication, 5 October 2004.
32. FAFIA, Personal Communication, 5 October 2004.
33. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 268, 64, 2003.
34. Ibid., 269, 64.
35. "United Nations Report of the Committee on the Elimination of Discrimination against Women," 28th Session 13-21 January 2003, General Assembly, Official Records, 58th Session, Supplement No 38 (A/58/380), 362, 56, 2003.
36. Ibid., 328, 51.
37. UN Platform for Action Committee, "Women and the Economy," Aboriginal Women and the Economy, 2003; available from <http://www.unpac.ca/awe.html>; accessed 23 September 2004.
38. Beijing Declaration of Indigenous Women, 12, 1995.
39. UN Platform for Action Committee, "Women and the Economy," Aboriginal Women and the Economy, 2003; available from <http://www.unpac.ca/awe.html>; accessed 23 September 2004.
40. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 268, 64, 2003.
41. UN Platform for Action Committee, "Women and the Economy," Aboriginal Women and the Economy, 2003; available from <http://www.unpac.ca/awe.html>; accessed 23 September 2004.
42. Métis National Council of Women, FAFIA Consultation, 4 October 2004.
43. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 139, 35, 2003.
44. Ibid.
45. Canadian Population Health Initiative, "Aboriginal People's Health," Improving the Health of Canadians, 86, 2004.
46. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 140, 35, 2003.
47. "United Nations Report of the Committee on the Elimination of Discrimination against Women," 28th Session 13-21 January 2003, General Assembly, Official Records, 58th Session, Supplement No 38 (A/58/380), 383, 58, 2003.
48. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 382, 91, 2003.
49. Ibid. 372, 89-90.
50. Canadian Population Health Initiative, "Aboriginal People's Health," Improving the Health of Canadians, 86, 2004.
51. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 145, 36, 2003.
52. Ibid.
53. Métis National Council of Women, FAFIA Consultation, 4 October 2004.
54. Canadian Population Health Initiative, "Aboriginal People's Health," Improving the Health of Canadians, 89, 2004.
55. Pauktuutit, FAFIA Consultation, 4 October 2004.
56. Ibid.
57. UN Platform for Action Committee, "Women and the Economy," Aboriginal Women and the Economy, 2003; available from <http://www.unpac.ca/awe.html>; accessed 23 September 2004.
58. FAFIA, Personal Communication, 5 October 2004.
59. FAFIA, Personal Communication, 5 October 2004; Personal Communication, 29 September 2004.
60. FAFIA, Personal Communication, 5 October 2004.
61. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 268, 64, 2003.
62. Canadian Research Institute for the Advancement of Women, Women, Health and Action, 4, 2001.
63. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Joint statement with AFN, 6 May 2004; "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 320, 75, 2003.
64. Canadian Population Health Initiative, "Aboriginal People's Health," Improving the Health of Canadians, 88, 2004.
65. Royal Commission on Aboriginal Peoples, Report of the Royal Commission on Aboriginal Peoples, vol 4.2, 4, 1996.
66. Métis National Council on Women, FAFIA Consultation, 4 October 2004.
67. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 321, 76, 2003.
68. "United Nations Report of the Committee on the Elimination of Discrimination against Women," 28th Session 13-21 January 2003, General Assembly, Official Records, 58th Session, Supplement No 38 (A/58/380), 362, 56, 2003.
69. NWAC, FAFIA Consultation, 4 October 2004.
70. "Canada's Failure to Act: Women's Inequality Deepens," Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's 5th Report, 320, 76, 2003.
71. NWAC, "Statement by the Native Women's Association of Canada," Third Session of the Permanent Forum on Indigenous Issues, Violence Against Women, 17 May 2004.

# UNITED STATES

## Commitments Waiver and Progress Stalls Amid Backlash Against Women

**A**t Beijing+5, women's groups from the United States reported a strong governmental commitment to the Beijing Platform for Action and some progress in its implementation. At Beijing+10, we have to report that the official governmental commitment to the Beijing Platform is wavering, and progress towards implementation is stalled at best and undermined in key areas, including human rights, poverty eradication and the economy and reproductive health and rights. This holds disastrous consequences for American women, particularly for those who are poor, women of color and immigrant women.

Under the current Administration, consideration of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is stalled, the Convention on the Rights of the Child and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) remain unratified, and the effectiveness of the International Criminal Court (ICC) is being undermined.

The massive loss of jobs, particularly in the public sector, has displaced women workers and pushed them into lower paying service sector jobs with little job security or benefits. The massive military expenditures for the war in Iraq, and excessive tax cuts that have principally benefited the wealthy at the expense of the poor, have had a devastating impact on poor women, who have not only lost income but simultaneously have had to make up for reductions in government services. In addition, the few existing institutional mechanisms for women—the President's Interagency Council on Women and the White House Office for Women's Initiatives and Outreach—have been dismantled by the Bush administration, and advisory committees on women's issues have been undermined by the appointments of people opposed to their mission. Women's representation in the Congress and state legislatures remains abysmally low, at 14 percent and 22 percent respectively, for one of the world's oldest democracies.

### HUMAN RIGHTS

#### CEDAW Compliance

The United States has not yet ratified CEDAW. For many years, the former Chair of the Senate Foreign Relations Committee, Republican Senator Jesse Helms, blocked action on the treaty. In 2002, under a new Democratic Chair, favorable action on CEDAW occurred with a bi-partisan vote of 12 to 7 in the Committee to approve the treaty. However, the Bush Administration requested an additional review of CEDAW by the U.S. Justice Department, thus stalling any further action by the Senate.<sup>1</sup> In international fora, the U.S. also continues to take exception to any language calling for ratification of CEDAW.

Although CEDAW has not been ratified nationally, the city of San Francisco, California, enacted a local ordinance in 1998 based on the convention's principles. The ordinance requires the city to ensure the protection of women's human rights, including the elimination of discrimination against women and girls, and establishes a CEDAW Task Force to assist in the implementation of the ordinance within San Francisco. Gender equity and equal access are promoted in the areas of economic development and employment, violence against women and girls, and health care. The ordinance also requires that city departments undergo gender analysis to monitor discrimination against women and girls in budget allocation, delivery of services and employment practices. The passage of the CEDAW ordinance, the only one of its kind in the U.S., was due to collaborative work between the San Francisco Commis-

sion on the Status of Women and a coalition of community organizations led by the Women's Institute for Leadership Development for Human Rights (WILD), and it has inspired cities across the country to pursue similar initiatives.<sup>2</sup>

#### National Law

Women in the U.S. have made progress toward equal opportunities in many sectors of society, yet enforcement of sex discrimination legislation has been declining under the current administration. Title VII of the 1964 Civil Rights Act prohibits discrimination in the workplace based on race, color, religion, sex or national origin. The law has been interpreted to prohibit sexual harassment and expanded to include pregnancy-based discrimination.<sup>3</sup> Yet, women in the U.S. still suffer the detrimental effects of gender inequality. Women still earn on average only 77 cents to a man's dollar, lack access to executive and management positions, lack paid maternity leave, and currently face an increase in job discrimination based on pregnancy.<sup>4</sup> The Bush administration has cut initiatives to fund the enforcement of pay discrimination laws, has removed information on the wage gap from the Department of Labor's website, and has repealed a 2000 rule that gave states the ability to use unemployment funds to pay partial maternity leave.<sup>5</sup> In recent years, the Department of Justice has dropped precedent-setting sex discrimination cases and undermined the enforcement of discrimination laws in the workplace.<sup>6</sup>

Moreover, the Department of Education under the current administration has taken

a "race-neutral" stance that in reality undermines affirmative action and opposes civil rights protections for students. This stance was evident in a recent Supreme Court case in which the Administration unsuccessfully urged the Court to strike down affirmative action programs used for admissions by the University of Michigan.<sup>7</sup>

The United Nation's five-year Review and Appraisal of the Platform for Action in 2000 concluded that the countries that applied quota systems in governmental bodies, national parliaments and political parties experienced a significant increase in women's representation.<sup>8</sup> The United States adopted the Platform in 1995, with President Clinton establishing a high-level President's Interagency Council on Women to implement its strategies.<sup>9</sup> Through working groups set up by the Council, government agencies analyzed their current and projected policies and programs against the goals of the Platform for several years. The Council produced a report on programs for women within the U.S. government entitled, "America's Commitment: Women 2000."

According to the report positive effects of the Council included specific measures related to power and decision-making. For example, the U.S. Department of Agriculture's representative to the Council created a full-time Director of Women's Programs to work on issues affecting women, an unprecedented act in the Department. These combined actions led to the sponsorship of the Second International Conference on Women in Agriculture, which the Council co-sponsored. Other positive affects include the high numbers of presidential appoint-

ments and significant financial contributions for research on women in political and leadership roles.<sup>10</sup>

The White House Office of Women's Initiatives was to act "as a liaison between the White House and women's organizations." The office scheduled events for White House officials and presidential appointees and organized forums to amplify the President's pro-woman, pro-family agenda.

In 2001 the Bush administration disbanded the Council and the White House Office of Women's Initiatives. There have been no further efforts for to draft a national action plan to improve women's human rights.<sup>11</sup> Institutional mechanisms within the federal government intended to promote gender equality and women's empowerment are few and include: and Office of the Senior Coordinator for International Women's Issues in the Department of State; U.S. Agency for International Development's Office of Women in Development; Department of Labor Women's Bureau; Office on Women's Health in the Department of Health and Human Services; Office of Women's Business Ownership in the Small Business Administration.

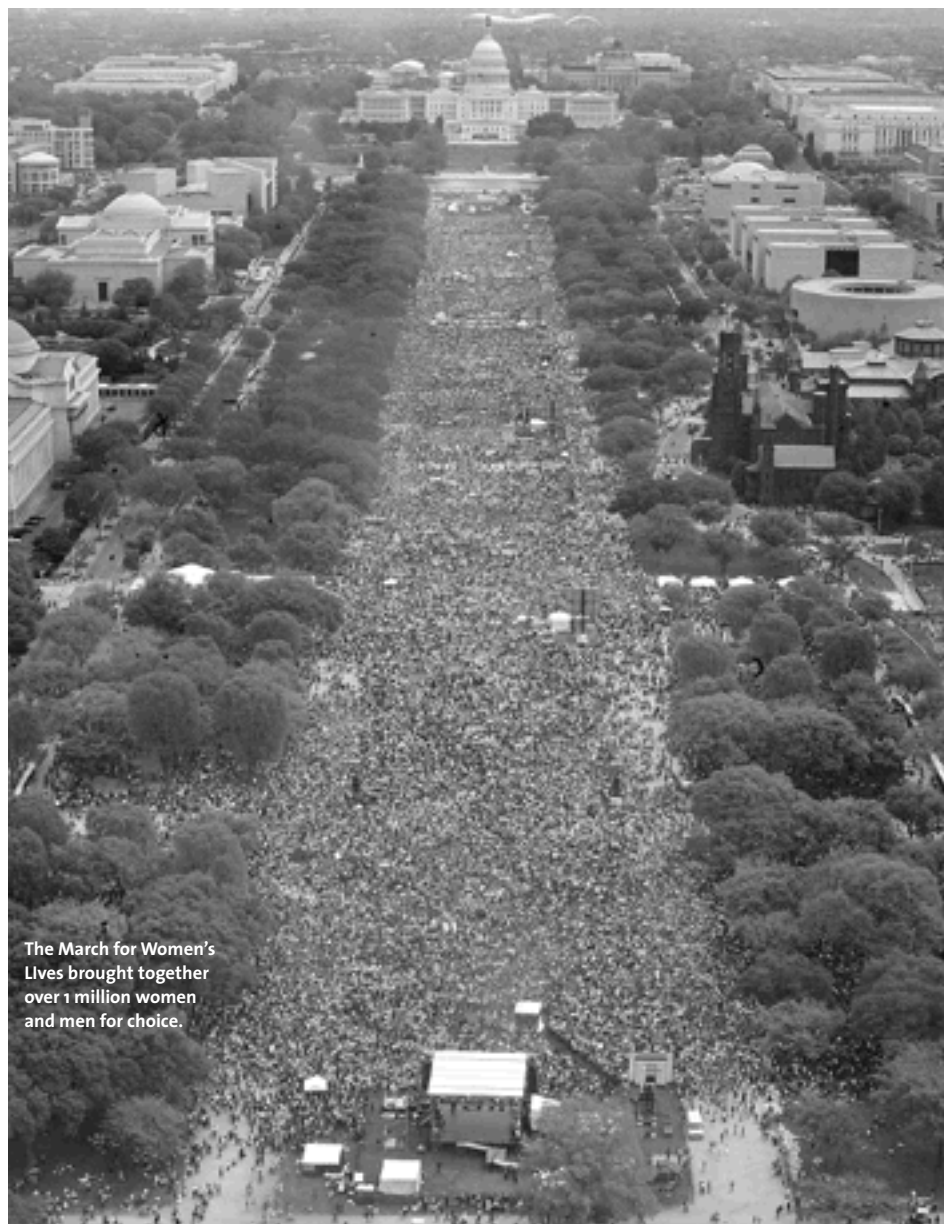
### Public Awareness

Under the current administration, the U.S. Government has voiced concern for human rights violations suffered by women internationally, but has oftentn failed to follow through with the commitment and resources to achieve these rights. In general, there is little public awareness about women's human rights in the U.S., as the focus tends to be on domestic laws and constitutional rights.

### Violence Against Women

Since 1995, government entities in the United States—at the federal, state and local levels—have made remarkable progress in addressing violence against women. The U.S. Government condemns violence against women, and both state and federal laws provide for the punishment of perpetrators of violence against women and the protection of victims.

Violence against women in all its forms—including domestic violence, sexual assault and stalking—is a pervasive social problem in the U.S. Nearly one third of American women (31 percent) report being physically or sexually abused by a husband or boyfriend at some point in their lives,<sup>13</sup> and young women aged 16-24 are particularly at risk.<sup>14</sup> In addition, 30 percent of Americans say they know a woman who has been physically abused by her husband or boyfriend in the past year.<sup>15</sup>



The March for Women's Lives brought together over 1 million women and men for choice.

The Violence Against Women Act (VAWA) of 1994 was the first U.S. federal law to systematically address violence against women. This historic measure increased options for victims and acknowledged the devastating costs of violence against women by committing \$1.6 billion for services to address gender-based violence. It also improved the criminal justice system's response to domestic and sexual violence, training police and others to respond more effectively. Congress reauthorized VAWA in 2000, with doubled funding of \$3.3 billion.

Programs funded under VAWA include legal services for victims; treatment of domestic violence and sexual assault victims; shelters and transitional housing; grants to train law enforcement officers and prosecutors; services for women with disabilities; rape prevention education; and research on issues involving violence against women.

VAWA 2000 also included new protections for immigrant victims of violence and victims of dating violence. That said, there remains much to be done. VAWA is due for reauthorization again in 2005. Advocates are working to ensure that funding is increased for necessary services and new program initiatives. Some program priorities include prevention of violence; increased involvement of the health care system; programs for youth; increased access to safe housing; and protection of women from discrimination in housing, employment, and insurance.

Currently, the largest portion of VAWA funding goes to Services and Training for Officers and Prosecutors (STOP) grants, which are given to states to be distributed among police, prosecutors, courts and state and local victims services agencies, mainly for the purposes of enhancing law enforcement activities. The second largest portion of VAWA



funding goes to shelter services for battered women and their children.

Domestic violence, sexual assault and stalking are all recognized as crimes. Most prosecution is under state laws, and in recent years there have been considerable improvements in legislation (e.g., requiring police to determine the primary physical aggressor when called to the scene of a domestic violence incident; outlawing mutual arrests; broadening the definition of stalking; removing marital rape exceptions; and enacting and enforcing rape shield laws). Thanks in large part to training done with VAWA funding, local law enforcement officials are much more responsive to these issues than they were a generation ago. However, work remains to be done to ensure that batterers and rapists are in fact prosecuted and that they face adequate punishment for these crimes; often, even when perpetrators of violence against women are prosecuted, they face little or no jail time.

The U.S. has for many years had a tradition of protecting refugees, and has set an example for other countries in protecting women from gender-related violence. But the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) significantly undermined opportunities for refugee women to gain asylum in the United States. The Act created new barriers affecting thousands of women who have sought asylum in America. These new barriers included: expedited removal, which allows immigration officials to order the immediate deportation of anyone who arrives in the U.S. without proper documentation; the mandatory detention of asylum seekers who are subject to expedited removal; and a one-year deadline for refugees to file for asylum.

Immigrants and refugees who are victims of certain serious crimes—including domestic violence, sexual assault, stalking and traf-

These services can be particularly useful for immigrant victims wishing to flee an abusive situation. Many domestic violence hotlines and sexual assault hotlines are available both nationally and locally for victims to call 24 hours a day.

In general, the events of September 11, 2001 have resulted in increased scrutiny of immigrants and refugees. Immigration procedures have become more stringent. There have been several efforts by legislators and the administration to curtail immigration across the board and the immigration authorities are now given broader powers to enforce immigration laws. This climate has resulted in some immigrants feeling fearful of accessing governmental and social services.

Trafficking of women and girls across borders, within countries and across state lines within the U.S. is a huge criminal enterprise that generates enormous profits for the traffickers. It is estimated that approximately 45,000 to 50,000 women and children are trafficked into the U.S. each year.<sup>16</sup> Although this trade in human beings is described in the context of trade in other illegal “commodities,” such as the trade in illegal drugs or guns, there is no analogy that truly reflects the underlying truth of this trade.

In October 2000, the Trafficking Victims Protection Act (TVPA) was signed into law. Developed to protect victims of human trafficking, the bill created a new form of visa, the T-visa, which allows victims of severe forms of trafficking to remain in the U.S. and assist federal authorities in the investigation and prosecution of human trafficking cases. T-visas are available for up to 5,000 victims of severe forms of trafficking each year.<sup>17</sup>

T-visa recipients are granted access to legal immigration status, provided with public assistance and protection services if needed, and can eventually apply for permanent resi-

tries’ governments to combat trafficking. Under this legislation, the President established an Interagency Task Force to Monitor and Combat Trafficking, chaired by the Secretary of State. The Task Force also established the Office to Monitor and Combat Trafficking. The Third Annual Report on Trafficking in Persons was released in June 2003.

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA) was signed into law on December 22, 2003. It reauthorizes the TVPA and aims to make it easier for victims to access their rights under the act. For example, a new provision allows state and local law enforcement officials to issue endorsements necessary for victims to receive benefits. Previously only federal law enforcement officials were authorized to issue endorsements. Another provision allows victims of trafficking under age 18 to be eligible for a special T-Visa without mandating that they cooperate in the investigation of their traffickers.

The Center for Women Policy Studies, a non-profit policy institute focused on women’s issues, works with state legislators to: make trafficking a state felony offense with appropriately harsh punishments for traffickers and protections for the women and girls who have been trafficked into our communities; to create expert study commissions or task forces to determine the nature and extent of trafficking in each state and make recommendations for legislative, policy and programmatic initiatives; and to regulate “bride trafficking” by commercial “mail order bride” or “international matchmaking” organizations that operate in the state.

States have begun taking on the issue of trafficking and have passed criminalization statutes (in Washington, Texas, Florida and Missouri), created expert study commissions or task forces by statute (in Washington and Connecticut), and have begun to regulate both the international matchmaking organizations (Washington, Texas and Hawaii) and sex tourism (Hawaii).

Judges and judicial personnel are trained through federally funded programs run by the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund. These programs provide judges with training seminars, guidelines, publications and other resources to help them better understand how their decisions can play a critical role in preventing domestic violence. Some of this training has specifically focused on addressing underlying gender bias issues or the way in which violence against women can be understood as part of

Immigration laws in the 1990s significantly undermined asylum opportunities for refugee women and since September 2001, procedures have become even more stringent.

ficking—are eligible for the U-Visa created in the Violence Against Women Act of 2000.

All immigrants, regardless of their legal immigration status in the U.S., are eligible for services including shelter, crisis counseling, emergency medical care, food banks and police assistance. Depending on an immigrant victim’s immigration status, access to government benefits may also be possible.

dence. Traffickers have to provide full restitution to victims, and those who prefer to return to their home countries can receive assistance in repatriation and reintegration into the country of origin.

The TVPA established an annual written report on the nature and extent of trafficking in each foreign country that would provide an assessment of the efforts by such coun-



a larger problem of gender-based discrimination. For example, Legal Momentum's National Judicial Education Project has worked with the National Association of Women Judges to conduct trainings and develop model curricula and videos on gender bias in the courts for diverse audiences, including judges, lawyers, bar associations, prosecutors, probation officers, sexual assault coalitions and victim advocates. State and federal court systems have also established task forces to examine gender bias in the courts. Every task force found significant bias against women, leading to extensive training initiatives. They have typically given considerable attention to domestic violence.

## PEACE AND SECURITY

### Security Council Resolution 1325

Though awareness of 1325 is low among the general public, the U.S. Government as a permanent member of the UN Security Council has been supportive of the Resolution on women, peace and security. While international women's groups based in the U.S. use 1325 to advocate for women's participation in peace processes, the resolution is not applied to processes within the U.S.

### The International Criminal Court

Though the Clinton Administration signed the Rome Statute in 2000, the Bush administration later withdrew its signature in 2002, becoming the first nation in the world to "unsign" a UN treaty. Since then the U.S. has continued to campaign against the ICC, strong-arming other countries to sign agreements not to prosecute U.S. citizens and to back away from their commitments to treaties.<sup>18</sup> Public awareness of the ICC remains low within the U.S.

## POWER AND DECISION-MAKING

### Representation

In the U.S. in 2004, far short of reaching gender balance, women's political participation has stagnated and even started to decline. Where there is growth, it is slow and incremental. During the past decade (and the last five years in particular) we have witnessed a powerful backlash to the strong gains women made in the early 1990s. After 1992, heralded by the U.S. media as the "Year of the Woman in Politics," the pendulum swung back the other way. Lately we have seen a disturbing and dualistic decline both in women's power and in legislation to improve women's status. The overly slow growth—and in certain ar-

reas a reduction—in the number of women participating in decision-making, a dismantling of governmental bodies representing women, and a shift in the ideological representation of women's issues are diminishing women's potential impact. Not only has legislation designed to improve the status of women dropped off, but laws that have had positive effects on the status of women are increasingly being overturned and cancelled



out by new legislation prioritizing women's private-sphere capacity as mothers and wives above their public sphere roles.

The stagnation of women's political representation in the U.S. indicates a crisis in this area. It is increasingly clear that, without some type of affirmative action as proposed by the Beijing Platform for Action, we will be waiting until the year 2124 for women to hold half of the seats in the House of Representatives.<sup>19</sup> While the U.S. loudly proclaims its commitment to gender equity and is at pains to export this sentiment to developing countries around the world, the facts behind the rhetoric reveal that the U.S. lags behind 58 countries in terms of women's political representation.<sup>20</sup>

From 2000 to 2005, the number of women in the Senate has increased from nine to 14 (14% of seats) and from 56 to 65 congresswomen (14.9% of seats). However, there are no women of color in the U.S. Senate and 12 African American women and seven Latina women in the U.S. House of Representatives.<sup>21</sup> Currently there are only eight women serving as governors of states, and to date not one woman of color has ever served in this capacity.<sup>22</sup> In spite of the recent increase of women governors and women in congress, the deterioration of women's representation at the state level has critical implications for the future number of women governors, senators and congresswomen. As the pool of women in state elected executive and appointed offices and state legislatures tapers off as it has in the past two years, the number of politically experienced women available to move through the political pipeline to serve as candidates to congressional and gubernatorial

seats declines as well. The current loss of women legislators at the State level means that less women are serving and becoming experienced in politics, which will inevitably impact the number of women serving in higher offices.

Just as troubling for the future of women's leadership in the United States is the number of women running for major political offices in the 2004 election: women were 13.6 percent of the candidates for gubernatorial seats, 14.7 percent of the candidates for seats in the Senate and a record-setting 31.7 percent of the candidates for seats in the House of Representatives.

Although it is worth celebrating the fact that a record number of women were running for the House (138 women won their primaries and the previous record was 124 in 2002), it is imperative to recognize that 10 years after the Beijing Conference the U.S. has ample work to do to reach the pledged "goal of gender balance in governmental bodies". This is further evidenced at the judicial and local levels: of the 100 largest cities in the U.S. only 14 have women mayors, 29.3 percent of the justices on state courts of last resort are women and just 23.1 percent of the judges in the appellate courts are women.<sup>23</sup>

The number of women in statewide elective executive office is currently 2 percent less than in 1995 and has decreased after an all-time high in 2000 of 28.5 percent.<sup>24</sup> Between 2001 and 2003, the number of women as appointed policy makers in state governments dropped three percentage points. Women's representation in the state legislatures is currently only 1.9 percent higher than in 1995 and has decreased from a record high of 22.7 percent in 2002. Out of the fifty state legislatures, in only six do women hold 30 percent or more of the seats, a target mark set by the United Nations Economic and Social Council: Washington (36.7%), Colorado (34%), Maryland (33.5%), Vermont (31.1%), New Mexico (30%) and California (30%). Women of color constitute 4.1 percent of the total 7,382 state legislators, a percentage far below the actual proportion of women of color in the wider population.<sup>25</sup>

Between 1998 and 2004, the numbers of women in top policy positions in state governments increased only modestly. The proportion of women in statewide elected executive office rose from 24.8 percent to 25.2 percent; the proportion of women state legislators increased only 1 percentage point from 21.5 percent to 22.5 percent. The percentage of women serving on state high courts saw the largest increase: 6.5 percent. From



1998 to 2004, the proportion of women department heads increased by six percentage points, from 23.7 percent to 29.7 percent. Women top advisors in governors' offices rose from 39.6 percent to 41.1 percent.<sup>26</sup> Between 1999 and 2004, the proportion of women on state high courts rose from 22.3 percent to 28.8 percent.<sup>27</sup>

### Impact of Representation

The quantity of high-level appointments by the Bush administration has changed women's representation. High-level women in the Cabinet and appointed positions are opening doors for women. We know that seeing women in power and decision-making changes traditional notions of leadership. However, while the Bush administration boasts that it has appointed more women to senior level leadership positions than any previous administration (though Bush only has three women in his cabinet, which is less than the 11 women appointed by the last administration), these women overwhelmingly support what many feminist scholars consider to be anti-women policies.<sup>28</sup>

Numbers alone will not create the systemic support necessary to change women's leadership. Strong civic engagement and critical mass will mean lasting change.<sup>29</sup> Earlier legislative gains by women are being eroded on two fronts. Women who support and seek to further the advancement of women through positive legislation are not being placed in positions of power; instead, high-level appointments are wrapped in female-friendly rhetoric while implementing some of the most anti-woman policy seen in the last decade. Two appointments by the Bush ad-

ministration to the Department of Justice's National Advisory Committee on Violence Against Women were the same women to oppose the Act's original inception. Civic groups supporting women have been replaced with anti-woman organizations.

The Congressional Research Service notes, "The presence of an active women's movement has been a factor tending to increase the amount of women's legislation considered in any period."<sup>30</sup> The Center for American Women and Politics (CAWP) conducted a study of state legislators in 1988 and again in 2001, which found that women in public office tend to support policies that positively affect the lives of women and children.<sup>31</sup> These findings were consistent across party lines and were matched in other studies that focused on the U.S. Congress.<sup>32</sup> In general, research by women and politics scholars has shown that women have an impact on the institutions in which they serve in three ways: the issues they champion; the transparency of the institution in which they serve; and the inclusion of typically marginalized populations in the process of governing. Women's issues are conceptualized more broadly by women legislators than their male counterparts in both major parties and at all levels of government—although, depending on the nature of the government the impact may be less evident (i.e. local v. state). Women are also more active on women's rights legislation than men regardless of whether it is their top priority, and are more likely than men to have a bill focusing on women's distinctive concerns—women's rights, health care, children, the family, education, envi-

ronment, housing, and the elderly—as their top priority.<sup>33</sup> "The presence of women in legislatures makes a measurable difference in the types of legislation that are proposed and passed into law. Although outnumbered eight to one in the last two decades, women in Congress were successful in gaining legislation that had been long overlooked by men, including gender equity in the workplace and in education, child support legislation and laws for the prevention of violence against women."<sup>34</sup>

Another examples of legislative action taken by women and across party lines includes The Iraqi Women's and Children's Liberation Act of 2004. On education, a bipartisan group of all 14 of the U.S. Senate's women sent a letter to President Bush urging him to provide enough funding to permit the principal federal funding mechanism for after school programs to grow in the next fiscal year. On democratic practices around the world, women sponsored H.CON.RES.114, calling on civic groups, women's groups and others worldwide to speak up for world peace and reaffirm women's essential role in the peace-building process.

Women's leadership, participation, debate and perspective in power and decision-making, although never monolithic, is in desperate need. The lack of diverse women leaders in the United States is problematic. Focusing on bringing more women into leadership and removing barriers to women's full participation is essential.<sup>35</sup>

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

Equal employment opportunity laws for women exist in the U.S., though they are not adequately enforced. Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended by Executive Order 11375 in 1967, provides the initial legal basis for affirmative action for women in employment in the U.S. Title VII was further strengthened by the Equal Opportunity Act of 1972, which expanded coverage of the 1964 Act and increased the enforcement powers of the Equal Employment Opportunity Commission. The 1972 Act also empowered the Civil Service Commission to review and approve equal opportunity plans and to monitor the progress of federal agencies and departments in achieving equal opportunities for women and minorities.

Title VII prohibits discrimination in em-

ployment based on race, color, religion, sex or national origin. Executive Order 11246, signed into law in 1965, barred discrimination on the same bases in federal employment and in employment by federal contractors and subcontractors. The order requires executive departments and agencies to “maintain a positive program of equal opportunities.”<sup>35</sup> Further, the order requires federal contractors and subcontractors to “take affirmative action to ensure that applicants are employees, and that employers are treated during employment without regard to their race, creed, color, or national origin.” In 1967, Executive Order 11375 expanded Executive Order 11246 to include women. Women’s groups, however, did not gain enforcement of the sex discrimination provisions until 1973.

U.S. Supreme Court decisions in the 1970’s and 1980’s reshaped the parameters of affirmative action programs. In the lone Supreme Court case specifically involving affirmative action for women, *Johnson v. Transportation Agency, Santa Clara County*,<sup>36</sup> the Court upheld in 1987 a county affirmative action program that set goals for achieving a workforce in which women, minorities and people with disabilities would be represented in proportion to their population in the county’s labor force.

The Equal Pay Act of 1963 requires equal pay for equal work. However, in 2002, full-time, year-round employed women only earned 76.2 percent of what full-time, year-round employed men earned. Women’s earnings were \$30,724, compared to \$40,668 for men. African American, Native American and Hispanic women earned less than white women. Median earnings for women of color continue to be lower, in general, than earnings for men as a whole. In 2003, the earnings for African American women were \$26,989, 66 percent of men’s earnings (down from 68 percent the previous year); Latinas were \$22,363, 55 percent of men’s earnings (down from 56 percent last year); and Asian American women at \$32,446, 80 percent of men’s earnings (wage gap remained the same). Over a 15-year period, Institute for Women’s Policy Research found that women workers between the prime working ages of 26 to 59 earned only 38 percent of what prime-age men earn.<sup>37</sup> Currently, unions and women’s organizations are working to pass new pay equity legislation that would address this gap.

The Age Discrimination in Employment Act of 1967 protects individuals in the workforce over the age of 40. An amendment to Title VII prohibits discrimination on the

basis of pregnancy, childbirth and related illness/conditions. An additional amendment prevents workplace sexual harassment and exploitation. The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) regulates working conditions. Since January 2001, however, OSHA’s ability to regulate hazardous conditions has been weakened. More regulations have been overturned than added. In 2001, the U.S. Government failed to pass an ergonomic regulation that would have greatly supported many women workers who suffer from injuries due to repetitive stress and heavy lifting.

Other laws in the U.S. that address discrimination include: Title I of the Americans with Disabilities Act of 1990, prohibiting employment discrimination on the basis of disability in both the public and private sector, excluding the federal government; the Civil Rights Act of 1991, providing for monetary damages in case of intentional discrimination; and the Pregnancy Discrimination Act 1978, making it illegal for employers to exclude pregnancy and childbirth from their sick leave and health benefits plans.

Much of the information on the labor market and training for women comes from programs supported by the U.S. Department of Labor and is easily accessed by women on the Internet. Unfortunately, the Current Employment Statistics program plans to discontinue the collection and publication of data on women workers after July 2005, in order to “reduce reporting burden on survey respondents at a time when other data items are planned to be added to the survey.”<sup>38</sup>

In the formal economy, the U.S. is currently experiencing the greatest job loss since the Great Depression. Since January 2001, Americans have lost 2.7 million manufacturing jobs and over 850,000 professional service and information sector jobs. Wages in the industries in which jobs are being created are, on average, 21 percent lower than wages in those industries in which jobs are disappearing. In addition, expanding industries are less likely to provide workers with health insurance than industries cutting jobs.

An important change in the structure of work has been the introduction of temporary work. The temporary help industry is among the fastest-growing segments of the U.S. economy: 1 in 8 new jobs since 1984 is a “temp” job. Many women are attracted to temp work as a way to balance work and family responsibilities. However, temp work means they earn less, have fewer benefits, and little job security when compared to permanent workers. They are often more likely to

suffer periods of unemployment and more likely to be poor than are permanent workers. Workers in temp jobs are excluded from coverage by many employment and labor laws, which were created with permanent jobs as a standard. Temp workers lack an effective right to organize a union because of restrictive labor laws.

In the U.S., women disproportionately depend on the public sector for jobs that pay good wages and offer benefits partially attributed to a higher rate of union coverage and thus privatization of government services significantly hurts women workers. According to data available in 1998, “median wages for women without a college degree are 15 percent higher in the public sector [than in the private sector]. For women with a college degree, wages in the public sector are 7 percent higher than in the private sector. Among women, 72 percent of public workers participate in a pension plan and 69 percent have employer-provided health insurance. By contrast, in the private sector less than half have either benefit, and in this case of Hispanic women, less than a third do.” For women with a college degree, the gender gap is smaller in the public sector than in the private sector.<sup>39</sup> For women without college degrees, 63.9 percent of their jobs are at risk of being privatized.<sup>40</sup> The continued privatization of public operations is likely to further erode the wages and benefits of women workers, especially African American and Latina women who do not have a college degree.

Workers in the informal economy in the U.S., like their counterparts around the world, experience work conditions that are inferior to those in the formal economy. The majority of workers in the informal economy are employees, working for others in sweatshops, in home-based work and as day laborers. The data on workers in the informal economy, however, is not very strong in the U.S. There is an estimate that it represents about one seventh of economic activity. The majority of this work provides low pay, few benefits, no job security and few unions. Childcare workers—a workforce made up primarily of women—are among the poorest-paid workers in the U.S. In 2000, they were paid a mean wage of \$7.86 per hour, while preschool teachers earned a mean hourly wage of \$9.66. Low wages lead to a high staff turnover in this line of work. Given the correlation between the quality of early childcare, and children’s development and educational growth, these low wages and poor benefits for childcare workers and the ensuing high turnover impact not only the



workers themselves, but those families who depend on early childcare—particular families with working parents.<sup>41</sup>

Women's work in the unpaid sector is not visible in the national income accounts in the U.S., and women are still primarily responsible for taking care of children, as well as elderly and sick family members. Despite the creation of the Family and Medical Leave Act (FMLA) of 1993, which provides up to 12 weeks of unpaid, job-protected leave during a 12-month period for men and women who take leave for the birth or care of an infant or adopted or foster child, care of an immediate family member with a serious health condition, or for a worker's own serious health condition unpaid leave still presents a large burden for most families. Also, this legislation only applies to workers who work in workplaces with 50 employees or more.

States are moving toward broadening the eligibility requirement of the FMLA and mandating paid leave programs,<sup>42</sup> and are working on statewide pre-kindergarten programs that would ease the work-family balance and allow women to both enter the labor force and to develop the skills and tenure necessary to experience mobility within it.<sup>43</sup> Legislation was proposed by members of Congress (the Healthy Families Act) that would require employers with at least 15 employees to offer at least seven days of paid leave per year to care for themselves or family members. Currently, more than half of all workers in the private sector and in state and local government are not provided with any paid sick leave after a full year of employment. Providing seven days of paid sick leave annually would be of great importance to women, who still carry primary responsibility for care of the family, though it is not necessarily aimed at creating equity within the family. However, a national childcare or maternity/ paternity leave program that would help to create conditions of equity in sharing family welfare responsibilities does not exist, and the Bush administration has under-funded and undermined federal programs for childcare for low-income families.

Policies with respect to female-headed households have been negative rather than positive since Beijing. The Temporary Assistance to Needy Families (TANF) program, which replaced Aid to Families with Dependent Children (AFDC) as the major income support program for poor single mothers, has resulted in many families headed by women sinking deeper into poverty. Income support has been cut in half or more for poor fami-

lies. Although many women who headed households that formerly received help have found jobs, many of those women and their families remain in poverty. The U.S. Census Bureau does not break down their report on poverty in terms of gender or in terms of female-headed households, but analysis by a non-governmental organization (NGO) in October 2004 found that women were 40 percent more likely to be poor than men, that 1 in every 8 women are poor (compared to 1 in every 11 men) and that 13.8 million adult women (as compared to 9.2 million adult men) were poor.<sup>44</sup>

For many poor women with children, especially those who have lost their jobs in the recession, suffer from mental or physical problems, have very young children and no childcare or are victims of domestic violence, there is a more limited safety net than that which existed prior to Beijing and, for those women who need help, their circumstances have dramatically declined since Beijing.

Public expenditures have decreased with respect to income support for women with children. Although some of the money saved when women moved from public assistance

to work was used for childcare subsidies, the childcare subsidy program has not increased since 1996 and there is vastly inadequate funding for it. Inadequate funding of income support programs and childcare is a key factor leading to the disproportionate representation of women in the poverty population. While there have been positive developments in access to health care for children in the form of the Children's Health Insurance Program (CHIP), so that uninsured children can receive health care, their mothers are likely to be uninsured. Women on AFDC were automatically insured under Medicaid; women moving from welfare have overwhelmingly found jobs that do not have health insurance, leaving more poor women without health care today than at the time of Beijing. Furthermore, to the extent federal money is spent, it goes disproportionately to screening. As several reports have indicated, however, screening for women without access to follow-up health care is a cruel joke.

Immigrant workers continue to experience discrimination in the U.S. Women farmers, although fewer in numbers than men, are also struggling. For one thing, the consoli-

dation of agribusiness export-led production has greatly diminished the number of small family-owned farms. Women in rural areas are struggling to keep their farms when possible and support their families in a variety of ways. One network of U.S. women farmers has referred to the triple burden that rural women are facing. They often hold two formal sector jobs (one on the farm, one off the farm) as well as assuming unpaid work in taking care of their family, particularly when social programs have been cut, are too expensive or are not available.<sup>45</sup> An increasing number of extension services formerly provided by the state are being privatized, forcing rural workers living in poverty into sometimes-desperate situations.<sup>46</sup>

Farm workers are among the poorest laborers in the U.S., and the majority im-

### Inequality still exists for women's participation in the male-dominated fields of science and technology.

immigrate from Mexico. Immigrant women farm workers face discrimination in getting both semi-skilled and skilled jobs. One example of this is that they tend to be located in processing plants where the nature of work is tedious and involves less specialization.<sup>47</sup> While the majority of employment and labor law protections apply to workers regardless

of their immigration status, employers often use a workers' immigration status as a means to retaliate against undocumented workers organizing or trying to enforce the labor and employment laws. Such employer violations have created particularly exploitative working conditions for undocumented workers.

Furthermore, the lack of language, acces-

sible government enforcement mechanisms and services pose daunting barriers for many immigrant women workers seeking to file wage and hour complaints, report health and safety violations or access workers' compensation benefits.

The executive offices of the U.S. Government collectively signed a framework on gender and trade in the year 2000 that has never been implemented. The document is entitled: "Women in the Global Economy—Framework for U.S. Participation in International Fora." It sets forth overarching goals and objectives and spells out different tools by which they can be achieved. However, because gender analyses have not been widely incorporated into state and federal budgeting processes, such goals for women have not been reached.



Corporate accountability is a huge issue in the U.S. With the collapse of corporations like Enron and WorldCom, people have become more focused on the lack of corporate accountability. The Sarbanes-Oxley Act (SOA) is the single most important piece of legislation affecting corporate governance, financial disclosure and the practice of public accounting since the U.S. securities laws of the early 1930s. Despite the passage of SOA, the Department of Justice's corporate crime division and the Securities and Exchange Commission are still dangerously underfunded. In roughly 80 percent of U.S. corporations, the CEO is also the chairman of the board.<sup>48</sup>

Another important act is the Alien Tort Claims Act (ACTA) that was passed by Congress in 1789 and provides federal courts with jurisdiction over violations of "laws of nations". The ATCA covers slavery, torture, extrajudicial killing, genocide, war crimes, crimes against humanity, and arbitrary detention and is considered by civil society organizations an important law that holds corporations accountable for egregious human rights violations. In 1996, beginning with a case filed against Unocal Corporation for using slave labor to construct a natural gas pipeline in Burma, a series of cases have been brought under the ATCA alleging that corporations have knowingly participated in human rights violations. The business community has filed a brief asserting "[ATCA] lawsuits harm the economy by putting companies with a U.S. presence at a unique and unfair competitive disadvantage."<sup>49</sup>

Transnational corporations may be held accountable to laws and regulations but these laws are regularly being designed and implemented to benefit economic growth rather than sustainable development in the communities where corporations are doing business (i.e. Chapter 11, Investment Chapter in NAFTA). In many cases, national laws have been rewritten in order to attract foreign direct investment with the hopes that any kind of investment will have a positive impact on populations—even if it lessens a government's ability to implement laws to protect its community and environment and favors multinational ownership over the local. It is increasingly understood within U.S. civil society that investment and corporate accountability are major themes around which women and men should organize.

### Access to Public Services and Resources

In 1996, the U.S. passed the Personal Responsibility and Work Opportunities Act

(PRWORA), effectively ending 60 years of entitlement to a basic standard of living in the countries. Poor mothers are required to find a job soon after they begin receiving welfare, and after five years, they are ineligible for federal assistance for the remainder of their lives. Half of all families lost access to Temporary Assistance Program. As a result, the number of families living in extreme poverty has increased.<sup>50</sup> Poverty rates have grown, especially among single women and their dependent children. Recent findings indicate that women fall deeper into poverty after reaching welfare time limits. Though more low-income single parents are working, three fourths are concentrated in four low-wage occupations. Workforce participation increased 10 percent for single mothers compared to just 1 percent for single fathers; however, the average earnings for mothers continues to be lower.<sup>51</sup>

## EDUCATION

### International Agreements

In relation to international agreements to achieve universal primary education for all, the U.S. 2000 Census Information showed that 97.9 percent of males and females ages 7-9 were enrolled in school. For ages 10-13, 97.1 percent of the males and 96.5 percent of girls were enrolled in school.<sup>52</sup> There is a slightly higher percentage of women who have less than high school completion in the population ages 60 and older than men in the same age group, but this pattern is reversed for younger age groups. Despite a higher percentage of females in the population receiving Bachelors and Masters degrees in recent years, when looking at the adult population as a whole, more males than females have bachelors degrees or higher.<sup>53</sup>

The U.S. federal and state adult basic education programs have a major literacy focus for women and men. There are adult education programs in the U.S. Department of Education and the Office of Vocational and Adult Education. The Women's Bureau in the U.S. Department of Labor focuses on some female literacy needs as they relate to employment. Reports show that 23 percent of women have severely limited reading ability compared to 17 percent of men.<sup>54</sup>

On September 30, 2004 the new Education for All Act was introduced to make universal public education a major foreign policy goal. It proposes \$2.5 billion by 2009 to fund universal education tied to strong accountability and performance standards.

The U.S. federal government has only a

few, relatively small specific programs that support gender equity activities in education. Women's groups and NGOs may conduct some of these gender equity activities, but most recipients are educational institutions. A key federal funder of gender equity education is the National Science Foundation Equity Program, which supports research, development and dissemination for increasing the number of women in science, mathematics, engineering and technology.<sup>55</sup>

In the Department of Education, the small (under \$3 million) Women's Educational Equity Act (WEEA) program and one third of the Civil Rights Act (CRA) Title IV, Equity Assistance Center responsibilities are intended to support research, development and dissemination for combating sex discrimination. The CRA Equity Assistance Centers are mandated to focus on assisting K-12 organizations and districts related to gender equity as well as race and national origin equity issues.

As of early 2002, the Department of Education stopped funding the main federal gender equity dissemination function, the WEEA Equity Resource Center. Also the Gender Equity Expert Panel, designed to identify and share information on promising and exemplary products and programs, was discontinued after 2000.

The previously targeted federal funding for gender equity in vocational and technical education essentially disappeared in 1998. Various groups, such as the National Alliance for Partnerships in Equity (NAPE), work to improve the way the guidelines provide gender-related accountability information.<sup>56</sup>

### Public Policy

Title IX prohibits sex discrimination in federally-funded education programs and activities at all levels. Title IX and its program activities in elementary and secondary education have resulted in a major increase in girls' participation in athletics and also the protection of women and girls from sexual harassment in schools. They do not cover the elimination of sex stereotyping in curriculum as this was reserved as a state's right/responsibility. Some states and many education agencies have policies prohibiting sexism and sex stereotyping in curricula.

The Special Assistant for Gender Equity is required to coordinate and evaluate gender equity activities across the Department of Education, but that position has not been filled and the functions have not been performed since 2001. Various other programs may focus a little attention on girls' education. In the early years of the National

Institute of Education (the federal education research office) there was a Women's Research team and a grant program to promote research and data collection regarding girls and women's education. In recent years, provisions for sex or gender equity research in the U.S. Department of Education have decreased, as has implementation of the existing provisions to conduct research on girls and women's education. There are still provisions requiring the disaggregation of data by sex and other population groups in some legislation, including that creating the current Institute of Education Sciences and the operation of its National Center for Education Statistics. This lack of enforcement of gender regulations at the institutional level is reflected in the wide disparities that still exist for women's participation in the male-dominated fields of science and technology.<sup>57</sup>

Except for a specific study such as on athletics accountability, or the recently completed study of educator sexual misconduct, there is little research on gender equity issues and no provision to include gender equity as a special area of interest in national reports. Gender equity issues are also absent in areas of important national policy such as comprehensive sexuality education versus the current funding of abstinence-only education.

### Access and Changes in Practices

There is some attention paid to special educational needs of females in Hispanic, Native American and immigrant populations. Inequities related to the treatment of disabled females and males exist, as the latter are more likely to be identified as needing special education services.

National welfare policy allows 30 percent of welfare recipients to pursue a year of vocational training before returning to work. However, many states have adopted "work-first" programs, requiring that recipients work before being eligible for educational and training opportunities. This requirement results in most women who receive welfare entering into unstable, low-paying jobs, as they lack the skilled backgrounds to make them eligible for jobs that promise future growth and promotion.<sup>58</sup> Some states do permit welfare recipients to pursue an educational degree or skills-training course in order to meet their requirement for work.

Unfortunately, this opportunity is not part of the federal welfare program.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

Much of women's participation in issues pertaining to the environment appears to take place at the local or national non-governmental levels within the U.S. Their participation in the Environmental Protection Agency (EPA), the department of the federal

on the connections between women and the environment and advocates for women's environmental leadership.<sup>60</sup>

### Gender Impacts

As noted above, the EPA does not highlight information on environmental effects according to gender. It does address the effects of environmental hazards such as air pollutants and lead-based paints on the health of children.<sup>61</sup> The National Institute for Occupational Safety and Health (NIOSH) is the only U.S. federal agency required to conduct research on occupational safety, and it has just recently begun to expand research on the health needs of working women.<sup>62</sup> NIOSH research finds that musculoskeletal disorders account for more than half of women's work-related injuries, along with job stress and violence in the workplace.<sup>63</sup> Exposure to hazardous chemicals, even banned chemicals still in use, are being researched for links to cases of breast and cervical cancer in workers.<sup>64</sup>

Indigenous women and women of color in the United States have worked within NGOs to fight environmental racism and sexism. Native American women from various tribal nations came forward with the Indigenous Environmental Network at the UN Environment Program Negotiations on Toxic Pollutants in Geneva, Switzerland in 1999 to oppose the use of persistent organic pollutants (POPs).<sup>65</sup> POPs within the United States disproportionately affect Native American women and children, as toxic run-off from factories near tribal lands poisons water and food sources that are then consumed by women and transferred to their children through breast milk.<sup>66</sup>

There has been some national recognition of women's work for the environment, though not in proportion to the number of women involved or the time they have dedicated. On April 19, 2004, Margie Eugene Richard made history by becoming the first African American to win the prestigious Goldman Environmental Prize for grassroots environmentalism. Richard fought against the environmentally racist and unjust practices of The Royal Dutch Shell Company in her home state of Louisiana, winning settlements and safety for her community members and the environmental justice movement.<sup>67</sup> Another woman of color to be



government responsible for making decisions regarding natural resources and the environment, is limited. Despite being headed by several women from 1993 to 2003, the EPA has no visible gender units or specialists, nor have specific gender policies been developed or promoted. While the EPA focuses on the effects of environmental hazards on children, seniors and workers, there is no specific information presented on women.<sup>59</sup>

Local women's interests in the environment are represented at national and global levels through U.S. NGOs and educational institutions. Examples of such groups include the Rachel Carson Institute, which educates

recognized nationally for her environmental justice work is Peggy Shepard, Executive Director and co-founder of West Harlem Environmental Action, Inc. The group advocates for environmental and social justice issues and for quality of life in communities of color. In January 2002, Shepard was elected the first female chair of the National Environmental Justice Advisory Council (NEJAC) to the U.S. Environmental Protection Agency. She is co-chair of the Northeast Environmental Justice Network which she represents on the board of the Environmental Justice Fund.<sup>68</sup>

The U.S. has signed, but not ratified, the Biodiversity Convention, the Ramsar Convention and the Convention on Climate Change. While the U.S. is the world's largest producer of greenhouse gases, the Bush administration has downplayed the risks of global warming, denied scientific evidence of climate change and refused to ratify the Kyoto Protocol on the grounds that it would damage the U.S. economy.<sup>69</sup> The U.S. has signed, ratified and entered into force the Convention to Combat Desertification.<sup>70</sup> There are no commitments made by the federal government to integrate gender commitments into any of these Conventions.

The ways in which women are differentially and adversely affected by the environment are yet to be recognized in a mainstream manner within the U.S. As is true with other national and state-level political positions, there is a long-standing history of male-dominated governmental bodies deciding the fate of the environment and natural resources.

## HEALTH

### Access and Affordability

There are significant disparities in the incidence of disease between white women and women of color. Many of these disparities can be linked to disparities in health coverage: In 2001, 16 percent of white women lacked health coverage, compared to 20 percent of African American and 37 percent of Latina women lacked coverage.<sup>71</sup>

In February of 2004, the U.S. Government confessed to altering a report to falsify data on health disparities such as hypertension, diabetes and HIV, all disproportionately affecting women of color.<sup>72</sup> This blatant disregard for scientific data and citizen well-being was only reversed after strong public objection, and it stands as a glaring example of the obstacles to women of color's equal access to health in the U.S.

## Box 25. Public Services: Access and Availability

### Poverty

- In 2003, poverty rates increased for Americans of all ages, especially for children.
- One in three American families lives on less than \$35,000 per year.
- Recent tax cuts resulted in \$230 tax reduction for families in the bottom 20 percent. On the other hand, the richest 1 percent received an average of \$40,990 in tax cuts (Arloc Sherman, Senior Researcher, Center on Budget and Policy Priorities).
- 58 percent of the budget deficit can be accounted for by recent tax cuts

(Center for Policy and Budget Priorities).

### Education

- Welfare reform in 1996 focused on a "work-first" policy, requiring most women to find employment, regardless of whether the position offered the wages and benefits necessary to lift the family out of poverty and provide long-term economic stability. As a result, women's access to higher education dwindled. The share of low-income women with some college education declined from 24 percent to less than 17 percent.<sup>53</sup>
- Many welfare participants are funneled into traditionally female-dominated occupations that pay low wages. Females were predominately referred to vocational programs with training for professions such as childcare, clerical, patient care and customer service. Though in interviews, welfare participants expressed interest in non-traditional professions, they were at times guided towards traditionally female-dominated professions by caseworkers and counselors.

### Health Care

- There is no federal health care program designed to cover poor, childless adults

### Reproductive Health

The special needs of girls and adolescents are not being adequately met, and women and girls do not have full access to information regarding sexual and reproductive health and rights and to quality family planning services such as emergency contraception. This places young women at risk for unintended pregnancy for several reasons. Comprehensive sexuality information is woefully lacking in

- Most states are making cuts to Medicaid, which covers 40 percent of single mothers
- One in five households with incomes below \$50,000 lack health insurance (Arloc Sherman, Senior Researcher, Center on Budget and Policy Priorities).
- Though the vast majority of poor parents work, the number of employers providing health coverage and dependent coverage has declined in recent years

(Heather Boushey, Economist, Center for Economic and Policy Research).

### Sick Leave

- Women are less likely to have access to paid sick leave than male earners. This is particularly true for women in the accommodation and food industries and part-time workers, three fifths of whom are women. Women are also more likely to need to care for sick family members, despite the fact that they are less likely to have access to leave. In extreme cases, women who face inadequate access to sick leave and family leave may lose their jobs.

### Food Stamps

- After welfare reform in 1996, fewer families were eligible for food stamps. Notably, legal immigrants no longer qualified. Poor children in single-parent families were less likely to receive them. Enrollment rates in the food stamp program have declined by 35 percent since 1996.

### Sources:

Institute for Women's Policy Research, *No Time to Be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave*, 2004; *The Children Left Behind: Deeper Poverty, Fewer Supports*, 2004; *Working First But Working Poor: The Need for Education & Training Following Welfare Reform*, 2002; National Women's Law Center. *Women and Medicaid*, June 2004.

school as well as in the media. To compound the situation, the government is committed to increasing public funding of abstinence-only programs, a policy that has not proven to be effective in decreasing the rate of unintended pregnancies.

Obstacles to access in the area of reproductive health vary in the U.S. from state to state. Women in the west and northeast have the greatest access to reproductive health



services. In all states, women's reproductive rights vary by race and ethnicity, and disparities and discrimination in access to reproductive resources have seriously impaired the reproductive health of women of color. "Women of color and indigenous women in the United States have a history of reduced access to reproductive rights and resources, in part due to inequalities in factors such as education, access to health care, and socioeconomic status, as well as a history of discrimination and racism specific to reproductive health policies."<sup>73</sup> Infant mortality rates are 13.5 per 1,000 births for African American infants and 9.7 for Native American infants, compared with 5.7 for white infants, 5.4 for Hispanic infants, and 4.7 for Asian American infants.<sup>74</sup>

Further worsening the situation is the politicization of science under the current administration such that the Food and Drug Administration failed to make emergency contraception available over-the-counter in May 2004, despite the recommendations of more than 70 medical and women's advocacy organizations and despite internal recommendations to do so. Failure to make this product readily accessible for responsible women seeking to avoid pregnancy, will have high public health costs. It is estimated that approximately 1.5 million unintended pregnancies and 800,000 abortions could be avoided were emergency contraception to be widely available and utilized appropriately.<sup>75</sup>

Another obstacle to full access to reproductive health care is the fact that Title X family planning clinics (4,600 in all) are woefully under-funded. Nearly 30 percent of Title X clients are 15-19 years old. These clinics provided services to women with low-resources. In addition to providing cervical cancer screenings, counseling and testing sexually transmitted infections (including HIV), these clinics provide contraception for little cost. Title X clinics are currently under-funded by approximately \$27 million dollars, and there is no significant increase in budget expected.<sup>76</sup>

Many young women thus lack access to comprehensive sex education, timely access to emergency contraception or contraception in general. Should they experience an unwanted pregnancy and seek an abortion, an additional barrier to reproductive health is the fact that 44 states have laws requiring a minor to obtain the prior consent or notification of an adult, typically a parent (up from 35 states in 1995).<sup>77</sup> Thirty-four of these laws are currently enforced. Studies show that the overwhelming majority of young

women do indeed tell a parent if they are planning on having an abortion. These laws therefore serve to create unnecessary barriers for women who may not feel that it is safe to tell a parent; when, for example, they are the victim of sexual assault from a relative or friend of the family's.<sup>78</sup>

Between 1996 and 2004, the number of state governments that have imposed mandatory waiting periods for women wishing to obtain an abortion has increased from 14 to 25.<sup>79</sup> Most legislation mandates a delay of 24 hours or more, increasing risk to a woman's health and her exposure to anti-choice harassment and violence at clinics. Mandatory waiting period laws are especially burdensome for low-income women, single-mothers, women who work, women in abusive relationships and women who lack access to public transportation. Within the U.S., 84 percent of counties do not even have an abortion provider and women must travel long distances for the procedure. Medical professional associations and health care givers do not recommend such waiting periods, but instead it is anti-choice legislators who create laws to limit a woman's right to choose a safe and legal abortion.<sup>80</sup>

In November 2003, President Bush signed into law the first-ever ban on abortion, known as the Partial-Birth Abortion Ban, despite a June 2000 U.S. Supreme Court ruling that found similar bans to be unconstitutional. The federal abortion ban would prohibit abortions as early as 12-15 weeks of pregnancy and makes no exception for the health of the woman.<sup>81</sup> President Bush also signed into law the Unborn Victims of Violence Act in April 2004, defining a fertilized egg as a person and furthering the administration's campaign to undermine a woman's right to choose. President Bush has nominated seven Federal Circuit Court judges who oppose a woman's right to choose, who wish to overturn *Roe v. Wade*, and some of whom suggest a constitutional ban on abortion. With the possibility of three to four seats opening on the U.S. Supreme Court during the rest of his term, President Bush is more than likely to nominate anti-choice judges capable of overruling *Roe v. Wade* and severely limiting women's access to abortion.<sup>82</sup>

The policies of the Bush administration are not only harmful to women in the U.S., but to the lives of women all around the world. In 2001, Bush reinstated the Mexico City Policy, also known as the Global Gag Rule, a policy introduced in 1984 by President Reagan and later rescinded in 1993 by President Clinton. The gag rule denies foreign orga-

## Box 26. Exposing the Bush Reality/Rhetoric Gaps

The Global Women's Issues Scorecard on the Bush administration compares the administration's public statements to its record of action on global women's rights, health and development. A series of five scorecards were released through the collaborative efforts of the Center for Health & Gender Equity (CHANGE), Feminist Majority, Women's Environment and Development Organization (WEDO) and the Communications Consortium Media Center (CCMC). Specific topics that were covered include U.S. policy in regards to: Women in Afghanistan and Iraq; CEDAW; International Family Planning and the Global Gag Rule; the UN Population Fund; HIV/AIDS Initiative; Free Trade; Millennium Challenge Account; and Agricultural Subsidies. The scorecards were aimed mainly at policymakers and U.S. media and succeeded in bringing national attention to the detrimental effects of U.S. policy on women's lives.

nizations receiving U.S. family planning assistance the right to use their own non-U.S. funds to provide legal abortions, counsel women on or refer them for abortions, or lobby for the legalization of abortion in their country. Not only does this policy contradict the U.S. ideals of democracy and free speech, it also endangers the lives of women globally by withholding funding, technical assistance and U.S.-donated contraceptives (including condoms) from organizations that refuse to comply with this rule. The gag rule restricts women's access to family planning, increasing the need for abortion, the rates of unsafe abortions and the spread of sexually transmitted diseases and HIV/AIDS.<sup>83</sup>

### HIV/AIDS

The face of HIV/AIDS in the U.S. is increasingly female. In 2003, women accounted for 27 percent of new diagnoses, up from 8 percent in 1985. In 2003, there were 11,498 AIDS diagnoses among women.<sup>84</sup>

Women of color are disproportionately affected. In 2003, African American women accounted for only 13 percent of the female population,<sup>85</sup> but approximately 67 percent of female AIDS cases. Latinas accounted for 16 percent of estimated cases in the same year. For African American women aged 25-44, HIV/AIDS is the fourth leading cause



of death and it is the third leading cause of death for Latinas in the same age range.<sup>86</sup>

While there are laws protecting people with HIV and AIDS against discrimination, such as the Americans With Disability Act and Equal Opportunity laws, the American Civil Liberties Union reports that people with HIV/AIDS still face widespread discrimination, including breaches of confidentiality about HIV status, employment discrimination, deprivation of parental rights and discrimination in medical care.<sup>87</sup>

One of the major obstacles in terms of accessibility to information concerning HIV/AIDS is the lack of comprehensive education. This is increasingly a problem as the Bush administration seeks to increase funding for abstinence only education, despite the fact that it has been proven ineffective. A report by U.S. Representative Henry Waxman found that over 80 percent of the curricula used in abstinence-only education contained false, misleading or distorted information. One curriculum says that "the popular claim that 'condoms help prevent the spread of STDs,' is not supported by the data"; another states that "condoms fail to prevent HIV approximately 31 percent of the time"; one curriculum even lists exposure to sweat and tears as risk factors for HIV transmission.<sup>88</sup>

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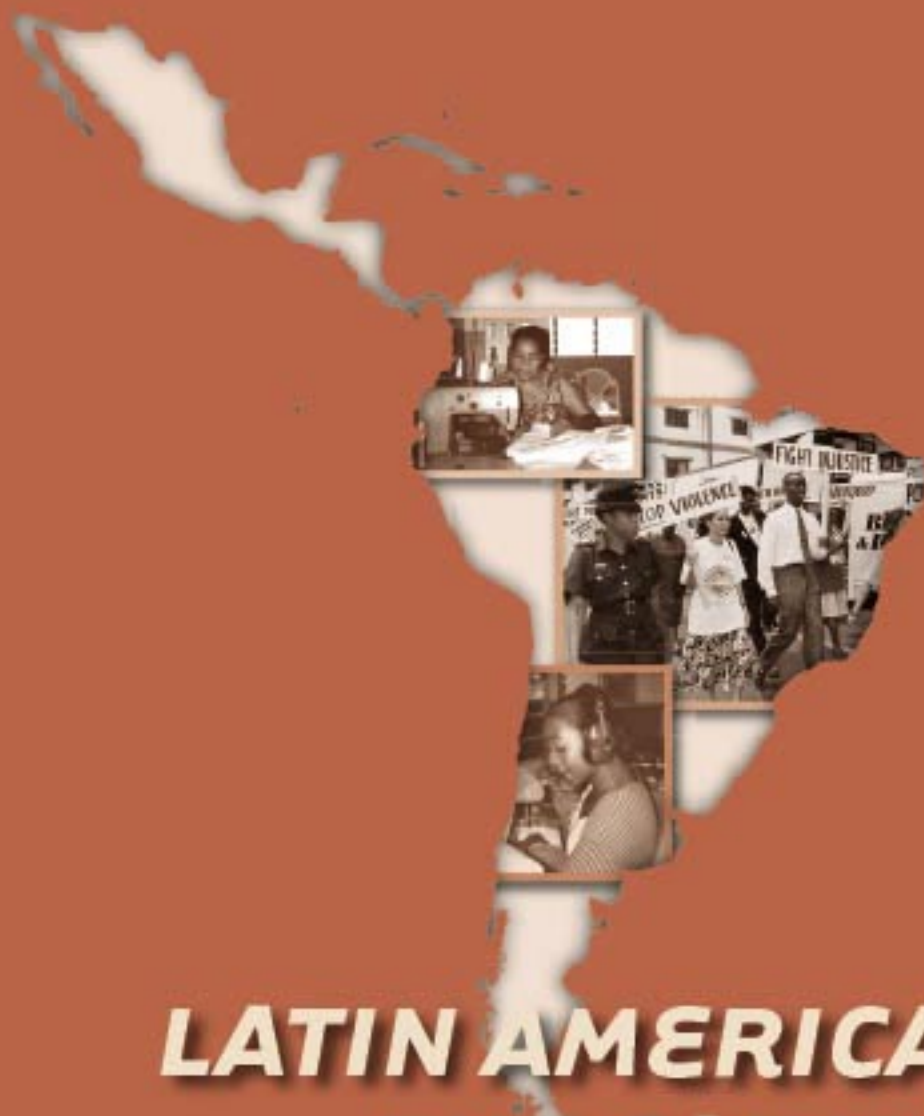
## Contributors

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## Endnotes

1. National Council for Research on Women, *Missing: Information About Women's Lives*, March 2004, 16.
2. San Francisco Commission on the Status of Women, "CEDAW Progress Report # 6," SF CEDAW website; available from [http://www.sfgov.org/site/cosw\\_page.asp?id+10869#Background](http://www.sfgov.org/site/cosw_page.asp?id+10869#Background).
3. U.S. Equal Employment Opportunity Commission website, "Federal Laws Prohibiting Job Discrimination Questions and Answers," available from <http://www.eeoc.gov/facts/qanda.html>; accessed 1 December 2004.
4. National Women's Law Center, *Slip-Sliding Away: The Erosion of Hard-Won Gains for Women Under the Bush administration and an Agenda for Moving Forward*, April 2004, 11.
5. Ibid., 12.
6. Ibid., 12.
7. Ibid., 18.
8. Women's Environment and Development Organization, <http://www.wedo.org>.
9. National Council for Research on Women, *Missing: Information About Women's Lives*, March 2004, 4.
10. United States Department of State, Resource from prior to January, 2001; available from <http://secretary.state.gov/www/picw/2000commitment/power.html>
11. Ibid.
12. PR Newswire, "Press Briefing by Ari Fleischer," 11 December 2002; Federal Document Clearing House, "Ari Fleischer Holds White House Briefing," 9 December 2002; available from <http://www.truthaboutgeorge.com/women/>.
13. The Commonwealth Fund, "Health Concerns Across a Woman's Lifespan: 1998 Survey of Women's Health," May 1999.
14. Rennison, Callie Marie and Sarah Welchans, "Intimate Partner Violence 1993-2001," *U.S. Department of Justice Bureau of Justice Statistics*, 2003; available from <http://www.ojp.U.S.doj.gov/bjs/abstract/ipv01.htm>; accessed 9 January 2004.
15. The Centers for Disease Control and Prevention and The National Institute of Justice, "Extent, Nature, and Consequences of Intimate Partner Violence," July 2000.
16. United States Department of State, "Assessment of U.S. Activities to Combat Trafficking in Persons," August 2003; available from <http://www.state.gov/documents/organization/23598.pdf>.
17. *Victims of Trafficking and Violence Protection Act of 2000*, Pub. L. No. 106-386, §§107(n)(2) 114 Stat. 1478.
18. Human Rights Watch, 2004, <http://www.hrw.org>.
19. Center for Voting and Democracy, <http://www.fairvote.org/women/index.html>.
20. Inter Parliamentary Union, <http://www.ipu.org/wmn-e/classif.htm>.
21. Center for American Women and Politics, "Women of Color in Elective Office 2005," *Fact Sheet*, January 2005.
22. Center for American Women and Politics, "Statewide Elective Executive Office 2005," *Fact Sheet*, January 2005.
23. Center for American Women in Politics, <http://www.cawp.rutgers.edu>.
24. Carroll, Susan J. "Women in State Government: Historical Overview and Current Trends," *The Book of the States 2004*; available from <http://www.cawp.rutgers.edu/Research/Reports/BookofStates.pdf>.
25. Center for American Women and Politics, <http://www.cawp.rutgers.edu>.
26. Center for Women in Government & Civil Society, "United States Women's Leadership Profile," *Women's Leadership Profile 2004*, 2004; available from <http://www.cwig.albany.edu/2004leadershipprofile.pdf>.
27. Ibid.
28. Ivins, Molly. "He Loves U.S. Not," *Mother Jones*, September/October 2004.
29. Wilson, Marie C., *Closing the Leadership Gap: Why Women Can and Must Help Run the World*, 2004.
30. Rowe-Finkbeiner, Kristin, *The F Word: Feminism in Jeopardy*, 2004, 211.
31. Debra L. Dodson and Susan J. Carroll. 1991. *Reshaping the Agenda: Women in State Legislatures*, Center for American Women and Politics, 1991; *Women in State Legislatures: Past, Present and Future*, Center for American Women and Politics, 2001.
32. Center for American Women and Politics, *Legislating by and For Women: A Comparison of the 103rd and 104th Congress*, 2001.
33. Susan J. Carroll, ed., "The Impact of Women in Public Policy," 2001.
34. Hill, Steven and Rob Ritchie (Center for Voting and Democracy), "American Women Have a Long Way to Go: An In-Depth Look at Two Strategies," *Why Women Matter*, The White House Project, 2003.
35. Johnson, President Lyndon B., *Equal Opportunity Executive Order 11246 of September 24, 1965*, appears at 30 FR 12319, 12935, 3 CFR, 1964-1965 Comp., 339.
36. *Johnson v Transportation Agency*, Santa Clara County, California 480 U.S. 616, 1987.
37. Hartmann, Heidi I. and Stephen J. Rose, *Still a Man's Labor Market: The Long-Term Earnings Gap*, Institute for Women's Policy Research, 2004.
38. U.S. Department of Labor, Bureau of Labor Statistics; available from <http://www.bls.gov/cel/cesww.htm>; accessed 3 January 2005.
39. Bernhardt, Annette and Laura Dresser. 2000. *Why Privatizing Government Services Would Hurt Women Workers*. Washington, DC: Institute for Women's Policy Research.
40. Bernhardt, Annette, Laura Dresser and Catherine Hill, "Why Privatizing Government Services Would Hurt Women Workers," *Institute for Women's Policy Research Publication #B234*, October 2004.
41. Park-Jadotte, Jennifer, Stacie Golin, and Barbara Gault, *Building a Stronger Child Care Workforce: A Review of Studies of the Effectiveness of Public Compensation Initiatives*, Institute for Women's Policy Research, 2004.
42. Lovell, Vicky, *No Time to Be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave*, Institute for Women's Policy Research, 2004.
43. Williams, Erica and Anne W. Mitchell, *The Status of Early Care and Education in the States*, Institute for Women's Policy Research, 2004.
44. Legal Momentum Report, October 2004.
45. O'Brien, Denise and Alexandra Spieldoch, "Trade in Agriculture: the Market Vs. Sustainable Agriculture," *Breaking Boundaries II: The Free Trade Area of the Americas and Women: Understanding the Connections*.
46. Excerpt from speech given at the Center of Concern for event entitled "Beijing + 10 meets WTO + 10" by Kathy Ozer from the National Family Farm Coalition, 17 November 2004.
47. OXFAM America, "Like Machines in the Fields: Workers Without Rights in American Agriculture," March 2004.
48. Campaign for America's Future, [http://www.ourfuture.org/issues\\_and\\_campaigns/corporate\\_accountability](http://www.ourfuture.org/issues_and_campaigns/corporate_accountability).
49. Quoted in "U.S. Companies Ask Supreme Court to Nullify ATCA," available from [http://www.laborrights.org/press/amicU.S.\\_ilrf\\_0304.htm](http://www.laborrights.org/press/amicU.S._ilrf_0304.htm).
50. Jones-DeWeever, Avis, Deanna M. Lyter, Melissa Sills, and Gi-Taik Oh, *The Children Left Behind: Deeper Poverty, Fewer Supports*, Institute for Women's Policy Research, 2004.
51. Negrey, Cynthia, Stacie Golin, Sunhwa Lee, Holly Mead, and Barbara Gault, *Working First But Working Poor: The Need for Education & Training Following Welfare Reform*, Institute for Women's Policy Research, 2002.
52. <http://www.census.gov/population/socdemo/school/pp1-148/tab01.xls>
53. U.S. Department of Education, "Trends in Educational Equity of Girls & Women, National Center for Education

- Statistics, 2000," 2000-030R.
54. <http://www.litwomen.org/welearn.html>
55. <http://www.ehr.nsf.gov/hrd/>
56. <http://www.napequity.org>
57. National Women's Law Center, *Slip-Sliding Away: The Erosion of Hard-Won Gains for Women Under the Bush administration and an Agenda for Moving Forward*, April 2004, 14.
58. Negrey, Cynthia, Stacie Golin, Sunhwa Lee, Holly Mead, and Barbara Gault, *Working First But Working Poor: The Need for Education & Training Following Welfare Reform*, Institute for Women's Policy Research, 2002.
59. Environmental Protection Agency, <http://www.epa.gov/ebtpages/humanhealth.html>; accessed 16 December 2004.
60. Rachel Carson Institute, [http://www.chatham.edu/rci/about\\_women\\_env.html](http://www.chatham.edu/rci/about_women_env.html).
61. Environmental Protection Agency website, <http://www.epa.gov/ebtpages/humanhealth.html>; accessed 16 December 2004.
62. National Institute for Occupational Safety and Health and the Center for Disease Control and Prevention, "Women's Safety and Health Issues at Work 2001," *Fact Sheet*, DHHS (NIOSH) Publication Number 2001-123; available from <http://www.cdc.gov/niosh/01-123.html>.
63. Ibid.
64. Ibid.
65. Indigenous Environmental Network, "Indigenous People Take Part in the Global Treaty: Toxins and Environmental Health," available from [http://www.inearth.org/teh\\_ip\\_treaty.html](http://www.inearth.org/teh_ip_treaty.html).
66. Ibid.
67. Environmental Justice Resource Center, "Unsung Heros and Sheros on the Front Line for Environmental Justice," available from [http://www.ejrc.cau.edu/\(s\)heros.html](http://www.ejrc.cau.edu/(s)heros.html).
68. Ibid.
69. <http://unfccc.int/resource/docs/convkp/kpeng.pdf>
70. <http://www.unccd.int/convention/ratif/doeif.php>, <http://www.biodiv.org/doc/legal/cbd-en.pdf>, <http://unfccc.int/resource/docs/convkp/kpeng.pdf>, [http://www.ramsar.org/key\\_conv\\_e.htm](http://www.ramsar.org/key_conv_e.htm)
71. Henry J. Kaiser Family Foundation, *Racial and Ethnic Disparities in Women's Health Coverage and Access to Care: Findings from the 2001 Kaiser Women's Health Survey*, 2004.
72. National Council for Research on Women, *Missing: Information About Women's Lives*, March 2004, 16.
73. Caiazza, Amy, ed., *The Status of Women in the States*, Institute for Women's Policy Research, 2004.
74. Caiazza, Amy, ed., *The Status of Women in the States*, Institute for Women's Policy Research, 2004.
75. Contraception Technology, 18th Edition, 279.
76. National Family Planning and Reproductive Health Association.
77. Institute for Women's Policy Research, *Quarterly Newsletter*, Fall 2004, 4.
78. NARAL Pro-Choice U.S.A.
79. Institute for Women's Policy Research, *Quarterly Newsletter*, Fall 2004, 4.
80. NARAL Foundation Report, *Mandatory Waiting Periods and The Freedom to Choose*, January 1997, 1-4.
81. Center for Reproductive Rights, "The Anti-Choice Measures of the Bush administration Post-Election Virtual Press Kit," available from <http://www.crlp.org>; accessed 4 January 2005.
82. NARAL, <http://www.naral.org>.
83. Population Action International, "How the Global Gag Rule Undermines U.S. Foreign Policy & Harms Women's Health," *Fact Sheet*, No. 5, June 2004.
84. Henry J. Kaiser Family Foundation, *Women and HIV/AIDS in the United States*, December 2004.
85. Ibid.
86. NARAL Pro-Choice America, *The Devastating Impact of HIV/AIDS and STDs on Women of Color*, February 2002.
87. American Civil Liberties Union, *HIV & Civil Rights: A Report from the Frontlines of the HIV/AIDS Epidemic*, November 2003.
88. U.S. House of Representatives Committee on Government Reform, Special Investigations Division, *The Content of Federally Funded Abstinence-Only Education Programs*, December 2004; available from <http://www.democrats.reform.hoU.S.e.gov/Documents/20041201102153-50247.pdf>.



# ***LATIN AMERICA AND THE CARIBBEAN***

## **CARICOM**

*Anguilla, Antigua, Barbados, Dominica,  
Grenada, Guyana, Haiti, Jamaica,  
Montserrat, St. Kitts/Nevis, St. Lucia, St.  
Vincent, Suriname, Trinidad and Tobago*

## **Latin America, Spanish-speaking Caribbean**

*Argentina, Bolivia, Brazil, Chile, Colombia,  
Cuba, Dominican Republic, Ecuador,  
Paraguay, Peru, Puerto Rico, Uruguay,  
Venezuela, Costa Rica, El Salvador,  
Guatemala, Honduras, Mexico, Nicaragua*



# THE CARIBBEAN COMMUNITY (CARICOM)

## Advocates Remain Steadfast Despite Stiff Struggle for Survival

**T**he UN Fourth World Conference on Women unified the women of the Caribbean region through a thorough preparatory process and joint actions at the conference itself. But developments since then threaten to undermine women's advocacy for implementing the Beijing Platform for Action.

Most significantly, these include the negative impacts of trade liberalization; the U.S. Government's so-called war on terror; the severe national disasters that have swept the countries of the region in recent years; and the classification of the Caribbean as a middle-income region, which has led to the withdrawal of critical funding by donor agencies. For women, the resulting economic downturn has meant a greater struggle for survival and less time for political organizing and mobilization.

A year after the Beijing conference, the Caribbean Association for Feminist Research and Action (CAFRA)—a regional network of fem-

inists, researchers, activists and women's organizations—convened a conference of major stakeholders to develop a regional non-governmental plan of action. The impact of global developments on the women's movement and the implementation of the Beijing Platform were the primary concerns. Conference participants agreed on four core strategies for NGO action: partnership building, institutional strengthening, resource mobilization and awareness building.

As for efforts by governments in the Caribbean Community (CARICOM) to implement the Beijing Platform, these have been piecemeal and ad hoc at best. There is an urgent need for the region's governments to take a structured approach to implementing national action plans, and to putting women's interests and concerns at center stage. Countries in CARICOM reporting are Barbados, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts/Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.

### HUMAN RIGHTS

#### CEDAW Compliance

All countries in the region are parties to CEDAW (see box), but only Belize has ratified CEDAW's Optional Protocol. In some countries, the process of reporting on compliance with CEDAW has resulted in increased advocacy and awareness.

In Guyana, gender equality has been considered among the essential components of constitutional and legal reform. The Government has implemented specific laws to meet CEDAW standards, among them the Medical Termination of Pregnancy Act (1995), the Domestic Violence Act (1996) and the Prevention of Discrimination Act (1997).

The Government of Grenada conducted a review of laws and policies on domestic violence and the family and introduced the Child Protection Act (1998) and the Domestic Violence Act (2001). Many formerly discriminatory laws have been modified in line with CEDAW recommendations, but no laws have been repealed to date.

The Government of Barbados has reviewed laws and policies in the context of CEDAW, and submitted four reports to the CEDAW Committee. The Bureau of Women's Affairs prepared a National Policy Statement, in collaboration with the National Advisory Council on Women. The Cabinet approved the statement, but implementation has stalled due to the lack of human and financial resources.

In St. Lucia, CEDAW compliance gets sustained government attention only when reports are due, but some women's groups use it for local advocacy.

Trinidad and Tobago submitted its initial, second and third reports to the CEDAW Committee in 2002. Given limited public awareness of the Convention, the Network of NGOs for the Advancement of Women has held awareness-raising activities, starting with a project to reach out to rural women and local governments.

Trinidad and Tobago has enacted or amended a number of laws to comply with CEDAW standards. Among them are the Domestic Violence Act (1999), the Legal Aid and Advice Act (amended in 1999), the Maternity Protection Act (1998), the Co-habitation Relations Act (1998), the Sexual Offences Act (amended in 2000), the Equal Opportunity Act (amended in 2001) and the Minimum Wage Order (2000).

In Dominica, several laws—including the Sexual Offences Act (1998), the Protection of Employment Act (1990) and the Labour Standards Act—have been revised since CEDAW ratification. More women are now aware of their human rights.

St. Vincent and the Grenadines has made obsolete statutes more gender responsive, and developed new labor legislation in compliance with CEDAW. It has also instituted a Family Court, developed a gender equity plan and set up a gender equity commission to monitor CEDAW implementation. However, negative cultural norms pose obstacles to the full implementation of these initiatives.

#### National Laws

In St. Lucia, two significant pieces of legislation enacted since the Beijing process began are the Domestic Violence Act (1994) and

the Equality of Opportunity and Treatment of Employment Occupation Act (2000). But several discriminatory laws are still on the books. For example, women who marry foreign men are not permitted to acquire citizenship for their husbands, but men who marry foreign women receive automatic citizenship for their wives. Women are required to obtain permission from their husbands before they can have certain reproductive health procedures, and abortion is still a criminal offense (except in certain extremely limited circumstances with onerous requirements of proof).

Suriname's Constitution prohibits all forms of discrimination, including discrimination on the basis of sex. All laws and regulations apply equally to women and men. Suriname has also ratified a number of International Labour Organization (ILO) conventions that protect working women. There is no general law on maternity leave, but the civil service has a maternity leave regulation, and maternity leave is included in collective labor agreements in private companies.

On the initiative of the Women's Rights Centre, an NGO, and the Ministry of Justice and Police, a special act on domestic violence was formulated. Training on domestic violence was held for magistrates and judges.

In 2001, the Ministry of Home Affairs established a committee on gender regulations to study the Constitution and propose adjustments to discriminatory decrees. The committee has recommended introducing the word "gender." The committee has also proposed gender-sensitive improvements to the rules and regulations governing perma-

ment appointment for women, maternity leave, domestic violence and stalking, as well as changes in electoral rolls, where married women are listed by their married name.

There is still no legislation that addresses the concerns of girls in Suriname. The committee has appealed for the introduction of laws on the trafficking of girls, with explicit punishments.

While Trinidad and Tobago has made great strides in domestic violence and anti-discrimination laws, the legal framework is still inadequate in protecting women's human rights. The Constitution merely states that discrimination on the basis of sex is forbidden, but has no definition of discrimination and no provision against it, as noted by NGOs in critiques of the Government's CEDAW reports. They maintain that the lack of a clear definition of "discrimination" has prompted individual ministries to set their own standards, which in turn could create legal loopholes to the detriment of individuals seeking redress.

Several inconsistencies in marriage laws need to be reviewed. The age for marriage is different for girls and boys—16 for Muslim boys and 12 for girls; 18 for Hindu boys and 14 for girls. The age of consent for sexual relations is higher than the age for marriage. Section 23 of the Marriage Act, which makes it legal for minors to marry with the consent of both parents, also needs to be reviewed. If the child is not in favor of the marriage, this section leaves room for coercion.

The Government's medium-term policy framework has included a commitment to incorporate a gender perspective in development planning, with a focus on activities to achieve gender equity. The Women's Affairs Division was renamed the Division of Gender Affairs, and now has a clear mandate and authority as the central body for gender policy development and mainstreaming. It has already developed a Draft National Gender Policy and Action Plan.

In general, however, the inertia of successive administrations remains an obstacle to stronger laws and policies. In addition, not enough has been done to educate the populace about existing laws—government thinking seems to be that people will use the laws if the need arises.

Guyana has no independent agency to investigate any discrimination cases. This has stymied progress in implementing the Prevention of Discrimination Act, which has provisions to address racial and gender discrimination, and the Equal Rights Act, which defines sexual harassment as a form

## Box 27. Caribbean State Parties to CEDAW

COUNTRY	SIGNATURE	RATIFICATION/ACCESSION
Antigua and Barbuda		August 1989
Bahamas		October 1993 (with reservations)
Barbados	July 1980	October 1980
Belize	March 1980	May 1990
Dominica	September 1980	September 1980
Grenada	July 1980	August 1990
Guyana	July 1980	July 1980
Jamaica	July 1980	October 1984 (with reservations)
St. Kitts/Nevis		April 1985
St. Lucia		October 1982
St. Vincent and the Grenadines		August 1981
Suriname		March 1993
Trinidad and Tobago	June 1985	January 1990 (with reservations)

Source: UN Division for the Advancement of Women, 01/10/05, [www.un.org/womenwatch/daw](http://www.un.org/womenwatch/daw)

of discrimination on the basis of sex. Complaints must be made to the Chief Labor Officer, who is mandated to conduct an investigation and take appropriate action. To date, no cases have been filed under either law.

In Guyana, anyone marrying under the age of 18 must have the consent of his or her parents. Polygamy is punishable by law; however, many men marry formally and set up other informal marriages. The laws of the country do not recognize common-law unions, although such unions are an integral part of the culture.

Legislation for mandatory maternity leave for all sectors of employment is not at present under serious consideration. Efforts to introduce both maternity and paternity leave policy and legislation have not been successful, largely due to opposition from some members of the private sector.

In Jamaica, the Constitution defines discrimination but omits the word "sex". Several outdated pieces of legislation discriminate on the basis of gender, including the National Insurance Act (1947), which stipulates the national retirement age as 65 for men and 60 for women. The Women's (Employment) Act (1942) prohibits women from working at night except under specified circumstances. The obligation to share costs in the maintenance of children should be reflected in the Maintenance Act, and the definition of rape and incest should be applied to both sexes in the Offences against the Person Act.

Barbados has passed laws since the Fourth World Conference on Women to protect children from exploitation for pornographic images, and to protect women and children from domestic violence. The Sexual Offences Act (1992) updates the legislation dealing with rape, incest and other sexual offences committed against women and children. The Women's Forum, a national women's organization, leads a coalition to lobby for legislation to deal with sexual harassment on the streets and at the workplace.

The Bureau of Women's Affairs at one point undertook a public education program to disseminate information on laws relating to women's rights in Barbados. But the reality for women is that existing laws are often not adequately enforced by the police and judiciary, especially those covering domestic violence. In addition, not all complainants are aware of the legal provisions to protect them.

After the Beijing conference, the Bureau of Women's Affairs was re-designated the Bureau of Gender Affairs.

The Bureau is charged with facilitating gender mainstreaming in national development policies and programs. It also participates in public education, legislative reform and human resource development programs. One of its major shortcomings is the lack of staff to carry out its mandate. A recent development has been a movement away from women's issues and a greater emphasis on men. Men are agitating for a change in the

Bureau's staff and programs, and have suggested adding more men to the staff and establishing a Men's Desk.

In 2001, Barbados established the National Advisory Council on Gender to track gender issues and make recommendations to the minister responsible for gender affairs.

Across CARICOM, no specific legislation for girls has been introduced, although most governments have reviewed legislation on children.

### Public Awareness

In order to educate women on their rights, the Guyana Women Lawyers Association, in collaboration with other women's NGOs, has published three popular booklets in a series entitled *The Law and You*. Written in simple language, the booklets have been widely disseminated by NGOs and promoted through the media. CAFRA Guyana and the Women's Affairs Bureau collaborated on a public forum

32 square miles for Nevis—it is very difficult for a shelter to guarantee anonymity. Advocates have proposed relocating survivors to neighboring islands, given that free movement between the islands is commonplace.

A growing number of women in Guyana use the protections offered under the Domestic Violence Act, which was drafted by women's NGOs. Women's groups have taken the lead in building awareness about the Act at crisis centers, in workshops and via radio and television. However, there is an urgent need for more legal aid facilities to assist women and children in rural and interior areas.

In Grenada, guidelines on the Law on Domestic Violence aim to make the process of going to court easier. They include a mandatory reporting procedure to facilitate speedy resolution. The Grenada National Organization of Women contributed to this legislation, which has been followed by a series of public awareness programmes. The organiza-

against Domestic Violence was set up in 2002 to raise public awareness about the effects of domestic violence on individuals and groups.

In St. Lucia, implementation of legislation to prevent and punish domestic violence is poor. The legal system does little for many women and girls who have been raped. Most recently, it failed to remove a 13-year-old girl from her harmful environment even though she reported being raped on three occasions. The day she was to attend a court hearing, she was found brutally murdered. There has been no conviction. Women are granted restraining orders, but they are still not protected from the perpetrators, largely due to the insensitivity of the police.

There is a shelter in place, but it can only accommodate five families at a time, for not more than five days. There is no social relief for victims and no legal aid, even though the cost of justice is high. Physical health services are available, but mental health services are extremely limited.

In Trinidad and Tobago, the Domestic Violence Act has had a positive effect; no longer can the police ignore domestic violence as "family business", but they must intervene and file charges against the perpetrators. A Domestic Violence Unit has been established within the Gender Affairs Division, but it is not able to prevent women from dropping charges after being coerced by their partners or families.

The Domestic Violence Act gives power to the magistrate's courts to grant protection orders, and is commendable for its flexible approach and provisions to cover non-state bodies. However, local NGOs have discovered difficulties in enforcement. Many police officers remain unwilling to interfere in domestic matters, and are often perpetrators of violence themselves. A summons might not be served due to inadequate financial resources. Abused women may fear losing their job if they take time off to appear in court, or are embarrassed about the openness of a court action.

In the courts, the practice of blaming the victim and making excuses for the accused is not accepted as it once was. One judge openly declared he wanted to send a strong message to men that "when women say no they mean no."<sup>2</sup> Because of social prejudice, however, prostitutes and lesbians who suffer violent attacks are likely to suffer further abuse from the justice system.

It is difficult to obtain data on the number of women who have brought domestic violence cases before the courts, benefited from protection orders or been killed through do-

The most significant culture-based aspect of domestic violence is the tacit acceptance of it as a husband's right.

on violence against women and girls, and Guyana participated in a 17-country project to train police officers and social workers on the issue.<sup>1</sup> The Guyana Police Force has now introduced ongoing training.

In Suriname, several NGOs advocate for women's human rights. Most activities are financed by donor agencies, but have marginal results because of their small scale and ad hoc nature. In some cases, there is unfruitful competition between NGOs working on the same issue.

In Trinidad and Tobago, two NGOs promote and defend human rights through education, advocacy and action: Do Justice Seek Justice, and the Coalition for Justice and Human Rights. Other organizations also work on rights issues but less consistently.

### Violence Against Women

The greatest problem affecting women in St. Kitts and Nevis is the growing number of women who are killed because of domestic and relationship-related violence, according to a critique of government reports to the CEDAW Committee by the National Council of Women of St. Kitts. Government safe homes have limits on the period of use, and although the Government offers free legal advice, women often do not know about this service. Additionally, because of the country's small size—68 square miles for St. Kitts and

tion and the Grenada Legal Aid Clinic have held community workshops on domestic violence, and conducted extensive training of police and social workers in collaboration with CAFRA.

Presentations take place in schools on violence, rape, incest and sexual abuse. Additionally, the Ministry of Social Development has set up a public help line in its Domestic Violence Unit, along with a child protection help line. A shelter provides relief, access to legal aid, counseling and other services. However, its capacity is insufficient to meet current and future demands.

In Barbados, the Business and Professional Women's Club manages a government-funded shelter that includes counseling services and a 24-hour telephone hotline, and has developed guidelines for using existing domestic violence legislation. In 1998, the police established a victim support group to offer emotional and practical support to nationals, nonnationals, and their families and friends who have suffered traumatic experiences as a result of various crimes and domestic violence. All new police recruits are trained on domestic violence intervention.

Women's organizations continue to press for creating a special police unit to deal with violence against women and for a Family Court with in-camera hearings to support traumatized survivors. The National Forum

mestic violence. The Central Statistical Office does not classify data by gender. But a national task force consisting of representatives of the Government, NGOs, the University of the West Indies and the Central Statistical Office has come together to begin developing a database.

There are some 20 shelters and more than 25 drop-in centers, most run by NGOs, with some supported by the Government. Shelters and their referral agencies have direct links with the police. The Government has set up a hotline with trained listeners, and established community drop-in centers with mandatory counseling for victims and perpetrators. Legal aid is also now available.

Women's groups across the CARICOM region report high incidences of violence. The acceptance of this among young people is an especially serious issue. There are now youth advocates working in groups such as the YMCA, Advocates for Youth Sexual Health and Rights, and the Trinidad Youth Council who address violence, HIV/AIDS, family life education, and sexual and reproductive health and rights.

Cognizant of the fact that any attempt to eliminate violence against women must take the views of young people into account, the Barbados Bureau of Gender Affairs in collaboration with the National Organization of Women implemented a program on gender-based violence and conflict resolution in two secondary schools. The program aims to raise student awareness of the implications of gender, encourage acceptance of gender equality as a national goal, and reduce violence in the school population.

Female genital mutilation, dowry deaths and honor killings are not prevalent in the CARICOM region. Abuse of virgins as an alleged antidote to AIDS is not common. The most significant culture-based aspect of domestic violence is the tacit acceptance of it as a husband's right.

## PEACE AND SECURITY

### Security Council Resolution 1325

In most CARICOM countries, there is little knowledge of the provisions of Security Council Resolution 1325 on Women, Peace and Security, simply because its application in this region is not yet apparent.

Caribbean women do feel they are at war, but more with overarching systems than in the conventional sense. An oppressive economic system means the poor get poorer while the rich getting richer. An inadequate security system cannot control the ever-escalating violence against women, gang warfare

and drugs, and kidnappings and trafficking.

The illicit use of small arms is connected to the drug trade in the region. The violence that results touches people in their homes and communities. A CARICOM task force on crime found illegal drugs to be the principal threat to security and illegal firearms the primary instrument of violence.

Other major threats to security come from hurricanes, volcanic eruptions, earthquakes and flooding. CAFRA has worked with the Caribbean Disaster Emergency Relief Association to produce a disaster preparedness manual for communities, with particular attention paid to women's central role in disaster management.

In Suriname, the Organisatie voor Gerechtigheid en Vrede works on peace and security issues in communities in the interior, where people are fighting the military and police to protect their lands against takeover by multinational corporations.

The S-Corner Clinic in Jamaica is conducting training among youth in an attempt to curb violence there. Residents now say that it is once more safe to go for a walk in the evening since the level of gun violence has dropped. Peer educators speak about the dangers from guns, violence and drugs. Some sessions are held at sporting events.

Women Across Differences in Guyana is doing similar work in Buxton, a highly volatile area with frequent clashes between youth and police. In Trinidad and Tobago, CAFRA works with youth in Laventille, where there are frequent gang shootings, murders and rapes. Both Buxton and Laventille are riven by racial prejudices and strife between people of African and Indian descent. These rivalries have translated themselves to the national level, where electoral seats and districts are won according to race.

### Asylum Seekers, Refugees, Internally Displaced

Suriname has no specific services for migrant, immigrant and minority/indigenous women who have been subjected to violence. There are no provisions for refugee and internally displaced persons. Unemployment is very high in these groups, and access to food, health care, shelter, education and employment is poor.

In St. Lucia, there are no provisions to protect refugee and internally displaced women's and girls' human rights. There have been press reports that more than 200 women from the Dominican Republic are working as sex slaves in brothels and strip clubs. One

escaped and told *The Voice* newspaper that on arrival in St. Lucia, she was met by apparently influential persons who escorted her through immigration and customs and then kept her passport.

The U.S. Government issued a 2004 report on human trafficking to the Government in Guyana, giving it a three-month deadline to take certain steps to combat the trafficking in



persons or face possible trade and aid sanctions. Guyanese women have been trafficked to the U.S. or tend to be illegally living there. Guyana's Ministry of Labor and Human Services has now launched a country-wide anti-human trafficking campaign. It has included visits by the Minister to mining towns and remote regions, given that Amerindian women from these areas are deemed most vulnerable. In 2004, the Government tabled a new piece of legislation with tough penalties for offenders, including long prison sentences, forfeiture of property, and payment of full restitution to the trafficked persons.

In Barbados, the Sexual Offences Act aims to curb trafficking in women and girls, but there are no data on the problem. The Bureau of Gender Affairs and several other groups are now conducting research.

### The International Criminal Court

Antigua and Barbuda, Barbados, Dominica, St. Vincent and the Grenadines, and Trinidad and Tobago have ratified the Rome Statute of the International Criminal Court, but there is little public awareness on its operations and provisions.

## POWER AND DECISION-MAKING

### Representation and Impact

There are too few women engaged in politics and positions of decision making across the countries of the region, although women's political participation has improved markedly in some countries.

There is currently one female minister in St. Kitts and one in Nevis. Under discussion is a gender parity policy to ensure that



women occupy at least 30 percent of political positions.

In Guyana, the number of women in Parliament increased from 12 (18.5%) in 2000 to 20 (31%) after the 2001 general elections. There are now four female ministers of government, compared to two in 1997. The deputy speaker of the house is female. A woman also holds the highest position in the judiciary, the chancellor. Of three justices of appeal, one is a woman. At other levels, including among permanent secretaries and deputies, women are underrepresented, as stated in the government report to the CEDAW Committee. Among public officers, however, women hold more positions than men. Within the teaching profession for example, women accounted for 71.7 percent of head teachers in 2002.

Women are active in many political parties in Guyana, and the National Democratic Institute has trained a number to run for election. In 2003, the Institute collaborated with the Guyana Association of Women Lawyers and UN Development Fund for Women (UNIFEM) and held a regional conference on increasing women's political participation. Participants from women's NGOs attended, along with government ministers, local government leaders, political activists, gender specialists and media practitioners. The conference highlighted ways to increase public awareness of the issues that constrain women's political participation, and to develop networks of women politicians nationally and regionally.

In Trinidad and Tobago, there has been a 27 percent increase in the number of women in the House of Representatives and the Senate over the past decade. There are similar increases in the numbers of female magistrates and judges, and in public administration. Political parties have nominated women to the Senate (non-elective), with women occupying 30 percent of the seats. Approximately 46 percent of permanent secretaries are women.

The high figures are largely attributed to the advocacy of women's organizations on the island and regionally. The Network of NGOs for the Advancement of Women, for example, produced a training manual to assist women candidates in their political campaigns.<sup>3</sup> The manual focuses on the practical: how to dress, how to deliver a speech, how to make eye contact with an audience, where to campaign, how to plan ahead, what to do about childcare, how to ensure spousal sup-

port. It has been widely disseminated nationally and regionally.

Women are now working across party lines to form caucuses and discuss the challenges of their work as people's representatives. Political parties have sought to respond to the pressure of increased public support for a higher level of women's representation by supporting women in both elected and non-elected public positions. However, it is the Network of NGOs for the Advancement of Women that conducts awareness-raising on women's participation in political parties.

The Government has not instituted any



measures to advance women's representation, although it has supported the efforts of NGOs to train women running in local government elections.

There have been no institutional changes within the national Parliament to acknowledge women's reproductive responsibilities and needs, making it difficult for women to fit into traditional working patterns. Women are still not granted maternity leave, and the meeting times, which often go late into the night, have not been changed to enable women with children to attend. These barriers to women's participation could easily be removed if there were a strong commitment to gender equality in decision-making.

In Suriname, to date, women politicians have not lobbied for women's issues. Despite training in caucusing, they are often forced to carry out a party strategy.

In Grenada, significant legislative and other successes have resulted from the advocacy of women decision makers. Examples include improvements in reporting and support systems related to the Domestic Violence Law; establishment of the Women's Shelter and Resource Centre; and support to NGOs working with women.

Other steps forward include the provisions of personal development and skills train-

ing for domestic workers; microeconomic support for women; and public awareness-building on gender issues. However, inadequate funding, insufficient personnel in the Gender Affairs Division, and the perception of the Division's ineffectiveness hamper these efforts.

In Barbados, women's rights to equal participation and to freedom of assembly and association are guaranteed under the Constitution, but this has yet to translate into political parity. In the 2003 elections, four women were elected as members of Parliament, out of 28 seats. There are presently five female ministers out of 17. Of the 21 Senate members, six are women who were appointed to serve in 1999—up from four following the 1994 elections.

One woman serves on the High Court and four out of 10 magistrates are women. None serves as a judge of appeal. The Attorney General, Solicitor General, Chief Parliamentary Counsel, Principal Crown Counsel and their respective deputies are all women. (A woman became Attorney General for the first time in 2001.) Women also serve as the registrars of the Supreme Court and of corporate affairs.

Within the public service, only seven of the 25 permanent secretaries (28%) and eight deputy permanent secretaries (33%) are women. Thirty women (33%) are presently serving as directors or heads of department. In the foreign service, three of the 11 positions at the ambassador/consular level are filled by women. Overall, women account for 63 percent of senior managers, 55 percent of middle managers and 73 percent of junior staff.

More women are entering the Barbados Defence Force. Out of a current total of 1,296 members, 12 percent are women, but 75 percent of all new applications come from women, possibly because women make up the majority of the unemployed. With a fall off in applications from men, there is now a need to consider modifying the structure of the force to accommodate a large increase in women.

Both active political parties in Barbados, the Barbados Labor Party and the Democratic Labor Party, both embrace the participation of women and have established women's caucuses.

Several agencies and NGOs conduct training for women interested in entering politics, including the Bureau of Women's Affairs,

CAFRA and the Caribbean Policy Development Centre. Lack of financial resources for female candidates is an obstacle, however. During the 2003 elections, the National Organization of Women presented a token financial contribution to assist women candidates and used the occasion to draw attention to this issue.

In St. Lucia, there are many female attorneys and two women judges out of a total of five. Women hold positions in most areas of the public service, and serve as permanent secretaries. However, they make up only 20 percent of the National Assembly and 15 percent of the Cabinet. Men still hold most top positions.

Women are well represented in local government, but over the years most local government responsibilities have shifted to central government. Notable impacts due to women in decision-making include the Family Law and the establishment of the Women's Support Centre.

Most political parties have a women's arm, but they are virtually inactive except for electoral campaigning when the party requires women's support to win. Parties offer little encouragement to women to become actively involved in mainstream politics or to lobby for women's issues. Women make up only 21 percent of decision makers in political parties, and gender equality issues are still regarded as typically female concerns. They are usually only discussed by women politicians.

## POVERTY ERADICATION

### Access to Public Services and Resources

In Barbados, the National Assistance Board provides services to the elderly that include housing, repairs, assistance with furniture and appliances, home help, activity centers, and residential and day care. The National Disabilities Unit helps formulate policies, programs and activities to assist all persons with disabilities.

The Poverty Eradication Fund reaches out to the most vulnerable groups in times of acute need, particularly when traditional sources of help have been exhausted. The fund speeds up social services delivery, and provides skills training and practical education-for-living programs.

The Poverty Alleviation Bureau, established in 1998, provides economic and financial opportunities as well as educational and vocational training. Relief 2000, funded by private and public resources, focuses on families in extreme poverty, offering employment training, financial assistance and

adequate housing. The Welfare to Work Program provides training and counseling to women on welfare.

The Barbados National Insurance Scheme covers all working people between 16 and 65 years of age, including the self-employed. Women can also access short-term reimbursements, including sickness benefits, as well as for employment injury and funerals. Long-term benefits include those for invalids and survivors, along with pensions. Women have the same rights as men regarding housing allowances and insurance benefits offered by employers.

Free legal services are available under the Community Legal Services Act of 1981 for serious criminal offences as well as all family law matters except divorce. The provision of nurseries and day care facilities, including 15 run by the Government, has greatly enhanced employment opportunities outside the home for women.

In Jamaica, the Government has introduced several services and programs that benefit the most vulnerable members of society. Accessibility is based on need. The Jamaica Welfare Department provides family counseling on childcare and behavioral problems, access and custody issues, relationship and marital problems, and domestic violence. National Assistance is given in cash and/or in kind, and can include the payment of house or land rent and water and electric bills; provision of food or clothing; burial; legal aid; and disaster preparation, relief and rehabilitation.<sup>4</sup>

Jamaica's Employment of Women (Maternity Leave) Act guarantees any women employed in the same workplace for at least 12 months a maternity leave of 12 weeks. This can be claimed three times from the same employer. When a woman resumes work, she maintains her seniority, returns to the former work or its equivalent, and does not suffer a drop in wages.

An area of great concern to Jamaican women, especially single mothers, is maintenance for children, especially for those born out of wedlock. The law covering maintenance dates back to 1887 and provides a meagre J\$15 (J\$1=US\$0.016) per week for children born out of wedlock. The Miscellaneous Provisions Act of 1992 allows magistrates more discretion with respect to maintenance for both children and spouses, and fathers are now more likely to be asked to pay according to their earnings. But the old law is still on the books and needs to be updated. Many women support deductions being made directly from the father's income.

In Trinidad and Tobago, maternity leave

benefits are in place under the Maternity Benefits Act, but extend only to a women's first pregnancy. Paternity leave benefits do not exist. Household assistants can now access maternity leave, although they are not considered "workers" under many existing labor laws.

### Employment Patterns, Women's Work

Women in the Caribbean have been hard hit by structural adjustment measures, because they constitute the majority of the poor and have faced various forms of discrimination in society. Nonetheless, they have struggled for political and economic changes, and there have been some improvements.

Regionally, women's organizations have promoted gender budgeting. The concept has only been introduced recently, and by and large governments have yet to commit to it. In Trinidad and Tobago, the Ministry of Finance and the Division of Gender Affairs have been giving the approach concerted consideration. Both have expressed interest in taking it on board. In addition, the Central Statistics Office is developing measures to value women's unpaid work, which remains invisible in national income accounts.

In Guyana, 88 percent of men participate in the labor force, compared to 55 percent of women.<sup>5</sup> Women experience more abject poverty than men, especially those in female-headed households. This may reflect the fact that many women work in the informal economy as street and market vendors, or provide unpaid labor in agriculture and family businesses.

In St. Lucia, women's income has decreased significantly as a result of losses in the agriculture sector. More women are selling produce on city sidewalks and working in hotels and other industries, which takes them away from their communities and increases costs related to transportation, meals and child care. For displaced farmers working as maids and waitresses in hotels, a split shift means working from 7 a.m. to 11 a.m., and then returning to work from 3 p.m. to 11 p.m.

The poultry and meat industry is suffering considerably from globalization, and as a result women consume more cheap powdered dairy products, which has a negative impact on their health and that of their families. There is also increased consumption of imported chicken and meats of inferior quality.

When the agricultural industry was doing well, many parents could send their children to school. But many girls are now unable to continue their education since their parents cannot afford it. Girls are more often kept

## Box 28. Suriname's Case of Corporate Non-accountability BY MONIQUE ESSED-FERNANDES

Alcoa and BHP Billiton are two of the largest bauxite mining companies in the world. They have been operating in Suriname for almost a hundred years. A 2002 World Bank study gave both companies favorable ratings on their corporate social responsibility policies. But just how “favorable” are these policies from the perspective of women in Suriname?

During the 1990s, Suriname's bauxite industry accounted for about 56 percent of foreign direct investment, followed by gold (19 percent) and petroleum (13 percent).<sup>1</sup> Bauxite and alumina exports have consistently covered 70-90 percent of export income. Alumina exports alone remain Suriname's most important single generator of foreign exchange.

But at the same time, an estimated 60-70 percent of the population lives in poverty.<sup>2</sup> Among the poor, women carry a disproportionate burden. Unemployment is twice as high among women as men, and only 1 percent of government land allocations have gone to women.<sup>3</sup> Rural, indigenous and maroon women are particularly affected by forest degradation and mining activities, leaving them with additional burdens related to their families and making a living.

Alcoa has been the main beneficiary of the hydro energy generated by a dam built in 1960 that flooded 44 indigenous and maroon villages. Villages surrounding the dam had to wait for 30 years before they had access to electricity. Both companies have held government-issued concessions giving them full power and authority over the land within those concessions.

During the past decade, however, villagers

have started to protest the adverse effects the mining activities are having on their lives. One group, Comite Red West Suriname (Committee Save West Suriname), was founded by a woman who is an environmental activist. In 2003, it vehemently protested against plans to build another dam. On other fronts, women's organizations such as Projekta and the Women's Parliament Forum have worked since 1994 to ensure women and local governments participate fully in political decision-making.

In 2004, a community meeting was held for the first time by BHP Billiton on a proposed mines project. The meeting was well attended by local government representatives, including a woman who had received advocacy training from women's organizations. She was vocal in questioning why a bridge to be built over the nearby river would not be available for community use. The company has agreed to send its Environmental and Social Impact Assessment to all stakeholders present at that meeting.

For women's groups, this is only the beginning. They will need to hone their political skills and endurance to ensure they can question development processes that for them are neither sustainable nor beneficial. They will continue holding multinational companies accountable for policy slogans such as, “We take our corporate values wherever we go.”

### Notes

1. WTO, *Trade Policy Review Suriname*, 2004

2. UNDP

3. UNIFEM, *Situation Analysis of Women*, 2000

at home to assist with other children and do household tasks, especially as mothers increasingly seek alternative employment.

In Suriname, women's work is still influenced by traditional ideas about labor division, with the majority of women finding work in administrative occupations. Their participation in technical training and other non-traditional areas remains low. Few training opportunities exist in the interior of the country.

In recent years, women entrepreneurs have been returning to the informal sector in or-

der to cope with the negative consequences of globalization (including imports from Japan, China and India), the economic crisis and stricter taxation. No measures exist to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women. Most businesses run by women are microenterprises targeting small, local markets. Most carry out traditional activities and invest relatively little in technological innovations such as computers.

The majority of rural women are self-em-

ployed or unpaid family workers. Women's work in the unpaid sector is not visible in the national income accounts. Even the contributions of women to community food security are not counted.

Women face more barriers in accessing credit than men because they often do not have the required security. While women's organizations conduct special training for women, or support small micro-credit facilities, women still choose training courses in traditional occupations where the market is already saturated.

In Jamaica, the sex trade is a realistic solution to unemployment for some women. Research conducted by CAFRA found that a woman can earn more as a sex worker than as a domestic worker or waitress. Many sex workers questioned stated that they loved the job for the money and hated it for the sex.

An alarming finding was the growing numbers of young girls in tourist areas dropping out of school and entering the trade, some with the consent of their parents, who benefit from their earnings. Many are underage and migrate from rural areas to make money as “go-go dancers.” Young girls are recruited on a Thursday at a bus depot for work in the clubs at the weekend.

In the CARICOM region, no explicit laws, policies or programs have been put into place to address sex tourism, which is becoming more pervasive through the Internet.

### EDUCATION

Under the law in Barbados, there is no gender discrimination in education. All public education is free and compulsory from five to 16 years.

Teenage pregnancy is the major cause for girls dropping out of school, although students who become pregnant are allowed to return to school after consultations between the principal and the parents. However, while students are not supposed to be debarred from an education as a consequence of pregnancy, school principals have been known to deny girls re-entry. Teenage fathers usually remain anonymous.

In Suriname, owing to the lack of possibilities for continued education in most rural areas, girls are sometimes prevented from completing higher education, especially when a choice has to be made between sending a boy or a girl to Paramaribo, the capital.

In Guyana, education is free from nursery through secondary levels, and compulsory for children aged six to 14 years. Constitutional revisions have been proposed to desig-



nate free compulsory primary and secondary education as a fundamental right, but this provision has yet to be passed.

The Government reviewed its policy on education in 2000, and considered adopting a gender-sensitive approach to the school curricula. This has yet to take place. Fees have been introduced at tertiary institutions, including the University of Guyana, which may constrain women's access.

The Ministry of Labour, Human Services and Social Security established the Guyana Women's Leadership Institute in 1998. From 1998 to 2004, it trained 1,355 women on subjects including leadership skills, gender and development, organizational management, history, social studies and entrepreneurial skills. Program beneficiaries come from a cross-section of NGOs, youth groups, and political and religious organizations.<sup>6</sup>

The Government of Trinidad and Tobago has committed to the goal of education for all, which on the surface contains an appreciation for gender. But gender is not a common thread throughout actual policies. There are no specific interventions targeting gender imbalances, and no mechanism in place to ensure that new policies address gender issues.

The Ministry of Education has a stated policy of non-discrimination in student admissions, but there are inequalities in some areas of the curriculum, especially those that are technical or vocational. No particular effort has been made to encourage the participation of women and girls. Most education research and data collection seems focused on men and boys. One concern is finding reasons for boys' underachievement in schools.

Efforts to improve the quality of education include curriculum review and ongoing professional development for teachers. The overriding philosophy seems to be that everyone will benefit if quality is improved, so there is no need to target specific groups. An exception is those with special needs, such as students who have scored less than 30 percent on the Secondary Entrance Assessment. To assist these students, the secondary school curricula now includes the visual and performing arts, an attempt to cater to all types of abilities. There has been no effort to review curricula language for sexist and discriminatory content.

Primary education is compulsory between the ages of five to 12. All government and government-assisted primary and secondary education is free. Fees are charged at private institutions. At the University of the West Indies and other tertiary government institu-

tions, students pay approximately 20 percent of the real costs. There are also assistance programs that pay up to half the student's costs and the full amount in the case of the very needy.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

In Trinidad and Tobago, women now occupy positions at all levels in the environmental sector—minister, permanent secretary, technical officer and administrator—but men still fill most appointments at the senior technical levels. There are no specialist technical units or policies that make explicit linkages between gender equity and natural resource management.

A study in two communities in the Nariva Swamp region of St. Augustine found that men and women share environmental decision-making, but men often make the final decisions. Gender also influences the use of natural resources. Men control the deeper forests and manage high-value activities such as watermelon production and fishing, while women are relegated to low-income work such as short-crop cultivation.

In the region, community-based organizations most often represent women's interests. Some are formal groups, like producers' co-operatives; others are informal. Government ministries and gender affairs departments as well as international development agencies have supported these initiatives.

Participatory planning for protected areas is developing in the region, and there is increasing demand for policies, institutions and mechanisms to assist this process. This movement has alluded to the need for women's participation, yet the prevailing climate remains antithetical to sharing power and embracing decentralization.

### Gender Impacts

Limited access to potable water affects women because they expend much of the extra effort to fetch and carry clean supplies, often over long distances. Both in the coastal area and in the interior of Suriname, women and girls are generally responsible for hard and time-consuming collection activities—carrying buckets to and from the water source, or setting out containers at home to collect water. The pollution of drinking water, most commonly by insecticides and mercury, harms women's health and increases their burden when they are forced to travel ever longer distances to find safe water.

In many parts of the region, the privatization of water has only recently been introduced. The implications of these initiatives are not clear.

In St. Lucia, women still working in agriculture cultivate bananas, and some of the pesticides used are harmful to their health and the environment.

Property rights across the region remain skewed towards men, and as land values have increased sharply, favoring those with the



ability to pay, access has become even harder for women. Lack of regulated development has also resulted in gains for who already have access to resources and power.

Bio-prospecting has increased and could adversely affect women, but there have been few policy steps taken in response.

Progress on meeting the international commitments and obligations made in the Biodiversity Convention, the Convention to Combat Desertification, the Ramsar Convention and the Convention on Climate Change has varied in the region. Even where there has been progress, there is little evidence to suggest that gender equity has been a feature of planning or implementation.

## HEALTH

### Access and Affordability/ Reproductive Health

Guyana has advanced women's access to reproductive health care through the Medical Termination of Pregnancy Act (1995). It allows a pregnancy to be terminated up to eight weeks. Women received quality and adequate primary health care at health clinics, most of which are government run. Private and NGO clinics also play a pivotal role.

Contraceptives are free in all clinics. The Guyana Responsible Parenthood Association, the Family Planning Association of Guyana, and Lifeline Counselling educate women and girls on their sexual and reproductive health and rights. Lifeline Counsel-



## Some laws do not recognize the right of Barbadian women to have full control over their own bodies.

ling provides training for young women as peer educators.

The Government of St. Kitts and Nevis has in place excellent prenatal and antenatal systems at accessible clinics located on both islands. They are open to all women who cannot afford a private clinic. Pap smears and mammograms are offered, along with some medications and vitamins.

In Barbados, much emphasis is placed on access to health care for all. The Government allocates 14 percent of total expenditures to health, and provides a range of free family health services for all citizens and residents of Barbados. Health education clinics help increase awareness of disease risk factors, as well as disease prevention and control. A Cancer Control Project was set up in 2000, aimed at influencing women in the 45 and over age group to have pap smears. The Ministry of Health says it is now developing a Gender Management System for the health sector that would disaggregate all epidemiological data by gender.

Services are targeted to women and adolescent girls through the Maternal and Child Health Program. It offers medical examinations, pap smears and pre- and postnatal care. Family planning services are integrated into the program with the assistance of the Barbados Family Planning Association. The Association also runs a family life and peer counseling course, which originally targeted youth but is now open to adults as well.

The Ministry of Health's adolescent health program for the 12 to 19 age group provides support for socioeconomic, psychological, nutritional, health and inter-personal problems. Cultural resistance remains a barrier to supporting active adolescent sexuality, however. While adolescent girls benefit from education and information on reproductive health, they cannot access services without parental consent.

The legal age of consent for sexual intercourse is 16 years, and the state has the power to take action against offenders who have unlawful sex with underage persons. But this power is often compromised by the lack of parental cooperation.

The Barbados Medical Termination of Pregnancy Act (1983-4) allows the lawful termination of pregnancies up to 12 weeks if a medical practitioner finds there is a risk to the life or health of the pregnant woman,

or that the child would be seriously handicapped. For pregnancies with durations of 12 to 20 weeks, two practitioners must make this claim. The termination of pregnancies over 20 weeks requires three practitioners. A parent or guardian must give written consent for the termination of pregnancy for a patient under 16 years old or of unsound mind at any age. Pregnancy termination is free of cost once it is accessed through the public health system and the required conditions are satisfied.

Women in Trinidad and Tobago have access to primary health care but the quality leaves much to be desired unless they can afford private services. The public health care system is neither gender nor culturally sensitive—it is a rare sight for minority Muslim woman to attend any of the public health centers, for example. Since public services do not meet the special needs of girls and adolescents, some NGOs aid pregnant teens and assist with caring for their babies.

Family life education is taught in schools, but does not include sexual and reproductive health and rights. Public health centres provide a weekly service covering contraceptive information and sometimes distribution. The Family Planning Association distributes written information to its clientele but charges for contraceptives.

All methods of contraception are available, but information on emergency contraceptives is not widespread. NGO advocates for safe parenthood have conducted a radio series on emergency contraception and disseminated postcards through doctors' offices.

Major hospitals provide only limited pre- and postnatal services, including obstetric care. Abortion is against the law in Trinidad and Tobago, except when the pregnancy threatens the life of the mother. Women and girls do not have full access to information on safe, legal abortions. Many end up in public hospitals suffering from the complications of unsafe abortions. The Government spends approximately \$1 million a month to treat women and girls with these complications. Post-abortion counselling is not available.

The collection of data on maternal mortality, morbidity and abortions is not done systematically. An accurate national assessment of cancer prevalence cannot be made since a national cancer screening program has not yet been established.

### HIV/AIDS

In Guyana, the Government has established programs to combat the spread of HIV/AIDS, including a new three-year National Strategic Plan for HIV/AIDS focusing on care and support, information, education and communication, monitoring and evaluation.

A national HIV/AIDS awareness-building campaign, "From Me to You: Save One, Reach One," was launched in 2003. Public hospitals and health clinics administer free antiretroviral drugs. In 2000-2001, the Government briefly promoted awareness-building programs in the workplace, which encouraged employers to implement policies and training for staff. Condoms were distributed, and TV and radio ads developed.

In Grenada, HIV/AIDS-related health services and information are available to every citizen, including pregnant women, girls, sex workers and transgender individuals. But these services are limited in scope and accessibility due to inadequate funding. What services do exist are not fully accessed for reasons including religious beliefs, the negative attitudes of health staff, fear of confidentiality breaches, the lack of an adolescent health care program and limited public knowledge of the services.

In Barbados, an estimated 2.5 percent of the adult population is infected with HIV. There are 1,252 reported adult AIDS cases; 331 are women. The number of women with AIDS has been increasing. Women also make up a growing percentage of the total number of HIV-positive people. The Bureau of Gender Affairs has implemented a program of workshops to provide information on gender relations and the gender dynamics of HIV/AIDS.

In 2003, the National HIV/AIDS Commission launched Speak-Sister, a national campaign designed to empower women in their responses to HIV/AIDS. It provides information on reproductive rights, reproductive health, HIV/AIDS and gender. A media component comprises public service announcements and cartoons, and workshops reach out to women living with HIV/AIDS as well as to health care and other service providers. The National Organization for Women helped design the campaign.

The Commission has also launched a campaign to encourage partners in sexual relationships to assume responsibility for their own reproductive health. It has undertaken sensitivity training for teachers and principals in some schools.

People living with HIV/AIDS are still subject to stigma and discrimination. There

are as yet no laws to protect them, although trade unions and the Barbados Employers Confederation have been collaborating with the Government to establish workplace policies to protect employees.

Problems remain with laws that do not recognize the right of Barbadian women to have full control over their own bodies. For example, husbands cannot be charged with marital rape unless there has been a breakdown in the marital relationship. This has implications for the spread of HIV/AIDS and other sexually transmitted infections.

In Trinidad and Tobago, HIV/AIDS health services and information are available to all women, including pregnant women and girls. Sex workers and transgendered individuals are not specifically targeted due to legal and social pressures—prostitution and living off the earnings of prostitution are illegal; transgendered persons are not recognized and accepted.

UNAIDS has recommended that prostitution be recognized as legal work in Trinidad and Tobago as a way of protecting sex workers. Sex tourism itself needs far greater recognition by the Government—the experiences of Tobago and other countries pur-

suing a “hospitality” agenda all point to the urgent need for prostitution to be factored into tourism development plans.

Gender inequality remains a critical factor in the increasing incidence of HIV/AIDS in the region. Where women are dependent on men economically and socially, they face a disadvantage in sexual relationships. Further, women have the responsibility of caring for family members who are sick and dying from AIDS.

Some agencies and NGOs are now more actively engaging in raising awareness of the gender dimensions of HIV/AIDS, including the Caribbean Epidemiology Centre, Community Action Resource; Friends for Life; and the Health Economics Unit of the University of the West Indies. The obstacles to full and comprehensive access include the scarcity of testing sites, the costs of medication, and widespread stigma and discrimination.

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#### Sources

Data was based on consultation with local women's organizations, and interviews with national women's bureaux, departments of gender affairs, and councils of women, as well as relevant ministries of government. Source materials included National Action Plans and CEDAW reports.

#### Notes

1. Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, British Virgin Islands (Tortola), Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts/Nevis, St. Lucia, St. Vincent and the Grenadines, Turks and Caicos, and Trinidad and Tobago.
2. *Trinidad Express*, 10 January, 2001
3. *Engendering Local Government Women's Campaign Workbook: Guidelines for Winning in Politics.*
4. Welfare Department documents.
5. 1998 Guyana Labor Force Survey.
6. Guyana Women's Leadership Institute.

## LATIN AMERICA AND THE SPANISH-SPEAKING CARIBBEAN

### Commitments to Women's Rights Surge Forward, but Implementation Lags Behind

**T**he years since Beijing have been fruitful for Latin American women in terms of mobilizing around women's rights. Women's activists have come together to discuss and advocate for actions to advance women's rights, and rallied women at large by broad dissemination of information on the issues at hand.

Through close interaction with parliaments and other state institutions, activists are helping to put in place policies to redistribute opportunities and resources between men and women at all levels of society, and to promote women's participation in decision-making. Among the most important advances have been mechanisms for inserting gender perspectives into planning bodies, budgets and control activities. Practically all countries have now adopted legal frameworks that address international commitments to gender equality.

Women still lag far behind, however, in playing an equal role in decisions about sustainable development, despite their fundamental contributions to managing land, water and other resources. And while

governments have made concerted efforts to increase the number of boys and girls attending school, overall educational achievements in education are scarce and slow, and there are no specific programs promoting the access of girls and women.

Poverty remains the backdrop to many women's concerns in Latin America. Despite high levels of economic growth in some countries, poverty levels have stagnated or worsened. The region continues to have some of the world's greatest disparities in income. Women often bear the brunt of these trends, comprising the majority of members of poor households. They earn much less than men, even when they can offer better formal qualifications.

Despite these wide gaps, macroeconomic policies still take for granted the equality of all economic agents. In the future, women will need to play a vastly expanded role in forming policies that embrace a truer equality, recognizing that macroeconomic and development strategies that are not gender sensitive will not solve women's problems or fulfil their needs.

#### HUMAN RIGHTS

Human rights reports in different countries have raised awareness of the importance of policies and actions to protect and promote

all dimensions of rights. There has been an emphasis on the understanding that since “human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of

economic, social and cultural rights is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and

social development.”<sup>22</sup> However, despite some advances on human rights laws, many Latin American societies maintain practices, customs and value judgments that in fact harm women’s rights.

### CEDAW Compliance

All 10 countries in South America have ratified CEDAW, with Ecuador and Uruguay the first countries to do so, and Bolivia and Chile the last. All ratifications took place within just one decade, followed by the relatively quick establishment of enforcement mechanisms in less than two years.

Colombia incorporated CEDAW into national legislation in 1981, but there is little knowledge of it or use of it to exert political pressure. Argentina faces institutional obstacles to implementation. While the National Women’s Council has traditionally reviewed basic human rights treaties and conventions, it has not participated in this process for several years. Many rights are not respected in practice.

Bolivia’s achievements relative to CEDAW mainly involve legal frameworks, such as the 1995 Law Against Family or Domestic Violence, which defines and punishes domestic

logical burdens on women.

Awareness of CEDAW’s Optional Protocol appears to be limited. In the Dominican Republic, for example, little information about the Protocol has been distributed. El Salvador has not ratified the Optional Protocol because of the strong pressure exerted by conservative groups such as the Catholic Church and “Si a la Vida” (Yes to Life). These interests also use concerted campaigns and the media to consolidate their power and block any possible improvement in issues related to CEDAW, especially in terms of sexual and reproductive rights.

All 10 South American countries have ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, in Colombia, although social expenditure increased from 8 percent of GDP in 1990 to 16 per cent in 1999, there are no substantial improvements in terms of people’s economic, social and cultural rights. Argentina and Brazil have introduced cultural subsidies, including through tax exemptions.

Among the eight countries from Central America and the Spanish-speaking Caribbean analyzed for this report,<sup>3</sup> Costa Rica was the first to ratify the ICESCR and the

and freedoms. The Convention points out that violence against women includes physical, psychological and sexual violence that occurs within the family or domestic unit, within any other interpersonal relationship, or in the community. It states that violence can be perpetrated by any person or perpetuated or condoned by the state or its agents, regardless of where it occurs.

Uruguay approved its Law on Domestic Violence in 2002, followed by the first National Plan to Fight against Domestic Violence. Covering the period 2004-2010 and focusing on public policies, the plan aims at eradicating domestic violence in the country, and promoting healthy lifestyles characterized by equity, tolerance and respect for diversity. The law also created the National Advisory Council for the Fight Against Domestic Violence, which will carry forward and monitor the plan.

In 2000, 44 percent of married women in Colombia reported violence inflicted by male partners; 11 percent of pregnant women reported abuses. While Colombia’s Law 575 provides mechanisms to report violence against women, the number of women who come forward is still low. Public awareness campaigns are limited, and there is a prevailing view that conciliation is possible in domestic violence cases.

Some ethnic groups in Colombia, such as the Wayu, maintain dowry-related practices. There are also indications of the practice of female genital mutilation, but no studies that offer scientific and systematic accounts. Non-quantified information exists about women and girls who have been drugged to be assaulted, but impunity is widespread, and there are even cases where the assaulted woman herself ends up being found guilty.<sup>6</sup>

In Nicaragua, one in three married women reported violence inflicted by their partners in 1998; the figure was one in five in the Dominican Republic in 2002. Eleven percent of pregnant women in Nicaragua report abuse by their partner; in the Dominican Republic, the figure is 5 percent.

In 2002, to begin documenting the nature and extent of violence against women in the region, the Women and Development Unit of the Economic Commission for Latin America and the Caribbean (ECLAC) published a report<sup>7</sup> on the phenomenon, discussing how it is rooted in the private sphere and thus largely invisible. It proposed measurement options that can be used for a complete diagnostic and for public actions and policies.

The first experiences of measurement within countries consisted of exploratory studies.

The women’s movement has played an active role in the peace process through proposals on development, economics and employment.

violence as a public order crime and is directed at prevention. The 1998 Family Code stipulates equity among family members, the elimination of discriminatory practices, equitable legal treatment, and the value and essential dignity of people. The Civil Code establishes the same legal capacity for both men and women to perform acts of civil life.

In Central America and the Spanish-speaking Caribbean, Cuba became the first country to ratify CEDAW in 1980, followed in 1981 by Mexico, El Salvador, Nicaragua and Panama. The last country to do so was Guatemala (see Chart A). Since Cuba’s ratification, the CEDAW Committee has recognized its broad achievements in expanding women’s roles in the economic, social and cultural fields, and in bringing them into managerial and legislative positions. The Committee has also acknowledged the negative effects of the Helms Burton Act and the economic, commercial and financial blockade imposed by the U.S. Government. These constrain the full application of CEDAW and the Beijing Platform and impose material and psycho-

International Covenant on Civil and Political Rights (ICCPR); Guatemala was the last to ratify the ICESCR and Honduras the last on the ICCPR.

### Violence Against Women

Women’s movements in Latin America have defined violence as one of the most serious problems affecting women. They have advanced the definition of violence from being centered on the concept of the “battered woman”<sup>4</sup> to considering the woman as the victim of human rights violations that originate in the structure of society itself.<sup>5</sup>

The 1994 “Belem do Para” convention, the correct name of which is the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, is one of the main steps forward in the region to define, prevent and punish violence against women. States Parties affirm that violence against women constitutes a violation of women’s human rights and fundamental freedoms, and impairs or nullifies the observance, enjoyment and exercise of such rights

Women's offices have been in charge of carrying out surveys; national statistics institutes have participated to a lesser extent. In some countries, NGOs have taken the initiative. There is a general tendency towards cooperation among different sectoral institutions and ministries, mainly in the area of health.<sup>8</sup>

## PEACE AND SECURITY

Colombia is the only country in South America with an active guerrilla movement consisting of armed groups with historical platforms of demands and claims presented to the official government. Women's participation in armed conflict has been marginal. The women's movement, however, has played an important role in the peace process through public hearings in San Vicente del Caguan, where they made proposals on development, economics and employment.

In terms of arms purchases, Chile spent \$156 million on conventional arms imports in 2003, Argentina \$127 million, Brazil \$87 million, Colombia \$48 million, the Dominican Republic \$76 million and Mexico \$127 million.<sup>10</sup>

Other security issues include sexual assaults and bribery. In Buenos Aires, 61 percent of people were victims of acts of delinquency in 1995;<sup>11</sup> in Bogotá, the rate topped 54 percent. Rio de Janeiro was the city with the highest percentage of sexual assault victims, at 7.5 percent of the female population; Buenos Aires was second with 6.4 percent. In 1996, 4.8 percent of women in Bogotá suffered sexual assault. In Costa Rica, the only Central American city for which figures are available, 40.4 percent of the residents of San José were victims of acts of delinquency in 1995, while 7.5 percent of women suffered sexual assault.

## Asylum Seekers, Refugees, Internally Displaced

There are not significant numbers of internally displaced or refugee women in Latin America. Argentina and Brazil hosted 3,000 asylum seekers each in 2003; Ecuador absorbed 6,000. Costa Rica managed 14,000 refugees in 2003, and Mexico accepted 6,000. In El Salvador, Guatemala and Nicaragua, 4,000 people live in refugee-like conditions outside their country of origin. Unfortunately, none of this information is disaggregated by gender.<sup>9</sup>

In Colombia, the Solidarity Network provides assistance to displaced people, but with no special programs for women. Argentina passed a new Migration Law in 2003

that aims to "ensure an effective equality of treatment towards foreigners" and "punishes the illegal traffic in people", which is compared "to the traffic in weapons and drugs". It also prohibits the hiring of irregular migrant workers.

A Dominican Republic-based organization, Coordinadora Mujer y Salud, describes the discrimination and suffering of refugee and displaced women: "The first thing is the economic exclusion for not having access to employment, which implies engaging in the informal employment of an economy in crisis. The lack of income prevents them from having access to education and health services, since neither education nor public health services are totally free of charge for any population segment, and within the last two years these have suffered a total collapse. There are NGOs that offer services and support to women's groups in the so-called marginalized neighborhoods where migrant women live in overcrowded conditions, but these are programs with low coverage and little impact given the magnitude of this problem in the country's five most important cities."

## POWER AND DECISION-MAKING

Within the last 10 years, women's organizations in Latin America have worked with parliaments and other state institutions on policies to redistribute opportunities and resources between men and women, and to promote women's participation in management and decision-making. Countries have set up specialized agencies for women's advancement and brought gender into a variety of state institutions. Practically all states have adopted legal frameworks that address the international commitments to gender equality in decision-making, including those of CEDAW, the ICESCR and the ICCPR.

The ECLAC Report issued for the 9th Regional Conference on Women in Latin America and the Caribbean maintains that international treaties can strengthen the mechanisms for affirmative actions at the state level, and broaden the possibility of responding to the demands made by women's movements, particularly in contexts otherwise not inclined to institutionalize gender equality. In Latin America, the intervention of civil society and particularly of the women's movement has been critical to this process. Women's organizations continue to be the main agents of change, making contributions to the formulation, design, execution and monitoring of public policies with a gender perspective.

## Box 29. CEDAW Ratification Dates

Country	CEDAW, 1979 <sup>1</sup>
Costa Rica	April 1986
Cuba	July 1980
Dominican Republic	September 1982
El Salvador	August 1981
Guatemala	August 1982
Honduras	March 1983
Mexico	March 1981
Nicaragua	October 1981
Panama	October 1981

Source: [www.un.org/womenwatch/daw/cedaw](http://www.un.org/womenwatch/daw/cedaw)

Among the most important advances are new mechanisms directed at inserting gender perspectives into planning bodies, budgets and control activities. Examples include the Management Improvement Program in Chile, the Pluriannual Plan in Brazil and the Planning Council in Ecuador.<sup>12</sup>

The specialized agencies for women are generally charged with proposing legislation related to gender, advising ministries on public policies and serving as an advocate for women's interests within the state.<sup>13</sup> The power, institutional position, resources and legitimacy of these agencies, however, varies dramatically among countries. A preliminary analysis reveals that their success depends on several factors, such as the personal interest of the president and other senior leaders, a favorable relationship with other ministries, stable budgets, and credibility with the organized women's movement. Without these conditions, women's agencies can become ghettos that isolate women's issues from the mainstream of state action, or instruments to promote the interests of the ruling party.

## Representation

The regional growth in women's representation in legislatures stems from the adoption of affirmative action measures and proportional electoral systems. The most common affirmative discrimination mechanism is the quota system, which establishes a minimum level of women's participation in elections. To date, Argentina, Bolivia, Brazil, Costa Rica, Ecuador, Mexico, Panama and Peru have passed laws that require political parties to reserve 20 to 30 percent of their candidacies for women. The Dominican Republic assigns a 33 percent quota for women in legislative posts, including in local and municipal gov-



## Box 30. Surveys to Measure Violence Against Women Carried Out in South America

Country and year	Financing and/or executing institution	Age and Population under study		Type of Violence	Results
Bolivia (1997-98)	Pan American Health Organization/World Health Organization (PAHO/WHO), Ministry of Health and Social Provision, Vice-ministry of Gender and Family, Government of the Netherlands	20 and over	All women	Physical (PHV) and Psychological (PSV)	21% of women report being victims of PSV, 17.9% non-life-threatening, and 13.9% life-threatening
Chile (2001)	National Women's Service (SERNAM) / Center for the Analysis of Public Policies, University of Chile	15 to 49	Women in current relationship or ever in any relationship	PHV, PSV and Sexual Violence (SV)	In the metropolitan region 50.3% of women have suffered some type of violence from their partners. Of them, 34.1% have suffered PHV and/or SV and 16.3% PSV
Colombia (1995)	Asociación Pro-Bienestar de la Familia Colombiana	15 to 49	Married/partnered women	PHV	19% of women have been physically assaulted by their partners some time in their lives
Paraguay (1995-96)	Paraguayan Center for Population Studies, Centers for Disease Control and Prevention; U.S. Agency for International Development (USAID)	15 to 49	Ever married/partnered women	PHV and PSV	31.1% of women have been verbally insulted, 9.5% reports physical violence
Peru (2000)	National Institute of Statistics and Informatics	15 to 49	Ever married/partnered women	PHV and PSV	41% of women have suffered PHV by their husbands/partners. 34% have been subjected to psychological control; 48% to verbal abuse and 25% to threats
Uruguay (1997)	IADB and Sybila Consultores	22 to 55	Ever married/partnered women	PHV, PSV, SV	No data
Costa Rica (1994)	No data	No data	No data	PHV and PSV	75% suffer psychological violence and 10% physical violence
Guatemala (1990)	UN Children's Fund (UNICEF) and PAHO	No data	No data	No data	49% have suffered violence; 47% by a partner
Mexico (1999)	National Institute of Statistics, Geography and Informatics	No data	Men and women in households	PHV, PSV, SV	No information is given regarding the specific situation of women, however emotional abuse constitutes the most frequent type of aggression at 99.2%; intimidation manifested in 6.4%; PHV in 11.2% and sexual abuse in 1.1% of households.
Nicaragua (1998)	National Institute of Statistics and Censuses and Ministry of Health	15 to 49	Ever married/partnered women	PHV and SV	27.6% have suffered PHV, 10.2% SV, and 28.7% PHV and SV either within the last year or in a previous period.

Source: **Bolivia:** Ministry of Health and Social Provision (1999), Public Health and Domestic/Intra-family Violence, Prevalence Survey in cooperation with the Government of the Netherlands; **Chile:** M. Ferrer, (2001), "Detección y análisis de la prevalencia de la violencia intrafamiliar," <http://www.capp.uchile.cl/boletin/julio2001/4.html>; **Colombia:** Profamilia, National Demography and Health Survey 1995, Demographic and Health Surveys, Institute for Resource Development/Macro International, Inc; **Paraguay:** Paraguayan Center for Population Studies, "Centers for Disease Control and Prevention", in IADB, *Violence in Latin America and the Caribbean: A Framework for Action*, Washington, D.C.; **Peru:** National Institute of Statistics and Informatics (INEI), Demography and Family Health Survey 2000, Lima. Violencia contra la mujer en relación de pareja: América Latina y el Caribe. Una propuesta para medir su magnitud y evolución. **Costa Rica:** E. Quiroz and O. Barrantes (1994), "¿Y vivieron felices para siempre?" in IADB, *Violence in Latin America and the Caribbean: A Framework for Action*, Washington, D.C.; **Guatemala:** A. Mehrotra (1998), Gender and Legislation in Latin America and the Caribbean, Chapter IV "Gender Violence", UNDP Regional Bureau for Latin America and the Caribbean in <http://www.undp.org/rblac/gender/legislation/violence.htm>; **Mexico:** National Institute of Statistics, Geography and Informatics (INEGI) (1999), Intra-family Violence, Survey 1999, Methodological Document and Results, in Isis Internacional, <http://www.isis.cl/mujereshoy/viol/dicenque.htm>; **Nicaragua:** Demographic and Health Survey.

ernments. It requires the Central Electoral Board and political parties to take responsibility for implementing these provisions.

No consensus exists, however, that quotas are the best policy tool. Furthermore, the effectiveness of quotas in helping more women

get elected depends on additional factors, such as the country's electoral system and the support political parties give to their women candidates. A study by ECLAC, "Democratic Governability and Gender," contends that effective quota systems are adapted to

the electoral system and included in the electoral law. They should be well regulated, and the electoral body should actively ensure their fulfilment.

The report says that these three conditions have been met in Argentina, Costa Rica and

Mexico, resulting in outstanding growth in women's participation. In Venezuela, quotas were eliminated after being in force for a short period. Paraguay's 20 per cent quota only applies to party lists in internal party elections.

### Impact of Representation

Women politicians in Argentina have achieved a high level of gender awareness in their political parties using strategies such as trans-party alliances. These have launched demands for legislation in defense of women's rights and pressed the national judicial system to require the fulfilment of quotas.

However, since women still often lack decision-making power in their parties, elected candidates are not well positioned to advance gender issues. This is also the case in Bolivia, where despite explicit legal frameworks to promote women's integration into elected and non-elected positions at the same rate and levels as men, political parties have offered only lukewarm support to elected women.

The experience in the Dominican Republic proves that leaving quotas in the hands of political parties does not imply that women candidates will win a seat or a decision-making position, since there are "winnable" and "non-winnable" seats. Even if one out of three candidates is a woman, there is a strong probability that female candidates will end up on the lowest third of the electoral list. In addition, the distribution of campaign resources is often inequitable. Women in the Dominican Republic report that only one of the leading political parties has internally implemented a 25 percent quota for all electable positions. Other parties fulfil the quotas for proposed candidacies only, with no regard for maintaining them among candidates who are actually elected.

In Uruguay, women parliamentarians formed the "Bancada Femenina" (Group of Women Parliamentarians) to encourage inter-party coordination. This initiative has resulted in a number of gender-related joint proposals and work on strategies to ensure their acceptance. The Law on Domestic Violence was one landmark piece of legislation. The Law on Reproductive Health was approved by the Chamber of Deputies, but failed to pass the Senate, where there are only three women senators, one of whom was not supportive.

In Cuba, women's political participation has grown considerably in all sectors. In 2000, women held 33.3 percent of senior management positions at all levels, a figure that increased to 34.5 percent in 2002, the

highest percentage achieved to date. El Salvador represents the opposite end of the spectrum. Women now hold only 6 percent of mayoralties, a figure that has fallen from 14 percent in 1994, and occupy only 20 percent of local government positions and 11 percent of Legislative Assembly seats. The Vice-President is currently a woman.

Countries in the region have started to introduce affirmative action proposals directed at prompting gender equality in executive and judicial positions. Colombia has a 30 percent quota law for women's representation in the executive branch. Costa Rica has established a quota system for the judiciary.

## POVERTY ERADICATION

### Macroeconomic Policies, Development Strategies

The neoliberal economic model implemented in Latin American countries during the 1990s and its related labor reforms has changed the labor market structure and degraded labor rights in general. A large number of people have faced unemployment and social exclusion, while another significant number have only unstable, precarious and badly-paid jobs. These shifts have had a more profound impact on women than men, given their more unfavorable and vulnerable situation.

Most Latin American economies have witnessed a growth in poverty that contributes to already sharp inequities in income distribution. Women comprise the majority of poor households in practically all the countries of the region. According to 2002 data, 43 per cent of Latin American women over 15 in urban areas lacked their own income. Figures are higher in rural areas. This constrained economic autonomy raises women's likelihood of becoming poor if their family or spousal circumstances changed. One indicator of women's vulnerability is that the number of indigent female-headed households is greater than male-headed ones. In the Dominican Republic, 25 percent of female-headed households are indigent compared to 11 percent of households headed by men. In Guatemala, the number is 20 percent compared to 13 percent, and in Costa Rica, 9 percent and 4 percent.

ECLAC's adjusted femininity index<sup>16</sup> of poverty for Central America records values greater than 100 in both rural and urban areas, indicating there are more women in poor households. This phenomenon intensifies among women aged 20 to 59. For this group, the index soars above 100 in virtually

all countries studied by ECLAC throughout the previous decade.

While there are clear gender implications arising from the region's macroeconomic decisions, policies are based on the assumption that all economic agents are equal. In Colombia, the only policies specific to women that have been promoted in recent years relate to women heads of household, and mainly concern income generation through micro-credit, housing and assistance to rural women with property issues.

### Employment Patterns, Women's Work

According to ECLAC's<sup>14</sup> latest studies, during the 1990s the labor participation rate in the region grew faster among women than men. However, women continue to face more difficulties entering and staying in the workforce. They have higher unemployment rates even when, on average, they have higher educational levels than men. And the notion persists of the "man as family support provider, with a full-time job and benefits that can be extended to his family."<sup>15</sup>

Women are responsible for the reproductive, unpaid tasks, and if they participate in



the labor market, they often do so as secondary workers, with complementary salaries, always inferior to those earned by men. Overall, during 1991-2000, the income of Latin American women amounted to only 39 percent of the income of men.

Notions about traditional labor roles have nothing to do with real practices, where salaried work is increasingly informal, flexible and without social protection. Seventy percent of Bolivian women work in the informal sector, for example. In many cases, the main household providers are women, who thus become doubly burdened: as supposed secondary workers with more precarious conditions and lower salaries, and with an increasing unpaid workload, as states cut back social programs designed to support domestic and family responsibilities.

To join the formal sector, women have to fulfil greater requirements than men in terms

## Box 31. Quota Types and Percentage of Women in Legislative Bodies

Country	Quota Type	Results last election	Percentage of women
Argentina	Constitutional Quota for National Parliament; Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	87 of 255	34.1%
Bolivia	Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level; Political Party Quota for Electoral Candidates	24 of 130	18.5%
Peru	Election Law Quota Regulation, National Parliament; Constitutional or Legislative Quota, Sub-National Level	22 of 122	17.5%
Ecuador	Election Law Quota Regulation, National Parliament; Political Party Quota for Electoral Candidates	16 of 100	16.0%
Uruguay	Political Party Quota for Electoral Candidates	12 of 99	12.1%
Colombia	Quotas existed previously or quota legislation has been proposed <sup>5</sup>	20 of 166	12.0%
Paraguay	Election Law Quota Regulation, National Parliament ; Political Party Quota for Electoral Candidates	8 of 80	10.0%
Honduras	Election Law Quota Regulation for National Parliament	7 of 128	5.5%
Guatemala	Quotas that existed previously or which have been proposed	13 of 158	8.2%
Panama	Election Law Quota Regulation for National Parliament	7 of 71	9.9%
El Salvador	Political Party Quota for Electoral Candidates	9 of 84	10.7%
Dominican Republic	Election Law Quota Regulation for National Parliament; Political Party Quota for Electoral Candidates	26 of 150	17.3%
Nicaragua	Political Party Quota for Electoral Candidates	19 of 92	20.7%
Mexico	Election Law Quota Regulation for National Parliament; Political Party Quota for Electoral Candidates	113 of 500	22.6%
Costa Rica	Election Law Quota Regulation for National Parliament; Political Party Quota for Electoral Candidates	20 of 57	35.1%

Source: Global Database of Quotas for Women. [www.quotaproject.org](http://www.quotaproject.org)

of qualifications and experience. Most men who work in Argentina's public sector are engaged in administrative jobs, for example, while women are engaged in education. In the private sector, most men work in the area of industry and small trade, while 30 per cent of women work as domestic employees.

Until recently, Argentina's largest chain of ice-cream parlors, FREDDO, had a tradition

of not hiring women at all. The legal clinic at the University of Palermo's Law School filed suit on behalf of the Fundación Mujeres en Igualdad. In 2002, the National Civil Chamber judged that the company had a discriminatory hiring policy, and that it should hire only women until it erased the existing inequality. The ruling sets an important precedent since it is the first judgment on dis-

crimination against a private company, and emerges from a class action suit rather than the complaints of an individual.

The increased entry of women into the salaried workforce has caused many recent changes in Latin American, but an equivalent increase in men's participation in unpaid domestic activities has not followed. Despite the diverse family structures that have emerged, together with demographic changes and the evolution in men's and women's career paths, the proportion of men who handle family responsibilities continues to be minimal. The lack of commercial exchange has rendered this fundamental contribution to social wealth invisible and concealed a significant share of the actual cost of production.

Changes in the labor market have spurred migration to countries within and outside the region that offer more favorable employment opportunities. The number of women migrants has risen significantly, although male migration has left behind a rising number of female-headed households that face economic difficulties and remain strongly dependent on remittances from the migrants.

### EDUCATION

#### International Agreements

Over the last 10 years, Latin American governments, under the pressure of international organizations in some cases, have taken steps to increase the number of boys and girls in school. The 2000 Dakar Framework for Action and the Education for All agreement have given impetus to solving education problems, although not necessarily with progress on gender issues.

Despite international commitments on education that now include the Millennium Development Goals, obstacles to fulfilling them include a lack of awareness by legislators and limited political will. Governments rarely support women's groups and other NGOs on initiatives to promote women's right to education. After the World Education Forum launched Education for All, 10 NGOs in El Salvador proposed collaborating with the Ministry of Culture to create a national follow-up plan. So far, it has not been adopted, in part because the Government has not been open to civil society contributions.

#### Public Policy

In 2004, UNESCO held the 47<sup>th</sup> Conference on Education in Geneva. Its final report contended, "In most parts of the world, there are unacceptable gender differences in access, opportunities, retention and learning outcomes.

This reflects the inability of many education systems to be gender-responsive.” The conference also proposed priority actions, noting, “In many instances it will be necessary to take concerted affirmative actions to compensate for historical and new inequalities. A great deal of research, knowledge and good experiences exist and this must be taken into account as a matter of urgency to universalize gender equality at national, regional and global levels.”<sup>18</sup>

In Latin America, however, there seem to be few measures to promote women’s and girls’ access to education. Bolivia has embarked on an effort to strengthen gender mainstreaming through its 1994 Education Reform Law and the Program for Permanence of Girls in school.<sup>19</sup> A new effort is on to ensure gender equity in curricula, administration and school finance.

By contrast REPEM Colombia notes widely differing perceptions on education priorities: “For the government it is war, for us it is the lack of political will, the priority given to war, the gradual privatization of education and the lack of allocation of resources.”

On teacher training in the region, the 2001 World Education Forum held in Porto Alegre stated: “The focus on gender should undoubtedly be incorporated into teacher training programs, not only from a theoretical perspective but also from an experience-based and analytical perspective, which would prompt a process of self-knowledge and development of their gender and identity awareness.” It went on to note that as not everybody is qualified to introduce these issues into teacher training processes, and there is still resistance at university-level regarding gender. The official culture of school education is the white, Western and male cultural model whether students are boys, girls, young people, *mestizos* and *mestizas*, white males and females, black males and females, or indigenous people.<sup>20</sup>

There seem to be almost no specific proposals to change the contents of curriculum guides to reflect gender issues, at least not from those institutions with the necessary power and economic resources. Argentina’s Fundación Mujeres en Igualdad notes that the Draft Law of the City of Buenos Aires proposes to make sexual education compulsory in basic education. The Dominican Republic has a project called EDUCMUJER, which promotes equal opportunities for women and girls in education, and the elimination of sexist stereotypes from educational

materials. This project has managed to initiate a gender awareness and training program for teachers, and a revision of curricula for basic and secondary education. But no progress has been made on the National Plan for Gender Equity, prepared during 1999.<sup>21</sup>

### Access and Changes in Practices

The regional enrollment rate has improved compared to the previous decade—between 88–94 percent of children now attend primary school.<sup>17</sup> Other educational achievements have been scarce and slow. Argentina has an enrolment rate similar to those of developed countries, but dropout rates remain high.



Fetching water after an earthquake in Colombia.

Across the region, decisions about schooling for boys and girls are made within families, and swayed by gender conceptions, domestic responsibilities, and judgments about the value of education for boys and girls.

The literacy gap between men and women seems to be somewhat more equitable in South America than in Central America and the Spanish-speaking Caribbean. But figures from Bolivia, Ecuador and Peru reveal inequalities. In terms of enrollment, fewer girls than boys attend primary schools in Brazil, while in Chile gaps appear at the secondary level. In tertiary education, Uruguay shows a significant majority of women, while the opposite is the case in Bolivia.

In Central America and the Spanish-speaking Caribbean, Guatemala has the greatest literacy gap, registering a rate of 0.85. El Salvador, Mexico and Panama are almost at this level as well. Cuba has a higher level of equality, and there is a slight difference in favor of women in Costa Rica, Dominican Republic, Honduras, Nicaragua, and Puerto Rico.

Guatemala also shows the greatest gap between women and men on school enrolment rates. The Dominican Republic’s secondary school enrollment rate for women is superior to those in other Central American and Spanish-speaking Caribbean countries.

At the tertiary level, among countries where

data is available, Mexico still has more men enrolled than women. Panama has the greatest gap in favor of women. There are no data for the tertiary level in Dominican Republic, Guatemala, Nicaragua and Puerto Rico.

## NATURAL RESOURCES AND ENVIRONMENTAL SECURITY

### Decision-Making

Women in Latin America play a key role in the production, management and administration of natural resources, but this is not reflected in their level of participation in decisions about the use of these resources. Women’s marginal participation at the state level in Bolivia, for example, means that there are few discussions about women’s specific needs or perspectives. Recently, NGOs such as Coordinadora de la Mujer and others carried out advocacy activities to bring women’s voices into a national referendum on the use of Bolivia’s energy resources, the first time that public consultation has taken place on such an issue.

Cuba’s Federación de Mujeres Cubanas notes that women’s participation has grown, but is still insufficient in senior management positions. Some sectors, particularly those associated with rural areas, are more reluctant to accept women’s input. The fight against sexist stereotypes that stall greater participation in decision-making is still considered to be critical.

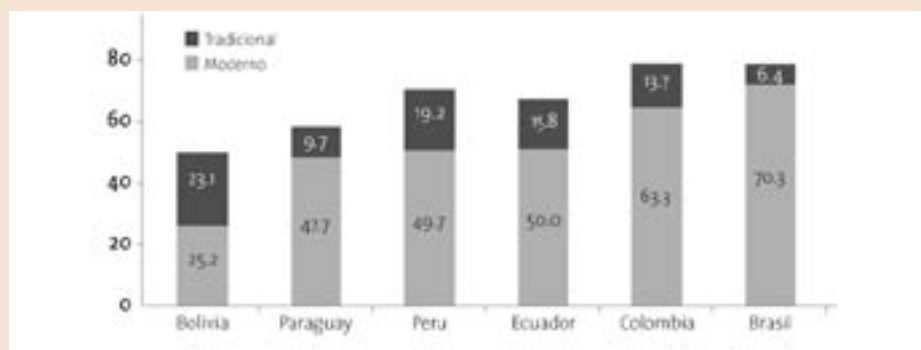
While Argentina has acknowledged women’s low level of participation, this has not led to changes, with women still mainly involved on a local level. A woman Secretary of Environment turned out to be a corrupt official who went to prison. In general, there are no gender units, experts or policies in the environmental sector.

Argentina’s Fundación Mujeres en Igualdad lists the main obstacles for the full participation of women in decisions on natural resources and the environment: the lack of visibility and knowledge on the subject; the lack of economic resources to attend summits and conferences; the lack of motivation, since it is very difficult to influence government and companies’ policies; and the perception that the debate focuses more on economic issues than on the environment and health. There is also the idea that women tend to narrow in on “women’s issues”, rather than general or collective concerns.

In Paraguay, the Government’s 2004 report to CEDAW promised that, “In the area



## Box 32. Percentage of Women in Union Who Use Contraceptive Methods by Type of Method



Source: Demographic Bulletin N° 70 ECLAC/CELADE. July 2002.

of environmental policy, the medium-term objective is to improve the quality of life of men and women by introducing a gender perspective in environmental policies and programmes...and by having women take part in formulating them.”<sup>22</sup>

Women’s important contributions to managing the region’s land and water resources generally include the management of household water and the farming of irrigated and rain-fed crops. According to censuses carried out in Colombia and Peru, women carry out 25 and 45 per cent of agricultural activities, respectively.

### Gender Impacts

Since the early 1990s, when states began yielding the management and use of lands and irrigation systems to market forces, women have confronted difficulties in accessing water rights, along with agricultural support services such as credit, new technologies and training. Privatization, demographic pressure and the dissolution of traditional forms of land tenure have reduced the amount and quality of lands available to rural communities.

Paraguay’s CEDAW report notes, “Deforestation, added to the lack of water caused by contamination and droughts, forces women to walk long distances, carrying heavy loads, in order to fetch water from very distant places, and this has an impact on their health and on the time devoted to other household and/or productive tasks, above all, taking into account that peasant women in this country work an average of 14 to 15 hours every day.”<sup>23</sup>

Coordinadora Mujer y Salud notes, “Water privatization in the Dominican Republic is a real fact about which we, women, have not yet raised awareness; the demands for water services are basically made on the basis of de-

manding that government authorities build or restore aqueducts, without paying attention to the fact that fresh water resources are being exploited by the private companies in that field.”

### Right to Natural Resources

Many water policies, such as the ones on irrigation, fail to consider the existing imbalance between men’s and women’s ownership rights, division of labor and incomes. By raising the value of land, irrigation brings about social changes that usually favor men. Irrigation systems lend themselves to monocropping, often for the production of cash crops, and discourage diversified agricultural systems that support a variety of food crops. Since men often control cash crops, decisions about the use of irrigation water tend to be made without accounting for women’s farm and household activities.

Studies from the Laja River basin in Mexico, for example, show that irrigation is considered a male activity in spite of the fact that a large number of women also take part in it. Wrong perceptions about the distribution of productive tasks within rural families, conceals the work performed by women. So when it comes to irrigation projects and the definition of infrastructure works to improve them, as well as to the allocation of subsidies, women are not consulted. In general, they are excluded from decisions and benefits, which exacerbates the discrimination and insecurity that affects them.<sup>24</sup>

The lack of secure land tenure discourages the maintenance of lands in a healthy condition, and although this affects both men and women, women face an additional difficulty. They have to mediate their requests through men in some places. In general, men are still entrusted with legal or customary ownership of property, which has a clear impact on fam-

ily decision-making and on productive tasks administered by women.

Even to use a small plot of land, women often have to seek authorization from their husbands, inherit it from their fathers or make a request to community elders. Farms owned by women are usually small, dispersed, distant and low in fertility. In areas with high rates of divorce or abandonment, or where land remains in the possession of men in the event of separation, women show little disposition to invest their time and resources in long-term land improvements, such as the construction of irrigation, drainage and terrace systems; and in the growing of trees or other activities that maintain soil fertility.<sup>25</sup>

In the Dominican Republic, Coordinadora Mujer y Salud highlights the low productivity of agricultural and livestock tasks managed by rural women. But the lack of materials for microenterprises and the high costs of natural resources that were formerly at women’s disposal are obstacles to the sustainable use of resources and to women’s capacity to perform their tasks without degrading the environment.

According to the Food and Agriculture Organization (FAO), “more information is needed about women’s role in the production and care of crops, in order to outline the extension and training activities that best suits them. Likewise, the development of technologies should be carried out with the collaboration of peasant women, so that they could meet their demands and knowledge on the preservation and sustainable use of crops that are destined to medicinal, artisanal or other uses.”<sup>26</sup>

## HEALTH

### Access and Affordability

South American countries have adopted a considerable number of laws, policies and programmes on reproductive health. Bolivia, Brazil and Peru recognize reproductive health and family planning as fundamental human rights.<sup>27</sup> But health services in the region still fail to acknowledge gender differences, and generally seem unprepared to deal with women’s problems.

A concern in Central America and the Spanish-speaking Caribbean is that governments tend to take a technical approach to women’s health care, rather than one based on human rights, including reproductive rights and the rights of people with HIV/AIDS. El Salvador faces a crisis in public health resulting from neoliberal economic policies that have privatized services, with

no consideration for the health needs of girls and adolescents.

Across Latin America, access to information about specific diseases (breast cancer, cervical cancer, etc.) and prevention is poor, especially in rural areas. Primary constraints to better dissemination of information include limited political will and resources.

Services overall are insufficient in Colombia, where over 40 percent of the population has no access to basic health care.<sup>28</sup> In Bolivia, most health care workers are not trained to understand either cultural variations or the native languages spoken in rural areas. This causes people to distrust health services and to prefer traditional medicine. Racism, male chauvinism and class discrimination persist in the attitudes of health care workers towards the people they are to assist. In El Salvador, women's groups have focused on raising the Government's awareness about maternal health.

### Reproductive Health

There are wide gaps in fertility rates between urban and rural areas. Brazil's gap seems to be the most moderate at 1.2 percent. At the other end in South America is Bolivia, with the highest rural/urban gap and also with the region's highest overall fertility rate. Among countries in Central America and the Spanish-speaking Caribbean, the widest gap is in Honduras, at 6.3 children per woman in rural regions and 3.5 children per woman in urban centers. Costa Rica and Mexico have achieved the most similar urban and rural rates, with a difference of 0.8 and 12 points, respectively.

Where data is available for South America, it appears that a high percentage of women use modern methods of contraception. Bolivia has the region's highest use of both traditional and modern contraceptives, at about 25 percent of women in each case. In Brazil, where the use of traditional methods is the lowest, 70 percent of women between 14 and 44 years old use modern forms.

In Central America and the Spanish-speaking Caribbean, the usage rate of modern methods is also high. Guatemala has the lowest figure, at 31 percent, and Costa Rica the highest, at 71 percent. The assumption that fewer women are using traditional methods, however, hides the reality of a low overall use of contraceptives. Over 40 percent of women do not use contraceptives at all.

Countries with strong Catholic beliefs or very strict moral rules uphold strong taboos regarding women's sexuality. Female sexuality remains identified mainly with reproduction,

while the idea also prevails that women do not make decisions about their own bodies.

In the Dominican Republic, women's reproductive rights suffer from the prohibition of abortion without exception, the force of the Concordat between the Vatican and the Dominican Government, and the non-separation of church and state.

According to the World Health Organization (WHO), 4.2 million women each year have abortions in Latin America and the Caribbean. Most are performed under risky conditions and in secret, which can irreparably damage women's health and sometimes leads to death.<sup>29</sup>

Most countries restrict legal access to abortion: Chile, Paraguay and Peru prevent it altogether. Some laws criminalize the procedure under all circumstances. Others allow it on specific grounds: for therapeutic or reasons where the fetus has medical problems or birth defects, or when pregnancy results from an act of sexual violence.

In 2002, debate took place in Uruguay after a draft law on reproductive health was submitted to the Chamber of Deputies. It proposed annulling the law that criminalizes abortion, and suggested instead actions on family and reproductive planning, including sexual education and the reduction of maternal mortality. It allowed the voluntary interruption of pregnancy until the twelfth week for women who estimated they could no longer continue the pregnancy.<sup>30</sup> The law garnered the necessary votes and passed the Chamber of Deputies, but the Senate failed to approve it.

Despite the bill's collapse, the women's movement in Uruguay rated the public debate that took place around it as a positive experience. Diverse groups worked together on the law, including those from the religious sphere, unions and political parties. The affirmative votes of legislators were supported by a long list of people and organizations willing to defend life and respect for human rights, to strengthen democracy and to promote coexistence in diversity. They included the Central Directive Council of the University of the Republic; its rector; six of its deans; the Representative Board of the National Workers' Union; feminist, women's, young people's and human rights organizations; ministers of the Methodist and Valdese Churches; representatives of the Afro-Umbadista religion; journalists; sports people; and representatives of the arts and the academy.

Two countries with legal frameworks that do not punish abortion are Puerto Rico, since the U.S. Supreme Court case *Roe vs.*

## Box 33. Uruguay Defends Reproductive Health

On 10 December 2002, Uruguay commemorated Human Rights Day with the approval of the Draft Law on the Defense of Reproductive Health in the Chamber of Deputies. In this draft law, the State is turned into guarantor of the exercise of Sexual and Reproductive Rights, thus promoting sexual education, the reduction of maternal mortality, the family planning services and the exercise of responsible maternity and paternity. In its article 4, the draft law allows the voluntary interruption of pregnancy, until the twelfth week, when the woman estimates she can no longer continue the pregnancy.<sup>7</sup>

Source: Weekly Journal Brecha, Uruguay

Wade made abortion legal; and Cuba, where abortion is a legal medical practice and there are specialized services to perform it. The Federación de Mujeres Cubanas writes, "The respect for women's sexual and reproductive rights is a fundamental principle in our country; that is to say, women have the right to decide and control their fertility. We defend the existence of abortion services in safe conditions, with specialized medical care. Likewise, coverage and attention to family planning services have been increased, even when (the U.S. embargo has resulted in) a deficit of specialized contraceptives and condoms." Systematic sexual education has reduced the number of abortions, and the widespread dissemination of information has cut down the incidence of uterine, cervical and breast cancer deaths.

### HIV/AIDS

The stigmatization and exclusion of women living with HIV and AIDS undercuts their human rights and substantially increases their difficulties in living in their communities. Apart from some specific programs and awareness efforts, HIV-positive women in the region suffer societal isolation irrespective of their country's borders.

In the Dominican Republic, the lack of political sensitivity and will, public policies and mechanisms for the implementation of Law 55/93 on AIDS hinders women's access to quality services and treatments. Although the law makes an exhaustive account of HIV/AIDS in the Dominican Republic, it falls short on gender and an approach for young people. Only articles 8 and 24

## Box 34. Strengthening Women's Agency In Water Education

BY THAIS CORRAL

Around the world, women and girls are primarily responsible for domestic tasks that rely heavily on water. When this resource becomes scarce, their work doubles to include walking long distances while carrying heavy containers. In the Brazilian Northeast the situation is aggravated by the fact that during droughts most men migrate for wage employment and women become the heads of the household. These women are known as "widows of the drought".

The project "Strengthening Women's Agency in Water Education" was conceived to address gender issues in efforts to combat desertification in Northeastern Brazil. It focuses on improving the capacity of community leaders to better understand and enhance the benefits of water policies and programmes.

The project was developed by REDEH (Network for Human Development) and partner organizations. A Brazilian non-profit organization, REDEH's mission is to strengthen the role of women in sustainable development. It was one of the leading

women's organizations at the United Nations Conference on Environment and Development, which took place in June 1992, in Rio de Janeiro, Brazil. Since then, REDEH has been actively involved at the national, state and local levels with the implementation of Agenda 21 and other environmental agreements, such as the Conventions on Desertification and on Climate Change.

"Strengthening Women's Agency in Water Education" comprises three main elements: development of an educational kit, training of community leaders, and the use of radio by community educators. The educational materials were designed through a participatory process using language and symbols that are culturally familiar and well accepted by the local population. The gender concepts were discussed in focus groups to avoid marginalizing men.

This methodology has now been used in many of the region's projects to combat desertification. One initiative involves photovoltaic pv pumping, a solar energy system to provide water.

emphasize sexual education and care of infected boys and girls as well as children of infected people.

El Salvador has carried out sensitization and monitoring campaigns on its HIV/AIDS Law. These highlight human rights and non-discrimination along with information about the impact of HIV. But most information is disseminated by women and NGOs through projects supported by international cooperation.

Cuba is the only country that seems to prioritize HIV/AIDS care. All services provided are free and accessible, and Cuba ranks among the countries with the lowest infection levels, with 0.02 percent of its population HIV positive. A specialized public program on HIV/AIDS involves health entities and community organizations. The Federation of Cuban Women works within this on

gender-sensitive prevention. The Federation also helps implement the national UNAIDS program through 30 Orientation Houses for Women and Families. Activities include public advocacy campaigns through the media, community workshops and cultural activities with prevention messages.

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*dor: Las Dignas; Uruguay: CIEDUR.*

### Notes

1. International Conference on Human Rights at Teheran, "Proclamation of Teheran," 13 May 1968.
2. In the case of Cuba, there is no information available and Puerto Rico is not a United Nations member country.
3. Definition used in the 1970's by U.S. and European feminists.
4. Isis/UNIFEM, "Violence Against Women in Latin America and the Spanish-Speaking Caribbean 1990-2000: Assessment of a Decade," Santiago de Chile, 2002.
5. Red de Educación Popular Entre Mujeres (REDEM).
6. Economic Commission for Latin America (ECLAC), "Violencia contra la mujer en relación de pareja: América Latina y el Caribe. Una propuesta para medir su magnitud y evolución," Women and Development Series, June 2002.
7. Ibid.
8. United Nations Development Program (UNDP), *Human Development Report*, 2004.
9. International Crime Victim Survey.
10. UNDP, *Human Development Report*, 2004.
11. ECLAC, "Democratic Governability and Gender Equity in Latin America and the Caribbean," Women and Development Unit.
12. Women's Leadership Conference of the Americas (WLCA), "Women's Rights and Opportunities in Latin America: Problems and Prospects," 1998.
13. ECLAC, *Social Panorama of Latin America*, 2003.
14. Ibid.
15. Norma Sanchis, Member of the International Gender and Trade Network and of the Feminist Articulation (MARCOSUR).
16. Education for All (EFA), *Global Monitoring Report*, 2003/4.
17. UNESCO, *47th International Conference on Education Final Report*, Geneva, September 2004.
18. Information obtained from forms sent to Latin American and Caribbean organizations for the WEDO's Global Monitoring Report, 2004.
19. World Education Forum, Porto Alegre, Brazil, 2001; available from [www.repem.org.uy](http://www.repem.org.uy).
20. EFA, *Global Monitoring Report*, 2003/4.
21. Information obtained from forms sent to Latin American and Caribbean organizations for the WEDO's Global Monitoring Report, 2004.
22. CEDAW, "Fifth Report of State Parties," Paraguay, 2004.
23. Ibid.
24. Food and Agriculture Organization, <http://www.fao.org/sd>
25. Ibid.
26. Ibid.
27. "Roads Towards Gender Equity in Latin America and the Caribbean," 9th Regional Conference on Women in Latin America and the Caribbean.
28. REPEM, Colombia.
29. "Decriminalization of Abortion in Latin America and the Caribbean," June 2004; available from <http://www.cesmed.com>.



# **WEST ASIA**

*Bahrain, Egypt, Iraq, Israel,  
Jordan, Kuwait, Lebanon, Oman,  
Palestinian Territories (West Bank and Gaza),  
Qatar, Saudi Arabia, Syria,  
United, Arab Emirates, Yemen*



# WEST ASIA

## Post-Beijing, More Open Debate on Women's Human Rights

**D**uring the last decade, women's rights in the West Asia region have been greatly affected by global geo-politics. The results of political, economic and religious power struggles have been felt by the millions of women throughout the region. While governments negotiated women's issues in domestic and international arenas, women's rights groups in West Asia stepped up their efforts to hold governments accountable for commitments made in national legislation and international instruments, such as the Beijing Platform for Action.

By the end of the decade, one major positive development emerged throughout the region in the form of increased dialogue between the state and civil society. An unprecedented increase in education for women and new avenues of information through internet technology have been some of the most positive influences on advancing women's rights in the region. Women's groups in West Asia have successfully added gender equality as a permanent agenda item in national policy debates, even though the level of actual progress varies from country to country.

At the same time, the continuation and expansion of military occupation in the region, including the Israeli-Palestinian conflict and U.S. invasion of Iraq, has made women's human rights discourse more difficult for local groups. Today, one of the challenges facing women's rights groups in West Asia is to work harder to ensure that their continued advocacy for gender equality in Arab countries does not equate with supporting Western military agendas. Women's rights advocates assert that their demands stem from the reality of their day-to-day lives, regardless of its correspondence to the new global agendas and political reform initiatives.

In this context, women's rights groups find themselves working at three levels simultaneously: to educate women in their country about access to, and denial of, basic human rights by their governments; to lobby national governments to implement international standards of women's human rights protections in all fields of life for women; and to highlight to the international community that women in West Asia should not be seen as 'victims' waiting for the West to rescue them, but instead as women who are fighting for their rights as equal citizens and working against patriarchal and historical injustices.

### Overview of the Region

The countries reviewed in this section make up the Gulf Arabian Peninsula and Levant regions, namely Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Oman, Palestinian Territories (West Bank and Gaza), Qatar, Saudi Arabia, Syria, United Arab Emirates (UAE) and Yemen. For the purposes of this report, these countries are also referred to as 'the Arab region'.<sup>1</sup>

The overall population of the 13 countries reviewed in this report is estimated at over 190 million. The region has a centuries-old tribal, cultural and religious common heritage that ties its people together.

In addition to what they have in common, each of these countries also has unique cultural identities, institutions, dialects, music and traditions. This region is the birthplace of the three monotheistic major religions and has been a center point of the world's major armed conflicts in ancient and modern history. The Arab-Israeli dispute is one of the world's longest-running armed conflicts and it generates great outcry and emotions throughout the region. The modern world's most dangerous war is also being fought in this region in Iraq. Some of the world's largest oil reserves are also located in this region, and have been a source of blessing and burdens for its people for decades.

Extremist politics in the name of religion are gaining strength in the region. Seven of the 13 countries under review are monarchies as well as some of the richest economies in the world. The political systems in 10 of the 13 countries are highly repressive, excluding large sections of society from participating in the limited political activities that do take place. Political parties are not allowed by the regimes in most countries, which operate under one party systems backed by the military.

Freedom of association and freedom of expression are also severely restricted in most countries. Civil society and NGOs often operate in hostile environments created by oppressive laws, funding restrictions and interference by the state. National TV and radio stations are owned, controlled and politicized by the governments. In recent years, however, public access to information has increased tremendously with easy access to the Internet and satellite TV and regional news networks.

The judiciary is not independent, modern or free of corruption in many countries. Legal systems are based on a complex mix of religious, post-colonial, customary or secular laws. Parallel legal systems also operate throughout the region, undermining the rule of law. Public life and educational systems are gender segregated.

Over 60 percent of the population in the six Gulf States consists of immigrant workers, including a large number of female domestic workers. These migrant workers are excluded from most civil, political, economic and social rights' protections that the local population may have.

Women's political participation and representation has only slightly improved. Although women make up 50 percent of the population, they are still underrepresented in decision-making, moneymaking and political leadership. Despite highly impressive gains in access to education during the last 20 years, the region still ranks lowest in the world for women's access to equal employment and political participation. Millions of women in West Asia have to fight legal battles to exercise their right to equal citizenship rights. The only two countries in the world today where special laws have been enacted to make it illegal for women to run for office and vote due to their gender are Kuwait and Saudi Arabia.

### HUMAN RIGHTS

Until recently, only a few of civil society groups in West Asia identified their work as 'women's human rights', and those that did could not work openly. The concept of co-ordination and networking for human rights

work at the regional level was politically and logistically problematic. Arab governments were hostile to the idea of human rights advocacy in their countries and did not encourage or facilitate NGO movements.

In 1982, the organizers of the first 'Arab civil society conference on human rights',

could not get permission to hold it in any Arab City from any Arab government in the region and subsequently had to hold their meeting in Cyprus. But governments have slowly come to accept the work of human rights groups at local and regional levels. A Human Rights Charter was just adopted by

## Box 35. Women Working for the Protection of Human Rights in Israel

Israel's civil society—including women's grassroots organizations, women's organizations for peace, and human rights organizations that work for the protection of human rights of Israelis as well of Palestinians in the Palestinian Occupied Territories—knows that there is much active opposition to the occupation and the continuance of the current situation, whereby the human rights of both Palestinians and Israelis are violated, on a daily basis, in the Israeli-Palestinian armed conflict.

The Project for the Implementation in Israel of Security Council Resolution 1325, initiated by the grassroots organization Isha L'Isha-Haifa Feminist Center, works to include women from different backgrounds and sectors of society, and to encourage them to take part in formal and informal negotiations and discussions on the Israeli-Palestinian conflict.

By using the concepts and framework that were introduced in Resolution 1325, the project aims to raise public awareness of the gender perspective regarding the Israeli-Palestinian conflict and its impact on women in the region by focusing on several strategies: distributing the translation of Resolution 1325 to national, regional and local NGOs involved in decision-making processes; campaigning to raise public awareness through public relations work, networking and coalition work, advertisements and media coverage; monitoring and documenting the way the conflict affects the lives of women and girls; legal activism to promote the participation of women and bring a gender perspective to both formal and informal peace processes; and advocating for and defending women's rights as human rights for Israeli and Palestinian women, from violations caused by the conflict and the occupation, in Israel and in the occupied territories.

Women are almost completely absent from the official negotiations that Israel has held with the Palestinians, such as the Oslo Accords between 1991-2000, as well as recent negotiations, including the Road-Map and the Geneva Accords. This situation derives from the minimal representation of women in general at decision-making

levels in Israeli politics. The reason for this is based on several factors. Firstly, the central perception of a constant security threat, in which military and security needs stand foremost in national priorities. Secondly, the army and the security services, specifically the Ministries of Defense, the Foreign Ministry and the Government, promote only men to the highest level positions. Thirdly, there is a strong focus on the traditional gender approach towards women, especially mothers, in Israeli society and a cultural division between the private (the home) sphere and the public sphere; the private sphere is regarded as the female one, while the public sphere is reserved for and controlled by males.

A current initiative drafted by all current Israeli women Members of Parliament proposes that every Israeli commission or team involved in conflict resolution and/or resolving a national crisis, would under law, be required to have a quota of at least 25 percent women. However, the proposed law was drafted without a gender perspective as it does not discuss or stress the importance of representing the specific needs and interests of women and girls through the process of conflict resolution. Rather, it presents itself as resolving the issue of women's equal representation. This law has few chances of passing the three-fold preliminary voting stages in Parliament, to become a binding law.

In the Israeli Parliament today, the number of elected women stands at 15 percent. There is no legislation to ensure a higher representation or quota of women. There are no structures in place to ensure the participation and inclusion of many different voices of women in politics, including Palestinian women who are Israeli citizens. Women do not take part in many central and powerful official bodies and institutions that deal strictly with issues of security and foreign affairs.

The judiciary and its related bodies—investigators, prosecutors and judges—in both civil and military courts, when dealing with cases in the Palestinian Occupied Territories, are not trained to address gender violence and women's issues. This includes

their handling of cases of indecent assault, sexual harassment and all other forms of violence against women derived from the situation of conflict. This also includes cases of violations committed by Israeli soldiers against Palestinian women in the occupied territories.

Issues and decisions related to security and armaments are surrounded with great secrecy in governmental and military forums where very few women, if any, have an active decision-making role. (cont. on p. 218)

One of the most secret and non-regulated issues is whether or not there are nuclear weapons in Israel. There is no legislation, or official records open to the public, with regard to this question. If there are nuclear weapons, it is not clear who makes critical decisions on this matter.

Since October 2000, the Israeli army has made several incursions into Palestinian territories, and is considered by some as having used extensive and extreme force. Another by-product since the outburst of the Second Palestinian Intifada in 2000 is its effect on everyday situations—as in the bombing of coffee shops or buses. The government's, and later the business sector's response was to position armed guards at the entrance of every building, public institution, transport station and café. This situation, in which so many civilians now serve as armed guards, has created new phenomena. Suddenly there are arms readily available and in the hands of so many citizens (almost all of them males). Many of them are from the most disadvantaged, poorest populations in the Israeli society; we have recently seen an alarming increase in the number of murders of women by men in Israel.

A barrier to promoting non-violent forms of conflict resolution is the feeling that there is a constant threat to national and personal security. This, in turn, is a result of the daily fear of Palestinian terror attacks. Israeli military responses and retributions in the Occupied Palestinian Territories together have caused the deaths of hundreds of Israeli civilians and thousands of Palestinian civilians. The constant feelings of insecurity have also been

*Continued on page 192*

*Continued from page 191*

supported and nurtured by official Israeli positions during the past four years of the armed conflict.

Since 2000, Israel has refused to negotiate with the Palestinians. Israel chooses to take unilateral steps rather than engage in dialogue. Some examples are: closing off Israeli borders to the passage of Palestinian workers into Israel; building a massive and costly Defense Barrier (separation wall) between Israeli and Palestinian territory; specifically violating the human rights of those who live along the route of the barrier including denying them access to their land and water; as well as other steps, such as the numerous Israeli guarded checkpoints between Palestinian land and Israel, which make it difficult to move and to exercise other basic human rights, such as education, and health.

We also note that Palestinian women and girls are the most vulnerable in society and suffer most from the occupation. They cannot exercise their human right to medical treatment, including pregnancy care

and treatment, safe births and freedom from sexual harassment that has been reported to occur to them at checkpoints by Israeli soldiers and police. They also cannot exercise their right to marry Palestinian men who are citizens of Israel and move to Israel due to regulations of the Ministry of Internal Affairs, which refuses to recognize unification of families and the acceptance of Palestinian civilians from the Occupied Territories. Palestinian women political prisoners suffer from many violations of their civil and political rights while in prison, including the right to visitation by their families and children.

Many feminist and women's grassroots NGOs, women's peace organizations and the Women's Coalition for a Just Peace (comprised of a number of groups) are vocal and active in Israel. Many of them are working to maintain a dialogue with Palestinian women, seeking solutions and formulas that might lead to a just peace agreement, advocating for ending the Israeli occupation over the Palestinian territory and demilitarizing Israeli society, and doing work to raise

public awareness to the suffering of Palestinian civilians and to defend their human rights.

None of the organizations, nor any of their activities, are either funded or supported by the government.

In the past four years of the Intifada, it has become difficult to move between Israel and the Occupied Territories, as one must pass through Israeli checkpoints. The authorities are not supportive of any initiatives that involve women from both sides meeting for dialogue or for reasons other than direct humanitarian aid.

At the same time, women's organizations campaigning for peace report hostilities from the Israeli authorities against them during peace demonstrations, including repeated and unrestrained

police violence that caused physical injury to women activists.

The women and girls in the refugee camps in the Palestinian Occupied Territories do not receive any special protection, assistance or training from Israel, but receive assistance from international and UN bodies such as the International Red Cross and the UN Relief and Works Agency (UNRWA).

Israel provides protection to people, among them Israeli women citizens, living in the settlements in the Palestinian Occupied Territories in the West Bank and the Gaza strip. As Israeli citizens, they receive the protection of the Israeli law and Israeli authorities; specifically, they receive security protection for their daily lives. The Israeli Army is guarding settlements on a day-to-day basis, and settlers are also guarding themselves by carrying weapons. Moreover, Israel has provided the settlements with other infrastructures to ease their lives, and to further separate them from the Palestinian population in the Occupied Territories. One example is an entire system of highways and roads that only settlers and other Israelis use on a daily basis. The roads bypass Palestinian villages and are regarded as "safer."

In 2004, the Israeli government made a decision to withdraw from the Gaza Strip, and to remove all Israeli citizens, settlers and their families who now live there. The unilateral withdrawal from Gaza is supposed to begin in the summer of 2005. The program is being disputed by some of the settlers, who do not want to leave their homes on ideological grounds, but also because of lack of adequate financial government compensation. The plan, however, does not contain any provisions that discuss or emphasize the specific needs of women and girls during the expected evacuation and their needs during their relocation inside Israel.

Adapted from a speech by Dana Myrtenbaum, Legal Advisor, Isha L'Isha ("Woman to Woman")- Haifa Feminist Center; submitted to the UN Commission on the Status of Women for Beijing + 10.



Women in Black vigils started in Israel, 1988 and have spread to other regions.

the Arab League in 2004.

In the Arab region, the governments associate the concept of human rights with the rights of ethnic minorities and women and these are viewed as threatening the state's control over its population. Therefore, stronger and discriminatory legal and social restrictions are perpetuated against these two social groups. The patriarchal culture is also hostile to women's human rights, and gender equality is viewed as a serious threat to existing social structures and the status quo.

Arab governments have strongly opposed the UN Declaration on the Protection of Human Rights Defenders. Increases in human rights activities by local or regional groups is seen as a security threat to authoritarian regimes. A great amount of financial and human resources are spent annually by the governments to monitor and disrupt the work of independent human rights groups in most countries in the region.

Despite all these obstacles, a number of human rights organizations have been established in the Arab region in the last two decades and are working for the promotion and protection of human rights, calling on their governments to ratify and implement international human rights conventions and standards locally. Yemen has had the largest increase in established human rights organizations—from two in 1992 to 70 in 2005. In Bahrain the number of human rights organizations has only increased from two in 1995 to five in 2005. The number of human rights NGOs in Egypt, Jordan and Lebanon is increasing, but they face continued surveillance by the state security agencies. In other countries in the region, independent human rights groups are not allowed to function legally and freely, and any attempts to hold public meetings on human rights usually result in imprisonment of civil society organizers. One such incident occurred in 2004, when the Government of Bahrain closed down the Bahrain Human Rights Center and sentenced its director to one year in prison.

While the governments in several countries—including Egypt, Jordan, Kuwait, Qatar, Saudi Arabia and Yemen—have established official Human Rights Commissions, these are not independent and do not fulfill the requirements of the Paris Principles that call for the establishment of independent human rights commissions in every country.

Since the Fourth World Conference on Women in Beijing, the gaps between human rights organizations and women's rights NGOs have decreased in small but significant ways. Although the public face of almost all

human rights organizations in West Asia is still primarily masculine, women's rights activists have been increasingly recognized. There are strong coalitions of human rights and women's rights NGOs now working in Arab countries such as Bahrain, Egypt, Jordan, and Yemen.

Historically the mainstream, male dominated human rights NGOs in West Asia have focused primarily on civil and political rights, particularly the rights of political prisoners. This focus has often cast them more as "political movements." Women's human rights groups on the other hand have focused on both women's civil and political rights and their economic, social and cultural rights while also supporting the work of mainstream human rights organizations. It is only in the last five years that human rights groups have begun to incorporate gender issues in their civil and political rights advocacy and to view economic, social and cultural rights as human rights.

After 1995, the Arab region witnessed a proliferation of women's groups in response to government commitments to the Beijing Platform for Action. Women's rights groups have also been organizing on regional and subregional levels to follow up on the recommendations of the Platform.

The initial agenda of women's groups was to review the laws and policies that discriminate against women and to call for revisions that would ensure rights protections for women. They also demanded genuine political participation and socio-economic empowerment. Today there are hundreds of women's rights NGOs working with diverse agendas. The challenges they face include institutional capacity building, their exclusive dependence on foreign funding, lack of support from society and their own government and the rise of religious fundamentalism.

National groups have also successfully created regional networks that focus on women's human rights issues and support advocacy efforts at the regional levels. These networks provide support to local groups and call attention to regional issues such as human rights violations against Palestinian women and the war in Iraq.

#### **CEDAW Compliance**

The Arab region's acceptance of international standards on women's rights has improved tremendously since the Beijing conference. In a remarkable achievement, seven more countries in the region have ratified CEDAW, albeit with reservations. The fact that a key standard of public commitment

## **Box 36. CEDAW Ratification Status**

### **Before 4th World Conference on Women, 1995:**

Egypt	1981
Yemen	1984
Iraq	1986
Jordan	1992

### **Ratification additions between 1995 and 2005:**

Kuwait	1996
Lebanon	1997
Saudi Arabia	2000
Bahrain	2002
Syria	2003
UAE	2004

### **The two exceptions in the region are:**

- a) Palestinian Territories (West Bank and Gaza) cannot ratify unless there is a state. Although the Palestinian Authority has not ratified CEDAW, the national machinery on women incorporates CEDAW into its work, public education and policy implementation.
- b) Oman and Qatar have not yet ratified CEDAW.

Source: Arab Countries Parties to CEDAW (as of July 2004), Center for Women of the United Nations Economic Social Commission for Western Asia (ESCAW), Lebanon.

on women's rights has been accepted at the highest political level in so many countries is a very positive step. A great deal of credit goes to the relentless work of Arab women's rights groups who have campaigned tirelessly for CEDAW ratification.

Actual compliance with CEDAW remains a work in progress, however. While some countries have made impressive development, including Egypt, Jordan, Lebanon, Yemen and the Gulf States, much work still needs to be done to realize CEDAW and ensure women's rights locally.

#### **National Law**

The Constitutions of Bahrain, Egypt, Iraq, Jordan, Lebanon, Oman, Qatar, Syria and Yemen stipulate "equal rights and duties for male and female citizens." The third draft Constitution of the Palestinian Authority ensures gender equality and categorically states that "no one shall be discriminated on the basis of sex or race." The constitutions of Kuwait and United Arab Emirates and the Basic Law of Saudi Arabia do not spec-



## Box 37. Male Prisoners Can Vote in Saudi Arabia, but not Women Citizens

"The Saudis start today, Tuesday, registration on the election lists in preparation for municipal voting due in 2005 in the first elections in the history of the kingdom, in which women are not permitted to take part.

"The elections will start from the 10th of February and will be held on three stages, the last of which will be on April 21. Half the members of the 178 municipal council will be elected in 13 areas in the Kingdom, while the Saudi Government will appoint the other members. The Director of Prisons in Riyadh area, Lt. Gen. Ali al-Qahtani, said in statements that the prisoners will be able to cast their votes.

"For his part, Prince Abdul Aziz Bin Muhammad al-Muqarran, the Secretary of Riyadh city, said that women do not have the right to vote or nominate themselves for the elections but their participation in the next elections in four years will be discussed. He ruled out the existence of foreign observers in these elections. Riyadh municipality announced it has allocated 140 offices in schools, sport clubs and universities to register the voters in an operation that is expected to last until December 22nd."

Source: arabicnews.com—November 23, 2004.

ify equal constitutional rights for men and women as citizens.

However, in all of the 13 Arab countries, women continue to face sex discrimination, particularly with respect to family laws and personal status codes. The laws of these countries contradict their own constitutions when it comes to equal treatment of all citizens in the penal, criminal, citizenship/nationality and electoral laws. Arab women are also denied the right to file legal complaints to challenge gender-based discrimination in law and government policies.

Discriminatory nationality laws cause great hardships for millions of women in the region. In the Gulf countries for example (Bahrain, Kuwait, Oman, Qatar, UAE), a native citizen woman has to give up her own nationality if she marries a man who is not from the Gulf states. Male citizens in the Gulf countries do not face this gender-based discrimination. In the non-Gulf states, a woman does not

have to give up her own nationality, but if she marries a non-citizen, she cannot transfer her nationality to her foreign husband or the children from that marriage. Men in all Arab countries are allowed to transfer their nationality rights to their spouse and children.

One of most debatable issues in the personal status laws in the Arab region is the unilateral right of a husband to divorce his wife. Women cannot get a divorce without petitioning the court and providing specific reasons. It is extremely difficult for women to get divorced since most courts accept only a few issues as valid, such as abandonment, mental illness, sexual impotence and hatred. Men are not required to give any reasons. Women often do not seek divorce due to the years of litigation and fear of losing custody of children and alimony. Even in the relatively progressive divorce laws of Egypt, women have to forgo all rights to alimony and family assets from the marriage. In Bahrain, women are still fighting to get a personal status law.

Although serious and systematic legal discrimination against women still exists—in laws, court systems, government policies and practices of state agencies—some positive steps have been taken to advance women's legal rights during the last 10 years. First, with the ratification of CEDAW and continued advocacy by Arab women demanding legal reforms, laws related to women have become subject to more public scrutiny in many countries. Women's rights groups and governments have also organized several national and regional workshops to discuss legal discrimination against women.

During the last 10 years, women won the right to vote in Bahrain, Oman and Qatar. Parliamentary debates have also taken place on women's legal rights in many countries. In Kuwait, legislators have debated women's right to vote for years, and although women still do not have the right, the debate has intensified recently. Women are not allowed to vote in Saudi Arabia.

After more than a decade of advocacy and legal battles, women's right to divorce has been granted in Egypt and Jordan, and women's nationality rights have been expanded in Bahrain, Egypt and Lebanon. Women's rights groups have increased their demands for revisions in the family law and personal status codes that deny women equal rights in marriage, divorce, inheritance and custody of children. Also, in recent years, discussions about the problems and discriminatory nature of family laws have become more widespread in the Arab media. In addition, a number of governments have started to re-

view and revise these discriminatory laws.

In 2003, women's rights groups in Morocco won a long legal battle when a progressive family law was adopted that ensures women's equal status in the family. This development has encouraged women's advocacy throughout the Arab region. For example, women's rights advocates in Bahrain have increased their demands for a family code. Bahraini women are working in collaboration with Moroccan women to benefit from their experience. Currently, there are initiatives to draft a model personal status law that could be used in all Arab countries to enhance legal protections and best practices for protecting women's rights. Several NGOs are working on this model law with a view to present a draft to the 22 member States of the Arab League.

Some of the most controversial issues that continue to reinforce women's inferior legal status in Arab countries include husbands' right to demand obedience from their wives and the practice of polygamy. Laws that allow fathers to legally marry off their daughters as early as 12 or 13 years of age and the legal requirements for adult Muslim women to have a male guardian to validate her marriage also continue to perpetuate discriminatory treatment of women.

The lack of equal treatment under the law for Arab women affects all aspects of their lives, and the fact that there are still numerous laws that do not consider women equal citizen guarantees inferior social status. Women in many countries continue to have legal and procedural restrictions on their right to work and travel. In Saudi Arabia, women cannot obtain national identity cards in their own name and male family members can also stop women from applying for such documentation. Married women cannot apply for travel documents without their husband's permission.

Patriarchal social attitudes and abuse are reinforced by this atmosphere of legal inequality, which gives rise to social norms and cultural practices that discriminate against women. For example, even though there are no written laws that require immigration authorities to stop women from traveling abroad without their husband's or male guardian's permission, airport police in some countries routinely allow husbands to stop their wives from leaving. Similarly, there are no written laws to stop women from leaving prison after finishing their sentence, but in practice prison officials in some Arab countries do not allow women prisoners to leave unless a male family member comes to get

them. Many Arab women continue to stay in prison years after finishing their sentence.

### Public Awareness

The Beijing Conference galvanized the women's movement in the Arab region as in other parts of the world. A large number of women's groups that participated in the conference came back energized to work on the 12 Critical Areas of Concern at the local level. The networks and linkages they made at Beijing also helped to connect women with other groups across the region and internationally, which enabled local women's groups to provide more information to women.

Public awareness about women's human rights has increased during the last 10 years, due both to the increased advocacy by women's rights groups and more media interest in women's issues. In addition, as Arab governments have ratified CEDAW, they have allowed more public debates about women's status. A number of countries have also held both regional and national level meetings about the need to improve women's status.

In several Arab countries, support for women's rights has also increased at the highest political levels with the appointments of first ladies to top-level offices dealing with women's issues in the country. In Jordan, Queen Rania Al-Abdulla has led national campaigns to stop violence against women. In Egypt, Susan Mubarak, the wife of President Mubarak, heads the National Council on Women and has also led several advocacy initiatives for the rights of women and children—at the national level to reform family laws and to ban female genital mutilation, and at the regional level to support the rights of Palestinian women. Sheikha Fatima Bint Mubarak of UAE has led initiatives to increase women's access to higher education and economic empowerment.

Although these state-sponsored high level initiatives by first ladies do not challenge legal inequalities and discriminatory laws against women (except in the case of Egypt), they have nevertheless helped to highlight the problems women face in their countries and to increase the education and health budget allocations.

During the last decade, public awareness about women's rights has also increased with the expansion of freedom of information, especially through increased public access to new sources of information through its Internet and satellite TV and regional news networks. A number of websites have emerged that provide rights-based information on women and fill a critical gap in women's

## Box 38. Women in Yemen Stop Discriminatory Law

A major success story comes from Yemen, where women's rights groups successfully blocked a new law from taking effect that would have added to women's inferior legal status. In 2000, a male parliamentarian proposed an article in the "Law of Prosecution and Procedures" in the Yemeni Parliament that would have allowed husbands to confine their wives to a "House of Obedience" if the women left their marital homes. This law, which still exists in some Arab countries, allows a husband to petition the court that his wife has shown disobedience by leaving their married home without the husband's permission and that the court should help him bring her back so that he can confine her to the "House of Obedience." The husband is required to rent a separate home to keep his wife in until she becomes obedient. The court then sends the police to bring the wife to that house.

After this new article was proposed and debated in the Yemeni Parliament, another male parliamentarian from the Islamic Islah party informed women's rights groups and encouraged them to mobilize opposition against it before it became law in 30 days.

Women's rights groups immediately mobilized a nationwide campaign in the media, calling on the people of Yemen to stop this denigrating law. Human rights NGOs, writers, journalists, intellectuals, parliamentarians and lawyers supported this call and signed petitions and letters asking the President to veto the law. Women's rights groups reached out to all sectors of Yemeni society and traveled throughout the country to bring the issue to public attention through seminars, public meetings, letters to editors and meetings with community leaders.

As a result of the timely and effective advocacy of Yemeni women's groups, the article was finally removed from the proposed law and all efforts to put it back were discouraged by other parliamentarians and government officials.

Source: Ashaqa'eq - Sisters' Arab Forum for Human Rights, Sana'a, Yemen.

rights information. For example, a popular website in Jordan called [amanjordan.org](http://amanjordan.org) received over 14 million hits in its first year.

Arab Women Connect, a regional network for public awareness about women's rights was launched in 2000 by women's organizations in Egypt, Jordan, Lebanon, Palestine, Qatar, UAE and Yemen. It is the first region-wide network to present statistics, analytical reports, news and features highlighting controversial issues about women's rights and gender-based discrimination. It has also launched a website, [arabwomenconnect.org](http://arabwomenconnect.org), that facilitates rights-based information about women's issues.

The number of publications about women's rights has increased since 1995. A large number of new studies, articles, research papers and magazines have been published in local languages in all Arab countries. In addition, regional and international institutions that have highlighted the issue of women's rights have also published landmark publications. The 2002 Arab Human Development Report by the United Nations, which was written and prepared by Arab intellectuals, presents a highly valuable critique of women's situation and identifies the lack of gender equality as one of the three main deficits in the region's development. Although the Arab governments were not very pleased with this report, civil society, writers, the media, intellectuals and academics welcomed it as a useful analysis. However, they did express concern about the shortcomings of the report, namely the absence of reference to the Arab-Israeli conflict.

Public discussions in newspapers about women's rights have also increased during the last 10 years despite constraints on journalists. With the establishment of 24-hour Arabic news channels that can be viewed all over the region, the door for highlighting the treatment of women has also opened. The *Al Jazeera* and Arab News TV channels regularly broadcast bold programs about women's rights issues, including call-in shows. This is an unprecedented development in terms of the advancement of public awareness in the Arab region.

The capacity of women's groups to create awareness about controversial issues has expanded as more and more groups are able to highlight the earlier tabooed issues such as marital violence or discrimination against women in the name of religion. Although women's groups still cannot hold national level public meetings to critique gender based discrimination in countries like Kuwait, Oman, Saudi Arabia and Syria, the

The linkages developed among women's groups at the Beijing conference garnered international attention that helped women in West Asia strengthen their advocacy efforts.

situation has improved in the other Arab countries and women have been able to hold landmark gatherings.

In Egypt, women's rights groups, as well as human rights and civil society organizations, have successfully taken action on the repressive laws on NGOs by challenging government's ban on the women's rights NGO, New Women Research Center. The closure of the NGO's office was protested by civil society groups throughout the country, and after over three years of legal battle the NGO was allowed by a court to function and the Government was ordered to register it.

In 2003, a regional consultative body of NGOs was established at the UN Economic and Social Commission for West Asia that would allow Arab NGOs to have consultative status for regional level meetings of the UN. However, at this time only governments have the authority to nominate national NGOs for consultative status and the number of women's rights NGOs is lower than charitable and social work groups. The first session of the consultative body was held in Beirut in March 2003 and 92 participants represented Arab and regional NGOs. This forum has also been very useful to enable a large number of Arab women's groups to participate in the regional preparatory meeting for the Arab region that was held in Beirut in July 2004 to review the Arab region's performance in implementing the Beijing Platform for Action in preparation for Beijing +10. The meeting was attended by hundreds of Arab women NGO participants.

### Violence Against Women

Until the 1990s, violence against women was an unspoken problem in West Asia, a taboo subject that was not discussed in public, media or civil society gatherings as openly as it is today. Public information was not easily available and women's groups did not have access to mechanisms that would allow substantial interaction with their governments and call attention to this issue in a meaningful way.

However, with the adoption of the UN

Declaration on Elimination of Violence Against Women (1994) and with the linkages developed among women's groups at the Beijing conference, this problem gained international attention that also helped women's rights advocates in West Asia to strengthen their advocacy efforts. With the appointment of a UN Special Rapporteur on Violence Against Women by the UN Commission on Human Rights in 1994, annual reports were issued that helped the world community have a better understanding of the causes and consequences of this problem. The Special Rapporteur encouraged women's rights advocates in all parts of the world to send information about the various forms of violence that women face in the home, the family, the community and at the hands of both state and non-state actors.

Women's rights groups in Jordan worked for over 10 years to highlight the problem of violence against women in the name of culture and religion, and explained the phenomenon of "honor" killings in which women are killed by male family members if they are suspected of immoral behavior. Women lawyers and women journalists in Jordan highlighted the lack of state protection for women victims of family violence, and Jordanian groups like Mizan Law Group for Human Rights, among others, demanded that laws should be enacted to protect women from such violence. Due to their continued advocacy, this issue was supported at the highest political level in Jordan and the Government drafted a bill recommending strict penalties for men who commit such crimes. However, this bill was rejected in the Jordanian Parliament twice despite government efforts. Although the bill did not pass, a number of positive steps have been taken, including establishment of a shelter and supporting services for women victims of violence.

In Egypt, women's rights groups led by the National Council for Population took action against the practice of female genital mutilation (FGM), culminating in a law banning the practice in 2004. The campaigns also prompted the Government of Egypt to start

public education campaigns on national TV and radio to increase awareness about the danger of FGM to women's physical and mental health. Egyptian groups continue to advocate for a law against domestic violence and have established shelters and hotlines.

During the last 10 years, awareness about the subject of violence against women has gradually increased. Women's groups throughout the region have organized hundreds of workshops, awareness campaigns, rallies and educational seminars to discuss the problem of violence against women in their communities and to hold governments accountable for failing to protect women from violence both in and outside the home. These efforts have helped people to recognize the issue as a problem and have increased the possibility of solutions.

The Gulf countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates and have remained closed to the issue of violence against women, particularly domestic violence, which remains a taboo subject both socially and legally. While the media elsewhere in the region has increased coverage of the negative impact of violence against women, the media in Gulf countries still censors the issue. There are no independent women's human rights groups in the Gulf countries that are working to combat violence against women. During 2002, women's groups in Bahrain were denied permission by the local Government to organize a national conference on domestic violence.

There are no clear laws in any West Asian country that protect women from violence inside their homes. The problem is further compounded by the presence of gender-biased laws that not only discriminate against women, but also support reducing penalties for their male abusers. In almost all West Asian countries, males accused of violence against women receive lesser punishments if the male takes a plea of hurting the woman to save the family honor. In Egypt, Jordan, Lebanon and Syria, if a man who rapes a woman agrees to marry his victim, the courts will either reduce his sentence or free him altogether. The female victim in most cases has no choice but to say yes to marriage with her rapist due to the shame and stigma attached to rape in society.

Women's rights groups have started to work together to combat violence. The establishment of a shelter for women victims of violence in Egypt encouraged women in Yemen to also start one. A regional resource center on combating violence against women is now open in Jordan. Regional conferences



have been organized by groups such as Alliance for Arab Women in Egypt and Sisters Arab Forum for Human Rights in Yemen on violence against women in prison. In 1997, women's groups in Lebanon organized public hearings, providing an opportunity to survivors of violence to testify about the violations committed against them. Mock court hearings were held to provide a platform for discussion about the prevalence of violence against women and strategies to overcome it.

Despite modest improvements, serious challenges remain. First, women's groups do not have the full capacity, legal authority and resources to work on the issue of violence effectively. They lack capacity due to the fact that the number of women's organizations working on this issue remains very low in each country and the few existing groups cannot handle the enormous number of cases. There is an urgent need to help establish more groups to work on this issue. Women's groups are also not allowed to work freely and independently on this issue, facing problems in registering and receiving grants to work locally. Additionally, NGOs cannot work effectively because laws do not recognize domestic violence as a crime. Women do not have access to justice and face tremendous obstacles reporting crimes against them without jeopardizing their social status. Police are not trained to support women in cases of violence and the court systems are not free from bias against women victims.

## PEACE AND SECURITY

The Arab region has struggled for peace for many decades. The region has some of the longest land disputes and security conflicts in the world, which have devastated the lives of millions of civilians including women. A large number of refugees and displaced persons live in this region, and Arab women continue to face the brunt of the hardships caused by the death of family members, or as refugees and displaced persons.

The Israeli occupation of Palestinian territories continues to be a major peace and security issue in the region, with severe impacts on the political, economic and social lives of people in all the countries involved in this historic conflict. The on-going security tensions at the Israeli-Palestinian, Jordanian, Lebanese and Syrian borders continue to impact the lives of millions of Palestinian refugees and displaced persons.

The region has also gone through some other major wars in recent decades. The Iran

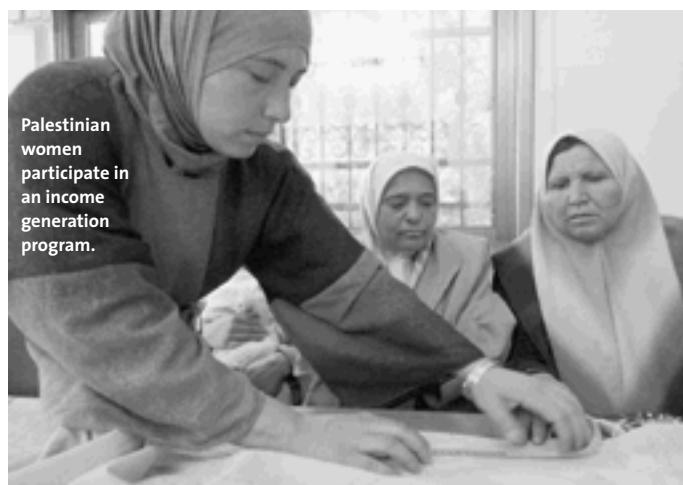
and Iraq war in the 1980s, the Iraq invasion of Kuwait in 1990s and the U.S. invasion of Iraq in 2003 have killed and displaced civilians, with women and children being most affected. Yemen also has had a long internal civil war that froze all social development processes in the country before the country's unification in 1990. Lebanon experienced 17 years of a brutal civil war that destroyed its economy and resulted in massive migration and poverty for its people before ending in 1994.

Today there are an estimated 5 million Palestinians, 6 million Iraqis and 15 million Lebanese living as refugees in various parts of the world. They had to flee their homelands either due to foreign military occupation (Palestine), war and internal civil war (Lebanon) or to save their lives from war and political oppression (Iraq).

These armed conflicts have involved a massive militarization in the region and extensive military spending. Military governments influence political, security and peace issues in Egypt, Iraq, Syria, Yemen and among others. In the case of monarchies such as in Jordan and Saudi Arabia, the armed conflicts have further consolidated the hold of royal families on the country's natural resources, foreign aid, security and intelligence agencies. The large number of Western and U.S. military bases in Bahrain, Kuwait, Qatar and Saudi Arabia have also had an impact on the political, social and economic developments in these countries, creating religiously motivated political opposition to foreign troops and new social classes that have widened the gaps between the haves and the have nots.

Although substantial improvements have been made in the five Gulf states, governments in the Arab region in general have been slow in responding to the actual social development needs of their populations. Most do not invest sufficiently in the social sector, and development budgets are slashed in favor of heavy spending on military, security and defense needs. Even the secular governments of Iraq and Syria that instituted exemplary health and education services to popularize their socialist governments in the 1960s did not keep up these two sectors as they chose to advance military agendas in the region.

In addition to military control of development budgets, the region also suffers from politicization of development priorities. Internal military and political alliances often determine which part of the country will get what amount of development funding. Political opponents of strong military governments are often denied access to social and infrastructure development processes by the ruling authorities. Millions of religious and ethnic minorities suffered from extreme poverty in Iraq due to their political opposition to Sad-



Palestinian women participate in an income generation program.

dam Hussein. However, the Tikrit region of the country, native home of Saddam Hussein, was one of the richest and most developed parts of Iraq before it was heavily bombed and destroyed by the U.S. military in 2003.

The impact of war and lack of peace is felt most strongly by women, the first to face the consequences of war in the home. Maintaining the family kitchen, trauma care for children and ensuring safety all fall on women when the male members of the family are engaged in fighting, or imprisoned or killed. Women must suddenly assume the role of the head of the family in a society where public life is completely male dominated.

These problems are further exacerbated in unstable economies such as Egypt, Iraq, Lebanon, Syria and Yemen, where armed conflicts add the problems of having children witness the cycle of violence, mental trauma, disruption of education, shortage of food and fuel, lack of medicines and medical treatment and general insecurity to the already extensive list of obstacles that women face.

Inheritance and property rights problems for women are magnified during an armed conflict. Widows often have to face long legal battles before getting ownership of their family assets. During the Iran-Iraq war, women were faced with social pressure to produce more children as more and more men were



## Box 39. Arab Women's Solidarity Association Says No to the Racist, Colonialist War on Iraq

As you're reading this statement, Iraqi civilians are being killed in a racist, colonialist war led by the U.S. empire. U.S.-led sanctions have devastated and impoverished Iraqi land and people for over a decade and now the U.S.-led war kills Iraqi people, devastates Iraqi land and destroys the infrastructure of Iraq. All of this is rationalized through a propaganda machine that claims to liberate Iraqi people. Since when did liberation mean bombing, killing and starving a people?

As we denounced Saddam's regime, we also denounce this war and all other forms of colonialist militarism in the region. Democracy cannot be brought by force especially through foreign intervention. The Bush administration, by backing a right-wing government in Israel and other authoritarian regimes in the region, has lost its credibility in the Arab streets.

So far several hundred Iraqi civilians have been killed, and Saddam's popularity is on the rise. The corporate U.S. media has been complicit in this war by hiding the reality of this genocide. This is an urgent call for the Bush administration to withdraw its troops from Iraq and to end this genocide now!

Whereas we see the U.S. war on Iraq in the larger context of its role in West Asia,

Whereas the U.S.-led war on Iraq is a key part of the Bush administration's plan to re-colonize the entire Middle-East region,

Whereas UN (U.S. enforced) sanctions have devastated the Iraqi people for many years, and the U.S. war on Iraq will further devastate Iraqi resources, killing hundreds of thousands of civilians,

Whereas the U.S. arrogance in the UN Security Council has demonstrated the farcical nature of democracy and accountability within the UN,

Whereas the U.S.-supported war on Palestine continues, and the UN has failed again to enforce its own resolutions regarding the ethnic cleansing of indigenous Palestinians from their homeland,

Whereas we recognize the U.S. war on Palestine as a continuation of U.S.-led genocide in Guatemala, Philippines, East Timor, El Salvador, Colombia, Western Sahara,

Panama, etc. (to name a few),

Whereas Israel benefits from the war on Iraq; as the world turns its attention to Iraq, Israel is intensifying its ethnic cleansing of the Palestinian people,

Whereas the U.S. Government continues to prop up ruthless despots across the Arab states of West Asia and North Africa in order to secure its economic, political and military interests,

Whereas the U.S.-led war abroad means increased violence, hate crimes and racism against Arabs and Muslims in the U.S.,

Whereas the U.S. "War on Terrorism" is a white supremacist "crusade" against Arabs, Muslims and other people of color all over the world,

Whereas the Bush administration promotes racist propaganda about Arab women's oppression and uses racist images of Arab and Muslim women to justify its imperialist foreign policies,

Whereas we reject the false claim that the U.S.-led war on Iraq will "liberate" the Iraqi people,

Whereas Saddam's oppressive regime, previously funded and supported by the U.S., must be dismantled by the people of Iraq, not outside imperialist forces,

Whereas women and children are disproportionately impacted by war; women often lose their men to war and are faced with raising families on their own without enough food, medicine and water,

Whereas war promotes patriarchy, sexual assault and increased domestic violence,

We, the women of the Arab Women Solidarity Association of North America, condemn the U.S.-led war on Iraq and the Iraqi people and its continued war on the Arab peoples at home and in the diaspora.

NO JUSTICE, NO PEACE!

U.S. OUT OF WEST ASIA!

April 10, 2003

Contact:

Arab Women's Solidarity Association,  
North America Chapter

Email: [awsa-sc@yahoogroups.com](mailto:awsa-sc@yahoogroups.com)  
([http://www.awsa.net/iraq\\_war.htm](http://www.awsa.net/iraq_war.htm))

killed. Palestinian women also have one of the highest fertility rates in the region. Women's gender-specific agendas are sometimes sacrificed for the cause of the community's overall welfare, and violations of women's rights within the community often do not get highlighted due to fear of damaging the national struggle. Although women face hardships due to war in any part of the world, the specific conditions of Arab women make their situations particularly difficult.

Women face gender-specific problems and social pressures as prisoners. Currently there are 98 Palestinian women in Israeli prisons. Imprisonment of male family members also makes women vulnerable to political harassment and pressures. The Israeli Army has a tradition of destroying the homes and agriculture land of the Palestinians that they arrest from the Palestinian territories. This causes extra burdens on the Palestinian women, who have to build not only the emotional life of their family but also the physical structure of their homes and agricultural land.

Although Arab women pay a higher social and emotional price for war, their voices are not included in the processes that may help to end the cycle of war in the region. The military profession in West Asia is exclusively male, and women are excluded from joining. Except for Hanan Ashrawi from Palestine, a member of the Legislative Council, Arab women have not been visible in the Arab political power structures and peace process negotiations, or in military establishments that decide war and peace agendas, military budgets and expansions.

### Security Council Resolution 1325

Gender issues are not integrated in the military and defense policies of the national governments, and women's gender-specific needs during war and armed conflicts are neglected during the negotiations of peace processes. Governments in West Asia do not apply UN Security Council Resolution 1325 rationally. At the regional level, Arab governments strongly endorse 1325 for the rights of Palestinian women. Mrs. Susanne Mubarak, wife of the Egyptian president, leads a regional initiative to promote the UN Resolution 1325 as an essential element of peace processes in the region. During 2003-2004, the member governments of the Arab League have also highlighted Resolution 1325 and the role of women during the peace process and established a body called the Organization of Arab Women within the Arab League to work on women's empowerment, peace and security issues.

Women's groups in West Asia have been actively working on the issue of peace and security for the last three decades. In most countries, women's groups were the first to highlight the negative consequences of war and conflict and also the first to start supportive services for victims of war, refuge, and displaced persons. In 1982, Egyptian feminist Nawal Sadawi established the Arab Women's Solidarity Association (AWSA), which works to highlight that the struggle for the liberation of Arab people from economic, cultural and media domination cannot be separated from the liberation of Arab women. AWSA has issued statements for the rights of Palestinian women and children and against the U.S. invasion and occupation of Iraq.

Arab women's NGOs have raised their voices for the rights of Arab women in all parts of the region and the cause of freedom for Palestinian women is their cherished goal. This is one issue that unites all civil society in the Arab region from Jordan to Oman. In addition, millions of women living in Egypt, Jordan, Lebanon and Syria are either themselves Palestinian refugees or have family origins in Palestine. Their own personal struggles have kept them motivated to keep highlighting the gender-specific problems of Palestinian women and to call for an end to the occupation. The civil war in Lebanon has also motivated Lebanese women's groups to take an active part in educational activities that promote peace. There are numerous women's groups in Egypt, Jordan and Lebanon that work exclusively on promoting peace in the region.

In addition, there are joint Israeli and Palestinian women's groups that work on peace issues and promote peace through their work together on the gender-specific needs of women. The Jerusalem Center for Women provides legal aid to Palestinian and Arab women. International Women's Peace Service (IWPS) Palestine, based in the West Bank has been working since 2002 for the rights of Palestinian women and also supporting Palestinian and Israeli anti-occupation groups in their grassroots resistance to end the Israeli occupation of Palestinian territories. In 1994, Palestinian and Israeli women established the Jerusalem Link comprising two women's organizations, Bat Shalom on the Israeli side and the Jerusalem Center for Women on the Palestinian side. The two organizations share a set of political principles, which serve as the foundation for a cooperative model of co-existence between Palestinian and Israeli women. Palestinian women's groups are also mobilizing civil society throughout the world against

the construction of the separation wall that is being built between the Israeli and Palestinian areas. They are calling for immediate cessation of the building of the wall, which has already caused great hardships to Palestinian women's access to education, health services, agriculture and family life.

### The International Criminal Court

Out of the 97 countries that have ratified the Rome Statute as of September 2004, Jordan is the only country in the Arab region that has done so.

Women's groups have been calling on their governments to ratify the Rome Statute so that citizens can be protected against war crimes, crimes against humanity and genocide. More than 100 NGOs in the region are part of the international NGO Coalition for the ICC. Currently there are two NGO coalitions established in the region (Jordan and Yemen). Women's groups started both these coalitions. In Jordan, Mizan Law Group for Human Rights, which has been working on women's human rights for decades, coordinates this work. In Yemen, the women's human rights group The Sisters Arab Forum for Human Rights (SAF) hosts the national ICC NGO coalition. SAF is also the regional headquarters for ICC advocacy for West Asia. Preparation for an NGO Coalition for the ICC is also under way in Bahrain. These coalitions educate the public in their countries about the ICC and about the importance of the Rome Statute. They lobby their governments to ratify the ICC and also engage in the global campaign of ratification and in monitoring the work of the ICC to ensure its independence, neutrality and impartiality.

### POWER AND DECISION-MAKING

Arab women's representation in high-level decision-making posts has increased in the region. During the last ten years, the region has witnessed women appointed as ministers and in the judiciary, and elected as members of parliament and in local councils. Governments have also appointed more women in the diplomatic corps to represent their countries abroad and to head international organizations. In 1995, only two Arab countries



Egyptian Girls at play.

had women ministers. Today the number of Arab countries with women in high-level posts such as ministers is nine, with the appointment of women ministers in Bahrain, Egypt, Lebanon, Oman, Palestine, Syria, UAE and in Yemen. In addition, Yemen has a fixed quota in national parliaments to ensure women's representation in the political process, a step that has been welcomed by local NGOs.

Women have been increasingly taking part in national political processes in the region. The number of women in parliaments has increased. However, two countries in the region still do not allow women to take part in the national level political structure—Kuwait and Saudi Arabia. Both countries deny women the right to vote and to be elected in national decision-making bodies. In a landmark development, the first ever woman judge was appointed to the Constitutional Supreme Court of Egypt. Women have also been appointed in senior management posts in Oman and UAE.

Since the Beijing Conference, a number of countries have also established National Commissions on Women that are headed by women, such as Bahrain, Egypt, Jordan and Yemen. These commissions are working on follow-up to the Beijing conference and also to integrate women's rights in national laws and government policies. The support for these high-level posts has come mostly from the highest office of the country, such as the president. Although the first ladies are doing very impressive work for the empowerment of women in some countries, in order for these institutions to be sustainable, these posts and offices need to be institutionalized.

However, women's representation is still lacking and women's participation in the political process is considered the lowest in the world. Except for a few countries, women's representation is mostly symbolic. Even today, women cannot work as judges in most

## Box 40. Women's Health Depends on Husbands

Umm Haithem, a mother of five, told Arab News: "I suffer from several health problems and need constant medical treatment and so does one of my daughters. But to get the treatment, especially at government hospitals, I need the original family card. Now whether I get or don't get the card depends on my husband's whims and moods. If he's in a bad mood or we've had some disagreement he'll keep the card from me for months regardless of how much I need the treatment. And we can't go to a private hospital because he holds back even money along with the card!"

Source: Arabnews.com, Jeddah, October 29, 2004.

countries in the region and their political participation meets with strong resistance from the society. Women are also excluded from the most powerful institutions in their countries—the military and defense ministries. In a large number of countries, the real political power lies with the military establishment and women are not visible in any high-level military offices or defense posts in the region.

At the same time, the impact of women's increasing entry into power structures and high-level decision-making posts is extremely good news for Arab women. These women have helped to create role models for the future to help more women obtain these posts. Long-shut doors have been opened and women's access to such work has increased tremendously. Women ministers appointed in all the countries are highly qualified and have extensive experience and expertise in the area of their work. Their merit and professional work is also setting high standards among their colleagues and is proving helpful for bringing more women to work in similar posts.

Women's NGOs have been very active in promoting women's appointment to high level decision-making posts in their countries. Women's rights groups have adopted different strategies in different countries depending on the local power structures. In Jordan, women's rights activists have focused their advocacy efforts with the Jordanian King in order to give high visibility to women's political issues. Some women's rights activists in Iraq decided to work with the U.S. coalition authority even though they had reservations about it; as they assessed

the prioritization of including a women's rights agenda in the newly forming political structures in the country, a number of women joined the interim Iraqi government structure despite great risks to their personal security. Women in Syria work both inside and outside the government structures to demand greater political rights for women. Women's groups in Bahrain, Kuwait and Yemen in particular have broken new ground in national activism for increasing women's access to power structures.

Women's rights activists in Bahrain were instrumental in ensuring women's seats in political parties in the first ever elections in their country in 2002. Women's rights activists in Kuwait have been fighting for women's political rights for over a decade and despite their failure to get these rights, their consistent advocacy and legal challenges have kept the issue of women's political rights at the forefront of debate in the country's Parliament. Women in Yemen have expanded the participation of women in the country's national government and have also empowered more women with knowledge about their political rights. The one woman in Yemen's national Parliament is elected, not appointed; the first-ever woman Minister for Human Rights was appointed in 2000. Similar efforts have been taking place throughout the region and women's rights groups have been successful in expanding the space on the issue of women's greater participation in power structures.

### EDUCATION

Women's access to education has improved remarkably during the last 10 years. According to the UN Educational, Scientific and Cultural Organization (UNESCO), Egypt, Oman and Syria will have achieved gender parity in primary and secondary education by 2005. Governments, particularly in the Gulf States namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE, have made huge investments in the education of women and girls, and improved both the access and quality of education. Women's access to education has also improved in the non-Gulf countries as almost all the countries have prioritized women's education as a key goal since the Beijing conference.

However, due to the historic neglect of women's education in the region, huge gaps still remain. The number of women who cannot read or write is still very high, especially among adult and rural women. According to UNESCO, 62 percent of adult illiterates are

women. Women also face gender-specific social and cultural obstacles in their access to education. A woman's access to education in rural areas is still determined by her family members and not by herself, and women still do not have the same opportunities as men for access to technical and skill training education after high school as the number of training centers for women is still relatively lower. Education budgets in many countries in the region are still very low and need to be improved to ensure education for all women and girls.

### HEALTH

Although women's access to health has improved in recent years, they still face many problems in their right to health, especially reproductive health. Except for the Gulf States, governments are not making sufficient investments in women's health, and women in most non-Gulf countries do not have safe and adequate access to health services. In addition, due to a lack of proper services and qualified doctors, women also have to face logistical and cultural obstacles due to their gender. A lack of transportation services in most rural areas means that women often cannot get to health centers. In the area of reproductive health, in the majority of countries in the Arab region, women do not always have the right to make independent decisions about the number and spacing of their children. The health problems for women are compounded due to the other social problems that women face such as illiteracy, poverty and an inferior legal status that requires women to obtain permission from their husbands if they need to access many services.

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### Notes

1. For the purposes of this report, Algeria, Comoros, Djibuti, Libya, Morocco, Tunisia and Sudan have been included in the Africa region.

# ***APPENDICES***



# THE WEDO 2005 GLOBAL MONITORING REPORT QUESTIONNAIRE

## I. HUMAN RIGHTS

This section explores several components of human rights issues as they pertain to women, including the implementation and effectiveness of international treaties, legislation and legal literacy, and violence against women.

### A. Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

1. If your government has ratified CEDAW:
  - a) If your government ratified the Convention with reservations, what steps have been taken to remove these?
  - b) Has there been a review of laws and policies to ensure that they meet CEDAW standards?
  - c) Has your government ratified the Optional Protocol to CEDAW? If not, are steps being taken towards ratification?
  - d) Describe the level of awareness about the Optional Protocol and provide examples where women have used it.
  - e) Is your government meeting its obligations to report to the CEDAW Committee at least every four years? When was its last report?
  - f) Please describe any successes, obstacles and deficiencies concerning the implementation of CEDAW's provisions.
2. If your government has not ratified CEDAW, what, if any, steps are being taken towards ratification?
3. To what extent are women's issues being mainstreamed into the implementation of other human rights processes and treaties, such as the United Nations Commission on Human Rights (UNCHR), the International Convention on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD)? How are these treaties enforced?

### B. Non-Discrimination

1. Legislation concerning sex discrimination and disproportionate impacts on women:
  - a) Have all discriminatory laws been repealed? If not, what laws remain in place?
  - b) Does any legislation address concerns affecting the girl child (e.g. harmful child labor, child prostitution, child pornography, sexual abuse of minors)?

- c) What laws and policies are in place to protect the rights of indigenous, minority and immigrant women?
  - d) To what extent are the above laws being implemented and enforced? How?
2. National Action Plans to improve women's human rights:
  - a) Has any such National Action Plan been drafted?
  - b) To what extent has it been implemented?
  - c) What steps have been taken to create or strengthen independent national institutions for the protection and promotion of women's human rights?
3. What new legislation concerning women's human rights has been adopted (or been proposed but failed to pass) during the past decade?
4. What other efforts have been undertaken to improve women's human rights, such as in the courts and through advocacy efforts and grassroots mobilization?

### C. Human Rights Awareness

1. Is there a comprehensive human rights education program in place that raises women's awareness of their rights? If so, does it have government support or is an NGO-sponsored campaign?
2. Publicizing and disseminating laws and information relating to women's rights:
  - a) Are any guidelines in place on how to use legislation to exercise individual rights?
  - b) Are laws and guidelines translated into indigenous and local languages?
  - c) Are women's human rights included in school curricula?
  - d) Are there any relevant adult education programs in place?
  - e) Are there any women's human rights education programs for members of the national security and armed forces?

### D. Violence Against Women

1. Government attitudes and actions against violence against women:
  - a) To what extent does the government condemn violence against women and endorse prevention and punishment of these acts?
  - b) Has the government enacted or reinforced penal, civil, labor and administrative sanctions to compensate wom-

en and girls who have been subjected to violence?

- c) Is there legislation in place to prevent and punish domestic violence? If so, is the legislation enforced? If not, why?
  - d) Has the government taken steps to ensure legislation is effective?
  - e) If there are refugee or internally displaced women in your country, how does the government address particular issues of violence against this group?
  - f) Is trafficking in women and girls prevalent? What legislation is in place to eliminate this practice?
2. Traditional and contemporary culture-based violence against women:
  - a) Are any negative traditional cultural practices—such as female circumcision/female genital mutilation, dowry deaths and 'honor killings'—prevalent in your country? Are there any negative contemporary culture-based types of violence against women—such as drug-induced date rape or abuse of young girls (virgins) as an alleged antidote to AIDS—prevalent in your country?
  - b) If so, are there laws prohibiting the above practices? What other government actions address these practices?
3. Proactive government programs:
  - a) Are there programs to train judicial, legal, medical, social, educational, police and immigrant personnel on how to deal with violence against women?
  - b) Is there a policy of mainstreaming a gender perspective in all policies and programs related to violence against women? How has this affected the issue?
  - c) What efforts are underway to promote research and data compilation concerning violence against women?
4. Support systems:
  - a) Are women and girls who are subjected to violence provided with direct service support systems (e.g. shelters, relief, access to the mechanisms of justice, physical/mental health services)?
  - b) What particular support services are available for migrant, immigrant and minority/indigenous women who have been subjected to violence?

## II. PEACE AND SECURITY

This section explores the effects of increasing unilateral military interventions and communal and ethnic violence on the lives and security of women, and the extent to which international agreements have been implemented to protect them.

### A. Implementation of Security Council Resolution 1325 on Women, Peace and Security

1. What is the level of public awareness about Security Council Resolution 1325?
2. To what extent does the government subscribe to the Resolution?
3. Use of the Resolution by women's groups:
  - a) How have women's groups used the Resolution to ensure their representation in peace processes?
  - b) What were their most successful experiences and the main challenges?
  - c) Please describe any lessons learned in terms of prevention, protection and participation of women in peace processes.
4. To what extent is a gender perspective integrated in all peace operations, including conflict prevention, management and resolution and post-conflict peace building?
5. To what extent do women participate in all peace processes, agreements, transitional governance structures and other nation-building or decision-making processes?

### B. Refugee and Internally Displaced Women and Girls

1. What provisions are in place to protect refugee and internally displaced women's and girls' human rights?
2. What are the living conditions of refugee and internally displaced women and girls?
3. What kind of discrimination do these women and girls face in terms of access to food, healthcare, shelter, education and employment? Who is responsible for addressing these issues? How have these issues been addressed by the government, the UN Refugee Agency (UNHCR) and other humanitarian organizations?
4. Does the government have programs that facilitate the integration of these women and girls into society?
5. How did the September 11, 2001 events affect procedures determining the refugee status of and the granting of asylum to women in comparison with men?

## C. The International Criminal Court (ICC)

1. Is your country a party to the ICC?
2. What is the level of public awareness about the ICC and how has this been used to protect women?

## III. POWER AND DECISION-MAKING

This section deals with the measures taken to ensure the full and equal participation of women at all levels of decision-making, since including women's concerns and perspectives in the formulation, implementation and evaluation of policy is an essential component of democratic governance.

### A. Women's Representation in Governmental, Public and Private Administrative Decision-making Positions

1. In what areas (judicial, public administration, local and national governments, etc.) has women's representation substantially increased or decreased? Please explain.
2. What measures (including quotas, training programs for women, gender-sensitization of political parties) has the government taken to achieve equal representation? Did the adoption of positive measures require legislative or constitutional reform? Who is in charge of implementing these measures? Describe successes and shortcomings of the implementation.
3. What measures have political parties taken to integrate women in elective and non-elective public positions in the same proportion and at the same levels as men? How are these measures being implemented within the parties, and what is their impact on government elective bodies?
4. To what extent do electoral and campaign finance systems represent an obstacle to women's participation? What measures, if any, are in place to increase the number of women in decision-making positions in the private sector?

### B. The Impact of Women's Representation and Participation and Gender Mainstreaming

1. What policies or legislation have been introduced that have a direct bearing on the status of women? To what extent have women's representation and participation in power and decision-making been responsible for these changes? Give specific examples.
2. Which policies do women political officials prioritize (i.e., social, economic, security, infrastructural, constitutional/legal or financial)?
3. What impact—if any—have women

made in terms of policy content at Cabinet, national and local government levels (as reflected, for instance, in white papers, laws and programs)?

4. How have women's representation and participation led to institutional transformation with regard to rules, mode of operation (dress code, meeting times), institutional culture (code of conduct, sexual harassment), attitudes, infrastructure, behavior, power relations and resource allocation/gender budgets?
5. To what extent do women politicians work across their political parties in gender-related issues (i.e., do they have inter-party women's lobbies or caucuses?). If so, does this make a difference?
6. Is there an Office or Ministry of Women's Affairs in your country? What have been its most significant successes and shortcomings?

## IV. MACROECONOMIC POLICY AND POVERTY ERADICATION

This section examines the extent to which macroeconomic policies have addressed the needs of women, who remain the poorest of the poor. It looks at whether there are strategies in place to empower women by improving their access to resources, employment and decision-making.

### A. Changing Employment Patterns and Accounting for Women's Work

1. Do laws and policies exist to advance gender equality and women's empowerment by:
  - a) Eradicating legal, institutional and cultural barriers that prevent or hinder women's economic activity and decision-making?
  - b) Providing equal pay for equal work or work of equal value?
  - c) Ensuring protection against employment discrimination, hazardous working conditions, violence, sexual harassment and exploitation, including for women migrant workers and poor, older, pregnant and minority women?
  - d) Promoting equal economic opportunities for indigenous, internally displaced, immigrant and refugee women, with respect for their cultural diversity?
2. Explain how women's work has improved and/or worsened in both the formal and informal sectors.
3. Is women's work in the unpaid sector visible in the national income accounts? What measures have been implemented to create conditions of equity in sharing family welfare responsibilities and decision-making within the household?

## **B. Macroeconomic Policies, Development Strategies and the Needs of Women in Poverty**

1. To what extent have trade and finance policies, debt burdens, deregulation and privatization of state-owned enterprises and social services impacted on women's work in the paid and unpaid sectors?
2. What measures exist to ensure that national policies related to international and regional trade agreements do not have an adverse impact on women?
3. Have gender-impact analyses of policies and programs been developed to ensure gender-sensitive decision-making in all aspects of budgeting and economic and social policy-making, including those related to economic growth and stability, structural adjustment, external debt, taxation, investments, employment, markets and trade, and to assess the feminization of poverty?
4. Are transnational corporations held accountable to national laws and codes, social security regulations and applicable international agreements?
5. Have specific economic, social, agricultural and related policies been formulated and implemented in support of female-headed households?

## **C. Women's Economic Rights and Access to Basic Needs, Social Services and Economic and Natural Resources**

1. What measures have been taken to promote women's right to inheritance and ownership of land and access to and control over credit, natural resources and appropriate technologies?
2. In terms of public expenditures:
  - a) Which areas have increased and decreased?
  - b) What is the ratio of social sector expenditures to military spending?
  - c) Are public expenditures targeted to assure women's access to healthcare, education, adequate shelter, sanitation, food security and natural resources, particularly those living in poverty and female heads of household?
  - d) Do women have access to training, savings and credit mechanisms, information technology and legal literacy?
  - e) Are there quality free or low-cost legal services especially designed to reach women living in poverty?

## **V. EDUCATION**

This section explores whether governments have undertaken policies and programs that ensure women and girls access to eq-

uitable and quality education. It examines the extent to which governments have engendered the curricula, dealt with sexual harassment and actively included marginalized women and girls.

### **A. Implementation of International Agreements on Education**

1. Education for All and Millennium Development Goal (MDG) #2
  - a) Has your country ratified the international recommendations in the Education for All agreement and MDG #2?
  - b) What steps have been taken to achieve targets?
  - c) What are the obstacles?
2. How does the government support women's groups and other NGOs that publish and disseminate national and international norms related to women's equal rights and education?

### **B. Public Policy on Education**

1. Do policies on education have a multicultural gender perspective? Please explain.
2. Are there specific mechanisms or measures in place to deal with sex discrimination in education?
3. Has there been a review of national policy documents—particularly the Constitution and the Education Act—to ensure the incorporation of CEDAW norms in education?
3. Please discuss any national action plans that address equality and equity in education. What are the objectives? What have been the results?
4. Have guidelines for training policies in vocational education been established to achieve a quality education with equal opportunities for women?
5. Are there policies to protect women and girls from sexual harassment in schools?
6. Is there a national literacy program aimed at adult women?

### **C. Access to Education and Changes in Educational Practices and Curricula Content**

1. What steps have been taken to promote access to education for all girls and women (particularly rural, minority, poor and indigenous girls/women)?
2. Are there measures to deal with the education of girls and women who are refugees or displaced persons? Are there special laws to protect their rights?
3. Is there an effort to ensure equality of education at all educational levels? Which levels are responding? What changes have been made in educational practices to promote equality? Have there been proposals to change curricula

- contents? If so, were they implemented?
4. Is there a unit within the Education Ministry that focuses solely on girl's education? What efforts are being made to promote research and data collection regarding girls' and women's education?
5. Is information on the labor market and training easily accessible to women?
6. Is there compulsory education and, if so, to what level? Are there school fees?

## **VI. ACCESS TO AND CONTROL OF NATURAL RESOURCES AND ENVIRONMENTAL SECURITY**

This section looks at the extent to which governments have recognized that women play a critical role in managing natural resources and have extensive knowledge of the water, land and energy supplies that sustain households and communities. It explores whether there are policies in place to address the lack of land tenure or inheritance rights that undermines women's ability to own, manage, use and conserve these resources and to provide for themselves and their families.

### **A. Women's Participation in Decision-making on Natural Resources and the Environment**

1. How has the participation of women in this sector at the national and local level increased or decreased during the past decade?
2. What kind of positions do women have in decision-making bodies on natural resources and the environment at governmental and non-governmental levels? Are there gender units or specialists for the sector? Have specific gender policies been developed?
3. How are local women's interests represented at national and global levels?
4. Are there any national monitoring systems related to the environment that are disaggregated by sex? Do they have gender indicators? Are success stories on women's participation in decision-making on natural resources and the environment available?
5. How are governments integrating gender commitments made in the Biodiversity Convention, Convention to Combat Desertification, Ramsar Convention and the Convention on Climate Change?
6. What are the main obstacles to women's full participation?

### **B. Gender Impacts of Degradation of Natural Resources and the Environment**

1. Please describe the most important impacts of degradation of natural resources and the environment with specific reference to:

- a) Women's work.
- b) Women's (and the family's) health.
- c) Girls' education.
- d) Women's income.

### **C. Women's Rights to Natural Resources, in Particular Land, Water, Biodiversity and Genetic Resources**

1. What have been the main developments regarding women's land and water rights, intellectual property rights over biodiversity and access to water and sanitation in the past decade?
2. What percentage of concessions to use natural resources is given to women or women's groups?
3. Describe the main impact of water privatization (and privatization of other natural resources). How have women organized in respect to this issue?
4. Are there gender considerations in new strategies to access and benefit sharing of genetic resources and biodiversity with regards to ownership and patents?
5. Are women, including indigenous women, participating in the decision-making processes over protected lands?

## **VII. HEALTH**

This section examines the extent to which governments have undertaken policies and

programs that ensure women and girls access to adequate and comprehensive healthcare services and information, particularly related to reproductive and sexual health and rights and to HIV/AIDS and the obstacles to its treatment and prevention.

### **A. Women's Access to Quality and Affordable Healthcare Services and Information**

1. Do women have access to quality primary healthcare? Does access differ for minority, indigenous, poor, immigrant/refugee, incarcerated/detained or married/unmarried women?
2. Are healthcare services gender and culturally sensitive in relation to diverse religious and ethnic communities? Are human rights and ethical standards followed to ensure that consent to treatment is fully informed?
3. Are the special needs of girls and adolescents being met?
4. Do programs, laws and policies address environmental and occupational health hazards?
5. What are the obstacles to full and comprehensive access to healthcare?

### **B. Reproductive Health**

1. Do women and girls have full access to information regarding sexual and reproductive health and rights and to quality family planning and prenatal and postnatal services, including emergency obstetric services, emer-

gency contraception and safe, legal abortion?

2. Has the government monitored, collected data or enacted laws and policies that specifically address maternal health, particularly maternal mortality and morbidity and abortion?
3. What services are in place to address the consequences of unsafe abortions?
4. Are there laws to discourage early marriage for young women?
5. What are the obstacles to full and comprehensive access in all these areas?

### **C. Appropriate HIV/AIDS Treatment and Prevention Services and Protection for HIV+ Women**

1. Are HIV/AIDS-related health services and information available to all women, including pregnant women and girls, sex workers and transgendered individuals? If so, are they gender-sensitive and are women involved in the design of services? Who is disseminating this information?
2. What laws and policies protect people with HIV and AIDS against non-discrimination and provide HIV+ people with government benefits?
3. What are the obstacles to full and comprehensive access to treatment and services?



# DIRECTORY OF NGO COORDINATING GROUPS

## AFRICA

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Tel: +1-212-973-0325; Fax: +1-212-973-0335  
Website: [www.wedo.org](http://www.wedo.org)  
E-mail: [wedo@wedo.org](mailto:wedo@wedo.org)

## LATIN AMERICA & THE CARIBBEAN

### CARICOM

Caribbean Association for Feminist Research and Action (CAFRA)  
P.O. Bag 442, Tunapuna, Trinidad and Tobago, W.I.  
Website: [www.cafra.org](http://www.cafra.org)

### LATIN AMERIC AND THE SPANISH-SPEAKING CARIBBEAN

Social Watch  
Secretariat, Juan D. Jackson 1136, Montevideo 11200 Uruguay  
Tel: +598-2-4196192; Fax: +598-2-4119222  
Website: [www.socialwatch.org](http://www.socialwatch.org)  
E-mail: [socwatch@socialwatch.org](mailto:socwatch@socialwatch.org)

## WEST ASIA

Center for Egyptian Women's Legal Assistance (CEWLA)  
1 Khaled Ben El-Walid off Ahmed El-Genidi, Nahia, Boulaq El-Darkor, Giza, Egypt.  
Tel: +20-2-3262133 / Telfax: +20-2-3266088

5 El Kawsar st, off Gamaat El-Dawal El-Arabia, Mohandeseen  
Tel: +20-2-7604865 / +20-2-7623129  
E-mail: [info@cewla.org](mailto:info@cewla.org)

## UNITED NATIONS OFFICES

General United Nations Offices  
Website: [www.un.org](http://www.un.org)

United Nations Development Program (UNDP)  
Website: [www.undp.org](http://www.undp.org)

United Nations Division for the Advancement of Women (DAW)  
2 United Nations Plaza, DC2-12th Floor  
New York, NY 10017 U.S.A.  
Fax: +1-212-963-3463  
Website: [www.un.org/womenwatch/daw/index.html](http://www.un.org/womenwatch/daw/index.html)  
Link for Beijing+10: [www.un.org/womenwatch/daw/csw/49sess.htm](http://www.un.org/womenwatch/daw/csw/49sess.htm)

United Nations Environment Program (UNEP)  
United Nations Avenue, Gigiri  
PO Box 30552, 00100  
Nairobi, Kenya  
Tel: +254-20-621234; Fax: +254-20-624489/90

United Nations Population Fund (UNFPA)  
220 East 42nd St.  
New York, NY 10017 U.S.A.  
Tel: +1-212-297- 5031  
Website: [www.unfpa.org](http://www.unfpa.org)

United Nations Children's Fund (UNICEF)  
UNICEF House  
3 United Nations Plaza  
New York, NY 10017 U.S.A.  
Tel: +1-212-326-7000  
Fax: +1-212-887-7465/ 887-7454  
Website: [www.unicef.org](http://www.unicef.org)

United Nations Development Fund for Women (UNIFEM)  
304 East 45th Street  
15th Floor  
New York, NY 10017  
Tel.: +1-212-906-6400; Fax: +1-212-906-6705  
Website: [www.unifem.org](http://www.unifem.org)

